

**MINUTES OF THE REGULAR MEETING OF THE
AMES CONFERENCE BOARD AND
REGULAR MEETING OF THE AMES CITY COUNCIL**

AMES, IOWA

FEBRUARY 26, 2019

REGULAR MEETING OF THE AMES CONFERENCE BOARD

The Regular Meeting of the Ames Conference Board was called to order by Chairman John Haila at 6:01 p.m. on February 26, 2019. Present from the Ames City Council were Bronwyn Beatty-Hansen, Gloria Betcher, Amber Corrieri, Tim Gartin, David Martin, and Chris Nelson. Story County Board of Supervisors was represented by Linda Murken and Lauris Olson. Supervisor Lauris Olson was brought into the meeting telephonically as it was impractical for her to attend in person. Ames Community School Board, Nevada Community School Board, Gilbert Community School District, and United Community School District were not represented.

MINUTES OF JANUARY 22, 2019: Moved by Nelson, seconded by Murken, to approve the Minutes of the January 22, 2019, meeting of the Ames Conference Board.

Vote on Motion: 3-0. Motion declared carried unanimously.

APPOINTMENT OF GAIL JOHNSTON TO BOARD OF REVIEW: Moved by Betcher, seconded by Murken, to approve RESOLUTION NO. 19-058 appointing Gail Johnston to the Board of Review.

Vote on Motion: 3-0. Motion declared carried unanimously.

PUBLIC HEARING ON PROPOSED FY 2019/20 BUDGET FOR CITY ASSESSOR'S OFFICE: The public hearing was opened by Mayor Haila. After no one came forward to speak, the Mayor closed the hearing.

Moved by Corrieri, seconded by Murken, to approve the FY 2019/20 Budget for the City Assessor's Office.

Roll Call Vote: 3-0. Motion declared carried unanimously.

CONFERENCE BOARD COMMENTS: No one had any comments at this time.

ADJOURNMENT: Moved by Murken to adjourn the Ames Conference Board at 6:04 p.m.

REGULAR MEETING OF AMES CITY COUNCIL

The Regular Meeting of the Ames City Council was called to order by Mayor John Haila at 6:06 p.m. on the 26th day of February 2019, in the City Council Chambers in City Hall, 515 Clark Avenue. Council Members Bronwyn Beatty-Hansen, Gloria Betcher, Amber Corrieri, Tim Gartin, David Martin, and Chris Nelson, were present. *Ex officio* Member Allie Hoskins was also in attendance.

PROCLAMATION FOR IOWA HONEY BEE DAY: Mayor Haila proclaimed February 27, 2019, as Iowa Honey Bee Day. Accepting the Proclamation was Jamie Beyer, Legislative Representative, Iowa Honey Producers Association.

Mr. Beyer introduced Lynn and Ann Wilbur, who are also local honey bee keepers. Mr. Beyer mentioned that honey bees are a big part of the agricultural economy.

Mayor Haila announced that Council would be working off an Amended Agenda. Consent Item No. 8, Resolution approving 2019 Neighborhood Art acquisitions, had been taken off the Agenda by staff. Item No. 14, a Resolution approving 4-6 temporary parking spaces in the Library parking lot had been added.

CONSENT AGENDA: Council Member Gartin requested to pull, for separate discussion, Item No. 11, Requests from Greek Week Committee for Greek Week activities.

Moved by Gartin, seconded by Beatty-Hansen, to approve the following items on the Consent agenda.

2. Motion approving payment of claims
3. Motion approving Minutes of Regular Meeting of February 12, 2019
4. Motion approving new 8-month Class B Beer License with Outdoor Service and Sunday Sales for Homewood Golf Course, 401 E 20th Street
5. Motion approving ownership change for Class C Beer Permit for Kwik Trip, Inc., 204 S Duff
6. RESOLUTION NO. 19-059 authorizing the City's StoryComm representative to approve the recommendation for a radio vendor and authorizing Iowa State University's Purchasing Department to issue a Letter of Intent
7. RESOLUTION NO. 19-060 approving Police Department's application for and participation in Governor's Traffic Safety Bureau Enforcement Grant program
9. RESOLUTION NO. 19-062 resolution approving submission of Nutrient Reduction Feasibility Study for the Water Pollution Control Facility to the Iowa Department of Natural Resources
10. Request from India Cultural Association of Central Iowa for Zero Hunger Run/Walk on May 18, 2019:
 - a. RESOLUTION NO. 19-063 approving closure of State Avenue between Mortensen Road and Arbor Street from 5:00 a.m. to 12:00 p.m.
11. Requests from Greek Week Committee for Greek activities:
 - a. Polar Bear Plunge event on April 5, 2019:
 - i. Motion approving Temporary Obstruction Permit
 - ii. RESOLUTION NO. 19-064 closing a portion of Sunset Drive and the eastern portion of Pearson Avenue along the Greek Triangle from 10:00 a.m. to 11:00 p.m.
 - iii. RESOLUTION NO. 19-065 suspending parking regulations from 10:00 a.m. to 11:00 p.m.
 - b. Greek Week activities on April 6, 2019:
 - i. Motion approving blanket Temporary Obstruction Permit
 - ii. RESOLUTION NO. 19-066 approving closure of the following streets from 6:00 a.m. to 6:00 p.m. on April 6:
 - (1) Sunset Drive, Ash Avenue from Gable Lane to Knapp Street
 - (2) Gray Avenue, Gable Lane to Greeley Street
 - (3) Greeley Street

- (4) Pearson Avenue, Sunset to Greeley
 - (5) Lynn Avenue, Chamberlain to Knapp
12. RESOLUTION NO. 19-067 approving Change Order No. 1 with Pioneer Industrial Corp., Hastings, NE, for the Valve Maintenance Related Services and Supplies Contract in the not-to-exceed amount of \$16,000
13. RESOLUTION NO. 19-068 accepting completion of 2016/17 CyRide Route Pavement Improvements (South 3rd/4th Street)
- Roll Call Vote: 6-0. Motions/Resolutions declared carried/adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

GREEK WEEK COMMITTEE FOR GREEK ACTIVITIES: Council Member Gartin stated that he pulled this item as representatives from the Greek Week Committee were present, and he wanted to give them a chance to speak.

Ryan Hunwardsen, Greek Week Central 2019 Logistics Director, thanked the Council members for their continued support of “Greek Week.” He noted that this is the 67th year for “Greek Week.”

Polar Bear Plunge Event on April 5, 2019: Moved by Gartin, seconded by Betcher, to approve the Temporary Obstruction Permit.
Vote on Motion: 6-0. Motion declared carried unanimously.

Moved by Gartin, seconded by Betcher to approve RESOLUTION NO. 19-064 closing a portion of Sunset Drive and the eastern portion of Pearson Avenue along the Greek Triangle from 10:00 a.m. to 11:00 p.m.
Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

Moved by Gartin, seconded by Betcher, to approve RESOLUTION NO. 19-065 suspending parking regulations on a portion of Sunset Drive and the eastern portion of Pearson Avenue along the Greek Triange from 10:00 a.m. to 11:00 p.m.
Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

Greek Week activities on April 6, 2019: Moved by Gartin, seconded by Betcher, to approve a blanket Temporary Obstruction Permit.
Vote on Motion: 6-0. Motion declared carried unanimously.

Moved by Gartin, seconded by Betcher, to approve RESOLUTION NO. 19-066 approving closure of the following streets from 6:00 a.m. to 6:00 p.m. on April 6:

- Sunset Drive, Ash Avenue from Gable Lane to Knapp Street
- Gray Avenue, Gable Lane to Greeley Street
- Greeley Street
- Pearson Avenue, Sunset to Greeley
- Lynn Avenue, Chamberlain to Knapp

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. No one came forward to speak, and Public Forum was closed.

AMES PRIDEFEST: Management Analyst Tashiek Kerr stated that the request for Ames Pridefest is unique this year as the organization is requesting a waiver of parking meter fees for all of Downtown. She noted that last year the request was confined to the event location. To staff's knowledge, the only times Council has granted free parking for all of Downtown was for area-wide events sponsored by Ames Main Street. If the Council approves the waiver of all 613 meters Downtown, it would result in a loss of \$1,379.25 to the Parking Fund; however, the Council waived the parking meters in the event area, it would be a loss of \$168.75.

Tara Andrews, 108 Jewel Drive, Ames, explained that she is the Chair of Ames Pride and Co-Chair of Ames Pridefest 2019. She gave a brief history regarding the prior two Pridefest events. Ms. Andrews stated that this year they will be adding space for more vendors and space for attendees. She noted that they are contracting with American Sign Language interpreters for the entire day, they do not accept sponsorship from Alcohol and Tobacco companies, they include and collaborate with faith-based community organizations, and a variety of food vendors options will be available for dietary restrictions. Ms. Andrews stated that there are no admission fees or ticketing associated with Ames Pridefest. She explained that economic accessibility is important and that is why they are requesting a waiver of fees for all Downtown meters be approved.

Council Member Martin asked Ms. Andrews what the attendance was for the past two years. She stated that the first year they had about 200-300 people and last year there were about 1400-1500 people. This year they are anticipating around 2,000 people.

Council Member Betcher stated that the request for the additional handicapped parking spots is due to concerns that came up from last year's event, as some of the accessible spots were closed and there were a few library patrons who had mobility challenges who were unable to park anywhere near the library. She noted that the Police Department do not have any temporary bagging system to create temporary parking spaces. City Manager Steve Schainker asked City Attorney Mark Lambert if the City was allowed to make temporary handicapped spaces. Mr. Lambert stated that handicapped spaces could be created if needed by City staff.

Council Member Beatty-Hansen stated that she appreciates this event, but they just decreased the parking meter rates Downtown, which already show a deficit in the Parking Fund. Ms. Beatty-Hansen stated she encourages everyone to use a bike or take the bus.

Council Member Martin stated that normally the City Council does say yes to a waiver of parking meter fees and reminded the Council that they just approved a waiver of parking meter fees for three days for a shopping event in Downtown Ames. He noted that this event is great for the community as it reaches community members who are neglected.

Moved by Martin, seconded by Betcher, to approve the requests for Ames Pridefest on Saturday, September 7, as requested by Ames Pride, for all 613 meters Downtown and a waiver of fees for vending and parking.

Ms. Betcher stated that they will already have Ames Main Street parking meters closed for the

Farmer's Market, and the amount of revenue lost to the Parking Fund for this event might be lower. Ms. Kerr stated that staff had not yet received any Special Event requests from the Farmer's Market Committee.

Council Member Nelson stated that the difference with Ames Pridefest and the three-day shopping event was with the intent to bring further business to the Downtown District.

Further discussion was had regarding how many parking meters should be waived.

Motion withdrawn

Moved by Martin, seconded by Beatty-Hansen, to approve the blanket Temporary Obstruction Permit and blanket Vending License.

Vote on Motion: 6-0. Resolution declared adopted, signed by the Mayor, and hereby made a part of these Minutes..

Moved by Martin, seconded by Beatty-Hansen, to adopt RESOLUTION NO. 19-069 approving the closure of Douglas Avenue from Main Street to 6th Street and 5th Street between Kellogg and the alley east of Adams Funeral Home from 4:00 a.m. to 11:00 p.m.

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

Moved by Martin, seconded by Beatty-Hansen, to adopt RESOLUTION NO. 19-070 approving waiver of parking meter fees and enforcement in Downtown Ames for all 613 meters, as requested.

Roll Call Vote: 3-3. Voting aye: Beatty-Hansen, Betcher, Martin. Voting nay: Nelson, Corrieri, Gartin. Motion failed.

Moved by Martin, seconded by Betcher, to adopt RESOLUTION NO. 19-071 approving waiver of the fee for blanket Vending License.

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

Moved by Beatty-Hansen, seconded by Betcher, to adopt RESOLUTION NO. 19-061 approving 4-6 handicapped temporary parking spaces in the Library parking lot, to be designated by City staff.

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

Moved by Beatty-Hansen, seconded by Betcher, to adopt RESOLUTION NO. 19-070 approving the waiver of 75 parking meter fees in the event location only on September 7, 2019.

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

TEXT AMENDMENT TO ALLOW BEDROOMS IN PROGRESS TO COUNT TOWARD RENTAL OCCUPANCY: Building Official Sara Van Meeteren explained that in January 2019, the Council directed staff to bring back options in regards to a letter that was received from Al Warren.

Al Warren, 3121 Maplewood Road, Ames, stated that he respects the Council's opinion for

protecting the neighborhood, but feels there were a few people that got caught in the process. He explained that the homeowners didn't get to complete what they wanted to do as they put their remodeling on hold to see what was going to happen to the occupancy rules, as they wanted to make sure they followed those rules. Mr. Warren mentioned that the time frame from when the moratorium went into effect and then the new Code, there was no gap to allow anyone to proceed forward. He believed that anyone who was in process should be allowed to complete the job and he had a letter from SCAN letting the Council know that they were not opposed to him finishing his renovation.

Council Member Gartin asked Mr. Warren to explain how the Council would know that he was "in process." Mr. Warren answered that Council Member Betcher was in the area and she was shown the area that he didn't get finished. He also stated that he had spoken with Ms. Van Meeteren about obtaining a building permit, but was unsure of how many bedrooms to list. He noted that the City Assessor website and the City of Ames Inspections Division had two different numbers listed for how many bedrooms his house had so one of the Rental Inspectors came out and did a bedroom count.

Council Member Betcher explained that one of her concerns was that if someone was waiting on word to see if the bedrooms would count, and in the meantime, the moratorium went into effect, there was no time for a homeowner to make any changes. Mr. Gartin asked Ms. Van Meeteran if Mr. Warren could have done anything differently. Ms. Van Meeteran stated that there was nothing tangible that could have been done to prove that was his intent.

Further discussion was had among the Council members as to what they should do in regards to Mr. Warren's request and other homeowners.

Council Member Nelson stated that if the Council could come up with a way that homeowners wouldn't be able to put in an egress window, but if one already existed, it would allow a homeowner to be able to comply along with not being able to add on to the structure with only a short period of time to apply. Ms. Beatty-Hansen stated that would be a good metric and to open it for a month.

Moved by Nelson, seconded by Betcher, to direct staff to prepare for a text amendment stating that if a property already has an egress window, the homeowner would be able to complete the bedroom, and the homeowner would have 30 days to apply for the extra bedroom.

Motion withdrawn.

Moved by Nelson, seconded by Betcher, to have staff prepare a text amendment that allows properties with a Letter of Compliance to add bedrooms where an egress window exists and isn't already being counted toward a bedroom. The homeowner would have 30 days from the adoption of the Text Amendment to apply and then six months to complete the work.

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

The Council recessed at 7:02 p.m. and reconvened at 7:04 p.m.

PROPERTY SALE HARDSHIP EXEMPTION REQUEST: Mayor Haila stated that it was impractical for the homeowner Emily Howell to be present in person; therefore, she was brought into the meeting telephonically. City Attorney Mark Lambert pointed out that there are two standards that the Council must determine that either one of the following is true, in order to approve the request:

1. The advantages to the neighborhood and the City of allowing the property to be registered as a rental property to facilitate its sale outweigh the disadvantages to the neighborhood and City of exceeding the rental concentration cap.

2. The sale of the property would have been possible at a reasonable market value as a single-family dwelling, but for the existence of the rental concentration cap.

Council Member Gartin inquired if the applicant would be able to appeal the decision in District Court. Mr. Lambert stated that he believes they could, but it is not 100% clear. Mayor Haila asked if the homeowner is able to reapply for the hardship exemption in six months if denied. Mr. Lambert explained he is not sure at this time as that is not addressed in the Ordinance.

Ms. Betcher asked if it would change the homeowners' Transitional Letter of Compliance if the request was denied. Ms. Van Meeteren stated it wouldn't change anything. The homeowners still have one and a-half years left on their Transitional Letter of Compliance.

Emily Howell, 107 South Riverside Drive, Ames, stated that she is currently living in South Carolina. She noted that they would like to be granted approval of the Property Sale Hardship Exemption and have provided all the documentation that was required. Ms. Howell mentioned that they listed their property for sale with no success due to the lack of a Letter of Compliance, and if not approved, they may have to reduce the price or foreclosure on the property.

Council Member Gartin stated that the house was purchased for \$250,000 and the assessed value was \$228,000. Mr. Gartin noted that an offer was made for \$269,900, explained that this was evidence that the market liked their house, and questioned where the hardship was. Ms. Howell mentioned that offer was made right away, but the buyers pulled out; and no other offers have come in after that.

Council Member Betcher inquired if the house currently had a renter in it. Ms. Howell explained that they do currently have a tenant who has a two-year lease.

Council Member Martin stated that the Assessor's report shows seven bedrooms, the City's shows five bedrooms, and he wanted to know how many there were. Ms. Howell noted there are five bedrooms. Mr. Martin mentioned that the house was listed for sale at \$269,999 and there was a suggestion from the realtor to drop the price on June 1 to \$255,000, but didn't see where this was ever done. Ms. Howell stated she is not sure if that was done or not.

Ms. Betcher asked Mrs. Howell if there had been any issues from potential buyers about having a renter already in the house until 2020. Ms. Howell explained they have not had any comments but have not had many calls since getting a renter; the house was on the market for several months before they went to the Transitional Letter of Compliance (LOC).

Further discussion was had regarding if the Howell's met the criteria for a Property Sale Hardship Exemption.

Moved by Beatty-Hansen, seconded by Martin, to deny the Property Sale Hardship Exception application, prohibiting the property from being eligible for a LOC in order to sell the property.

It was clarified that the property could continue to be rented until the Transitional LOC currently in place expires.

Roll Call Vote: 3-3. Voting aye: Beatty-Hansen, Betcher, Martin. Voting nay: Nelson, Corrieri, Gartin. Motion failed.

Moved by Corrieri, seconded by Nelson, to approve the Property Sale Hardship Exception application for 107 S. Riverside, allowing the property to become a rental in order to facilitate the sale of the property.

It was clarified that, should this property become a rental, the LOC could be renewed by the person purchasing the property. The property could then remain a rental as long as the LOC is maintained. This LOC would be transferrable.

Roll Call Vote: 3-3. Voting aye: Nelson, Corrieri, Gartin. Voting nay: Beatty-Hansen, Betcher, Martin. Mayor Haila voted aye to break the tie. Motion declared carried.

ORDINANCE OF REVISED POST-CONSTRUCTION STORMWATER MANAGEMENT

ORDINANCE: Municipal Engineer Tracy Warner stated staff used the direction from the last meeting and have brought back the recommended corrections.

Mayor Haila asked if there was anyone wishing to speak. Hearing none, the hearing was closed.

Moved by Beatty-Hansen, seconded by Nelson, to pass on first reading an ordinance pertaining to Post-Construction Stormwater Management Ordinance.

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

Moved by Betcher, seconded by Martin, to suspend the rules necessary for the adoption of an ordinance.

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

Moved by Nelson, seconded by Beatty-Hansen, to pass on second reading the Post-Construction Stormwater Management Ordinance.

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

Moved by Corrieri, seconded by Beatty-Hansen, to pass on third reading and adopt the ORDINANCE NO. 4380 to Post-Construction Stormwater Management.

Roll Call Vote 4-2. Voting aye: Beatty-Hansen, Nelson, Corrieri, Gartin. Voting nay: Martin, Betcher. Ordinance declared adopted, signed by the Mayor, and hereby made a part of these Minutes.

ORDINANCE PROHIBITING PARKING AT ALL TIMES ON THE EAST SIDE OF NORTH RIVERSIDE DRIVE AND PROHIBITING PARKING AT ALL TIMES ON THE NORTH SIDE OF HARRIS STREET: Mayor Haila asked if anyone wished to speak on this item. No one came forward and Public Forum was closed.

Moved by Beatty-Hansen, seconded by Nelson, to pass on first reading an ordinance pertaining to parking at all times on the east side of North Riverside Drive and prohibiting parking at all times on the north side of Harris Street.

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

ORDINANCE REGARDING “GAME DAY PARKING” REGULATIONS: Moved by Nelson, seconded by Betcher, to pass on third reading and adopt ORDINANCE NO. 4379 pertaining to Game Day Parking Regulations.

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

Council Member Betcher stated that she had been getting emails that the North Riverside area wanted to be added and asked when should she make a motion to add it. Mr. Lambert recommended making a motion during Council Comments.

Moved by Martin, seconded by Beatty-Hansen, to approve RESOLUTION NO. 19-072 the designating said areas on the Game Day Parking Area Map.

Vote on Motion: 6-0. Resolution declared adopted, signed by the Mayor, and hereby made a part of these Minutes.

UPDATE ON REGULATION OF SHORT-TERM RENTALS: Planning and Housing Director Kelly Diekmann noted that the Council had seen this topic several times. The last time was in November 2018, when the Council had directed staff to proceed with drafting standards that would allow short-term rentals (STRs) within apartment dwellings and to proceed with a licensing system of one and two-family homes.

Mr. Diekmann stated that the Ames *Municipal Code* section necessary to be addressed to allow short-term rentals are extensive, as these would be a new type of principal and accessory use within the Zoning Ordinance (Chapter 29), and would establish a new category of licensure to be incorporated into a new Chapter of the Ames *Municipal Code* (Chapter 35).

Director Diekmann stated that the new information to be presented tonight is the Planning & Zoning Commission’s recommendation, The Commission recommended allowing short-term rentals with the following limitations:

- Home Shares in rental apartments would be allowed as an accessory use in all zoning districts with no tenant or property owner license required. Oversight compliance would be the responsibility of the landlord with no license required.
- Vacation Rentals
 - Prohibited within RL zoning districts for nonconforming apartment building uses.
 - Allowed within all other zones by granting of one license to a property owner for the entire parcel or common development of apartment units.
 - Limit the number of units to the greater of one STR unit or up to 10% of the total number

- of units on a parcel or common development.
- An exemption from a Special Use Permit to establish a Vacation Rental would be allowed in certain higher density zoning districts for rental apartments:
 - Exempt: RM, RH, FS-RM, NC, CCR, DSC, CSG, DGC
 - Non-exempt: A, RM / O-SFC, UCRM, RLP, F-VR, FS-RL, F-PRD, S-SMD

Council Member Gartin questioned how enforcement would be done. Mr. Diekmann explained that there is a referral for them to look at different software vendors that would allow for proactive enforcement. He noted that there are subscription services out there; alternatively they could follow the same model as the rental division, which is complaint-based.

There was further discussion about short-term rentals and the length of time that is allowed for someone to stay.

Mayor Haila asked for public input. No one wished to speak.

Moved by Beatty-Hansen, seconded by Nelson, to direct staff to publish notice for a public hearing and finalize the attached draft text amendments as recommended by the Planning and Zoning Commission allowing short-term rentals as an accessory and principal use by dwelling type within the *Ames Municipal Code* Chapter 29 (Zoning), corresponding references within *Municipal Code* Chapter 35 (Short Term Rentals), and to include definitions, administration, licensing, standards, enforcement, and fees.

Council Member Martin stated he doesn't agree with the motion due to safety concerns with Home Shares. He recommended that staff come up with additional safety guidelines.

Council Member Betcher explained that she has the same concerns as Mr. Martin about vacation rentals and she also doesn't see how they can be a benefit to the neighborhoods.

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

2019 URBAN REVITALIZATION TAX ABATEMENT: Director Diekmann informed the Council that this is an annual item. There are criteria that have to be met and verified for each area. An application will be submitted that will show the identification of the property, what improvements were made, and the increase in value. That application will be submitted to the City, and through action by Council, will state that the area has met the criteria to be considered "Qualified Real-Estate." The resolution is then sent to the City Assessor and that would mean the area is eligible for property tax abatement or exemption.

Mr. Diekmann noted that there are two applications this year. The first one is for the Union along the 2700 block of Lincoln Way; this project has its own Urban Revitalization area. He noted that a walkthrough was done, and the Union now meets the Urban Revitalization criteria. The second one was at 205 S. Wilmoth Avenue, the Aspen Heights Apartment/mixed use project. Mr. Diekmann noted that the Aspen Heights request was submitted last year and was denied as it was found that they did not comply with the Urban Revitalization Area criteria due to not enrolling in the Crime-Free Housing program. The Police Department has now verified enrollment in the program as of

February 2019. Mr. Diekmann stated staff is recommending approval of both applications.

Council Member Martin inquired as to how many years the Aspen Heights Apartments is qualified for, as normally it is a ten-year schedule. However, since the applicant was denied last year, he asked if its schedule would only be for nine years. Mr. Diekmann noted that will be up to the City Assessor's office in regards to if the application is available for nine or ten years.

Moved by Betcher, seconded by Corrieri, to adopt RESOLUTION NO. 19-073 approving the 2019 Urban Revitalization tax abatement requests for two properties, as recommended by staff.

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

NEW WATER TREATMENT PLANT CONTRACT 2: Water and Pollution Control Director John Dunn stated that this item is a result of a lengthy negotiation process with the general contractor. He noted that the punch list of items that needed to be done had been completed, and the warranty list had been reduced substantially. Director Dunn explained that the City withheld \$1,349,083.20 and an Agreement was made to split the amount between the general contractor and the City to \$547,550. He mentioned that there was a discussion as to the start of the warranty period; it was agreed to split the difference and December 31, 2019, would begin the warranty. A maintenance bond is being held as an insurance policy to make sure any additional warranty issues are addressed.

Council Member Betcher noted that, in the staff report it states that the City may be short in its LEED points. She wanted to know if the settlement is going to bind Knutson Construction to keep working if they don't make the LEED points. Mr. Dunn stated there is language in the Settlement Agreement that Knutson Construction will cooperate, and the LEED consultants believe that the City will make the points.

Council Member Gartin asked if any liens had been placed on this project. Mr. Dunn stated that a lien can't be placed on public property, but the electrical subcontractor did file a notice indicating that they have not been paid for a portion of their work. A condition of the Settlement Agreement is that Knutson Construction provided a Discharge Bond in an amount that was twice the amount of the claim of the electrical subcontractor.

Moved by Nelson, seconded by Betcher, to adopt RESOLUTION NO. 19-074 approving the Settlement Agreement with Knutson Construction regarding the New Water Treatment Plant Contract 2.

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

Moved by Betcher, seconded by Nelson, to adopt RESOLUTION NO. 19-075 approving the final Change Order #26.

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

Moved by Betcher, seconded by Beatty-Hansen, to adopt RESOLUTION NO. 19-076 accepting completion and authorizing payment to Knutson Construction in accordance with the Settlement

Agreement.

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

2019 RESIDENT SATISFACTION SURVEY: Public Relations Officer Susan Gwiasda noted that each year, a small amount of space is reserved for current issue/policy questions to be added. The previous version of the Survey was provided to the Council to make any recommendations.

Council Member Beatty-Hansen inquired if a survey had been done to test the public's knowledge of what is going on in the City of Ames. Ms. Gwiasda stated that there were some similar questions in the past to gauge where education was needed.

By concurrence, Council directed Public Relations Officer Susan Gwiasda to leave the survey the same as last year.

HEARING ON ENVIRONMENTAL INFORMATION REGARDING IMPROVEMENTS TO SANITARY SEWER SYSTEM FOR MUNN WOODS AND EMMA MCCARTHY LEE PARK: The public hearing was opened and closed by Mayor Haila since there was no one wishing to speak.

Municipal Engineer Tracy Warner stated this is a required Public Hearing for this project and staff had already been having public informational meetings. No action by the City Council was being required.

HEARING ON MAJOR SITE DEVELOPMENT PLAN AMENDMENT FOR 3331 AND 3405 AURORA AVENUE: Planning and Housing Director Diekmann stated this item is an Amendment to an approved Plan that was approved in November 2017. He explained that it is a redesign of the architectural look of the building, and staff is recommending approval. Mr. Diekmann stated that the change is from the more modern metal siding to a more traditional gable roof and horizontal siding.

The public hearing was opened and closed by Mayor Haila no one came forward to speak.

Moved by Gartin, seconded by Beatty-Hansen, to adopt RESOLUTION NO. 19-077 approving the changes proposed by the applicant for the Major Site Development Plan for 3331 and 3405 Aurora Avenue.

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

DISPOSITION OF COMMUNICATIONS TO COUNCIL: Moved by Betcher, seconded by Martin to place the letter from the SCAN district on a future agenda for discussion.

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

Mayor Haila noted that the memo from Building Official Sara Van Meeteren providing the second quarterly report on rentals outside of capped areas was for informational purposes only.

Mayor Haila explained that the staff report regarding background on an affordable housing strategy known as Inclusionary Zoning is for information purposes as well, and no action would be needed.

COUNCIL COMMENTS: Moved by Betcher, seconded by Beatty-Hansen, to refer to staff for a memo on the illegal parking status during game days in the area that is north of Lincoln Way from Riverside to Grand up to the railroad tracks.

Mayor Haila stated he believes Chief Cychosz already did an analysis and has this information and doesn't think this area is a problem at this time.

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

Several Council Members expressed their appreciation to the Public Works crews for their hard work during all the recent bad weather with clearing the snow from roads and sidewalks along with handling several water main breaks.

CLOSED SESSION: Council Member Gartin asked City Attorney Mark Lambert if there was a legal reason to go into Closed Session. Mr. Lambert replied in the affirmative, citing *Code of Iowa* Section 20.17(3) to discuss collective bargaining strategy.

Moved by Gartin, seconded by Betcher, to go into Closed Session under Section 20.17(3), *Code of Iowa*, to discuss collective bargaining strategy.

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

The Council went into Closed Session at 8:40 p.m. and returned to Regular Session at 8:51 p.m.

Moved by Beatty-Hansen, seconded by Gartin, to adopt RESOLUTION NO. 19-078 ratifying the contract with IUOE, Local 234C - Power Plant Unit.

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

ADJOURNMENT: Moved by Gartin to adjourn the meeting at 8:54 p.m.

Amy L. Colwell, Deputy City Clerk

John A. Haila, Mayor