

MINUTES OF THE REGULAR MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

DECEMBER 19, 2017

The Regular Meeting of the Ames City Council was called to order by Mayor Ann Campbell at 6:00 p.m. on December 19, 2017, in the City Council Chambers in City Hall, 515 Clark Avenue, pursuant to law. Present were Council Members Bronwyn Beatty-Hansen, Gloria Betcher, Amber Corrieri, Tim Gartin, and Chris Nelson. Council Member Peter Orazem joined the meeting telephonically. *Ex officio* Member Rob Bingham was also present.

Mayor Campbell announced that the Council would be working from an Amended Agenda. Added under Planning & Housing was the following:

321 State Avenue Affordable Housing Development (Old Middle School):

- a. Resolution approving Development Agreement with JCORP, Inc.
- b. Resolution awarding contract to Keller Excavating, Inc., of Boone, Iowa, in an amount not to exceed \$1,196,833.26 for public improvements

Council Member Nelson asked to pull Item No. 13 (Community Catalyst Building Remediation Program Grant for Main Street Cultural District) for separate discussion.

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 renewal of the following Beer Permits, Wine Permits, and Liquor Licenses:
 - a. Class C Liquor – Cyclone Liquors, 626 Lincoln Way (Back Room Only)
 - b. Class C Liquor – 1 Night Stand, 124 Welch Avenue
3. Motion approving 5-day (January 12-16) Class C Liquor License for Olde Main at CPMI Event Center, 2321 N. Loop Drive
4. Motion approving new Class C Beer & B Wine Permit for Fresh Thyme Farmers Market, 215 S.E. 5th Street (pending final inspection)
5. Motion accepting Progress Report from Sustainability Coordinator
6. RESOLUTION NO. 17-702 approving and adopting Supplement No. 2018-1 to *Municipal Code*
7. RESOLUTION NO. 17-703 approving appointment of Liz Jeffrey to fill vacancy on Ames Transit Agency Board of Trustees
8. RESOLUTION NO. 17-704 approving Council Member Gloria Betcher to serve on the NLC University Communities Council
9. RESOLUTION NO. 17-705 approving Amendment to 2017/18 Pay Plan
10. RESOLUTION NO. 17-706 approving Contract for COTA Spring Special Project Grant
11. RESOLUTION NO. 17-707 approving additional funding for prosecution assistance for Legal Department
12. RESOLUTION NO. 17-708 accepting right-of-way dedication of Sheffield Avenue
13. Asset Management Agreement (AMA)/Pipeline Services for Power Plant:
 - a. RESOLUTION NO. 17-710 approving renewal of contract with BP Canada Energy Marketing Corp. of Omaha, Nebraska, for AMA Transaction Confirmation

- b. RESOLUTION NO. 17-711 approving renewal of contract with BP Canada Energy Marketing Corp. of Omaha, Nebraska, for Transaction Confirmation
 - c. RESOLUTION NO. 17-712 authorizing purchase of additional natural gas, plus delivery as needed, in an amount not to exceed \$300,000
14. RESOLUTION NO. 17-713 approving Change Order No. 3 for 2016/17 Water System Improvements Program #1 - Water Service Transfer (8th Street, Hayward Avenue, Little Street)
15. RESOLUTION NO. 17-714 approving Change Order No. 1 for additional engineering services with Strand Associates, Inc., of Madison, Wisconsin, for the WPCF Digester Pumps, Piping, and Valves Replacement Project
16. RESOLUTION NO. 17-715 approving partial completion of public improvements for Hayden's Crossing, 2nd Addition
- Roll Call Vote: 6-0. Resolutions/Motions declared adopted/approved unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

COMMUNITY CATALYST BUILDING REMEDIATION PROGRAM GRANT: Council Member Nelson stated that he had requested this item be pulled as he has a possible conflict of interest. Therefore, he would be abstaining from the vote.

Moved by Corrieri, seconded by Gartin, to adopt RESOLUTION NO. 17-709 authorizing City staff to sign the Pre-Application prepared by Main Street Cultural District for Community Catalyst Building Remediation Program Grant for a building located at 131 Main Street.

Roll Call Vote: 5-0-1. Voting aye: Beatty-Hansen, Betcher, Corrieri, Gartin, Orazem. Voting nay: None. Abstaining due to conflict of interest: Nelson.

PUBLIC FORUM: Mayor Campbell opened Public Forum. Merlin Pfannkuch, 1424 Kellogg Avenue, Ames, commented that he had asked the Council for two things last fall:

1. To review the East Industrial Area before bids are let for the infrastructure. However, he heard the recent announcement about an agreement between the Ames Economic Development Commission (AECD) and Alliant Energy to develop the area further; so, he doesn't know if a review is still warranted.
2. For the City Council to adopt a more formal policy relating to industrial tax abatement. As the area develops, Mr. Pfannkuch believes that there will be more and more companies asking for the City to give them more than what it would offer them. He expressed his dismay over the way Barilla's tax increment financing developed and felt that the Council should have had more say early on. Mr. Pfannkuch noted that the City has had the regular five-year tax abatement for industrial for decades and he does not want more pressure to be put on staff to negotiate with a company that wants more than the usual five-year abatement. If a company is not happy with the usual five-year abatement, it should have to come before Council more than 14 days prior to any approval granted by the City.

Mr. Pfannkuch also stated that he was not pleased that Barilla was never made to come before the

Council at a meeting and ask for more incentives.

Richard Deyo, 505-8th Street, #2, Ames, said “Merry Christmas.”

There being no one else wishing to speak, the Mayor closed Public Forum.

HEARING ON AMENDMENT TO THE EAST UNIVERSITY IMPACTED AREA (UIA EAST) URBAN REVITALIZATION PLAN: City Planner Charlie Kuester reminded the City Council members that at its November 28, 2018, meeting, the Council had directed staff to prepare an amendment to the East University Impacted Area Urban Revitalization Plan. The Council’s direction was to include new construction of Greek residences as an eligible criterion for tax abatement. He noted that the existing criterion of allowing for abatement for rehabilitation and expansion remains. Mr. Kuester brought the Council’s attention to the map of the Urban Revitalization Area in question.

Council Member Betcher said that she was looking at the proposed language, specifically, at the two bulleted items listed as Attachment 3, Page 5, of the Council Action Form. She noted that, under the first bullet, it talks about existing or former residences, which is the previous language with the 70% remaining, but the second one doesn’t say anything about demolition of existing buildings; it simply talks new construction. Therefore, in her opinion, that opens the door for Greek houses anywhere in the UIA East to be constructed with the potential for tax abatement. Planner Kuester confirmed that that was the way the language reads. He specified that it was not tied to the demolition of an existing building; it was just tied to building a new one. Ms. Betcher then inquired if that would leave it open for an assembly of properties that could then be developed as a single property for the construction of a Greek residence. Mr. Kuester again confirmed that it would. Council Member Betcher said it had been her assumption that that was not the Council’s intention; however, she is not sure that that was specified by the City Council.

Mayor Campbell opened the public hearing.

Doug Moore, a resident of Franklin Township, advised that he owns commercial property at 611 East Lincoln Way, Ames. He asked the Council to slow down and get all the information about the possible consequences on the finances of the City and of the neighborhood. Mr. Moore feels that the Council’s decision was being made with very little analysis being done. According to Mr. Moore, this would cost an enormous amount of money to the City of Ames, Ames School District, and Story County. The cost of the proposed abatement, as noted in the *Ames Tribune*, would be \$750,000 for two properties that have already been built and are now asking for tax abatement. According to Mr. Moore, the proposed change to the current Plan would allow every Greek House to be torn down and rebuilt with the potential for tax abatement. Mr. Moore said he understands that the City Assessor can provide the data as to what it would cost if every Greek house decided to build new. He felt that the intent of the existing current Ordinance is very clear; in fact, the Ordinance specifically states in several places (at least four) its goal is to discourage demotion. Requiring at least 70% of the existing structure to remain makes sense to retain the historic character of the building. It was also noted by Mr. Moore that when the Plan was initially adopted, the Historic

Preservation Commission was fully in favor of it. He asked if the Historic Preservation Commission had been informed of this potential change. Mr. Moore stated that there was no question that the Greek community contributes positively to the City of Ames. He would like the Council to explore a compromise and cap the abatement at \$200,000 for fully rebuilt properties. In his opinion, that would discourage demolition while still showing support for the Greek System. Mr. Moore would like a thorough review by the City Assessor's Office, particularly Greg Lynch, on such a compromise as it pertains to revenue and the cost of the change.

Paul Livingston, 1926 George Allen Avenue, Ames, offered his support of the proposed amendment to the East University Impacted Area Urban Revitalization Plan, as written. He noted that there are little or no options for construction of new fraternities in the present stock of properties for sale in Ames. Mr. Livingston said he is currently working with a sorority and fraternity in trying to find properties for sale where a new Greek House could be built. He has been charged the task to try to assemble properties - whether they be tri-plexes, duplexes, or older homes - as they are only permitted in a designated area. He asked the Council to support the proposal, as written.

Justin Dodge, 2013 Green Briar Circle, Ames, advised that he was representing the Greek Alumni Alliance. He stated that the Greek Alumni Alliance is very supportive of the proposed amendment. Mr. Dodge referenced the video of the Council meeting in 2011 when the Council's direction was clear. He asked Planner Kuester to clarify a few things about what is reviewed before Greek houses are allowed to be demolished. According to Mr. Dodge, there are very few properties that would be allowed to be demolished. Planner Kuester confirmed that in order to demolish a Greek House, it would have to apply and get permission from the City Council. The Zoning Code does encourage the maintenance and rehabilitation of existing building. There are a number of economic hardship and other criteria that would have to be met before the building could be demolished. Also, any design of new construction would have to meet the same design criteria as rehabilitation. According to Mr. Kuester, the tax abatement program works hand in hand with the Zoning Code.

The hearing was closed after no one else requested to speak.

Moved by Nelson, seconded by Corrieri, to adopt RESOLUTION NO. 17-716 to approve the Amendment to the East University Impacted Area Urban Revitalization Plan, as shown in Attachment 3 of the Council Action Form.

Council Member Beatty-Hansen commented that "this would be a bad idea." She believes that the purpose of the original Ordinance was to discourage demolition and she does not see how demolition is being discouraged if the same abatement is allowed for new construction. Ms. Beatty-Hansen asked if the City had ever approved a retroactive abatement. City Manager Steve Schainker said that he did not recall any such instance. Council Member Orazem said he recalled another project approximately seven years ago, which he believed was an mobile home park, that was approved for urban revitalization. The Council did not give approval before the mobile home park was cleaned up and given some kind of retroactive approval. Director Diekmann noted that the Council did not approve abatement retroactively; it was approved with the project. Ms. Beatty-Hansen advised that she would like to preserve some way to encourage rehabilitation instead of demolition. She would

like to explore some sort of a tiered system. City Manager Schainker said the City would need to see what state law will allow. It was Ms. Beatty-Hansen's opinion that the Council was being pressured to perhaps make a poor policy decision because of the time frame for abatement. She would like to know what possible consequences there could be from approving retroactive abatement and also would like the Council to receive more information on a tiered system.

Council Member Betcher stated that she was concerned about the proposed language. She sees it as opening the door for Greek houses to be constructed in all areas of the City. Because of what she has learned tonight, which was not how she had understood the proposed change, she is not sure whether she should be voting on it as the information presented tonight came as a surprise to her. Ms. Betcher commented that she was concerned that the City is not "walking the talk" when it comes to sustainability if the City is using incentives such as abatement that encourages demolition as opposed to requiring renovation. Ms. Betcher also noted that the circumstances that guided the 2011 City Council are not the same as today. The consequences could be far-ranging and unintended. The Greek System at that time was not doing well because they were losing students plus many more students have been added in the past five years. This Council should consider its best practices at this time as opposed to a decision that was never voted on in 2011.

Council Member Nelson commented that residential neighborhoods are not going to be torn down; the area is already zoned RH. He sees the proposed change as incentivizing Greek houses to aggregate in the same area. "community." Mr. Nelson believes that if they are building new, it would be because they need to enlarge the structure, which is still going to be constrained by lot size. He said that there is a complicated interplay as to whether the economics makes sense to renovate or tear down and build new.

Council Member Gartin asked if the Council should be focusing on what Justin Dodge originally brought before the Council or have there been new elements added, such as buying up properties to build a new Greek house. Planner Kuester advised that this would mean that a new chapter would have the same opportunity for tax abatement as existing houses. Mr. Gartin thought that the Council was only dealing with replacing existing Houses. He agreed that there is value in keeping the Houses in the same area.

Roll Call Vote: 2-4. Voting aye: Corrieri, Nelson. Voting nay: Beatty-Hansen, Betcher, Gartin, Orazem. Motion failed.

Moved by Gartin to approve the proposed language with the exception of the construction of new Greek residence recognized by Iowa State University as part of the Greek residence system.

Council Member Gartin withdrew the motion.

Council Member Beatty-Hansen asked if there was any interest in having staff bring back options to allow for some tiered system. City Manager Schainker reminded the Council about the time frame (that the Greek House has two years to apply). Council Member Betcher offered that she thinks there is merit in discussing that further.

Council Member Beatty-Hansen commented that, with renovation, the historic character of the structure is preserved. She questioned what public good would be achieved if tax abatement were to be offered for new construction.

Council Member Betcher said she was also struggling to see what public good would be gained. She again pointed out that the market conditions today are different than in 2011. Ms. Betcher commented that she believes that the Council would not even be looking at incentivizing new construction if a video of the meeting in 2006 had not been shown.

Ex officio Member Rob Bingham commented that the public good would be in giving students a safe place to live close to Campus. He offered that he does not think those starting up a new chapter should be penalized and not offered the same incentives that existing Greek houses are afforded. Mr. Bingham thinks that every stakeholder should be asked for their opinions.

Moved by Gartin, seconded by Corrieri, to allow tax abatement only for construction of new Greek residences recognized by ISU if they are built on a site that was formerly a Greek residence.

It was clarified that the tax abatement for renovation with the 70% rule would still be in effect.

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

HEARING ON REZONING AND MAJOR SITE DEVELOPMENT PLAN (MSDP) FOR 398 SOUTH 500TH AVENUE AND PROPERTY WEST OF 5508 LINCOLN WAY: Planning and Housing Director Kelly Diekmann recalled that the Council had reviewed the initial proposal for this development in June 2017. The vote was 3-3 on the rezoning request, which was equal to denial. The applicant was allowed to revise the rezoning request. The applicant is now proposing a Planned Residence District (PRD) rezoning request with a modified arrangement of uses and a new MSDP. The general layout of the site and intent for development of 100% rental property that is principally student housing remains the same as the original proposal.

Planner Julie Gould advised that the proposed site plan includes a total unit count of 261 and a bedroom count of 855. The dwelling types are divided into 214 dwelling units within two-family dwellings (attached dwelling houses), four apartment buildings with 46 dwelling units, and one single dwelling unit with the associated maintenance building. According to Planner Gould, the newly proposed site plan includes changes to the southeast corner of the development to include four apartment buildings, rather than all attached dwelling houses. The developer has indicated that the intent of including apartments is to provide a “workforce housing” use type. The workforce housing units would not be rented to students. According to Ms. Gould, parking requirements have been met throughout the site. The proposed apartments replace 13 two-family dwelling houses with four apartment buildings. Ms. Gould stated that the inclusion of four three-story apartment buildings changes how the project interfaces with the existing single-family development to the east. The three-story apartments are set back 60 feet from the east property line, which exceeds the minimum

setback requirements.

Brian Torresi, DavisBrown Law Firm, representing the potential developer, said that the last time this was discussed by the City Council, the vote was 3-3; however, the developer did not receive any further direction. Mr. Torresi also noted that the vote by the Planning & Zoning Commission was 2-5.

Travis Vencel, representing Trinitas Ventures LLC, advised that the proposed project is not an apartment complex; it is a residential community with duplexes and townhomes. The project is planned to consist of 261 units comprised of one-, two-, three-, four-, and five-bedroom units. The density will be 7.8 units/acre, which is one-half of apartment density. It will be marketed and leased to everyone. There will be 17% of the units reserved for non-students. According to Mr. Vencel, the developer is requesting approval by the City Council of the rezoning, Site Development Plan, and Preliminary Plat (at a later time) for the development of 32 acres on Lincoln Way, with the 11 conditions as recommended by staff.

Mr. Vencel presented statistics pertaining to Ames, one of which was that 17,901 students live in conventional apartments, workforce housing, core neighborhoods, or commute to Ames. He noted that 57.76% of renters in Ames are “over-burdened,” meaning that their rent expense is more than 30% of their gross income. There are 9,500 residents of Ames who are between the ages of 24 and 34 based on Census data. There are 3,627 people commuting into Ames daily.

According to Mr. Vencel, several changes had been made to the project since last summer, including increased landscaping, additional townhomes, and addition parking to exceed the zoning standards. The developer has agreed to many improvements including \$863,257 in drainage improvements, \$290,923 in drainage and pedestrian infrastructure (for a total \$1,154,000). In addition, they have agreed to a shuttle service. The development will have walking paths throughout the project and along Lincoln Way. The off-site storm water improvements are not required; however, the developer is agreeing to do them to make the drainage in the area better. Maintenance will be the developer’s responsibility (not that of the Drainage District).

Mr. Vencel showed a video of one of their developments, i.e., The Annex at Southpointe. According to the developer, “it lives like a community, not apartments.” He said that in regards to public transportation, the site is 2.1 miles and 5 minutes to the Union, less than the Copper Beech or The Quarters apartment complexes. The developer has committed to providing shuttle service until such a time as CyRide provides service.

The public hearing was opened by Mayor Campbell.

Robert Dowling, 108 North Riverside Drive, Ames, shared that his parents are both Iowa State grads. They still love to come to Ames to see how it has grown. Mr. Dowling said that when he came to ISU, housing was so expensive, so his dad purchased a home for him and his brother to live. He is supportive of the project as more competition would bring rent prices down.

Hunter Moser, 2323 Knapp, Ames, noted that he spends the majority of his income on rent. Mr. Moser is supportive of the project.

Truman Brady, 4210 Lincoln Swing, Ames, encouraged the Council to approve the development.

Deborah Harmison, 5429 Norris Street, Ames, said that she and her husband just purchased their home in 2014. One of the things that attracted them to that area was that there was a field behind them. They could not afford a place in the country, so this was the closest they could come to living in the country. Ms. Harmison noted that her neighborhood is “a community” and she doesn’t want the field to be developed into apartments or duplexes.

Peter Wolfe, 5508 West Lincoln Way, Ames, noted that he and George Belitsos own the property in question. He feels that Trinitas has proposed an innovative and affordable proposal, and he likes the proposal. Mr. Wolf asked the Council to vote “yes” for what he considers a quality and affordable housing project.

Lori Whitmer, 5426 Frost Drive, Ames, said that her home is adjacent to the proposed development. She shared her concerns: traffic on Lincoln Way; drainage, which has been a problem on her property in the past; and the size of the possible project.

Natalie Hallman, 111 Lynn Avenue, Ames, a senior at Iowa State University, shared that she and her roommates had to sign a lease 12 months before they moved in. The price of rental housing in Ames continues to rise. She asked the Council to approve the development.

Marilyn Clem, 3306 Morningside, Ames, advised that she has been a resident of the College Creek Neighborhood for 41 years. She is concerned about all the concrete that would be installed as part of the project and where the water will go. Ms. Clem said that her and her neighbors’ backyards already flood. She doesn’t want to re-do her basement again and again if the proposed project is built.

George Belitsos, 5508 West Lincoln Way, Ames, said that he and Peter Wolf bought the property in question 31 years ago. He noted that Norris Street ends where his property begins. In March 2016, Mr. Belitsos said he went to an Affordable Housing Conference in Ames. He sat next to representatives of Trinitas, who noted that they had just been turned down for a project. City staff had told them where they should look to develop. His property met the developer’s location criteria. Mr. Belitsos shared that they have an employee who helps with their animals who is trying to get into the Vet College, but she does cannot afford to live in Ames. Mr. Belitsos noted that he and Mr. Wolf built the existing detention pond for water run-off.

Vladimir Chernobryrtzer, Kiev stated that he is considering Iowa State University for getting his PhD. The proposed project is exactly what he is looking for in a residence, as it has the amenities that he is looking for without driving to a gym, pool, studying room, etc.

John Crane, 632 North 500th Avenue, Ames, said that he is one of the potential sellers. Mr. Crane noted that at some point, cities grow; there is only so much land available. He believes that the proposed project will solve the water run-off problems. Mr. Crane said that he visited one of the

developments built by Trinitas. He did so before he would discuss selling his land to them. Mr. Crane advised that the development he visited was very different than apartments; it looked like other newer subdivisions in Ames.

Council Member Betcher asked about rent prices. Mr. Vencel stated that rents will start at \$540/bed for the five-bedroom units. Everything (furniture, cable, Internet, utilities) is included. The non-furnished units for non-students will be about \$75 less.

Ms. Betcher noted that the number of students listed by Mr. Vencel is not quite correct because it includes “on-line students.” Mr. Vencel said that the numbers might not be absolutely exact, but there is a need for this housing project.

Ex officio Member Robert Bingham asked how the shuttle would work. Mr. Vencel said that they will have three shuttles that are operated so that they have a 20-minute trip. At peak times, they will probably have a shuttle every ten minutes. They will not be letting off at a CyRide stop.

Council Member Gartin thanked the students who were offering comments at this meeting tonight during a time when students are on break. He feels that the project in question is an opportunity to provide the kind of housing that students want that are not part of an apartment complex. Mr. Gartin feels this would be a beautiful addition to the community.

Mr. Diekmann stated that if the project is approved, the developer will have public improvement obligations that would be triggered by approval of the Final Plat.

Moved by Beatty-Hansen, seconded by Betcher, to approve Alternative No. 3, which is to deny.

Ms. Beatty-Hansen feels that the density is still an issue; it is not much different than what the Council had already seen.

Ms. Bingham said his issue with this still stands with its proximity to Campus. He agreed with Ms. Beatty-Hansen that what was shown at this meeting was not much different than the previous project. Mr. Bingham said he doesn't deny that this project will help drive down rents, but he doesn't think this is the best project for the community.

Council Member Nelson offered that he thinks the project is a good project, but he feels that the proposed location is not the best.

Council Member Gartin shared his opinion that there are very few opportunities for projects like this that are not going to cause disruption in neighborhoods.

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

Mayor Campbell advised that she would like to move Item No. 23 up on the Agenda and have it be discussed next. There were no objections from the Council members.

2017 COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR): Assistant Finance Director Tina Stanley stated that the City is required by Iowa law to have an annual audit of its financial statements. She said that it was a “clean audit,” meaning the Auditor’s Report stated that there were no significant deficiencies and no noncompliance material to the financial statements noted. There was one material weakness found: an adjustment to the beginning net position of the Transit Fund was necessary to correctly match revenues and expenses of a reimbursable grant. Staff has met with the Transit Board to explain the need for this change and to correctly account for funds in the future. Ms. Stanley pointed out the management letter, which confirmed that there were no other issues that came up during the Audit.

Moved by Gartin, seconded by Corrieri, to adopt RESOLUTION NO. 17-718 approving the 2017 Comprehensive Annual Financial Report.

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

ORDINANCE LIMITING RENTAL OCCUPANCY IN SINGLE- AND TWO-FAMILY RESIDENCES: Council Member Corrieri offered her opinion that the Council was moving too fast with this Ordinance. She noted that she would like to know more about how this would affect “functional families.” Council Member agreed with Ms. Corrieri and was also interested in knowing the effects its adoption would have on certain types of families.

Moved by Orazem, seconded by Gartin, to pass on second reading an ordinance limiting rental occupancy in single- and two-family residences.

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

The meeting recessed at 8:22 p.m. and reconvened at 8:34 p.m.

415 STATION AVENUE (OLD CRAWFORD SCHOOL): Planning and Housing Director Diekmann advised that when staff was drafting the Development Agreement, the applicant advised that they were asking for something different than was provided in the Code pertaining to senior-restricted living. The Code states that all members of the household must be 55 and older, and the applicant is wanting it to state that one member of the housing must be 55 and older. Since that is a change, Director Diekmann asked the Council for direction. He advised that if the Council chooses to grant the developer’s request, the Council would not address it as a City-wide text amendment. However, if the City Council is wanting it to be City-wide, it could be done. Council Member Betcher asked if that would be a significant impediment to the deal. Mr. Diekmann deferred to the applicant for the answer. Applicant Luke Jensen, 2519 Chamberlain, Ames, said that the answer at this time is unknown. The answer will become apparent as the developer begins to meet with potential buyers. As an example, Mr. Jensen said that one person in the household who was 55 might have a 52- or 54-year-old spouse, who under the current Code, would be disqualified from living there. Ms. Betcher stated that her main concern is that someone who buys a unit could possibly have to take in grandchildren. She is looking at what might negatively impact the other residents. Council Member Nelson asked what would happen if a caregiver, e.g., a younger son or daughter who needs to move in with a parent to care for him or her. He wondered if that could

possibly be addressed through the Homeowners' Association. Mr. Jensen felt that it could be addressed if need be in the Homeowners' Association rules. At the inquiry of Council Member Orazem, Director Diekmann advised that there is a "carve out" in the Fair Housing Act (Housing for Older Persons) that allows the restriction of occupancy based on age.

Moved by Gartin, seconded by Nelson, to approve Alternative No. 2, to require at least one occupant to be 55 years of age or older.

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

Mr. Diekmann advised that third passage of the Ordinance would come back to the Council on January 9, 2017, after the Developer's Agreement has been prepared and signed.

ORDINANCE TO ALLOW DOG GROOMING AS PERMITTED USE IN VILLAGE ZONING DISTRICT: Moved by Betcher, seconded by Beatty-Hansen, to adopt ORDINANCE NO. 4331 to allow dog grooming as permitted use in Village Zoning District.

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

321 STATE AVENUE AFFORDABLE HOUSING DEVELOPMENT (OLD MIDDLE SCHOOL): Planning and Housing Director Kelly Diekmann stated that the Development Agreement was not able to be completed by this meeting. He advised that the bids are good for 60 days; therefore, the offer is valid to January 6, 2018. Staff has asked Keller Excavating to grant an extension to January 10, 2018, which would allow the Council to act on it at its meeting to be held on January 9, 2018. If the bidder is not willing to do that, the project will have to be re-bid. City Manager Schainker advised that the other possibility is for the City Council to schedule a special meeting prior to January 6, 2018. There was no further direction by the City Council.

COUNCIL COMMENTS: Moved by Betcher, seconded by Nelson, to direct staff to place on a future agenda the request from Pat Brown for a Zoning Text Amendment to allow for public art installations in front-yard setbacks.

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

Moved by Gartin, seconded by Orazem, to get a memo from staff pertaining to abatement for new construction of Greek houses, i.e., whether it is possible to have a separate and distinct abatement schedule for new construction and whether options to give less abatement than what is offered to the renovation of Greek houses is possible.

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

Moved by Corrieri, seconded by Gartin, to get a memo from staff with some information about the functional family and how it applies and what the process would be for those faced with having an "illegal lease" after the adoption of the Occupancy Ordinance.

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

ADJOURNMENT: Moved by Betcher to adjourn the meeting at 8:56 p.m.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor