

MINUTES OF THE REGULAR MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

OCTOBER 12, 2021

The Regular Meeting of the Ames City Council was called to order by Mayor John Haila at 6:01 p.m. on October 12, 2021, 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, and Rachel Junck. Council Member David Martin was brought in electronically. *Ex officio* Member Trevor Poundstone was also present.

CONSENT AGENDA: 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 City Council Meeting of September 28, 2021
3. Motion approving Report of Change Orders for period September 16 - 30, 2021
4. Motion approving ownership change for Class A Liquor License, Outdoor Service and Sunday Sales - Green Hills Residents' Association, 2200 Hamilton Drive, Suite 100
5. Motion approving renewal of the following Beer Permits, Wine Permits and Liquor Licenses:
 - a. Class E Liquor License with Class B Wine Permit, Class C Beer Permit (Carryout Beer), and Sunday Sales - Target Store T-1170, 320 S Duff Avenue
6. RESOLUTION NO. 21-528 authorizing the Mayor to sign Certificate of Consistency with City's 2019-2023 CDBG Consolidated Plan on behalf of Youth & Shelter Services and The Bridge Home for funding from Iowa Finance Authority
7. RESOLUTION NO. 21-529 waiving Purchasing Policies' formal bidding requirements and extending an engagement with Ahlers and Cooney, P.C., of Des Moines, Iowa, in an amount not to exceed \$20,000 for legal services related to application of *Iowa Code* Chapter 20
8. RESOLUTION NO. 21-530 setting date of hearing for October 26, 2021, for vacating Utility Easement on Lot 5 in Block 2 of the Southwood Subdivision, First Addition (1100 Buckeye Avenue)
9. RESOLUTION NO. 21-531 approving Professional Services Agreement for the 2021/22 Traffic System Capacity Improvements - Grand Avenue Corridor Study (9th Street to 24th Street) with HDR, Inc., of Omaha, Nebraska, in an amount not to exceed \$84,853
10. RESOLUTION NO. 21-532 approving renewed 28E Agreement for Tobacco, Alternative Nicotine, and Vapor Product Enforcement between the Police Department and the Iowa Alcoholic Beverages Division
11. RESOLUTION NO. 21-533 approving Amendment to Agreement between the City and Habitat for Humanity of Central Iowa to extend the date of completion for the construction of a home at 1126 Grand Avenue
12. RESOLUTION NO. 21-534 awarding contract to Fischer Brothers, LLC, of Chippewa Falls, Wisconsin, for the Furman Aquatic Center Play Structure Refurbishment Project in the amount of \$59,300
13. RESOLUTION NO. 21-535 approving Change Order No. 8 with SCS Engineers, of Clive, Iowa, regarding engineering services for compliance with U. S. EPA's Coal Combustion Residuals (CCR) Standard in an estimated amount of \$53,585
14. RESOLUTION NO. 21-536 approving contract and bond for CyRide 2022 HVAC Improvements Project
15. RESOLUTION NO. 21-537 approving contract and bond for SE 16th Street and South Duff

- Avenue Transmission Modifications
16. RESOLUTION NO. 21-538 approving Final Plat for Sunset Ridge Subdivision, Eleventh Addition
 17. RESOLUTION NO. 21-539 approving Final Plat for Quarry Estates Subdivision, Fifth Addition
 18. RESOLUTION NO. 21-540 accepting completion of 2019/20 Collector Street Pavement Improvements (Bloomington Road - Grand Avenue to Hoover Avenue)
 19. RESOLUTION NO. 21-541 accepting completion of the Water Treatment Plant Lime Pond Underdrain Improvements project
- Roll Call Vote: 6-0. Motions/Resolutions declared carried/adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

PUBLIC FORUM: Mayor Haila opened Public Forum.

Richard Deyoe, 505-8th Street, #2, Ames, Iowa, stated he was hoping to speak later regarding the creation of the Resident Police Advisory Committee. Mayor Haila indicated that the item Mr. Deyoe was referring to was for third passage and adoption of the Ordinance and no public input would be taken; that is why he asked him to speak during Public Forum. Mr. Deyoe noted that a couple years ago he had wanted to put an ad in the *Tribune* stating that “the government should allow all citizens love.” He had spoken to someone at the *Tribune* and was told they didn’t understand what the ad was about and refused to publish it.

Public forum was closed when no one else came forward to speak.

PRESENTATION OF 2021 RESIDENT SATISFACTION SURVEY RESULTS: Public Relations Officer Susan Gwiasda presented highlights from the 39th Annual Residential Satisfaction Survey. Ms. Gwiasda noted that it was an unusual year to take a survey, but overall, the results were consistent with previous years. She commented that assistance was received from the Institute for Design Research and Outreach (IDRO), College of Design. Surveys were mailed to 1,350 randomly selected utility users and 1,000 were emailed to randomly selected Iowa State University students. There were 600 surveys returned, which was down from 2020 (804). Of the 600 surveys 22% were from non-students and 54% were from students (all online). She noted that each survey that is sent out includes a cover letter from the Mayor and the 12-page survey. As a thank-you, a coupon is included in the mailing as an incentive gift to either have a free entry into the Furman Aquatic Center or \$2.00 off a book at the Library. There is also an entry form to complete; where the Mayor draws two winners who receive gift certificates. The completed Survey results will be placed on the City of Ames website under the City Manager’s Office.

Ms. Gwiasda mentioned that regarding “On-going service priorities” the programs that citizens requested more funding in were: Arts Programs, Fire Protection, Human Service Funding, and Law Enforcement. Following the pandemic, derecho, and the drought, stormwater drainage improvements fell out of the top three priorities and were replaced by improvements to existing parks. She speculated that this change could be due to the current drought that the City is experiencing, which is not causing any stormwater drainage problems, plus due to COVID, there are more people who are going outside. Ms. Gwiasda explained that this would be a good item to watch in the next few years to see if there are continued changes. One of the questions asked on the survey was “Did you experience a power outage?” and for 2021, there were 80 citizens who reported yes versus only 48 in 2020. This significant increase was

probably due to the derecho. The preferred method of information dissemination was email along with letters and then social media. Overall, a total of 97% of Ames residents ranked their overall satisfaction for City services as Good/Very Good. Ms. Gwiasda said that even though 2020 was a difficult year, the City still ended on a high note.

Council Member Betcher commented that she was surprised that the ratings were as high as they were, and that the City didn't see the anomalies it was expecting to see after everything that happened in 2020.

Ms. Gwiasda reminded the Council that she will be coming back to the Council next year to take suggestions for any changes to make to the 2022 survey.

LONG-TERM LAND LEASE WITH HEARTLAND SENIOR SERVICES AS REQUESTED FOR THE CONSOLIDATION OF TWO LOTS AT 205 S. WALNUT: City Manager Steve Schainker said that the City of Ames has worked with Heartland Senior Services for several years. The property at 205 S. Walnut Avenue was purchased by the City from the Ames Community School District to house the senior day-care program administered by Heartland Senior Services with CDBG funds. The City has leased the building and land to Heartland for many decades. The building has exceeded its useful life; therefore, a new facility providing Heartland's much-needed services is warranted. Mr. Schainker explained that the strategy now is to build on the existing site and because the land is owned by the City of Ames it requires City Council approval. Mr. Schainker stated that if the Council approved moving forward, staff will prepare a long-term lease with Heartland Senior Services; in return the City will make sure the site is used as a senior day-care program only for the length of the lease. To move forward, there will be two items that will need to be done: 1) accept the deeding of a small parcel to the south of the building currently owned by Heartland adjacent to the City's property and consolidate the two properties into a single lot of approximately one acre, and 2) lease the combined property to Heartland for 50 years in exchange for \$1, with options to renew.

Council Member Gartin felt that Heartland Senior Services provides an essential service and an updated facility would reflect the community's values.

Moved by Betcher, seconded by Junck, to direct staff to prepare a long-term lease with Heartland Senior Services, as requested, for approximately one acre at 205 S. Walnut.

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

STAFF REPORT ON ARTISTICALLY-PAINTED FIRE HYDRANTS: Assistant City Manager Brian Phillips noted that this item was in response to the Council's direction to gather feedback from City staff regarding the concept of an Artistic Fire Hydrant Painting Program. Feedback was gathered from the Fire Department, Public Works, and the Public Art Commission to identify potential challenges with the project. He mentioned there were some concerns about the Program, including maintaining the operation of the fire hydrants, visibility, the scale of this kind of Program, managing the Program, and maintaining the paint on the hydrants. The Public Art Commission has a number of active initiatives and had indicated at its last meeting that they preferred not to take on anything additional at this time.

Fire Chief Rich Higgins mentioned that in Ames there is a great water distribution system. He stated that the National Fire Protection Association (NFPA) Standard 291 allows fire hydrants to be painted a

different color if there are different water flow requirements. The City can adopt a local standard that allows the hydrants to be painted a different color; which the City has done through the Statewide Urban Design and Specifications (SUDAS). All fire hydrants are painted green, which creates uniformity, and in fire service this equals safety which equals efficiency. Chief Higgins stated that when a firefighter pulls up on a scene, they want to spend more time making sure everyone is out of the property and the fire is contained opposed to looking for a fire hydrant. He explained that at this time staff has no desire to start changing the colors of the hydrants in the community.

Mr. Phillips explained that there were two options for the Council to choose from. Option 1 was to not implement a fire hydrant painting at this time, and Option 2 was to direct the Public Art Commission to work with City staff to develop a formal fire hydrant painting program. He also indicated that the original requestor had proceeded to paint a hydrant adjacent to his house and would need direction from the Council about what to do with the painted hydrant. If the Council chooses to not proceed with the Program, staff would proceed to repaint the fire hydrant back to its original color. It was staff's recommendation to not implement a fire hydrant painting at this time and proceed with repainting the one hydrant back to its original color.

Mayor Haila asked if any City Ordinance indicates what a citizen can and can't do regarding fire hydrants. Mr. Phillips noted there were two sections that would relate to this topic. One section relates to interfering with hydrants and altering it in any way. There were also a couple areas of State Law and City Ordinance that speak to unauthorized "tinkering" of fire hydrants.

Moved by Gartin, seconded by Junck, to approve Option 1, which is to not implement a fire hydrant painting program at this time.

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

Moved by Gartin, seconded by Betcher, to direct staff to repaint the fire hydrant that was previously decorated by a citizen.

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

Council Member Martin said he voted against Option 1 because he thought the "gist" of the motion was to never pursue a fire hydrant painting program, but he knows that is not what the motion said. He felt it would be good to revisit this idea after the Public Art Commission has the capacity to review the information. Mr. Martin stated that when looking at future projects for next year he hoped this topic would come up again.

DISCUSSION REGARDING ADOPTION OF NEW WARDS AND PRECINCTS FOLLOWING STATE REDISTRICTING: City Attorney Mark Lambert explained that the Legislature is in the process of redistricting. This is done to draw new lines defining U.S. Congressional districts, and Iowa House and Iowa Senate Legislative Districts. Redistricting is done every ten years after a census is done. The census is usually done in the Spring, but there was a delay and the information wasn't available until September 2021. On October 5, 2021, the Legislature considered and rejected the first set of maps. It is expected that the second set of maps would be ready by October 21, 2021. Mr. Lambert stated that if the second map is adopted, the City of Ames has a little more time to draw new wards and precincts,

which is the Council's responsibility. If the Legislature rejects the second set of maps, it is likely that by mid-November, the Legislature will approve the third/final set of maps, which would give the City a very small amount of time. The wards and precincts at the City and County level have to be done by January 15, 2022, according to Iowa law, unless that deadline is extended, and per City Attorney Lambert, the extension is not expected to happen. The purpose of Mr. Lambert's memo was to give the Council an overview of the process and give them a "heads-up" that staff will need to move expeditiously when the Legislature approves the maps. He mentioned that in speaking with Story County Auditor Lucy Martin, she explained that the County will draw wards and precincts for the entire County. The Auditor's office felt it would be easier to plot out the entire County opposed to leaving out the City of Ames and doing the rest of the County. Mr. Lambert noted that precincts have to fit within a State Legislative District, the population cannot exceed 3,500 people, must be contiguous, and must follow "census blocks boundaries," etc. He mentioned that the Iowa Secretary of State's office had purchased software to help with re-precincting. GIS Coordinator Ben McConville has gone through training to use the software and to create a map for the City of Ames.

Council Member Gartin wanted to know what the City had previously done regarding the maps. Attorney Lambert said that ten years ago the City had drawn its own maps. Mr. Gartin asked if it is a burden on staff to have the City create its own map. Mr. Lambert explained that he had spoken with Mr. McConville and was told it would take a couple of days to draw a map; however, the Legal Department would need to write a detailed Ordinance.

Council Member Martin wanted to know what level of direction the Council should give regarding the maps. He inquired if the Council directed staff to go ahead and draw the maps, would there be any reason that the Council would expect the maps from the County to be a lot different. Attorney Lambert indicated that he couldn't imagine that the maps would be a lot different. All the wards would need to approximately have the same amount of people in them and the wards have to be contiguous and compact.

Council Member Junck inquired what the time constraints would be if the Council waited for the map from Story County before the City drew its own. Mr. Lambert anticipated it would take a couple of weeks after the Legislature approves the maps and adopts the State Plan.

Moved by Gartin, seconded by Corrieri, to approve Option 2, which was to have City staff prepare a second map so that more than one map can be considered.

Council Member Beatty-Hansen commented that she would rather prefer to see what the County Auditor does.

Council Member Gartin mentioned that this is not something this Council has done before. Historically, the City has prepared its own map and he wanted to make it a staff-driven exercise. Mr. Gartin felt the City should do their own.

Vote on Motion: 3-3. Voting Aye: Betcher, Corrieri, Gartin. Voting Nay: Beatty-Hansen, Junck, Martin. Motion failed.

Moved by Junck, seconded by Beatty-Hansen, to approve Option 1, directing staff to wait until the Council sees the map produced by the Story County Auditor, and then decide whether to adopt that map or request City Staff to develop an alternative map.

Council Member Martin said that he was having difficulty understanding how anyone else's map would compare to what the City would do, but doesn't see a problem with having someone else do the work of putting a map together.

Vote on Motion: 5-1. Voting Aye: Beatty-Hansen, Betcher, Corrieri, Junck, Martin. Voting Nay: Gartin. Motion passed.

STAFF REPORT ON AMES 2040 PLAN COMMENTS: Planning and Housing Director Kelly Diekmann noted that attached to the Staff Report were all the comments that were received regarding the Ames 2040 Plan. Mr. Diekmann mentioned there were some questions about the map itself regarding Land Use Designations and staff has some other edits they would like to make to the map after reviewing the comments. He noted that staff will be coming before the Council at the next meeting to review the recommended map changes. Staff is looking for any feedback from the Council, and if more time is needed to review the comments, that would be fine, but would need to have direction at the next City Council meeting to keep on schedule.

Council Member Betcher noted that the Council received a very lengthy email concerning this topic earlier today, and she would like to have more time to review all the input that was received from the community. Ms. Betcher was supportive of not giving any direction tonight and waiting until the next meeting.

Council Member Beatty-Hansen said she also liked the idea of waiting until the next meeting to provide feedback.

Mayor Haila indicated that he had had a previous discussion with a citizen who had inquired about the Residential Low-Density Park (RLP) or a manufactured home park. The Mayor noted it was not referred to anywhere in the Plan and wanted to know if there was an appropriate place to put the RLP. Director Diekmann explained that in the Land Use Chapter with each designation, whether it is Residential Neighborhood (RN) or not, there is a corresponding Zoning District listed for educational purposes. It was pointed out that RLP is not in any of the Land Use Designations, but later in the Chapter under the "matrix of compatibility." RLP is listed as provisional within RN-3 (suburban medium and high-density designation). If staff were to follow current policy the RLP would be in RN-3, subject to a rezoning and site plan review by City Council. Many RLPs are currently located in high-density designations. Director Diekmann indicated it could be a policy question as to if RN-3 should be located in a low- or high-density land use designation. The 1997 LUPP says a RLP could be placed in either density. The Mayor asked if the matrix gave any indication if a RLP should be in low or high density. Mr. Diekmann stated that it indicates "provisional" for both densities. It was asked if Director Diekmann had a recommendation of where to put a RLP. Mr. Diekmann indicated that very few Comp Plans take that specific land use into significant consideration and it is often relegated as a secondary status as it is not a common development pattern. He felt it would be up to the Council as to where they felt the RLP should go. Director Diekmann felt it should go into RL-5 as that is where most RLPs are, but if the

Council wanted to indicate other zones, that would be possible as well.

Moved by Gartin, seconded by Junck, to direct staff to add the RLP Zoning District as a corresponding zoning district for both RN-3 and RN-5.

Council Member Martin stated he was looking at the chart on Page 70 of the Draft Ames 2040 Plan, specifically at RN-3 (Expansion) and RN-3 (Multifamily) and asked if he was reading that correctly. Director Diekmann indicated that there was a typo as RN-3 (Multifamily) should be RN-5 (Multifamily).

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

Council Member Gartin said that he would like to have more time to review the comments and asked if everything would be updated on the City website to be in one location. Mr. Diekmann noted that everything that was in the Council's packet was everything he had received except for the email from Scott Renaud that was received earlier. Mr. Gartin wanted to know if additional feedback could still be received. Mr. Diekmann noted that citizens can still submit comments through the website or through planning staff for the next couple of weeks. Director Diekmann will email any new information that comes in to the Council.

On October 26, 2021, Mr. Diekmann will be coming before the Council asking for changes to the map and any additional changes that are recommended before the Public Hearing will start.

Mayor Haila opened public input and closed it when no one came forward.

Director Diekmann noted that when it comes to the map, one thing that the Council will hear is what is the level of precision on the map. Commonly Comp Plans are not meant to be precise, but a little "fuzzy" on the boundaries. He thought that one area that will have a lot of discussion will be the Natural Area Designations. The style of map that the Council has seen before shows property lines and will not be to the inch level on the map. He mentioned that the Council did not have the Implementation Chapter of the Plan, and staff intentionally did that as they wanted to know where they were going with the Plan before staff wrote how the implementation was going to happen. Director Diekmann suggested that, due to the nature of the Plan, staff should catalog every action and policy in it and say it has a certain timeline or is an ongoing activity. He felt there were 10-15 significant projects that need to happen, and Council needs to make a list of what staff needs to work on as a City for the next 10-15 years.

STAFF REPORT ON SETBACKS FOR ACCESSORY STRUCTURES AND DETACHED GARAGES ON SINGLE-AND TWO-FAMILY LOTS: City Planner Benjamin Campbell explained that Grant Thompson of 407 Pearson Avenue in Country Club Estates contacted Council regarding his inability, by *Code*, to demolish and rebuild an existing non-conforming garage. The accessory structure is considered nonconforming regarding the setbacks. The current garage is deteriorating, and Mr. Grant would like to replace it in the same location. Remodeling and rehabilitation of the garage would be permitted by the Zoning Ordinance; however, replacement of a nonconforming structure is prohibited. The current garage is approximately six feet from the rear (west) property line and estimated to be several inches from the side (north) property line. The minimum setback in the Residential Low Density (RL) requires a minimum setback of 20 feet from the rear property line and eight feet from the side

property line. Although the Zoning Ordinance has exceptions for accessory buildings that allow reduced setbacks of as little as three feet, they do not apply in this situation. There is no allowance to rebuild or place a structure at a setback of less than three feet anywhere within the single-family zoning district. The homeowner could build a new garage on the property by complying with the setbacks, but doing so would significantly reduce the usable area of the rear yard. The nonconforming standards apply uniformly across the City for all types of structures. While having a garage is not a right guaranteed by the Zoning Ordinance, nor is it even required, it is generally recognized as desirable along with having usable yard space on a property. Mr. Campbell noted that the City does allow for accessory structures to encroach into setbacks per *Code* Section. 29.408(7)(a)(i); however, it does state that “a detached garage or accessory building wholly...,” and the word “wholly” has been interpreted as that the accessory structure can be three feet from the property line if it is “wholly” within the rear yard/completely behind the primary structure. Mr. Campbell noted that staff had done a visual survey in Old Town and the neighborhood south of Campus and found that over 600 properties have nonconforming structures. Staff also looked at Accessory Structure Ordinances for Ankeny, Des Moines, West Des Moines, and Iowa City. Each city had different standards, but were generally three to five feet for setbacks of accessory structures. Planner Campbell stated that the options available for the Council were to:

1. Modify Setbacks for All Accessory Structures (New and Existing)
 - a. Adjust the rear yard exception to apply across the rear yard (from side lot line to side lot line, behind the primary structure) regardless of whether it is partially in a side yard.
 - b. Change the side-yard setbacks as well as when the structure is located within a rear yard by allowing for side setbacks to also be reduced to three feet.
2. Create Reconstruction Standards for Nonconforming Accessory Structures
3. Amend the Zoning Ordinance to address both Option 1 and 2
4. Modify “Minor Area Modification” Exceptions to include Accessory Structures
5. Decline the request

Council Member Gartin mentioned that there was another benefit to Option 2 that was not noted, and that was that the community would benefit from having buildings that were falling apart be replaced. He said that he was leaning towards Option 2.

Council Member Beatty-Hansen commented that she liked Option 2 as well, but was leaning more towards Option 3 as it had parts of Options 1 and 2. Council Member Junck stated she was leaning towards Option 3 as well as it doesn’t just focus on only non-conforming garages, but also allows for other opportunities for other types of garages. Ms. Beatty-Hansen stated that the properties need to be maintained in order to maintain a good quality stock of housing and accessory structures.

Council Member Betcher noted that in her neighborhood there is a garage that is within inches of the property line, and there are a number of houses that have a similar situation. She was concerned about how much additional paving there might be in order to create conformity. Ms. Betcher asked if there was a planning reason to seek conformity. Director Diekmann explained that once a standard is set, the City is expected to have it be applied equally.

Council Member Beatty-Hansen asked if the Council was going to make a motion regarding Option 1 would they need to specify Option 1A or Option 1B. Director Diekmann confirmed that was correct as

Option 1A and 1B are different. He noted that there are a lot of nuances to zoning. Accessory garages are controlled by 25% of a rear yard being able to have accessory structures, height restrictions, and the maximum size is 900 square feet. Another issue is that a garage is an accessory, so it is supposed to be subordinate to a house, which means a garage can't be bigger than the house.

Council Member Gartin inquired what other communities were doing regarding rebuilding. Mr. Campbell stated he did not research that particular criteria, but could go back and get more information if the Council wanted. Mr. Gartin said to look at Iowa City as they have a similar housing development to Ames, but doesn't know if that would be a worthwhile thing to pursue. He asked staff to explain the difference between Options 1A and 1B. Director Diekmann explained that Option 1A would legitimize a three-foot setback for any structure whether it is behind the primary structure or not; Option 1B would give relief to the side setback. Mr. Gartin asked if Option 1B would help more people. Mr. Diekmann stated that Option 1B would help the narrower lots that are trying to get the garage to work to maneuver around the house while trying to get a straight alignment. Council Member Junck asked if they could move to approve Option 1A, Option 1B, and Option 2. It was confirmed that could be done.

The Mayor wanted to clarify that the recommended changes would apply to the entire City, not just Old Town, Campustown, and overlay areas. Mr. Diekmann stated that under Option 1A and 1B, it would be universal across the City. Council Member Gartin commented that he doesn't believe there would be those types of accessory buildings in newer developments as the developer wouldn't have been able to get a building permit. Council Member Beatty-Hansen agreed and noted that some areas aren't in bad shape yet. Mayor Haila said he was trying to weed out any possible challenges.

Council Member Martin mentioned that this topic was interesting as there would be a trade-off; there might be more configurations available if the Council chose Option 1A and 1B. He was leaning towards asking for Option 1A and Option 2. He felt that finding middle ground would be the way to go.

Council Member Gartin noted that Option 1A would create some limitations, so if someone says, "I don't like my neighbor so I am going to put my gazebo as close to the lot line as possible," and Option 1A would create some spacing as opposed to going with Option 1B.

Council Member Betcher mentioned that the Council will be discussing Accessory Dwelling Units with the Ames 2040 Plan and wanted to know how this change would affect the Plan. Director Diekmann explained that there will be a whole set of new standards for Accessory Dwelling Units. He commented that whatever the Council decides will be brought before the Planning & Zoning Commission and public input will be asked for at that time, and then a Hearing will be held with the City Council.

Mayor Haila opened public comment.

Grant Thompson, 407 Pearson Avenue, Ames, stated that in staff's visual survey they had identified more than 50% of the properties would apply to the issue of setbacks. He mentioned that the perimeters could be expanded, but felt that one way or another something needed to be done. Mr. Thompson explained that with the modern aesthetic of homes, there is typically an attached garage in the forefront, while in the past there would have been a house and a detached garage in the back of the house. He noted that garages aren't built in the back of the home anymore. He explained that when discussing

options, Option 1A would be more beneficial to him. Option 1B would only allow his garage to be the width of his driveway and he would still have to move his garage to make the side-yard setback. This would not work for the turn radius of modern vehicles. Mr. Thompson pointed out that if the idea is to compact communities, reuse, and reinvest in the current building stock, the ability to put back what was there holds value. Council Member Beatty-Hansen asked if Option 2 would be helpful to Mr. Thompson. He commented that Option 2 would allow him to rebuild with the same footprint. Mr. Campbell noted that if the owner was to take down the garage and rebuild exactly as is, it would still be a small garage that doesn't fit current standard size vehicles.

Shari Reilly, 53273-110th Street, Story City, stated that she wanted to speak on the effect some of these garages have on neighbors. She explained that people buy homes based on what they see when they buy it and if the accessory buildings are already there, she doesn't see why it would be a problem if the structure was rebuilt with a similar footprint. Ms. Reilly didn't feel that the neighbor issue was significant.

Public comment was closed by the Mayor when no one else came forward.

Moved by Gartin, seconded by Martin, to approve Option 1A and Option 2: Modify Setbacks for all Accessory Structures (New and Existing) to adjust the rear yard exception to apply across the rear yard (from side lot line to side lot lint, behind the primary structure) regardless of whether it is partially in a side yard. This would allow for a rear three-foot setback for any structure located behind the home, but still require a 6-or 8-foot side yard setback that applies across the City; Create Reconstruction Standards for Nonconforming Accessory Structures.

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

Director Diekmann mentioned that this item will go before the Planning & Zoning Commission in November and then come back to the Council.

DISCUSSION OF HOME - AMERICAN RESCUE PLAN GRANT AGREEMENT WITH THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT: Housing Coordinator Vanessa Baker-Latimer noted that a Grant Agreement came in the mail prior for the Home American Rescue Plan Funds (HOME-ARP). On April 8, 2021, the City of Ames was notified that it would be receiving \$1,269,248 of the HOME-ARP funding; this is in addition to the City's regular 2021/22 HOME funding of \$350,543. The HOME-ARP Grant Agreement allows jurisdictions more resources to address homeless assistance needs by creating affordable housing, non-congregate housing, providing tenant-based rental assistance, and supportive services for qualifying populations. HOME-ARP funds must be used for individual or families from the following qualifying populations: homeless; at-risk of homelessness; fleeing or attempting to flee domestic violence, dating violence, sexual assault, stalking, or human trafficking; other populations where providing assistance would prevent the family's homelessness or would serve those with the greatest risk of housing instability; and veterans and families that include a veteran family members that meet the criteria. HOME-ARP funds can be used for four eligible activities: 1) production or preservation of affordable housing; 2) tenant-based rental assistance; 3) homeless prevention; and, 4) development of non-congregate shelter for individuals and families. Ms. Baker-Latimer noted that this was an interesting Grant Agreement as there are some guidelines that she had never seen before. The Program will provide for up to 15 percent of the allocation for administrative

and planning costs of the participating jurisdiction (PJ) and for subrecipients administering all or a portion of the Grant. She explained that the City may use up to five percent of its total award, approximately \$63,462, for administrative and planning costs once the Grant Agreement has been signed and returned to the designated field office. One of the greatest issues for this Grant is that the City would need to develop a HOME-ARP Allocation Plan that would need to be approved by HUD. She noted that she is currently in training to find out what can and can't be included in the Allocation Plan. The current 2021/22 CDBG/HOME Annual Action Plan would also need to be amended.

Ms. Baker-Latimer stated that there will be time for public feedback during the process. Over the next several weeks staff will be meeting with Legal, Finance, Purchasing, Inspections, Public Works, and other Departments for their support and assistance with the possible implementation of this Program. She noted that the City will have until September 3, 2030, to access the funds, and any remaining funds will be returned to the US Treasury.

Council Member Gartin asked if there was a possibility of there being any "strings attached" that staff was not aware of. Ms. Baker-Latimer noted that there was some language in the letter that she had never seen before that referenced that the Agreement would be a legally binding contract, that the City would be responsible for the entire administration of the Program, and if funds were not correctly spent, they would have to be paid back with non-federal funds. She noted that because it is HOME funding it will be a lot more complicated. Ms. Baker-Latimer will be going back to make sure that she fully understands all the idiosyncrasies and complexities of this Grant.

Council Member Gartin wanted to know if there were any requirements for a City match. Ms. Baker-Latimer noted that there is not any for the HOME-ARP funds. Mr. Gartin wanted to confirm that the City received the full Agreement, but just hadn't received all the rules. Ms. Baker-Latimer explained that the Agreement is separate from the rules as there are over 200 pages of rules. She mentioned that she is going through the training, but has not gone to Legal at this time. Mr. Gartin felt this was different from what the City has received before as they are asking for an Agreement to be signed when the City doesn't fully know all the rules yet. Ms. Baker-Latimer noted that there are basic rules and will be more stipulatory because of the categories. City Manager Steve Schainker mentioned that times are different and gave an example of the CARES funds that the City had received. Director Diekmann noted that the City is not going to spend the money before knowing what the City can and can't do with the funding.

Council Member Betcher wanted to know about the last bulleted item, "the purchase or development of non-congregate shelter for individuals and families experiencing homelessness," specifically asking if this was a brick and mortar item. It was confirmed that it would be a brick and mortar. Ms. Baker-Latimer noted that this Grant does not help anyone with buying a home or building a home.

City Manager Schainker inquired if this Grant would provide assistance with daycare. Ms. Baker-Latimer didn't think this one would cover daycare, but there is another grant that is coming from the State that may be able to help with daycare.

The Mayor stated that an email was received from Lauris Olson, and since she was unable to attend, he wanted to make sure Ms. Olson's questions were answered. The first question was if the City set the framework in terms of who the funds could be allocated to. Ms. Baker-Latimer stated she is not sure as

that is yet to be determined. There will be plenty of time for public feedback. Mayor Haila mentioned that he will reply to Ms. Olson letting her know that the City would only be approving receiving the funds, and the rules/criteria would be determined later.

Mayor Haila opened public input

Richard Deyoe, 505-8th Street, #2, Ames, Iowa, asked if any other towns had received this type of funding. Ms. Baker said that all the entitlements in Iowa received their own specific funding. The State of Iowa received \$29 million that will be distributed to cities that are under 50,000.

The Mayor closed public input when no one else came forward to speak.

Moved by Junck, seconded by Corrieri, to adopt RESOLUTION NO. 21-542 authorizing the Mayor to sign the 2021 HOME Investment Partnerships- American Rescue Plan (HOME-ARP) Grant Agreement in the amount of \$1,269,248.

Roll Call Vote: 5-1. Voting Aye: Beatty-Hansen, Betcher, Corrieri, Junck, Martin. Voting Nay: Gartin. Resolution declared adopted, signed by the Mayor, and hereby made a portion of these Minutes.

Moved by Betcher, seconded by Corrieri, to direct staff to proceed with the next steps to create a HOME Allocation Plan and an Amendment to the City's 2021/22 CDBG/HOME Annual Action Plan.

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

AWARDING CONTRACT TO A & B CONSTRUCTION LTD OF HARPER, IOWA, TO MOVE THE EXISTING HOOP FRAMING FROM 700 E. 5TH STREET TO 309 CARNEGIE AVENUE AND ERECT A 50' X 200' HOOP BUILDING FOR COLD MATERIAL STORAGE IN THE AMOUNT OF \$63,662: Mayor Haila declared the public hearing open. He closed the hearing after no one came forward to speak on this issue.

Moved by Beatty-Hansen, seconded by Junck, to adopt RESOLUTION NO. 21-543 awarding a contract to A & B Construction LTD of Harper, Iowa, to move the existing hoop framing from 700 E. 5th Street to 309 Carnegie Avenue and erect a 50' x 200' hoop building for cold material storage in the amount of \$63,662.

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

HEARING ON VOLUNTARY ANNEXATION WITH NON-CONSENTING PROPERTY OWNERS LOCATED NORTH OF LINCOLN HIGHWAY AND WEST OF AMES CORPORATE LIMITS TO BOONE COUNTY ALONG N. 500TH: Planning and Housing Director Kelly Diekmann mentioned that the initial petition was for one property, and the City Council voted to initiate the annexation of four parcels. State law permits a voluntary annexation to include up to 20% of the territory with non-consenting abutting property owners for the purpose of eliminating islands or creating more uniform boundaries. There are three parcels considered non-consenting as part of the annexation that are included in order to make uniform boundaries along North 500th Avenue. Staff is recommending approval to move forward; if City Council approves the annexation, the request will go

before the City Development Board due to the 80/20 annexation process of including non-consenting property owners.

Council Member Beatty-Hansen asked why the Planning & Zoning Commission voted 3-1 to not approve the 80/20 annexation. Director Diekmann stated that he was at the meeting and didn't recall a discussion before the motion and when reviewing the minutes again, there were not any statements from the Commission as to why they voted "Nay."

The public hearing was opened by Mayor Haila. No one came forward to speak on this topic, and the hearing was closed.

Moved by Beatty-Hansen, seconded by Gartin, to adopt RESOLUTION NO. 21-544 approving the 80/20 annexation of four parcels and abutting rights-of-way, totaling 33.36 acres (rights-of-way acreage included in calculation), for the properties located immediately west of the Ames corporate limits and extending westward to the Boone County line along North 500th Avenue, in Washington Township, Story County, Iowa by finding that the proposed annexation is consistent with the Land Use Policy Plan and Urban Fringe Plan, and that the proposed annexation territory creates more uniform boundaries.
Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

ORDINANCE REMOVING ALL PARKING REQUIREMENTS FOR AUDITORIUMS, THEATERS, STADIUMS, AND ARENAS WITHIN THE DOWNTOWN SERVICE CENTER AND CAMPUSTOWN SERVICE CENTER ZONING DISTRICTS: Moved by Beatty-Hansen, seconded by Junck, to pass on third reading and adopt ORDINANCE No. 4449 removing all parking requirements for auditoriums, theaters, stadiums, and arenas within the Downtown Service Center and Campustown Service Center Zoning Districts.

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

ORDINANCE, AS PREVIOUSLY AMENDED, CREATING THE RESIDENT POLICE ADVISORY COMMITTEE: Moved by Junck, seconded by Corrieri, to pass on third reading and adopt ORDINANCE No. 4450, as previously amended, creating the Resident Police Advisory Committee.

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

DISPOSITION OF COMMUNICATION TO COUNCIL: Mayor Haila explained that there was one item for discussion, but also an email from Lorna Carroll about bike infrastructure. Council Member Gartin stated he had replied to Ms. Carrol letting her know about the Workshop on October 19, 2021.

A Memo from City Manager Steve Schainker was in response to an email that the Council received from Susie Petra on September 14, 2021, requesting that the City Council consider altering how waste collection services are provided in the City of Ames.

City Manager Schainker noted that the City currently has an "open garbage" collection system. This is where citizens can pick their own garbage company, which can cause a lot of extra traffic, noise, and

wear and tear on the streets. Ms. Petra had recommended going to an organized collection system; where the City of Ames would try to coordinate the hauling of garbage through a franchise or bidding the services out. City staff were intrigued by the idea and the possible benefits, but the team Mr. Schainker would have asked to study this concept is currently engaged in the Solid Waste Recovery System Study. He would like to pursue the idea, but would like to complete the other study first. Staff will need to determine the legal authority to regulate garbage companies in the State of Iowa and check with other cities that have gone to an organized system. Mr. Schainker mentioned that a discussion will also need to be had with the garbage haulers in the area.

Moved by Beatty-Hansen, seconded by Betcher, to direct staff to proceed with the study at the timing that the City Manager recommended, but in the meantime broach this topic with the City's current consultant on the Waste-to-Energy audit so that they can give feedback.

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

COUNCIL COMMENTS: Council Member Martin noted that a public comment from the Ames 2040 Plan had caught his eye about lack of sidewalks on either side of SE 16th Street. He explained that the person who wrote the comments did not leave any contact information, but thought it would be helpful to see what the situation was in this neighborhood. Mr. Martin also recommended looking at the City's current Policy to see what needs to be done.

Moved by Martin, seconded by Junck, to ask the City Manager to provide a memo addressing the issue of sidewalks raised in the comments on SE 16th Street.

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

Council Member Gartin reminded everyone that next Tuesday, October 19, 2021, is the Workshop on Bike Infrastructure and he encouraged the public to attend and provide feedback.

Council Member Betcher noted that tomorrow is the first day to do early voting at the Story County Auditor's Office.

The Mayor asked for more information on the ISU Homecoming. *Ex officio* Poundstone mentioned that on Sunday, October 17, 2021, at 2 p.m. in Downtown Ames the ISU Homecoming parade will be held.

ADJOURNMENT: Moved by Betcher to adjourn the meeting at 8:16 p.m.

Amy L. Colwell, Deputy City Clerk

John A. Haila, Mayor

Diane R. Voss, City Clerk