

MINUTES OF THE REGULAR MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

JUNE 12, 2018

The Regular Meeting of the Ames City Council was called to order by Mayor John Haila at 6:00 p.m. on June 12, 2018, in the City Council Chambers in City Hall, 515 Clark Avenue, pursuant to law. Present were Council Members Gloria Betcher, Bronwyn Beatty-Hansen, Amber Corrieri, Tim Gartin, David Martin, and Chris Nelson. *Ex officio* Member Allie Hoskins was also present.

PROCLAMATION FOR “WATERSHED AWARENESS MONTH:” Mayor Haila proclaimed June 2018 as “Watershed Awareness Month.” Those accepting the Proclamation were Public Works Municipal Engineer Tracy Warner, Water Plant Superintendent Lyle Hammes, Watershed Coordinator of Prairie Rivers of Iowa Kayla Bergman, and Executive Director of Prairie Rivers of Iowa Penny Brown Huber.

PROCLAMATION FOR “NATIONAL HOMEOWNERSHIP MONTH:” June 2018 was proclaimed as “National Homeownership Month” by Mayor Haila. Vanessa Baker-Latimer and Steve Eggleston, Des Moines Field Office Director for Housing of Urban Development, accepted the Proclamation. Mr. Eggleston stated that Ames is taking the lead in homeownership. He presented a ceremonial check to the Mayor in the amount of \$601,294, representing the federal funding allocation of HOME Funds.

CONSENT AGENDA: Council Member Beatty-Hansen requested to pull Item No. 10, renewal of the beer permits, wine permits, and liquor licenses for further discussion. Mayor Haila pulled Item No. 31, waiving Purchasing Policies and Procedures and awarding a sole-source contract to WatchGuard video of Allen, Texas, for body-worn cameras for the Police Department in the amount of \$141,907, for separate discussion.

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

1. Motion approving payment of claims
2. Motion approving Minutes of Regular Meeting of May 22, 2018
3. Motion approving certification of Civil Service applicants
4. Motion approving 5-day (June 15-19) Class C Liquor License for 80/35 Tools Inc. at the CPMI Event Center, 2321 North Loop Drive
5. Motion approving 5-day (June 16-20) Class C Liquor License for Whatcha Smokin BBQ & Brew at the ISU Alumni Center, 420 Beach Avenue
6. Motion approving 5-day (June 29-July 3) Class C Liquor License for Whatcha Smokin BBQ & Brew at the ISU Alumni Center, 420 Beach Avenue
7. Motion approving ownership change for Class C Liquor License for Welch Ave. Station, 207 Welch Avenue
8. Requests from Model Farms for Dock Dogs event on July 2-4:
 - a. Motion approving blanket Temporary Obstruction Permit and blanket Vending License for the closed area
 - b. RESOLUTION NO. 18-325 approving the closure of Burnett Avenue between 5th Street and 6th Street, including the closure of 13 metered parking spaces, and six additional spaces

- on 5th street from 9:00 a.m. Monday, July 2 to 10:00 a.m. Thursday, July 5
- c. RESOLUTION NO. 18-326 approving waiver of parking meter fees and enforcement, usage and waiver of electrical fees, and waiver of fee for blanket Vending License for event from 9:00 a.m. Monday, July 2 to 10:00 a.m. Thursday, July 5
 9. Motion approving Report of Change Orders for May 16 - 31, 2018
 10. RESOLUTION NO. 18-237 adopting 2018/19 New and Revised Fees
 11. RESOLUTION NO. 18-238 approving City's Pay Plan for 2018-19
 12. RESOLUTION NO. 18-239 approving appointment of Rich Lepper to fill vacancy on Property Maintenance Appeals Board (Contractor Seat)
 13. RESOLUTION NO. 18-330 approving request from Ames International Partner Cities Association to carry over \$5,100 in funds from FY 2017/18 to FY 2018/19
 14. RESOLUTION NO. 18-331 approving preliminary plans and specifications for Installation Services for 69kV UG Power Cable - Top-O-Hollow, setting June 27, 2018, as the bid due date and July 10, 2018, as the date of public hearing
 15. RESOLUTION NO. 18-332 awarding a three-year contract to KTA, LLC d/b/a Knapp Tedesco Insurance of Ames, Iowa for Insurance Broker Services for Liability Insurance in the amount of \$111,000
 16. RESOLUTION NO. 18-333 approving Main Street Iowa Program Agreement with Iowa Economic Development Authority and Ames Chamber of Commerce (d/b/a Main Street Cultural District) for July 1, 2018, through December 31, 2019
 17. RESOLUTION NO. 18-334 approving Neighborhood Improvement Grant Program grant to "Friends of Roosevelt Park" for Ping Pong Tables and Bench to be placed in Roosevelt Park
 18. RESOLUTION NO. 18-335 approving Certification of Local Government Approval on behalf of Local Non-Profit Organizations Receiving Emergency Shelter Grant Funds
 19. RESOLUTION NO. 18-336 awarding contract to Design Alliance, Inc., of Waukee, Iowa, for Design and Engineering Services for Homewood Golf Course Clubhouse Project in the amount of \$51,500
 20. RESOLUTION NO. 18-337 awarding contract to Electrical Engineering and Equipment Co., of Windsor Heights, Iowa, for Motor Repair for Power Plant from July 1, 2018, to June 30, 2019, for hourly rates and unit prices bid in an amount not to exceed \$90,000
 21. RESOLUTION NO. 18-338 awarding contract to L & S Electric, Inc., of Coon Rapids, Minnesota, for the Top-O-Hollow Substation Equipment Commissioning in the amount of \$76,169
 22. Non-Asbestos Insulation and Related Services and Supplies:
 - a. RESOLUTION NO. 18-339 approving renewal of contract to Total Insulation Mechanical, Inc., of Ames, Iowa, for period from July 1, 2018, to June 30, 2019, in an amount not to exceed \$80,000
 - b. RESOLUTION NO. 18-340 approving contract and bond
 23. RESOLUTION NO. 18-341 approving renewal of contract with Keck Energy of Des Moines, Iowa, to Supply #2 Ultra-Low Sulfur Diesel to Power Plant for period from July 1, 2018, to June 30, 2019, in an amount not to exceed \$150,000
 24. Asbestos Maintenance Services for Power Plant:
 - a. RESOLUTION NO. 18-342 approving renewal of contract with ESA, Inc., of North Sioux

City, South Dakota, for period from July 1, 2018, to June 30, 2019, in an amount not to exceed \$80,000

- b. RESOLUTION NO. 18-343 approving contract and bond
25. RESOLUTION NO. 18-344 approving renewal of contract with Burns & McDonnell of Chesterfield, Missouri, for Professional Services for Fire Risk Mitigation for Power Plant for period from July 1, 2018, to June 30, 2019, in an amount not to exceed \$50,000
26. RESOLUTION NO. 18-345 awarding contract to HTH Companies, Inc, of Union, Missouri, for Specialized Wet Dry Vacuum, Hydro Blast, and Related Cleaning Services for hourly rates and unit prices bid in an amount not to exceed \$120,000
27. RESOLUTION NO. 18-346 awarding contract to Wesco Distribution of Des Moines, Iowa, for Electric Services Aluminum Cable in the amount of \$79,447.50 (inclusive of Iowa Sales Tax and subject to metals adjustment at time of order)
28. RESOLUTION NO. 18-348 waiving Purchasing Policies and Procedures and awarding a contract to United Conveyor Corporation of Waukegan, Illinois, for engineering services for Unit 7 and Unit 8 Fly Ash Handling System Modifications in the amount of \$65,250
29. RESOLUTION NO. 18-349 waiving Purchasing Policies and Procedures and awarding a contract to The Babcock & Wilcox Company of Kansas City, Missouri, for engineering study for operating Unit 8 Boiler at lower steam temperature and pressure in the amount of \$76,263
30. RESOLUTION NO. 18-350 approving renewal of contract for purchase of electric meters to Fletcher-Reinhardt Co., of Cedar Rapids, Iowa, in accordance with unit price bid
31. RESOLUTION NO. 18-351 awarding contract for Year Four of a five-year contract to Itron, Inc., of Liberty Lake, Washington, for purchase of water meters and related parts and services for the Water and Pollution Control Department for the period of July 1, 2018, to June 30, 2019, in an aggregate amount not to exceed \$443,400
32. RESOLUTION NO. 18-352 approving contract and bond for 2018/19 Pavement Restoration - Slurry Seal Program
33. RESOLUTION NO. 18-353 approving contract and bond for Continuous Emissions Monitoring System Replacement
34. RESOLUTION NO. 18-354 approving contract and bond for Electrical Maintenance Services for Power Plant
35. RESOLUTION NO. 18-355 approving Change Order No. 3 with TEI Construction Services, Inc., of Duncan, South Carolina, for Boiler Maintenance Services for Power Plant in an amount not to exceed \$300,000
36. RESOLUTION NO. 18-356 accepting partial completion of public improvements and reducing security being held for Crane Farm Subdivision, 4th Addition
37. RESOLUTION NO. 18-357 approving Final Plat for Menard's Ames Subdivision (530 and 900 SE 16th Street)

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

RENEWAL OF BEER PERMITS, WINE PERMITS, AND LIQUOR LICENSES: Council Member Beatty-Hansen requested to pull this Consent Item due to a conflict of interest.

Moved by Gartin, seconded by Corrieri, to approve the renewal of the following Beer Permits, Wine Permits, and Liquor Licenses:

- a. Class A Liquor & Outdoor Service – Green Hills Residents’ Association, 2200 Hamilton Drive #100
- b. Class E Liquor, C Beer, & B Wine – AJ’s Liquor, 4518 Mortensen Road #109
- c. Class E Liquor, C Beer, & B Wine – Kum & Go #200, 4510 Mortensen Road
- d. Class E Liquor, C Beer, & B Wine – Kum & Go #214, 111 Duff Ave.
- e. Class E Liquor, C Beer, & B Wine – Kum & Go #216, 203 Welch Ave.
- f. Class E Liquor – MMDG Spirits, 126A Welch Ave.
- g. Class C Liquor & Catering – Texas Roadhouse, 519 S. Duff Ave.
- h. Class E Liquor, Class C Beer & B Native Wine – Casey’s General Store #2560, 3020 S. Duff Ave.
- i. Class C Liquor & Outdoor Service – Old Chicago Pizza & Taproom, 1610 S. Kellogg Ave.
- j. Special Class C Liquor, Class B Wine, & Outdoor Service – Wheatsfield Cooperative, 413 Northwestern Ave.
- k. Class C Liquor & Outdoor Service – South 17th Street Food & Beverage, LLC, 300 S. 17th Street

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

WAIVE PURCHASING POLICIES AND PROCEDURES AND AWARDING CONTRACT TO WATCHGUARD VIDEO FOR BODY-WORN CAMERAS FOR POLICE: Mayor Haila stated that he pulled this item due to the cost of \$39,000 for a three-year limited warranty for the cameras only. Chief Cychosz responded that experiences across the country have led them to believe high-quality cameras are necessary. The cameras will cost \$1,100 per unit and the support cost is \$216 per year per camera, which will cover all the upgrades, repair, and replacement. The battery life will cover 12 - 13 hours, but the battery’s life cycle is about three years. A longer maintenance period could be purchased, but staff feels that three years is enough time to learn about the cameras and full support of all kinds of failure for the 60 cameras working all the time within the three years. At the three-year mark, staff will evaluate the reliability and performance to determine if the maintenance contract should be extended. The goal is to get the cameras out and deployed into a training mode this summer. Staff is making efforts to make the Police Department policies regarding body-worn comeras similar to the Sheriff’s Department and Iowa State University Police.

Moved by Betcher, seconded by Nelson, to adopt RESOLUTION NO. 18-347 waiving the Purchasing Policies and Procedures and awarding a sole-source contract to WatchGuard Video of Allen, Texas, for body-worn cameras for the Police Department in the amount of \$141,907.

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

PUBLIC FORUM: Mayor Haila opened Public Forum.

Drew Kamp, 304 Main Street, Ames, introduced Dustin Ingram as the newest member to the Ames

Economic Development Commission team member. Mr. Ingram gave background of his work experiences. He stated that he worked on the Comprehensive Plan for the City of Gilbert and was the Economic Development Director for the town of Ackley, Iowa.

John Hunstock, 4142 Eisenhower Lane, Ames, stated that he resides at the northeast quadrant of Hyde and Harrison. People traveling along Hyde Avenue have always traveled at speeds higher than the posted 25 mph, but since the road has been paved going north to Gilbert the speeds have continued to rise. There are very defined rush hours in both north-and southbound lanes. Mr. Hunstock commented that he was representing the Bloomington Courtyard Association and would like to have a study done to see what changes could be made or what there would be for options to mitigate the speed of traffic through that area. The Association would like to see a study done to establish procedures to slow traffic down.

Sara Spohnheimer, 210 Main Street, Ames, stated she is representing The Frame Shop and more than 50 Downtown businesses. The drastic increase in parking tickets has caused issues for employees and customers of the Downtown businesses. As a destination City having people strolling Main Street to visit multiple businesses at their leisure should be encouraged and having a threat of being fined for taking too long is not conducive to that. These people would like to see the regulations regarding Downtown parking revisited and changed. The statement with signatures and a selection of comments and suggestions from people spoken to in the Downtown area was submitted for the record. The people who signed the statement are business owners, customers, Ames residents, and people who care about Downtown. Mayor Haila added that Council received a statement of what Ms. Spohnheimer read, and there will be a workshop on June 19 concerning the Downtown vision.

Sue Weiss, 215 Howard Avenue, Ames, requested that the Westside Neighborhood be excluded from the Rental Concentration Cap. The feedback has been provided against the Cap and a petition has been signed by 25 of the owner-occupied houses in the neighborhood asking Westside to not be included in the rental cap. There are signatures from homeowners who have lived in the neighborhood for 45 years. The average number of years that people have lived in their homes who signed the petition is 20 years. Even though the Westside Neighborhood is 60% rental, these people still choose to live in the neighborhood. This neighborhood is closest to Campus and is where the students should be living. The petition of 25 signatures was presented for the record.

Wes Wierson, 3104 Story Street, Ames, reiterated the comments of Ms. Weiss. He feels this Rental Cap forces more students into high-density housing and farther away from Campus. He does not feel a cap number and one hardship law is the best fit for all neighborhoods.

Mark Graeve, 3119 Story Street, Ames, stated his understanding of the Rental Cap boundaries to be that the Westside Neighborhood was to not be included. He is opposed to Westside being included in the Rental Cap.

Jake Eller, 5294 O'Neil Drive, Ames, stated that he is an owner of a duplex on Hayward and would like to use it as an investment to help his family. Mr. Eller would like Council to reconsider the

rental cap.

RENTAL CONCENTRATION HARDSHIP AND EXCEPTION OPTIONS: Planning and Housing Director Kelly Diekmann reminded Council of the recently adopted Rental Concentration Cap for specific neighborhoods. Staff was directed to draft Ordinance language for a hardship process related to the sale of property and a separate exception process for property owners with their primary residence in a capped neighborhood to register their property as a rental property. The staff report outline the following:

Property Sale Hardship: The owner of a property has to have the property on the market for at least nine months before applying for a hardship. The reason for that is to show difficulty of selling the property and the value or ability to sell the property would be enhanced if there was a Letter of Compliance (LOC) available with the property. Either the buyer or seller can bring the property up to compliance for an LOC and maintain the LOC. This is not meant for a long-term investment property; it is for the sale of the property. A sale must happen to renew that rental certificate. One year time line would be given at the beginning to sell the property the LOC could not be renewed. There is an expectation that a rental property has to be on three sides of the property seeking the allowance. Specifically, at least 20 feet of a property to be considered a side, including across the street or alley.

Rental Concentration Cap Exception: This exception has a short-term window that is meant to be addressed this summer. The property owner who lives there as the primary resident to come in for a one time allowance by September first to register the property, get an inspection, and make those improvements in the next six months to get a LOC. The property can not be sold during this time. Once the LOC has been obtained, it can not be renewed unless proven it has been a rental and this must be within the first four years. Once the property has become a rental it must continue to be a rental. If the LOC is ever lapsed it will be lost. The property will need to be verified as a rental with proof of rental income that has been received and have tenants as defined in the Rental Code.

Council Member Corrieri inquired about situations when people have purchased a property for the sole intent of being a rental and are making significant improvements but have not applied for an LOC yet. Ms. VanMeeteren stated that she understood that Council did not want to grandfather unregistered rentals in. Some situations may need to be looked at. Ms. VanMeeteren added that there is a difference between primary residence and owner-occupied. A parent that purchases a home for their children but does not live there is owner-occupied, and is not eligible under this exemption. Mr. Diekmann clarified that to be the owner a person must be on the deed. The primary residence is a person living there and returning there on a regular basis.

Council Member Gartin asked if an owner of a property who had started the construction process have been eligible for an LOC while in the process. Ms. VanMeeteren stated that before the moratorium that would have been possible. Mr. Gartin questioned what would distinguish that person from someone that stated they just didn't get around to it. Ms. VanMeeteren commented that there was not a difference at that time, but an exception could be put into place. Council Member

Corrieri noted that the example received was very intentional on their time line to see if it would even be rentable. Building Inspector VanMeeteren stated that continued inspections could have been done, so nothing precluded them from applying for an LOC as long as there was proof of trying to move forward.

Council Member Martin explained that the Rental Cap has been instituted in certain neighborhoods and the moratorium is over. The discussion now is given the fact that Council recognized the Rental Cap is harming some neighborhoods and discussing what can be done to help alleviate some of those hardships.

Robert Howell, 107 S. Riverside Drive, Ames, stated that, in his opinion, the Rental Concentration Cap Exception is a fair exception for those who did not know or understand the discussion. He believes that having the property as a primary residence and limiting the time to get the LOC will severely limit the number of people who will apply and be eligible for that Exception. Many people would not be able to afford to make the improvements needed within six months to obtain the LOC. Mr. Howell believes the Property Sale Hardship of nine months is too long to keep a home on the market before getting a hardship and then continuing to have to rent after that.

Kate Gohr, 1008 North 2nd Street, Ames, stated that the Rental Cap is affecting her family. Ms. Gohr's parents purchased a home for her with the intention of renting the home upon her graduation. They checked into getting a LOC when they first purchased the home, but felt they were told it was not necessary to have at the time. The family now feels they are stuck with this house. They support the Rental Concentration Cap Exception to give the family time to obtain a LOC.

Ken Platt, 3620 Woodland, Ames, expressed his appreciation for the action done to stabilize the neighborhoods. He stated that when one exception is made for one case, a hardship is then created for someone else. It is not the function of city government to help someone increase their financial gain; that is the responsibility of the individual. He encouraged the Council to wait and see what happens with the Ordinance.

Mary Conroy, 2318 Baker Street, Ames, stated that she believes that many people are still not aware of the cap. She also believes that under the Rental Concentration Cap Exception there will not be many applications due to having to make the improvements within six months.

Pat Brown, 3212 West Street, Ames, feels that it is not the role of the city government to guarantee a return on investment. The Constitution allows people to take risks, but does not guarantee a return. If a hardship is given to those selling for a rental, what about the value to the owner-occupied who is losing value because of rentals. It is the job of Council to create policy that is equal and fair to all.

Morgan Johnston, 611 Lynn Avenue, Ames, stated that, in her opinion, the Rental Concentration Cap Exception is the only solution. She believes that way there is still an ability to make a profit off an investment. Ms. Johnston is in favor of the Rental Concentration Cap Exception and allowing property owners to continue to have the ability to use the property for the reason they purchased it.

Leslie Kawaler, 2121 Hughes Street, Ames, stated that the Rental Concentration Cap Exception undercuts the stability and predictability that the Cap would provide the current residents or possible new residents of the neighborhood. This uncertainty will continue until there is a sunset date. There is not a limit to how many LOCs will come about, and negotiations can be made with investors so the property can be later sold for rental. Ms. Kawaler urged Council to either eliminate the Rental Concentration Cap Exception or decrease the sunset clause to 12 months.

Lisa Prichard, 413 Lynn Avenue, Ames, stated that the Rental Cap has caused her family a hardship. They are unable to put their children in the school they prefer because there is not open enrollment in Ames and the Rental Cap will keep them from selling their home to be able to move to the neighborhood they need to be in for the school of their preference. Ms. Prichard is in favor of the Rental Concentration Cap Exception because this would give them options to do what they feel would be best for their family.

Nancy Johnston, 2341 Donald Street, Ames, is in favor of the Rental Concentration Cap Exception. Ms. Johnston informed Council that she and her husband do not live in Ames, but have purchased a couple of neglected properties and turned them into beautiful homes. The restoration of those properties has increased the value to the neighborhoods. She feels it is not fair that she is unable to rent out the home she has not sold.

Joanne Pfeiffer, 3318 Morningside Street, Ames, stated that balance is necessary for the life of the neighborhood. She is against the Rental Concentration Cap Exception.

Wes Wierson, 3109 Story Street, Ames, is in favor of both hardship options. He does feel that the six months time period to make the property compliant for a LOC is difficult for many people. In Mr. Wierson's opinion, not every property can be put under the same umbrella.

Tam Lorenz, 311 South Maple Avenue, Ames, stated that she was opposed to the LOC being transferrable with the sale of the house under Option 3. The LOC being transferrable would mean the property could stay a rental for an unforeseen amount of time. If that part is removed, those who feel they are caught with a property will be allowed to rent it out, but there won't be a guarantee that this property remain a rental forever.

Sarah Conroy, 2318 Baker Street, Ames, stated that implementing the Rental Concentration Cap Exception would allow people nine months to take advantage of the rights they had when they bought their property. This will help people that bought a property with the intention of renting it out.

Mark Graeve, 3119 Story Street, Ames, stated his support for any hardship option that would give owners the right to do what they wish with the property they own. Mr. Graeve expressed concern about the amount of time given to bring a property into compliance for a LOC and the affordability of making that happen.

Morgan Eller, 5294 O'Neil Drive, Ames, stated her support of the Rental Concentration Cap Exception.

Sequan Gatlin, 125 Campus Avenue Apartment #18, Ames, stated that he believes the citizens of Ames are not informed. In his opinion, the main issue is people being unaware of what is happening in the community.

Moved by Gartin, seconded by Beatty-Hansen, to direct staff to draft an Ordinance to include the Property Sale Hardship.

Council Member Corrieri expressed her concern about people having to come forward and tell their specific hardships and having that made public. Ms. Corrieri stated that there may be some very specific questions about their situations that will need to be asked for Council to justify a decision. Answering those questions could be very difficult for some people. Council Member Gartin added that this would give people who are in a difficult situation a path. Council Member Nelson interjected the possibility of the Property Maintenance Board hearing some cases.

Council Member Martin stated there is some overlap between the two hardship options. He does not feel that Council should agree to both options, but first take a look at Option 3.

Motion withdrawn.

Council Member Martin stated that, in his opinion, the role of the City Council is more to promote and protect the community than helping individual investors to hit their investment targets. The strategy of many of the investments is to convert homes to rental properties that promote short-term residents. That makes it harder for long-term residents to be in the neighborhood.

Moved by Martin, seconded by Betcher, to remove the Rental Concentration Cap Exception from further consideration tonight.

Council Member Gartin stated that in his opinion, property owners should have no longer than a 12-month grace period to become a rental or it nullifies the Rental Cap. Mr. Gartin stated that with that shortened grace period he would be agreeable to Option 3. He felt that gave property owners sufficient time and would cover many hardships. Council Member Beatty-Hansen agreed with the need to tighten Option 3.

Council Member Betcher expressed concern of Option 3 implying that an owner won't be able to sell their property to an owner-occupier and get the same amount of money as they would if sold for a rental. Council Member Corrieri expressed her support for Option 3 because it gives people who purchased property with the intent to use it as an investment for their family the right to use the property the way they intended. Council Member Betcher concurred with Council Member Martin that Council should be looking out for the community, rather than individual gain. Ms. Betcher noted that she could support something that did not have the LOC with the property beyond the

current owner. The LOC would not be transferrable upon sale. Council Member Gartin stated that, in his opinion, the only way to end the renting of a property is to put a specific end date on it.

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

Mayor Haila suggested that the Council reflect on how Option 3 is consistent with the Rental Cap. The Rental Cap is to control the number of rentals in a neighborhood and the importance of the neighborhoods as being the backbone of the community. The example of an owner having to put an amount of money into the house to make it compliant for an LOC, if the property was sold for that same amount less the owner would come out financially the same. Council will need to consider whether Option 3 will undercut what the majority of the Council voted to institute.

Moved by Beatty-Hansen, seconded by Gartin, to alter the language on the Rental Concentration Cap Exception sunset clause to reflect 12 months instead of four years.

Council Member Betcher confirmed that the 12 months would start at the time the LOC is approved. Mayor Haila added that the LOC is not approved until full compliance is reached and the owner has six months to bring the property into compliance.

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

Moved by Martin, seconded by Beatty-Hansen, to change Rental Concentration Cap Exception to require the property to be owned by October 27, 2017, and the property would have to have been the owner's primary residence must be at the time of application for the exemption of Option 3.

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

Moved by Corrieri, seconded by Nelson, to allow people to be eligible for Option 3 if they had a valid building permit with the City before the moratorium.

Motion withdrawn.

Moved by Corrieri, seconded by Nelson, to direct staff to give recommendations on allowing people to qualify for the Rental Concentration Cap exception if a valid building permit from the City was obtained before the moratorium.

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

Moved by Beatty-Hansen, seconded Nelson, to get an opinion from staff for options on the feasibility of making a LOC non-transferrable upon sale under the specific exceptions.

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

Moved by Martin, seconded by Beatty-Hansen, to request that staff change the language in the Rental Concentration Cap Exception sub paragraph ten exception requirements sub-sub paragraph 3 from

saying a property owner of primary residence to the property owner of a legally operating primary residence.

Mr. Diekmann asked Council Member Martin if he were asking staff to investigate every applicant to see that they have no history of illegal activity. Mr. Martin responded that he was not asking to investigate every applicant, but wanted to give staff a way to deny, if necessary.

Motion withdrawn.

Moved by Martin, seconded by Beatty-Hansen, to request staff to create language that would apply to Options 1 and 3 to give staff grounds to deny a LOC provided by those actions if staff becomes aware of illegal rental activity at that property.

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

Moved by Betcher, seconded by Nelson, to include the Property Sale Hardship in an Ordinance.

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

Council Member Betcher inquired about the process after someone has violated and enforcement of the rental abatement. Ms. VanMeeteren responded that it would be treated the same by contacting the owner and trying to get compliance. There will be instances when the owner can't come into compliance and without receiving rent they would have to put it on the market or let it sit empty. The outcomes will need to be weighed. Council Member Betcher noted that she liked that a renter would have a way to complain, besides verbally, when items were not taken care of by the landlord.

City Manager Schainker stated that language could be developed, but suggested to be sent out first to all rental property owners to make them aware that the City Council is considering the Rent Abatement Program. The Rental Abatement Program allows the City to post on a property and serve the landlord a notice stating that rent shall not be recoverable by the owner until the dwelling complies with the *Code*.

Move by Beatty-Hansen, seconded by Corrieri, to direct staff to pursue the concept of rent abatement and contact rental property owners.

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

The meeting recessed at 8:53 p.m. and reconvened at 9:03 p.m.

SALARIES FOR COUNCIL APPOINTEES FY 2018-19: Moved by Gartin, seconded by Corrieri, to increase the salary of the City Manager and City Attorney by 3%.

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

CITY-OWNED TENNIS COURTS AT AMES HIGH SCHOOL: Parks and Recreation Director Keith Abraham provided Council with the background concerning the current tennis complex

agreement between the City of Ames and the Ames Community School District (ACSD). The current agreement has an expiration date of March 12, 2023. The issue at this time is that the ACSD has passed a referendum in April 2018 to proceed with building a new high school and the District desires the tennis courts to be demolished before proceeding with construction. The ACSD has inquired about the City being willing to assist with the cost of demolishing the courts. The current agreement does not obligate the City to remove the courts from the high school property once the agreement expires or help demolish the courts.

Mr. Abraham stated that the ACSD has offered to enter into a new Joint Use Agreement with the City for the use of their new courts at the 24th Street site. This Agreement would be similar except the ACSD would own the courts and provide access to the City for Parks & Recreation programs.

Director Abraham concluded that the recommendation of the Parks & Recreation Commission included the comment of there not being a need for the courts for programming purposes, and therefore, the City should not enter into a cost sharing agreement for the District's new courts on 24th Street. The Commissioners also mentioned that the City and the ACSD are not partnering on a new pool and it would be a good time to end the partnership regarding tennis courts. The City Manager also recommended to terminate the existing High School Tennis Court Joint Use and Easement Agreements with the ACSD and choose not to negotiate a joint use agreement for the new courts at the 24th Street site or contribute to the demolition of the High School courts.

Moved by Corrieri, seconded by Nelson, to approve the termination of the existing High School Tennis Court Joint Use and Easement Agreements with the Ames Community School District and choose not to negotiate a joint use agreement for the new courts at the 24th Street site nor contribute to the demolition of the High School courts.

Council Member Gartin expressed how ISU students and other public citizens on the north side of town utilize those courts. He hopes that the public will be able to use the new courts. Mayor Haila stated that the School Board will be discussing that and having a discussion about those that gave money for the old courts at an upcoming meeting.

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

AMES URBAN FRINGE PLAN MAP AMENDMENT FOR 3554 N. 500TH AVENUE: Planner Justin Moore explained to Council that the property owners are represented by Hunziker Companies and have applied for a minor amendment to the Ames Urban Fringe Plan (AUFPP) Land Use Framework Map for two parcels of land. The proposed change to the AUFPP is to change the land use designation to Rural Residential for both parcels to accommodate the construction of three new homes along with retention of the existing farmstead site on the north parcel.

Moved by Betcher, seconded by Nelson, to adopt RESOLUTION NO. 18-361 approving the Ames Urban Fringe Plan Map Amendment for 3554 N. 500th Avenue.

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

PHASE IV RESEARCH PARK: City Manager Schainker stated that he was alerting the Council and public of a project that is being contemplated. Staff from the Iowa State Research Park approached staff about being a part of Phase IV of the ISU Research Park. This will require a new investment in street and utility improvements for the creation of Phase IV. The City of Ames has been a partner for the previous phases of the Research Park by financing the majority of the needed infrastructure. In return, a commitment was made for the Research Park property to remain on the tax rolls and that the sale (or lease) price of land in the Park be decreased to reflect the fact that the City's incentives resulted in a reduction in the per acre developed land cost as the incentive for new development. The desire is that the City financial participation will also create high paying jobs.

Mr. Schainker informed Council that the John Deere company wished to increase its presence at the Research park. John Deere wants to locate a new facility that will create the next generation of sprayer equipment and they would like to locate that at the ISU Research Park, this would be a five-acre site. John Deere would also like to establish a new innovation center that would initially rent space in an existing space at the ISU Research Park building. John Deere Company has identified a site, but they want to locate further south on unimproved land. The City would have to extend the South Riverside road; which would require a new investment in street and utility improvements for the creation of Phase IV.

City Manager Schainker commented that there are two challenges: The leapfrogging effect because of wanting to locate on undeveloped land and the request for industrial tax abatement. The tax abatement is a five year program that the City gives to industries that qualify, but it is in the Developer Agreement with the University that the City will not give the abatement until the TIF debt is paid off. It is the position of John Deere that they want this incentive. This would not be in keeping with the City goal of paying back the TIF debt in fewer than ten years. ISU has been in contact with the Economic Development Administration (EDA) to apply for a federal grant. In addition, Iowa State Research Park officials are working on convincing the Iowa Department of Transportation that research parks are unique and should qualify for a 70% match of RISE funds. Those two funding opportunities make it possible for the City to assist financially in extending infrastructure farther south on S. Riverside and west on Collaboration Place in order to open up approximately 32 more developable acres and complete the loop back around Collaboration Place as the full Phase IV area. Staff feels this would be a benefit due to increasing the tax rolls, making more land available for sale or lease, and additional jobs.

Council Member Gartin expressed that granting the abatement can not be framed as a precedent to other businesses. City Manager Schainker agreed and expressed that to ISU Research. Mr. Schainker explained that the tax abatement makes it harder to pay off the TIF in ten years or less. The City does not receive any money until the TIF is paid off. Staff will make it clear that no other properties within this TIF can apply for tax abatement until the TIF is paid off. The two funding opportunities from EDA and RISE are very important to making this project work. It is possible that John Deere will expand in the future and will also be a major tenant in other parts of the Research Park.

Steve Carter, 1805 Collaboration Place, Ames, stated that the Research Park is the single largest taxpayer to the City. John Deere is a unique and it is an exceptional opportunity for Ames. The land John Deere desires was identified as one day to be developed by the Research Park. The goal is to get the EDA funds to help extend the infrastructure further than just to the John Deere project.

Moved by Beatty-Hansen, seconded by Corrieri, to adopt RESOLUTION NO. 18-358 approving the co-sponsorship (with Iowa State University Research Park) the U.S. Economic Development Administration Grant application.

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

HEARING ON NUISANCE ASSESSMENTS: The Mayor opened the public hearing and closed it after there was no one wishing to speak.

Moved by Corrieri, seconded by Betcher, to adopt RESOLUTION NO. 18-359 approving the assessing costs of snow/ice removal and certifying assessments to Story County Treasurer.

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

HEARING ON THE VACATION OF RIGHT-OF-WAY ADJACENT TO 1604 TRUMAN DRIVE: The public hearing was opened by the Mayor. He closed the hearing after no one asked to speak.

Moved by Corrieri, seconded by Betcher, to pass on first reading an ordinance vacating the right-of-way adjacent to 1604 Truman Drive.

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

HEARING ON 2017/18 SOUTH DUFF AVENUE IMPROVEMENTS: Mayor Haila opened the public hearing. He closed the hearing once there was no one wishing to speak.

Public Works Director John Joiner stated that the bids came in considerable higher than the engineers' estimate and over budget. The consulting engineer and staff are looking for a way that the project could be valued engineered; using the current bid with a low bidder so the contract could be awarded and savings could be realized through the project by maximizing different things that can be done with the project. The other alternative is to revise the project and rebid the project in the fall when there may be a more competitive environment. Staff recommended to Council to accept the report of the bids and table the final action of the contract until June 26. City Manager Schainker added that the owner, Dickson Jensen is concerned about the project being delayed because of a possible sale. Without the improvements that would delay or possibly eliminate the sale. Due diligence needs to be done also.

Mr. Joiner felt the high bid was due to timing of bidding in the summer, tight timeframe to complete, and the bidding was done while contractors are out doing the work. Opinions are that there might

be significant benefit to redesigning some savings in the project and rebidding in the fall. Staff wanted to be certain before recommending that.

Moved by Betcher, seconded by Corrieri, to accept the report of bids and table the awarding the contract until June 26.

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

HEARING ON WATER POLLUTION CONTROL FACILITY STRUCTURAL REHABILITATION PROJECT, PHASE 2: The Mayor opened the public hearing and closed it after there was no one wishing to speak.

Mayor Haila inquired about the large amount of difference in bids. Water Plant Superintendent Lyle Hammes explained that staff did four different reference projects checks and approached the company directly. The company gave a cost break down of their bid. The company stated they were light on work and they have a broad spectrum of workers to complete without subcontractors.

Moved by Nelson, seconded by Corrieri, to adopt RESOLUTION NO. 18-360 approving final plans and specifications and awarding the contract to Minturn, Inc. Of Brooklyn, Iowa in the amount of \$558,600.

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

ORDINANCE TO CHANGE STREET NAMES IN THE EAST ANNEXATION AREA: The Mayor opened the public hearing and closed it after there was no one wishing to speak.

Moved by Corrieri, seconded by Betcher, to pass on first reading an Ordinance changing the street names in the East Annexation Area.

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

ORDINANCE REZONING PROPERTIES WITH THE DOWNTOWN GATEWAY FOCUS AREA OF THE LINCOLN WAY CORRIDOR PLAN: Moved by Beatty-Hansen, seconded by Corrieri, to pass on second reading an Ordinance rezoning properties within the Downtown Gateway Focus Area of the Lincoln Way Corridor Plan from Highway Oriented Commercial (HOC) and Downtown Service Center (DSC) Zoning Districts to Downtown Gateway Commercial Zoning District.

Roll Call Vote: 4-1-1. Voting Aye: Martin, Beatty-Hansen, Gartin, Corrieri. Voting Nay: Betcher. Abstaining due to conflict of interest: Nelson.

ORDINANCE REVISION TO MUNICIPAL CODE SECTION 21.121(2): Moved by Nelson, seconded by Corrieri, to pass on second reading an Ordinance approving the revision to *Municipal Code* Section 21.121(2) to allow signs not exceeding 16 square feet to be erected in residentially zoned private parks.

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

ORDINANCE TO SET STANDARDS FOR THE DOWNTOWN/GATEWAY ZONING DISTRICT: Council Member Gartin asked Director Diekmann to explain the difference between pre-existing and non-conforming. Mr. Diekmann explained that a use that is declared pre-existing has to be a legally established use and allows for that use to continue but does not have limits on the expansion on the existing site. Any expansion would have to meet the current Zoning Ordinance. If the use is discontinued for 12 months it can not be reestablished. The increase of intensity is the difference between pre-existing and non-conforming. Council Member Corrieri confirmed that any non-conforming uses that already exist in Highway-Oriented Commercial (HOC) would remain non-conforming. Changing to pre-existing would only be changing the uses that are specifically new in the new Downtown Gateway Zoning. Director Diekmann added that the most substantial would be the vehicle services, such as car wash, repair, and gas stations are permitted in HOC, if labeled as three individual uses under vehicle service facilities and made them pre-existing those existing sites would have the benefit of modifying their operations. Mayor Haila pointed out that those businesses would be able to remodel or rebuild and continue to be that way. Mr. Diekmann noted that a special use can stay a special use.

Moved by Gartin, seconded by Betcher, to amend the Ordinance that with the implementation of the rezoning that would trigger the businesses to be non-conforming, would now be considered pre-existing businesses instead.

Vote on Motion: 4-1-1. Voting Aye: Betcher, Beatty-Hansen, Gartin, Corrieri. Voting Nay: Martin. Abstaining due to conflict of interest: Nelson. Motion declared carried.

Mayor Haila suggested to Council to table this until the next Council meeting due to a meeting set with local business owners.

Moved by Gartin, seconded by Corrieri, to table third reading of the Standards until June 26.

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

ORDINANCE FOR INSTALLATION OF PUBLIC ART IN SETBACKS: Moved by Corrieri, seconded by Betcher, to pass on third reading and adopt ORDINANCE NO. 4356 allowing the installing of public art in setbacks.

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

ORDINANCE ESTABLISHING THE 415 STANTON AVENUE URBAN REVITALIZATION AREA: Moved by Gartin, seconded by Corrieri, to pass on third reading and adopt ORDINANCE NO. 4357 establishing the 415 Stanton Avenue Urban Revitalization Area.

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

ORDINANCE REZONING 3507 SOUTH DUFF AVENUE FROM HIGHWAY-ORIENTED COMMERCIAL (HOC) TO AGRICULTURAL (A): Moved by Betcher, seconded by Martin, to pass on third reading and adopt ORDINANCE NO. 4358 rezoning 3507 South Duff Avenue from

Highway-Oriented Commercial (HOC) to Agricultural (A).

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

ORDINANCE MODIFYING SECTION 19.12 OF *MUNICIPAL CODE* ALLOWING BIKE-RIDING ON HARD-SURFACED PATHWAYS IN BROOKSIDE PARK: Moved by Beatty-Hansen, seconded by Betcher, to pass on third reading and adopt ORDINANCE NO. 4359 modifying Section 19.12 of *Municipal Code* allowing bike-riding on hard-surfaced pathways in Brookside Park. Roll Call Vote: 6-0. Ordinance declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

DISPOSITION OF COMMUNICATIONS TO COUNCIL: Director Diekmann stated that the City does not have Urban Revitalization areas. There is a policy that states Council will consider creating them in certain places. The letter is to try to convince Council on how the criteria are met.

Moved by Martin, seconded by Beatty-Hansen, to decline to refer to staff for consideration of establishment of an Urban Revitalization area for properties located at 121 Dotson, 115 Dotson, and 127 Dotson.

Council Member Nelson suggested getting more information to see if this fits with the Lincoln Way Corridor objectives.

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

Moved by Beatty-Hansen, seconded by Corrieri, to request a memo from staff on the consideration of Urban Revitalization area for properties located at 121 Dotson, 115 Dotson, and 127 Dotson.

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

Moved by Corrieri, seconded by Martin, to not respond to an anonymous request for a renter's advocate and supporting city code person.

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

Moved by Beatty-Hansen, seconded by Betcher, to request a memo from staff to explain the requested rezoning properties located at 3115 and 3125 Grove Avenue.

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

Moved by Betcher, seconded by Corrieri, to table Al Warren's request to add two bedrooms in his basement for rental property located at 2334 Storm Street until June 26.

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

Moved by Corrieri, seconded by Betcher, to refer to the traffic engineer for traffic consideration for speeding on Hyde Avenue.

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

Moved by Corrieri, seconded by Nelson, to refer to Public Works the request to consider a refund for offsite improvements at Hyde/Bloomington and Grand/Bloomington intersections.

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

COUNCIL COMMENTS: Mayor Haila asked the Council about the consideration of removal of the Westside Neighborhood from the Rental Cap on a future agenda.

Moved by Corrieri, seconded by Nelson, to bring back the consideration of the Westside Neighborhood on a future agenda.

Vote on Motion: 3-3. Voting Aye: Nelson, Gartin, Corrieri. Voting Nay: Betcher, Martin, Beatty-Hansen. Mayor Haila broke the tie. Motion declared carried.

ADJOURNMENT: Moved by Gartin to adjourn the meeting at 10:25 p.m.

Stacy Craven, Recording Secretary

John A. Haila, Mayor