

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

AMES, IOWA

MAY 13, 2014

The Regular Meeting of the Ames City Council was called to order at 7:04 p.m. on May 13, 2014, in the City Council Chambers in City Hall, 515 Clark Avenue pursuant to law with Mayor Ann Campbell presiding and the following City Council members present: Gloria Betcher, Amber Corrieri, Tim Gartin, Matthew Goodman, Chris Nelson, and Peter Orazem. *Ex officio* member Lissandra Villa was also present.

**PROCLAMATION FOR PEACE OFFICERS MEMORIAL DAY:** May 15, 2014, was proclaimed as Peace Officers Memorial Day by Mayor Campbell. Accepting the Proclamation were Ames Police Chief Charles Cychosz, Commander Jason Tuttle, Lieutenant Jeff Brinkley, and Sergeant Rory Echer.

**PROCLAMATION FOR BIKE TO WORK WEEK:** May 10 - 16, 2014, was proclaimed as Bike to Work Week by Mayor Campbell. On behalf of the Healthiest Ames Initiative and Ames Bicycle Coalition, Cheryl Langston, Greg Welk, John Shierholz, Ronn Ritz, and Jim Gregory accepted the Proclamation.

**PROCLAMATION FOR NATIONAL PUBLIC WORKS WEEK:** May 18 - 24, 2014, was proclaimed as National Public Works Week by Mayor Campbell. Accepting the Proclamation were City of Ames Traffic Engineer Damion Pregitzer and Operations Manager Corey Mellies.

**PROCLAMATION FOR BUILDING SAFETY MONTH:** May 2014 was proclaimed as Building Safety Month. On behalf of the Ames Fire Department, Fire Chief Shawn Bayouth and Building Official Seana Perkins accepted the Proclamation.

**CONSENT AGENDA:** Mayor Campbell asked to pull Consent Item No. 50 (Plat of Survey for 300, 306, & 312 Abraham Drive) for separate discussion.

Council Member Goodman asked to pull Consent Item No. 25 (requests for Summerfest in Campustown) for separate discussion.

Moved by Goodman, 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 April 22, 2014, and Special Meetings of April 15, 2014, and May 6, 2014
3. Motion approving certification of civil services applicants
4. Motion approving Report of Contract Change Orders for April 16-30, 2014
5. Motion approving renewal of the following beer permits, wine permits, and liquor licenses:
  - a. Special Class C Liquor – Mongolian Buffet, 1620 S. Kellogg Avenue, #103
  - b. Class E Liquor, C Beer, and B Wine – Walgreen’s #12108, 2719 Grand Avenue
  - c. Class B Beer – Jeff’s Pizza Shop, 2402 Lincoln Way
  - d. Class C Liquor – Mother’s Pub, 2900 West Street
  - e. Class C Liquor - Red Lobster #747, 1100 Buckeye Avenue
  - f. Class C Liquor – Lucullan’s Italian Grill, 400 Main Street
  - g. Class C Beer & B Native Wine – Tobacco Outlet Plus #530, 204 South Duff Avenue
  - h. Special Class C Liquor – Octagon Center for the Arts, 427 Douglas Avenue
6. Motion approving sign encroachment permit for The Salon, 323 Main Street
7. Motion approving new Class B Beer Permit for Chicha Shack, 131 Welch Avenue

8. Motion delegating to staff the ability to administratively approve the closure of the Duff Avenue railroad crossing to facilitate the Union Pacific Railroad maintenance of the crossing
9. RESOLUTION NO. 14-214 approving Appendix W: Sanitary Sewer Connection District Maps and Schedule of Fees and Water Connection District Map and Schedule of Fees
10. RESOLUTION NO. 14-215 accepting GreaterGood.org grant for Animal Shelter & Control pertaining to Shelter Renovation Project
11. RESOLUTION NO. 14-216 approving U.S. Highway 69 Detour Agreement with the Iowa Department of Transportation
12. RESOLUTION NO. 14-217 approving City Highway Bridge Program Project Agreement with Iowa DOT for 6<sup>th</sup> Street Bridge over Squaw Creek
13. RESOLUTION NO. 14-218 approving Iowa DOT Transportation Enhancement Funding Agreement for 2007/08 Shared-Use Path System - Skunk River Trail Extension (Ada Hayden Heritage Park to Bloomington Road)
14. RESOLUTION NO. 14-219 approving 2014 Story County Multi-Jurisdictional Local Hazard Mitigation Plan
15. RESOLUTION NO. 14-220 of Support and Program Agreement for Main Street Iowa for Main Street Cultural District
16. RESOLUTION NO. 14-221 approving renewal of Agreement with Wellmark BCBS of Iowa for administrative services, specific and aggregate excess coverage, and network access for health benefits for FY 2014/15
17. RESOLUTION NO. 14-222 accepting proposal from National Insurance Services for continuing the current Group Life and Long-Term Disability policies for new three-year period (July 1, 2014 - June 30, 2017)
18. RESOLUTION NO. 14-223 naming all activities sponsored by Ames 150 Steering Committee and subcommittees as City of Ames activities and allowing them to be covered under City's liability insurance (not activities by private or for-profit agencies or street vendors)
19. Requests from Premier Event Management for HyVee 5k for Kids on Sunday, July 27:
  - a. RESOLUTION NO. 14-224 approving closure of portion of Beach Avenue and Country Club Boulevard from approximately 9:00 a.m. to 11:00 a.m.
20. Requests from Ames Patriotic Council for Memorial Day Parade on Monday, May 26, 2014:
  - a. RESOLUTION NO. 14-225 closing south half of Parking Lot M from 9:00 a.m. until approximately 11:00 a.m. for staging parade
  - b. RESOLUTION NO. 14-226 approving closure of 5<sup>th</sup> Street from Grand Avenue to Clark Avenue from 9:00 a.m. until 11:00 a.m. for line-up and start of parade
  - c. RESOLUTION NO. 14-227 approving temporary closure of Clark Avenue (from 5<sup>th</sup> Street to 9<sup>th</sup> Street), 9<sup>th</sup> Street (from Clark to Maxwell), 6<sup>th</sup> Street (at Clark) and Duff Avenue (at 9<sup>th</sup> Street), as parade moves through intersections
21. Requests from Main Street Cultural District (MSCD) for spring/summer events:
  - a. ArtWalk on Friday, June 6:
    - i. Motion approving blanket Temporary Obstruction Permit for MSCD sidewalks from 3:00 p.m. to 8:00 p.m. and blanket Vending License from 8:00 a.m. to 8:00 p.m.
    - ii. RESOLUTION NO. 14-231 approving waiver of parking meter fees and enforcement for MSCD from 3:00 p.m. to 6:00 p.m.
    - iii. RESOLUTION NO. 14-232 approving waiver of fee for blanket Vending License
    - iv. RESOLUTION NO. 14-233 closing six parking spaces near intersection of Main Street and Kellogg Avenue for food vendors
  - b. MusicWalk on Thursday, June 19:

- i. Motion approving blanket Temporary Obstruction Permit and blanket Vending License from 3:00 p.m. to 10:00 p.m.
  - ii. RESOLUTION NO. 14-234 approving waiver of fee for blanket Vending License
  - iii. RESOLUTION NO. 14-235 approving usage of electricity and waiver of costs
  - iv. RESOLUTION NO. 14-236 approving waiver of parking meter fees and enforcement for MSCD from 3:00 p.m. to 6:00 p.m.
  - v. RESOLUTION NO. 14-237 approving closure of up to 30 parking spaces along Main Street for outdoor seating areas
  - c. Summer Sidewalk Sales on July 24 - 26:
    - i. Motion approving blanket Temporary Obstruction Permit and blanket Vending License
    - ii. RESOLUTION NO. 14-238 approving suspension of parking regulations in CBD from 8:00 a.m. to 6:00 p.m
    - iii. RESOLUTION NO. 14-239 approving waiver of fee for blanket Vending License
22. Requests from Ames 150 Committee and Main Street Cultural District for Ames 150<sup>th</sup> and 4<sup>th</sup> of July Celebration:
- a. Motion approving blanket Temporary Obstruction Permit and blanket Vending License for Central Business District from 8:00 a.m. on July 4 to 10:00 p.m. on July 5
  - b. RESOLUTION NO. 14-240 approving waiver of parking meter fees and enforcement on Main Street from the CBD Lot entrance to Kellogg Avenue, and Douglas Avenue from Main Street to 5<sup>th</sup> Street, from 3:00 p.m. on July 3 through 10:00 p.m. on July 5
  - c. RESOLUTION NO. 14-241 approving waiver of parking meter fees and enforcement for entire Central Business District from 6:00 p.m. on July 3 through 10:00 p.m. on July 5
  - d. RESOLUTION NO. 14-242 approving closure of Main Street from CBD Lot to Kellogg Avenue, Douglas Avenue from Main Street to 5<sup>th</sup> Street, and the northeast section of CBD Lot Z (18 spaces), from 6:00 p.m. on July 3 through 10:00 p.m. on July 5, for 150<sup>th</sup> setup and activities
  - e. RESOLUTION NO. 14-243 approving closure of Clark Avenue, from 5<sup>th</sup> Street to 6<sup>th</sup> Street, from 6:00 p.m. on July 3 to the conclusion of the parade on July 4, for City Council Community Pancake Breakfast
  - f. RESOLUTION NO. 14-244 approving closure of portions of Main Street, Northwestern Avenue, 5<sup>th</sup> Street, 6<sup>th</sup> Street, Douglas Avenue, Burnett Avenue, Kellogg Avenue, Clark Avenue, Allan Drive, and Pearle Avenue; and Parking Lots V, TT, M, MM, Q, and N, from 6:00 a.m. to approximately 3:00 p.m. on July 4 for parade activities and volunteer parking
  - g. RESOLUTION NO. 14-245 approving waiver of utility fees for use of outlets and water and waiver of Vending License fee
23. RESOLUTION NO. 14-246 approving preliminary plans and specifications for 2014/15 Shared-Use Path Maintenance Project (South 4<sup>th</sup> Street); setting June 4, 2014, as bid due date and June 10, 2014, as date of public hearing
24. RESOLUTION NO. 14-247 approving preliminary plans and specifications for Phase 1 of City Maintenance Facility (Edison Street) Re-Roofing Project; setting June 11, 2014, as bid due date and June 24, 2014, as date of public hearing
25. RESOLUTION NO. 14-248 approving preliminary plans and specifications for WPC Raw Water Pump Station Make-Up Air Unit Replacement; setting June 12, 2014, as bid due date and June 24, 2014, as date of public hearing
26. RESOLUTION NO. 14-249 approving preliminary plans and specifications for Water Pollution Control Facility Switchgear Control Replacement Project; setting June 12, 2014, as the bid due date and June 24, 2014, as date of public hearing

27. RESOLUTION NO. 14-250 approving contract with Tyler Technologies, Inc., for Inspections software, installation services, and associated hardware at a cost of \$238,200
28. RESOLUTION NO. 14-251 awarding contract to Independent Salt Company of Kanopolis, Kansas, for Purchase of Rock Salt Requirements for 2014/15 Ice Control Program for Public Works Department in the amount of \$65.74 per ton
29. RESOLUTION NO. 14-252 awarding contract to Coatings Unlimited, Inc., of Bridgeton, Missouri, for Coat Concrete Acid Containment Structure at Power Plant for Electric Services Department in the amount of \$35,370 (plus applicable sales taxes to be paid by City to State)
30. Valve Maintenance, Testing, Repair, Replacement, and Related Services and Supplies for Electric Services Department:
  - a. RESOLUTION NO. 14-253 renewing contract with Allied Valve, Inc., of Bettendorf, Iowa, in an amount not to exceed \$70,000
  - b. RESOLUTION NO. 14-254 approving contract and bond
31. Specialized Cleaning Services, including Grit Blasting, Hydro Blasting, Detonation Blasting, and Vac Truck Services for Electric Services Department:
  - a. RESOLUTION NO. 14-255 renewing contract with W-S Industrial Services, Inc., of Council Bluffs, Iowa, in an amount not to exceed \$199,000 for FY 2014/15
  - b. RESOLUTION NO. 14-256 approving contract and bond
32. RESOLUTION NO. 14-257 renewing contract with ChemTreat, Inc., of Glen Allen, Virginia, for Chemical Treatment Services and Supplies for Electric Services Department in an amount not to exceed \$260,000 for FY 2014/15
33. RESOLUTION NO. 14-258 renewing contract with Diamond Oil Company of Des Moines, Iowa, for Supply of Diesel Fuel to Power Plant for Electric Services Department in an amount not to exceed \$588,000
34. Power Plant Breaker and Relay Maintenance for Electric Services Department:
  - a. RESOLUTION NO. 14-259 renewing contract with Tri-City Electric Company of Iowa of Davenport, Iowa, in an amount not to exceed \$180,000
  - b. RESOLUTION NO. 14-260 approving contract and bond
35. RESOLUTION NO. 14-261 renewing contract with Air Hygiene of Broken Arrow, Oklahoma, for Emissions Testing for Steam Electric Plant and Combustion Turbine Generator for Electric Services Department in an amount not to exceed \$55,000 for FY 2014/15
36. RESOLUTION NO. 14-262 renewing contract with Burns & McDonnell of Chesterfield, Missouri, for Fire Risk Mitigation professional services for Electric Services Department in an amount not to exceed \$50,000
37. Power Plant Maintenance Services for Electric Services Department:
  - a. RESOLUTION NO. 14-263 renewing contract with ProEnergy Services, LLC, of Sedalia, Missouri, in an amount not to exceed \$800,000
  - b. RESOLUTION NO. 14-264 approving contract and bond
38. RESOLUTION NO. 14-265 approving contract and bond for WPC Facility Electrical Transformer Replacement Project
39. RESOLUTION NO. 14-266 approving contract and bond for 2013/14 Concrete Pavement Improvements (Knapp Street and Lynn Avenue)
40. RESOLUTION NO. 14-267 approving contract and bond for 2012/13 Concrete Pavement Improvements Program #1 (Wheeler Street)
41. RESOLUTION NO. 14-268 approving Change Order to Flowserve contract deleting two pumps from the contract and accepting modifications to the contract terms and conditions, as negotiated by the City Attorney, for Water and Pollution Control First Stage Trickling Filter Vertical Turbine Solids Handling Pumps

42. RESOLUTION NO. 14-269 approving partial completion of public improvements and lessening amount of security for Somerset Subdivision, 25<sup>th</sup> Addition
43. RESOLUTION NO. 14-270 approving Plat of Survey for 205 South Wilmoth Avenue (Breckenridge North Parcel)
44. 4130 Lincoln Swing:
  - a. RESOLUTION NO. 14-271 approving Plat of Survey
  - b. RESOLUTION NO. 14-272 approving Acquisition Plat for street right-of-way
  - c. RESOLUTION NO. 14-273 approving Quit Claim Deed for conveyance of street right-of-way from GW College Park, LLC
45. 551, 703, and 705 South Duff Avenue:
  - a. RESOLUTION NO. 14-275 approving Plat of Survey
  - b. RESOLUTION NO. 14-276 approving Agreement for Shared-Use Path deferral
46. RESOLUTION NO. 14-277 approving Plat of Survey for 2105 Southeast 5<sup>th</sup> Street  
 Roll Call Vote: 6-0. Resolutions/Motions declared adopted/approved unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

**REQUESTS FOR SUMMERFEST IN CAMPUSTOWN ON JUNE 14, 2014:** Council Member Goodman explained that he had requested that this item be pulled in order to abstain due to a conflict of interest.

Moved by Nelson, seconded by Orazem, to adopt the following:

- a. Motion approving blanket Temporary Obstruction Permit and blanket Vending License for Campustown District
- b. Motion approving 5-Day Class B Beer Permit & Outdoor Service
- c. RESOLUTION NO. 14-228 approving closure of 200 block of Welch Avenue, Welch Lot T, and Chamberlain Lot Y from 7:00 a.m. to 11:00 p.m. and waiver of parking meter fees
- d. RESOLUTION NO. 14-229 approving usage of electricity and waiver of costs
- e. RESOLUTION NO. 14-230 approving waiver of fee for blanket Vending License

Roll Call Vote: 5-0-1. Voting Aye: Betcher, Orazem, Nelson, Corrieri, Gartin. Voting Nay: None. Abstaining due to a conflict of interest: Goodman. Resolutions/Motions declared adopted/approved, signed by the Mayor, and hereby made a portion of these Minutes.

**PLAT OF SURVEY FOR 300, 306, AND 312 ABRAHAM DRIVE:** City Manager Steve Schainker noted that a revised Council Action Form for this item had been passed around the dais. He explained that the applicant had requested a slight change to the location of the boundary line between two of the parcels. The revised request still meets the minimum width and lot area standards.

Moved by Goodman, seconded by Nelson, to adopt RESOLUTION NO. 14-274 approving the Plat of Survey for 300, 306, and 312 Abraham Drive.

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

**PUBLIC FORUM:** Cameron McCaw, 4009 Aplin Road, Ames, stated that he is part of a local high school group whose aim is to reduce plastic waste. The group proposes to place a ban or fee on the

use of plastic bags in Ames. Mr. McCaw described the outreach efforts that the group has recently conducted.

Tavimba Musumhi, 225 Crystal Street, Ames, reviewed statistics about plastic bags and distributed a packet to the Council.

Evan Culver, 1507 Harding Avenue, Ames, stated that the group has collected 150 signatures of citizens who would support a ban or fee on plastic and paper bags. He asked the Council to consider the concept.

No one else came forward to speak, and Public Forum was closed by Mayor Campbell.

**HUMAN RELATIONS COMMISSION ANNUAL REPORT:** Assistant City Manager Melissa Mundt introduced Barbara Woods, Amy Juhnke, John Klaus, and Nicole Facio from the Human Relations Commission (HRC). Ms. Juhnke, Chair of the HRC, reviewed an annual summary that was provided to Council. She noted that the Commission spent time in the Spring of 2013 developing a strategic plan to determine a focus moving forward. The HRC has begun to implement the plan and is seeing benefits from the focus.

**HEART OF IOWA REGIONAL TRANSIT AGENCY (HIRTA) SERVICES:** Assistant City Attorney Mundt introduced CyRide Director Sheri Kyras, HIRTA Operations Manager Brooke Ramsey, and HIRTA Board Member and Story County Supervisor Wayne Clinton. Ms. Mundt recalled that the City Council had requested an update regarding HIRTA services and customer satisfaction/concerns.

Ms. Kyras presented the Council with a report, providing updates on the status of, and satisfaction with, door-to-door transportation services provided within the Ames community by HIRTA. She noted that that HIRTA provides two distinct services within the city limits of Ames. While the riders for both services are on the same buses, the two different services have their own set of service requirements and fee structures. Ms. Kyras indicated that these differences have caused confusion among the riders and their care givers. These two service categories are the Ames Transit-funded service, "Dial-A-Ride," and the ASSET-funded service, "HIRTA."

Ms. Kyras explained that the Dial-A-Ride program is prescribed by the Federal Government via the Americans with Disabilities Act and is a required service for individuals within the community. The Transit Board is charged with ensuring that the service is operating as it should, and every three years it is reviewed by the Federal Government. Ms. Kyras indicated that the Transit Board requested that CyRide and HIRTA hold a public meeting with the Dial-A-Ride customers. There are 285 individuals in Ames who are eligible for the program, and approximately 120 are currently using it. Ms. Kyras said that invitations were mailed to each eligible person, and eight individuals came to the public meeting held in April. Comments from the meeting and corresponding actions were reviewed by Ms. Kyras. She said that an annual customer service survey is also conducted; 285 surveys were mailed to eligible (Dial-A-Ride) individuals. Of those 285, 44 were returned. Ms. Kyras noted that the current year's survey showed a customer satisfaction improvement of almost 10 percent.

Council Member Goodman asked how the satisfaction numbers compare to those of CyRide's ridership. Ms. Kyras stated that CyRide gets its numbers from the City's annual resident satisfaction survey, and typically satisfaction is at least 90 percent. Upon being questioned by Mr. Goodman, Ms. Kyras indicated that the Dial-A-Ride service has been handled by HIRTA for two years and was previously handled by Heartland Senior Services. Noting that the program is only in its second year with HIRTA, she said that the Board hopes to see numbers improve in following years.

Assistant City Manager Mundt stated that HIRTA also provides door-to-door service for the elderly, disabled, and general public within Story County, including within the city of Ames. This service is funded under federal and state contracts as well as through ASSET. Unlike Dial-A-Ride, there are no requirements for using HIRTA services; the trips are open to the public. Ms. Mundt indicated that HIRTA has seen an increase in ridership from 2012/13 to now, and buses are at or near capacity for every trip. A total of 54,022 rides were provided in 2012/13.

According to Ms. Mundt, a HIRTA services survey was conducted in June of 2013. Surveys were distributed on buses for the month of June, and were also available on the HIRTA website. A total of 47 individuals responded to the survey. Ms. Mundt indicated that a number of comments were received, and improvement is expected going into the third year.

Council Member Corrieri asked how many of the 54,000 rides were trips either to or from an agency. HIRTA Operations Manager Brooke Ramsey responded that rides are provided for a large variety of reasons, including doctor appointments, grocery stores, pharmacy, church, etc. She said that a report would need to be generated to determine statistics with agencies. Ms. Corrieri said that a lot of agencies schedule rides for their clients, and it would be beneficial to gather feedback from the agencies themselves, not just the riders.

Council Member Orazem stated that he received a phone call from a HIRTA client who was not aware that there had been a change in service providers. Ms. Ramsey indicated that the information was communicated to the clients from both Heartland (former provider) and HIRTA. Additionally, the phone number to make reservations changed from the Heartland number to HIRTA's. Upon being questioned by Mr. Orazem, Ms. Mundt stated that the survey for 2013/14 will be conducted during the month of June.

Andrea Greufe, 4226 Lincoln Swing, Ames, stated that she works in a group home where HIRTA services are utilized daily. Ms. Greufe indicated that the home has experienced issues with HIRTA, particularly with the scheduling of rides. She explained that buses sometimes arrive an hour earlier or later than the scheduled time, which has caused significant frustration for the agency and its clients. She stated that she has called HIRTA to discuss the issue, and HIRTA's response was "deal with it."

Council Member Gartin asked if this concern was anecdotal or part of a larger problem. He suggested that HIRTA should communicate directly with the managers of these facilities to gather feedback during the survey. Operations Manager Ramsey stated that this was the first she had heard of a bus arriving an hour early or late, and she would like to discuss the matter further with Ms. Greufe. Director Kyras said that HIRTA has made an effort to be involved with various agencies, but this may not be one of them. Each concern is taken on a case by case basis and is dealt with

thoroughly. Ms. Corrieri stated that she has heard concerns similar to Ms. Greufe's from other agencies.

Particulars of the HIRTA scheduling process and agency outreach efforts were discussed at length. It was suggested by Council Member Gartin that this topic be revisited in six months to gather feedback from the agencies. Council Member Goodman agreed that the agencies should be surveyed to gather more input. He asked if ASSET has any quality of service expectations. Deb Schildroth, Director of Story County Community Services, indicated that ASSET requires each agency to report outcomes annually. The information is reviewed during mid-year reporting and budget times. Ms. Schildroth said that she attended many of the meetings that HIRTA hosted to address specific problems with agencies and consumers. She believes that the follow-up has been good, but it appears that more is needed. She stated that the demand for this type of service will only increase in years to come.

**2013/14 NEIGHBORHOOD ART ACQUISITION PROGRAM:** Assistant City Manager Bob Kindred noted that the staff report contains a description and photograph of each piece. These sculptures will be placed across the city.

Moved by Corrieri, seconded by Goodman, to adopt RESOLUTION NO. 14-278 approving the purchase of the of the following 2013/14 Neighborhood Art Acquisition Program sculpture selections:

1. *Bunny* by Jeff Brewer to be placed at near the entrance to Daley Park
2. *Horse* by John D. Howard to be placed off of Harrison Road in the Bloomington Townhomes area
3. *Immaterial* by Chris Wubbena to be placed in the green area at the intersection of Northwestern Avenue and Johnson Street
4. *Prayer Torso* by V. Skip Willits to be placed at 20<sup>th</sup> Street and Grand Avenue if permission is granted by Alliant Energy, or east of the intersection of Top O Hollow Road and Dawes Drive if permission is not granted by Alliant Energy for the priority site

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

**AMES RENTAL CODE:** Building Official Seana Perkins recalled that the City Council referred a letter from the Ames Rental Association (ARA) in August of 2013 regarding a review of Municipal Code Chapter 13, Rental Housing Code. City staff was directed to meet with the ARA regarding specific issues and report back to Council. Ms. Perkins indicated that there were six items of concern that were raised by the ARA, as follows:

1. Egress Windows. The ARA would like to require Code compliant egress windows in a bedroom, but not require an egress window where there is not a bedroom. Ms. Perkins explained that the Rental Housing Code states that all habitable spaces are required to have egress windows. Below



grade habitable space has been challenging to enforce through rental inspections due to the wide variety of basement finishes. Ms. Perkins indicated that if a tenant has, for example, a television and couch in a space, it would comply with the definition of “habitable” and therefore require a Code compliant egress window.

2. Protective Treatment - Paints. The ARA does not believe a clear description exists in Chapter 13 that would tell a property owner when repainting is needed. According to Ms. Perkins, staff has tried to provide flexibility with regard to this issue. Rental Housing inspectors routinely provide flexibility to the property owner by adjusting the amount of time within which the painting needs to occur if the property owner already has plans to repaint or if weather prevents painting for a season.
3. “S” Traps. The ARA would like “S” traps to be allowed as an exception as long as they are maintained in a safe and sanitary manner. In owner-occupied dwellings, an existing S trap would not be mandated to be replaced with a code compliant system unless a building permit was obtained and the system was updated. However, in a rental unit, the S trap is required to be replaced with a compliant system by no later than July 1, 2016.
4. Sump Pump Installation. The ARA would like sump pump systems to be allowed as an exception as long as they are maintained in a safe and sanitary manner. Ms. Perkins stated that this item is similar to the S trap discussion.
5. Furnace and System Safety Certification. The ARA would like to utilize another test that is less expensive and would like to have additional time (more than five years) for required certification of a single furnace that serves multiple dwelling units. Ms. Perkins explained that, for furnaces serving individual dwelling units, the code gives the Building Official discretion to require a certification. An administrative policy has been created, which states that when a furnace is approximately 20 years of age, or if other visible evidence of deterioration is present, such as scorching or leakage, the inspector will request a certification. If the furnace is shared and serves more than one unit, the Code is clear that it must be certified every five years.
6. Fire Alarm System Retrofitting. The ARA would like to remove this requirement. Ms. Perkins noted that this topic would be addressed in a separate agenda item.

Ms. Perkins stated that City staff is being flexible where it can be. She said that if the Council would like to make changes, a text amendment can be brought back to change the Rental Housing Code.

Jim Gunning, 4623 Dover Drive, Ames, stated that he was representing the ARA. With regard to the egress window requirements, Mr. Gunning indicated that the ARA would like to replace the word “habitable” space with the term “sleeping” space. He said that the word “habitable” is being misinterpreted, and it was never intended to apply to anything other than sleeping quarters. Additionally, the ARA would like the protective paint requirement to be quantifiable. He indicated that they would like the Code to read that repainting would be required if 10 percent of the surface is unprotected. With regard to the S trap requirements, Mr. Gunning stated that the ARA believes those should be allowed to remain as long as they are maintained. He also noted the ARA’s opposition to the shared furnace requirements. He said that shared furnaces should be treated the same as those

serving single units. The ARA would like to remove the five-year requirement from the Code and align shared furnaces with the administrative policy that governs single unit furnaces.

The Council discussed Mr. Gunning's points. It was noted that the Rental Housing Code has been under discussion for a number of years.

Pat Brown, 3212 West Street, Ames, stated that she served on the committee that helped revise the Rental Housing Code. She said that there was a lot of discussion and a consensus was reached, though everyone did not get what they wanted. Ms. Brown said that it is her recollection that the word "habitable" was not solely intended for sleeping spaces. She also stated that she has a concern about using affordable housing as an excuse to bypass safety and sanitation.

Dale Vander Schaaf, 2602 Tyler Avenue, Ames, stated that he is the President of Story County Community Housing Board of Directors. He said that he has a different viewpoint from working with a nonprofit low-income housing provider. Mr. Vander Schaaf indicated that in his experience, any time there is a proposed change in regulation, a cost-benefit analysis or economic impact analysis should be done. He stated that Code changes have an economic impact on those who are trying to provide affordable housing. It has been difficult to get into the single family rental property business in Ames because many of the older properties need work, and it is cost-prohibitive to bring them up to Code. Mr. Vander Schaaf indicated that he spoke with four different plumbers regarding S traps. Each plumber said that S traps may be wrong, but they are "not a big deal." He said that it is a very costly thing to fix, and they are not hazardous. He urged the Council to keep in mind that many of these requirements have financial ramifications.

Al Warren, 3121 Maplewood Road, Ames, stated that he served on two or three committees before he became a member of the Property Maintenance Appeals Board (PMAB). One of those committees spent 18 months creating the code that is now Chapter 13, Rental Housing. Mr. Warren stated that it was his impression that "habitable" space meant "sleeping" space. It was not the committee's intention to have that requirement apply to the entire basement. With regard to the repainting issue, Mr. Warren said that the committee could not come to a conclusion as to what percentage would trigger the need to repaint. They discussed percentage numbers, how many sides of the house it applies to, how the inspector measures it, and could not determine a clear cut answer. Instead, the committee left it up to the inspector to determine. If a property owner feels that they are unjustly cited for having a paint issue, the decision can be appealed to the PMAB.

Gary Denner, 2700 Milstead Road, Ames, said that he works for a property management company in Ames. He, too, was on a committee for the Rental Housing Code changes. He agreed with Mr. Warren with regard to the egress window requirement and the definition of "habitable." Mr. Denner echoed Mr. Gunning's points about the ARA's position on the six issues.

Alex Galyon, 121 N. Russell, Ames, Iowa, stated that he also served on the ad hoc committee. He agreed with Mr. Warren that egress windows were intended for sleeping spaces. Mr. Galyon reiterated the ARA's position on the various issues. He urged the Council to consider cost versus benefit on issues that are minor or aesthetic.

Sharon Guber, 2931 Northwestern Avenue, Ames, said that she had been a committee member as well. She said that there was a lot of discussion and expert testimony at those meetings, and what resulted in the Code was agreed to; nothing was pushed through. Ms. Guber said that a lot of work was put into the Code, and she urged the Council to not be hasty in making changes. Noting several previous comments about cost versus benefit, she asked how one could determine the cost of a renter's life.

Mr. Gunning stated that the expert testimony at the meetings was always provided by City staff. He said that he attended a number of the meetings and was told that if he spoke he would be removed from the room. He does not feel that there was open and healthy discussion.

The Council discussed the egress window requirements and interpretation of "habitable" at length. Mr. Goodman said that if an error was made or if it is being interpreted differently than was intended, it would make sense to review that. He believes that piece is unique; all of the other items have been discussed multiple times since the Code revisions began in 2003.

Moved by Goodman, seconded by Gartin, to direct City staff to see if there are minutes about the word "habitable," how it is defined, and where egress windows should be relative to that definition.

Ms. Betcher noted that several speakers talked about the difficulty of maintaining or converting single-family homes as rentals. From a neighborhood perspective, she sees that as a good thing. Ms. Betcher said that there appear to be more and more rentals in Ames; she would like to see more families able to own affordable homes.

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

**FIRE ALARM RETROFITTING:** Fire Chief Shawn Bayouth recalled that, at the December 10, 2013 Council meeting, the Council directed City staff to eliminate the fire alarm retrofitting requirements from Chapter 13, Rental Housing Code, and rely on the existing language in Chapter 11 of the International Fire Code. Also at that meeting, staff was directed to come back to Council with a recommendation on an expected compliance timeline, and to explain what is covered under the Fire Alarm System retrofitting code section. Mr. Bayouth indicated that since that time, Fire Inspector Tom Henriksen and Deputy Fire Chief Rich Higgins invested a significant amount of time in researching this code and the eventual impacts on the community. An inventory was taken of structures in Ames that would be affected. From that study, it was determined that a total of 34 structures will need to be brought into compliance. Of these 34 structures, a total of 14 different property owners (not including one 24-plex condo with multiple owners) with more than 800 dwelling units will be financially responsible for upgrading their properties. Mr. Bayouth said that City staff surveyed three different companies to determine the projected cost of the retrofit. The cost would range from \$1,250 to \$1,875 per unit, with ongoing costs of \$30 to \$40 per month. Based on the information gathered, Mr. Bayouth said that staff would recommend a compliance date of July 1, 2020.

Ron Brown, 318 W 5<sup>th</sup> Street, Boone, stated that he is the manager of Willow Creek Estates, a 24-unit condominium structure in west Ames. Mr. Brown said that he was just made aware of this requirement and impending deadline three days ago. He explained that of the 24 condo owners, 16

are widowed and on Social Security. He said that no one understands what the impact will be, even after reading the letter from City staff. Mr. Brown said that this requirement will cost approximately \$2,000 per person, plus maintenance fees. That cost is considerably high for someone on a fixed income. He asked the Council to consider extending the deadline to July 1, 2024.

Council Member Gartin said that he was surprised by Mr. Brown's comments; he was under the impression that there was ample notice given. Chief Bayouth said that part of the initial problem with this issue was that people were not aware, which is why the deadline was extended from 2019 to 2020. That gave staff time to do a complete inventory and make contact with each affected property. The letter that was sent out was not intended to be educational; it was a notification and an invitation to voice opinions.

*Ex officio* member Villa echoed concerns from previous *Ex officio* members that from a student perspective, this is a safety issue, and staff's recommendation is supported.

Council Member Orazem offered that, though the expense is high, it would not be as excessive if spread out over a period of six years.

Moved by Orazem, seconded by Goodman, to direct staff to adopt a date of July 1, 2020, for compliance with Fire Alarm Retrofitting requirements.

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

The meeting recessed at 9:46 p.m. and reconvened at 9:53 p.m.

**PRELIMINARY PLAT FOR ASPEN RIDGE, 2<sup>ND</sup> ADDITION:** Planning and Housing Director Kelly Diekmann explained that this is a re-plat of a preliminary plat that expired since a timely final plat application was not submitted.

Moved by Goodman, seconded by Corrieri, to adopt RESOLUTION NO. 14-279 approving the Preliminary Plat for Aspen Ridge Subdivision, 2<sup>nd</sup> Addition.

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

**REQUEST FOR WAIVER OF SUBDIVISION REGULATIONS FOR AMES GOLF & COUNTRY CLUB:** City Planner Charlie Kuester provided background on the request. He noted that the subject site is in a Rural Transition Residential designation and is subject to all City subdivision requirements unless waived by the City Council. Mr. Kuester said that several City departments have met and reviewed the proposal, and have determined a list of standards that are appropriate to be waived. The recommendation of staff is to retain most of the standards and to grant waivers only for a limited portion. The most notable waivers or partial waivers relate to allowing for interim service by Xenia Rural Water District and interim use of advanced overland release septic systems with a permanent reduction in golf course phosphorus use to protect the Ada Hayden watershed. Mr. Kuester noted that the latter would involve working with staff on a phosphorus reduction plan for Council review prior to preliminary plat approval.

The phosphorus plan and impacts were discussed at length.

Larry Curtis, 2042 Cessna Street, Ames, stated that he was representing the developer and Ames Golf and Country Club. Mr. Curtis said that they are in complete agreement with the concepts developed by staff, with a few exceptions to consider. First, the developer has a problem with staff's requirement of providing cash escrow for half of Stange Road. Mr. Curtis said that it does not make sense to provide escrow for development that may not take place until 15 or 20 years later. He would prefer to provide it at the time that it is developed, and have the cost specially assessed to the current owners. Second, with regard to staff's condition about an agreement between the developer and Xenia Rural Water about terms of a buyout in the event of an annexation, Mr. Curtis indicated that such an agreement should be reached at the time potential annexation is more imminent.

With regard to the Sanitary Sewer requirements, Mr. Curtis said that it would be very problematic to bring three of the homes along the north side of the development into the City sewer system in the event of an annexation. He said that further discussion with staff is needed on this issue.

Mr. Curtis discussed the phosphorus issue in detail. He has a problem with staff's recommendation that the subdivision will reduce its annual phosphorus application by 60 percent. He does not think that a percentage number should be "cast in stone."

Moved by Goodman, seconded by Orazem, to send this matter back to staff for further discussion between staff and the developer. Mr. Curtis objected. He said that they do not have time to wait two or three more weeks for this matter to move forward.

A lengthy discussion ensued regarding the preliminary plat process and when the Council would have an opportunity to review the four issues presented by Mr. Curtis.

Motion withdrawn.

Moved by Goodman to approve the covenants with the exception of the four issues. Discussion ensued. After some time, it was determined that the Council could proceed as directed by City staff, with the understanding that Council will have an opportunity to review the phosphorus plan and three other issues prior to approving the preliminary plat. Ms. Corrieri noted that the issues will be worked through as part of the preliminary plat process. She said that the applicant understands the risk that the Council may not agree to future proposals related to the four issues. Motion failed for lack of a second.

Moved by Corrieri, seconded by Betcher, to adopt RESOLUTION NO. 14-280 granting a waiver from the portions of Division IV Design and Improvement Standards of the Ames Subdivision Regulations for a subdivision proposed by the Ames Golf and Country Club.

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

Moved by Corrieri, seconded by Betcher, to adopt RESOLUTION NO. 14-281 approving Covenant for Assessment of Costs of Improvements, Covenant Pertaining to Water Service, and Covenant Pertaining to Annexation.

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

Mr. Goodman stated that he has a special interest in the density on the site. He said that it is likely that this area will be annexed into the city someday; if the Council does not push to get a good deal of density, it will be a rural-scale subdivision with a lower tax base.

Moved by Goodman, seconded by Orazem, to ask staff to work with the developer to get as close to 3.75 units per acre as possible.

Vote on Motion: 5-1. Voting Aye: Corrieri, Gartin, Goodman, Nelson, Orazem. Voting Nay: Betcher. Motion declared carried.

**RURAL SUBDIVISION AT NORTHWEST CORNER OF 250<sup>TH</sup> STREET AND X AVENUE:** Director Diekmann stated that this is a similar request to the previous item. Mr. Goodman said that this is an appropriate waive, as both pieces are rural and would be much easier to manipulate.

Moved by Goodman, seconded by Orazem, to adopt RESOLUTION NO. 14-282 granting a waiver of Division IV Design and Improvement Standards of the Ames Subdivision Regulations for the subdivision of property at the northwest corner of 250<sup>th</sup> Street and X Avenue.

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

Moved by Goodman, seconded by Orazem, to adopt RESOLUTION NO. 14-283 approving Covenants for Assessments of Costs of Improvements, Covenant Pertaining to Water Service, and Covenant Pertaining to Annexation.

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

**QUARRY ESTATES REZONING:** Mr. Diekmann indicated that this site will be the first conservation subdivision project for the community and will include a substantial amount of open space. How the development relates to the Ada Hayden Heritage Park is of great importance to the community. A Master Plan would allow the applicant and the City Council to agree on concepts to address these important issues at the time it considers the rezoning, before the owner prepares a preliminary plat.

Moved by Orazem, seconded by Goodman, to determine that a Master Plan is required for the Quarry Estates Rezoning Application.

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

**NORTH GROWTH AREA UTILITY EXTENSION PROJECT:** Moved by Nelson, seconded by Orazem, to adopt RESOLUTION NO. 14-284 approving final plans and specifications and awarding the North Growth Area Utility Extension Project to J&K Contracting, Inc., of Ames, Iowa, in the amount of \$1,909,379.80, with no alternates.

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

**HEARING ON ASBESTOS MAINTENANCE SERVICES FOR POWER PLANT:** Mayor Campbell opened the public hearing. There was no one who wished to speak, and the hearing was closed.

Moved by Goodman, seconded by Corrieri, to adopt RESOLUTION NO. 14-285 awarding the contract for asbestos maintenance services contract for Power Plant to ESA, Inc., of North Sioux City, South Dakota, for hourly rates and unit prices bid, in an amount not-to-exceed \$75,000.

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

**HEARING ON VET MED SUBSTATION FEEDER EXTENSION:** The public hearing was opened by the Mayor. She closed same after no one came forward to speak.

Moved by Orazem, seconded by Nelson, to adopt RESOLUTION NO. 14-286 approving final plans and specifications and awarding a contract to Tri-City Electric Company of Iowa of Davenport, Iowa, for the Vet Med Substation Feeder Extension, in the amount of \$170,786.97, inclusive of Iowa sales tax.

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

**HEARING ON SPECIALIZED WET DRY VACUUM, HYDRO BLAST, AND RELATED CLEANING SERVICES FOR POWER PLANT:** The Mayor declared the hearing open. It was closed after no one asked to speak.

Moved by Goodman, seconded by Nelson, to adopt RESOLUTION NO. 14-287 approving final plans and specifications and awarding contract to Bodine Services of Clinton, Iowa, for hourly rates and unit prices bid in an amount not-to-exceed \$67,000.

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

**ORDINANCE CORRECTING MUNICIPAL CODE REFERENCE IN SIGN CODE:** Mayor Campbell asked if anyone wished to speak on this item since first passage was being requested.

Building Official Seana Perkins explained that this is a cleanup item to correct an old reference in the Sign Code.

Moved by Goodman, seconded by Nelson, to pass on first reading an ordinance modifying Ames Municipal Code Section 21.114(3) providing the electronic message sign standards.

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

**ORDINANCE REZONING WITH MASTER PLAN FOR 3699 GEORGE WASHINGTON CARVER AVENUE:** Moved by Nelson, seconded by Goodman, to pass on second reading an ordinance rezoning with Master Plan property located at 3699 George Washington Carver Avenue from Agricultural (A) to Suburban Low-Density Residential (FS-RL).

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

**ORDINANCE INCREASING SEWER RATES:** Moved by Goodman, seconded by Betcher, to pass on second reading an ordinance increasing sewer rates by 8% effective July 1, 2014.

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

**ORDINANCE CHANGING PARKING REGULATIONS ON TWAIN CIRCLE:** Moved by Goodman, seconded by Orazem, to pass on third reading and adopt ORDINANCE NO. 4182 changing parking regulations on Twain Circle.

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

**COUNCIL COMMENTS:** Council Member Betcher welcomed Mayor Campbell back and expressed thanks to Mr. Goodman for filling in while the Mayor was gone.

Moved by Goodman, seconded by Orazem, to refer to staff the email from Keith Schrag regarding traffic safety concerns/stop signs in his neighborhood.

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

Mr. Goodman noted that the Council had received correspondence from Mr. Greg Smith regarding an issue with a frozen curb box and resulting water bill. He said that he believed the Council had already addressed the issue. City Manager Schainker recalled that he had made an administrative ruling on the request, and Mr. Smith is now appealing that decision to the Council. Upon being questioned by Mr. Schainker, City Attorney Parks advised that if the Council agrees with the administrative decision made by the City Manager, the appropriate action would be to make a motion to deny the request for a hearing.

Moved by Goodman, seconded by Orazem, to deny Mr. Smith's request for a hearing. Council Member Gartin asked what recourse Mr. Smith has as a next step. Ms. Parks stated that there are no further actions for him to take; the next step is for the City to determine how to collect on the amount owed. Assistant City Manager Kindred noted that at the beginning of the process, he had advised Mr. Smith that he could file a claim with the City's liability carrier. He opted to follow the administrative process through the City Manager's Office, and the Council is his next option. Mr.



Kindred said that Mr. Smith's water is turned off and cannot be turned back on until he has made payment arrangements for the balance.

Mr. Gartin asked if there is a precedent of how similar situations had been handled. Mr. Kindred said that previous issues had been dealt with in the same manner as this one. He recalled that the initial complaint was that the City was at fault for the damage. Mr. Smith had several theories on responsibility and cause, and Mr. Kindred indicated that staff looked into each theory thoroughly. Mr. Gartin said that he would like to be generally deferential to City staff as they work through these disputes, but blanket deference should not be given. He believes that citizens should have some right to recourse. If the recourse is not actually provided to Mr. Smith, then technically he doesn't really have it. Mr. Schainker said that it would not be a burden on City staff to have the hearing if the Council wished to do so. Mr. Gartin said that he wants to be careful because of the years of precedence; however, precedence can be wrong. Mr. Goodman stated that, historically, Council has been copied on correspondence between City staff and the complainant, and in the end there is some kind of acceptance. He cannot recall a time when an official request for a hearing has been made.

Vote on Motion: 4-2. Voting Aye: Betcher, Corrieri, Nelson, Orazem. Voting Nay: Gartin, Goodman. Motion declared carried.

**CLOSED SESSION:** Council Member Gartin asked City Attorney Parks if there was a legal reason to go into Closed Session. Ms. Parks replied in the affirmative.

Moved by Goodman, seconded by Orazem, to hold a Closed Session as provided by Section 21.5c, *Code of Iowa*, to discuss matters in litigation.

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

**ADJOURNMENT:** Moved by Goodman to adjourn the meeting at 12:05 a.m. on May 14, 2014.

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Diane R. Voss, City Clerk

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Ann H. Campbell, Mayor

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Emily A. Burton, Recording Secretary