

MINUTES OF THE REGULAR MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

AUGUST 14, 2018

The Regular Meeting of the Ames City Council was called to order by Mayor John Haila at 6:00 p.m. on August 14, 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, David Martin, and Chris Nelson. *Ex officio* Member Allie Hoskins was also present.

CONSENT AGENDA: Council Member Betcher requested to pull the following items from the Consent Agenda for separate discussion: 9 (request for financial contribution in support of the Symposium on Building Inclusive Organizations); 11 (requests from Octagon Center for the Arts for its Art Festival), and 12 (requests from Campustown Action Association for First Friday in Campustown). Mayor Haila pulled the following items from the Consent Agenda for separate discussion: 13 (Change Order to Engineering Services Agreement with Strand Associates for Construction Phase Services for WPC Digester Pumps, Piping, and Valves Replacement Project), 15 (contract for Furnishing and Installation Services for 69kV UG Power Cable for Top-O-Hollow Substation), and 18 (Plat of Survey for 3600 and 3898 University Boulevard).

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

1. Motion approving payment of claims
2. Motion approving Minutes of Regular Meeting of July 31, 2018
3. Motion approving Report of Contract Change Orders for July 16 - 31, 2018
4. Motion approving new Class C Liquor License for Inside Golf, 2801 Grand Avenue #1075, pending final inspection
5. Motion approving ownership change for Class C Liquor, B Wine, Catering, & Outdoor Service for +39 Restaurant, Market, & Cantina, 2640 Stange Road
6. Motion approving temporary Outdoor Service (for remainder of sidewalk café season) for Olde Main Brewing Company, 316 Main Street
7. Motion approving temporary Outdoor Service Privilege for Sips and Paddy's Irish Pub, 126 Welch Avenue, for the following dates:
 - a. August 24-26, 2018
 - b. September 15-16, 2018
 - c. October 13-14, 2018
8. Motion approving renewal of the following Beer Permits, Wine Permits, and Liquor Licenses:
 - a. Class C Liquor – JJC Ames 1, LLC, 2420 Lincoln Way, Ste. 103 (Fuzzy's Tacos)
 - b. Class E Liquor, C Beer, & B Wine – Kum & Go #1215, 4506 Lincoln Way
 - c. Class C Liquor – El Azteca, 1520 S. Dayton Avenue
 - d. Class C Liquor & Catering – Es Tas Stanton, 216 Stanton Avenue
 - e. Class C Liquor, Catering, & Outdoor Service – Iowa State Center - CY Stephens, CY Stephens, Iowa State University
 - f. Class C Liquor, Catering, & Outdoor Service – Iowa State Center - Fisher Theater, Fisher Theater, Iowa State University
 - g. Class B Beer – Flame-N-Skewer, 2801 Grand Avenue, Ste. #1125
 - h. Class C Beer & B Wine – Hy-Vee Gas #5013, 4018 Lincoln Way
 - i. Class C Liquor – Deano's, 119 Main Street

9. 2018 Byrne Grant:
 - a. Motion authorizing application to be submitted
 - b. RESOLUTION NO. 18-471 approving Memorandum of Understanding with Story County
10. RESOLUTION NO. 18-477 approving renewal of Contract with EMC Risk Services, LLC, of Des Moines, Iowa, to provide third-party administration of the City's Worker's Compensation and Municipal Fire and Police "411 System" claims for August 1, 2018 through July 31, 2019, at a cost not to exceed \$55,000
11. RESOLUTION NO. 18-479 awarding contract to The Baker Group of Ankeny, Iowa, for Installation of WPC Security Camera Replacement in the amount of \$64,662
12. RESOLUTION NO. 18-480 accepting completion of Year 5 of Lime Sludge Disposal Contract
Roll Call Vote: 6-0. Motions/Resolutions declared carried/adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

REQUEST FOR FINANCIAL CONTRIBUTION IN SUPPORT OF SYMPOSIUM ON BUILDING INCLUSIVE ORGANIZATIONS: Council Member Betcher requested more information about what this entails. Housing Coordinator Vanessa Baker Latimer stated that this was a continuation of what the Ames Human Relations Commission and University had been discussing during and after the inner-city visit to Columbia, Missouri. The Symposium is intended to allow business and community groups and organizations to talk about diversity and inclusion. This will be a ticketed event to cover the costs. The budget is still being finalized, and the ticket price is yet to be determined.

Moved by Betcher, seconded by Beatty-Hansen to adopt RESOLUTION NO. 18-470 approving the request for a financial contribution in support of the "Symposium On Building Inclusive Organizations" event in partnership with the Chamber of Commerce, Iowa State University, Ames Human Relations Commission.

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

REQUESTS FROM OCTAGON CENTER FOR THE ARTS FOR 48TH ANNUAL OCTAGON ART FESTIVAL ON SEPTEMBER 23: Council Member Betcher noted that she had pulled this item from the Consent Agenda in order for the organizers of this event to explain it. Heather Johnson, Direction of the Octagon, described some of the events that have been planned. She advised that there will be 98 artists from 15 states participating. Ms. Johnson stated that this is a celebration of the arts, which is very family friendly and economical. She encouraged the public to attend the Festival, which will be held on Sunday, September 23, from 10 AM to 4 PM in the Main Street Cultural District.

Moved by Betcher, seconded by Beatty-Hansen, to approve/adopt the following:

- a. Motion approving blanket Temporary Obstruction Permit and blanket Vending License for Central Business District
- b. RESOLUTION NO. 18-472 approving closure of portions of Main Street, Burnett Avenue, Kellogg Avenue, and Douglas Avenue from 6 a.m. to 6 p.m.
- c. RESOLUTION NO. 18-473 approving waiver of fees for blanket Vending License and usage

of electricity

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

REQUESTS FROM CAMPUSTOWN ACTION ASSOCIATION FOR FIRST FRIDAY IN CAMPUSTOWN ON FRIDAY, AUGUST 24: Council Member Betcher said that she had also pulled this item from the Consent Agenda to allow the organizers an opportunity to provide information about this event to the public. Ms. Betcher noted that the application had come in late.

Karin Chitty, Director of Campustown Action Association, advised that this event started small as a way to introduce people to restaurants and businesses in Campustown. It has grown a lot. Several groups from Iowa State University and community groups will be present, so there will be lots of resources available. The event will be held on August 24, which is the first Friday of the Fall Semester at Iowa State.

Ms. Betcher made Ms. Chitty aware that the Council had approved Sip's/Paddy's to have an Outdoor Service Privilege for alcohol on August 24, 25, and 26. Ms. Chitty said that she did not anticipate any issues as the First Friday event will conclude by 8 PM and the location of the Outdoor Service area is in the back of Sip's/Paddy's.

Moved by Betcher, seconded by Beatty-Hansen, to approve the following requests from Campustown Action Association for the First Friday in Campustown event on Friday, August 24:

- a. Motion approving blanket Temporary Obstruction Permit
- b. RESOLUTION NO. 18-474 approving closure of Lot Y and five metered parking spaces on Chamberlain Street from 12:00 p.m. to 9:00 p.m.
- c. RESOLUTION NO. 18-475 approving waiver of parking meter fees and enforcement and waiver of fee for usage of electricity

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

CHANGE ORDER FOR CONSTRUCTION PHASE SERVICES FOR WPC DIGESTER PUMPS, PIPING, AND VALVES REPLACEMENT PROJECT: Mayor Haila indicated that he had had a question about this item; however, in the absence of Water and Pollution Control Director John Dunn, he said that he was satisfied with moving forward.

Moved by Beatty-Hansen, seconded by Corrieri, to adopt RESOLUTION NO. 18-476 approving Change Order No. 2 to the Engineering Services Agreement with Strand Associates of Madison, Wisconsin, to provide Construction Phase Services for the WPC Digester Pumps, Piping, and Valves Replacement Project in an amount not to exceed \$217,000.

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

CONTRACT FOR FURNISHING AND INSTALLATION SERVICES FOR 69kV UG POWER CABLE FOR TOP-O-HOLLOW SUBSTATION: Mayor Haila questioned whether the

contract total included engineering fees and any contingency. Electric Services Director Donald Kom provided a summary of the costs. He noted that engineering fees were not included in the summary provided in the Council Action Form; the revenues were also not included. The Capital Improvements Plan from 2017/18 showed \$366,000 set aside specifically for engineering fees for various projects; approximately \$100,000 remains for engineering fees on this project. Mr. Kom indicated that, on future projects before the Council, for clarity, staff will include engineering fees and the amount approved by Council in the Council Action Form.

Moved by Betcher, seconded by Beatty-Hansen, to adopt RESOLUTION NO. 18-478 awarding a contract to Primoris Aevenia, Inc., of Johnston, Iowa, for Furnishing and Installation Services for 69kV UG Power Cable for Top-O-Hollow Substation.

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

PLAT OF SURVEY FOR 3600 AND 3898 UNIVERSITY BOULEVARD: The Mayor noted that the Council had approved the indoor tennis court to be located south of the fitness center. He asked why it is not right next to University. Planning and Housing Director Kelly Diekmann answered that it was desired to position it away from the developable area. Being located away from the street was also thought to be a benefit. The position shown on this Plat of Survey was in line with what staff was expecting, i.e., to leave as much developable area as possible between University the tennis facility.

Moved by Beatty-Hansen, seconded by Betcher, to adopt RESOLUTION NO. 18-481 approving the Plat of Survey for 3600 and 3898 University Boulevard.

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

PUBLIC FORUM: Mayor Haila opened the Public Forum. No one came forward to speak, and the Mayor closed Public Forum

REPASSAGE OF ORDINANCE PERTAINING TO EXCEPTIONS AND HARDSHIPS TO RENTAL CONCENTRATION CAP (Vetoed by Mayor): Mayor Haila stated that, on August 1, 2018, he had sent notice to the City Council members indicating that he was vetoing Ordinance No. 4365. He also noted that, in an email to the Council on August 6, 2018, in the spirit of continuing to work together as the City Council, he had directed staff to place the Ordinance back on this Agenda.

The Mayor asked City Attorney Mark Lambert to explain the options available to the Council. Mr. Lambert advised that Iowa Code does prescribe the process for a City Council to essentially “override” a Mayor’s veto or re-pass an ordinance. To do so requires a two-thirds vote (four out of six) by the Council. He presented the following options:

1. Vote on re-passing the Ordinance. City Attorney Lambert emphasized that the Council is not required to vote on re-passing the Ordinance; it is merely an option.
2. Request staff to bring back the Ordinance with direction as to what should be contained in it.

If that option is chosen, Mr. Lambert noted that the deadline in the Ordinance for making application, which is listed as September 1, 2018, would need to be changed.

3. Request staff to split the ordinance into two, so that the Rental Cap Exception and Hardship Sale could be voted on separately.
4. Do nothing, and the veto would stand.

Moved by Nelson, seconded by Gartin, to move re-passage of ORDINANCE NO. 4365 pertaining to exceptions and hardships to Rental Concentration Cap.

Roll Call Vote: 3-3. Voting aye: Corrieri, Gartin, Nelson. Voting nay: Beatty-Hansen, Betcher, Martin. Re-passage of the Ordinance failed.

Moved by Beatty-Hansen, seconded by Martin, to direct staff to bring back this Ordinance, but in the form of two, one dealing with the Rental Cap Exceptions and one dealing with the Hardship Sale Exceptions.

Ms. Beatty-Hansen said that she made that motion because she felt that the Council was all behind the Hardship Sale Exceptions and that one could pass fairly quickly. Council Member Martin agreed.

Council Member Gartin commented that separating the Ordinance does not facilitate the compromise that people with disparate views have landed on. He felt that the Ordinance that had initially passed represented a compromise between people who liked certain aspects, but didn't like other aspects. He is opposed to separating it.

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

Moved by Beatty-Hansen to direct staff to bring back the ordinance at the next Council meeting.

City Manager Steve Schainker asked what ordinance Ms. Beatty-Hansen was referring to, whether she meant the same Ordinance in the same form or wanted changes to it.

Motion withdrawn.

Council Member Gartin encouraged those voting nay to articulate their concerns.

Council Member Martin indicated that he had been voting against the Exception Ordinance, as a whole, because of the Section 10 exception part of it, which he believed was structured to allow people to obtain Letters of Compliance because they "were in the right place at the right time" and really had the intent to do the work on their property to obtain one. Otherwise, it had nothing to do with their personal circumstance or how their property compares to other properties in the neighborhood. He commented that that was basically why he was voting against the combined ordinance.

Council Member Betcher commented that her stance had always been that with every property that gets a Letter of Compliance, it erodes the Cap. It then means more properties that have to be reclaimed

over the course of the Ordinance to get to the Cap.

Moved by Corrieri, seconded by Nelson, to direct staff to change the bona fide rental exception to only apply to one- and two-bedroom properties, specifically as it relates to roomers.

Director Diekmann attempted to clarify the intent of the motion, stating that the roomer allowance that exempts the property owner from the Rental Code, could, by the option of the property owner to voluntarily choose to register their one- or two-bedroom property with the City even though they only have one roomer. That would then be considered an eligible property, but it would still have to meet the bona fide test.

Council Member Martin believed that that motion does reduce the number of potential properties that would be taking advantage of this part of the exception; that would be narrowing the scope of the exception. His observation had been that the objections in the past had been that the scope of the exception was too wide. Council Member Betcher agreed with that; however, she said she had issues with how far the exceptions had gone before that.

Mayor Haila stated that it was the principle that he was trying to get at, i.e., Council had voted to put a cap in the neighborhoods of 25%. He said he continues to believe that that Ordinance, that was passed not too long ago, continues to be eroded by providing additional exceptions. Mayor Haila noted that there is a Rental Ordinance in place that has specific guidelines that stands. He pointed out that the Building Official had stated that the definition of a bona fide rental was when there were two renters or more in a rental property. The Mayor said the goal is to provide consistency and observe the principles of the Cap.

In an effort to clarify the intent of the motion, City Attorney Lambert read language that had been suggested to him by Council Member Martin, as follows: “A bona fide rental property includes a one- or two-bedroom dwelling which is the owner’s primary place of residence with a non-owner occupant who pays rent.”

Council Member Martin further explained that the base definition of bona fide rental means properties that are subject to the Rental Code with rent actually exchanging hands and not subject to any of the exceptions in the Rental Code. In addition to that definition, the motion would allow one- or two-bedroom dwellings with a rent-payer to be included as long as it is the owner’s primary residence.

Council Member Nelson noted that the Council did get to consensus on the Rental Cap itself. To get to that point, there were other things that some of the Council members expected to be added that allowed them to support the Ordinance. He considers this to be consistent with the past discussions.

At the question of Council Member Gartin, Building Official VanMeeteren stated that adding the bona fide rental component could result in a potential increase to the number of Letters of Compliance to as many of 600+, assuming that every owner-occupied property that is currently not registered would apply. Staff knows that would not be the case, but she would have no way to quantify how many people might be interested. Currently, staff knows of approximately 12 who are in the process of receiving a Transitional Letter of Compliance, already have one, or are going to apply.

Council Member Gartin asked Council Member Martin to explain what his goal was when he made the motion to have staff provide a better definition of bona fide. Mr. Martin answered that when he made the motion, it never occurred to him that bona fide rental would exclude a person who had a rental agreement with a renter in the house, and had gone to the effort to bring their house up to LOC standards, have invested money, and they had intended to do that all along. The ordinance at that time did not define bona fide, and he thought it meant someone who was actually renting to someone. However, that was not how it was going to be interpreted. Mr. Martin said he was seeking clarification and wanted to define it in such a way as to make it consistent among all properties.

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

Moved by Beatty-Hansen, seconded by Betcher, to change the application deadline from September 1, 2018, to state that the application has to be filed within 30 days from the effective date of the ordinance.

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

Moved by Martin to come up with an explicit definition of what is a bona fide rental and work that into the text of the ordinance. Motion died for lack of a second.

Council Member Beatty-Hansen stated that property that is subject to the Rental Code and not subject to exceptions for which there is at least one tenant paying rent.

Moved by Beatty-Hansen, seconded by Betcher, to define bona fide rental to including a one-or two-bedroom

Motion failed for lack of a second.

Moved by Martin, seconded by Beatty-Hansen, to direct staff to add language to the Ordinance that clarifies what bona fide rental means.

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

ORDINANCE CREATING CAMPUSTOWN SELF-SUPPORTING MUNICIPAL IMPROVEMENT DISTRICT (SSMID): Director Diekmann advised that a Petition of Remonstrance had been filed with the City Clerk on August 13, 2018, and had been verified by staff as valid. Therefore, the Petition for the SSMID is automatically withdrawn; no action was necessary by the City Council.

ORDINANCE ALLOWING DRY CLEANING AND LAUNDRY FACILITIES IN HIGHWAY-ORIENTED COMMERCIAL ZONE: Moved by Beatty-Hansen, seconded by Gartin, to pass on second reading an ordinance allowing dry cleaning and laundry facilities to be located in Highway-Oriented Commercial Zone by Special Use Permit.

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

ORDINANCE REVISING RENTAL CAP ORDINANCE REGARDING LETTERS OF COMPLIANCE FOR DUPLEXES: Moved by Beatty-Hansen, seconded by Betcher, to pass on third

reading and adopt ORDINANCE NO. 4366 revising the Rental Cap Ordinance regarding Letters of Compliance for duplexes.

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

Noting the number of people present who were interested in Item No. 29 and No. 30, Mayor Haila announced that the Council would hear those items next.

HEARING ON REZONING 1801-20TH STREET AND 2008-24TH STREET (NORTHCREST):

City Planner Eloise Solstrum showed a map depicting the subject property located at 1801-20th Street and 2008-24th Street. Ms. Solstrum explained that in 2015, Northcrest Community LLC purchased the adjacent five-acre parcel at 2008-24th Street, which was a former church site. Contract zoning of the parcel occurred in 2013 to Residential High Density with a Development Agreement that limited its use. The Agreement restricts future development on the parcel to group living and community facilities and restricts the maximum height to four stories or 50 feet. The contract rezoning does not allow for additional apartments, and any change to those restrictions would be treated as a new rezoning application. The applicant and City staff agree that a mutual release agreement is required with the rezoning request in order to allow Northcrest to include additional independent senior living units, which are not defined as a group living or community facility use in the Zoning Ordinance. According to Ms. Solstrum, the F-PRD is the appropriate zoning to support Northcrest's plans for expanding the current living arrangements. The F-PRD zoning allows for more flexible application of most development standards through the approval of the MSDP. The Major Site Development Plan (MSDP) that accompanies the PRD request will be the controlling plan for development of the site and its specific uses upon approval of the PRD. The MSDP includes the site design, including placement of the buildings, pedestrian and vehicular circulation, parking, storm water area, open space and amenities, and landscaping. Staff has authorization to make very minor changes to the MSDP; any major changes to Plan would be required to be brought back to the City Council for approval.

At the inquiry of Council Member Gartin, Ms. Solstrum explained that staff had not heard of any opposition to the proposal.

Council Member Betcher asked staff if there had been any water drainage issues. Tracy Warner, Municipal Engineer, advised that staff had not heard of any problems directly adjacent to this property. There had been issues in the vicinity of Prairie View West, but not in this vicinity. Mayor Haila noted that this Plan actually reduces the amount of impervious surface from what it had been in the past.

Mayor Haila asked whether the elevations would meet the 50' height limit. He also noted the slope of the underground parking driveway for Building N. Justin Platts, Landscape Architect with RDG explained the sloped driveway shown for with a ten percent grade. Director Diekmann showed the west exterior elevation and the relevant design standards. Mr. Platts showed the locations of the primary vehicular and secondary vehicular access points and the primary vehicular routes. Conceptual drawings were shown of the different buildings.

The hearing was opened by the Mayor. He closed same after there was no one wishing to speak.

Moved by Nelson, seconded by Gartin, to pass on first reading an ordinance rezoning 1801-20th Street and 2008-24th Street (Northcrest) from High-Density Residential (RH) to Planned Residence District (F-PRD).

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

Moved by Nelson, seconded by Gartin, to adopt RESOLUTION NO. 18-485 approving the Mutual Release of Development Agreement.

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

HEARING ON MAJOR SITE DEVELOPMENT PLAN FOR 1801-20TH STREET AND 2008-24TH STREET (NORTHCREST): The public hearing was opened by the Mayor. No one asked to speak, and the hearing was closed.

Moved by Nelson, seconded by Gartin, to adopt RESOLUTION NO. 18-486 approving the Major Site Development Plan for 1801-20th Street and 2008-24th Street (Northcrest).

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

GENERAL OBLIGATION CORPORATE PURPOSE BONDS, SERIES 2018A: Finance Director Duane Pitcher advised that the Official Statement or Preliminary Official Statement (POS) is the offering document for municipal securities, in preliminary form, which does not contain pricing information. The Statement provides several financial disclosures and information about the City. Council is being asked to approve the POS as well as electronic bidding as the method to provide a secure and highly competitive process for the sale of the bonds.

Projects to be funded by this Bond Issue includes the following:

1. Grand Avenue Extension
2. Collector Street Improvements
3. Asphalt Street Improvements
4. City-Wide Radio System
5. Fire Station #1 Concrete Replacement

Moved by Gartin, seconded by Betcher, to adopt RESOLUTION NO. 18-482 approving the Official Statement for General Obligation Corporate Purpose Bonds, Series 2018A; setting date of sale for August 28, 2018, and authorizing electronic bidding for the sale.

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

APPLICATION FROM SMART AG REQUESTING ECONOMIC DEVELOPMENT ASSISTANCE: Finance Director Pitcher explained that SmartAg, LLC, has applied for economic development assistance for a project that includes the build-out and leasing of 10,000 square feet in a spec building located in the South Bell TIF District. The project also includes employment growth to 40 full-time positions with 33 of the jobs above 120% of the IEDA Story County labor-shed rate of

\$26.11/hour and seven jobs just below. The largest contribution of the funding is coming from SmartAg in the amount of \$2,140,000.

John Hall, representing the Ames Economic Development Commission, read a statement from the CEO of SmartAg thanking the City for its support. According to Mr. Hall, this company was one of the first at the “Start-Up Factory,” which began approximately two years ago. At the inquiry of Council Member Betcher, Mr. Hall stated that the SmartAg company itself has been around for longer than that. Mr. Hall stated that the local match to be provided is in the amount of \$50,000; \$25,000 of that will be provided by the Ames Economic Development Commission.

City Manager Steve Schainker advised that the source of funding for the City’s portion of the local match of \$15,000 would be allocated from the Economic Development Fund.

Moved by Beatty-Hansen, seconded by Gartin, to adopt RESOLUTION NO. 18-483 supporting the submittal of an application from SmartAg requesting economic development assistance from endorsing Iowa Economic Development Authority with local match to be provided in the form of a \$50,000 forgivable loan.

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

INSPECTIONS PERMITTING SOFTWARE PAYMENT OPTIONS: Building Official VanMeeteren stated that this Staff Report was in response to a Council referral following its receipt of a letter from Jerry Cable. Ms. VanMeeteren advised that, on June 21, 2011, the City Council held a workshop with developers to discuss the impact of Codes on development. One item discussed was the necessity of software to provide better customer service and efficiency. In May 2014, the Council awarded a contract for the purchase and installation of EnerGov to help satisfy customer needs. The first phase of that implementation was completed in March 2017 when EnerGov went “live.” Since that time, staff has experienced greater efficiencies in the inspection process with the use of iPads and has been able to keep better records throughout the permitting process. One of the goals with the new software was to be more accessible to the City’s Web-friendly customers. Staff is in the process of implementing a new Web portal called “Citizen Self-Service” that will allow customers to apply for permits online, track progress of permits, pay permit fees, schedule inspections, and view inspection results. Staff is now asking for input from the Council members on how payments should be processed.

Ms. VanMeeteren described the current process. A report is sent to Finance daily that lists all Permits that have been issued. Finance prints and mails a copy of the Permit and invoice to the customer. The customer can then send a check to the City or call in with a credit card to make payments. According to Ms. VanMeeteren, the Municipal Code requires all Permit fees to be paid prior to the Permit being issued, but does allow an exception for customers in good standing. That exception has been highly utilized, as it allows customers to pull Permits regularly to begin construction instead of waiting for an invoice and payment to be made. It also allowed them to pay multiple invoices with fewer checks. The Council was told that the current amount of Permit fees owed to the City is \$89,195.01, with \$20,494.98 being over 60 days past due. Almost \$18,000 of that is six months or more past due, with some invoices dating back to 2011.

Ms. VanMeeteren explained three different payment options that can be accommodated through the Citizen Self Service portal:

1. Keep the current payment practice. This option does not resolve the problem of customers failing to make payments on time.
2. Customers would be invoiced through the Citizen Self Service portal and make payments. This would eliminate the need for Finance to enter information, mail an invoice, and apply payments. However, it still allows for Permits to be issued and inspections scheduled without payment being made. This option also reduces the City's internal control over receivables as it would be difficult to track the payments in the system. It also would be a duplication of work for the Finance Department to re-enter the receivables into the financial software. Again, this option does not resolve the problem of customers failing to make payments on time.
3. Allows customers to pay for Permits at the time of submittal. The applicant is not required to make a payment at the time of application and can choose to pay for the Permit at any time, but would be unable to move forward with the project or request inspections until payment is made and the Permit is issued. This option complies with the Finance Department's auditing policy because there are never any outstanding fees.

Mayor Haila asked if the Staff Report had been sent out to customers. Ms. VanMeeteren answered that it had not been sent out to customers; however, she had contacted Jerry Cable today to inform him that this would be discussed tonight. Ms. VanMeeteren stated that an email had been sent to contractors on June 26, 2018, notifying them of the payment process change and inviting them to a demonstration of the new portal at City Hall on July 17, 2018. There were no concerns expressed by those present at the demonstration regarding the payment process change. According to Ms. VanMeeteren, staff had received some calls and emails about the change. The biggest concern expressed was regarding the security of the customer's credit card information. It was noted that none of a customer's personal credit card information would be stored by City staff.

Ms. VanMeeteren shared that, in anticipating of this process change, staff contacted the Iowa Association of Building Officials to determine what the typical Permit issuance and payment process is through the State of Iowa. Of the 16 cities that responded, only one of them (Sioux Center) currently operates the way that the City of Ames has been, i.e., issues the Permit before receiving payment.

Jerry Cable, Cable Plumbing, 632 South Dayton, Ames, stated that he is not in favor of the new process. He does not want to use a Credit Card to pay for anything for his business, and he does not want to give his Credit Card information to be on file with the City or anywhere else. Mr. Cable noted that there are six others who are also opposed, whom he had listed in an email sent earlier to the City Council. He believes that the new process is a good thing for Inspections, but not a good thing for its customers.

Moved by Gartin, seconded by Beatty-Hansen, to approve Option 3.

It was clarified that the third option allows customers the ability to pay for basic Permits at the time of submittal. The applicant is not required to make a payment at the time of application. They can choose to pay for the Permit at any time, but will be unable to move forward with the project or request inspections until it is issued.

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

REQUEST BY FAREWAY STORES, INC., TO INITIATE NEIGHBORHOOD COMMERCIAL ZONING TEXT AMENDMENTS: Director Diekmann recalled that the Mayor and City Council had sent a letter dated June 18, 2018, requesting that they consider zoning changes in support of its redevelopment of the Downtown store location. The goal is to redevelop the site with a new store placed along Burnett with the front of the store facing west and the parking located on the west half of the site. In order to proceed with the redevelopment, Fareway is requesting the City Council to consider changes to certain Neighborhood Commercial development standards to accommodate its goals for redevelopment with a medium-sized grocery store of approximately 24,000 square feet and abundant parking to serve the new store. Fareway would like to proceed with redevelopment of the site this fall with completion of the new store in 2019.

Mr. Diekmann commented that the Downtown Fareway site presents a number of issues for siting a grocery store in the NC zoning district due to the overall size of the site and the fact that it has street frontage on four sides. Mr. Diekmann identified eight Neighborhood Commercial standards that are of issue for the proposed redevelopment. In addition, Fareway has indicated a desire to reduce parking lot landscaping of tree planters and medians for the site compared to City-wide standards to increase the number of on-site parking spaces for the store. According to Director Diekmann, staff has reviewed a number of other projects with multiple street frontages and found that, in some situations, the ratio of tree planting to parking stalls is quite high; thereby requiring the developer to choose between parking quantity and building size to meet parking lot landscape requirements. Mr. Diekmann stated that staff believes either allowing for some credit for front-yard trees as parking lot trees or reducing the overall parking lot tree ratio would be appropriate as a change. Any changes to parking lot tree standards would be applicable City-wide.

Options available to the City Council were described by Director Diekmann, as follows:

- Option 1. Initiate no changes to the Neighborhood Commercial zoning standards.
- Option 2. Authorize an application for a text amendment to Neighborhood Commercial zoning standards.
- Option 3. Initiate a change to general landscape standards for parking lot tree planting ratios.

Director Diekmann commented that, independent of the Fareway request, staff believes some adjustments to the landscaping parking lot tree planting requirements could be made to accommodate development interests in site design. He advised that the difficulty in evaluating redevelopment proposals that rely on changing standards is the balancing of City-wide expectations with individual project interests, such as issues with parking, landscaping, and building design. Mr. Diekmann told the Council that the proposed changes requested by Fareway essentially are rewriting

the NC zoning district. In all likelihood, the resulting district would be similar in standards to that of CGS zoning, but the allowed uses are different. According to Director Diekmann, the level of time invested in these changes would be low/moderate due to the work that has already gone into discussions with Fareway. However, the task would need to be a prioritized project for completion this fall to meet Fareway's described time line. With initiation of the text amendment, staff would develop new standards and present the changes to the Planning and Zoning Commission for its recommendation to the City Council on new standards.

Council Member Betcher commented that it was not so much what Fareway is requesting, but what changing the standards for all NC zones in the City would look like. She gave an example of Outdoor Sales, such as fireworks, and the size of the signage that would be allowed, stating that she was having difficulty envisioning that being allowed in every NC zone.

Garrett Piklapp, Senior Vice-President/Secretary/General Counsel for Fareway, 715-8th Street, Boone, Iowa, advised fireworks would not be sold at the site in question. He noted that the amount of area for outdoor sales would be limited to the area by the front door as they would only have 112 stalls in the parking lot. The two issues Mr. Piklapp believes for this proposal are landscaping and signage. Regarding landscaping, Mr. Piklapp advised that a courtyard would be developed on the south side of the store, which would give the store a more residential feel. It is his belief that the courtyard will function better than a few medians with a tree planted in them.

Director Diekmann said that staff was asking for direction to be given by the Council on the range of standards that could be revised at the request of Fareway to facilitate its store design.

Moved by Gartin, seconded by Nelson, to Option #2, authorizing an application for a text amendment to Neighborhood Commercial zoning standards.

Council Member Gartin noted that Fareway had been a tremendous corporate citizen of Ames for quite some time. Noting that there are very few communities who have grocery stores within walking distance for residents, he feels that this is a huge benefit for Downtown development.

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

Mayor Haila asked if the Council wished to comment on any of the eight issues that had been identified by staff that would result from the potential change. It was the consensus of the Council that the outdoor sales of fireworks should not be allowed. Council Member Betcher said that the increase to 120 square feet per sign might be appropriate for this development, but not in other NC zones.

Moved by Nelson, seconded by Gartin, to approve staff initiating a change to general landscape standards for parking lot tree planting ratios.

Vote on Motion: 4-2. Voting aye: Corrieri, Gartin, Martin, Nelson. Voting nay: Betcher, Beatty-Hansen.

The meeting recessed at 8:51 p.m. and reconvened at 8:56 p.m.

WELCH AVENUE RECONSTRUCTION: Municipal Engineer Warner introduced Civil Engineer Matt Sullivan. Ms. Warner, Mr. Sullivan, Public Relations Officer Susan Gwiasda, and Director Diekmann presented a Staff Report on the Public Outreach Plan and Cross Section Details for Welch Avenue Reconstruction, which is scheduled to begin in 2019/20 as part of the Capital Improvements Plan.

Ms. Gwiasda explained that there will be two Outreach Phases: (1) Pre-Construction Phase and (2) Construction Phase. Ms. Warner described the Pre-Construction Phase. She said that staff had created five cross-sections of preliminary options to include in a survey. The five cross-sections include:

1. Pilot project with parklet and one-side parallel parking
2. Pre-pilot project with two-side parallel parking
3. Sidewalk widening with one-side parallel parking
4. Bike lanes on street with no parking
5. Angled parking with one-way circulation

It was further explained that the outreach for the Pre-Construction Phase is aimed at gaining information on the types of users of Welch Avenue and their preferences. Staff will create an on-line survey to be placed on the City's Website, which will collect feedback from the public regarding their primary use as a student, business member, or other community member and their preferences regarding the different cross-section alternatives. The public's preferences will be considered along side operational and functional needs.

In addition to the online survey, large poster boards featuring the cross-sections will be brought "on tour" for user input. Some upcoming events include WelcomeFest and First Friday in Campustown. Staff is also partnering with the Community and Regional Planning Club at Iowa State University to increase student participation. The Club is planning to host several pop-up "survey tables" on and around Campus to gather user input.

Feed back collection will occur through mid-September. Staff will analyze the feedback and return to the Council in October with results and recommended next steps.

Council Member Gartin commented that he wanted to ensure that the City reaches out to the Iowa State University Administration and non-CAA members. Council Member Betcher also shared that one of the departments at Iowa State University that should be contacted, but might not be obvious, is the Music Department. That group has concerts and use Welch for overflow parking.

Mayor Haila asked how staff is going to determine who is going to drive the design. He commented that it was important to take into consideration the business owners in the area.

Moved by Beatty-Hansen, seconded by Corrieri, to remove Option 5: Angled parking with one-way

travel.

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

Moved by Corrieri, seconded by Beatty-Hansen, to approve the proposed Pre-Construction Phase feedback collection.

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

Moved by Nelson, seconded by Corrieri, to approve the proposed Construction Phase Communication and Outreach.

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

HEARING ON NOTICE OF INTENT TO COMMENCE THE 2008/09 WATER SYSTEMS IMPROVEMENTS: EAST PRESSURE ZONE LOOP: Mayor Haila opened the public hearing. The hearing was closed after no one else requested to speak.

Moved by Gartin, seconded by Corrieri, to adopt RESOLUTION NO. 18-484 approving the Notice of Intent to acquire property for the project.

DISPOSITION OF COMMUNICATIONS TO COUNCIL: Moved by Betcher, seconded by Beatty-Hansen, to direct staff to put the request of Barilla for waiver of the sidewalk requirement on a future Agenda.

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

Council Member Betcher shared that Ames has been nominated as an “All Star City” and is in competition with Carroll, Iowa. Ms. Betcher encouraged the public to go to the Iowa League of Cities Web site and vote for the City to receive the “All Star” Community designation for its Water Plant project.

ADJOURNMENT: Moved by Gartin to adjourn the meeting at 9:34 p.m.

Diane R. Voss, City Clerk

John A. Haila, Mayor