

MINUTES OF THE REGULAR MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

JUNE 24, 2014

The Regular Meeting of the Ames City Council was called to order at 7:00 p.m. on June 24, 2014, in the City Council Chambers in City Hall, 515 Clark Avenue pursuant to law with Mayor Pro-Tem Matthew Goodman presiding and the following City Council members present: Gloria Betcher, Amber Corrieri, Tim Gartin, Chris Nelson, and Peter Orazem. Mayor Ann Campbell and *Ex officio* Member Lissandra Villa were absent.

CONSENT AGENDA: Moved by Nelson, 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 June 10, 2014
3. Motion approving Report of Contract Change Orders for June 1-15, 2014
4. Motion approving 5-Day Class B Beer Permit & Outdoor Service for Wheatsfield Cooperative, 409 Northwestern Avenue
5. Motion approving 5-Day Class C Liquor License for Olde Main Brewing Company at Reiman Gardens, 1407 University Boulevard
6. Motion approving 5-Day Class B Beer Permit & Outdoor Service for Bar at Zylstra Harley Davidson, 1219 McCormick Avenue
7. RESOLUTION NO. 14-350 approving and adopting Supplement No. 2014-3 to *Municipal Code*
8. RESOLUTION NO. 14-351 approving appointment of Council Member Gloria Betcher to Ames Economic Development Commission Board of Directors
9. RESOLUTION NO. 14-352 approving 2014/15 Contract for Arts Funding with Good Company
10. RESOLUTION NO. 14-353 approving renewal of contract with Iowa Communities Assurance Pool (ICAP) for liability insurance for 2014/15
11. RESOLUTION NO. 14-354 approving rescission of Resolution No. 14-334 and adopting Resolution to accept alternate quotation from Holmes Murphy for Excess Workers' Compensation for 2014/15
12. RESOLUTION NO. 14-355 approving Commission On The Arts Fall 2014 Special Project Grants
13. RESOLUTION NO. 14-356 approving carry-over to FY 2014/15 of funds for Historic Preservation Commission
14. Ames Public Library Book Brigade on Sunday, August 17:
 - a. RESOLUTION NO. 14-357 approving closure of Main Street, from Clark Avenue to Douglas Avenue, and Douglas Avenue, from Main Street to 6th Street, from 3:00 to 6:00 p.m.
15. RESOLUTION NO. 14-358 authorizing Mayor to sign Letter of Agreement among the City, Department of Natural Resources, State Historic Preservation Office, and State Archeologist pertaining to the Drinking Water State Revolving Fund loan for construction of New Water Treatment Plant
16. RESOLUTION NO. 14-359 approving application for State Recreational Trail Grant for 6th Street (Hazel Avenue - Brookside Park entrance) to improve shared use path and bicycle facilities on 6th Street from Hazel Avenue to Brookside Park entrance
17. Request from AT&T for cellular antenna to be located on City property northwest of Dog Park:
 - a. RESOLUTION NO. 14-360 approving Agreement granting temporary entry to site for measurements and testing
 - b. Motion authorizing staff to make Joint Application for Special Use Permit
18. RESOLUTION NO. 14-361 approving contract and bond for North Growth Area Utility Extension Project
19. RESOLUTION NO. 14-362 approving Year 2 (FY 2014/15) of Lime Sludge Disposal Contract with Wulfekuhle Injection and Pumping for Water and Pollution Control

20. RESOLUTION NO. 14-363 approving renewal of software maintenance contract with Sungard/HTE for joint public safety network
 21. RESOLUTION NO. 14-364 approving renewal of software maintenance contract from Sungard/HTE for Information Services
 22. RESOLUTION NO. 14-365 accepting completion of Public Library Renovation and Expansion Abatement Work
 23. RESOLUTION NO. 14-366 accepting completion of 2010/11 Storm Water Facility Rehabilitation Program - Spring Valley Subdivision (Utah Drive/Oklahoma Drive) and 2012/13 Flood Response and Mitigation Program (Clear Creek Landslide - Utah Drive)
 24. RESOLUTION NO. 14-367 accepting completion of 2011/12 Downtown Pavement Improvements Project - Douglas Avenue (Main Street - 7th Street)
 25. RESOLUTION NO. 14-368 accepting completion of 2011/12 Asphalt Pavement Improvement Program and 2011/12 Low-Point Drainage Program
- Roll Call Vote: 6-0. Resolutions/Motions declared adopted/approved unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

PUBLIC FORUM: Lynette Pohlmann, 3229 Red Fox Road, Ames, asked for the Council's assistance to address the issue of utility boxes appearing in residents' front yards. She arrived home this evening to find another green utility box in her front yard – this time it was Mediacom; that makes a total of three in her yard. Ms. Pohlmann voiced her objection to utility boxes that just appear in homeowners' front yards. It does not seem to Ms. Pohlmann that property owners have any say where the boxes are placed. The boxes are usually not in alignment and are different shades of green. In her opinion, they are eyesores. Ms. Pohlmann advised that she did contact Mediacom prior to this meeting. She said she is not a Mediacom customer, and she did not receive a response. After being asked by Council Member Orazem, City Manager Schainker said that the boxes would have to be located on a public utility easement.

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

PUBLIC HEARING ON REZONING 205 SOUTH WILMOTH AVENUE: Mayor ProTem Goodman announced that City Attorney Judy Parks had received a letter from Brian Torresi, the attorney for the applicant. Mr. Torresi had requested that the City Council wait on the rezoning until pieces involved in the current lawsuit had been discussed.

Moved by Nelson, seconded by Betcher, to table this item to a date uncertain.
Vote on Motion: 6-0. Motion declared carried unanimously.

HEARING ON REZONING WITH MASTER PLAN FOR 601 STATE AVENUE: Mayor ProTem Goodman reiterated that Attorney Brian Torresi had requested that the City Council wait on this hearing until pieces involved in the current lawsuit had been discussed..

Moved by Corrieri, seconded by Betcher, to table this item to a date uncertain.
Vote on Motion: 6-0. Motion declared carried unanimously.

HEARING ON SOUTH ANNEXATION: Planning Director Kelly Diekmann advised that the City Council was being asked to act on an annexation request that, as of this afternoon, had been altered. He informed Council that one of the three voluntary applicants (identified as Reyes) had withdrawn their application for annexation. Mr. Diekmann said that staff would be providing a brief overview of the entire project; after which, staff would present three options to the Council.

Planner Charlie Kuester explained that the original annexation petitions had been filed by five owners comprising 15 parcels of land and equating to approximately 310 acres. A map was shown which indicated the properties belonging to the consenting owners and the properties that would need to be brought in under the 80/20 Rule to avoid creating an island. It was reported by Mr. Kuester that there had been only slightly over 80% consenting owners; therefore, if any consenting owner withdrew, it would change the entire balance of what could happen. The Reyes Family, who owns four properties, had withdrawn their application, and since they were not bound by any waivers or agreements for the provision of infrastructure, they did have the right by *Iowa Code* to withdraw their application.

It was pointed out by Mr. Kuester that this annexation was initially driven by the needs and desires of ISU Research Park to move forward with its expansion. Staff would prefer that this annexation be presented to the City Development Board by July 9, 2014; therefore, recommended that the City Council take some action at tonight's meeting to help facilitate that. The following options were explained by Planner Kuester:

1. Annex only the areas included in Parcels 6, 7, 8, and 12, 13, and 14, which is contained in the Voluntary Annexation Petitions filed by Iowa State University Research Park. This would also bring in non-consenting owners of Parcel 9, 10, 11, 15, and 16 (John/Deborah Forth, Stephen/Letitia Harder, John F. Smith Trust, Arthur/Kathleen Riley, and Gary/Katherine May, respectively).

This does meet the 80/20 Rule.

2. Annex those Parcels in Option 1 above, but bring in the Reyes's property (Parcels 1, 2, 3, and 4) and the 0.59 acres owned by Holly Plagmann (Parcel 5) as non-consenting owners.

According to Planner Kuester, there is still a sufficient number of consenting property owners to bring the Reyes property in as a non-consenting owner; it would still meet the 80/20 threshold. If that is done, however, none of the other properties adjacent to the Reyes's property could be brought in because they would create islands or comprise more than 20% non-consenting.

3. Annex those Parcels in Option 1 above, but bring in the Burgason Enterprises, LLC, parcels (Parcels 24, 25, 26), who is a consenting owner and bring in non-consenting properties owned by Jon/Patrice Engelman, Steven/Anne Burgason, and Steven/Sonia Harold (Parcels 27, 28, and 29).

This option would restrict annexation solely to those whom have petitioned for annexation and only the minimal number of non-consenting properties necessary to avoid creating islands. It was pointed out that the Burgasons had petitioned to annex three properties, which would be sufficient to bring in four smaller non-consenting properties.

Director Diekmann told the Council that the boundaries could be altered at this point in time because the entire area was noticed for annexation. The City Council may act to bring in any combination of properties provided the restrictions of annexation had been followed. The Reyes property is contiguous to other annexed properties. It was stated by Mr. Diekmann that, if the Reyes property is brought in, the Burgason property may not be annexed - there is not enough 80/20 to bring both in. If the Burgason site is brought in, it would make it potentially more difficult for the Reyes

Family to annex at some time in the future because islands would be created. After an inquiry from Council Member Gartin, Director Diekmann explained that if the Reyes property is annexed, the Burgason properties would have to either not annex all of the acres (so they don't create any islands) or leave at least a 50-foot corridor to be legal.

Council Member Betcher asked if annexing the ISU properties was the only option that did not cut off future options for one of the other property owners who might want to annex. Mr. Diekmann responded that it could clearly stand alone without any effect across the west side. Planner Kuester added that if only the annexation requested by Iowa State University were acted on at this meeting, staff would have time to reach out to the Reyes's and Oakwood Akers to find out what their concerns/issues are.

Council Member Orazem questioned if there was enough right-of-way to provide a trail that could potentially go all the way to Kelley. Mr. Kuester said that there was not much right-of-way left; it had nearly all been converted to private ownership. Some conceptual lay-outs had been created that would incorporate trails along the Burgason property that would lead to the ISU Research Park; however, that would be a local trail system and would not reach Kelley.

Council Member Goodman noted that the Burgasons were consenting property owners and asked for an explanation as to why not annexing them at this time would be beneficial in the future. Director Diekmann explained that if the Burgason property were to be annexed at this time, the Reyes's property could not be brought in later because there would not be enough land to qualify under the 80/20 Rule. He clarified that either the Reyes property or the Burgason property may be brought in, but not both, as there would not be enough consenting property owners compared to non-consenting owners to meet the 80/20 Rule.

Council Member Orazem asked if the rural water issue was a reason why some property owners did not want to annex. Director Diekmann answered that that was not an issue at annexation at this point. City Manager Schainker cited the City's position that property owners did not have to connect to City water. Mr. Diekmann said it only becomes an issue when a property owner wants to disconnect from Xenia and connect to the City's water; there is no mandatory disconnect time for non-consenting owners. He noted, however, that the property could not be developed further without connecting to City water.

Director Diekmann pointed out to the Council that staff did not mandate waivers of rights of rescission since there was not an indication that the proposed annexation was going to be problematic. He again noted that five owners had filed Petitions to voluntarily annex their properties.

Mayor Pro-Tem Goodman opened the public hearing.

Chuck Winkleblack, 105 S. 16th Street, Ames, advised that he had learned late this afternoon from City staff that the Reyes's had withdrawn their annexation petition. He stated that Hunziker Properties currently has a Real Estate Contract with the Reyes's. Mr. Winkleblack added that he had not had time to contact the Reyes Family and had not received any information from them.

After no one else requested to speak, Mayor Pro-Tem Goodman closed the hearing.

Director Diekmann reiterated that the Reyes's could be annexed at a future date and the Burgasons could be annexed at a future date. However, both could not come in; it would depend on who would

petition first. It was noted by Planner Kuester that the Burgasons were willing to annex and willing to develop; however, it is possible that the Reyes's are neither. If that is the case, the City would not gain anything.

Mr. Diekmann recommended that the City Council take action to annex the properties included in the Petition filed by Iowa State University.

Moved by Orazem, seconded by Gartin, to adopt RESOLUTION NO. 14-369 approving annexation of the properties on the east side of University Boulevard/530th Avenue.

Director Diekmann explained that if the Council were to formally deny annexation of properties on the west side at this stage, those property owners would have to re-apply and start over with the process. According to City Attorney Parks, the City Council must take action - either approve, deny, or table - on the annexation request.

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

Moved by Orazem, seconded by Nelson, to table annexation of the properties on the west side of University Boulevard/530th Avenue.

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

Staff Report on Capping Sanitary and Water Connection Fees. Director Diekmann explained that the proposed South Annexation was a mix of large tracts of land intended for new development and several properties with existing homes. Some of these homes receive domestic water from private wells, some from the City, and some from Xenia Rural Water District. All have on-site sewage systems, typically a septic field. Some of the properties have City water and sewer lines adjacent to their properties, while other are far removed from existing City utilities. As land is annexed, the City does not typically require existing homes or developments to connect to City utilities at the time of annexation. The City itself does not automatically extend new infrastructure at the time of annexation. It does require that developers extend City infrastructure in accordance with subdivision and improvement specifications with new construction. The City does not have an obligation to extend these utilities if it is a voluntary annexation within the 80/20 non-consenting standards. After annexation, a property owner whose property abuts City sewer and water facilities can seek connection to abutting sewer and water facilities upon paying a connection fee, which is currently set at \$18 per linear foot of frontage for each utility. However, before connecting to City water, an owner whose property is currently in Xenia Rural Water District's service territory must pay any disconnection fee and buy-out costs to Xenia before becoming eligible to connect to City water. Once that is demonstrated to the City's satisfaction, they, too, can connect to City water at the current formula.

According to Mr. Diekmann, several non-consenting property owners in the proposed southern annexation area had requested that the City Council offer reduced utility connection fees at the same rate that was offered to property owners in the recent northern annexation along Grant Avenue. Only two property owners who were being brought in under the 80/20 Rule had chosen to accept that. He pointed out that this request was initially received from Gary and Kathy May at 2978 S. Riverside Drive, and was referred by the City Council at the May 20 meeting. Those land owners feel that they are being made to annex against their wishes. The Mays have now offered to consent to annexation in return for the reduced fees—as was offered to the Grant Avenue owners. While the Mays and the others would certainly benefit from access to City services, their lots were platted to County lot

standards that are larger than what would have been allowed under City standards. Therefore, the costs of connecting to city sewer and water exceed those of in-town residents, even though they are obtaining only a single utility connection. According to Director Diekmann and to staff's recollection, the northern annexation was the first time that the City had created an incentive for property owners to voluntarily join an annexation. In the northern annexation approved in December 2013, the connection fee to existing homes was capped at the cost of a typical city lot width of 80 feet. At the current \$18 per linear foot rate, connections would be available for a connection fee of \$1,440 for sanitary sewer and \$1,440 for City water. This offer was made available to any property owners who voluntarily applied for annexation and agreed to provide any needed road rights-of-way or utility easements. In addition, if any property owner who took advantage of the reduced fee were to subsequently seek a subdivision for further development, they would then pay the difference between the \$1,440 capped fees and the per-acre price established in the water and sewer connection fee districts.

Director Diekmann said that staff had identified two options if the City Council wished to offer a reduced connection fee to existing home owners whose properties were being annexed:

1. Grant all non-consenting property owners the right to a single domestic water connection and a single sanitary sewer connection with an exception to the lot width formula and to calculate the appropriate fee on a typical 80-foot city lot width. This could be done with or without a sunset provision. This action could be taken without securing any concessions, such as obtaining easements or needed rights-of-way from the owners. Under this option, staff would return to the City Council with a single resolution identifying which property owners would benefit.
2. Grant single connections to City water and sewer as described above, but also require the property owner to provide any necessary road rights-of-way or utility easements that may be necessary as utilities and paving are installed in Cedar Lane, Oakwood Road, University Boulevard, and S. Riverside Drive. In this case, the City Council can direct staff to prepare agreements with each owner seeking the reduced fee in return for providing any necessary easements or rights-of-way. At this point in the planning and design, it is not known what, if any, rights-of-way or easements may be needed. These agreements would be brought back individually as each owner agrees to the terms.

Council Member Orazem stated his support to offer a reduced connection fee to existing home owners whose properties were being annexed, regardless of whether or not they were consenting or not.

Council Member Goodman pointed out that this is not a burden that the City is placing on those affected property owners unless they wish to disconnect from Rural Water and connect to City services. Previously, it had involved negotiations to achieve a goal. He would like the City to reserve the option to negotiate. After additional discussion, Council Member Orazem agreed with Mr. Goodman that the City should reserve the incentives to be used as part of negotiations under certain conditions.

Kathy May, 2978 South Riverside Drive, Ames, pointed out that she is a non-consenting property owner; her property was being pulled in under the 80/20 Rule. Ms. May contended that her family would be giving up all the benefits of living in the country and did not feel that they had any say in the annexation. They were being brought in because Iowa State University, "which has a lot of pull" wants its property annexed. She, as a small property owner, doesn't have any pull.

John Forth, 2725 South Riverside Drive, Ames, stated that he owns approximately 288 feet of frontage affected by the ISU annexation request. He told the Council that he had already paid for the water connection. He said he didn't know what was fair. The Research Park is not interested in it, but they are putting them "in a pinch with no reward."

No action was taken was taken by the Council on this issue.

HEARING ON ZONING TEXT AMENDMENTS TO SECTIONS 29.1507(2) AND 29.1507(3) PERTAINING TO PETITIONS FOR REZONING AND MASTER PLAN DETERMINATION, RESPECTIVELY: Director Diekmann explained two zoning text amendments. The first was to simplify the Rezoning Master Plan determination process. The second related to the processing time of a zoning amendment by staff and the timing of forwarding that item to the Planning and Zoning Commission.

Council Member Gartin inquired as to whether there were any best practices that had been established for this by other municipalities. Mr. Diekmann advised that staff is not aware of the Rezoning and Master Plan process followed by other cities. He said that how staff defines a "completed application" is a local prerogative. According to Mr. Diekmann, staff had not received any feedback on this issue.

The public hearing was opened by Mayor Pro-Tem Goodman. No one else wished to speak, and the public hearing was closed.

Moved by Nelson, seconded by Orazem, to pass on first reading an ordinance amending Sections 29.1507(2) and 29.1507(3) to include the option of submitting a Master Plan with a rezoning application and for the process to have staff review prior to transmitting a zoning application to the Planning and Zoning Commission.

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

HEARING ON ZONING TEXT AMENDMENT PERTAINING TO FLOATING SUBURBAN RESIDENTIAL DISTRICT: The Council was reminded by Director Diekmann that it had requested that staff review the maximum density standards of development within the Floating Suburban Residential Zoning District with both the Residential Low- and Residential Medium-Density development standards. Through the recent review of FS-RL and FS-RM zoning requests, it became apparent that the FS Zoning Districts were different from the existing RL and RM zones in that there is no stated maximum development intensity. The FS Zoning District instead has a maximum density inferred from the minimum lot size requirements rather than a stated range. Mr. Diekmann pointed out that the Council had directed staff, on April 22, 2014, to initiate a potential text amendment addressing development standards and maximum density within the FS Zoning District for both FS-RL and FS-RM. He said the proposed amendments reflected the direction specified in the Council's referral.

Director Diekmann reviewed each component, as follows:

1. Density Range Text Amendment. The traditional RL and RM base zones have exclusive density ranges that do not overlap. The FS zoning has an overlap of use for attached single-family housing on individual lots, as well as overlap of the density range. Staff recommended a stated density range of a minimum of 3.75 units per net acre to a maximum of ten (10) units per net acre for FS-RL and a range of 10 units per net acre to a maximum of 22.31 units per net acre for FS-RM. This range allows for greater density in FS-RL than the comparable RL base zone

maximum of 7.26 units per acre, but matches the FS-RM maximum density to RM. This would ensure there is no gap in development range between FS-RL and FS-RM and to promote flexibility and efficiency in development that is the LUPP goal for development within New Lands.

2. Units-per-Building Text Amendment. One reason for the high range of maximum density in the current standards is the provision to allow up to 12 attached units together for attached single-family. The most common practice has been to develop front facade garage access units in clusters of two to four units. Staff recommended allowing only up to five (5) single-family attached together if they are front facade garage-accessed. However, staff believes that retaining the 12-unit building option is appropriate when designed for rear garage access and trying to create a more pedestrian-oriented streetscape aesthetic. Limiting attached single-family to no more than five together reduces potential maximum density to approximately 16 units per acre in FS-RL. It does not go as far as the stated density range. Preserving the 12-unit building option does provide for some flexibility in design, but requires an alternative design approach for rear access only. It does not directly limit density. The City would maintain some discretion on density at the time of rezoning with a master plan and at the preliminary plat stage for determining alley access and suitability of any large 12-unit grouping of lots for compatibility with their surroundings.
3. Layout and Access Text Amendment. These amendments would address design issues specific to home layout and garage access. Setback requirements would also be changed. Staff recommended maintaining the standards 25-foot setback for front garage access, but allowing the front of the home to be set back 20 feet. This would encourage placing a garage behind the front facade. For rear-loaded garages, staff recommended a principal building front setback of 10 feet, rather than 25 feet, to promote pedestrian-oriented streetscapes with attached housing. Rear garages would follow alley setback requirements of the Code of either eight (8) feet or 20 feet from an alley to reduce potential parked car conflicts.
4. Code Cleanup, including:
 - a. Rezoning Amendment References. FS zoning “Establishment” sections have incorrect references to the rezoning map amendment process section of the Code. Staff recommended a clarification of the reference and redirection to the section of map amendments that are initiated by property owners. The F-VR “Establishment” section also has been corrected for a general reference to the rezoning map amendment process.
 - b. Clarify Terminology of Net Density within FS Zoning. Staff recommended adding a qualifier of “only” to help clarify the practice of choosing from the list of areas eligible for a deduction when calculating net density without it being a mandatory deduction. Acceptance of removing the areas from the net density calculation would be at the discretion of the Council in its rezoning and preliminary plat approvals. In conjunction with that change, the clear use of the term “net acre” is missing and appears to mean gross acres as written.
 - c. Supplemental Development Standards Tables - Sections 29.1202.5(1) and (2). It was recommended by staff to simplify the development standards table by striking the party wall side-yard language in favor of the recently adopted Single-Family Attached Party Wall standards found in Article 4. Staff also suggested removing an inconsistency of stating four-story setback standards when four-story buildings are not allowed in FS-RL.

- d. Landscape Requirements FS Zoning. Staff recommended changes to the FS-RM landscape requirements clarifying that the same 40% landscape requirement of FS-RL applies to single-family homes and duplexes in FS-RM. Also, staff recommended adding a general requirement that unimproved areas be landscaped. Final landscaping would then be reviewed with the Minor Site Development Plan for each attached single-family home. A minor edit to the Article 4 section heading for Apartment Landscaping was also suggested since it is misleading to leave out FS-RM in the name, even though it specifically applies to FS-RM apartments.

Council Member Betcher questioned whether the standards would allow 12-unit blocks without residents being able to access their own units from parking in the rear of the building. Specifically, she did not want residents to have to walk around the block to access their own unit. Director Diekmann answered that the standards would not mandate a building entrance on any facade. There is a requirement for the front door connecting to a sidewalk. Attached single-family is subject to Minor Site Plan review. Pedestrian circulation would be looked at during that review. If there was a safe pedestrian connection to circulate through the site, it would meet the Minor Site Plan requirements. There is no requirement for direct rear garage access. Ms. Betcher also asked if there were lighting requirements for these types of units. Mr. Diekmann explained that the lighting would also be subject to Minor Site Plan review; however, exact lighting is not prescribed in the *Code*. Council Member Betcher advised that those are her main concerns with allowing blocks of 12 units. According to Director Diekmann, there would be two development reviews to ensure that staff is satisfied with the environment that would be provided.

Council Member Gartin asked if staff had reached out to the development community in an attempt to determine the impact these amendments will have on use of property. Mr. Diekmann stated that staff had sent the Planning and Zoning Commission and City Council Agendas included these items to the development community; however, no public workshops had been held. No feedback had been received after sending the general notices.

At the request of Council Member Gartin, Director Diekmann showed a map of the properties that would be impacted by these changes. He said that there are a large number of acres inside the City and more than that outside (New Lands) the city limits that would be affected by these changes. It appeared to Mr. Gartin that this would impact in excess of 1,000 acres of land.

The public hearing was opened.

Scott Renaud, FOX Engineering, Ames, commented that even the five units in a row still has a density of 16; there is still an overlap that needs to happen. Also, FS is a base zone, so it applies to all sizes and parcels, which would restrict flexibility and would not allow for PRDs. If there is an odd-shaped lot, the density requirement would further limit options for development. Mr. Renaud indicated that he did not mind the overlap. However, the LUPP is to allow for different housing types and flexibility, and he would actually prefer the overlap. Mr. Renaud suggested that if the number was going to be changed, he preferred that it be changed to 16. It was pointed out that 12 units with rear garages would put the number up to 22 again. He indicated general support for the other possible amendments (e.g., setbacks). In Mr. Renaud's opinion, some of the proposed changes would be in conflict with the LUPP because it is not clear on the "net" versus "gross." The only

other real issue he has was the use of "only." He is not sure what "only" means legally or conceptually in the context of these changes, and would like it to be defined.

Council Member Gartin asked if Mr. Renaud found any merit in the Council scheduling public meetings based on the scope of the properties that would be involved in these changes and the level of changes being proposed. Mr. Renaud reiterated that he was basically concerned that flexibility would not occur for those odd-shaped lots. It would not be an issue for parcels that are more than two acres in size. If the parcel is more than two acres, developers have the option of using the PRD process.

Chuck Winkleblack, 105 S. 16th Street, Ames, voiced his desire to see a reduction in the minimum density for FS-RM. He noted that it would allow for more flexibility. He pointed out that there are only so many ways that a developer can reach the required density; that is why so many of the newer subdivisions look the same. Developers cannot build four-, six-, or eight-plexes because they have to get to 3.75 units/acre. Mr. Winkleblack added that he did not believe it would be worthwhile for the City to schedule a workshop on this topic.

Scott Renaud added that he would like a change made to the FS-RM zone to allow 16 or 24 units; 12 units seemed to be a random number to him.

There being no one else wishing to speak, Mayor Pro-Tem Goodman closed the hearing.

Director Diekmann reported that staff had now calculated the number of acres affected. It would equate to approximately 2,000 acres of Suburban Residential land within the city limits and even more than that outside the City.

Council Member Gartin asked Mr. Diekmann to respond to the comments made by Mr. Renaud and Mr. Winkleblack. Director Diekmann responded that the flexibility is not lost because developers are able to propose the option to get above ten or below ten if they want the development to be more single-family oriented. Both zones (FS-RL and FS-RM) are allowed in the same location. Also, these amendments connect to one of the Council's goals to look at housing types and opportunities. According to Mr. Diekmann, FS-RM is geared to the construction of townhouses as it is the easiest way to meet the density requirement. He acknowledged that the developer must achieve ten in Medium-Density regardless of how large the development is. Single-family homes may be added. Director Diekmann noted that if getting to 20 units per-acre in FS-RM is a priority of the City, the standards and requirements should be reviewed.

Moved by Goodman, seconded by Orazem, to pass on first reading an ordinance pertaining to density range, limitations on units per building, changes to setbacks, clarifications to Establishment Sections' references to rezoning and map amendment processes by property owner petition, and cleanup of net density terminology contained in the Zoning Code.

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

HEARING ON WATER POLLUTION CONTROL FACILITY SWITCHGEAR CONTROL REHABILITATION: The Mayor Pro-Tem opened the public hearing. No one came forward to speak, and the hearing was closed.

Moved by Orazem, seconded by Nelson, to adopt RESOLUTION NO. 14-370 approving final plans and specifications and awarding a contract to Waldinger Corporation of Des Moines, Iowa, in the amount of \$70,400.

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

HEARING ON WATER POLLUTION CONTROL MAKE-UP AIR UNIT REPLACEMENT:

Mayor Pro-Tem Goodman opened the hearing and closed same after no one asked to speak.

Moved by Orazem, seconded by Corrieri, to adopt RESOLUTION NO. 14-371 approving final plans and specifications and awarding a contract to Mechanical Comfort, Inc., of Ames, Iowa, in the amount of \$83,550.

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

HEARING ON FLEET SERVICES BUILDING ROOF REPLACEMENT PROJECT - PHASE

1: The public hearing was opened by the Mayor Pro-Tem and closed when there was no one asking to speak.

Moved by Corrieri, seconded by Orazem, to adopt RESOLUTION NO. 14-372 approving final plans and specifications and awarding A contract to Ida Grove Roofing and Improvement, Inc., of Ida Grove, Iowa, in the amount of \$89,864.

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

UPDATE FROM MAIN STREET CULTURAL DISTRICT (MSCD) PERTAINING TO USAGE OF FUNDING ALLOCATION:

Assistant City Manager Melissa Mundt noted that Council had requested, on May 27, 2014, a response from the MSCD as to how the additional \$7,000 allocation from the City designated for the Sesquicentennial activities was or is being spent. She brought the Council's attention to the provisions of the FY 2014/15 Contract, which stated, "In recognition of the Sesquicentennial Celebration, \$7,000 of the funds shall be used to conduct Fourth of July Parade and Festival activities in 2014 beyond what was conducted in 2013."

Kari Hague, Director of MSCD, 304 Main Street, Ames, itemized the expenses. She stated that her understanding was that the \$7,000 was to pay for additional expenses to offset some of the financial burden of the Sesquicentennial on the MSCD's budget. Ms. Hague said that the pole banners were originally a 150 Steering Committee project, but the MSCD added that to its budget. Additional funds were spent on beautification (flowers, mulch), and \$275 was to pay to have the MSCD Event Coordinator on site throughout the festivities beyond just the parade.

Council Member Betcher asked Ms. Hague to be more specific as to the banners as she believed that there had been fund-raising occurring to pay for those. Ms. Hague answered that the MSCD did begin a sponsorship campaign to pay for the banners as a way to raise additional funds. The fund-raising campaign has proven difficult for the MSCD because many people had decided to donate to the Ames 150 campaign instead of sponsoring Main Street events. Ms. Betcher asked to know how much had been received for the banner campaign. Ms. Hague answered that approximately \$6,800 had been raised. Council Member Goodman asked, and Ms. Hague confirmed, that those funds were for pole banners, not the parade banners. Ms. Betcher noted that revenue coming for the pole banners was \$6,800, but the expenditure for the pole banners was coming out of the \$7,000 allocation from the City. That was confusing to her as it appeared that the pole banners were being paid for twice. Ms. Hague reported that the MSCD will be close to covering the cost of the pole banners through sponsorships. Originally, it was not known if that would happen, so she had put the pole banners in as an expense that would come from the \$7,000 City allocation.

Council Member Goodman pointed out that the cost of the pole banners will be approximately \$6,800 and the funds raised for them is approximately \$6,800; however, part of the pole banner

expense is shown as being allocated from the City's \$7,000 allocation. If that is the case, where does the remainder of the money end up. Ms. Hague said it would be put into the MSCD's General Budget.

Karen Youngberg, 304 Main Street, Ames, identified herself as the Treasurer of the Main Street Cultural District. Ms. Youngberg indicated that there were inconsistencies in the Contract as to how the monies were to be spent. She contended that no funds were identified in this year's Contract specifically for the Fourth of July Parade. According to Ms. Youngberg, the MSCD is taking the funds raised for the banners and using them for the Parade.

Council Member Betcher asked for clarification as to the costs for the parade. Ms. Hague advised that, without any administrative costs factored in, currently, the MSCD has spent \$3,300 for the Parade without factoring in any administrative costs. The MSCD spent \$9,800 on the Parade last year, which included administrative costs.

At the inquiry of Ms. Betcher, Assistant City Manager Mundt indicated that the Ames 150 Steering Committee had paid for some costs for the festival activities that were included in the base MSCD budget related to music and inflatables in an approximate amount of \$1,200. She added that the Ames 150 has received funding to cover the events on July 4 and 5. Iowa State University's recent donation will cover the Dinkey Days celebration (September 26) in a limited scope. The Ames 150 Steering Committee has not yet figured out how Plating Day is going to be paid for.

Ms. Hague said she believed that the MSCD would be able to verify expenses in the amount of the City's funding allocation. She said what had not been taken into account in the past is how much sponsorship had been received specifically for things that the City funds. Ms. Hague said that was part of the question, i.e., can the MSCD itemize an expense that they had fund-raised for. Council Member Corrieri added that when she fund-raises for her organization, she is not penalized for fund-raising beyond what the expenses are. She asked if the Contract specified that it had to be reimbursement. Management Analyst Brian Phillips clarified that the Contract does not look at where other revenues come from. He noted that the City is purchasing a service for \$7,000. The only condition of the Contract is that \$14,424 worth of expenses for the Fourth of July Parade and activities be verified, and the City will pay the \$7,000.

Council Member Betcher acknowledged that she was one of the banner donors and would like to think that that was what her money was going to pay for. However, what she was seeing on the sheet provided by the MSCD is that the City is paying for the banners, which leaves her to wonder what she was sponsoring with her donation or what the City was paying for. She pointed out that the MSCD is fund-raising for street banners and has raised approximately \$6,800 towards their cost; however, the MSCD is showing that \$5,425 of the City's \$7,000 allocation will be used for pole banners. It appeared to her that the banners were being paid for twice. Ms. Hague explained that it is difficult to fund-raise for administrative costs, so they decided to ask for sponsorships for the pole banners.

Council Member Goodman said he was not sure that the pole banners were associated just with the Parade or Ames 150 celebration. He suggested that the MSCD consider redirecting the City's \$7,000 allocation to activities geared specifically to the Ames 150 celebration. Council Members Orazem indicated that that is what he thought the extra \$7,000 would pay for, i.e., activities associated with the Sesquicentennial.

Council Member Betcher expressed her hope that the MSCD would work with the Ames 150

Steering Committee to determine if there are things that are not being covered, make sure that things are not being paid for twice, and if there could be some sharing of funds to ensure that all events get covered.

REQUEST FROM YOUNG PROFESSIONALS OF AMES FOR PERMIT FOR FIREWORKS DISPLAY ON JULY 3, 2014, WITH RAIN DATE OF JULY 5, 2014: Moved by Corrieri, seconded by Orazem, to adopt RESOLUTION NO. 14-374 approving funding from 2014/15 Council Contingency Fund to pay for portable toilets (\$500) and the City portion of police costs (\$200). Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

Moved by Corrieri, seconded by Betcher, to approve a Permit for a fireworks display on July 3, 2014 (rain date of July 5, 2014) .from ISU Lot G7.
Vote on Motion: 6-0. Motion declared carried unanimously.

The meeting recessed at 9:22 p.m. and reconvened at 9:27 p.m.

TEMPORARY CHANGE TO METERED PARKING STALLS IN FRONT OF 119 STANTON AVENUE: Moved by Betcher, seconded by Nelson, to adopt RESOLUTION NO. 14-373 approving long-term rental of the three parking meter stalls in front of 119 Stanton Avenue to First National Bank until it moves back to its permanent location (estimated to be June of 2015).

Council Member Goodman indicated that he would not be supporting the motion as he feels strongly that parking should not be reserved for one business even though they are paying the parking meter fees.

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.

RENTAL HOUSING CODE CONCERNS EXPRESSED BY AMES RENTAL ASSOCIATION: Building Official Seana Perkins recalled that the Ames Rental Association (ARA) had sent a letter to City Council members dated July 30, 2013, requesting that they direct City staff to review *Ames Municipal Code* Chapter 13 (Rental Housing Code) regarding a number of specific issues. On August 13, 2013, the City Council directed staff to meet with representatives of the ARA to determine where the issues were and report back to the Council via a memo. Staff met with the ARA on September 5, 2013. Staff presented six ARA issues to the City Council on October 22, 2013. At that meeting, Council referred the ARA's list of concerns back to staff to review each of the six items and to get clarification or recommendations for changes for each of the six Rental Housing Code concerns. On May 13, 2014, staff presented a report that addressed each of the six ARA items and provided background on each issue. One of the issues discussed was the requirement of egress windows in a basement. The ARA requested that Code-compliant egress windows be required in a basement bedroom, but asked that egress windows in habitable space outside a bedroom not be required. Through its discussion, the City Council directed City staff to see if there were minutes about the word *habitable*, how it is defined, and where egress windows should be relative to that definition.

According to Ms. Perkins, the term *habitable space* is defined in *Municipal Code* Section 13.201 as "space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces."

Ms. Perkins reported that Section 13.403(1.a) ties egress windows together with the term *habitable space*. She read a portion of that Section pertaining to inadequate second exit capability, which said that “all below grade habitable spaces must have two means of egress leading to the outside.” Building Official Perkins stated that, in working with Al Warren, a member of the original Rental Housing Advisory Committee, staff had reviewed the last version of the proposed Ames Rental Housing Code (RHAC), which was dated April 16, 2009, and was revised on April 21, 2009. Two emails had been located that indicated that the April 21, 2009, version of the Rental Housing Code was the last opportunity for the RHAC to review the Code and to make any revisions or suggestions prior to City Council review. The April 21, 2009, version did include the definition of *habitable space*; however, did not include the language that links below-grade egress windows to habitable space. According to Ms. Perkins, the version reviewed by the City Council at its Special Meeting on June 2, 2009, did include the section that links below-grade habitable spaces to requiring egress windows.

Pertaining to a review of the RHAC meeting minutes, Ms. Perkins advised that the RHAC did discuss egress windows at its meeting on October 1, 2008; however, habitable space and sleeping rooms were not discussed.

Council Member Orazem said, for him, a key issue was whether the space is being rented for the purpose of a sleeping area; if so, an egress area is necessary. Building Official Perkins reported that if the below-grade space appears to be finished and habitable, upon inspection, staff is currently requiring an egress window. If the space is used for storage, no egress window is required.

It was noticed by Council Member Betcher that, although staff has used the term *sleeping area*, there is no definition for that term. Ms. Perkins stated that a better term would be *bedroom*. *Bedroom* and *sleeping unit* are defined in the Rental Code.

Council Member Gartin asked Fire Chief Shawn Bayouth, from a fire protection perspective, if he had indicated that he would support egress windows being required only in bedrooms. Chief Bayouth stated that was correct.

Gary Denner, 2706 Milstead Road, Ames, identified himself as a property manager who had been on the original committee to review the Rental Code. He indicated his strong support for egress windows being required only in bedrooms.

Moved by Nelson, seconded by Corrieri, to direct staff to prepare an amendment to *Ames Municipal Code* Section 13.403(1)(a) to only require below-grade egress windows in sleeping rooms.

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

ORDINANCE AMENDING CHAPTER 21 TO ALLOW FOR MULTIPLE-FAMILY DEVELOPMENT ENTRANCE SIGNS: Moved by Orazem, seconded by Betcher, to pass on first reading an ordinance amending Chapter 21 to allow for multiple-family development entrance signs. Roll Call Vote: 6-0. Motion declared carried unanimously.

AIRPORT OBSTRUCTION ORDINANCE: Moved by Betcher, seconded by Corrieri, to pass on third reading and adopt the Airport Obstruction ORDINANCE NO. 4186. Roll Call Vote: 6-0. Ordinance declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

COUNCIL COMMENTS: Moved by Orazem, seconded by Goodman, to request, in light of the emails received by the City Council, that staff evaluate if additional traffic control is needed at Hyland and Oakland.

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

Moved by Orazem, seconded by Gartin, requesting staff write a report addressing the concerns of Lynette Pohlmann on location of utility boxes and the possibility of utilities sharing one box.

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

Moved by Betcher, seconded by Goodman, to direct staff to invite all business and property owners between South 5th and the bridge on South Duff to provide input at a future Council meeting on the possible median/traffic signal on South Duff.

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

CLOSED SESSION: Moved by Nelson, seconded by Betcher, to hold a Closed Session as provided by Section 21.5c, *Code of Iowa*, to discuss matters in litigation.

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

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

The meeting reconvened in Regular Session at 11:35 p.m.

Moved by Nelson, seconded by Orazem, to put a proposed settlement with Breckenridge on the July 8, 2014, City Council Agenda.

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

Moved by Gartin, seconded by Betcher, to request City Attorney Parks to write a memo in response to the Neighborhood Association reminding them of the requirements and merits of Closed Sessions.

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

ADJOURNMENT: Moved by to adjourn the meeting at 11:37 p.m.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor