

MINUTES OF THE REGULAR MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

JUNE 26, 2018

The Regular Meeting of the Ames City Council was called to order by Mayor John Haila at 6:00 p.m. on June 12, 2018, in the City Council Chambers in City Hall, 515 Clark Avenue, pursuant to law. Present were Council Members Gloria Betcher, Bronwyn Beatty-Hansen, Tim Gartin, David Martin, and Chris Nelson. Council Member Amber Corrieri joined the meeting telephonically. *Ex officio* Member Allie Hoskins was also present.

Mayor Haila announced that Council would be working off of an Amended Agenda. Added under Consent were:

1. Motion approving 5-day (July 22-26) Class C Liquor & Outdoor Service for Your Private Bartender at Reiman Gardens, 1407 University Boulevard, pending approval of Iowa State University
2. Resolution approving Commission On The Arts (COTA) Special Project Grants for Fall 2018
2. Resolution approving partial completion of public improvements and reducing amount of security required for Crane Farm Subdivision 2nd Addition

CONSENT AGENDA: Council Member Martin requested to pull Item No. 20, requests for Ames Pridefest on September 29, 2018 for separate discussion.

Moved by Betcher, seconded by Beatty-Hansen, to approve the following items on the Consent Agenda with the corrected Minutes:

3. Motion approving payment of claims
4. Motion approving Minutes of Regular Meeting of June 12, 2018
5. Motion approving Report of Contract Change Orders for June 1-15, 2018
6. Motion approving new Class C Liquor & B Native Wine Permit for BN'C Fieldhouse, 206 Welch Avenue, pending final inspection
8. Motion approving 5-day (July 22-26) Class C Liquor & Outdoor Service for Your Private Bartender at Reiman Gardens, 1407 University Boulevard, pending approval of Iowa State University
9. Motion approving temporary Outdoor Service (for sidewalk café) for Olde Main Brewing Company, 316 Main Street
10. Motion approving temporary Outdoor Service (for sidewalk café) for JJC Ames 1 LLC (Fuzzy's Taco Shop), 2420 Lincoln Way, Ste. 103
11. Motion approving temporary extension of Outdoor Service area for The Mucky Duck, 3100 S. Duff Avenue for July 24-25
12. Motion approving renewal of the following Beer Permits, Wine Permits, and Liquor Licenses:
 - a. Special Class C Liquor – Hickory Park, 1404 South Duff Ave.
 - b. Special Class C Liquor & Outdoor Service – Botanero Latino, 604 E. Lincoln Way
 - c. Class C Liquor & Catering – Jethro's BBQ, 1301 Buckeye Avenue
13. Motion approving request from Ames Convention & Visitors Bureau for Fireworks Permit for display from ISU Lot G7 at dusk on July 3 with rain date of July 5 at dusk for Independence Day
14. Motion approving request from Iowa Sports Foundation, Inc. for Fireworks Permit for display

from ISU Lot G3 at dusk on July 20 for Iowa Games

15. Requests from Youth and Shelter Services:
 - a. Motion directing staff to accept future requests for reimbursement for crisis walk-in appointments for Primary Treatment Mental Health Service
 - b. RESOLUTION NO. 18-362 authorizing a carry-over of \$52,000 from FY 2017/18 to FY 2018/19 for Primary Treatment Mental Health Service
 - c. RESOLUTION NO. 18-363 authorizing transfer of \$18,013 in unspent FY 2017/18 funds for Rosedale Emergency Shelter to Transitional Living Emergency Assistance for Basic Material Needs
 - d. RESOLUTION NO. 18-364 authorizing a carry-over from FY 2017/18 to FY 2018/19 for unspent Transitional Living Emergency Assistance for Basic Material Needs funds
16. RESOLUTION NO. 18-365 approving and adopting Supplement No. 2018-3 to the *Ames Municipal Code*
17. RESOLUTION NO. 18-405 approving Commission On The Arts (COTA) Special Project Grants for Fall 2018
18. RESOLUTION NO. 18-366 supporting submission of State of Iowa Recreational Trail Grant Application for Grand Avenue Extension project
19. RESOLUTION NO. 18-367 approving Iowa Department of Agriculture and Land Stewardship Funding Agreement for Grand Avenue Extension in the amount of \$100,000
20. RESOLUTION NO. 18-368 accepting quote from Holmes Murphy & Associates for coverage with Midwest Employers Casualty Company for the same coverage types and limits as the expiring contract at a renewal premium of \$100,693
21. RESOLUTION NO. 18-369 accepting quote and approving renewal of City's membership in the Iowa Communities Assurance Pool (ICAP) for certain liability coverage at a net cost of \$505,543
22. RESOLUTION NO. 18-370 accepting extension of Property Brokerage Agreement with Willis of Greater Kansas, Inc., for the period beginning July 1, 2018, through June 30, 2019, in the amount of \$45,000
23. RESOLUTION NO. 18-371 approving renewal of Safety Services Contract with IAMU in an amount not to exceed \$64,800 for period July 1 through December 31, 2018, and optional renewal in an amount not to exceed \$64,800 for period January 1, 2019, through June 30, 2019
24. Requests for Midnight Madness on July 14, 2018:
 - a. Motion approving blanket Temporary Obstruction Permit and blanket Vending License for the event
 - b. Motion approving 5-day (July 14-18) Class B Beer & Outdoor Service Area in City Hall Parking Lot N
 - c. Motion approving tapping of up to seven kegs at once during post-race party with maximum of 15 kegs total during the evening
 - d. RESOLUTION NO. 18-372 approving closure of portions of 5th Street, Douglas Avenue, 10th Street, Clark Avenue, Main Street, Northwestern Avenue, 9th Street, Ridgewood Avenue, and 6th Street; Burnett Avenue and Kellogg Avenue, from 5th Street to 10th Street; 6th Street, 7th Street, 8th Street, and 9th Street, from Clark Avenue to Douglas Avenue; and Park Way, including the suspension of parking regulations and enforcement, from 6:00 p.m. to 11:00 p.m. on Saturday, July 14

- e. RESOLUTION NO. 18-373 approving closure of Clark Avenue from 5th Street to 6th Street and City Hall Parking Lot N from 6:00 p.m. on July 14 to 1:00 a.m. on July 15 for post-race activities
 - f. RESOLUTION NO. 18-374 approving waiver of fees for blanket Vending License and usage of electricity
25. RESOLUTION NO. 18-377 awarding a contract to Baldwin Pole & Piling, Inc., of Des Moines, Iowa, for the purchase of Electric Distribution Utility Poles in accordance with unit prices bid
 26. RESOLUTION NO. 18-378 awarding a contract to Open Systems International, Inc., of Medina, Minnesota, for Power Plant SCADA Hardware Upgrade in the amount of \$282,106, with the City paying applicable sales taxes to the State of Iowa
 27. RESOLUTION NO. 18-379 approving contract and bond for Specialized Wet Dry Vacuum, Hydro Blast, and Related Cleaning Services for Power Plant
 28. RESOLUTION NO. 18-380 approving contract and bond for Motor Repair for Power Plant
 29. RESOLUTION NO. 18-381 approving contract and bond for WPC Facility Structural Rehabilitation, Phase 2
 30. Renewal of Electric Services Underground Trenching Contract:
 - a. RESOLUTION NO. 18-382 approving renewal of Primary Contract with Ames Trenching & Excavating of Ames, Iowa, for period from July 1, 2018, through June 30, 2019, in an amount not to exceed \$175,000
 - I. RESOLUTION NO. 18-383 approving contract and bond
 - b. RESOLUTION NO. 18-384 approving renewal of Secondary Contract with Communication Data Link, LLC of Grimes, Iowa, for period from July 1, 2018, through June 30, 2019, in an amount not to exceed \$75,000
 - I. RESOLUTION NO. 18-385 approving contract and bond
 31. Boiler Maintenance Services for Power Plant:
 - a. RESOLUTION NO. 18-386 approving renewal of contract with TEI Construction Services, Inc., of Duncan, South Carolina, for period from July 1, 2018, through June 30, 2019, in an amount not to exceed \$200,000
 - I. RESOLUTION NO. 18-387 approving contract and bond
 32. Valve Maintenance and Related Services and Supplies for Power Plant:
 - a. RESOLUTION NO. 18-388 approving renewal of contract with Pioneer Industrial Corp. of Hastings, Nebraska, for period from July 1, 2018, through June 30, 2019, in an amount not to exceed \$60,000
 - I. RESOLUTION NO. 18-389 approving contract and bond
 33. RESOLUTION NO. 18-390 approving Change Order No. 4 with TEI Construction Services, Inc., for Boiler Maintenance Services for Power Plant in an amount not-to-exceed \$75,000
 34. RESOLUTION NO. 18-406 approving partial completion of public improvements and reducing amount of security required for Crane Farm Subdivision, 2nd Addition
 35. RESOLUTION NO. 18-391 accepting completion of 2016/17 U. S. Highway 69 Improvements Program (South Duff Avenue Safety and Access Project)
 36. RESOLUTION NO. 18-392 accepting completion of 2015/16 West Lincoln Way Intersection Improvements (Franklin Avenue)
 37. RESOLUTION NO. 18-393 accepting completion of 2017/18 Clear Water Diversion project
 38. RESOLUTION NO. 18-394 accepting completion of 2017/18 Traffic Signal Program (East 13th

Street/Interstate 35 Northbound Exit Ramp)

39. Quarry Estates Subdivision, Third Addition:

a. RESOLUTION NO. 18-395 approving waiver of subdivision standards of Section 23.603(1)(b) limiting access to existing public streets

b. RESOLUTION NO. 18-396 approving Final Plat

40. RESOLUTION NO. 18-397 approving renewal for property insurance program coverage with Willis of Greater Kansas, Inc., for FY 2018/19 in the amount of \$599,019

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

AMES PRIDEFEST: Mara Spooner, 109 7th Street, Ames, informed Council that she is the Co-Chair for the Ames PrideFest. Dex Nash, 820 Grand Avenue, Ames, added that he was the other Co-Chair for the Ames PrideFest. Ms. Spooner stated that Ames Pride is a state and federally recognized non-profit organization. The organization came together to produce a PrideFest and then decided to be an existing non-profit to organize other community events throughout the year. Mr. Nash added that the goal of PrideFest is to create a family-friendly inclusive event that anyone of any age, sex, gender, or ability level can attend in Downtown Ames. Ms. Spooner noted that this event will be completely staffed by volunteers.

Moved by Martin, seconded by Betcher, to approve the Requests for Ames Pridefest on September 29, 2018:

a. Motion approving blanket Temporary Obstruction Permit and blanket Vending License for the event

b. RESOLUTION NO. 18-375 approving the closure of the 400 and 500 blocks of Douglas Avenue, including the closure of 31 metered parking spaces, from 7:00 a.m. to 10:00 p.m.

c. RESOLUTION NO. 18-376 approving waiver of parking meter fees and enforcement and waiver of fee for blanket Vending License for event

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 Haila opened Public Forum. Andrew Allen, CEO of Youth & Shelter Services (YSS), 420 Kellogg Avenue, Ames, informed Council that a fire had occurred Sunday night at the YSS facility on Burnette Avenue. This was the only gender-specific adolescent addictions treatment program for girls in the state of Iowa. Mr. Allen thanked the Ames Fire Department and Police Department for the immediate response. They were able to put the fire out in fairly short order. The destruction to the building, which was the home to these girls, was extensive. Mr. Allen is looking for a site that would be suitable for eight to ten girls for a six to twelve month period with a kitchen and space as a meeting place while new accommodations are made.

Kurt Freidrich, 100 6th Street, Ames, stated that he has a client that is interested in bringing the dry-cleaning use to a HOC area in Ames. Option 2 would work for this group, but there is an urgency in moving this forward. Mr. Freidrich urged Council to move forward with Option 2, authorizing a zoning text amendment allowing a dry-cleaning use by a Special Use Permit under conditions in a Highway Oriented Commercial (HOC) zone.

After seeing no one else wishing to speak, Mayor Haila closed Public Forum.

EXCEPTIONS AND HARDSHIPS PERTAINING TO RENTAL CONCENTRATION CAP:

Director of Planning and Housing Kelly Diekmann reviewed the changes that were made to the draft Ordinance as requested by Council at the June 12, 2018, meeting. Changes were made to address the ownership of the property and reference the who and when the primary resident must be in possession and living at the property to become an applicant for an exception. A sentence has been added to the draft Ordinance about illegal rental activity to make clear that it is not the intent of the City to legitimize something that has been operating illegally. Under the exception, an owner has a six-month time frame from when the application was submitted to complete the Rental Code requirements to receive a Letter of Compliance (LOC) and can not renew the LOC without proof that the property has been used as a rental within 12 months. There is an allowance for owners who had a Building Permit prior to the moratorium to be eligible for the exception. Property transfer limitations are not in the new draft, but staff felt there was need for more clarification from.

Mayor Haila commented that some clarification is being requested. A one-year LOC is given once the Rental Code is met, but if the property does not become a rental within that year the LOC would not be renewed and could not legally rent that property. Building Official Sara VanMeeteren confirmed this process. Council Member Beatty-Hansen inquired about the possibility of an owner renting the property for a year, then didn't rent it for a while after that. Ms. VanMeeteren responded that if after the first year it is determined that the property is being rented, a LOC can be given for one, two, three, or four years and must be a rental at the time Inspections returns. Council Member Nelson asked if vacant or marketed count as rented. Ms. VanMeeteren stated that any property that is being rented or offered for rent must be registered. If the owner is trying to rent the property, staff would work with that owner. There is not a clause for the length of time the property would need to be rented, so it would be difficult to prove that there was an intent to not rent out the property.

Council Member Martin asked to verify that having a building permit by October 27, 2017, is an alternative to the requirement of owning the property by October 27, 2017, as a primary resident, and all other requirements would be still enforced. Ms. VanMeeteren confirmed this and added that this will help a person who is "flipping" the house and not living there. The list of homes that had open building permits with larger projects in-line with renovating the house to do something different with it was given to Council. There were 13 properties identified as meeting the criteria.

Mark Graeve, 3119 Story Street, Ames, stated his support for the exceptions, but would also like to see that citizens will have the ability to transfer the LOC at sale, because he believes that being a rental is what gives the property its value.

Ken Platt, 3620 Woodland Street, Ames, expressed the belief that the Rental Cap will maintain a balance in the neighborhoods between owner-occupied and rental properties. He feels the Ordinance already addresses common reasonable occurrences that people could encounter, but now there seems to be a deviation from helping the individual homeowner to possible adoption of an Ordinance that is designed to maximize rental gain. Mr. Platt believes that it is not the job of the City Council to help individuals to maximize profit on a property. The allowance of transferring the LOC allows

rental property investors to buy up homes that have a LOC; that goes against the new Ordinance. The number of specific exceptions is not known. The Council should be more focused on the balance of neighborhoods and creating a good quality of life for people living in the neighborhoods. Mr. Platt urged Council not to adopt the new proposal.

Moved by Betcher, seconded by Martin, to remove 13.300.10a VI, the building permit clause, from the exception requirements of the Ordinance from the discussion.

Council Member Betcher stated her reasoning behind the motion was due to the difficulty of deciding which types of building permits might lead to a rental and which might not. Thirteen open permits since January does not seem like something that should be added to an Ordinance because of the impact to so few properties; it sounds like legislating for the few exceptions, and it is not specific enough at this time.

Vote on Motion: 3-3. Voting Aye: Betcher, Martin, Beatty-Hansen. Voting Nay: Gartin, Corrieri, Nelson. Mayor Haila voted nay to break the tie. Motion failed.

Council Member Martin expressed concern about the correct deadline for having a building permit. He gave an example of a property owner who had a building permit early 2017 and completed construction in early 2017. That would have expressed intent and been completed before the moratorium, but they would still qualify under the exception. Member Beatty-Hansen stated 13 open building permits (unregistered rentals) are open now. Mr. Martin interjected that he believed the list would be larger than 13 because there will be owners who say that they got their building permit with the intent and closed the permit. Ms. VanMeeteren believed that if that case happened, the owner would have had time to get the LOC before the moratorium began. Ms. VanMeeteren added that a Building Permit is only good for a year. Council Member Nelson suggested the date should be October 27, 2016; if the building permit was good for a year, there would have been plenty of time to pull the Permit, do the project, and close it. Ms. VanMeeteren clarified that the data that was given to Council dated back to January and included closed permits.

Moved by Beatty-Hansen, seconded by Betcher, to consider this exception for anyone who was issued a building permit after January 1, 2017.

Motion withdrawn.

Moved by Beatty-Hansen, seconded by Betcher, to direct staff to come back with the number of all building permits issued in the affected neighborhoods that meet previous requirements since January 1, 2017 - October 27, 2017.

Move by Beatty-Hansen, seconded by Betcher, to amend the motion to come back with the number of all building permits in the affected neighborhoods that meet previous requirements that have been issued since October 28, 2016 - December 31, 2016, and January 1, 2017 - October 27, 2017.

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

Vote on Motion, as Amended: 6-0. Motion declared carried unanimously.

Moved by Betcher, seconded by Beatty-Hansen, to modify 13.300.10a so that VI is an exception to I.

Ms. VanMeeteren explained that this motion keeps the six-month requirement of having the property rented still in place; this means that the property is still subject to all the criteria whether primary residence or not.

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

Moved by Martin, seconded by Betcher, to change the language to refer to building, mechanical, electrical, and plumbing permits.

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

Moved by Martin, seconded by Betcher, to remove the requirement to provide a current mortgage balance on the Property Sale Hardship.

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

Moved by Martin, seconded by Betcher, to exclude the language “as a single-family dwelling” from Criterion 2 in the Property Sale Hardship.

Council Member Gartin inquired about the reasoning for the change. Council Member Martin responded that he did not see the meaningful addition of that language. Mr. Diekmann stated that the Ordinance did not actually state what the possible recent market value was referring to. The “single-family dwelling” was added to make sure everyone was on the same page. Council Member Martin further explained that when reading this phrase he was not clear on whether that was to narrow the market or not. Director Diekmann noted that in his opinion, there should not be a change in language, if Council does not approve the language, it should be taken out because there was not another scope that was trying to be added to the evaluation than to make it clear that it is about single-family dwellings rather than two-family dwellings or any other type.

Vote on Motion: 2-4. Voting Aye: Betcher, Martin. Voting Nay: Nelson, Beatty-Hansen, Gartin, Corrieri. Motion failed.

Moved by Gartin, seconded by Nelson, to pass on first reading an Ordinance pertaining to exceptions and hardships to the Rental Concentration Cap.

Roll Call Vote: 4-2. Voting Aye: Nelson, Corrieri, Beatty-Hansen, Corrieri. Voting Nay: Martin, Betcher. Motion declared carried.

VACATE RIGHT-OF-WAY ADJACENT TO 1604 TRUMAN DRIVE: Moved by Martin, seconded by Betcher, to pass on second reading an Ordinance vacating the right-of-way adjacent to 1604 Truman Drive.

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

ORDINANCE PERTAINING TO STANDARDS OF DOWNTOWN/GATEWAY ZONING DISTRICT (TABLED FROM JUNE 12, 2018):

Director Diekmann informed Council that a cover memo was included to reflect the direction given to show in the Ordinance where if pre-existing was added and the uses that would get that label were narrowed down to those that were existing and permitted at the same time in the area.

Council Member Gartin asked Mayor Haila if there was a change during the conversations with the affected business owners. Mayor Haila stated that he felt there was appreciation by the business owners for the consideration and recognition of their businesses. Mr. Gartin stated that he had hoped this would be positive for everyone.

Moved by Beatty-Hansen, seconded by Gartin, to pass on third reading and adopt ORDINANCE NO. 4355 pertaining to standards of the Downtown/Gateway Zoning District.
Roll Call Vote: 4-1-1. Voting Aye: Martin, Beatty-Hansen, Gartin, Corrieri. Voting Nay: Betcher. Abstaining due to conflict of interest: Nelson. Ordinance declared adopted, signed by the Mayor, and hereby made a portion of these Minutes.

ORDINANCE REZONING PROPERTIES WITHIN THE DOWNTOWN GATEWAY FOCUS AREA TO DOWNTOWN GATEWAY COMMERCIAL ZONING DISTRICT:

Moved by Martin, seconded by Betcher, to modify the map to exclude the properties west of Clark Avenue.

Mr. Diekmann stated that the properties that would be included are Kentucky Fried Chicken west to Grand Avenue. If the motion was to include both the north and south side, it would include Taco John's through Village Inn. Council Member Beatty-Hansen inquired if the intent of the motion was to include both the north and south side of Lincoln Way. Council Member Martin stated that he did not phrase the motion properly.

Motion withdrawn.

Moved by Martin, seconded by Betcher, to modify the map to exclude the properties west of Clark Avenue and north of Lincoln Way.

Mr. Martin stated his opinion was that these properties are different and much farther away from the intersection with Kellogg and can be done incrementally. Council Member Betcher added that the Council paid Urban Revitalization money to three businesses that are in that section fairly recently. Council Member Beatty-Hansen agrees that some properties do not match. Mr. Martin noted that the properties south of Gilchrist match more with what is going on with the Downtown Gateway Commercial (DCG) and the rest of the intent. It is different there than in the broader northwest quadrant. Mayor Haila introduced a concern of the property owners as being the diminishing of Highway Oriented Commercial (HOC). This would preserve some HOC property. Council Member Gartin stated that it needs to be thought of in the long-term. These properties are likely to turn over and will they be fitting a purpose that will be fitting a broad section of property in the Downtown. Mayor Haila added that the remaining HOC would allow all remaining uses still in that area, but

some properties could be purchased and torn down and put into HOC uses. Council Member Betcher suggested using Gilchrist instead of Clark Avenue as the cutoff.

Motion withdrawn.

Moved by Beatty-Hansen, seconded by Corrieri, to modify the map to exclude the properties north and west of Gilchrest.

Vote on Motion: 3-2-1. Voting Aye: Beatty-Hansen, Martin, Corrieri. Voting Nay: Gartin, Betcher. Abstaining due to conflict of interest: Nelson. Motion declared carried.

Moved by Beatty-Hansen, seconded by Corrieri, to pass as amended, on third reading and adopt ORDINANCE NO. 4361 pertaining to standards of the Downtown/Gateway Zoning District.

Roll Call Vote: 4-1-1. Voting Aye: Martin, Beatty-Hansen, Gartin, Corrieri. Voting Nay: Betcher. Abstaining due to conflict of interest: Nelson. Ordinance declared adopted, signed by the Mayor, and hereby made a portion of these Minutes.

ORDINANCE REVISION TO MUNICIPAL CODE SECTION 21.121(2): Moved by Betcher, seconded by Nelson, to pass on third reading and adopt ORDINANCE NO. 4362 approving the revision to *Municipal Code* Section 21.121 (2) to allow signs not exceeding 16 square feet to be erected in residentially zoned private parks.

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

DISCUSSION OF REQUEST TO EXCLUDE WESTSIDE NEIGHBORHOOD FROM RENTAL CONCENTRATION CAP: Planning Director Diekmann reminded Council that the Westside Neighborhood was included on the first passage of the Rental Cap and is currently included.

Ex officio Member Hoskins stated that students are generally against including the Westside neighborhood in the Rental Cap since it is the closest to Campus. In her opinion, including the Westside Neighborhood into the Rental Cap will mean that students will filter into other neighborhoods. She feels for the City to get the wanted effect the City will have to concede a neighborhood or two for students.

Pat Brown, 3212 West Street, Ames, submitted a petition for the record in favor of the Westside Neighborhood to be included in the Rental Cap. She stated this is not an anti-student petition. Ms. Brown believes owner-occupied serves to stabilize the neighborhood and monitor bad behavior. It is important to maintain balance and stability. There are many brand new apartments along Lincoln Way that students may rent.

Sue Weiss, 215 Howard Avenue, Ames, said that, in her opinion, the system is working without the Rental Cap. Ms. Weiss agreed that rentals have increased in the Westside Neighborhood, but believes some will convert back to owner-occupied. Council Member Gartin stated that if the Rental Cap is in place, the ratio of the rentals would stay in place. The Rental Cap is a long-term approach, so

there may not be a change in one person's lifetime. Ms. Weiss feels the Westside Neighborhood is different compared to the other neighborhoods and should not be lumped in with the other neighborhoods. It is so close to Campus and so many students live there. Even the long-term owners who have lived in their homes want to maintain the neighborhood as is and do not want the Rental Cap.

Laurie Jensen, 3212 Woodland Street, Ames, stated that some of the places that were rentals when she moved to the neighborhood have now converted back to owner-occupied. Ms. Jensen wanted a neighborhood that had diversity that a rental neighborhood allows. She doesn't feel that rentals mean less, but rather enjoys the relationship with the students, feels it is a good thing having them in the neighborhood, and wants the neighborhood to stay the same.

Wes Wierson, 3109 Story Street, Ames, stated that Westside Neighborhood is very different than the other neighborhoods and should not be lumped together with those neighborhoods. The Westside Neighborhood is where the students should be living. He urged Council to remove the Westside Neighborhood from the Rental Cap.

Dave Ruepke, 3223 West Street, Ames, conveyed his belief that excluding Westside from the Ordinance will accelerate the very activity that is trying to be limited in the type of neighborhood Council is trying to limit it. He also does not feel there is a difference in the Westside Neighborhood versus the other neighborhoods under the Rental Cap. This will encourage more rental conversions in one neighborhood in the City. This will impact owner-occupied to sell to anyone beside a landlord. Mr. Ruepke also wants balance in the Westside Neighborhood.

Mark Graeve, Story Street, Ames, feels the students should be close to Campus and would like the Westside Neighborhood to be a rental neighborhood.

Council Member Beatty-Hansen stated that, with the recent change made in the Rental Occupancy, there will be an increase in those rental homes that have over three bedrooms. She also feels the Cap ensures the rental balance would continue because it will take decades before any reductions in the number of rental permits in the neighborhood. The Rental Cap would actually give the neighborhood more stability. Council Member Betcher also fears that the restriction in the surrounding neighborhoods will affect the Westside Neighborhood if Westside is not included. Council Member Martin stated that it stands to reason that if Westside is the only near-campus neighborhood without the Cap, there will be a lot of pressure to convert homes to rental properties. The Cap will ensure the rentals are spread out throughout Ames. For Mr. Martin, it has always been about short-term versus long-term occupants in a neighborhood and having a sufficient number of long-term occupants to create neighborhood social structures. Council Member Gartin pointed out that this neighborhood is still residential and that the Cap will assist in keeping the balance in the Westside Neighborhood.

Mayor Haila stated without a motion Westside will remain in the Rental Cap area.

REPORT FROM SUSTAINABILITY COORDINATOR REGARDING FY 2017-18

ACTIVITIES: Public Relations Officer Susan Gwiasda introduced Merry Rankin as the Shared Sustainability Coordinator between the City and Iowa State University. Ms. Rankin presented the Beneficial Waste Project, which ensures beneficial fuel goes to the Resource Recovery Center and the non-beneficial fuel has options for landfill diversion.

Sustainability Coordinator Rankin explained the SmartBusiness Challenge and SmartBusiness Challenge luncheon that was an opportunity for dialogue between businesses. Ms. Gwiasda stated this was a way to reach businesses and explain what the commercial customer can do to reduce energy. Ms. Rankin continued describing the opportunities that are available at Rummage Rappage.

Moved by Gartin, seconded by Betcher, to accept the report from the Sustainability Coordinator regarding FY 2017-18 Activities.

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

Moved by Betcher, seconded by Gartin, to adopt RESOLUTION NO. 18-398 approving the Contract with Iowa State University for Sustainability Advisory Services from July 1, 2018, through June 30, 2019, in an amount not to exceed \$25,000.

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

AMES ECONOMIC DEVELOPMENT COMMISSION: Dan Culhane Executive Director of the Ames Economic Development Commission (AEDC), reported that the economy in Ames is thriving. Facilities are continuing to upgrade and many companies are coming to Ames. There have been more industrial calls in the last 12 months since the talk of annexation east of I-35 than in the previous 11 years. There is now a location for large scale manufacturing projects. The Site Certification Process is encouraged by the state of Iowa for large sites. Ames has made it through the first two phases of three phases and the cost is covered by Alliant Energy.

Mr. Culhane stated that the funding from the City has stayed pretty constant; it is the private sector funding that has increased by 10%. The reasoning for asking for additional funding from the City and private sector employers is for additional resources in workforce. The unemployment rate for Ames is 1.7%. Companies have said that they have hired people through WorkinAmes.com and HomeBase Iowa. The biggest impediment to getting jobs filled is the stigma in the Des Moines Metro that Ames is too far away. The Labor Shed Analysis is done every other year to give data on who is willing to move and at what rate. This has been done for at least past 20 years.

Moved by Gartin, seconded by Betcher, to adopt RESOLUTION NO. 18-399 approving the 2018/19 Agreement with the AEDC.

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

CITY COUNCIL EMAIL AND MEETING PACKET DOCUMENTATION RENTENTION FOR THE CITY OF AMES WEB SITE: Public Relations Officer Susan Gwiasda stated that the group email on the City website was to be easy for the citizens to contact the City Council. In the

past year there were concerns expressed that there was a problem. It has come down to the use of different emails.

Finance Director Duane Pitcher explained that the different types of emails would go through the City server and then forwarded on to the Council Members who have different email providers. Dependent on the sender and the receiving email would see it, the email could be received as spam and be rejected. An option is to have all Council Members on the same email system as the other employees. Research was done to discover that many other cities have the same emails as the City employees. A lot of staff time has been taken to come up with options such as each Council Member having their own email on the website or a Google group.

Moved by Gartin, seconded by Betcher, to direct staff to setup individual City email addresses for Council Members and create an e-mail group.

Council Member Martin inquired about controls that are yielded to the City of Ames. Information Technology Manager Stan Davis responded that the City does require a four-digit passcode on every phone. The functionality is there to erase a phone, but that function is not turned on.

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

Ms. Gwiasda discussed the current storage practice of the Council packets on the web. She noted that storage space has become less expensive and keeping the packets for a year or two will not be an issue with the website provider. There is also the ability to see if the packets are being used. City Manager Schainker added that this process can be reviewed in two years. Ms. Gwiasda reminded Council that what is on the web is not the official record, there could be broken links, and sometimes there are links to other pages that disappear after awhile, such as budget pages.

Moved by Martin, seconded by Beatty-Hansen, to begin retaining City documents indefinitely.

Moved by Betcher, seconded by Beatty-Hansen, to amend the motion to retain the City Council documents indefinitely and also review the cost and retention strategy in July of 2020.

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

Vote on Motion, as Amended: 6-0. Motion declared carried unanimously.

Moved by Martin to have staff report back to Council on how far back old records could be put online.

Ms. Gwiasda stated that the actual pdf files are probably kept from the last three to four years.

Motion died for lack of second.

Meeting recessed at 9:00 p.m. and reconvened at 9:12 p.m.

Council Member Corrieri has left the meeting.

POST-CONSTRUCTION STORMWATER MANAGEMENT ORDINANCE: Municipal Engineer Tracy Warner explained that maintenance is meaning reconstruction when discussing parking lots. If a business would reconstruct, take it back to soil with the 10,000 square feet of impervious area that is what would trigger the stormwater management requirements. There are additional current zoning requirements that would be a part of the requirements. City Council asked to have additional water quality improvement incentives. The option currently is to waive 10% of the parking standards to allow for additional landscaping. Incentivizing for landscaping could be used for surface water treatment, or look at further parking reductions.

Council Member Martin inquired about the incentive option in reduction of parking spaces. He wanted to know what sort of relief that gave to the developer in construction cost. Ms. Warner responded that the first inch and a quarter of rain per acre would be treated in water quality volume. The first inch and a quarter would remove pollutants through a system so not to degrade the streams. Some landscape medians could be a depression and some of the water can go into those and can be planted with soil and plants and that uptakes the nutrients and filters it out before it goes into the sewer system. Council Member Beatty-Hansen noted that the incentive can be dependent on size of the property. A big box store may not have much incentive from this, but a smaller store may.

Ms. Warner discussed Financial Security of what is required before occupancy. If there is outstanding landscaping issues, Inspections will only issue a Temporary Certificate of Occupancy (CO) to ensure that items are addressed and corrected prior to a final occupancy of the building. This way the City will still get the financial security prior to a temporary occupancy. Developments want occupancy by the end of July, but don't have the as-builts done for the stormwater system that they have been built. That is the reasoning for the financial security. Director Joiner added that the financial security is required before work begins. Rather than doing that, there is an option to get the financial security at the time of temporary CO or when the developer seeks the final CO. Engineer Warner clarified that the stormwater system is typically one of the first things built. It is a matter of whether the as-builts were created. Financial Security can be a letter of credit, bond, or whatever the legal team has reviewed as deems secure. City Manager Schainker commented the financial burden on the developer is the cost involved to obtain the letter of credit and the bank may want to secure that letter of credit by putting security on other properties the person may have.

Council Member Gartin expressed concern on requesting the total construction cost to be the amount of the bond. He suggested flexibility of having the bond based on the amount of the work to be completed instead of total construction amount. The City is imposing a cost on a developer, but the citizens must be protected also. Ms. Warner stated the intent is to ensure it is being built and constructed correctly. The financial security is in the amount that the developer would pay, which is far less than the City would pay. If the developer would go "belly up" the City may not have enough financial security. The Construction Site Erosion Control has a financial security of \$500

per acre so staff can stabilize the area if a developer would walk away. Council Member Gartin liked a specific intention, a rational relationship between the amount of the bond and the work that is left to be completed.

Engineer Warner explained that the run-off curb number is something the USDA and NRCS established related to the conditions with the soils and considering those numbers with the land covers and soil types. Ames is tall grass prairie with B soil to make up the Curb Number (CN) of 58 was created and put into the Post-Construction Stormwater Management Ordinance to detain back to. Mayor Haila stated the reason for the numbers is to figure how much the rivers can handle. The run-off numbers are trying to get back to where they used to be so the streams are not being over tasked by the quick run-off. Ms. Warner stated that the paved surface is just going to run off quickly into the stormsewer system and it fills up the streams. The water that is being detained on-site is released over 48 hours to reduce the flooding and allow capacity in the stormsewer network for the other run-off that has not been detained.

Engineer Warner discussed impervious cover and land disturbance of one acre versus 10,000 square feet with illustrations of flows and pipe diameters. A majority are 15 and 18 inch stormsewers. Staff would continue to analyze capacity deficiencies, and Council would see some suggestions on improvements in the Capital Improvements Plan in the fall.

Ms. Warner stated that Inspections adopted Statewide Urban Design Standards and Specifications (SUDAS). The water main, sanitary sewers, streets, public infrastructure could comply and would not require a licensed plumber. Coordination with Building Inspections would be needed on who was doing the construction inspection. Mayor Haila inquired that the motion had to do with the cost of using a licensed plumber. Council Member Martin noted that Options 1 and 2 only address inspection and not construction. Ms. Warner confirmed that the intent is that a licensed plumber would not be needed because there would be coordination with Building Inspections. It would be likely that the staff construction inspectors would do that inspection rather than a licensed plumber being required on-site. Director Joiner confirmed that by using SUDAS, the City would not need a licensed plumber.

City Manager Schainker reminded Council of the memo that was sent out about the City's greatest farmland holdings being the Airport and the Water Pollution Control Plant.

Ms. Warner stated that there has been a major project update drafted flood mitigation for East Industrial and Grand Avenue. The City did not get the FEMA grant for the flood mitigation, but will reapply for the grant again this fall.

Engineer Warner informed Council that North Ames did receive a considerable amount of rain. There is some stormwater management there, but many streets flooded. Staff was there looking and meeting with property owners. Some intakes had sticks and other debris causing issues, but because of the amount of rain it just took time to dissipate. There is work being done on the Teagarden drainage improvements for better flow. The Brick Towne site is still under construction, so the stormsewer system is not in yet.

City Manager Schainker stated this was for Council information first. The report will generate a lot of feedback by developers and others. The next course is to bring that feedback to Council and make decisions to begin to draft an ordinance. Public Works Director Joiner suggested bringing the feedback to the July 31 Council meeting. Ms. Warner noted that there will be an open house that will be held over the lunch hour or after work and it is online so people can submit their comments.

2017/18 SOUTH DUFF AVENUE IMPROVEMENTS (TABLED FROM JUNE 12, 2018):

Public Works Director John Joiner stated that staff went over the project designs, bid items, discussed the project with the DOT, and looked over ways that money could be saved through change order. Iowa DOT did believe that a change order could be used for changes on Highway 69. The best estimate of savings would be \$200,000. The full amount would have to be awarded but can be changed once awarded. There is \$500,000 in the General Obligation Funds. The staff recommendation is to rebid the project with a formal redesign into a new set of plans. The other option is negotiate with contractor by change order. There is a risk in negotiating with the contractor, but there is also a risk in rebidding, but staff believes the bidding environment would be better.

Council Member Gartin asked about obligations of the City in concert with the development of Brick Towne. Director Joiner responded that in the Developer Agreement the City will do the road improvements and the developer in exchange will do the stormwater improvements. The developer has a deadline of occupancy of October of this year, whichever comes first. The City section for Highway 69 does not have a formal deadline. However, the intent of the project is to facilitate access and improve the traffic flow for that development. There was an intent to diligently move forward with the project, but no formal date was in the Agreement. Council Member Gartin suggested in the future there be a certainty put into the Agreement.

City Manager Schainker stated that the City has enough to cover the whole cost now. It is possible to carry this money forward if not used on another project. The overage of the bid was large enough to come to Council. If Council feels there is justification to do the project immediately there are funds available. Council Member Gartin expressed concern of the increasing safety risk by not going forward. Director Joiner added that this project is hard to quantify, but is needed, not only for access but also safety.

Mayor Haila stated that Council fully intended on having this project go through this year. The reason for this possible delay is the effect of the bid coming in around 25% over budget. Council is also displeased with how the bid came out.

Dean Swyter, 3324 South Duff, Ames, stated that he supports Option 2 a and b, due to emergency vehicle response time, reduction in accidents, and the time spent on South Duff. He stressed that the project should be done this year.

Dee Kilmer, 327 Ruby Circle, Ames, believed the study done years ago indicated that South Duff would need five lanes. She believes this needs to be done as soon as possible and the City has an ethical obligation because it was indicated it would be done and safety is a real concern.

Mickie Deaton, 717 Onyx Street, Ames, stated that traffic has increased tremendously on South Duff and Highway 69. South Duff is the only option to get in and out of the neighborhood. The safety is a huge concern, especially during game day or when the apartments are completed. She urged Council to award the bid.

Dickson Jensen, 4611 Mortensen Road, Ames, informed Council that he has put four years into this project along with a large amount of money. He stated that he fulfilled his requirement of putting in \$2 million worth of stormwater that is about 95% complete. The traffic study that he paid for indicated what needed to be done before the opening of a subdivision. Mr. Jensen referenced the Council meeting on July 26, 2016, Council would spend up to \$95,000 on this project. At this point, the City would only be over budget by \$50,000. There has not been enough communication. People in the neighborhood were unaware there was an issue.

Dan Strodtman, 3315 Emerald Drive, Ames, stated that there has been a lot of stormwater problems and traffic issues for many years. He believed that these items were going to be taken care of.

Chris Brakke, 323 Topaz Court, Ames, stated this has been a long standing traffic issue of trying to get out of the neighborhood. Mr. Brakke urged Council to accept the bids and get the project done this year before the development is completed.

Moved by Gartin, seconded by Betcher, to adopt RESOLUTION NO. 18-407 approving the final plans and specifications and awarding the contract to Con-Struct, Inc. Of Ames, Iowa, in the amount of \$2,374,992.

Roll Call Vote: 5-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

REQUEST FROM FIRST NATIONAL BANK FOR DESIGNATION OF RESERVED SPACES IN PARKING LOT N: Traffic Engineer Damion Pregitzer informed Council that reserved spaces are 24 hours a day at 7 days a week. Staff asked First National Bank if they would be okay with restriction of reserved spaces for only during the work week. They did agree to 8-5 p.m. as a reserved time for them.

Council Member Gartin expressed concern about the opportunity being there for other businesses. Mr. Pregitzer stated that there is not a policy that will work for every business. This situation will minimize the impact to the public and other users. This is not a perfect solution, that is why it is a month-to-month contract so if it doesn't work it can be changed. Mr. Gartin reiterated the fairness to other businesses. Mr. Schainker stressed that these are monthly contracts and changes can be made. It has always been first come first serve; never put out for bids. Mr. Pregitzer noted that First National Bank will pay the normal rent for reserved parking for reduced hours.

Moved by Betcher, seconded by Beatty-Hansen, to direct staff to update the Official Parking Meter Map to show Parking Stall Nos. 61 to 74 in Municipal Lot N as Reserved Parking Monday - Friday 8 a.m. to 5 p.m.

Vote on Motion: 4-1. Voting Aye: Betcher, Nelson, Martin, Beatty-Hansen. Voting Nay: Gartin.

Motion declared carried.

RELEASE OF SECURITY FOR DEERY SUBDIVISION DEVELOPMENT AGREEMENT:

Mr. Diekmann stated that the value of the fill is equal to or more than the City's forgone tax revenue of the abatement, City's share of the abatement.

Moved by Beatty-Hansen, seconded by Betcher, to adopt RESOLUTION NO. 18-400 approving the release of security for Deery Subdivision Development Agreement.

Roll Call Vote: 5-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

REQUEST TO INITIATE LAND USE POLICY PLAN MAP AMENDMENT AT 113 NORTH DAKOTA AVENUE: Julie Gould stated that the request is to change the Land Use designation from Low-Density Residential to HOC. The Amendment could be a Minor Amendment, which staff would meet with the neighborhood to work out options for the site. There have been a few requests for smaller commercial in this area. This area was not looked at for the Lincoln Highway Corridor.

Mr. Gartin inquired about curb cuts on North Dakota considering the slope. Mr. Diekmann stated that there is already a shared use path on the south side and he does not believe there will be access from Lincoln Way if it is commercial. Access points will be on North Dakota. Smaller scale use would be best for this area. Council Member Nelson asked if contract rezoning might be suitable for this site. Mr. Diekmann believed that to be an idea to look at.

Paul Livingston, 105 South 16th Street, Ames, stated the property does not abut Lincoln Way. Access would be off of North Dakota. The owner of the property is open to other commercial uses, that may be less intense and work well with the neighborhoods to the north and west. This area is already intense in every direction.

Mr. Diekmann stated there are other areas that have an RL neighborhood next to an HOC area. There is not normally a buffer between the two. Some vegetation will have to be maintained through the 5b Stormwater Ordinance. The main issue is that the Corridor Plan did not feel this was an area of change, and this corner was not addressed. The Land Use Plan Policy does not have a policy to promote spreading commercial into areas.

Council Member Beatty-Hansen asked about Neighborhood Commercial being a lighter use. Mr. Diekmann responded that is not a land use designation.

Council Member Nelson asked about the other three properties. Mr. Diekmann stated that staff has not heard from them yet. The other properties are flatter and don't have as many resources on it and it does have access to a local street on the west side. The bigger area that is changed the easier to justify it from a land use prospective.

Director Diekmann explained that a major Land Use Policy Plan (LUPP) Amendment is very

involved. A Minor Amendment is geared toward one idea. Staff does recommend neighborhood input before the hearing.

Moved by Nelson, seconded by Beatty-Hansen, to let the applicant apply for a Minor Land Use Policy Plan Map Amendment to hold a neighborhood meeting prior to the Planning and Zoning meeting and reach out to the other three property owners.

Ms. Gould stated the Westbend Neighborhood Association would be contacted for input. Council Member Martin asked what the goal of the City is. Council Member Beatty-Hansen responded to align the HOC. Council Member Betcher added that it would increase the property taxes from commercial versus an empty lot.

Vote on Motion: 3-2. Voting Aye: Nelson, Beatty-Hansen, Gartin. Voting Nay: Betcher, Martin. Motion declared carried.

AUTHORIZING THE ESTABLISHMENT OF AN INTERRUPTIBLE RATE PROGRAM FOR INDUSTRIAL CUSTOMERS: Electric Director Don Kom informed Council with the addition of housing the City will hit a new peak. The City must work with the largest customers to see if they would be willing to cut back on use. Mr. Kom is asking for the authority to create an Interruptible Option Program by talking with the larger customers. Initially the customer will be given a lower demand charge. This would be part of the Demand Side Management Program and the City does have a budget for that.

Moved by Beatty-Hansen, seconded by Nelson, authorizing the Director of Electric Services to establish an Interruptible Rate Program for Industrial customers for a 24-month trial period and sign a Memorandum of Understanding with participating industrial customers.

Vote on Motion: 5-0. Motion declared carried unanimously.

HEARING ON 2017/18 LOW POINT DRAINAGE IMPROVEMENTS (RIDGETOP ROAD): Mayor Haila opened the public hearing. He closed the hearing once there was no one wishing to speak.

Moved by Nelson, seconded by Betcher, to adopt RESOLUTION NO. 18-401 approving final plans and specifications and awarding the contract to Ames Trenching & Excavating, Inc., Ames, Iowa in the amount of \$68,888.88.

Roll Call Vote: 5-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

HEARING ON 2016/17 ARTERIAL STREET PAVEMENT IMPROVEMENTS (WEST LINCOLN WAY): The public hearing was opened by the Mayor. He closed the hearing after no one asked to speak.

Moved by Betcher, seconded by Beatty-Hansen, to adopt RESOLUTION NO. 18-402 approving final plans and specifications and awarding the contract to Manatt's, Inc., Ames, Iowa, in the amount

of \$180,765.95.

Roll Call Vote: 5-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

HEARING ON 07/08 SHARED USE PATH SYSTEM EXPANSION (BLOOMINGTON TO ADA HAYDEN): The Mayor opened the public hearing and closed it after there was no one wishing to speak.

Moved by Nelson, seconded by Gartin, to adopt RESOLUTION NO. 18-403 approving the final plans and specifications and awarding the contract to Elder Corporation, Pleasant Hill, Iowa, in the amount of \$385,000, contingent upon receipt of Iowa DOT concurrence.

Roll Call Vote: 5-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

HEARING ON WATER POLLUTION CONTROL FACILITY PRIMARY CLARIFIER DRIVE REPLACEMENT PROJECT: : Mayor Haila opened the public hearing. He closed the hearing once there was no one wishing to speak.

Moved by Betcher, seconded by Gartin, to adopt RESOLUTION NO. 18-404 approving final plans and specifications and awarding the contract to Woodruff Construction, LLC, Ames, Iowa, in the amount of \$234,730.

Roll Call Vote: 5-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

DISPOSITION OF COMMUNICATIONS TO COUNCIL: Moved by Beatty-Hansen, seconded by Betcher, to put on future agenda the request to carry over \$570 of unspent funds from FY 2017-18 Historic Building Program to FY 2018-19 for program brochure.

Vote on Motion: 5-0. Motion declared carried unanimously.

Moved by Betcher, seconded by Beatty-Hansen, to put on future agenda the request from Kurt Friedrich as to whether Dry Cleaning facilities should be allowed in commercial zones.

Motion withdrawn.

Moved by Betcher, seconded by Beatty-Hansen, to authorize an application for a zoning text amendment to allow to allow the use by Special Use Permit under certain conditions in specific commercial base zones.

Vote on Motion: 5-0. Motion declared carried unanimously,.

Moved by Beatty-Hansen, seconded by Nelson, to request a memo from staff on the meeting with Fareway.

Vote on Motion: 5-0. Motion declared carried unanimously.

ADJOURNMENT: Moved by Betcher, to adjourn the meeting at 11:30 p.m.

Stacy L. Craven, Recording Secretary

John A. Haila, Mayor