

MINUTES OF THE REGULAR MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

AUGUST 27, 2019

The Regular Meeting of the Ames City Council was called to order by Mayor John Haila at 6:00 p.m. on August 27, 2019, in the City Council Chambers in City Hall, 515 Clark Avenue, pursuant to law. Present were Council Members Gloria Betcher, Bronwyn Beatty-Hansen, Amber Corrieri, Tim Gartin, and Chris Nelson. As it was impractical for Council Member David Martin to be present in person, he was brought into the meeting telephonically. *Ex officio* Member Devyn Leeson was also in attendance.

PROCLAMATION FOR “NATIONAL OVERDOSE AWARENESS DAY:” Mayor Haila proclaimed August 31, 2019, as “National Overdose Awareness Day.” Natasha Terrones, a mother who lost her child to overdosing, accepted the Proclamation. Ms. Terrones explained that her daughter, Tashara Torrenes, passed away on December 17, 2016, due to a synthetic opioid drug overdose and she has spent the last two-and-a-half years fighting for a change. Devon Terrones, brother to Tashara, commented that he appreciates everyone helping to fight for a change on drug overdose. Ms. Terrones thanked the City of Ames Task Force team for their consistent support. Carrie Williams from Community and Family Resources mentioned that the Opioid Task Force offers services to assist families in need.

CONSENT AGENDA:

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

2. Motion approving payment of claims
3. Motion approving Minutes of Regular Meeting of August 13, 2019
4. Motion approving Report of Change Orders for August 1 - 15, 2019
5. Motion approving Class C Liquor License Ownership Change - Texas Roadhouse, 519 South Duff Avenue
6. Motion approving Class C Beer Permit Ownership Change - Casey’s General Store #2298, 428 Lincoln Way
7. Motion approving Class E Liquor License Ownership Change - Casey’s General Store #2560, 3020 S Duff Avenue
8. Motion approving Class E Liquor License Ownership Change - Casey’s General Store #2905, 3612 Stange Road
9. Motion approving Class E Liquor License Ownership Change - Kum & Go # 1215, 4508 Lincoln Way
10. Motion approving new 6-month Special Class C Liquor License - Mandarin Restaurant, 415 Lincoln Way
11. Motion approving new 12-month Special Class C Liquor License with Class B Native Wine, Outdoor Service, and Sunday Sales - The Love Club, LLC, 4625 Reliable Street
12. Motion approving new 12-month Special Class C Liquor License with Sunday Sales - New Hickory Holding Company, 1404 S Duff Avenue
13. Motion approving renewal of the following Beer Permits, Wine Permits, and Liquor Licenses:
 - a. Class E Liquor License with Class B Wine, Class C Beer and Sunday Sales - Kwik

- Stop Liquor & Groceries, 125 6th Street
 - b. Class E Liquor License with Class B Wine, Class C Beer and Sunday Sales - Hy-Vee Drugstore, 500 Main St
 - c. Class E Liquor License with Class B Wine, Class C Beer and Sunday Sales - Cyclone Liquors, 626 Lincoln Way
 - d. Class C Liquor License with Outdoor Service and Sunday Sales - Grandpa Noodle Gallery, 926 S 16th Street
- 14. Motion approving request for Fireworks Permits for display from Jack Trice Stadium for ISU Home Football Games on the following dates:
 - a. Saturday, August 31
 - b. Saturday, September 14
 - c. Saturday, September 21
 - d. Saturday, October 5
 - e. Saturday, October 26
 - f. Saturday, November 16
 - g. Saturday, November 23
- 15. RESOLUTION NO. 19-434 approving Certificate of Consistency with City's 2014-19 CDBG Consolidated Plan on behalf of Youth & Shelter Services
- 16. RESOLUTION NO. 19-435 approving request to waive enforcement of the prohibition of motorized vehicles in Ada Hayden Heritage Park
- 17. RESOLUTION NO. 19-436 approving financial support as a sponsor for the 2019 Symposium on Building Inclusive Organizations in the amount of \$5,000
- 18. RESOLUTION NO. 19-437 approving Release of Subordinate Mortgage for property located at 712 Burnett Avenue, Ames, in connection with the Ames/Story County Partnership (ASCP) Affordable Housing Program
- 19. Request for Run for the Roses:
 - a. Motion approving Blanket Temporary Obstruction Permit
 - b. RESOLUTION NO. 19-438 approving closure of Mortensen Road between Dotson Drive to State Avenue and State Avenue between Lettie Street to Mortensen Road on October 13, 2019, from 6:00 a.m. to 2:00 p.m.
- 20. Requests for Crafts & Draughts in Campustown on September 7, 2019:
 - a. Motion approving new 5-day Class B Beer License (September 7 - 11, 2019) - A&R Marketing, Inc, 217 Welch Avenue
 - b. Motion approving Blanket Temporary Obstruction Permit on Welch Avenue from Chamberlain Street to Hunt Street from 7:00 a.m. to 7:00 p.m.
 - c. RESOLUTION NO. 19-439 approving waiver of electricity costs for the 200 block of Welch Avenue, including the Campustown Court area
 - d. RESOLUTION NO. 19-440 approving the closure of 14 metered parking spaces and waiver of parking meter fees on Welch from 8:00 a.m. to 6:00 p.m.
 - e. Motion approving blanket Vending Permit on Welch Avenue from Chamberlain Street to Hunt Street
 - f. RESOLUTION NO. 19-441 approving a waiver of fee for the blanket Vending Permit

21. RESOLUTION NO. 19-442 granting the Director of Electric Services authority to negotiate and approve an amendment with Macquarie Energy LLC of Houston, Texas, to extend the existing contract two or three years, if the overall contract cost falls to or below \$2.80/MMBtu
22. Brookside Restroom Renovation Project:
 - a. RESOLUTION NO. 19-443 approving reallocation of \$3,900 of savings from the completed Brookside Park Path Lighting Project
 - b. RESOLUTION NO. 19-444 approving preliminary plans and specifications for Brookside Restroom Renovation Project; setting September 25, 2019, as bid due date and October 8, 2019, as date of public hearing
23. RESOLUTION NO. 19-445 approving preliminary plans and specifications for Methane Engine Generator Replacement project, setting September 25, 2019 as the bid due date and October 8, 2019 as the date of public hearing and award
24. RESOLUTION NO. 19-446 awarding contract to Diamond Oil Company of Des Moines, Iowa, in an amount not to exceed \$150,000 for Electric Services Fuel Supply
25. RESOLUTION NO. 19-447 awarding contract to RACOM Communications of Marshalltown, Iowa, for replacement of CyRide radio system in the amount of \$341,146
26. RESOLUTION NO. 19-448 awarding three-year contract to Limble CMMS of Lehi, Utah, in an amount of \$68,796 for CMMS Software Updates for Power Plant
27. RESOLUTION NO. 19-449 approving contract and bond for 2017/18 Shared Use Path System Expansion West Lincoln Way (Sunset Ridge Subdivision to North Dakota Avenue)
28. RESOLUTION NO. 19-450 approving contract and bond for 2017/18 Water System Improvements Program #1 - Water System Transfers
29. RESOLUTION NO. 19-451 approving contract and bond for 2018/19 Water System Improvements (Burnett, Murray)
30. RESOLUTION NO. 19-452 approving contract and bond for 2014/15 Storm Water Facility Rehab (Somerset Subdivision Pond)
31. RESOLUTION NO. 19-453 approving contract and bond for Wellhead Controls Improvements & Repainting Project
32. RESOLUTION NO. 19-454 approving Change Order No. 5 in the amount of \$458,027.41 (inclusive of sales tax) to Helfrich Brothers Boiler Works, Inc., of Lawrence, Massachusetts, for Unit 7 Boiler Repair Project
33. RESOLUTION NO. 19-455 approving completion of conditions for approval of the Final Plat of Wessex Subdivision and releasing security being held therefor
34. River Valley Park Softball Infield Renovation Project:
 - a. RESOLUTION NO. 19-456 approving Change Order No. 1 to Contract with Iowa Cubs Sports Turf Management of Des Moines, Iowa in the amount of (\$7,850)
 - b. RESOLUTION NO. 19-457 accepting completion of Contract with Iowa Cubs Sports Turf Management of Des Moines, Iowa, in the total amount of \$101,050
35. RESOLUTION NO. 19-458 accepting completion of Fire Station 1 Parking Lot Reconstruction Project
36. RESOLUTION NO. 19-459 accepting completion of Contract with ESA, Inc., for Asbestos Maintenance Service for Power Plant for FY 2014/15 through 2018/19 in the amount of

\$562,128.91

37. RESOLUTION NO. 19-460 accepting completion of Contract with TEI Construction Services, Inc., for Boiler Maintenance Services Contract for Power Plant for FY 2016/17 through 2018/19 in the amount of \$2,463,801.45
38. RESOLUTION NO. 19-461 accepting completion of Contract with Total Insulation Mechanical, Inc., for Non- Asbestos Insulation and Related Services for Power Plant for FY 2014/15 through FY 2018/19 in the amount of \$182,575.96

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

PUBLIC FORUM: Justin Gersema, 1402 Kellogg Avenue, Ames, wanted to thank the Council for having a sidewalk installed in order for him to walk from his house to the bus safely. Council Member Gartin let Mr. Gersema know that the Council has not received a lot of input from citizens in his situation and encouraged him to let the Council know if there are other areas of concern.

RESOLUTION OF SUPPORT FOR HEALTHY LIFE CENTER: City Manager Steve Schainker stated that at a previous meeting, the Council had requested staff to put together a Resolution showing their support of the Healthy Life Center. He asked if the Council had any recommended changes to the draft resolution. City Attorney Mark Lambert mentioned that he was concerned about the last sentence where it encourages the citizens to vote YES. He explained that the *Iowa Code* prohibits spending any public money on advocacy for a bond issue, but the same section of the Code says the section can not be construed to prohibit a governing body from expressing its opinion. Attorney Lambert contacted the Executive Director of the Iowa Ethics & Campaign Disclosure Board, and she assured Mr. Lambert that it was OK for the Council to encourage the citizens to vote YES as it doesn't violate the law.

Justin Gersema, 1402 Kellogg Avenue, Ames, voiced his concerns about the Healthy Life Center. Council Member Gartin stated that there will be three informational meetings coming up where Mr. Gersema will be able to voice his opinion. Parks and Recreation Director Keith Abraham explained that the three meetings will be on August 28, August 29, and September 4, 2019, at the Ames Public Library. Director Abraham stated that during these meetings they will spend about 40 minutes explaining the concept, design, and the financial aspects of the Healthy Life Center and will have time for questions at the end. Mr. Gersema asked if Mr. Abraham could send him a copy of the PowerPoint presentation so he can view it through the special app he has on his phone that helps those with his disability. Mr. Abraham stated that he would be happy to and will meet with Justin after this meeting to listen to his concerns and get his contact information.

Council Member Betcher stated that there have been some concerns raised about accessibility for the Healthy Life Center and wanted to know if this concern would be covered during the informational meetings. Mr. Abraham explained that they do not go into specifics, but the entire facility will be ADA-compliant.

Moved by Corrieri, seconded by Gartin, to approve RESOLUTION NO. 19-462 approving a

Resolution in support of the Healthy Life Center Bond Referendum Vote for the City of Ames, Iowa. Vote on Motion: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

REQUEST FROM IOWA STATE UNIVERSITY TO COLLABORATE AND CO-BRAND THE PRINCIPLES OF COMMUNITY FOR INCLUSION IN PUBLIC BUILDINGS AND MAKE THE CAMPAIGN AVAILABLE TO PRIVATE ORGANIZATIONS THAT ARE ASKED TO PARTICIPATE: Mayor Haila explained that he had a met with Dr. Stewart, Vice President of Diversity and Inclusion at Iowa State University (ISU), and discussed these principles. Dr. Stewart is amendable to having a meeting with the Mayor, the City Manager, and a member of the Council to discuss how the principles could be community-focused and not just student-focused. Mayor Haila mentioned that he wanted to give the Council the option of tabling this item and allowing more work to be done.

Council Member Betcher stated she has concerns about the ISU Principles, as they are very strong in their sense of community among students, but not helping students understand that they are part of a broader community. She would support tabling this item until further discussions with ISU in regards to broadening their principles could be held.

The telephone connection with Council Member Martin was lost at 6:26 p.m.

Council Member Gartin asked if there was a downside to tabling this item as he felt this is a philosophy that the Council has already embraced. Ms. Betcher stated what the Council has embraced is similar to what ISU is doing; however, if the City of Ames and ISU were to unify the same values then it would be beneficial to the entire community and not just ISU students. She explained that she would like the students to think of Ames as their home.

Council Member Nelson stated that the ISU principles have already been printed regardless of what Council decides tonight. He asked to know the risks if the Council were to participate this year while discussions are had about how to make changes for the next year.

Council Member Beatty-Hansen mentioned that, if duration of the tabling isn't that long, it would be OK to table this discussion; and if ISU agrees with the co-branding, then ISU would need to reprint and start over. She stated that she believes the Council can already agree on the Principles that ISU has listed, but there are a few areas that pertain specifically to the University that could be changed, if ISU was open to that discussion. Mayor Haila explained that a meeting could be had within the next couple of weeks with ISU and brought back for one of the September Council meetings.

Moved by Betcher, seconded by Corrieri, to table this item until after discussions have occurred with Iowa State University.

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

GENERAL OBLIGATION CORPORATE PURPOSE BONDS, SERIES 2019A: Finance Director Duane Pitcher explained the City had accepted bids this morning on the sale of bonds to support the FY 2019/20 Capital Improvement Plan. He advised that the City had received a great interest rate. The City will need some additional funds for new the radio system. Susan Gerlach, PFM, told the Council that six bids from 37 firms were received. The lowest bid was from Robert W. Baird & Co., Inc., of Red Bank, New Jersey, at an interest rate of 1.62%. She noted that during the bond issuance process, Moody's Investors Services did affirm the City's Aa1 credit rating.

Moved by Gartin, seconded by Betcher, to approve RESOLUTION NO. 19-464 accepting bids and authorizing the sale and issuance of General Obligation Bonds in an amount not to exceed \$11,880,000.

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

UPDATE ON CHANGES TO RENTAL CODE: Building Official Sara VanMeeteren stated staff was bringing back the draft ordinance with the three Council recommended changes. Public input will be accepted to see if there are any other recommended changes. The three changes were:

1. Making illegal rentals ineligible for LOCs for one year
2. Ability to issue an order for Rent Abatement in toolbox
3. Freeze bedrooms in Near-Campus Neighborhoods

Mayor Haila asked what actions were taken in order to make these changes available to the public for review. Ms. VanMeeteren mentioned that staff had notified the President of the Ames Rental Association (ARA), the President of the Central Iowa Board of Realtors, all Neighborhood Association representatives that Planning has a list for, all rental permit holders, and the President of the Student Body Government. Mayor Haila inquired if any feedback was received. Building Official VanMeeteren stated there were a few questions/clarifications that needed to be done and have been addressed.

The public hearing was opened by the Mayor. He explained that based on the public input and the Council's direction this evening, in two weeks the Ordinance will be brought back for the first reading.

Lad Grove, 621 Main Street, Ames, wanted to point out a couple items that he believed should be added to the Ordinance. He stated that in the draft ordinance under Rent Abatement it states after "i:" "The Building Official may order rent abated when the Building Official determines that the owner has, after issuance of a notice of violation of this chapter...", he would like that sentence to state "issuance of a 30-day notice of violation of the chapter." Mr. Grove stated that also under Rent Abatement "b:" "Failed to remedy a condition that poses a substantial risk to the health or safety of the tenant...", and he would recommend that the sentence say: Failed to remedy a condition "under the property owners control" that poses a substantial risk to the health or safety of the tenant.

Council Member Beatty-Hansen asked Ms. VanMeeteren if the Inspections Division already has a

time frame that is given to a property owner before a penalty is given. Ms. VanMeeteren stated that the property owners are given 30 day after a deficiency letter is given to appeal the decision. A citation would not be issued until after this period of time is over. Building Official VanMeeteren mentioned that she is concerned if they add “30-day notice” to the Ordinance because if it is an essential service (water, sewer, electricity, heat), they wouldn’t want to wait another 30 days for this issue to be addressed.

Council Member Betcher inquired whether the “30-day notice” wording, if added, would mean a tenant would not be able to take advantage of the rent abatement for the first 30 days that the service is not functioning. Ms. VanMeeteren explained that the 30-day notice would mean that once the landlord gets notice, they have 30 days to fix the issue before the tenant stops paying rent. Ms. Betcher stated she is not sure where the essential service would fit in because if the tenant is to be removed from the house, they should not be paying rent. Ms. VanMeeteren explained that she is not as concerned over if they are or are not paying as staff wants the unit to be habitable. Provisions would need to be made between the landlord and tenant. *Ex officio* Devyn Leeson commented that there is a possibility that a tenant may wait 20 days or more before even notifying the City of the problem. He recommended to the Council that if a time frame is to be added have it be 30 days after the complaint is made to the landlord.

Moved by Gartin, seconded by Betcher, directing staff to review the proposals made by Lad Grove in regards to the 30 days notice and whether there is a substantial risk if under the control of the landlord.

Mayor Haila clarified that the goal is to come back with a modification of the Ordinance for final review. City Manager Steve Schainker explained that they will make sure everything complies with the State Law. Mr. Gartin commented that when it comes to essential services, if the landlord is not providing electricity then he doesn’t want to give them another 30 days to fix the problem. Council Member Beatty-Hansen noted that currently it is at staff’s discretion to kick in when they provide notice. She explained that she trusts staff to give the property owners plenty of time to fix a problem and that the current draft ordinance before them tonight is fine as it is.

City Attorney Mark Lambert stated that staff had just added the language from the *Code of Iowa* to the draft ordinance and would be hesitant to write something different than what the *Code* authorizes. Ms. VanMeeteren explained that the only two that are different from the *Iowa Code* is “c” and “d”, as “c” was copied from Iowa City.

Motion withdrawn.

Moved by Beatty-Hansen, seconded by Betcher, to proceed with the draft ordinance as presented by staff.

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

Council Member Martin rejoined the meeting telephonically at 6:56 p.m.

CARBON MONOXIDE ALARMS: Building Official Sara VanMeeteren mentioned that during a previous meeting it was moved to “include a carbon monoxide detector requirement” the next time the Rental Code was discussed. She explained that the staff memo clarifies what the current code states and what would need to be done to add it to the Code. The Rental Code does not require carbon monoxide alarms in rental dwellings unless the property has more than one unit and the units share a common furnace. The Building and Fire Codes both require carbon monoxide alarms in all new construction. In 2016, the State Legislature amended the smoke detector statute to require carbon monoxide alarms in all residential buildings that contain fuel-burning appliances or an attached garage. These amendments went into effect on July 1, 2018, and legally, any homes, rental and owner-occupied, should have carbon monoxide detectors.

Ms. VanMeeteren went over the three options for the Council to consider:

1. Adopting carbon monoxide alarm requirements for guest lodging only.
2. Adopting carbon monoxide alarm requirements for guest lodging and all registered rental properties.
3. Adopting carbon monoxide alarm requirements for all residential dwellings.

Council Member Beatty-Hansen noted that she would prefer to do everything right the first time and require every rental to have a carbon monoxide detector.

Council Member Nelson stated that the Council can approve something that is more stringent than the *Iowa Code*, but they have to abide by what the State has passed and wanted to make sure what the Council could and could not do. City Attorney Mark Lambert stated that the City of Ames can go beyond what the *Iowa Code* requires. The State has chosen to enforce the requirement for the carbon monoxide detectors through the Homestead Tax Credit.

Council Member Gartin asked how many rentals already have a carbon monoxide detector. Ms. VanMeeteren stated that the number is very small as rental are only required to have a dual-sensor smoke alarm. Ms. VanMeeteren stated that mechanical equipment failure is one of the items they find the most during an inspection. A certification is required when a system gets to be a certain age or has issues. Cracked heat exchangers are frequently found, which is where carbon monoxide can leak.

Moved by Beatty-Hansen, seconded by Betcher, to direct staff to require carbon monoxide alarms in all registered rentals and all dwellings used as guest lodging. Also in the interim put on the checklist for short-term rentals that they should be in compliance with the *Iowa Code*.

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

FLEET SERVICES B100 PILOT PROGRAM: Fleet Director Corey Mellies stated that Rich Leners, Assistant Transit Director, will be heading up this project and giving the presentation tonight. Mr. Leners introduced David Slade, Director of Biofuels Technology and Services with Renewable Energy Group (REG). Mr. Leners explained that REG and Optimus Technologies approached him in February 2019 and presented their proposals for a 100% Biodiesel (B100) Pilot

Program. The B100 Pilot Program would require participant cities/agencies to provide five diesel-powered trucks as pilot vehicles to operate year-round on B100 fuel, thereby taking full advantage of the B100 low-carbon emissions. REG would be the exclusive supplier of B100 at a discounted rate to the City, and pay to fully equip the pilot trucks making it possible to use B100 year-round. The project would run for three years, evaluate, and report back to the Council to see if they should continue with this project. Optimus Technologies will install the units and provide training, collect the performance data, and give the City a pass code to the vehicles so the City can see real-time data. REG agrees to pay for the five Optimus systems at \$12,000 each including installation. In addition, REG agrees to lease to the City of Ames a 12,000-gallon, above ground fuel dispensary for \$1 per year.

Mr. Leners explained that the Optimus system uses two fuel tanks, a smaller tank with #2 diesel, and a larger tank with B100. Optimus sends #2 diesel fuel to the engine at startup, then directs the heat from the engine to warm the B100 tank to a specified operating temperature, then switches to B100 for the majority of running time.

Fleet Manager Leners mentioned that the B100 Pilot Program will help make Ames a sustainability leader as the City is taking action to combat climate change, setting examples for a sustainable future, supporting EcoSmart goals, and will be the first city in Iowa to utilize this technology with biodiesel.

Council Member Betcher inquired how many vehicles within Fleet could take advantage of this program if the pilot program is successful. Mr. Leners explained that there are potentially 70 other vehicles.

Ex officio Leeson mentioned that petroleum diesel has a lot more pollutants than just CO₂ and biodiesel has fewer of those pollutants. He asked if there are other pollutants that are being reduced besides CO₂. Mr. Slade explained that diesel exhaust can have a lot of particular matter; the black soot that you see is carbon monoxide, hydrocarbon, and nitrogen oxides. He noted that the major benefit will be the lower fossil carbon intensity of the fuel.

Council Member Beatty-Hansen stated that it was noted that REG had refineries around the globe, but wanted to know if the fuel the City would be using is more local. Mr. Slade stated that there are three bio-refineries in Iowa - in Newton, Mason City, and Ralston. He noted that it is a 100% guarantee that the biodiesel will come from an Iowa plant.

Council Member Gartin stated that REG is a great member of the community and he is thrilled to have the opportunity to have a partnership in this project.

Mayor Haila noted that in the contract there is a \$2,500 yearly subscription fee. He wanted to know if REG was going to pay for this as well. Mr. Slade commented that he can't confirm it, but he is almost positive that is something that REG will pay for.

Mayor Haila questioned when the Pilot Program is complete in three years would REG pay to have the equipment removed from the trucks if the City decided not to proceed with the program.

Mayor Haila asked, if the Pilot Program was successful and the City wanted to continue using the systems that were already in place, would the City get to keep the equipment, as a gift, from REG exclusive of the 12,000-gallon tank. Mr. Leners stated when complete and if successful, the equipment would move to a different truck, but the City would get to keep the equipment.

Mayor Haila inquired if the equipment would work on CyRide buses. Mr. Slade stated it would have to be installed per the vehicle, and there may be some spacing and piping issues, but should work on buses as well.

The Mayor opened the public hearing and closed it after no one came forward to speak.

Moved by Nelson, seconded by Beatty-Hansen, to approve RESOLUTION NO. 19-465 approving the request to equip five existing City snow plow trucks with the Optimus System, allowing the trucks to burn B100 year round; equipment and installation paid for by the Ames based corporation, Renewable Energy Group (REG), at \$12,000 each vehicle.

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

Moved by Betcher, seconded by Beatty-Hansen, to approve RESOLUTION NO. 19-466 waiving the Purchasing Policies pertaining to bidding and approving a sole-source contract with Optimus Systems, Inc., to install system on selected City vehicles; train City Fleet technicians to install and work on the system; collect real-time data about the fuel use, system performance, and location of the pilot vehicles.

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

Moved by Beatty-Hansen, seconded by Betcher, to approve RESOLUTION NO. 19-467 waiving the Purchasing Policies pertaining to bidding and approving a sole-source contract with REG to be the sole provider of biodiesel for the five selected trucks throughout the 3-year pilot program; for REG to pay for the system, installation, and training of the Optimus System on the five pilot vehicles; lease one (1) 12,000 gallon, above-ground fuel kiosk to the City for \$1 per year during the pilot program; place the fuel kiosk at the Public Works Maintenance Facility at 2207 Edison Street, Ames. Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

PRELIMINARY PLAT FOR IOWA STATE UNIVERSITY RESEARCH PARK PHASE FOUR, 1ST ADDITION (3898 UNIVERSITY BOULEVARD AND 3499 RIVERSIDE DRIVE):

Planning and Housing Director Kelly Diekmann noted that most of the public improvements were taken on by the City except for the sidewalks, which will be the responsibility of the developer.

Mayor Haila declared the public hearing opened. He declared it closed after there wasn't anyone wishing to speak.

Moved by Nelson, seconded by Gartin, to approve RESOLUTION NO. 19-468 approving the Preliminary Plat for Iowa State University Research Park Phase Four, 1st Addition (3898 University Boulevard and 3499 South Riverside Drive)

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

DISCUSSION OF VACATION RENTALS (TABLED FROM JULY 23, 2019): Planning and Housing Director Kelly Diekmann explained that nothing new is being presented tonight as this item was tabled from a previous City Council meeting. Mr. Diekmann noted that the staff report outlines different options for the City Council to choose, and depending on what the City Council chooses, it may or may not affect Item No. 50 on the Agenda: the proposed amendments to the Zoning Code (Chapter 29) and the Rental Code (Chapter 13), and the creation of a new Chapter 35.

Director Diekmann gave a brief explanation of the Council's options:

Option One - Original proposal to allow vacation lodging as previously proposed in all zoning districts where Guest Lodging may occur subject to a Special Use Permit

Option Two - Limit Vacation Lodging based Upon City-wide Base Zoning Districts

Option Three - Limit Vacation Lodging by an overlay

Option Four - Separation distance

Option Five - Licensing requirements

Council Member Beatty-Hansen explained that the Council had asked staff if there was anything they could do to grandfather in properties that are already established as vacation rentals, and legally, they could not. City Attorney Mark Lambert explained that he had sent the Council a memo regarding this question; he noted that it would be considered equal protection problems and would be difficult to defend.

The public hearing was opened by the Mayor.

Ryan Houck, 65697 190th Street, Nevada, stated that he wanted to present a different idea. He is in favor of Options 1, 3, 4, and 5. He inquired about having a percentage cap or to have a number of Special Use Permits that are allowed, in a location; this would address the issues of social aspects of a neighborhood and affordable housing.

Shannon Stack, 1613-24th Street, Ames, noted that there are local hotels that are currently using the platform and ISU is also working with VRBO. She wanted to know what would happen if the Council were to ban vacation rentals. Council Member Beatty-Hansen explained that hotels and ISU are already zoned to allow the use of short-term rentals: the Council is discussing short-term rentals as a residential use. Ms. Stack explained that she saw it on a website that ISU was already advertising single-family homes through VRBO.

Moved by Nelson, seconded by Corrieri, to direct staff to prepare a Text Amendment to allow Vacation Rentals in higher-density zones, to allow in single-family zones with 1,000 foot separation zone, and require a Letter of Compliance (LOC) along with a Special Use Permit.

Council Member Betcher inquired if Mr. Nelson's motion regarding the separation distance was meant to be between vacation rentals only or all rentals. Mr. Nelson explained that the separation distance would be for all rentals.

Council Member Gartin asked Mr. Diekmann to expand on what would be involved with the Special Use Permit. Mr. Diekmann stated that the Special Use Permit is meant to deal with unique conditions. The property owner would need to fill out an application, it is then reviewed by City staff, and then by the Zoning Board of Adjustment for final approval. Mr. Gartin wanted to know if there was an example where a Special Use Permit could be denied. Mr. Diekmann stated that the Special Use Permit gives the City additional recourse. If the property owner was not complying with the rules, notice can be given, and if still not complying, the Special Use Permit can get revoked. If the Zoning Board of Adjustment denied an application, it was asked if the applicant has any recourse. Mr. Diekmann stated the applicant can appeal the decision to the District Court.

Mayor Haila asked if Mr. Nelson's intent on his motion for the 1,000 foot separation would be by radius and not just down the street. Mr. Nelson stated that is how the motion was put forth. Ms. Betcher noted that the vacation rentals would be on a first-come-first-serve basis.

Mr. Diekmann asked for further clarification of the motion. He noted that if the Council was following Option 2, the Planning and Zoning Commission had recommended that if the use is allowed in apartments, a 10% cap on the total number of units in a high-density area. Mr. Nelson stated his motion was intended to include that as well.

Council Member Betcher stated she doesn't really support Vacation Lodging, but the limitations that are in the motion will allow her to vote for it.

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

Mr. Diekmann stated with this motion staff will need to make amendments to the ordinance and requested that Council table the hearings that are further on the Agenda.

HEARING ON VACATION OF ALLEY RIGHT-OF-WAY NORTH OF LINCOLN WAY AND EAST OF ELM AVENUE: The Mayor opened the public hearing and closed it after there was no one wishing to speak.

Moved by Gartin, seconded by Beatty-Hansen, to approve first passage of an ordinance to vacate right-of-way, north of Lincoln Way and east of Elm Avenue.

Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby

made a portion of these Minutes.

HEARING ON 2018/19 ASPHALT STREET PAVEMENT IMPROVEMENTS: The Mayor opened the public hearing and closed it after no one came forward to speak.

Moved by Beatty-Hansen, seconded by Betcher, to approve Alternative No. 1, thereby approving RESOLUTION NO. 19-469 accepting the report of bids for the 2018/19 Asphalt Street Pavement Improvements Project, approving the final plans and specifications for this project, and awarding the 2018/19 Asphalt Street Pavement Improvements Project to Con-Struct Inc., of Ames, Iowa, in the amount of \$1,002,621.40.

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

HEARING ON 415 STANTON AVENUE CONTRACT REZONING AGREEMENT:

The Mayor mentioned that staff had requested for this item to be continued as there is more work and research that needs to be done.

Moved by Nelson, seconded by Betcher, to continue the hearing on 415 Stanton Avenue Contract Rezoning Agreement until September 10, 2019.

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

HEARING ON AMENDMENT TO ADAPTIVE REUSE/MAJOR SITE DEVELOPMENT PLAN FOR NORTH GRAND MALL LOCATED AT 2801 GRAND AVENUE: The public hearing was opened by the Mayor. He closed the hearing after no one asked to speak.

Moved by Corrieri, seconded by Betcher, to approve RESOLUTION NO. 19-470 approving Adaptive Reuse/Major Site Development Plan for 2801 Grand Avenue subject to the following stipulations:

- A. Complete the sidewalk improvements, parking reconfiguration, and landscaping adjacent to the main entrance drive into the mall site from Grand Avenue as shown on the plan, prior to occupancy for the new building at 2801 Grand Avenue.
- B. Complete future parking lot improvements on Lot 2 with the future reconstruction of the parking lot.
- C. Modify the Site Development Plan to include the following features subject to Planning Director approval:
 - i. Modifying landscape plan to replace crabapple trees abutting parking spaces with more appropriate species for the space.
 - ii. Future parking lot improvements to include additional shade trees within parking islands.
 - iii. Parking lot islands will need to be excavated out to create soil conditions to support trees. The planter areas will need to comply with current landscaping requirements regarding sizing and soil content.
- D. Allow the existing seasonal/temporary uses (farmers market, nursery and walk-up snow cone hut) to be relocated to the north parking area between along 30th Street with a Zoning Permit

reviewed and approved by the Planning Director.

- E. Waive 76 parking spaces that would be required based on the 2012 ADP for the proposed project resulting in 1723 parking spaces on the site.
- F. Allow for the front yard landscaping provided on the approved plan without meeting the required number of overstory trees, shrubs and grasses.
- G. Allow for the Planning Director to approve outdoor lighting consistent with the Zoning Ordinance standards.
- H. For uses and site improvements not included in the 2019 amendment, the approved 2012 ADP still applies.

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

HEARING ON PROPOSED AMENDMENTS TO THE ZONING CODE (CHAPTER 29) AND THE RENTAL CODE (CHAPTER 13), AND THE CREATION OF A NEW CHAPTER 35 TO ESTABLISH ZONING DEFINITIONS, STANDARDS, AND ENFORCEMENT PROCEDURES FOR PERMITTING/LICENSING OF GUEST LODGING IN SPECIFIC ZONING DISTRICTS (CONTINUED FROM JULY 23, 2019 AND AUGUST 13, 2019): The Mayor explained that staff has requested to table this hearing until September 10, 2019, so further changes could be made.

Moved by Beatty-Hansen, seconded by Betcher, to continue the public hearing until September 10, 2019.

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

HEARING ON NUISANCE ASSESSMENTS: The public hearing was opened by the Mayor. He closed the hearing after no one came forward to speak.

Moved by Betcher, seconded by Gartin, approving RESOLUTION NO. 19-463 assessing costs of snow/ice removal and certifying assessments to Story County Treasurer.

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

FIRST PASSAGE OF ORDINANCE ESTABLISHING PARKING REGULATIONS FOR SCENIC VALLEY SUBDIVISION, FOURTH ADDITION: The Mayor opened the public hearing and closed it after there was no one wishing to speak.

Moved by Betcher, seconded by Gartin, to approve first passage of an ordinance establishing parking regulations for Scenic Valley Subdivision, Fourth Addition.

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

DISPOSITION OF COMMUNICATIONS TO COUNCIL: Moved by Beatty-Hansen, seconded by Betcher to get a memo from staff regarding the Ames Bicycle Coalition's request to add more "Bikes May Use Full Lane" signs to various streets around the City.

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

Moved by Nelson, seconded by Betcher, to refer to staff for a memo on Mainstream Living's letter for a request to consider selling the property at 1417 Douglas Avenue to Mainstream Living.

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

COUNCIL COMMENTS: *Ex officio* Devyn Leeson stated he has been hearing a lot of great things from the Student Government, Cabinet members, and fellow classmates that they are excited for the school year. He mentioned that the first Student Government meeting is coming up.

Council Member Betcher stated that in the past she has asked that the Council review the use of the Quit Claim Deed that had sexist language in it, and had recently received an email from a constituent with concerns about a Parks & Recreation form that did not have gender-neutral language. She wanted to know if there was a way for each City Department to review their forms for gender-neutral language.

Moved by Betcher, seconded by Beatty-Hansen, to have the City Manager's Office reach out to all departments and have them review their documents/forms and make sure they are using gender-neutral language.

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

Council Member Martin explained that on the Vacation Rental topic he had voted "no" because he wanted to keep Vacation Rentals out of single-family zoning districts, but the motion that passed was a good outcome.

Council Member Beatty-Hansen reminded everyone that the new Game-Day Parking Ordinance is going into effect.

ADJOURNMENT: Moved by Gartin to adjourn the meeting at 8:10 p.m.

Amy L. Colwell, Deputy City Clerk

John A. Haila, Mayor