

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

AMES, IOWA

JULY 31, 2018

The Regular Meeting of the Ames City Council was called to order by Mayor John Haila at 5:02 p.m. on July 31, 2018, 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 David Martin was absent. *Ex officio* Member Allie Hoskins was also present.

Mayor Haila announced that under Consent Agenda No. 26, the amount of the contract to Emerson Process Management Power for the Parts for the Distributed Control System, should be \$55,671. Also, staff had pulled Item No. 27, the contract for Furnishing and Installation Services for the 69kV UG Power Cable for the Top-O-Hollow Substation.

**CONSENT AGENDA:** Council Member Nelson requested to pull, for separate discussion, Item No. 28, the Contract for LED Luminaires Supply for Electric Distribution..

Moved by Gartin, seconded by Betcher, to approve the following items on the Consent Agenda:

1. Motion approving payment of claims
2. Motion approving Minutes of Regular Meeting of July 10, 2018, and Special Meeting of July 17, 2018
3. Motion approving certification of Civil Service applicants
4. Motion approving Report of Contract Change Orders for July 1 - 15, 2018
5. Motion approving 5-day (Aug. 4-8) Class C Liquor License & Outdoor Service for Gateway Market at ISU Alumni Center, 420 Beach Avenue
6. Motion approving 5-day (Aug. 11-15) Class C Liquor License & Outdoor Service for Gateway Market at ISU Alumni Center, 420 Beach Avenue
7. Motion approving 5-day (Aug. 25-29) Class C Liquor License & Outdoor Service for Gateway Market at ISU Alumni Center, 420 Beach Avenue
8. Motion approving 5-day (Aug. 4-8) Class C Liquor License & Outdoor Service for Your Private Bartender at Reiman Gardens, 1407 S. University Boulevard
9. Motion approving 5-day (Aug. 9-13) Class C Liquor License for Olde Main Brewing Company at Reiman Gardens, 1407 S. University Boulevard
10. Motion approving temporary transfer on August 12, 2018, for Class C Liquor, Class B Wine, & Outdoor Service for Della Viti from 323 Main Street # 102 to 500 block of Main Street for Farm to Table Supper (replacing 5-day liquor license issued to Ames Main Street Farmers' Market)
11. Motion approving renewal of the following Beer Permits, Wine Permits, and Liquor Licenses:
  - a. Class C Liquor – Sportsman’s Lounge, 123 Main Street
  - b. Class E Liquor, C Beer, & B Wine – AJ’s Liquor II, 2515 Chamberlain St.
  - c. Special Class C Liquor – HuHot Mongolian Grill, 703 S. Duff Ave., Ste. #105
  - d. Class C Beer – HuaChao Snacks, 127 Welch Ave.
  - e. Class C Liquor, Catering, & Outdoor Service – Cyclone Experience Network, Jack Trice Stadium
  - f. Class C Liquor & Catering – Olde Main Brewing Co., 316 Main Street
  - g. Class C Liquor, B Native Wine, Catering, & Outdoor Service – The Mucky Duck Pub, 3100 South Duff Ave.

- h. Special Class C Liquor & Outdoor Service – India Palace, 120 Hayward Ave.
- 12. RESOLUTION NO. 18-436 adopting revised Investment Policy
- 13. RESOLUTION NO. 18-437 approving Investment Report for Fiscal Year ending June 30, 2018
- 14. RESOLUTION NO. 18-438 approving Encroachment Permit for monitoring wells 122 North Oak Avenue
- 15. RESOLUTION NO. 18-439 approving Encroachment Permit for fenced sidewalk café area at 2302 Lincoln Way
- 16. RESOLUTION NO. 18-440 approving Contract for Services with Ames Economic Development Commission for Workshop Development Program in an amount not to exceed \$15,000
- 17. RESOLUTION NO. 18-441 accepting 2017 U. S. Department of Justice Edward Byrne Grant
- 18. RESOLUTION NO. 18-442 approving Agreement with The Ames Foundation to provide construction management services for the Miracle League Field and Inclusive Playground project
- 19. Watershed Management:
  - a. RESOLUTION NO. 18-443 terminating 28E for Keigley Branch Watershed Management Authority
  - b. RESOLUTION NO. 18-444 approving 28E Agreement creating Headwaters of the South Skunk River Watershed Management Authority
- 20. RESOLUTION NO. 18-445 approving 18-month extension to Airport Hangar Land Lease with Hap's Air Service until June 30, 2019
- 21. RESOLUTION NO. 18-446 approving bow hunting within the Park System, on City property, and at other eligible property as detailed in Urban Deer Management Ordinance and rules
- 22. RESOLUTION NO. 18-447 approving closure of portion of Hayward Avenue, between Mortensen Road and Storm Street, from 6:00 a.m. to 4:00 p.m. for 2018 Big 12 Conference Cross Country Championships on Friday, October 26, 2018
- 23. RESOLUTION NO. 18-448 approving waiver of Road Race Permit fee for Run for the Roses on Sunday, October 7, 2018
- 24. RESOLUTION NO. 18-449 approving preliminary plans and specifications for 2017/18 Right of Way Restoration; setting August 15, 2018 as bid due date and August 28, 2018 as date of public hearing
- 25. RESOLUTION NO. 18-450 approving preliminary plans and specifications for Power Plant Maintenance Services Contract; setting August 29, 2018, as bid due date and September 11, 2018, as date of public hearing
- 26. RESOLUTION NO. 18-451 waiving Purchasing Policy requirement for competitive bidding for purchase of parts for the DCS System and award a contract to Emerson Process Management Power & Water Solutions, Inc., of Pittsburgh, Pennsylvania, in the amount of \$55,671 with sales taxes to be paid directly by the City to the State of Iowa
- 27. RESOLUTION NO. 18-454 approving contract and bond for 2007/08 Shared Use Path System Improvements (Bloomington to Ada Hayden) (IDOT project)
- 28. RESOLUTION NO. 18-455 approving contract and bond for 2017/18 Low Point Drainage Improvements (Ridgetop Road)
- 29. RESOLUTION NO. 18-456 approving contract and bond for 2016/17 Arterial Street Pavement Improvements - West Lincoln Way
- 30. RESOLUTION NO. 18-457 approving Change Order No. 1 with Communication Data Link, LLC, Grimes, Iowa, for the secondary contract for the Underground Trenching Contract for Electric Services in an amount not to exceed \$33,000
- 31. RESOLUTION NO. 18-458 approving Change Order No. 5 with TEI Construction Services, Inc.; Duncan, South Carolina, for Boiler Maintenance Services Contract for Power Plant in the amount of

\$230,000

32. RESOLUTION NO. 18-459 approving Change Order No. 13 with Ritts Law Group of Alexandria, Virginia, for specialized environmental legal support, analysis, and Iowa DNR Construction Permit preparation work in the amount of \$100,000
33. Boiler Tube Spray Coating and Related Services and Supplies:
  - a. RESOLUTION NO. 18-460 approving contract renewal with Integrated Global Services, Inc., Richmond, VA, for approval date through June 30, 2019, in an amount not to exceed \$350,000
  - b. RESOLUTION NO. 18-461 approving contract and bond
34. RESOLUTION NO. 18-462 accepting completion of Lime Ponds/Ash Ponds Fence Installation
35. RESOLUTION NO. 18-463 accepting completion of 2017/18 Right-of-Way Appearance Enhancements
36. RESOLUTION NO. 18-464 approving Plat of Survey for 2715 and 2721 E. 13<sup>th</sup> Street
37. Reinhart Farm Subdivision, 2221-220th Street, Boone County:
  - a. RESOLUTION NO. 18-465 waiving requirements for installation of public improvements and accepting Covenants pertaining to future annexation, water territory buy-out, and assessment districts and approving Final Plat

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

**CONTRACT FOR LUMINAIRES SUPPLY FOR ELECTRIC DISTRIBUTION:** Council Member Nelson asked how the specifications are written and how product approval takes place, not just for this bid, but others similar to it. Electric Services Director Donald Kom provided details that had been contained in the 47-page specifications that had gone out to each prospective bidder. He stated that these particular specifications went so far as to list exact manufacturers and models that had to be bid; all bidders bid specific manufactured light. The low bidder met all specifications.

Moved by Nelson, seconded by Betcher, to adopt RESOLUTION NO. 18-453 awarding a contract to Excellence Opto, Inc., of Pomona, California, for LED Luminaires Supply Contract for Electric Distribution in accordance with unit prices bid.

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

**PUBLIC FORUM:** Merlin Pfannkuch, 1424 Kellogg Avenue, Ames, shared that he was perplexed about the procedures followed to grant approval of the Eastern Industrial Area. He noted that he doesn't understand the actions taken by Council and why they seem to be so unwilling to discuss this project in public. Mr. Pfannkuch alleged that two and one-half years ago, it was added to the budget at the last minute, and no details were provided to the public. Continuing, he stated that, now, two and one-half years later, the public finds out that there may be a hook-up fee. He said that looks to him that no industry is coming out there in the near future. He wants to know when it will be determined what is exactly going to go in there. Mr. Pfannkuch wants a public meeting with Alliant Energy and the Ames Economic Development Commission. It was his opinion that the area in question is not particularly attractive for industries. He is wondering why the City feels that it is going to be so successful that it has to install \$6 million worth of infrastructure.

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

**DISCUSSION WITH ASSET VOLUNTEERS REGARDING 2019/20 ASSET PRIORITIES:**

Assistant City Manager Brian Phillips advised that the ASSET volunteers were in the kick-off process for the FY 2019/20 funding cycle. Present were the following City ASSET volunteers: Ashley Thompson, Tim Lubinus, Mary Beth Golemo, and Andrea Rich. Jennifer Schill was absent.

Mr. Phillips stated that the purpose of this meeting was to review the priorities that were set for the current fiscal year and to get direction from the City Council members as to whether they wish to leave the priorities as they now stand or to make modifications to them. The priorities help guide the volunteers in determining where the ASSET dollars should be allocated.

Council Member Betcher asked if the volunteers had found it difficult to use the priority list as it now stands. Ms. Rich said that the City's priorities are the most clear and specific of the various funding sources.

Council Member Gartin noted that one of the agencies that has been funded is Story County Raising Readers; however, he does see a "nice neat" priority that could be used to justify that funding.

Moved by Gartin, seconded by Beatty-Hansen, to modify the priority under #3, Youth Development Services and Activities, to state, "To provide services for social and educational development."

Council Member Betcher shared that one of the issues that she has with #3 is that the Priority is not an action statement like Priority #1 or #2. She doesn't know whether Tim's suggestion is fixing the statement or if he were fixing the statement under the Priority. Council Member Gartin acknowledged that the grammar was not exactly correct. Council Member Corrieri recommended that the bullet point be deleted and the Priority be just the action statement, so it would read, "Provide development services and activities for youth." Mr. Gartin said his preference would be to leave the Priority #3 in its current format, but clarify the sub-point. Council Member Corrieri pointed out that, on Page 2 of the Council Action Form (CAF), recommendations for modifications to the Priorities were listed. She shared that she prefers outcome measurement and feels that Priority #3 should be changed to state, "Provide development services and activities for youth," and use the bullet point that the volunteers had recommended, which is to, "Support research-based solutions to help youth that have been identified as vulnerable." Assistant City Manager Phillips emphasized that the modifications listed on Page 2 of the CAF had been recommended by one individual volunteer; they had not come together as a group to discuss any changes.

Council Member Corrieri said that she would be interested in hearing from the volunteers as to whether they thought that Priority #3, as listed, or the suggestion made by Council Member Gartin moves them towards a more-outcome-based process. She noted that the City Council had expressed a desire to move more towards an outcome-based system, such as what is being done by the United Way. Mr. Lubinus pointed out that the modified text is currently not in the Priority Listing, so if the Council does want that in there, they need to put it in there. Ms. Corrieri said that she believes the Council should be supporting research-based and evidence-based services and practices. She doesn't

necessarily agree that it has to state that it is to help youth who have been identified as vulnerable; but if the Council is truly intent on leaning towards an outcome-based system, it should state that it is to support research-based services.

At the inquiry of Council Member Beatty-Hansen, Mr. Phillips stated that the Scorecard is in use to manage the outcomes measurement. He commented that a key staff member for United Way left over the winter, and that person's departure has delayed the implementation of the Scorecard project for ASSET agencies. Council Member Betcher noted that the volunteers have expressed a need to have more training on the process.

Ms. Corrieri suggested that they incorporate educational and development services in the main heading and then add the bullet point about outcome-based services.

Motion withdrawn.

Moved by Gartin, seconded by Corrieri, to revise the Priority #3 title to read, "Provide services and activities for the social and educational development of youth."

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

Moved by Gartin, seconded by Betcher, to strike the bullet point under Priority #3.

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

Mr. Lubinus noted that Priority #1 specifically stated that there should be emphasis placed on low- to moderate-income persons; however, the other two Priorities do not include that. He asked for clarification as to whether the other two Priorities should also place an emphasis on low- to moderate-income persons. Council Member Corrieri recommended that the language not be added to the other two Priorities. Council Member Beatty-Hansen concurred and said that she did not believe "low- to moderate-income" needed to be stated in Priority #2 or Priority #3.

Regarding Priority #1, Bullet Point 5, Ms. Corrieri noted that the transportation programs are not just for the elderly and families, it is also for disabled persons.

Moved by Corrieri, seconded by Betcher, to strike "for the elderly and families," from Priority #1, Bullet Point 5, which currently reads, "Transportation cost offset programs for the elderly and families."

Vote on Motion: 5-0.

Mr. Phillips asked if it were the Council's intent to place a priority listing of the bullet points under each Priority. Council Member Gartin stated that he preferred not to rank those, as that would allow some flexibility for the ASSET volunteers.

The Council was reminded that the Joint Funders' Meeting will be held on September 13, 2018, at 5:00 p.m. and the Oakwood Road Church, and if possible, it would be helpful for Council members to attend.

**ORDINANCE REVISING RENTAL CAP ORDINANCE REGARDING LETTERS OF COMPLIANCE FOR DUPLEXES:** Moved by Beatty-Hansen, seconded by Corrieri, to pass on second reading an ordinance revising the Rental Cap Ordinance regarding Letters of Compliance for duplexes.

Roll Call Vote: 4-1. Voting aye: Beatty-Hansen, Corrieri, Gartin, Nelson. Voting nay: Betcher. Motion declared carried.

**ORDINANCE PERTAINING TO EXCEPTIONS AND HARDSHIPS TO RENTAL CONCENTRATION CAP (Tabled from July 10, 2018):** The Mayor noted that Council Member Martin had made the motion regarding the definition of bonafide renter; however, he is out-of-town and cannot be present at this meeting. Mayor Haila asked if Council wanted to table this action until there could be a full Council present. At the inquiry of Council Member Betcher, the Mayor replied that, if the item were to be tabled, he would propose that no public input be allowed tonight, but it would be allowed at the date to which this item was tabled. Council Member Beatty-Hansen noted a deadline of September 1, 2018, that was contained in the proposed Ordinance and said that she thought tabling this item would push the process back. It was concurred by a majority of the Council members present that they would work through this item tonight. The Mayor advised that an Ordinance takes four votes in the affirmative to pass; and if there are not four votes to pass, the Ordinance will die.

City Attorney Mark Lambert explained that the Council, at its July 17, 2017 meeting, had requested three revisions to the Ordinance. The changes requested were as follows:

1. Under 13.300(10), Paragraph 1: Establishing that a Letter of Compliance (LOC) obtained under the Rental Cap Exception could not be transferred to a new owner of the property upon the sale of the property.

Mr. Lambert reminded the Council members that they decided not to include the language “or transfer of ownership.”

2. Under 13.300(10)(a)(i): The “building, etc. permit language under the Rental Cap Exception was amended to indicate that only people who had obtained a building/etc. permit on or after October 28, 2016 and prior to “October 27, 2017, would be eligible for the exception.
3. Under 13.399(11)(a)(I): The definition of “abutting side” was amended by replacing the word “includes” with “is” for clarification.

Mr. Lambert noted that the Council had also directed staff to come back with language for a possible amendment that would clarify, under the Rental Cap Exception requirement, that those obtaining a Letter of Compliance under this Exception must be using the property as a bona fide rental in order to renew their LOC, that a property owner who had obtained a LOC even if the Rental Code wouldn't require them to have one, and had a roomer paying rent, would be considered a bona fide rental property. He specifically defined “bona fide” rental, as follows: “A bona fide rental property includes a dwelling, which is the owner’s primary place of residence, with a non-owner occupant who pays rent. Also, upon receipt of a LOC for the property, a LOC may not be renewed after 12 months from

the original approval if the property is not used as a bona fide rental property. Each subsequent renewal of the LOC after the initial 12 months is subject to the property's continued use as a bona fide rental property.

City Attorney Lambert encouraged the Council to think about who exactly would constitute a bona fide renter. He cautioned the Council about defining a family member as not being a legitimate roomer or renter, as he believes it would be difficult for the City to defend an Equal Protection challenge. Also, Mr. Lambert stated that he felt this would be difficult for staff to enforce. Building Official Sara VanMeeteren agreed that enforcement would be challenging for staff.

Council Member Gartin said it made sense to him to try and limit the potential roomer to non-family members. He cited his concern over the statutory language in the Ordinance relating to providing a limitation on familial status. City Attorney Lambert answered that he believed the Ordinance in question was limited to occupancy. It was his opinion that the City is not stating who can or can't live there; it is stating that an owner may obtain a LOC if there is a bona fide renter. He reiterated that it is different than regulating familial status because the City is not limiting who can live there. The Ordinance is stating what constitutes eligibility for an exception for a homeowner.

Mayor Haila commented that the term "bona fide renter" was already in the proposed Ordinance. City Attorney Lambert replied that it was in the Ordinance that is presently under consideration; the addition of the proposed language is just to make it more clear what situations would be included. Ms. VanMeeteren noted that "bona fide rental" was never in the Rental Code. Council Member Beatty-Hansen pointed out that "bona fide rental" only applies to the situation where the property owner wants one roomer in a two-bedroom house. Ms. VanMeeteren stated that if a second roomer were to be added, they would be subject to the requirements of the Rental Code. Council Member Betcher suggested that the statement about a bona fide renter could just be left out. Council Member Beatty-Hansen said that she believes that it would be a "gray area" if that statement is not added. Ms. Betcher commented that the issue for her is that it adds another version of an exception and creates another LOC. Director Diekmann advised that it doesn't create it, but it allows an owner to maintain it because it would have already been established as a rental.

Barbara Pleasants, 516 Lynn Avenue, Ames, offered her opinion that a narrow definition of rental and tenant are both critical for success of the Rental Cap Ordinance. She stated her belief that the 12-month window to demonstrate conversion to rental upon receipt of a LOC was established for crucial reasons: It prevents holding on to a LOC for an indefinite period as insurance for use at some unknown time, and it ensures that this Rental Cap exception would be used only by homeowners who were serious about converting their homes to a rental in the near future. Ms. Pleasants said that would minimize the long-term impact on neighborhood stability. Prior to this latest version, a homeowner with one roomer did not need a LOC, and Ms. Pleasants asked why it is now being proposed for homeowners to use this exception in Cap Neighborhoods to get a LOC. She said she believes that the only reason a homeowner with a roomer would use the exception would be to hold it for the future so that the property could later be converted to a rental and the owner could sell it in the future, which is exactly what they are trying to prevent. Ms. Pleasants suggested the following language to define what is a bona fide rental: One roomer is not a rental and the homeowner should not be able to get a LOC. She said that it should also be stipulated that, by the end of the 12-month period, owners must show that

they have tenants and that they are no longer residing in the home. Ms. Pleasants asked the Council to adopt the definition of bona fide rental that preserves the intent of the 12-month window. The result would be that the number of rentals would not increase after that 12-month window had closed and would finally be working towards achieving the goal of the Cap, which was to prevent conversion to rental.

Leslie Kawaler, 2121 Hughes, Ames, pointed out this exception doesn't necessarily apply only to two-bedroom homes. There could be a family in a four-bedroom home that rents out a room. Ms. Kawaler also noted that an owner of a five-bedroom house with a child as a tenant would qualify, and a LOC could be issued. The owner might make a decision to move out after the 12-month window, but it would already be considered a bona fide rental. The owner can then just hold and use that LOC to convert the property to a rental when the owner is ready to move out. In Ms. Kawaler's opinion, it should at least be required that any tenant be a bona fide tenant - not a close relative of the owner. She respectfully disagreed with the Equal Protection issue. In Ms. Kawaler's opinion, the definition being proposed just underscores the ease with which homeowners could circumvent the intent of this limited exception to the Rental Cap. Ms. Kawaler suggested that the homeowner being required to move out would be a much more straightforward first step to proving that the property has been converted to a rental; otherwise, it makes it too easy to get around the requirement to convert the home to a rental.

Council Member Betcher stated her opinion that this is just one more way to undermine the Cap. It would make it too easy for people who wish to get around the Cap to do so. She is also concerned about the enforcement of this possible amendment. She would like to first vote on this clause being added to the Ordinance prior to voting on the entire Ordinance. Ms. Betcher said that the fact that it would be unknown if a homeowner, who has had one roomer and obtained a LOC, is going to move out and convert the home to a rental; that leads to uncertainty for someone who might want to purchase a single-family home, but doesn't want to live next to a rental property.

Council Member Corrieri stated that she did not anticipate there would be a great number of people who would be obtaining a LOC using the proposed exception to ultimately convert their property to a rental. Ms. Betcher said she did not believe that there would be hundreds of people who would take advantage of the proposed exception, but noted that the purpose of the Cap was to eventually lower the number of rental properties. She felt that, if added, the Council would be undermining its own purpose in creating the Rental Cap Ordinance.

Moved by Betcher, seconded by Beatty-Hansen, to not include this clause in the Ordinance.

Council Member Corrieri questioned why one person living with a relative paying rent, which can be documented, would not be considered a renter. She noted that the *Code* states that the Rental Code doesn't apply, but it doesn't specifically say that it is not a rental. Ms. VanMeeteren explained that without the definition, staff would interpret bona fide to mean something subject to the Rental Code.

Ms. Betcher explained that the clause was added to Section 13.300(10)(a)(5), which states, "Upon receipt of a LOC for the property, a Letter of Compliance may not be renewed after 12 months from the original approval if the property is not used as a bona fide rental property..."



Council Member Corrieri again asked why one person is not considered a renter. Building Official VanMeeteren advised that, without putting the clause in the Ordinance, property owners with one roomer would not be eligible for a LOC. Mayor Haila explained the history on requiring a definition of bona fide rental.

Council Member Nelson noted that this doesn't prohibit people from having a roomer; the proposed Ordinance only affects the Letter of Compliance component.

Vote on Motion: 3-2. Voting aye: Beatty-Hansen, Betcher, Gartin. Voting nay: Corrieri, Nelson. Motion declared carried.

Moved by Beatty-Hansen, seconded by Gartin, to pass on third reading ORDINANCE NO. 4365 pertaining to exceptions and hardships to Rental Concentration Cap. Roll Call Vote: 2-3. Voting aye: Beatty-Hansen, Gartin. Voting nay: Betcher, Corrieri, Nelson. Motion failed.

Moved by Nelson, seconded by Beatty-Hansen, to reconsider that motion. Vote on Motion: 4-1. Voting aye: Beatty-Hansen, Corrieri, Gartin, Nelson. Voting nay: Betcher. Motion declared carried.

Moved by Corrieri, seconded by Nelson, to add the "bona fide clause" to the Ordinance.

Council Member Betcher expressed her opposition to adding it to the Ordinance because it will lead to more rentals, which she believes undermines the purpose of the Cap. It also leads to uncertainty for those who want to purchase a single-family home, but don't want to live next to a rental. However, it is unknown whether the owners of the house next-door have a LOC and may start to rent their home at some point in the future.

Vote on Motion: 4-1. Voting aye: Beatty-Hansen, Corrieri, Gartin, Nelson. Voting nay: Betcher. Motion declared carried.

Moved by Beatty-Hansen, seconded by Gartin, to pass on third reading and adopt ORDINANCE NO. 4365 pertaining to exceptions and hardships to Rental Concentration Cap, as amended (adding the "bona fide clause"). Roll Call Vote: 4-1. Voting aye: Beatty-Hansen, Corrieri, Gartin, Nelson. Voting nay: Betcher. Ordinance declared adopted, signed by the Mayor, and hereby made a portion of these Minutes.

**HEARING ON PROPOSED CAMPUSTOWN SELF-SUPPORTING MUNICIPAL IMPROVEMENT DISTRICT (SSMID):** Council Member Gartin asked if a Petition for Remonstrance had been filed. Director Diekmann advised that no Petition for Remonstrance had been filed as of this time.

City Planner Julie Gould advised that staff had verified that the Campustown Action Association Petition for creation of a SSMID included 45.8% of the property owners, which represents 41.8% of the assessed property value. She noted that the *Iowa Code* directs that a SSMID cannot be approved

until 30 days after the public hearing; September 11, 2018, would be the first Council meeting where it could be approved. Ms. Gould also explained that a Petition for Remonstrance could be filed any time between now and the date of the third reading and adoption of the Ordinance.

According to Ms. Gould, staff had created a *Frequently Asked Questions* page on the Planning and Housing Department's Web site to explain, in detail, what a SSMID is, how it works, and related that information to what was submitted by the CAA.

Ms. Gould advised that staff was recommending that the Council pass on first reading the Ordinance establishing the Campustown SSMID and direct staff to prepare a Memorandum of Understanding (MOU) between the City and the CAA.

Mayor Haila opened the public hearing.

Tom Northrop, 1322 Curtiss Avenue, Ames, who is the owner of Pizza Pit, stated that he has been in business since 1976. He noted that if all businesses were in favor, they would all benefit together. Mr. Northrop also commented that if he had a third floor on his business, he might not be in favor of it because the percentage would go up; or if he had a residential area on the third floor, that would encourage him not to support it as well. Generally, if it would keep Campustown cleaner, he would be in favor of it.

Andrew White, owner of 126 Welch Avenue and 2522 Chamberlain Street, Ames, voiced his opposition to the proposal. He believes that the CAA is predominantly comprised of merchants, and he thought initially that a SSMID would primarily benefit merchants. He doesn't want the money to be raised by additional taxes on property owners who already pay a lot for property taxes. He asked why some properties were not included, as he doesn't want to be included either. Mr. White alleged that this proposal will result in him having to pay \$68,000 more/year with this proposal.

Matthew Goodman, 2019 Friley Road, Ames, indicated his support of the SSMID. He noted that the CAA has been working on this for quite some time. Mr. Goodman advised that he owns properties on Welch Avenue and on Chamberlain Street. He commented that Campustown is full of a lot of different kinds of businesses that create synergy; the idea of creating a SSMID is a collective goal that will make the area stronger. Mr. Goodman urged the Council to see the value in the proposal, as it will make Campustown better.

Marilyn Gibbs-Alger, 1104 SE Mill Pond Court, Ankeny, Iowa. Ms. Alger advised that she and her brother Monte Gibbs own the Cranford Apartments at the corner of Lincoln Way and Stanton. They are supportive of the proposal to establish a SSMID.

Ryan Jeffrey, 116 Welch Avenue, Ames, stated that the CAA embarked on this proposal to try to make Campustown a better place. They are trying to bridge the gap between students and the rest of Ames, and to do that, they need to bring the rest of Ames to Campustown. A program like the SSMID will make Campustown better, cleaner, and safer. Mr. Jeffrey feels if this program doesn't happen, they should give up on the idea of bridging that gap. In Mr. Jeffrey's opinion, Campustown needs to be a made true destination. He advised that the funds collected through the SSMID would pay for services,

e.g., snow removal, trash removal. At the inquiry of Council Member Gartin, Mr. Jeffrey advised that they had held at least three public input meetings, reached out via phone and letters, and did everything they could to reach out to every property owner and business owner - not just CAA members - in an attempt to engage them in discussion about the proposal to create a SSMID. Mr. Jeffrey specified that the tax would only be collected from commercial areas. He noted that, per *Code*, residential areas may not be taxed; however, the buildings that have residents on the upper floors will benefit from trash pick-up and snow removal and the area being cleaner. It is also felt that the rate is incredibly equitable between non-mixed-use (\$2.00) and mixed-use buildings (\$5.00).

Mayor Haila noted that they could not collect taxes for at least six years from the Kingland Property as it is already a Tax-Increment Financing (TIF) District. If this initiative is successful and its value is proven, it is believed that they will be more than happy to sign up at the end of their TIF.

At the inquiry of Council Member Betcher, Mr. Jeffrey explained that the only space in churches that can be taxed is any commercial area. They will also be asked for donations, which they have indicated that they will do.

Mr. Jeffrey confirmed, after being questioned by Council Member Nelson, that snow removal would be one of the items paid for out of the SSMID budget, which would offload the expense from the property owners included in the SSMID.

Luke Jensen, 2519 Chamberlain, Ames, stated his opposition to creating the SSMID for the following reasons:

1. Kingland is not included in the area, and 2700 Lincoln Way is not included either. Mr. Jensen believes those two buildings are prominent “flagship” properties, and it is problematic to him that they are not participating.
2. The assessment is disproportionate. The \$5 assessment for mixed-use property is too high. If it were at the \$2 number, he feels it would be more equitable.

Mr. Jensen believes that the creation of a SSMID is only one way to get investment in Campustown; there are other ways. He wants to look for ways that the City could allocate more dollars for services.

Council Member Gartin pointed out that assessment, i.e., \$2 to \$5, relates to the additional burden that the residential component brings to the area. This is an attempt to arrive at equitable distribution based on the usage of the building. Mr. Gartin believes that there is merit in looking at how the building is being used in terms of thinking about the equitable distribution.

Justin Dodge, Hunziker & Associates, 105 S. 16<sup>th</sup> Street, Ames, owner of two properties on Lincoln Way, voiced his support for the establishment of the SSMID. He noted that many people feel that Campustown is pretty dirty and has been for some time. Also, in the winter, snow removal is very spotty.

Andrew White, 126 Welch, Ames, spoke again, stating his belief that customers might impact the area

just as negatively as tenants. He pointed out that he has 14 tenants in properties in the area, but he has hundreds of customers coming and going from his commercial buildings. The customers create much more trash than his tenants create.

Council Member Nelson asked if the actual levy rate will be based on a budget. According to Director Diekmann, on January 1 of every year, the SSMID Board will have to submit a budget to the Council. That will determine the rate; however, it will never go beyond a certain dollar assessment. If the Board wants to increase the levy rate, it may do so only with City Council approval as long as it does not exceed the maximum proposed rate. Mr. Diekmann explained the proposed Ordinance.

The Mayor closed the public hearing.

Moved by Gartin, seconded by Beatty-Hansen, to pass on first reading an ordinance creating the Campustown SSMID.

Council Member Betcher added that, over the last nine years, Main Street Iowa has been encouraging Ames to create a SSMID for the Downtown. City Manager Schainker commented that the creation of a SSMID is not an unusual tool for both smaller and larger cities.

Roll Call Vote: 5-0. Motion declared carried unanimously.

Moved by Betcher, seconded by Corrieri, to direct staff to prepare a Memorandum of Understanding between the City and Campustown SSMID Board prior to approval of a budget for the SSMID.

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

**HEARING ON ZONING TEXT AMENDMENT RELATING TO PROPOSAL TO ALLOW DRY CLEANING AND LAUNDRY FACILITIES IN HIGHWAY-ORIENTED COMMERCIAL ZONE:** Planning and Housing Director Diekmann explained the request for a Zoning Text Amendment to allow dry cleaning and laundry facilities in the Highway-Oriented Commercial zone. He said that staff was recommending that the use be allowed using the Special Use Permit process and that special standards be added to Article XIII to clarify that the use of “Perc” (a toxic chemical) is not allowable within the HOC zoning district.

The public hearing was opened by Mayor Haila.

Kurt Friedrich, 601-6th Street, Ames, stated that he was in favor of the staff’s recommendation. He also noted that the Planning & Zoning Commission had unanimously recommended approval. Mr. Friedrich noted that he had a client interested in establishing a dry cleaning business on Lincoln Way, and in order to facilitate that, this Zoning Text Amendment is needed. He stated that both the buyer and the seller would greatly appreciate the Council suspending the rules for passage of an Ordinance and adopting it at this meeting. By doing so, the seller could get an application before the Zoning Board of Adjustment on August 22 and then begin construction of the project. Without that occurring, another month of construction progress would be lost.

The Mayor closed the hearing after no one else requested to speak.

Moved by Beatty-Hansen, seconded by Betcher, to pass on first reading an ordinance to allow dry cleaning and laundry facilities to be located in Highway-Oriented Commercial Zone by Special Use Permit

Roll Call Vote: 5-0. Motion declared carried unanimously.

Mayor Haila noted that there had been a request that the Council suspend the rules necessary for the adoption of an ordinance.

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

Council Member Beatty-Hansen expressed her reservation to suspend the rules. Council Member Gartin responded that he had zero feedback from people on this. Also, he pointed out that the Planning & Zoning had considered the benefits to the community and had voted unanimously in favor of it.

Roll Call Vote: 4-1. Voting aye: Betcher, Corrieri, Gartin, Nelson. Voting nay: Beatty-Hansen.

Motion failed due to the lack of a super majority of the Council voted aye.

**HEARING ON MAJOR AMENDMENT TO 2014-18 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) CONSOLIDATED PLAN:** Housing Coordinator Vanessa Baker-Latimer reminded the City Council members that, on May 8, 2018, they had authorized staff to proceed with preparing an Amendment to the 2014-18 CDBG Five-Year Consolidated Plan to incorporate the HOME funds in the amount of \$601,264. At that time, the Council had also set today, July 31, 2018, as the date of public hearing. The Plan needed to go out for another 30-day Public Comment Period, and that has occurred. Ms. Baker-Latimer informed the Council that she was making a change to the proposed budget for the projects, specifically to No. 7 and No. 8. The Council was told that allocations would now be \$12,000 (instead of \$21,000) for the Rehabilitation/Disposition of 241 Village Drive and \$21,000 for the Rehabilitation/Disposition of 3305 Morningside. According to Ms. Baker-Latimer, it is now known that the Morningside property will need more demolition, and the funds needed to be adjusted to account for that.

The Mayor opened the hearing and closed it after no one asked to speak.

Moved by Beatty-Hansen, seconded by Betcher, to adopt RESOLUTION NO.18-466 approving the Amendment to the 2014-18 CDBG Five-Year Consolidated Plan to incorporate the receipt of HOME funding and to change the allocation to \$12,000 (instead of \$21,000) for 241 Village Drive and \$21,000 (instead of \$12,000) for 3305 Morningside.

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

Moved by Beatty-Hansen, seconded by Betcher, to adopt RESOLUTION NO. 18-468 approving the 2014-18 CDBG Five-Year Consolidated Plan, as amended.

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

**HEARING ON PROPOSED 2018/19 COMMUNITY DEVELOPMENT BLOCK GRANT ANNUAL ACTION PLAN (Continued from May 8, 2018):** Housing Coordinator Baker-Latimer said, that due to the new allocation of HOME funding and an increase in CDBG funding, the City Council had continued the hearing on the Annual Action Plan from May 8, 2018, to today. Ms. Baker-Latimer brought the Council's attention to the list of proposed 2018-19 CDBG Program Activities and Expenses, specifically noting the revised allocation amounts.

Mayor Haila announced that the hearing was still open and asked if there was anyone wishing to speak. No one came forward, and the hearing was closed.

Moved by Beatty-Hansen, seconded by Betcher, to adopt RESOLUTION NO. 18-467 approving the revised Action Plan Activities and Expenses, including changing the Rehabilitation/Disposition of 241 Village Drive allocation to \$12,000 and the Rehabilitation/Disposition of 3305 Morningside allocation to \$21,000.

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

Moved by Betcher, seconded by Gartin, to adopt RESOLUTION NO. 18-469 approving the Annual Action Plan, as amended.

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

The meeting recessed at 7:30 p.m. and reconvened at 7:41 p.m.

**REQUEST FOR AMENDMENT TO LAND USE POLICY PLAN AND REZONING OF 3125 AND 3115 GROVE AVENUE:** Director Diekmann explained the request from Heath Bullock for the rezoning of the property located at 3115 and 3125 Grove Avenue to accommodate a proposed 4,000-square-foot store for the Sherwin-Williams Company. It is being proposed that a retail paint store be constructed in that location by demolishing the duplex and six-unit apartment building and combining the two parcels into a single parcel. The applicant is requesting the creation of a Convenience Commercial Node in support of the rezoning. Mr. Diekmann informed the Council that, although the request is for rezoning to a commercial zoning designation, use of the property exclusively for commercial would first require a Land Use Policy Plan (LUPP) Future Land Use Map Amendment from High-Density Residential to a commercial designation.

Mr. Diekmann advised that the combined size of the two properties is approximately 0.78 acres. It would have frontage along Grand Avenue, but no access from Grove Avenue.

According to Director Diekmann, the primary land use question is consistency of changing the designation of the site to commercial with the policies of the LUPP for the location of commercial uses. The LUPP does not have a designation for commercial expansion in this area or a policy to consider new "strip commercial" development patterns along arterial roads. Mr. Diekmann advised that the LUPP has clearly defined commercial boundaries for the west side of Grand Avenue as Planned Regional Commercial zoning for the North Grand Mall and Wal-Mart site and for

Community Commercial Node (CCN) zoning for the Northern Lights area. These areas were recognized as part of the commercial services needed to serve North Ames. It was also stated by Director Diekmann that there currently is vacant space available within those areas that might be suitable for the applicant without establishing a new commercial site.

Two options for the Council's consideration were given as follows:

1. Retain the Existing Land Use Policy Plan (LUPP) Designation. Retaining the current designation corresponds to the current land use patterns and the policies of the LUPP for siting of new commercial areas. The Sherman-Williams store would need to consider a location within an already established commercial area.
2. LUPP Map Amendment to Convenience Commercial Node. If this Option were approved, Mr. Bullock would be allowed to submit an application for a LUPP Map Amendment to place a Convenience Commercial Node in the vicinity of the site. Placing a Node in that area would indicate the potential for expansion of commercial use to the east side of Grand Avenue.

According to Mr. Diekmann, it would be highly unusual for the City Council to pursue Option 2 and carve out a new commercial site adjacent to single-family residential zones given the fact that there are other commercial spaces available in the City.

Mr. Diekmann advised that Grand Avenue will not have direct access for commercial uses as it is a restricted access arterial roadway and a State highway subject to Iowa Department of Transportation jurisdiction.

Heath Bullock, 6808 Reed Lane, West Des Moines, Iowa, said that he is working with Sherman-Williams to locate a site for a second store in Ames, which will alleviate the capacity issues of the existing store on Duff Avenue. They have looked at several sites, within Ames and outside of Ames. Mr. Bullock asked for a LUPP Map Amendment to place a Convenience Commercial Node in the vicinity of 3115 and 3125 Grove Avenue. He addressed the possibility of locating on available commercial land west of Grand Avenue. According to Mr. Bullock, there is an existing building, but it doesn't have parking or a loading zone for bringing product to the store twice per week. For the safety of customers and staff, Mr. Bullock stated that they need a different site.

Council Member Gartin asked Mr. Bullock how they would work with residents of the area. Mr. Bullock noted that the store's business hours would be conducive to the residential area. They feel this is a better use of the property, rather than apartments. It was confirmed by Mr. Bullock that the Sherwin-Williams building would be a 4,000-square-foot, single-story, free-standing building.

Council Member Gartin pointed out that if the Sherwin-Williams store is not allowed, it could result in a far more intensive use developing on the site in question in the future. Director Diekmann told the Council that staff is not envisioning a commercial use on this property, so it could stay as is for quite some time.

Council Member Beatty-Hansen noted that if allowed to locate on Grove Avenue, Sherwin-Williams might relocate in the future, but once the zoning is changed, it would open the property for other commercial uses.

Moved by Gartin, seconded by Beatty-Hansen, to retain the existing Land Use Policy Plan designation.

Vote on Motion: 4-1. Voting aye: Beatty-Hansen, Betcher, Corrieri, Gartin. Voting nay: Nelson. Motion declared carried unanimously.

**REQUEST FOR URBAN REVITALIZATION AREA DESIGNATION FOR 127, 121, AND 115 DOTSON DRIVE:** According to Director Diekmann, Hendra Hardi made an inquiry as to whether the City Council would consider creating an Urban Revitalization Area (URA) for his Highway-Oriented Commercial zoned properties along Dotson Drive. Mr. Hardi desires to redevelop the 0.81-acre site with a new multi-tenant commercial building. He is interested in receiving a primary finding of eligibility for creating a commercial URA. Director Diekmann advised that the property at 127 Dotson Drive currently contains a 1,844-square-foot single-story building that was constructed in 1973. The properties at 115 and 121 Dotson are vacant. The property in question is located south of Lincoln Way on the west side of Dotson Drive and inside the boundaries of the Westside Retail Focus Area of the Lincoln Way Corridor Plan.

Mr. Diekmann explained the two options available to the Council:

1. Property Owner Applies for a Commercial Urban Revitalization Area. The property owner would file an application for consideration by the City Council based on the current Commercial Urban Revitalization Area (URA) policies. A site plan and building plans would be included. At the time of application, the City Council would then determine if the project was consistent with City goals for revitalization and what, if any, specific qualifying criteria would apply.
2. City-Initiated URA with Pre-defined Eligibility Criteria. The City Council could initiate creation of an URA for this area that may benefit Mr. Hardi's property on Dotson. This would require the Council to prioritize a review of the area and define the needs for revitalization and what criteria are desirable for revitalization. Currently, there are no defined objectives for the area other than support of commercial zoning for redevelopment.

It was noted by Director Diekmann that, at this time, the City has not established a specific policy or goals for incentivizing revitalization in this area. The City's current commercial policy does apply to HOC land in the area, but does not fully address the property owner's situation of a partially vacant site.

Council Member Nelson noted that he had heard from some residents of the area of the City that they feel under-served.

Moved by Gartin, seconded by Corrieri, to allow the property owner to file an application for a commercial URA for consideration by the City Council, which is Option 1.



Council Member Betcher asked where this would fall in the list of priorities for the Planning staff. Mr. Diekmann stated that establishing a site-specific URA could be a low to moderate level of staff time depending on Council's interests in specific criteria and review of a plan for the site. It would take less time than an overall area option, but may still need to be prioritized as a project for this fall to meet the property owner's interest to look at developing this fall.

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

**REQUEST OF PAUL AND MARGOT ENESS FOR WAIVER OF CITY POLICY TO ALLOW BOUNDARY LINE ADJUSTMENT WITHIN SUBURBAN RESIDENTIAL AREA OF AMES URBAN FRINGE (EAST OF HYDE AVENUE):** According to Director Diekmann, the Enesses own two parcels of land on the east side of Hyde Avenue, abutting the city limits of Ames. The Enesses would like to consolidate their two parcels into a single parcel and to convey portions of the parcels to two abutting owners. Mr. Diekmann advised that the properties along Hyde Avenue lie within the Urban Residential area of the Ames Urban Fringe Plan. Subdivision authority is under the sole review of the City. The Fringe Plan policies require that land be annexed and City services be provided before development or property boundary changes can occur. Paul and Margot Eness have requested that the boundary line adjustment be allowed without annexation as it creates no additional developable lots and would have a benefit to the public of allowing the transfer of land to the Iowa Natural Heritage Foundation to prevent development.

Three options for the Council's consideration were presented, as follows:

1. Follow the existing policies of the Ames Urban Fringe Plan and decline to allow a boundary line adjustment until such time as the properties in question are annexed into the City.
2. Waive the Fringe Policy of not allowing subdivisions or development without prior annexation. This option would allow a Plat of Survey to be prepared and submitted to the City for review by staff and approval by the City Council.
3. Waive the Fringe Policy, but with accompanying Covenants to annex and buy out rural water when requested by the City of Ames.

Clayton Gregg, 4604 Hyde Avenue, Ames, said that he and his wife are part of the requested boundary line change. He believes that staff is stating that, when development occurs, the property needs to be within the City limits of Ames. In all the discussion, Mr. Gregg said that he had not heard any reason why a simple boundary change that would be acceptable in the City would be a problem out in the County. It was also noted by Mr. Gregg that there has been a precedent of allowing a boundary line adjustment without annexation. Mr. Gregg cited the case where the City purchased some street right-of-way by Ada Hayden from property owners in the area in question and changed boundaries, but did not require annexation.

Mr. Gregg cited a portion of the Urban Fringe Plan on Page 38, specifically Policy No. 2, which states that, before development, the property is required to be annexed. Mr. Gregg believes that none of the property owners in the area are interested in development occurring on their properties. He also stated

that, to him, subdividing means dividing the property into smaller parcels. In the Eness proposal, they would be consolidating their property from four parcels into three.

Mr. Gregg encouraged the Council to choose Option 2 and waive the Fringe policies and allow the boundary line adjustment.

Moved by Beatty-Hansen, seconded by Corrieri, to waive the Fringe policies, but with accompanying Agreements to annex and buy-out Rural Water when requested by the City of Ames.

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

**REQUEST FOR ZONING TEXT AMENDMENT RELATING TO HEIGHT LIMIT OF INTERIOR CLIMATE-CONTROLLED MINI-STORAGE FACILITIES ADJACENT TO RESIDENTIAL USES IN HIGHWAY-ORIENTED COMMERCIAL ZONE:** Planner Gould described the request for a Zoning Text Amendment from OnPoint Development to allow for two-story interior climate-controlled facilities to residential where currently only one story is allowed in the Highway-Oriented Commercial (HOC) zoning district. According to Ms. Gould, OnPoint Development is considering redevelopment of 1405 Buckeye Avenue (the former KMart site) and would like to include self-storage as a component of its development. The proposed change by OnPoint is for buildings constructed prior to July 1, 2018, and adjacent to residential zoned property be allowed to have two stories of interior climate-controlled storage units with no exterior building doors for individual storage units.

According to Ms. Gould, mini-storage warehouse facilities are a permitted use in the General Industrial (GI) District. They are allowed by a Special Use Permit in the HOC District. The interior climate-controlled storage use will need to obtain a Special Use Permit in order to exist at 1405 Buckeye Avenue regardless of the approval of a text amendment to change height allowances.

The options available to the Council were explained, as follows:

1. Allow interior climate-controlled mini-storage facilities to be two stories in buildings constructed prior to January 1, 2018, when adjacent to residential zoning and make no changes to the exterior door requirements.
2. Rather than using the term “adjacent,” establish a minimum setback of 50 feet.
3. Eliminate the one-story standard for interior climate-controlled mini-storage facilities.
4. Leave the standard as is with no text amendment.

Moved by Beatty-Hansen, seconded by Corrieri, to approve Option 2: Establish a minimum setback of 50 feet, rather than use the term “adjacent.”

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

**MINIMUM HEIGHT AND FLOOR AREA RATIO STANDARDS IN THE DOWNTOWN SERVICE CENTER (DSC) ZONING DISTRICT:** The Council was reminded by Director

Diekmann that, at its meeting of July 17, 2018, the Council had requested a staff report specifically addressing minimum two-story height and 1.0 Floor Area Ratio (FAR) standards for DSC zoning and a separate staff report from the Transportation Division on the scope of a comprehensive parking study for Downtown. At that meeting, the City Council had stated an intent to revisit the issues of development standards, public amenities (plaza), public parking, and development incentives originally described in the November 14, 2017, staff report.

Mr. Diekmann provided background information on the DCS zoning standards that require a new development to be constructed at a minimum of two stories and with a minimum 1.0 FAR. He noted that the Council recently adopted Downtown Commercial Gateway Zoning for the 100 Block of Kellogg Avenue that included a requirement for two-story buildings, but no FAR requirement. The current standards were adopted in 2000 to further the objectives for the DSC area identified within the LUPP for DSC to be the most intense area of development of the city and to ensure new development is of the same character as the current surroundings. According to Mr. Diekmann, minimum FAR and height standards work together to ensure a consistent two-story appearance of buildings. Mr. Diekmann showed the map of the zoning districts in the Downtown area.

Five options were offered to the Council, as follows:

1. Modify the Minimum 1.0 FAR Requirement. The City Council could consider eliminating this standard in its entirety if the combination of other standards would yield the desired character of development focused along streets. Mr. Diekmann advised that one trade-off of eliminating FAR is its effect on allowing for stand-alone parking lots without a principal use. Staff believes that encouraging private surface parking lots is not supportive of Downtown character and if there is a change in FAR standards, a restriction on new stand-alone parking lots should be maintained.
2. Modify the Minimum Two-Story Requirement. Director Diekmann told the Council that the two-story height requirement is the most important urban design character standard of matching the historic look of Downtown. He said there are three basic approaches to changing the standard: a) Eliminate minimum height requirements. b) Change the two-story standard to only require part of a building to be two stories. c) Change to a minimum building height requirement to match Campustown of a height measured in feet.
3. Modify the Exception Criteria for Either FAR or Height. This approach would make it a case-by-case review with site-specific findings evaluated by the Zoning Board of Adjustment. The criteria could be revised to clarify the intent of when such an exception is appropriate based on the type of use, design, and the context within Downtown.
4. Include Minimum FAR or Height Within URA Criteria. Council could modify zoning standards to allow property owner flexibility, but incentivize more intense development with an amendment to the Urban Revitalization Area criteria.
5. Rezoning of Properties Along 6<sup>th</sup> Street to Neighborhood Commercial.

Director Diekmann advised that the City Council must first determine if it is appropriate to reduce

zoning standards for all projects or re-define the exception process to proceed with a Zoning Text Amendment. Secondly, the Council must articulate a goal for the character of development in the Downtown Area to allow for staff to draft Code changes that reflect the intent for the area.

Council Member Nelson said he personally would have an interest in looking at the minimum two-story requirement, but not necessarily getting rid of the height requirement, along 6<sup>th</sup> Street. He asked to what extent eliminating the height requirement would encourage tall gable roofs. Mr. Diekmann answered that it would encourage them.

Kurt Friedrich, 100-6th Street, Ames, told the Council that the current standards are creating issues for their potential redevelopment of their property along 6<sup>th</sup> Street. Mr. Friedrich suggested that, for the area along 6<sup>th</sup> Street, which seems to be less sensitive to the height requirements desired for Main Street, the FAR and height requirements be waived. He noted that that would be recommending a combination of Option 1 and Option 2 and modifying the DSC by taking those two requirements out. After being asked, Mr. Friedrich replied that the parking requirements are also creating an issue. He prefers keeping the DSC zoning with a modification to eliminate the FAR and height requirements.

Council Member Gartin said that he had not heard from anyone else in this area wanting a change. He asked Mr. Friedrich if he had had any interaction with the Main Street Cultural District. Mr. Friedrich answered that he had not heard from anyone personally, but at the recent Main Street Workshop, several had expressed that the FAR was a hindrance to redevelopment in the area.

Council Member Nelson questioned if there was a potential to hinder redevelopment of certain sites if changes are made to the FAR. He also asked if it would be possible to make some currently non-conforming properties conforming if changes are made. In order to give the Council a sense of what is currently non-conforming structures in the area in question, Mr. Diekmann showed a map noting the existing one- and two-story buildings. He noted that if changes were made, the Council would be lessening the requirements, so more of those buildings would be conforming. Council Member Gartin noted that he wanted to think long-term, not necessarily how things are now.

Council Member Betcher said she was not really interested in changing everything about Downtown. She is much more accepting of allowing changes to the 6<sup>th</sup> Street corridor. Council Member Gartin said that he did not see Main Street redeveloping any time soon.

Council Member Corrieri said she wanted to find a way to encourage redevelopment that the Council wants to see without causing the applicant to jump over a series of hurdles.

Moved by Beatty-Hansen, seconded by Gartin, to direct staff to move forward with Option #3 to modify the exception criteria for either FAR or height and make it a case-by-case review with site-specific findings evaluated by the Zoning Board of Adjustment.

Director Diekmann asked the Council to be specific on the area to be included. Council Member Corrieri voiced her choice to include everything except Main Street. Council Member Betcher said that she wanted only 6<sup>th</sup> Street to be included.

Motion withdrawn.

Moved by Beatty-Hansen, seconded by Corrieri, to direct staff to move forward with Option #3 to modify the exception criteria for either FAR or height, but limit it to properties along 6th Street.

According to Director Diekmann, the change will go before the Planning & Zoning Commission in September. If its recommendation is to approve the changes, staff will move forward to bring the Ordinance to the City Council.

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

**DISCUSSION OF POSSIBLE REVISIONS TO PARKING REGULATIONS ON MCKINLEY DRIVE:** Traffic Engineer Damion Pregitzer stated that the Ames Community School District has requested that staff review the existing parking ordinance along McKinley Drive. There are currently two parking prohibitions for McKinley Drive contained in *Municipal Code* Section 18.33(3):

1. Parking is prohibited on both sides of McKinley Drive from Hayes Avenue to VanBuren Avenue only on days of regular classes at Ames High School between 7:30 and 9:30 AM.
2. Parking is prohibited during the lunch kindergarten pick-up time adjacent to a former driveway on to McKinley Drive that no longer exists.

Bill McGowan, 1325 McKinley Drive, Ames, noted that with the proposed ordinance, there will be no parking allowed in front of his house. The front door of his house is on McKinley. He would prefer that parking be allowed on both sides of McKinley. Mr. McGowan believes there are no existing problems; the problems that caused the Ordinance to be enacted do not exist anymore.

Council Member Corrieri indicated that parking can only be allowed on one side of the street so that emergency vehicles can access the properties.

Council Member Gartin asked if it would be more consistent or inconsistent with the majority of the City if the Council were to allow for parking on both sides. According to Mr. Pregitzer answered that allowing parking on one side of the street is the most consistent throughout the City. He also stated that if parking is allowed on both sides of the street, it would be nearly impossible to allow emergency access.

Moved by Corrieri, seconded by Beatty-Hansen, to direct the City Attorney to draft an ordinance that prohibits parking at all times on the north side of McKinley Drive from Hayes Avenue to McKinley Circle/Court and prohibits parking at all times on the south side of McKinley Drive from McKinley Circle/Court to Northwestern Avenue.

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

**PROPOSED I-35 ENTRYWAY SIGNAGE:** Assistant City Manager Phillips gave the background of this request. City staff is now requesting direction from the City Council whether several of the proposed elements of the project are acceptable. Those issues were described as follows:

Issue No. 1. Is the Council in agreement with the document prepared by The Ames Foundation that outlines the scope.

Moved by Corrieri, seconded by Beatty-Hansen, to adopt RESOLUTION NO. 18-453 approving the proposed funding agreement with The Ames Foundation in the amount of \$20,000.

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

Issue No. 2. Is the Council in agreement with the proposed location on the east side of Interstate 35 (I-35) just south of 260<sup>th</sup> Street.

Justin Dodge, speaking on behalf of The Ames Foundation, spoke on how the specific design was chosen. He also advised that representatives of The Ames Foundation need to take the design and proposed location before the IDOT District No. 1 Engineer. According to Mr. Dodge, the Iowa DOT might allow the sign to be located in its right-of-way; however, that is unknown at this time. Discussion ensued about how far from the road the sign would be placed. The main question was if the sign would be minimized visually.

Mr. Dodge informed the Council that the scale of the sign is really not known yet; it may change based on the ending budget. He stated that the Chamber of Commerce Director has indicated that the Chamber would be interested in the fund-raising. Iowa State University has not yet been asked about participating; a meeting has been set.

Moved by Beatty-Hansen, seconded by Corrieri, to approve the location on the east side of I-35 just south of 260<sup>th</sup> Street, thus allowing it to be placed on City property.

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

Issue No. 3. Who maintains the signs.

Moved by Corrieri, seconded by Beatty-Hansen, that the City maintain the sign, providing that some natural disaster doesn't destroy it.

City Manager Schainker noted that he did not want the City to commit to replacing the sign if some sort of disaster destroyed it and it would have to be re-designed.

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

Issue No. 4. Design Concept. City Manager Schainker noted that the Council needed to consider whether the city is willing to take on the ongoing cost for electricity, which could potentially be \$10-25/month. Additional costs would exist for lamp and equipment maintenance and replacement. Mr. Schainker told the Council members that if it were their desire to light the sign, staff would prefer that the sign be lit by solar.

Council Member Corrieri said that she found it a bit strange that the sign would state that Ames is the home of Iowa State University, but it is home to a lot of other things too.

Moved by Gartin, seconded by Beatty-Hansen, to approve the sign design, as presented (not including the lighting).

Vote on Motion: 4-1. Voting aye: Beatty-Hansen, Betcher, Gartin, Nelson. Voting nay: Corrieri. Motion declared carried.

Moved by Corrieri, seconded by Beatty-Hansen, to direct staff to work on an agreement with The Ames Foundation regarding landscaping.

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

Moved by Beatty-Hansen, seconded by Corrieri, to light the sign through the use of solar energy.

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

**SPECIAL EVENT PARKING:** Police Chief Chuck Cychosz reminded the Council members that at their meeting on November 28, 2017, they had requested that City staff provide additional information about the possibility of an ordinance addressing the unique parking problems associated with special events. According to Chief Cychosz, Iowa State University football games are the focal point of this concern.

Council Member Gartin asked if Iowa State had been contacted about the possible changes. He noted that increases in fines would affect its fan base and alumni. Chief Cychosz advised that Iowa State University had been generally in support. He commented that before changes go into effect, additional signage needs to be installed and outreach needs to be done to educate the public on the increased penalties. Staff is suggesting that the effective date of any ordinance of this kind be the fall of 2019 in order to provide adequate time to inform the residents of the change as well as parking violators during this upcoming football season.

Moved by Beatty-Hansen, seconded by Corrieri, to initiate a special parking fine for ISU football games.

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

Moved by Beatty-Hansen, seconded by Corrieri, to approve staff's recommendation of doubling the fine structure during special events, i.e., the cost of illegal parking will be \$40, \$35 if paid in seven days.

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

Moved by Betcher, seconded by Beatty-Hansen, to include the proposed area plus all streets in the area from Hayward to Ash and from Storm to Knapp.

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

Moved by Corrieri, seconded by Beatty-Hansen, to direct that the ordinance take effect in August 2019.

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

**DISPOSITION OF COMMUNICATIONS TO COUNCIL:** Moved by Beatty-Hansen, seconded

by Corrieri, to direct the Mayor to reach out and inform the party requesting the billboard change that the Council is not interested at this time in making a text amendment to allow the movement of a billboard located at 1102 Southern Hills Drive to 901 Airport Road.

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

Moved by Nelson, seconded by Corrieri, to direct staff to place on a future agenda the request from Fareway for a Zoning Text Amendment to Neighborhood Commercial.

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

**ADJOURNMENT:** Moved by Beatty-Hansen to adjourn the meeting at 10:34 p.m.

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Diane R. Voss, City Clerk

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John A. Haila, Mayor