

MINUTES OF THE REGULAR MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

SEPTEMBER 12, 2017

The Regular Meeting of the Ames City Council was called to order by Mayor Campbell at 6:00 p.m. on September 12, 2017, 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, Peter Orazem, and Chris Nelson. *Ex officio* Member Rob Bingham was also present.

PROCLAMATION FOR “STUDENT ATTENDANCE AWARENESS MONTH:” Mayor Campbell proclaimed the month of September 2017 as “Student Attendance Awareness Month.” Jean Kresse, President of United Way, shared the goals of Ames Reads (and now Story County Reads). The overall goal of the campaign is to have all children reading at grade level by the end of third grade. Present to accept the Proclamation were Jean Kresse, President and CEO, United Way of Story County (UWSC); Malai Amfah, Story County Reads, UWSC; Tim Taylor, Superintendent, Ames Community School District (ACSD); Mandy Ross, Associate Superintendent, ACSD; Spence Evans, High School Principal, ACSD; Dan Fox, Middle School Principal, ACSD; Sue Lawler, Sawyer Elementary Principal, ACSD; Eric Smidt, Media Relations, ACSD; Brandon Schrauth, Fellows Elementary Principal, ACSD; Justin Jeffs, Mitchell Elementary Principal, ACSD; and Steve Flynn, Meeker Elementary Principal, ACSD.

CONSENT AGENDA: Council Member Gartin requested that Item No. 15, Consent to Transfer of Property pertaining to the sale of 306 Wellons Drive, and Item No. 16, which pertained to the sale of 1125 Maxwell Avenue, be pulled for separate consideration. Council Member Orazem requested to pull Item No. 11 pertaining to Ames High School Homecoming activities.

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

1. Motion approving payment of claims
2. Motion approving Minutes of Regular Meeting of August 22, 2017, and Special Meeting of August 29, 2017
3. Motion approving certification of civil service applicants
4. Motion approving Report of Contract Change Orders for August 16-31, 2017
5. Motion approving new Class C Liquor license for Time Out - Ames, 120 Kellogg Avenue
6. Motion approving ownership change for Class C Liquor, B Wine, Catering, & Outdoor Service for +39 Restaurant, Market, & Cantina, 2640 Stange Road
7. Motion approving ownership change for Class B Beer & Outdoor Service for Torrent Brewing Co LLC, 504 Burnett Avenue
8. Motion approving renewal of the following Beer Permits, Wine Permits, and Liquor Licenses:
 - a. Class B Liquor, Outdoor Service, & Catering – Hilton Garden Inn Ames, 1325 Dickinson Avenue
 - b. Class C Liquor & Catering – Whiskey River, 132-134 Main Street
9. Requests from MSCD for Geocaching & Sidewalk Sales Event on Saturday, September 23:
 - a. Motion approving blanket Temporary Obstruction Permit and blanket Vending License for Central Business District

- b. RESOLUTION NO. 17-557 approving waiver of fee for blanket Vending License
- 10. Requests from Campustown Action Association for Crafts & Draughts on Saturday, October 7:
 - a. Motion approving 5-day (October 5-9) Class B Beer Permit & Outdoor Service for Craft Haulers for event
 - b. Motion approving blanket Temporary Obstruction Permit and blanket Vending License
 - c. RESOLUTION NO. 17-561 approving closure of Welch Avenue, from Chamberlain Street to Hunt Street, and east half of Welch Lot T from 7:00 a.m. to 7:00 p.m.
 - d. RESOLUTION NO. 17-562 approving closure of 11 metered parking spaces and waiver of parking meter fees
 - e. RESOLUTION NO. 17-563 approving waiver of fees for blanket Vending License and usage of electricity
- 11. RESOLUTION NO. 17-564 approving agreement with Iowa Civil Rights Commission for processing civil rights complaints
- 12. RESOLUTION NO. 17-565 adopting corrected High Strength Surcharge Rates in Appendix Q
- 13. RESOLUTION NO. 17-570 approving preliminary plans and specifications for 2015/16 and 2016/17 Bridge Rehabilitation Program (East Lincoln Way and Dayton Avenue); setting October 4, 2017, as bid due date and October 10, 2017, as date of public hearing
- 14. RESOLUTION NO. 17-571 awarding contract to Pioneer Industrial Corporation of Hastings, Nebraska, for Electric Services Valve Maintenance and Related Services and Supplies for hourly rates and unit prices bid, in an amount not to exceed \$110,000
- 15. RESOLUTION NO. 17-572 accepting final completion of Electric Distribution and Electric Service Administration Roof Improvements Project
- 16. RESOLUTION NO. 17-573 accepting final completion of Year 5 of Water Plant Well Rehabilitation Project
- 17. RESOLUTION NO. 17-574 accepting final completion and release of retainage of CyRide Building Security System

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

AMES HIGH SCHOOL HOMECOMING ACTIVITIES: Council Member Orazem stated that he had pulled this item from the Consent Agenda to give the students some local government experience. Sonya Paulson, Co-Chair of the Homecoming Parade, listed activities that would be occurring during Homecoming Week.

Moved by Orazem, seconded by Corrieri to approve the following requests:

- a. RESOLUTION NO. 17-558 approving closure of Depot Lot TT, portion of CBD Lot Z, and portions of Pearle Ave., fifth St., Main St., Clark Ave., Burnett Ave., and Kellogg Ave. From 5:30 P.M. to 7:30 P.M.
- b. RESOLUTION NO. 17-559 approving waiver of parking meter fees in Main Street Cultural District from 1:00 P.M. to 6:00 P.M.
- c. RESOLUTION NO. 17-560 approving waiver of fee for fireworks permit

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

TRANSFER OF PROPERTY PERTAINING TO THE SALE OF 306 WELLONS DRIVE:

Council Member Gartin explained that he has a conflict of interest with this item and had pulled it so he could abstain from the vote.

Moved by Nelson, seconded by Corrieri to adopt RESOLUTION NO.17-566 to approve the transfer of property pertaining to the sale of 306 Wellons Drive.

Roll Call Vote: 5-0-1. Voting aye: Beatty-Hansen, Betcher, Corrieri, Nelson, Orazem. Voting nay: None. Abstaining due to a conflict of interest: Gartin. Resolution declared adopted, signed by the Mayor, and hereby made a portion of these Minutes.

1125 MAXWELL AVENUE: Council Member Gartin advised that he had also pulled this item because of a conflict of interest and to abstain from the vote.

Moved by Nelson, seconded by Corrieri to approve the following requests:

- a. RESOLUTION NO.17-567 approving Plat of Survey for 1123 and 1125 Maxwell Avenue
- b. RESOLUTION NO. 17-568 setting date of public hearing on sale of City-owned property located at 1125 Maxwell Avenue to Dennis and Dawn Heaberlin
- c. RESOLUTION NO. 17-569 setting date of public hearing on sale of City-owned property located at 1125 Maxwell Avenue to Habitat for Humanity of Central Iowa

Roll Call Vote: 5-0-1. Voting aye: Beatty-Hansen, Betcher, Corrieri, Nelson, Orazem. Voting nay: None. Abstaining due to a conflict of interest: Gartin. Resolution declared adopted, signed by the Mayor, and hereby made a portion of these Minutes.

PUBLIC FORUM: Mayor Campbell opened Public Forum. Richard Deyo, 505-8th Street, #2, Ames, stated that, some time ago, he had sent Freedom of Information requests to President Bush and President Obama, and he was dismayed that he had not received a response from either of them. He also told the Council that, in an effort to get to know people and for them to know him, he would ask the people whom he did not know to go to lunch. Ames Police had contacted him and told him not to do that.

REGULATING OCCUPANCY IN RENTAL UNITS: City Manager Schainker reminded the Council about the recently passed State law that stated “a city shall not, after January 1, 2018, adopt or enforce any regulation or restriction related to the occupancy of residential rental property that is based upon the existence of familial or non-familial relationships between the occupants of such rental property.”

Options were presented to the City Council for regulating occupancy in rental units other than based on familial or non-familial relationships. These options included limiting occupancy based on:

- The concentration of rental units in a specified geographic area
- A separation distance from each rental unit
- The total number of adults who can inhabit a rental unit
- A specified amount of square footage per adult person that inhabits a rental unit
- The number of off-street parking spaces

- The number of bedrooms
- Any combination of the options stated above

Direction had been previously been given to staff to: [1] Solicit additional feedback from four named neighborhoods (SCAN, Oak to Riverside, CCOAMS, West of Campus) impacted by ISU campus as well as the landlord association; [2] Present a proposal for increasing enforcement and inspection efforts in those neighborhoods; and [3] Provide a tool that allows for the creation of an overlay district for the purpose of limiting rental units and assess what would be a healthy percentage to limit the concentration. Council also directed staff to come back at a later date to provide options for incentivizing the conversion of rental housing back to single-family units.

Building Official Sarah VanMeeteren informed the Council about the two public forums that took place on August 17 at the Public Library. The landlords had their own forum, while the neighborhoods had their forum. The purpose of the forums was to provide both groups the information that was presented to the City Council at the July workshop regarding regulating occupancy in rental units and to obtain their feedback. A questionnaire was given out at the forum and some that were unable to attend the forum emailed their feedback. Seventy-six people had signed in at the forums, and 54 of those people had filled out a questionnaire. Thirty-two landlords and 22 persons from neighborhoods had been in attendance. A lot of feedback was given, but the numbers were very split between the landlords and neighborhoods in the responses to the questions that were asked. Landlords believed bedrooms would be a good way to regulate occupancy. Neighborhood representatives felt establishing a flat number of people would be a good way. Council Member Betcher asked if all four neighborhoods were present. Ms. VanMeeteren answered that all of them had been invited; SCAN had a significant number in attendance. *Ex officio* Member Rob Bingham asked if any of the college students who rent were present and representing the student population. Sarah did not believe that there were any students present at the Forum.

Council Member Orazem inquired about what would proactive enforcement would look like. Me. VanMeeteren replied that rental inspectors would look for violations - whether there were obvious reasons, such as grass heights, garbage, nuisance type issues. She said, through education, City staff would try to get people to understand the rules are. The Council was also told that staff inspects the rental properties every one to four years.

Fire Chief Shawn Bayouth informed the Council about inspection of rental properties. Currently, there are two inspectors, who are responsible for about 13,000 units. It is estimated that to increase enforcement and be proactive would increase their work load by about 25%. Adding nuisance complaints would also increase work loads. Chief Bayouth acknowledged that the staff is reactive, and not proactive, at this time. He said staff only looks at units when the City receives a call. Mr. Bayouth stated that the City would need another FTE inspector position in order to have a more manageable work load. Adding another inspector would allow Inspections to be proactive in the areas and not wait for a call. Chief Bayouth also noted that the number of units inspected goes up by about 200 every year. If another inspector were added, it hopefully would decrease some of the dissatisfaction in the neighborhoods. According to Chief Bayouth, staff wants to educate first, with the ultimate goal of getting compliance with the Code.

Council Member Betcher asked what is done now regarding over-occupancy. Ms. VanMeeteren said that she talks to the landlord first, then sends an educational letter to the tenants and landlord. Often tenants are not aware that they had done anything wrong. Based on complaints, if it is apparent that things were not changing, the City would schedule an inspection and verify compliance. According to Ms. VanMeeteren, staff attempts to see who is living there by working with Utilities, the Police Department, and ISU to see who is listed as living at that address; sometimes it is still hard to figure out who is actually has a home there. The City has only been able to cite one person because of a nuisance party with the help of the Police Department. They are given 30 days to vacate. Upon being questioned, Ms. VanMeeteren advised that the City had only received about ten complaints/year before this. Council Member Gartin questioned the number of violations, believing it to be very low. Council Member Betcher stated her belief that many over-occupancy violations are not reported. City Manager Schainker noted that it is very difficult to enforce over-occupancy now because of the way the law is written.

Chief Bayouth continued with the discussion on the possibility of hiring a new FTE. The estimated cost would be \$104,000. Mr. Schainker added that this was an estimate based on this year. If the addition is this year, Mr. Schainker reported that the Council will have to dip into the General Fund.

Planning and Housing Director Kelly Diekmann addressed the issue of looking at the concentration or spacing of single-family dwellings. Some communities that were surveyed regulate concentration of rental property by percentages. Typically, existing rental properties were “grandfathered” in and able to continue unless they ceased to be a licensed rental property. Another method that was researched was to establish limitations on the number of rental properties within a defined area such as within a “block”. There is also a method of distance separation (how far apart the rental units need to be apart). Some communities focus the separation standards specifically on a defined use, which could be group homes, vacation rentals, or student housing rentals. Some of the limitations were litigated and the communities’ ordinances were upheld. There is also the option to create an overlay zone with specific limitations.

Mr. Diekmann told the Council that there are options for concentration standards. The City could define a uniform standard of a “block” for establishing the rental percentage limitation. The block model would mean areas as bounded by streets. A second option would be for the property owner petition for a zoning overlay. The City could create an option for a Conservation District Overlay that would set rental limits within an individually defined area. Property owners could then petition for the overlay for rental restrictions. A requirement for the petition would be that it needs to be signed by a minimum percentage of property owners before the City would consider a rezoning request. The intent would be to ensure the area fits a defined boundary and a sense of a neighborhood. A third option would be that the City Council initiates a zoning overlay. The City can apply a zoning overlay by its own volition; it would create the terms of the Zoning Overlay in the Zoning Ordinance and then proceed with the rezoning action for the defined area. No property owner concurrence would be needed. The last option is the separation requirement. There would be an actual physical separation of one or two properties between each rental to ensure that there are not highly concentrated areas of single-family rental properties. This could be a more limiting approach than the percentage option. A separation distance for a license single-family rental could

be established as part of the Rental Code standards.

Council Member Gartin asked how would that would be implemented. Planning and Housing Director Diekmann replied that once the City establishes the rule, the City has a permit system that can take care of that. He further explained that every rental license is now actively able to be mapped every day by turning on the layer in the mapping software. The community would also be able to see that map. The boundaries would be established and labeled for each block as under-occupied or over-occupied, so that it would be very clear whether there could be another rental or not.

Council Member Betcher brought up the legal case in Winona and asked Legal to look at it. Mark Lambert, Interim City Attorney, provided some basic information on that legal case: It was a litigation challenge of equal protection and due process. Equal protection means that the Government should not treat people differently, and if it does, there must be a reason. The Court upheld the Winona Ordinance stating it was not unconstitutional because it was done for the legitimate governmental purpose of protecting neighborhoods. Mr. Lambert believes the City of Ames could adopt an ordinance with restrictions and it would withstand a court challenge.

Council Member Gartin inquired about the issue of grandfathering-in units. Director Diekmann stated that all cities that he had researched had grandfathered-in properties, no matter the percentage. The status would not change even if the property was sold. As long as the owner of the property did not have any violations, it would be allowed to continue. The only way that would change is if the property would lose its rental license. The overlay would never change, but it would restrict the neighborhood from further erosion. Council Member Gartin reiterated his concern of the overlay not doing anything for the percentages. Council Member Betcher stated that if the place gets a violation and loses the license, it would go back to owner-occupied, and that may capture some more properties over time and would definitely make it so the situation did not get worse.

Council Member Nelson brought up the effects and overlay might have on other neighborhoods. The overlay may cap in some neighborhoods, but then it would drive up the rentals in other neighborhoods.

Barbara Pleasant, President of SCAN, 516 Lynn Avenue, Ames, said that she had lived in that neighborhood for over 30 years. Her family moved there because it was affordable housing, a warm and inviting neighborhood, and close to work. At that time, that neighborhood provided stable relationships. However, now, with over 40.5% rental in SCAN, people are stating they are considering moving because of who is living around them. Ms. Pleasant stated that there was only a handful of rental properties that are not being occupied by students. She said there had been at least five over-occupancy issues this summer. Also, a single-family dwelling had been torn down this summer and a six-bedroom house had been built in its place. When a neighbor asked about this, they were told, "What is the difference between six students and a family." Ms. Pleasant commented that the difference was "parties, blasting music, cups and bottles on the lawn, urination on the front yard, negligence of lawn care, and vandalism." She believes that families who move in are invested to the neighborhood and take pride in the neighborhood. However, people who live

there are not policemen or code-enforcers. In the opinion of Ms. Pleasant, if the present trend continues no one but students will want to live in the neighborhood. She stated that it changes the neighborhood when the residents don't have long-term goals to live there; it changes the day-to-day life. Ms. Pleasant also noted that every student was not a bad neighbor, but her neighborhood is no longer an RL neighborhood; it has become a student neighborhood.

John Pleasant, 516 Lynn, Ames, stated that there are two main problems: the total number of rental units and the total number of students. He believes that the City needs to have a cap on occupancy. If there is no cap put on occupancy, the total number of students is going to rise. Mr. Pleasant stated that the City needs to keep the occupancy number at three and put a cap on rentals. The City really needs to focus on the occupancy limit. He noted that, in the SCAN, there are 109 rental units out of 272. If the City were to do away with the occupancy number and just add one more student to each unit, that would add another 100 students in a small space. Mr. Pleasant urged the City to find a way to keep the occupancy level at three adults.

Leslie Kawaler, 2121 Hughes Street, Ames, told the City not to give up on the concept of limiting occupancy to three adults/unit. She noted that House file 133 is what has brought this to light; the regulation is stating that a city does not have the right to decide who is or who is not a family, however, the power to regulate the density of population and the number of renters is still with the City. According to Ms. Kawaler, some families do not want to move next to a student whether well-behaved or not. Any student can discourage a family from moving to the neighborhood. Ms. Kawaler urged the City to put a moratorium on rental licenses. She commented that affordable housing "is being gobbled up" as landlords are seeing the homes as profitable for rentals. A moratorium will help put a stop on that until the City can come up with a feasible solution.

Sandra McJimsey, 2236 Storm Street, Ames, said that she had lived at her address since 1971. She stated that they are dealing with sudden adverse impacts with the increase in students to ISU, legislative action on occupancy, non-enforcement of rental codes, and market conditions for student housing. Ms. McJimsey believes that those pressures are rapidly destabilizing SCAN and other neighborhoods. She said that situation is also eroding the intent of the Ames Land Use Plan and zoning ordinances. An example of how Indiana University in Bloomington regulated occupancy; their neighborhoods are similar to those in Ames, and they had similar issues with the student rental housing. They have a three-person adult occupancy in low-density residential areas regulations and mandated registration of rental property. If not registered, there is a penalty of \$100/day. They are effectively educating the students to inform about off-campus housing and the regulations related to those options. They have very clearly set out what the City expects when students live off-campus and what the student should be looking into legally before they sign a lease. Ms. McJimsey also stated that Bloomington has an aggressive list of affordable housing and converting rentals to owner-occupied.

Fern Kupfer, 2100 Ashmore, Ames, urged the Council to pass a moratorium at this meeting and to pass the three-adult occupancy.

Joanne Pfeiffer, 3318 Morningside Street, Ames, pointed out that a neighborhood gives a sense of

place. She noted that by using the graphs from the City, it showed that a majority of the people feels the City needs to regulate occupancy by the number of people. Ms. Pfeiffer requested that the Council pass a moratorium and the three-adult occupancy.

Jim Deppe, 607 Ash Avenue, Ames, said that he had lived there for over 32 years. He said his neighborhood had lost a lot of two-bedroom homes; they were converted into a four-bedroom units over night and have given landlords a large profit. He feels that using the ESRI data base system used by the Council with mapping could assist the City. An example would be to have an urban rewrite system to pay families to buy a house that is a rundown rental, then go in and gut it. Those people would be given a tax break. That would move the percentage of rentals in that neighborhood down. Another idea offered by Mr. Deppe was is to supply spreadsheets to enforcement every year from landlords of the individuals who are leasing and the parent contact.

Anne Grevstad, 521 Hayward Avenue, Ames, advised that she had lived in her home fewer than three years. Her family chose to live there because it was affordable, a nice house, and close to their jobs and schools for their children. Ms. Grevstad noted that neighborhoods south of Campus are very vulnerable due to the high percentage of rentals. Loosening regulations will make it more likely to get more rentals. She believes that will not attract new families to the neighborhood.

Tam Lorenz, 311 S. Maple Avenue, Ames, said that she is from the Oak Riverside neighborhood, but that she had come to speak on her own behalf. She said that most of the students in her neighborhood are quiet and not a problem, but they are not engaged or invested in the neighborhood. Ms. Lorenz urged the Council to consider the percentage of rental units per block as well as occupancy. She noted that the area is a medium-density neighborhood where houses are already close together. Ms. Lorenz shared that her quality of life was being pressured by five new high-rises that have been built so now hundreds of new students are my neighbors. She also noted that the Lincoln Way Corridor Plan is now recommending that it be restructured with smaller lots and town houses. Ms. Lorenz stated that three of the seven homes on her side of the street are rentals (43%). She asked the Council to regulate the concentration and give priority to single-family homes.

Richard Deyo, 505-8th Street, #2, Ames, inquiring about who would be the last to speak on this issue. Mayor Campbell informed him that a decision would be made by the City Council.

Joanne Pfeiffer spoke on behalf of John Wolseth of 241 Village Drive, Ames. She said that Mr. Wolseth wished to state that three adults per rental unit seemed reasonable, and he was in agreement with the moratorium.

Tony McFarland, 1618 Top-O-Hollow Road, Ames, speaking for the Ames Rental Association (ARA), advised that the ARA was in favor of enforcement throughout the City. He said that the concern with moratoriums and restriction of occupancy was that the City does not know if there would be a problem with occupancy if the Code was being enforced. Mr. McFarland noted that every problem seemed that it could be addressed by proactive enforcement by the City. Council Member Gartin said he believed that landlords needed to take some ownership. He noted that the City has had a long-standing issue “with landlords taking care of business.” Mr. McFarland stated that the

landlords don't want the problems either, and they believe that if the current Code was being enforced, there wouldn't be problems. He also noted that the Bill was a long fought battle in legislation and it had been an extremely bi-partisan vote about familial status. The Ames Rental Association would like the City to start with proactive enforcement. If there continues to be issues, they can be addressed then.

Sharon Guber, 2931 Northwestern, Ames, stated that Ames had had this issue before. Three adults will make the enforcement on occupancy easier. Enforcement cannot be based solely on complaints, but also pro-active reinforcement. The whole community needs to work together. The moratorium puts a halt on the speculation. It does make a difference on the number of people in a house. Ms. Guber believes that the City also needs to be concerned about the safety of those residents; no limits makes any room a bedroom.

Mayor Campbell summarized that there appeared to be four issues: Proactive enforcement, limiting the concentration, the proposal of limiting occupancy to three adults, and the moratorium. City Manager Schainker advised that any action tonight needed to be referred to the City Attorney. Mayor Campbell asked about limitations on the moratorium. Mr. Lambert stated that if you use a moratorium you need to decide on what - which sounded to him like new rental certificates; and where - whether certain neighborhoods; and the length of time for the moratorium. The City does have the power to do so.

Council Member Betcher asked if there was a difference at this point given the percentage of rentals on placing a moratorium or capping the percentage of rentals in an overlay district. Mr. Diekmann answered that a moratorium is temporary.

Mr. Schainker clarified that the purpose of an additional full-time person is not to cite people, but rather to deal with educating and correcting violations. He advised that if the Council wanted to institute that as soon as possible (probably January), the funding would have to come out of the General Fund.

Moved by Gartin, seconded by Betcher, to add another inspection FTE as soon as possible with the funding coming out of the General Fund for fiscal year 17/18 for proactive enforcement for rental housing in the West of Campus, SCAN, Oak to Riverside, and CCOAMS neighborhoods. Vote on Motion: 6-0. Motion declared carried unanimously.

Moved by Corrieri, seconded by Betcher, to direct staff to explore the idea of writing something into the Rental Code to remove an Letter of Occupancy when there are so many violations. Vote on Motion: 6-0. Motion declared carried unanimously.

Ms. Corrieri further stated that this could be explored with the Property Maintenance Board and with Legals help, perhaps it could be related to criminal behavior.

Ex officio Member Bingham commented that when students are singled-out, it gives students undue stress. He believes that, for the most part, students are here to get their degree. Mr. Bingham

recommended that this be limited by the number of bedrooms. In that way, a landlord would have the option to use a large six-bedroom home to its full potential.

Council Member Betcher noted that there is still the case where some people will buy a small two-bedroom house, tear it down, build a six-bedroom place.

Council Member Betcher said to have healthy neighborhoods to have a balance. Mr. Bingham offered his opinion that SCAN is not like all other neighborhoods. It is close to campus where students, faculty, and staff want to live. It might not be able to be treated like other low-density neighborhoods. Council Member Beatty-Hansen added that the neighbors are saying that it used to be that kind of neighborhood, and they would like it that way.

Moved by Beatty-Hansen, seconded by Orazem, to direct staff to come back to the City Council with a modification to the Rental Code that restricts the rental of single-family and two-family dwellings to a maximum of three students.

During discussion, Council Member Gartin inquired about the definition of student. City Attorney Lambert stated that many on-line students are still full-time students. Staff will look at other jurisdictions and come back to Council.

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

Council Member Orazem stated that if there is a moratorium put on one neighborhood, it will push the rentals to another. Council Member Betcher said this has to do with where you put your overlay. Anything that is not near campus becomes less attractive. She thinks that would start to spread out the rentals in neighborhoods that can sustain a rental here and there. Mayor Campbell believes that limiting the concentration and coming up with a proposal is very complex; putting a moratorium in place would give the City time. Council Member Orazem stated that he was in favor of the moratorium because it incentivizes the building of more larger apartment complexes.

Council Member Gartin reminded the Council that the moratorium will not change the score of percentage limits, it will only keep it from getting worse.

Moved by Gartin, seconded by Beatty-Hansen, to direct staff to prepare a rental concentration limit to the four identified neighborhoods at 25% rental occupancy.

Director Diekmann advised that the fact that the neighborhoods do not have specific boundaries will make that a bit more difficult.

Motion withdrawn.

Moved by Gartin to direct staff to prepare a one year moratorium for the four neighborhoods for new Rental Occupancy Permits for single-family and duplex homes.

Motion failed for lack of a second.

Moved by Gartin, seconded by Beatty-Hansen, to direct staff to develop a six-month moratorium on new Rental Occupancy Permits for single-family and duplex homes within the boundaries of the four subject neighborhoods.

Council Member Orazem offered his believe that it defeats part of the purpose when limiting it to the four neighborhoods.

Moved by Gartin, seconded by Beatty-Hansen, to amend the motion to be inclusive of the city limits of Ames.

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

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

Moved by Betcher, seconded by Corrieri, to direct staff to come back to the City Council as soon as possible with options for rental concentration overlays and maps of potential neighborhoods defined by reasonable boundaries.

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

The meeting recessed at 8:56 p.m. and reconvened at 9:08 p.m.

PRESENTATION OF PROPOSED ISSUES BY CAMPUS AND COMMUNITY COMMISSION: Brian Phillips, Assistant City Manager and City liaison for the Campus and Community Commission, presented the list of the Commission membership, as follows:

- Evelyn Beavers, Neighborhood Association Representative - absent
- Tom Lindsley, City At-Large Representative - present
- Warren Madden, Business Community Representative - present
- Pete Englin, ISU Administration Appointee - present
- Eric Abrams, Main Street Cultural District Appointee - present
- Karin Chitty, Campustown Action Association Appointee - present
- Rob Bingham, ISU Student Government Appointee - present
- Cody Smith, ISU Student Government Appointee - present
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According to Mr. Phillips, following the discussion at its first meeting, the Commission had established three main priorities:

1. Parking in Campustown
2. Public Gathering space in Campustown
3. Inclusive Community Principles:
 - a. Education of tenants/landlords
 - b. Welcoming/inclusiveness of Campustown/Downtown
 - c. Rent Smart Ames utilization

- d. Retention of recent graduates
- e. Connect ability between areas of Ames

Cody Smith, Vice President of ISU Student Government, stated that parking in Campustown is what impacts students. The ambiguity of the signs causes many problems for the students. Mr. Smith said that Hyland to Beach and south to Mortensen signifies the Campustown area where students seem to get confused about the parking regulations.

Mr. Abrams agreed with Mr. Smith. He added that students come to Ames, do their job, and leave. They want to change that attitude and give them ownership of being part of the Community and also how residents look at them as part of the City.

Council Member Betcher asked how the other Commission members felt. Mr. Englin stated these are some of the same issues that were being discussed for nearly 20 years. Students don't want the University involved in what they do away from Campus. The students are also citizens of Ames.

Karen Chitty stated the purpose of this Commission was to find ways to better both Campus and the Community.

Mr. Orazem feels this is an opportunity to come up with a concept for a public area (plaza) that would meet the objectives of the residents, customers, landlords, and property owners. He believes it would raise the value of the properties around, make an enjoyable place for students, faculty, and residents to meet, a signature area for Ames. He would like the Commission to make a list of what this plaza would require. It should be in the next Capital Improvements Plan.

Mayor Campbell has concerns that the plaza could be a good idea, but that, due to its complexity, should be in the hands of Council and City Staff. Council Member Corrieri agreed with the plaza, but is also concerned with the complexity and sees the role of the Commission to be more of an input role. Council Member Betcher stated that she was thinking the Commission has the ability to form a task force to include people that are intimately connected to those spaces. The plaza seems to be one of those that would be ideal to use a task force, to find the right location, desired use of space, and what affects it would have on property owners. Commission Member Abrams stated that he agrees with the complexity of this project and feels that the Commission would be destined to fail because of resources and time needed; going after those types of questions would not be an appropriate use of time. Mr. Schainker added the Council will need to decide to proceed, then hire a design consultant. Staff would need to incorporate what the people want, talk with potential users of space, property owners, and business owners.

Mr. Phillips cautioned the Council on forming a task force because of the time that it takes to develop a task force. It takes extra time to get that up and going versus the Commission taking the entirety of a topic.

Mayor Campbell suggested that the parking seemed to be a more tangible item to begin with and could start tomorrow morning. Mr. Phillips stated the more specific the Council is about the work

product, the more successful the Commission will be, If left broad, the Commission could end up “spinning its wheels.”

Commission Member Smith noted other items that he felt would be good for the Commission to work on. One listed was *Rent Smart*, which he felt was a great program for all residents, students, and people who may want to move to Ames. Mr. Smith said that Council could direct the Commission to find ways to encourage landlords and companies to add their residences to this program. Another topic would be a discussion on how to educate tenants and landlords.

Mr. Schainker clarified that the direction to the Commission concerning parking should be to promote a dialogue between the groups of the students and the neighbors that live there. They would need to try and develop a system that is understandable and would meet the needs of all the users.

Commission Member Englin indicated that it is helpful to get things in a sequential order and have a priority. He said it would be helpful for the Commission to have the projects in priority order and see how long it would take for them to accomplish the outcomes for it. Council Member Betcher saw the most important goal for this Commission as getting the students better integrated into the community and functioning well as students and citizens of the Community. She felt that the first two items that could be given to the Commission could be discussing Item No. 3 and No. 1 and 2 could be given to task forces; that way the Commission would not be taking the whole burden. Council Member Betcher said that she would like to see the Commission develop a task force to help with items such as parking. She wants to see the Commission appoint others to supplement them. Those “others” would have the knowledge and could help the Commission investigate. This is needed because they are supposed to tap into the communities they are representing.

Council Member Corrieri expressed her concern with putting the large task of parking on to the Commission. She feels that they should have very specific direction and the scope should be limited in order to be efficient in what is being asked of the Commission. Council Member Betcher emphasized that by appointing a task force with people that have connections, they communicate with the stakeholders and have focus group meetings with them. The task force collects the information on what the problems are and how the people see those problems and what they propose as solutions. Council Member Corrieri inquired about how a task force is trained to facilitate those conversations. Mr. Schainker added that the task force would not be leading the discussion. The dialogue would be led by staff. The task force would bring the different groups together to hopefully come up with solutions to the problems.

Moved by Betcher, seconded by Beatty-Hansen, to direct that the Commission appoint a task force of stakeholders who have connections to the parking issue to have a dialogue about parking and have that task force come back to the Commission with what they see as the key problems and solutions.

Karen Chitty expressed her concern that they would only be bringing a report to Council and not doing anything. Council Member Betcher stated that the Commission would be going over the report and discussing what would be of value to bring to Council. Commission Member Abrams added that he would rather get assigned something and go after it. Council Member Madden agreed

with Mr. Englin on the sequential order and then going out and talking with people who are related to the issue. He believed this meeting was to get a sense of whether the Commission had the correct priorities and in what order Council wanted them to be done. He felt that once Council had decided on the priorities, the Commission would discuss how to go about it.

Vote on Motion: 1-5. Voting aye: Betcher. Voting nay: Beatty-Hansen, Gartin, Orazem, Nelson, Corrieri. Motion failed.

Moved by Orazem, seconded by Gartin, to have a list of things the Council wants accomplished in a Campustown plaza; that would be sufficient to come back to the Council as a request for expertise for a design.

Council Member Betcher commented that the Commission needs to feel that they can supplement themselves in any way necessary.

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

Commission Member Englin advised that there will be a student on-boarding task force. The task force will be looking at all communication from when the University offers admission through the first year. They will be talking about how students are welcomed to Iowa State and how students are prepared to be successful students and citizens. Mr. Englin noted that most first-year students and transfers stay in Iowa State housing. They try to move them toward *RentSmart* when they move off-campus; this would be planting a seed for this Commission.

Moved by Betcher, seconded by Orazem, to direct the Commission to follow-up on the opportunity given by Mr. Englin as it becomes available.

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

Moved by Corrieri, seconded by Beatty-Hansen, for staff to come back with parameters that staff would work on and lead and suggestions for what the Commission would work on simultaneously.

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

Moved by Gartin, seconded by Orazem, to now address Item No. 26: the hearing on the Major Site Development Plan for 5498 Mortensen Road.

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

HEARING ON MAJOR SITE DEVELOPMENT PLAN FOR 5498 MORTENSEN ROAD (MORTENSEN HEIGHTS, PHASE 2) WITH RESOLUTION NO. 17-576 APPROVING PLAN ALLOWING FOR CONSTRUCTION OF TEN 12-UNIT APARTMENT BUILDINGS:

Moved by Gartin, seconded by Corrieri, to adopt RESOLUTION NO. 17-575 approving the Plan for 5498 Mortensen Road (Mortensen Heights, Phase 2) to allow for the construction of ten 12-unit apartment buildings.

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

of these Minutes.

CAPITAL FUNDING FOR HUMAN SERVICES AGENCIES: Assistant City Manager Phillips reminded the City Council of the approval of funding for the Human Service Agency Capital Improvements Grant Program, with \$500,000 earmarked for this initiative. Staff is now asking for direction as to where to allocate the funding. According to Mr. Phillips, staff has spoken with Jean Kresse, Director of United Way of Story County, to gauge whether United Way would be interested in administering the Program since it already offers some funding for human services agencies to pay for capital improvements. Ms. Kresse had replied that the United Way Board of Directors were flattered that the City Council would ask them to help. Mr. Phillips told that Council that it must first decide for what projects the grant funds can be used, with the options being as follows:

- New construction of primary or secondary buildings
- Renovation work on primary or secondary buildings
- Vehicles
- Movable Equipment
- Other purposes

Council Member Beatty-Hansen asked Ms. Kresse about vehicles and computer stipulations. Ms. Kresse replied that the agency requesting funds has to show a purpose for the need of a computer. Agencies with vehicles may request assistance when needing to replace a vehicle.

Moved by Gartin, seconded by Betcher, that the Grant structure should be limited to only new construction of primary or secondary buildings and renovation work on primary or secondary buildings.

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

Another question needing to be answered by the City Council was what percentage of match should be provided by the recipient agency. The options were as follows:

- 0%
- 25%
- 33%
- 50%
- Other

The Council also needed to decide if the match from the recipient had to come in the form of cash or if in-kind contributions would be allowed.

Moved by Beatty-Hansen, seconded by Corrieri, to require a 50% match.

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

Issue No. 3 was what the maximum grant award would be. Mr. Phillips noted that having fewer awards at a greater dollar amount will likely require less City staff time to administer, but result in

fewer grants being distributed among the agencies.

Council Member Corrieri commented that she was not sure as to why a maximum amount needed to be established; that would depend on the project. The Program would have a greater impact on the community if the funds were going to address the needs of the agencies. Council Member Beatty-Hansen related that she had concerns on the minimum.

Council Member Gartin asked Ms. Kresse what the United Way has for limits. Ms. Kresse answered that the United Way has a major grant where the minimum is \$7,500 and there is no limit for the maximum amount.

Moved by Orazem, seconded by Nelson, to set the maximum at \$50,000.

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

Moved by Betcher, seconded by Gartin, to set the minimum at \$7,500 and the maximum at \$100,000.

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

Moved by Orazem, seconded by Beatty-Hansen, to require a cash contribution (match).

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

Mr. Phillips then asked the City Council to decide which of the following group of agencies should be eligible for grant funding under this Program:

- Any agency that receives funding from the City under the ASSET program (25 agencies)
- Any agency that receives funding from other than the City under the ASSET program (33 agencies)
- Any human services agency that provides a service within the City of Ames (50 to 60 agencies)
- Any non-profit agency that provides a service within the City of Ames (100+ agencies)

Moved by Orazem, seconded by Gartin, for any ASSET agency and ASSET-funded groups to be eligible.

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

Moved by Corrieri, seconded by Beatty-Hansen, to use the list of ASSET priorities.

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

Moved by Betcher, seconded by Corrieri, to have United Way's Allocation Committee take care of the funds.

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

Council Member Corrieri asked if the City would have its own set of evaluation criteria that United Way would use. Mr. Phillips stated that the City would have priorities, and unless the Council gives additional criteria, they would only use the priorities. City Manager Schainker stated that the City would have an agreement with United Way, and the money would be transferred to United Way.

Moved by Gartin, seconded by Betcher, to allocate \$250,000 in 2017/18 fiscal year; and secondly have staff come back and raise this issue at budget time.

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

Moved by Gartin, seconded by Corrieri, to direct the Legal Department to work with United Way to develop some language to create some kind of repayment expectation if the properties are sold within a certain period of time.

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

ADMINISTRATIVE LANDSCAPE PROVISIONS: Planning and Housing Director Kelly Diekmann reminded the Council that, at the adoption of the general standards, the Council also directed staff to return with updated administrative provisions for implementing the new standards. The administrative sections govern issues such as timing of improvements, inspections process, compliance on nonconforming and existing sites, amendments to landscape plans, and long-term maintenance of required landscaping. Mr. Diekmann asked for direction from the Council on options on how to address existing sites that do not have conforming landscaping. After receiving direction, a draft Ordinance reflecting the changes will be completed and noticed for a public hearing.

Mr. Diekmann said that the main topic is dealing with existing sites. He told the Council that the way the Code is set up, the nonconforming sites get great latitude to continue to be nonconforming with no real expectation to meet the standards. He asked the Council if there was any interest in pursuing that improvements must be done as they do other work on site. Mr. Diekmann noted that the proposed language articulates the specifics of maintaining required landscaping in greater detail than before; however, it is missing language detail on what is maintenance or horticultural practices. He said that staff would like to make that more clear. Director Diekmann read some of the language as it now exists.

Moved by Gartin, seconded by Corrieri, to adopt Section A for maintenance of landscaping.

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

Director Diekmann advised that a new provision is being added to landscape standards dealing with how to address existing sites when new development, redevelopment, or a use change requiring a special use permit, site plan or variance is submitted.

Pertaining to Existing Sites for Landscaping, it was noted that Option 2 would be the least aggressive option. It is basically, what the City is currently using. Council Member Beatty-Hansen commented that, with that Option, things would never get better. Council Member Nelson added that there would be a lot of unintended consequences.

Moved by Corrieri, seconded by Gartin, to approve Option 2: sites that do not comply with the landscaping standards of this ordinance are nonconforming.

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

Moved by Beatty-Hansen, seconded by Corrieri, to approve Item C: Removal of vegetation and failure to maintain landscaping consistent with an approved Site Development Plan and the standards of the Ordinance is a violation of the Zoning Ordinance and subject to enforcement as a Municipal Infraction.

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

Moved by Gartin, seconded by Betcher, to approve Section D pertaining to installation and inspections.

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

ORDINANCE TO ALLOW PARKING ALONG WEST SIDE OF KINGSBURY AVENUE:

Moved by Gartin, seconded by Betcher, to pass on first reading an ordinance to allow parking along the west side of Kingsbury Avenue.

Roll Call Vote: 6-0. Motion declared carried unanimously to pass on first reading.

ORDINANCE NO. 4323 MODIFYING SECTION 2.48 OF MUNICIPAL CODE PERTAINING TO CITY ATTORNEY: Moved by Betcher, seconded by Beatty-Hansen, to pass on third reading and adopt ORDINANCE NO. 4323 to modify Section 2.48 of *Municipal Code* pertaining to the City Attorney.

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

COUNCIL COMMENTS: Moved by Nelson, seconded by Beatty-Hansen, to refer to staff for a memo the information from the Zoning Board of Adjustment relating to variance applications and garage doors.

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

Ex-Officio Rob Bingham asked the Council to have the report by Chief Cychosz regarding cameras in Campustown on a City Council agenda.

Moved by Beatty-Hansen, seconded by Orazem, to direct staff to put the issue of cameras in Campustown on a future Council agenda.

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

ADJOURNMENT: Moved by Corrieri to adjourn at 10:56 p.m.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor

Stacy Craven, Recording Secretary