

# MINUTES OF THE REGULAR MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

NOVEMBER 22, 2016

The Regular Meeting of the Ames City Council was called to order by Mayor Ann Campbell at 6:00 p.m. on the 22nd day of November, 2016, in the City Council Chambers in City Hall, 515 Clark Avenue. Council Members Bronwyn Beatty-Hansen, Gloria Betcher, Amber Corrieri, Tim Gartin, Chris Nelson, and Peter Orazem were present. *Ex officio* Member Sam Schulte was also present.

Mayor Campbell announced that the Council would be operating from an Amended Agenda. Added under Item No. 28 was first passage of an ordinance repealing Ordinance No. 4269 since it contained the wrong table and a new ordinance was being adopted. There was a wording change at Item No. 30 pertaining to 3615 Zumwalt Station Road and approval of three covenants under that item had been added.

**PROCLAMATION FOR “SMALL BUSINESS SATURDAY,” NOVEMBER 26, 2016:** Mayor Campbell proclaimed November 26, 2016, as “Small Business Saturday.” Accepting the Proclamation were Cindy Hicks, Main Street Cultural District Director; Karin Chitty, Campustown Action Association Director; and John Hall, representing the Ames Chamber of Commerce Director of Business Development. Ms. Hicks, 304 Main Street, thanked patrons in advance for shopping small, shopping local, and shopping Ames.

**CONSENT AGENDA:** Moved by Gartin, seconded by Corrieri, to approve the following items on the Consent Agenda:

1. Motion approving payment of claims
2. Motion approving Minutes of Special Meetings of October 19, 2016, and November 1, 2016, and of Regular Meeting of October 25, 2016
3. Motion approving certification of civil service applicants
4. Motion approving Report of Contract Change Orders for October 16-31, 2016
5. Motion approving renewal of the following Beer Permits, Wine Permits, and Liquor Licenses:
  - a. Class B Native Wine - Kitchen, Bath & Home, 201 Main Street
  - b. Class E Liquor - AJ’s Liquor III, 2401 “A” Chamberlain Street
6. Motion approving ownership change for Class E Liquor License for Target Store T01170, 320 South Duff Avenue
7. Motion approving ownership change for Class C Liquor License for Chipotle Mexican Grill, 435 South Duff Avenue, Suite 102
8. Motion approving ownership change for Class C Beer Permit and Class B Native Wine Permit for Casey’s General Store #2298, 428 Lincoln Way
9. Motion approving transfer for Class C Beer Permit and Class B Wine permit for Aldi, Inc., to new location at 108 South 5<sup>th</sup> Street
10. Motion changing Regular Meeting Date from December 27, 2016, to December 20, 2016
11. Motion approving Encroachment Permit for sign at 121 Main Street
12. RESOLUTION NO. 16-647 approving Restrictive Covenant Agreement with Assault Care Center Extending Shelter and Support (ACCESS) and authorizing payment of \$80,000 at time of closing
13. Asset Management Agreement (AMA)/Pipeline Services for Power Plant:
  - a. RESOLUTION NO. 16-648 approving renewal of contract with BP Canada Energy Marketing Corp. of Omaha, Nebraska for AMA Addendum (for basic services) in an amount not to exceed \$30,000
  - b. RESOLUTION NO. 16-649 approving renewal of contract with BP Canada Energy Marketing Corp. of Omaha, Nebraska for AMA Transaction Confirmation
  - c. RESOLUTION NO. 16-650 approving renewal of contract with BP Canada Energy Marketing Corp. of Omaha, Nebraska for Transaction Confirmation

- d. RESOLUTION NO. 16-651 approving purchase of additional natural gas, plus delivery as needed, in an amount not to exceed \$500,000
14. RESOLUTION NO. 16-652 awarding contract for construction and installation of interactive play wall at Ames Public Library to Swan Creek Cabinetry, Inc., of Boone, Iowa, in the amount of \$53,463.81
15. RESOLUTION NO. 16-653 approving contract and bond for Electric Administration and Distribution Buildings Roof Replacements
16. RESOLUTION NO. 16-654 approving Change Order No. 4 with FPD Power Development, LLC, for Power Plant Fuel Conversion - Electrical Installation General Work Contract
17. RESOLUTION NO. 16-655 approving partial completion of public improvements and reducing security for Village Park Subdivision
18. RESOLUTION NO. 16-656 approving partial completion of public improvement and reducing security for Quarry Estates Subdivision, 1<sup>st</sup> Addition
19. RESOLUTION NO. 16-657 accepting completion of 2015/16 Airport Improvements (Terminal Site Work)
20. RESOLUTION NO. 16-658 approving Water Territory Transfer Agreement between the City of Ames and Xenia for Ames Golf & Country Club and The Irons Subdivision
21. RESOLUTION NO. 16-659 approving Final Plat for Hayden's Crossing Subdivision, 2<sup>nd</sup> Addition  
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:** Mayor Campbell opened Public Forum. No one came forward to speak, and the Mayor closed Public Forum.

**NET METERING:** Electric Services Director Donald Kom advised that the Electric Utility Operations Review Advisory Board (EUORAB) had been meeting for the past several months to review the current process, listen to customers and vendors, and discuss alternative solutions to the Net Metering language contained in the *Municipal Code*. Mr. Kom said that net metering is the most widely used billing method for customers with installed generation. Under the current Municipal Code, excess energy produced by a solar customer is delivered to the Utility at the time it is produced and later replaced "at cost" back to the customer. The rate structure encourages over-production (oversizing) during the sunny part of the day for reuse by the customer in the evenings, at night, and when the sun isn't shining. Unintended consequences include: the use of the Utility infrastructure as a storage device, reduction/elimination of a solar customer's contribution to the fixed costs of the Utility infrastructure when it is the infrastructure that allows the solar customer to bank the energy, lost opportunity to purchase wholesale energy, and cost-shifting from solar customers to non-solar customers.

According to Mr. Kom, several options were discussed at the EUORAB meeting of November 1, including the following:

1. Purchase excess energy at Avoided Cost
2. Purchase excess energy at Fixed Cost
3. Require storage to accompany a solar installation
4. Require future new solar installations to be westerly facing
5. Move the fixed costs to the Customer Charge
6. Develop a Demand Charge for Residential Solar customers
7. "Right Size" the solar panel

Director Kom stated that, at its November 1, 2016, meeting, EUORAB voted to support Option 2, Purchase Excess Energy at Fixed Cost, and to forward that recommendation to the City Council for its consideration.

Mr. Kom explained that net metering applies to a customer-owned generating system that primarily offsets part or all of the customer's electric service energy requirements provided by the City. Net Metering is available to any retail customer receiving electric service under a City of Ames Electric Services rate schedule who owns and operates an approved on-site generating system powered by a renewable resource capable of producing not more than 55 kW of power and who interconnects with Electric Services Electric Distribution System. The current net metering language allows customers to produce energy at one period in time only to be able to use it at another time. The utility is used as a storage system with the potential to economically disadvantage one group of customers in order to benefit another group.

According to Director Kom, over the past year, the number of new installations has grown significantly. In reviewing the new projects installed, staff has noted an emerging pattern where developers are oversizing the installations for that the total amount of energy produced by the solar system exceeds the total amount of energy consumed by the customer at certain times of the day. This creates three significant problems:

1. When a solar array is oversized, the Utility becomes a "storage medium" to which the customer can overproduce as much as it wants and then drawn on that overproduction at a later time. That process creates a situation where the solar customers are using the City's electric grid without paying for the fixed costs associated with maintaining it. Those costs are transferred to the non-solar customers.
2. The Utility does not store excess solar energy, so any overproduced energy is used by other customers at the time it is produced. Later, the Utility must purchase the replacement energy; the result is an increased cost to non-solar-producing customers for the betterment of the solar-producing customers.
3. By using the excess energy when produced, the "cost" of the energy is at fully bundled retail rates. The City purchased less of the lower-cost wholesale energy, which increases rates to all customers.

Council Member Orazem asked Director Kom if there was anything that makes it more or less attractive for commercial enterprises to adopt solar or would the City want to do that. With residential solar means the rate is energy plus a small customer costs. All costs are captured through an energy-only rate. Commercial customers' energy cost is a lot lower because some of the costs are captured in a demand charge. He said that doesn't mean that solar for commercial is less attractive, but it would mean that they would size it differently.

At the inquiry of Council Member Corrieri over this being a long-term solution or if the City would revisit this issue, Director Kom emphasized that the option recommended by EUORAB is a long-term solution; however there are changes occurring that deal with storage. Staff would continue to look at future technology improvements related to storage capacity and/or solar panel realignment might yield benefits to the Utility by helping reduce electric demand during the summer peak time. City staff will work with interested parties to further study possibilities that might lead to other future revisions to the net metering policy.

Ms. Corrieri asked if the City is really just trying to limit oversizing; and, if so, why doesn't the City just prohibit oversizing. Mr. Kom stated that to do that would "tie the hands of the customers who want to have solar." The option being suggested gives customers the option to do what they feel is in their best interest at this time and the City will accommodate them. However, there are no contributions going back to the fixed costs of the Utility.

Council Member Beatty-Hansen asked about the percentage of overall energy that the systems are producing. Mr. Kom answered that it only equates to less than one percent. He stated that there are 21 customers who have only been on the system for a year. Many of them are oversizing their systems, making use of the distribution system, but with the way the rates are now, they are not contributing back to the Utility's fixed costs.

Council Member Nelson asked for a comparison of the policies regarding solar for the other three utility vendors in different parts of town. Director Kom said he was not real familiar with the programs of the other utilities. Mr. Nelson asked at what rate Utilities are required to buy back electricity. There are some state programs; however, Mr. Kom believed it is about 6 cents for those defined as a "generating unit;" however, municipal is not obligated to follow those same rules. Mr. Nelson asked, if the City were interested in offering incentives, why it wouldn't at least offer what a nearby utility is doing. Director Kom replied that the Council can create any incentives beyond Option 2 ; however, they do not want to create a situation where one subclass of a customer is being subsidized by another set of customers even though it is a very small amount. He again noted that the more incentives that are given to solar installers, the more it affects everyone else's rate; it spreads the costs over the customers who have not installed solar.

Ms. Beatty-Hansen asked if Mr. Kom of he had any concept of the amount in terms of each person's bill; in other words, how much are the people who don't have solar paying for solar. Mr. Kom gave a sample bill of a customer before installing solar and after installing it. He stated that the cost of solar to the City is approximately \$200,000 per year, which equates to an extra few cents per customer. Ms. Beatty-Hansen did not feel that the City needed to change the rate now. She believes that it could "put the brakes" on residential solar installations for a few cents per customer. Director Kom again explained that problems occur when people are grossly oversizing the system; e.g., they are being paid 11.66 cents, which is the retail rate in the summer, when the City can purchase wholesale energy at 2 cents. Ms. Beatty-Hansen said she agreed with Council Member Corrieri that the City could cap oversizing before it got really out of control.

Council Member Corrieri said she had concerns about setting a value now without really spending time to dig into the other options. Her fear is that the City will set the number and then not revisit this issue. Mr. Kom noted that when the rates are increased, all the numbers will increase by the same percentage. Staff is continuing to look at battery storage and other options as an alternative. The number is not forever fixed for good; it will change. The Energy Cost Adjustment will also affect it, just like it does now. This issue will be reviewed again. Ms. Corrieri also asked if the EUORAB will discuss it or will there be some sort of work group with commercial and residential users. Mr. Kom said there will be further discussions with interested groups and vendors. He noted that one of the groups that is interested in this topic is the Ames Progressive Alliance. He said that the City will continue to work with that group and others like it in the future.

Council Member Gartin asked if staff had consulted with Sol-Smart about Net Metering. Mr. Kom said that they had recently had a conversation with Sol-Smart; however, Net Metering was not discussed. He said that staff could have a conversation with Sol-Smart in the future; however, he did not believe that it would make any recommendations as to how the Utility is run.

Mr. Gartin also asked if any best practices regarding solar had emerged. Director Kom said that there are many different approaches. The EUORAB looked at several, but did not find a better option than what they had planned to recommend for approval. Council Member Gartin said that he sees solar as evolving.

It was asked by Council Member Gartin how wind energy could factor into this. Director Kom replied that the same rate could easily be applied at the residential wind turbine. From a wholesale standpoint, however, wind is the most-expensive resource. He commented that there is much more discussion that needs to be held on that topic, perhaps in a workshop.

After being questioned by Council Member Betcher how long it would take to ask Sol-Smart, Mr. Kom commented that staff would have time to have that conversation; any ordinance would still need to be prepared and three readings to adopt it would be required.

Mark Steffen, 2316 Aspen Road, Ames, identified himself as a new member of Ames Progressive Alliance. Regarding cross-subsidies between different levels of rate-payers, he commented that several Council members had remarked about how small the cost was for residential solar (a few cents to each customers' bill). He asked the Council to consider how large the contribution is from the standard ratepayers to the industrial ratepayers, who get a discounted rate because they generate jobs and economic development. Mr. Steffen said he was trying to point out that there are other cross-subsidies that are much larger. In the opinion of Mr. Steffen, the subsidy for solar does make sense. He also noted that those who install solar take a risk; it is not a risk put on the City. If solar is installed and it doesn't work out, the owner endures the costs. He also asked Council to consider the scale of this problem. There might be 160 solar meters out of 25,000 customers in the City of Ames. Mr. Steffen commented that in terms of time of production, solar and wind actually compliment each other. However, wind is difficult to install and maintain in comparison to solar. Mr. Steffen recommended that the City have a cap on solar to keep it from getting out of control, but he believes that the City should continue with its existing solar tariff and study it more.

Moved by Nelson, seconded by Gartin, to approve the purchase of excess energy from customer generation using the "Fixed Cost" approach with the following additional incentives:

1. Residential: 2 ½ cents/kilowatt incentive
2. General Power: 2 cents/kilowatt incentive
3. Large Power: 1 ½ cents/kilowatt incentive
4. Industrial: 1 cent/kilowatt incentive

in addition to the rates that are shown in the table.

Mr. Nelson said he would expect the City to revisit this in a year or two.

At the request of Council Members Gartin and Orazem as to how he had come up with those numbers, Council Member Nelson explained that he had taken the energy cost that is shown in the table, doubled it, added that to the total cost, and then figured out a percentage of the energy at total cost.

Director Kom said if Council wanted to do that, staff could implement it. He would like Electric to have a chance to go back and look at it, however.

Mr. Kom pointed out that all customers were made aware before they signed their paperwork that the rate would be adjusted down.

Council Member Betcher stated that she would like staff to consult with Sol-Smart for input.

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

Moved by Beatty-Hansen, seconded by Corrieri, to direct staff to propose a procedure to check back on this in a year's amount of time, to formalize the concept of a user group, and consult with Sol-Smart.

Council Member Gartin asked how that would work with EUORAB. City Manager Schainker emphasized that there is a Board (EUORAB) that has done research and outreach. Council Member Beatty-Hansen said the user group would work with EUORAB.

Council Member Corrieri shared that she had voted against Council Member Nelson's motion because she believes the issue should be studied more before numbers are agreed upon.

Mr. Schainker wanted it clarified that what was being requested - that the Council was tasking the EUORAB to study the issue and bring in a user group. Council Member Gartin commented that there is already a Board that does that; the Board is structured to handle the outreach to the community. He doesn't see how that would be any better than what has already been done.

At the request of Mayor Campbell, Director Kom reviewed the work that the Board has already done. He said that the Board was listening to the customers and community when it made its recommendation. The Mayor noted that user groups have already been working with the EUORAB.

Director Kom said that he will have conversation with Sol-Smart and bring that information back to the Council at the time of the first reading of the ordinance.

Motion withdrawn.

Moved by Beatty-Hansen, seconded by Corrieri, to direct that the EUORAB continue to look at this in the future, making sure that when technology changes and data is gathered, they also talk to user groups, and to report back in a year.

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

**REQUEST FROM MICA FOR FUNDING FOR STORY DENTAL CLINIC OPERATIONS:**

Assistant City Manager Brian Phillips recalled that at its September 13, 2016, the Council referred a letter from MICA requesting a one-time allocation of \$50,000 for the Story County Dental Clinic. The Clinic has struggled financially in the past. According to Mr. Phillips, MICA had also asked for \$50,000 each from the United Way of Story County and the Story County Board of Supervisors. Earlier this year, United Way and Story County each awarded \$35,000 as a one-time allocation. Mary Greeley Medical Center also provided \$15,000 in financial support. Mr. Phillips noted that MICA had applied for a substantial increase (84%) in its ASSET request for FY 2016/17.

Gloria Simons, 226 SE 16<sup>th</sup> Street, Ames, said that the Dental Clinic is requesting additional support primarily due to Medicaid's reimbursement rate not completely covering the costs of services. Very little Medicaid reimbursement for basic services, such as check-ups and cleanings, is received. The dentist has been retained on staff for the past three years, which has generated more patient visits for basic services, so MICA's funding shortfall has grown. Ms. Simons said that the Clinic has gone digital in its record-keeping and billing; that has helped.

Council Member Gartin expressed his hesitancy to recommend operational funding for services outside of the ASSET process. Assistant City Manager Phillips said that he believes that this request is unique. Mr. Gartin wanted that reassurance so as not to set a precedent if additional funding were to be approved.

At the request of Council Member Betcher, Ms. Simons reported on their fund-raising efforts. She also explained some of the challenges that have been created by the way services must be billed to Medicare.

At the inquiry of Council Member Corrieri, Ms. Simons stated that their request for the next cycle of ASSET funding will be higher to account for the increased service needs at the Dental Clinic.

Mr. Phillips advised that, if the Council wants to allocate additional funding, there are two ways to do so: Authorize additional services at the existing rate of clients who are eligible or increase the cost per unit of service.

*Ex officio* Member Sam Schulte encouraged Ms. Simons to also have a discussion with the Student Government about its need for additional funding.

Moved by Gartin, seconded by Orazem, to adopt RESOLUTION NO. 16-674 approving an additional allocation of \$50,000 to MICA for its dental clinic operations from the Local Option Sales Tax, by modifying the rate in which it is reimbursed, and direct staff to modify the contract that is currently in place.

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

**HEARING ON URBAN REVITALIZATION AREA FOR 2700, 2702, 2718, AND 2728 LINCOLN WAY; 112 AND 114 SOUTH HYLAND AVENUE; AND 115 SOUTH SHELDON AVENUE:**

Kelly Diekmann stated that the developer and contract purchaser for this project (River Caddis) had requested the designation of an Urban Revitalization Area (URA) for the properties at 2700, 2702, 2718, and 2728 Lincoln Way; 112 and 114 South Hyland Avenue, and 115 S. Sheldon Avenue. The site is eligible for an URA designation under the statutory criteria of promoting economic development. The Council had earlier directed that the Concept Plan be established as the criteria for the revitalization area with the additional criteria requiring participation in the Crime-Free Housing Programs with the Police Department, approval of a unified sign program, and the installation of commercial restaurant exhaust equipment to allow for at least one tenant space to be used as a full restaurant site. Council also had reviewed the developer's updated concept on August 9, 2016, and gave direction to address architectural details, use, colors, the amenity deck, and security measures similar to the Campustown URA. The Draft URA Plan had been reviewed by the Council on September 27 with an updated concept plan and a list of the specific criteria for property tax abatement eligibility. The developer has received approval from the Zoning Board of Adjustment for stacked parking with a valet to serve the hotel use and for a parking dimension exception to allow for greater sidewalk widths along Lincoln Way.

The Council's attention was brought to the amenity deck, which now includes four-foot parapet walls with additional plexi-glass or similar transparent barriers along the east and south sides. The design incorporates tensile fabric coverings along the east side and layering of vegetation to protect the edge of the space, acoustic mats, and video surveillance.

According to Director Diekmann, the Urban Revitalization Plan meets state requirements and also includes qualifying criteria. The Plan also identifies that it will expire on December 31, 2021, noting that any eligible property will continue to receive previously approved tax abatement.

Mayor Campbell opened the public hearing. No one came forward to speak, and the Mayor closed the hearing.

Plan. Moved by Orazem, seconded by Corrieri, to adopt RESOLUTION NO. 16-660 approving the Plan.

Roll Call Vote: 5-1. Voting aye: Beatty-Hansen, Corrieri, Gartin, Nelson, Orazem. Voting nay: Betcher. Resolution declared carried, signed by the Mayor, and hereby made a portion of these Minutes.

Ordinance. Moved by Orazem, seconded by Corrieri, to pass on first reading an ordinance establishing 2700, 2702, 2718, and 2728 Lincoln Way; 112 and 114 South Hyland Avenue; and 115 South Sheldon Avenue Urban Revitalization Area.

Roll Call Vote: 5-1. Voting aye: Beatty-Hansen, Corrieri, Gartin, Nelson, Orazem. Voting nay: Betcher. Resolution declared carried, signed by the Mayor, and hereby made a portion of these Minutes.

Development Agreement. Kelly Diekmann explained the provisions of the Development Agreement. He emphasized that the Agreement states that the City has an obligation to maintain the URA and its eligibility criteria as adopted, without consent of the developer to amend the Plan. He explained that City staff must inspect the property for compliance when it is substantially complete to allow the developer to complete the project in accordance with the criteria to ensure that there is adequate time for compliance before filing for final eligibility determination for property tax abatement. The Agreement has no specified end date; it will continue beyond the initial life of the tax abatement program.

Council Member Gartin wanted it stated that this would not be setting a precedent for future developments.

Council Member Betcher questioned the amenity deck's closure time stated in the Development Agreement. It was to be 10:00 p.m. on weekdays and 11:00 p.m. on weekends per the Council discussion that was held during its September 27, 2016, meeting. Ms. Betcher emphasized that the Council was told 10:00 p.m. on weekdays and 11:00 p.m. on weekends at that time. Developer Kevin McGraw, River Caddis, said he was ok with the amenity deck not being open past 10:00 p.m. on the weekdays and 11:00 p.m. on weekends.

Moved by Orazem, seconded by Corrieri, to adopt RESOLUTION NO. 16-661 approving the Development Agreement with the revision to the apartment amenity deck being open no later than 10:00 p.m. on weekdays and 11:00 p.m. on weekends.

Council Member Beatty-Hansen asked if the hotel doesn't work out. Director Diekmann replied that if the hotel option is not working, the developer will have to come back to the City and request an amendment to the Development Agreement.

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

Sale of Right-of-Way adjacent to 115 South Sheldon Avenue. Moved by Gartin, seconded by Orazem, to adopt RESOLUTION NO. 16-662 setting the date of public hearing for December 13, 2016, for the sale of right-of-way adjacent to 115 South Sheldon Avenue.

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

**HEARING ON AMENDMENT TO CAMPUSTOWN URBAN REVITALIZATION AREA:** Director Diekmann explained that three properties were being removed from the Campustown URA: 2700, 2702, and 2718 Lincoln Way. Because the boundaries were changing, a new Plan had to also be adopted.



The public hearing was opened by Mayor Campbell. No one asked to speak, and the hearing was closed.

Moved by Nelson, seconded by Beatty-Hansen, to adopt RESOLUTION NO. 16- 663 approving the revised Plan.

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

Moved by Nelson, seconded by Corrieri, to pass on first reading an ordinance changing the boundaries of the Area by removing properties addressed as 2700, 2702, and 2718 Lincoln Way.

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

**HEARING ON MAJOR SITE DEVELOPMENT PLANS FOR 2036, 2041, 2105, 2121, AND 2135 COTTONWOOD ROAD AND 3201 UNIVERSITY BOULEVARD:** City Planners Ray Anderson and Justin Moore presented reports on the Major City Development Plans for 2041, 2105, 2121, 2135, and 2036 Cottonwood Road and 3201 University Boulevard. Hunziker Development Company, LLC, is requesting approving of Major Site Development Plans for each of the properties.

At the inquiry of Council Member Beatty-Hansen, Traffic Engineer Damion Pregitzer explained the placement of the shared use path. Noting the number of 90-degree turns in the path, Council Member Nelson asked how deep the storm water detention pond is next to the path. Planner Anderson replied that it would be 12-feet-deep. Council Member Gartin asked if there could be a straight path, rather than a jog leading from Cottonwood Road south. Developer Chuck Winkleblack, Hunziker & Associates, 105 South 16<sup>th</sup> Street, Ames, advised that there is an Access Point in Lot 12 that had to be worked around; it was not shown on the map. He also noted that what is shown is what was worked out as a compromise with the neighborhood residents.

Mayor Campbell opened the public hearing and closed same after there was no one requesting to speak.

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

- a. RESOLUTION NO. approving Plan for apartments at 2041 Cottonwood Road
- b. RESOLUTION NO. approving Plan for apartments at 2105 Cottonwood Road
- c. RESOLUTION NO. approving Plan for apartments at 2121 Cottonwood Road
- d. RESOLUTION NO. approving Plan for apartments at 2135 Cottonwood Road
- e. RESOLUTION NO. approving Landscape Plan for 2036 Cottonwood Road and 3201 University Boulevard

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

**HEARING ON ZONING ORDINANCE TEXT AMENDMENT TO CORRECT SCRIVENER'S ERRORS IN ORDINANCE NO. 4269 PERTAINING TO CLUBHOUSES WITHIN FLOATING SUBURBAN MEDIUM DENSITY RESIDENTIAL (FS-RM) ZONING DISTRICTS:** It was noted by Director Diekmann that the City Council recently approved an amendment to the Zoning Ordinance to allow for clubhouses as an accessory use within the FS-RM zoning district. Council completed the readings of the Ordinance on September 13, and the Ordinance was adopted and subsequently published. Staff recently discovered that the wrong table of uses was included in the adopted Ordinance. The FS-RL table was inadvertently used, and now it includes the change that was meant for the FS-RM table.

The public hearing was opened by the Mayor. There was no one wishing to speak, and the hearing was closed.

Moved by Beatty-Hansen, seconded by Nelson, to pass on first reading an ordinance to correct scrivener's errors in Ordinance No. 4269 pertaining to clubhouses within Floating Suburban Medium Density Residential (FS-RM) Zoning Districts.

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

Moved by Nelson, seconded by Corrieri, to suspend the rules necessary for the adoption of an ordinance.

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

Moved by Beatty-Hansen, seconded by Corrieri, to pass on second and third readings and adopt ORDINANCE NO. 4280 to correct scrivener's errors in Ordinance No. 4269 pertaining to clubhouses within Floating Suburban Medium Density Residential (FS-RM) Zoning Districts.

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

Moved by Beatty-Hansen, seconded by Nelson, to pass on first reading an ordinance repealing Ordinance No. 4269.

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

Moved by Nelson, seconded by Corrieri, to suspend the rules necessary for the adoption of an ordinance.

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

Moved by Beatty-Hansen, seconded by Corrieri, to pass on second and third readings and adopt ORDINANCE NO. 4281 repealing Ordinance No. 4269.

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

**HEARING ON CYRIDE REROOFING 2016:** Transit Director Sheri Kyras said that replacement of the roof over the original portion of the building was included in the first year of the 2016-2021 Capital Improvements Plan. The roof had not been replaced since before 1999 and had developed multiple leaks in recent years. The new roof would be a mechanically fastened PVC roof system, instead of a ballasted-type roof. According to Ms. Kyras, six bids were received. Academy Roofing & Sheet Metal submitted the low base bid of \$278,500. Alternate No. 1, to replace the existing skylights with new units, was \$28,500. The total project cost equates to \$307,000; \$375,000 had been budgeted. Director Kyras advised that the Ames Transit Agency Board of Trustees had approved award of the contract with Alternate No. 1 to Academy Roofing & Sheet Metal on November 1, 2016. It was noted by Ms. Kyras that award of the contract is subject to concurrence by the Iowa Department of Transportation's Office of Public Transit.

Moved by Gartin, seconded by Corrieri, to adopt RESOLUTION NO. 16-669 approving final plans and specifications and awarding contract to Academy Roofing & Sheet Metal of Des Moines, Iowa, in the total amount of \$307,000.

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

**3615 ZUMWALT STATION ROAD:** Planner Julie Gould explained that 3615 Zumwalt Station Road is located within Story County and the Urban Services Area designation of the Ames Urban Fringe Plan. The site is approximately one quarter of a mile west of the intersection of State Street and Zumwalt Station Road. The 3615 Zumwalt property contains a home owned by the Sanders. The larger farmland to the north and west is owned by Champlin Farms LLC and has no residence on the property. The proposed boundary line adjustment would resolve a dispute of ownership of approximately 60 feet of land along the rear property line of the 3615 Zumwalt Station Road property. As part of the survey

approval, the applicant requests that the City Council waive the requirement to completely survey the existing boundaries of both properties that are part of the boundary line adjustment and accept the complete survey of the smaller adjusted property at 3615 Zumwalt Station Road. The Sanders seek to increase their parcel size as a result of a settlement between the two property owners giving the Sanders legal title to a strip of land that they thought they already owned. To do so requires moving the north property line approximately 60 feet farther north. Approximately 0.93 acres would be exchanged between the two sites as part of the boundary line adjustment.

Planner Gould explained the provisions of the Ames Urban Fringe Plan that state properties in Story County with the land use designation of Urban Residential are to become part of a municipal jurisdiction as they develop. However, neither property owner wishes to annex at this time and request that the Plat of Survey be approved without annexation.

Ms. Gould stated that the applicant also requests a waiver of Section 23.308(3), which necessitates the adjacent property owned by Champlin to be surveyed along with the Sanders' parcel. Section 23.103 of the Subdivision Code does allow waivers if approved by the City Council. Granting the waiver would allow a survey to be created of only the Sanders parcel. The applicant believes that requiring the Champlin property to be surveyed presents an extraordinary hardship on the Sanders due to the size and configuration of the Champlin property. According to Planner Gould, approval of the Plat of Survey would allow the applicant to prepare the official Plat of Survey and submit it to the Planning and Housing Director for review. After the Director's approval, the Plat of Survey would be signed by the surveyor and submitted for recording by the County Recorder.

Director Diekmann noted that three covenants had been listed on Agenda; however, only one – the Covenant pertaining to future annexation for the Sanders' property - was being required at this time.

Council Member Gartin said it appeared to him that this was the City resolving a property line dispute between property owners. Attorney for the Sanders, John Tillo, advised that the boundary line adjustment could not move forward without approval of the City Council. He said that his clients are asking for a waiver of the subdivision regulations. Mr. Gartin asked if there was going to be a Quit Claim Deed from the Champlins to the Sanders, to which Mr. Tillo replied in the affirmative.

Mr. Tillo explained that his clients had bought the property in question in 1971. When they went to sell the property, the property line came into question.

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

1. RESOLUTION NO. 16-670 approving the Plat of Survey for 3615 Zumwalt Station Road
2. RESOLUTION NO. 16-671 approving the Covenant Pertaining to Annexation

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

**LANDSCAPE ORDINANCE CONCEPT PROVISIONS (POSTPONED FROM OCTOBER 25, 2016, MEETING):** Planning and Housing Director Kelly Diekmann stated that the Council had postponed action on the concept in an attempt to get more input from developers about the 50-point scoring system being proposed by staff. If approved, the traditional prescriptive requirements would be eliminated and replaced with a scoring system based on combinations of key design points that achieve the intent and purpose of desired landscaping. At this time, staff needs direction as to whether there were parts of this that the Council members wanted included or not.

Council Member Gartin noted that the feedback he had received was that the revision of the Landscape Ordinance was a great idea, but in practice, a way to make it work could not be found. He praised Planning staff for its hard work, but felt that it might be time “to put this back on the shelf.”

Council Member Orazem shared that he preferred Option 3. Director Diekmann said that in its analysis, staff determined that that Option would not necessarily be easier; it would just be cleaner. Mr. Orazem said his main desire was flexibility. He would like to see “extra credit” given for a creative design.

Council Member Nelson asked if staff had any other options. Director Diekmann noted that the amount of latitude to be given to staff would have to be determined. He said that staff had heard a lot from the work group about what wouldn’t work. He said that if there were things that the Council members definitely wanted included, they should make staff aware of those.

Council Member Nelson said it would be important to know to what extent “odd-ball situations” create roadblocks.

Moved by Nelson, seconded by Corrieri, to direct staff to internally develop a completely different draft and meet with the work group on the recommendations before a draft ordinance is created.

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

Council Member Nelson said one of the items that caught his eye was the one pertaining to landscaping rock. He felt the use of rock instead of mulch should not be precluded.

**PLANNING DEPARTMENT WORK PLAN DISCUSSION:** Council Member Betcher asked if it would be possible to table this item.

Moved by Betcher, seconded by Gartin, to table this item to the next meeting.

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

**ORDINANCE ESTABLISHING PARKING REGULATIONS ON HYDE AVENUE:** Moved by Nelson, seconded by Beatty-Hansen, to pass on first reading an ordinance establishing parking regulations on Hyde Avenue.

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

Moved by Gartin, seconded by Orazem, to pass on first reading an ordinance establishing the speed limit on Hyde Avenue.

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

**ORDINANCE REZONING, WITH MASTER PLAN, 5571 GRANT AVENUE, NOW KNOWN AS HYDE AVENUE (ROSE PRAIRIE):** Moved by Corrieri, seconded by Gartin, to pass on third reading and adopt ORDINANCE NO. 4276 rezoning, with Master Plan, from Agricultural (A) to Suburban Residential Low Density (FS-RL), Suburban Residential Medium Density (FS-RM), and Convenience General Service (CGS).

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

**ORDINANCE REZONING, WITH MASTER PLAN, 3115, 3119, 3301, 3325, 3409, AND 3413 SOUTH DUFF AVENUE:** Moved by Gartin, seconded by Corrieri, to pass on third reading and adopt ORDINANCE NO. 4277 rezoning, with Master Plan, 3115, 3119, 3301, 3325, 3409, and 3413 South Duff Avenue from Highway-Oriented Commercial (HOC) and Agricultural (A) to Residential High Density (RH) and Highway-Oriented Commercial (HOC).

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

**ORDINANCE REGARDING PERMITTED USES AND MIXED-USE DEVELOPMENT STANDARDS IN CAMPUSTOWN SERVICE CENTER:** Moved by Gartin, seconded by Corrieri, to pass on third reading and adopt ORDINANCE NO. 4278 regarding permitted uses and Mixed-Use Development Standards in Campustown Service Center.

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

**ORDINANCE CREATING MINOR AMENDMENT PROCESS FOR MAJOR SITE DEVELOPMENT PLANS AND SPECIAL USE PERMITS:** Moved by Corrieri, seconded by Gartin, to pass on third reading and adopt ORDINANCE NO. 4279 creating Minor Amendment Process for Major Site Development Plans and Special Use Permits.

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

**115 SOUTH SHELDON AVENUE:** Mayor Campbell noted that she had not brought it to the Council's attention that the action that should have been taken by the Council on Item 25d was to set the date of hearing on vacating the right-of-way located adjacent to 115 South Sheldon Avenue, not on the sale of the property. The area has to be vacated first before it can be sold.

Moved by Orazem, seconded by Gartin, to rescind the Resolution setting the date of public hearing on the sale of right-of-way adjacent to 115 South Sheldon Avenue.

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

Moved by Beatty-Hansen, seconded by Orazem, to adopt RESOLUTION NO. 16-662 setting the date of public hearing on the vacation or right-of-way adjacent to 115 South Sheldon Avenue.

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

**COUNCIL COMMENTS:** Moved by Gartin to refer to staff the letter from Vikki Feilmeyer requesting a text amendment to Campustown Service Center Zone Uses on behalf of Kum & Go for 203 Welch Avenue.

City Manager Schainker noted that that item was to have been brought up during the Planning Work Program discussion; it had not yet been discussed, but if it is would need to be prioritized.

Motion withdrawn.

City Manager Schainker noted that several sales of City rights-of-way had been put on hold at the request of the City Attorney to change the process. City Attorney Parks told the Council that the process should move forward as it; it should not impede the sale of properties that has already come before the City Council. She suggested that the City follow the current process of conveying properties through Quit Claim Deeds.

Moved by Corrieri, seconded by Gartin, to direct staff to continue under the current process.

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

Moved by Gartin, seconded by Beatty-Hansen, to refer to staff the letter from Heartland Senior Services pertaining to additional funding for the home-delivered meal program.

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

**ADJOURNMENT:** Moved by Nelson to adjourn the meeting at 8:50 p.m.

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Diane R. Voss, City Clerk

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Ann H. Campbell, Mayor