

**MINUTES OF THE MEETING OF THE AMES AREA METROPOLITAN PLANNING ORGANIZATION (AAMPO) TRANSPORTATION POLICY COMMITTEE AND REGULAR MEETING OF THE AMES CITY COUNCIL**

**AMES, IOWA**

**JANUARY 24, 2023**

**CALL TO ORDER:** The Ames Area Metropolitan Planning Organization (AAMPO) Transportation Policy Committee meeting was called to order by Ames Mayor and voting member John Haila at 6:07 p.m. on the 24<sup>th</sup> day of January, 2023. Other voting members present were: Bronwyn Beatty-Hansen, City of Ames; Gloria Betcher, City of Ames; Amber Corrieri, City of Ames; Tim Gartin, City of Ames; Rachel Junck, City of Ames; Anita Rollins, City of Ames; Linda Murken, Story County Supervisor; and Jacob Ludwig, Transit Board.

**CONSENT AGENDA:** Mayor Haila reviewed the consent agenda item by item and Transportation Planner Kyle Thompson noted the targets for Item No. 3 through Item No. 5. Council Member Rollins inquired about the expected increase in safety targets for Item No. 4 and Mr. Thompson highlighted the targets were established by the Iowa Department of Transportation through an evaluation of statistics from previous years combined with an assessment of current transportation trends to set a realistic target.

Moved by Corrieri, seconded by Murken, to approve the consent agenda.

1. Motion approving Annual Self-Certification for FY 2023
2. RESOLUTION NO. 23-023 approving designation of AAMPO representatives to Central Iowa Regional Transportation Planning Alliance
3. Motion approving Roadway Safety Targets
4. Motion approving PM2 and PM3 Targets
5. Motion approving Transit Asset Management Targets

Vote on Motion: 9-0. Motion/Resolutions declared carried/adopted, signed by the Mayor, and hereby made a portion of these Minutes.

**ADMINISTRATION:** Planner Thompson reviewed that to receive federal funds for regional transportation projects, it is necessary for those projects to be included in the Transportation Improvement Program (TIP) for the Ames Area Metropolitan Planning Organization (AAMPO). The current TIP for the AMMPO contains projects programmed for federal fiscal years (FFY) 2023 through 2026, which was approved on July 12, 2022. The TIP may be amended in accordance with the procedures outlined in the TIP and Public Participation Plan.

CyRide submitted a request for project amendments, explained Mr. Thompson, due to supply chain shortages. Because the amount of federal aid increase to these projects exceeds 30%, a TIP amendment is required to roll-over and modify these projects. He noted that since the Transportation Technical Committee reviewed the proposed amendment and unanimously recommended approval, staff is requesting to set the date of public hearing as March 28, 2023, for approval the amendment to the FFY 2023-2026 Transportation Improvement Program.

Moved by Ludwig, seconded by Murken, to set March 28, 2023, as date of public hearing regarding amendments to the FFY 2023-2026 Transportation Improvement Program.

Vote on Motion: 9-0. Motion declared carried unanimously.

**POLICY COMMITTEE COMMENTS:** No comments.

**ADJOURNMENT:** Moved by Corrieri, seconded by Murken, to adjourn the meeting at 6:12 p.m.

Vote on Motion: 9-0. Motion declared carried unanimously.

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

**AMES, IOWA**

**JANUARY 24, 2023**

The regular meeting of the Ames City Council was called to order by Mayor John Haila at 6:13 p.m. on the 24<sup>th</sup> day of January, 2023, 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, Rachel Junck, and Anita Rollins. *Ex officio* Jacob Ludwig was present on behalf of Bryce Garman.

Mayor Haila pulled Item No. 39, staff report on Downtown Urban Revitalization Amendments, from the agenda, noting the report would come before the City Council in the near future after additional work was completed.

**HEADWATERS OF THE SOUTH SKUNK RIVER WATERSHED MANAGEMENT PLAN PRESENTATION:** Director of Water and Pollution Control John Dunn alongside Story County Conservation Watershed Coordinator Sara Carmichael provided a high-level overview of the Headwaters of the South Skunk River Watershed Management Authority and its recently completed watershed management plan.

Council Member Betcher inquired about how many of the members are considered a point source for the nutrient reduction strategy. Ms. Carmichael noted that the strategy addresses both point and non-point sources, with point sources coming directly from wastewater treatments, such as the City of Ames or the City of Story City.

Mayor Haila noted the presentation by Ms. Carmichael advertised the program as voluntary with no taxing or regulatory authority. He emphasized the impact that surface runoff has, highlighting the investment the City of Ames is making for improvements to make an incremental decrease in discharge. He asked if there are local landowners who are interested in working within the management plan. Ms. Carmichael replied in the affirmative, noting that many local landowners are responsive to education.

**CONSENT AGENDA:** Council Member Betcher requested to pull Item No. 11c, motion approving the renewal of Class C Retail Alcohol License with Outdoor Service – cy’s roost, 121 Welch Avenue.

Moved by Betcher, seconded by Beatty-Hansen, to approve the consent agenda less Item No. 11c.

2. Motion approving payment of claims
3. Motion approving Minutes of Regular Meeting on January 10, 2023
4. Motion approving Report of Change Orders for period January 1 – 15, 2023
5. Motion approving Civil Service candidates
6. Motion approving ownership update for Class C Retail Alcohol License with Outdoor Service and Catering Privileges – Provisions Lot F, 2400 North Loop Drive
7. Motion approving ownership update for Class C Retail Alcohol License with Outdoor Service and Catering Privileges – The Café, 2616 Northridge Parkway
8. Motion approving ownership update for Class E Retail Alcohol License – Kwik Spirits #530, 204 South Duff Avenue
9. Motion approving ownership update for Class E Retail Alcohol License – Kwik Star #1158, 1910 Isaac Newton Drive
10. Motion approving new liquor license for Class C Retail Alcohol License – Bottoms Up Bar & Lounge, 398 Main Street – Pending Dramshop Review and Favorable DIA Inspection
11. Motion approving the renewal of the following Beer Permits, Wine Permits, and Liquor Licenses
  - a. Class E Liquor License with Class B Wine Permit and Class C Beer Permit (Carryout Beer) – Fareway Stores, Inc. #093, 3619 Stange Road
  - b. Class E Liquor License with Class B Wine Permit and Class C Beer Permit (Carryout Beer) – Fareway Stores, Inc. #386, 619 Burnett Avenue
  - c. Class C Retail Alcohol License with Outdoor Service – cy’s roost, 121 Welch Avenue
  - d. Class C Liquor License with Sunday Sales – Dog Eared Books, 203 Main Street
  - e. Special Class C Liquor License with Outdoor Service and Sunday Sales – Blaze Pizza, 2320 Lincoln Way
  - f. Class C Liquor License with Outdoor Service and Sunday Sales – El Azteca, 2727 Stange Road – Pending Dramshop Review
  - g. Class C Liquor License with Catering Privilege and Sunday Sales – Ge’ Angelo’s, 823 Wheeler Street #9
  - h. Class C Liquor License with Outdoor Service and Sunday Sales - Blue Owl Bar, 223 Welch Avenue – Pending Dramshop Review
  - i. Class C Liquor with Catering Privilege, Outdoor Service, and Sunday Sales - West Towne Pub, 4518 Mortensen Road Suite 101 - Pending Dramshop Review
  - j. Class C Liquor with Sunday Sales - Cactus 2, 2420 Lincoln Way Suite B
12. Motion approving the Certified Local Government National Register Nomination Evaluation Report of the Cranford Building to the National Register of Historic Places

13. RESOLUTION NO. 23-024 approving quarterly investment report for period ending December 31, 2022
14. RESOLUTION NO. 23-025 approving Encroachment Permit Agreement for sign at 301 Main Street, Suite 105
15. RESOLUTION NO. 23-026 approving staff to submit The Wellmark Foundation Built Environmental Match Grant application in the amount of \$100,000 for the Emma McCarthy Lee Pickleball Court Project
16. RESOLUTION NO. 23-027 approving plans and specifications for 2022/23 and 2023/24 Ames Plan 2040 Water Utility Infrastructure (Lincoln Way & US Highway 69) setting February 22, 2023, as bid due date and February 28, 2023, as date of public hearing
17. RESOLUTION NO. 23-028 approving preliminary plans and specifications for Airport Underground Line Crossing, setting March 1, 2023, as bid due date and March 14, 2023, as date of public hearing
18. RESOLUTION NO. 23-029 approving preliminary plans and specifications and issuing a notice to bidders for the North River Valley Well Field and Pipeline Project, setting March 3, 2023, as the bid due date and March 14, 2023, as the date of public hearing
19. RESOLUTION NO. 23-030 approving plans and specifications for 2021/22 Shared Use Path System Expansion – Ioway Creek, setting February 21, 2023, as the bid due date and February 28, 2023, as date of public hearing
20. RESOLUTION NO. 23-031 approving plans and specifications for 2022/23 Shared Use Path Maintenance, setting February 22, 2023, as bid due date and February 28, 2023, as date of public hearing
21. RESOLUTION NO. 23-032 approving plans and specifications for 2022/23 Pavement Restoration – Slurry Seal Program, setting February 22, 2023, as bid due date and February 28, 2023, as date of public hearing
22. RESOLUTION NO. 23-033 approving final plans and specifications and awarding contract to Amusement Restoration Companies, of Burnet, Texas, for the Furman Aquatic Center Pool Basin Painting Project in the amount of \$133,405
23. RESOLUTION NO. 23-034 awarding contract to Roof Spec Incorporated of St. Paul, Minnesota, for Roofing Design Services for the Power Plant in the amount of \$49,768.80
24. RESOLUTION NO. 23-035 approving contract and bond for 2022/23 Asphalt Street Pavement Improvements (28<sup>th</sup> Street)
25. RESOLUTION NO. 23-036 approving contract and bond for 2022/23 North Sunset Ridge Sanitary Sewer
26. RESOLUTION NO. 23-037 approving Professional Services Agreement for the Construction Observation/Administration Services for the Sanitary Sewer Rehabilitation Projects, with WHKS & Co. of Ames, Iowa, in the amount not to exceed \$272,000
27. RESOLUTION NO. 23-038 approving Professional Services Agreement for the 2022/23 Airport Improvement Program (South Apron Rehab), with Bolton & Menk, Ames, Iowa, in an amount not to exceed \$184,700 for design, bidding, construction inspection, and grant closeout services
28. RESOLUTION NO. 23-039 approving Change Order No. 1, deducting \$65,065.03 from the contract with SVPA Architects Inc. of West Des Moines, Iowa, for Water Pollution Control

Facility Administration Building Renovation

29. 2021/22 Concrete Street Pavement Improvements (S. Kellogg Avenue and N. 2nd Street)
  - a. RESOLUTION NO. 23-048 approving Change Order No. 2 for the 2021/22 Concrete Street Pavement Improvements (S. Kellogg Avenue and N. 2<sup>nd</sup> Street), a reduction in the amount of \$93,223.97
  - b. RESOLUTION NO. 23-040 accepting the 2021/22 Concrete Street Pavement Improvements (S. Kellogg Avenue and N. 2<sup>nd</sup> Street) as completed by All Star Concrete, of Johnston, Iowa
30. RESOLUTION NO. 23-041 approving Change Order No. 6, the balancing change order, a deduction in the amount of \$553,461.68 from the contract with Peterson Contractors, Inc., of Reinbeck, Iowa, for the South Grand Avenue Extension Project
31. RESOLUTION NO. 23-042 accepting Water Pollution Control Facility Sludge Pumping Building Improvements Project as completed and authorizing final payment and releasing retainage, in accordance with the contract, to Woodruff Construction, Inc., of Ames, Iowa
32. RESOLUTION NO. 23-043 accepting 2021/22 Seal Coat Pavement Improvements (Stafford Avenue – E. 13<sup>th</sup> Street to South End) as completed
33. RESOLUTION NO. 23-044 accepting 2018/19 Shared Use Path System Expansion – Trail Connection South of Lincoln Way (Beedle Drive to Franklin Park) as completed

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

**RENEWAL OF THE CLASS C RETAIL ALCOHOL LICENSE WITH OUTDOOR SERVICE – CY’S ROOST, 121 WELCH AVENUE:** Council Member Betcher desired to confirm with Chief of Police Geoff Huff that staff is confident in the recommendation as stated in the Council Action Form.

Chief Huff noted that in the review by staff of cy’s roost in the last renewal period, it was identified that the establishment had 17 underage on premise citations written; however, 13 of those 17 were verified to have a fake ID. In addition, cy’s roost passed two compliance checks in the last two years, in March of 2021 and October of 2022. Chief Huff stated that at this point in time, staff does not have any information that would lead to a recommendation other than a renewal as requested. He added that staff has put all of the liquor license establishments on closer scrutiny in the past few months with officers spending more time in all of the establishments.

Moved by Betcher, seconded by Corrieri, to approve renewal of the Class C Retail Alcohol License with Outdoor Service – cy’s roost, 121 Welch Avenue.

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

**PUBLIC FORUM:** Mayor Haila opened the Public Forum.

Richard Deyo, 505-8<sup>th</sup> Street, #2, Ames, discussed how there is a peaceful and loving utopia right here, raising the question about how to get there from days of unrest and war. He highlighted the

responsibilities that tie into humanity and Mayor Haila asked Mr. Deyo to conclude as his statements were not tied to City business.

Seemi C., Ames Resident and Iowa State University Graduate Student, reviewed the need for creating safer routes for bicycles and pedestrians, especially on Iowa State University (ISU) campus and along University Boulevard where crashes have recently occurred. She shared her passion for the topic and noted her involvement on campus to create awareness of the issue. She encouraged the City Council to evaluate the Municipal Code and allocation of funding to help non-motorists. Mayor Haila responded, alerting Ms. C. that the City Council has no jurisdiction on any university property. He added that the City Council is working on the Bike/Ped Master Plan and encouraged input through that process. Council Member Beatty-Hansen shared that the Bike/Ped Master Plan Workshop would be hosted on Tuesday, January 31<sup>st</sup>, 2023 at 6:00 p.m.

Andrea Grono, 225 S. Kellogg, Ames, shared that the annual Point in Time Count for those who are struggling with homelessness will be happening Wednesday afternoon and Thursday morning. She encouraged everyone to spread the word to those they may know who are unsheltered and living in conditions unfit for human habitation. She highlighted that there are several locations across town, with the main point being the Ames Public Library. Ms. Grono added that it was important for individuals to be counted and receive a resource bag so federal funds could be directed towards the Ames area to help those struggling.

Marlene Ehresman, 810 Brookridge Avenue, Ames, shared her favor in moving ahead on an upgraded facility for the Ames Animal Shelter. She discussed safety and space concerns at the current facility, highlighting that the conditions are not the quality that should be expected in the City of Ames. Ms. Ehresman added that over the past few weeks a die off of waterfowl on Ada Hayden is also of concern. She noted her involvement in the issue and work being done with veterinary staff at the Iowa Department of Natural Resources (DNR) to figure out what has been going on. Volunteers from Friends of Ada Hayden and Skunk River Paddlers have retrieved live animals, when possible, and deceased animals have been disposed of by the Ames Animal Shelter, with a select few going to Iowa State University for research at the Veterinary Diagnostic Lab facility. She emphasized that staff at the Ames Animal Shelter need to be cared for because what they do for the community is boundless, furthering her support for a new facility for the Ames Animal Shelter.

Will Determan, 1008 Lincoln Way, Ames, discussed the South Grand Avenue extension. He noted that the extension has been a great benefit to the community, and it would be difficult for motorists to notice any issues; however, bicyclists and pedestrians lack safe options to cross the street. He shared that there is a large density of multi-family housing between S. 4<sup>th</sup> Street and S. 5<sup>th</sup> Street that needs to connect to the multi-use trail nearby and general transit stops across the road. He was able to identify one safe crossing at S. 4<sup>th</sup> Street, which requires backtracking for individuals needing to travel south. Mr. Determan discussed solutions to this issue, highlighting that the shortest route is often the safest route and provided the suggestion of a raised crosswalk at the location of a previous crosswalk, which was eliminated at the conclusion of the extension.

Mayor Haila closed the Public Forum when no one else came forward to speak.

**HISTORIC PRESERVATION COMMISSION:** Planning and Housing Director Kelly Diekmann and Historic Preservation Commission (HPC) Chair Susan Minks presented the 2022 Annual Certified Local Government Report including the 2023 Work Plan. Director Diekmann highlighted that under the Certified Local Government (CLG) Agreement with the State Historic Preservation Office (SHPO), local governments and their Historic Preservation Commissions are responsible for submitting an annual report documenting the City's and Commission's preservation work during the previous calendar year.

Council Member Betcher asked how many HPC members attended the provided trainings as outlined in the report. Ms. Minks noted that the whole Commission was presented with the opportunity, while those who choose to attend the in-person event included two members.

Mayor Haila announced that applications are being received for Board and Commission appointments. He noted several vacancies, including on the Historic Preservation Commission.

Moved by Gartin, seconded by Betcher to adopt RESOLUTION NO. 23-045 approving 2022 accomplishments of the Historic Preservation Commission and the Work Plan for 2023 as described in the 2022 Certified Local Government (CLG) Report.

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

**2023-2028 CAPITAL IMPROVEMENTS PLAN PUBLIC INPUT:** City Manager Schainker noted this was an opportunity for the community to provide feedback following the budget presentations from department heads last week, noting that final decisions would be made at the budget wrap-up meeting on February 14, 2023.

Mayor Haila opened the Public Input.

Mayor Haila noted the comments received during Public Forum from Marlene Ehresman and Will Determan. City Manager Steve Schainker also noted email input from Steve Martin for the record.

Mayor Haila closed the Public Input when no one came forward to speak.

**HOME INVESTMENT PARTNERSHIPS AMERICAN RESCUE PLAN PROGRAM:** Housing Coordinator Vanessa Baker-Latimer reviewed the agreement with HUD, highlighting the qualifying populations and eligible activities for the funds. She reviewed the Public Outreach, discussing the stakeholder and public feedback. After reviewing the feedback and referring to the City's 2019-2023 Consolidated Plan, Ms. Baker-Latimer discussed the recommendation from staff for use of the funding for Acquisition/Demolition/Rehabilitation for Non-Congregate Housing and General Administration for HOME-ARP, providing a rationale for the proposed activities as listed in the Council Action Form.

Council Member Betcher asked what the accomplishments would be for brick-and-mortar that would not require an additional investment for operating the services. Coordinator Baker-Latimer explained the brick-and-mortar process and where funding could be allocated, noting partnerships with ASSET to continue the operational services.

Public Input was opened by Mayor Haila.

Loris Olsen, President of Home Allies, 1705 Buchanan Drive, Ames, spoke in support of Option 2, highlighting that the entire portion of money available through the HOME-ARP funding would likely be allocated to one agency. She stated that the City is not looking to build anything with these funds, the City is looking at giving the funding to one or more entities to build. Ms. Olsen elaborated that she found herself in a difficult position because she has worked closely with the agency City staff desires to give some or all of the money to, and she supports that agency, and the Ames community desperately needs non-congregate housing; however, she posed the question of what the City will do when people are done qualifying for shelter housing. She stated that she is asking the City Council to consider Option 2 with the modification that 20% of the funding be utilized to establish long-term housing.

Public Input was closed by Mayor Haila when no one else came forward to speak.

Ms. Baker-Latimer provided points of response per the request of Council Member Gartin, clarifying that it has not been decided to where or whom the funding will be specifically allocated as the projects may be administered by the City itself. She stated that at this point, staff has not approached local agencies about the funding because the application is yet to be submitted and approved by HUD. Mayor Haila asked if the funding allocation plan can be modified in the future. Ms. Baker-Latimer noted there were a number of different paths that the funding requirements could take, similar to the Community Development Block Grant (CDBG) funding. Council Member Rollins asked about the kinds of agencies that could be partnered with in terms of certifications or requirements the agency would need to obtain for the funding. Ms. Baker-Latimer replied that it is too early in the process to tell, and it would be something staff could look into after the application is approved.

Moved by Beatty-Hansen, seconded by Rollins, to adopt RESOLUTION NO. 23-046 approving HOME Investment Partnerships American Rescue Plan Program (HOME-ARP) Proposed Allocation Plan Program and proposed estimated budget, directing staff to prepare the draft allocation plan, and set March 28, 2023, as the date of the public hearing for approval of submitting the plan to HUD on or by March 31, 2023.

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

**BAKER SUBDIVISION:** Housing Coordinator Baker-Latimer explained that the City of Ames, as the developer of the subdivision, completed the public infrastructure improvements (streets, water, sewer, electrical, sidewalks, including geothermal) for the 26 single-family lots and is now in the position to begin developing the lots for the construction of single-family homes. She reviewed that 51% (14) of the lots have to be used for low and moderate-income households to



meet federal CBDG requirements. Additionally, Lot 27 is set aside for affordable multi-family housing development.

Ms. Baker-Latimer noted Habitat for Humanity of Central Iowa (HHCI) approached the staff with an interest in purchasing seven lots in the Baker Subdivision in conjunction with their award from the Iowa HOME Grant Program (Federal American Rescue Act State and Local Fiscal Relief Funds). HHCI was made aware of the covenants for the subdivision and the minimum design requirements. Staff and HHCI representatives identified Lots 2 to 8 located south of Tripp Street and along the east side of Wilmoth Avenue as desirable for the first phase of home construction.

Mayor Haila opened and closed Public Input when no one came forward to speak.

Moved by Betcher, seconded by Rollins, to adopt RESOLUTION NO. 23-047 setting February 14, 2023, as the date of public hearing for the sale of Lots 2-8 in the Baker Subdivision to Habitat for Humanity of Central Iowa.

Roll Call Vote: 5-0-1. Voting Aye: Beatty-Hansen, Betcher, Corrieri, Junck, Rollins. Nay: None. Abstaining: Gartin. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

**STAFF REPORT RELATING TO MINIMUM FLOOR AREA RATIOS FOR DOWNTOWN NON-CONFORMING STRUCTURES:** Planning and Housing Director Kelly Diekmann provided the background for this issue before reviewing the current zoning requirements. He highlighted that buildings in the Downtown Service Center have the requirement that all buildings have a minimum Floor Area Ratio (FAR) of 1.0. Lots cannot be created or modified that do not result in a conforming configuration or maintain conformance to a standard related to lot dimensions.

The options available to the City Council were presented by Director Diekmann. Option 1: Add an exception to Section 29.303(2) – Lots that exclude conformity with minimum FAR for boundary line adjustments and lot mergers. In this option, maintaining minimum FAR requirements is excluded for Boundary Line Adjustments and Lot Mergers, however this does not exclude use of a lot from meeting all development standards and nonconformity requirements related to buildings and site improvements. Since the building itself would still be nonconforming due to FAR and height, it could be remodeled, but not structurally changed as limited by the Zoning Ordinance. Any future changes or additions would be required to fully conform to zoning standards, including minimum FAR and height. If this change were to be approved, it may be prudent to add a plat requirement for a notice of limitations regarding future use if the lot mergers are approved to provide notice to future property owners. Option 2: Modify Zoning Ordinance Procedures and Enforcement requirements related to finishing construction of a building within three years by removing the financial penalty for noncompliance and only withhold future permits until the project is complete. This option would not remove any development standards but would eliminate the most onerous enforcement language of a daily financial penalty for delaying completion of a project. This would mean that the applicant could proceed with remodeling of the site in a manner consistent with their approved Site Development Plan, and if they do not complete the addition within the three-year limit, the property owner would not be able to get other permits in the future until the addition is complete.

Mayor Haila asked about changing the lot configuration under each of the options as it related to the Zoning Ordinance. Director Diekmann explained that under Option 1, the act of changing the lot configuration would be legally allowed under zoning, so the property owner would not create a conflict; however, the building would either stay non-conforming or become non-conforming, which would be intentionally allowed to enact the remodeling restrictions. He emphasized that this model would be more flexible for property owners than the current available option.

Council Member Gartin asked if there were any negative consequences of Option 1 that the City Council should consider. Director Diekmann replied, noting prolonging the life of a non-conforming building/structure/site is a trade off to granting the property owner flexibility in the situation. Council Member Gartin noted that he is always trying to anticipate the law of unintended consequences and asked Mr. Diekmann how many properties in the Downtown would be impacted under Option 1. Under current ownership, Director Diekmann stated that he would estimate five situations where Option 1 would be impactful.

Council Member Betcher asked should the City Council approve Option 1, would the project that brought forth this issue originally, be able to be completed at some point in the future. Director Diekmann replied in the affirmative.

Mayor Haila opened and closed the Public Input when no one came forward to speak.

Moved by Gartin, seconded by Corrieri, to approve Option 1: Add an exception to Section 29.303(2) – Lots that exclude conformity with minimum FAR for boundary line adjustments and lot mergers.

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

**STAFF REPORT ON DOWNTOWN URBAN REVITALIZATION AMENDMENTS:**  
Mayor Haila noted the item had been pulled.

**HEARING ON ZONING TEXT AMENDMENT FOR FRONT YARD PARKING AND DRIVEWAY STANDARDS:** Mayor Haila opened the Public Hearing. Moved by Corrieri, seconded by Beatty-Hansen, to continue hearing to February 28, 2023.

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

**HEARING ON REZONING PLANNED UNIT DEVELOPMENT (PUD) WITH MASTER PLAN FOR 3216 TRIPP STREET – BAKER SUBDIVISION, LOT 27 FROM RESIDENTIAL LOW DENSITY (RL) TO RESIDENTIAL MEDIUM DENSITY (RM) WITH PUD OVERLAY AND MASTER PLAN:** Planning and Housing Director Diekmann explained the amendment and the density limit, highlighting that one of the qualifying criteria for a LIHTC application is to have zoning for the proposed project in place for the subject property. The proposed rezoning request is to allow for a medium density residential development as small apartment buildings, townhomes, or duplexes. The proposed PUD Master Plan identifies the proposed uses of the site along with the minimum and maximum number of units, parking

allowances, and building types, with standards that require a future Major Site Development Plan approval by the City Council prior to development of a specific project on the site.

Director Diekmann furthered that the current Ames Plan 2040 land use designation of the site is RN-2. The RN-2 land use designation is reflective of existing neighborhoods primarily developed prior to 2000 with a mix of single family, two-family, and some multi-family development. RN-2 land use description identifies a mix of corresponding zoning districts to implement the goals and policies of this designation. While primarily intended for one- and two-family development types, it also includes a selective option for medium density residential (RM) zoning for development of small apartments and townhomes in clusters within or adjacent to established neighborhoods, which in this case, complies with the Plan and meets the City's overall housing goals.

The Public Hearing was opened and closed by Mayor Haila when no one came forward to speak.

Moved by Betcher, seconded by Corrieri, to pass on first reading an ordinance Rezoning Planned Unit Development (PUD) with Master Plan for 3216 Tripp Street – Baker Subdivision, Lot 27 from Residential Low Density (RL) to Residential Medium Density (RM) with PUD Overlay and Master Plan.

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

**HEARING ON AMENDMENT TO CONTRACT REZONING AGREEMENT FOR 798 N. 500<sup>TH</sup> AVENUE (NORTH SUNSET RIDGE):** Planning and Housing Director Diekmann noted that, per the City's standards in Chapter 29 Article 15 of the Municipal Code regarding Master Plan changes, the Planning and Zoning Commission has up to 90 days to consider the item and make a recommendation concerning the Master Plan. Because quorum was not attained at the most recent Planning and Zoning Commission meeting, staff requested that the City Council table approving the revised Master Plan and only act on the Letter of Credit.

Mr. Diekmann explained that with the rezoning, the developer entered into a Contract Rezoning Agreement that included provision for a financial contribution to the extension for sanitary sewer line through the site and a separate section regarding a Master Plan for the zoning approval. The developer was required to provide a one-time payment to the City within 14 days of the award of the contract for construction of the sanitary sewer extension, which occurred at the January 10, 2023, City Council meeting. The developer requested an amendment to the rezoning agreement to allow temporarily substituting a letter of credit for the cash security. Accepting the letter of credit would defer cash payment to the City until March 31, 2023, which would coincide with the start of construction of the sanitary sewer project. This request, explained Mr. Diekmann, is unusual in that it is a change of terms to the agreement and City practice is to require cash security when there is a defined contribution to a project rather than a percentage share. He emphasized that satisfying this request should not set a precedent. Director Diekmann concluded by indicating that the bank cannot deliver the letter of credit until the following day and the City Council would need to approve the resolution contingent upon receipt.

Mayor Haila opened and closed the Public Hearing when no one came forward to speak.

Moved by Betcher, seconded by Corrieri, to table the Resolution approving revised Master Plan.  
Roll Call Vote: 6-0. Motion declared carried unanimously.

Moved by Gartin, seconded by Betcher, to adopt RESOLUTION NO. 23-049 approving change to allow for acceptance of a Letter of Credit in the amount of \$604,725, in lieu of cash security, until March 31, 2023, contingent upon receipt of the Letter of Credit.  
Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

**HEARING ON 2021/22 CONCRETE PAVEMENT IMPROVEMENTS (STANGE AND 24<sup>TH</sup>):** The Public Hearing was opened and closed by Mayor Haila when no one came forward to speak. Moved by Gartin, seconded by Betcher, to accept the report of bids.  
Vote on Motion: 6-0. Motion declared carried unanimously.

Moved by Betcher, seconded by Gartin, to adopt RESOLUTION NO. 23-050 approving final plans and specifications and awarding contract to Con-Struct Inc. of Ames, Iowa, in the amount of \$4,252,314.23.  
Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

**HEARING ON 2022/23 DOWNTOWN STREET PAVEMENT IMPROVEMENTS – ALLEY (5<sup>TH</sup> STREET-6<sup>TH</sup> STREET BETWEEN DUFF AVENUE AND DOUGLAS AVENUE):** Mayor Haila opened and closed the Public Hearing when no one came forward to speak. Moved by Rollins, seconded by Gartin, to accept the report of bids.  
Vote on Motion: 6-0. Motion declared carried unanimously.

Moved by Gartin, seconded by Betcher, to adopt RESOLUTION NO. 23-051 approving final plans and specifications and awarding contract to Brothers Concrete of Des Moines, Iowa, in the amount of \$103,062.30.  
Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

**HEARING ON 2022/23 FIRE STATION 3 PCC REPLACEMENT:** The Public Hearing was opened and closed by Mayor Haila when no one came forward to speak. Moved by Rollins, seconded by Gartin, to accept the report of bids.  
Vote on Motion: 6-0. Motion declared carried unanimously.

Moved by Betcher, seconded Gartin, to adopt RESOLUTION NO. 23-052 approving final plans and specifications and awarding contract to Brothers Concrete of Des Moines, Iowa, in the amount of \$228,269.50.

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

**HEARING ON 2022/23 SEAL COAT PAVEMENT IMPROVEMENTS AND NEIGHBORHOOD CURB PROGRAM PROJECT (MURRAY DRIVE - NORTHWESTERN AVENUE TO GRAND AVENUE):** Mayor Haila opened and closed the Public Hearing when no one came forward to speak. Moved by Betcher, seconded by Gartin, to accept the report of bids.

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

Moved by Rollins, seconded by Betcher, to adopt RESOLUTION NO. 23-053 approving final plans and specifications and awarding contract to Manatt's Inc. of Ames, Iowa, in the amount of \$722,863.45.

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

**ZONING TEXT AMENDMENT TO AMEND THE HOME OCCUPATION REGULATIONS:** City Attorney Mark Lambert noted that after the First Reading of the Home Occupation text amendment, staff found additional places where Home Occupations were referenced in the Zoning Ordinance. These references have been addressed in the amendment with no changes to Sec. 29.1304 or Sec. 29.1304A.

Mayor Haila opened and closed the Public Input when no one came forward to speak.

Moved by Gartin, seconded by Rollins, to amend consistent with the draft provided by the City Attorney.

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

Moved by Betcher, seconded by Gartin, to pass on second reading an ordinance amending Zoning Text regarding Home Occupation Regulations.

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

**DISPOSITION OF COMMUNICATIONS TO COUNCIL:** Mayor Haila noted there were no items to consider.

**COUNCIL COMMENTS:** Council Member Gartin said, "Go Iowa State!"

Council Member Junck thanked *ex officio* Bryce Garman for his service representing Iowa State University Students the past nine months and wished him all the best in his future endeavors.

*Ex officio* Jacob Ludwig also shared his thanks to Mr. Garman for his service, noting that Student Government would hopefully have a long-term replacement for *ex officio*.

Mayor Haila thanked Mr. Ludwig for filling in and echoed the thanks to Mr. Garman for his service. He also noted that the third Community Conversation on Mental Health, focusing on Resiliency with keynote speaker Lindsey Fennelly, would be held at the Ames Community School District offices in the School Board Room from 6:30-8:30 p.m. on January 26, 2023. He invited the City Council to attend, highlighting that work has been done to get the message out to Ames and Iowa State University students and sharing his hope that many can attend the event.

**ADJOURNMENT:** Moved by Gartin, seconded by Corrieri, to adjourn the meeting at 7:49 p.m.  
Vote on Motion: 6-0. Motion declared carried unanimously.

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Carly M. Watson, Deputy City Clerk

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John A. Haila, Mayor

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Renee Hall, City Clerk