MINUTES OF THE REGULAR MEETING OF THE AMES CITY COUNCIL

AMES, IOWA \hspace{1cm} AUGUST 28, 2018

The Regular Meeting of the Ames City Council was called to order by Mayor John Haila at 6:00 p.m. on August 28, 2018, in the City Council Chambers in City Hall, 515 Clark Avenue, pursuant to law. Present were Council Members Bronwyn Beatty-Hansen, Gloria Betcher, Amber Corrieri, Tim Gartin, David Martin, and Chris Nelson. \textit{Ex officio} Member Allie Hoskins was also present.

PROCLAMATION: Mayor Haila proclaimed September 2018 as “National Recovery Month.” Accepting the Proclamation were Matthew Voorhees and Jill Hill, representatives of Youth & Shelter Services; and Cary Williams, representing Community and Family Resources. Ms. Williams, Ms. Hill, and Mr. Voorhees highlighted a few of the events that their respective agencies are hosting in September in observance of “National Recovery Month.”

CONSENT AGENDA: Mayor Haila pulled Consent Item No. 12, a Professional Services Agreement with GBA Systems Integrators, LLC, to perform the Ames Traffic Network Master Plan. Council Member Beatty-Hansen requested to pull Consent Item No. 17, setting the date of public hearing for entering into a Ten-Year Land Lease with John Deere on Airport property.

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 14, 2018 and Special Meeting of August 18, 2018
3. Motion approving certification of Civil Service applicants
4. Motion approving renewal of the following Beer Permits, Wine Permits, and Liquor Licenses:
   5. Class E Liquor, C Beer, & B Wine - HyVee Drugstore, 500 Main St.
      a. Special Class C Liquor - Indian Delights, 127 Dotson Drive
      b. Class C Liquor - Mandarin Restaurant of Ames, 415 Lincoln Way
      c. Class E Liquor, C Beer, & B Wine - Cyclone Liquors, 626 Lincoln Way
      d. Class E Liquor, C Beer, & B Wine - Kwik Shop Liquor & Groceries, 125 6th St.
6. Motion approving 5-day (September 14-18) Special Class C Liquor License & Outdoor Service for Ames Main Street Cultural District (MSCD) at Bandshell Park
7. Motion approving request for Fireworks Permits for display from Jack Trice Stadium for ISU Home Football Games on the following dates:
   a. Saturday, September 1
   b. Saturday, September 15
   c. Saturday, September 22
   d. Saturday, October 13
   e. Saturday, October 27
   f. Saturday, November 10
   g. Saturday, November 24
8. Motion approving Report of Change Orders for August 1 - 15, 2018
9. \textbf{RESOLUTION NO. 18-488} approving request from Ames Main Street for allocation of $7,000 from Council Contingency in support of Smithsonian Institute Traveling Exhibit “Hometown Teams” to be held in Downtown Ames from September 29 through November 11, 2018
10. Title VI of the Civil Rights Act of 1964 Compliance:
   a. RESOLUTION NO. 18-489 approving Revised City of Ames Title VI Compliance Plan
   b. RESOLUTION NO. 18-490 approving U. S. Department of Transportation Standard Title VI/Non-Discrimination Assurances
   c. RESOLUTION NO. 18-491 approving Title VI Non-Discrimination Agreement with the Iowa Department of Transportation
11. RESOLUTION NO. 18-492 designating First National Bank of Ames, Iowa, as depository bank for the City of Ames through September 30, 2021, with a three-year renewal option, at a calculated annual cost of $11,508 for services requested
12. RESOLUTION NO. 18-494 approving Certificate of Consistency with City’s 2014-18 CDBG Consolidated Plan on behalf of Youth and Shelter Services, Inc.
13. RESOLUTION NO. 18-495 proposing vacating easements at 1801-20th Street and setting date of public hearing for September 11, 2018
14. RESOLUTION NO. 18-496 approving Encroachment Permit for a sign at 2536 Lincoln Way
15. Ames High School Homecoming Requests:
   a. Parade on Monday, September 10:
      i. Motion approving blanket temporary obstruction permit
      ii. RESOLUTION NO. 18-497 approving closure of City Parking Lot MM, southern portion of Lot M, and a portion of CBD Lot Z from 5:30 to 7:30 p.m. for parade staging
      iii. RESOLUTION NO. 18-498 approving closure of 5th Street, from Grand Avenue to Pearle Avenue; Pearle Avenue; Main Street, from Pearle Avenue to Duff Avenue; Clark Avenue, from north of the CBD lot exit to Fifth Street; Burnett Avenue, from Main Street to 5th Street; and Kellogg Avenue, from north of the CBD lot exit to Main Street, from 6:15 to approximately 7:30 p.m.
   b. Fireworks at Ames High Stadium on Friday, September 14:
      i. Motion approving fireworks permit for display after football game (approximately 8:15 p.m.)
      ii. RESOLUTION NO. 18-499 approving waiver of fee for Fireworks Permit
      iii. RESOLUTION NO. 18-487 approving waiver of parking meter fees and enforcement from 4:00 to 6:00 p.m. for 55 metered parking spaces in Lot N
15. Eastgate Subdivision:
   a. RESOLUTION NO. 18-501 approving Release of Assessment and Utility Connection Fee Obligation for Lot 21
   b. RESOLUTION NO. 18-502 approving Extension of Covenants for Remaining Lots
16. RESOLUTION NO. 18-503 waiving motorized vehicle prohibition to allow mobility impaired individuals to tour Ada Hayden Heritage Park on September 12, 2018 from 8 AM - 6 PM; and setting September 14, 2018, as a rain date
17. RESOLUTION NO. 18-504 waiving formal bidding requirements and authorizing purchase of Software Maintenance from Superion Public Sector at an estimated cost of $88,660.03
18. RESOLUTION NO. 18-505 approving preliminary plans and specifications for the WPC Digester Improvements Phase II Project; setting September 26, 2018, as bid due date and October 9, 2018, as the date of public hearing
19. RESOLUTION NO. 18-506 approving preliminary plans and specifications for RDF Storage Bin Repair Project; setting October 10, 2018, as bid due date and October 23, 2018, as date of
20. RESOLUTION NO. 18-507 awarding contract for Fiber Optic Deployment for the Information Technology Division to Precision Underground Utilities, LLC, of Cambridge, Iowa, at a cost of $57,729.50
21. RESOLUTION NO. 18-508 approving Contract & Bond for Installation Services for 69 kV UG Power Cable Top-O-Hollow Substation
22. RESOLUTION NO. 18-509 awarding contract to Charles Gabus Ford of Des Moines, Iowa, for three Ford Utility Interceptors in the amount of $85,404.00
Roll Call Vote: 6-0. Motions/Resolutions declared carried/adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

PROFESSIONAL SERVICES AGREEMENT TO PERFORM AMES TRAFFIC NETWORK MASTER PLAN PROJECT: Regarding Consent Item No. 12, Mayor Haila explained that staff was informed today about some formatting changes that were made to the Agreement by the Iowa Department of Transportation. No substantive changes had been made.

Moved by Gartin, seconded by Corrieri, to adopt RESOLUTION NO. 18-493 approving the Professional Services Agreement, with the formatting changes, with GBA Systems Integrators, LLC, of Lenexa, Kansas, to perform the Ames Traffic Network Master Plan project in an amount not to exceed $100,000.
Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

SETTING DATE OF HEARING ON LAND LEASE WITH JOHN DEERE ON AIRPORT PROPERTY: Council Member Beatty-Hansen said that she would like to put something in the Lease regarding what would be allowed to be sprayed on City-owned property. She said that she was giving staff some flexibility as to what they believed would be reasonable parameters regarding what would be allowed to be sprayed on the land. Council Member Betcher said she felt it was important for staff to look at things like drift, especially if there are chemicals involved and that it is not just spraying water to test the equipment. It was pointed out by Ms. Betcher that the City does have a tenant farmer on the rest of the subject land.

Moved by Beatty-Hansen, seconded by Betcher, to direct staff to determine parameters for what can be sprayed on this land and that those be included in the Lease Agreement.
Vote on Motion: 6-0. Motion declared carried unanimously.

City Manager Steve Schainker noted that the action being requested of the Council at this time was to set the date of hearing regarding entering into the Lease. The Lease will come to the Council for review at the hearing; that will give staff time to make the requesting modification.

Moved by Beatty-Hansen, seconded by Corrieri, to adopt RESOLUTION NO. 18-500 setting the date of public hearing for September 11, 2018, regarding entering into a Ten-Year Land Lease with John Deere on Airport property.
Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby
made a portion of these Minutes.

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

ORDINANCE PERTAINING TO EXCEPTIONS AND HARDSHIPS TO RENTAL CONCENTRATION CAP: City Attorney Mark Lambert described the changes to the Rental Concentration Cap Exceptions and Hardship Ordinance that had been directed by the City Council at its meeting held August 14, 2018:

1. Provide a definition for “bona fide rental.”

2. Change the application deadline from September 1, 2018, to 30 days from the effective date of the Ordinance.

3. Narrow the prior language from the vetoed Ordinance allowing a property owner residing at the property with a tenant [who would not be required to have a Letter of Compliance (LOC) under the Rental Code] to renew a LOC obtained under the exception, but only for one- or two-bedroom dwellings.

Mayor Haila stated that, in light of the fact that significant public input on this topic had already been heard and that the three changes had been directed by the City Council, there would be no additional public input.

Moved by Nelson, seconded by Corrieri, to pass on first reading an ordinance pertaining to exceptions and hardships to the Rental Concentration Cap.

Moved by Corrieri, seconded by Gartin, to suspend the rules necessary for the adoption of an ordinance.
Roll Call Vote: 6-0. Motion declared carried unanimously.

Moved by Corrieri, seconded by Gartin, to pass on second reading an ordinance pertaining to exceptions and hardships to the Rental Concentration Cap.

Moved by Corrieri, seconded by Gartin, to pass on third reading and adopt ORDINANCE NO. 4368 pertaining to exceptions and hardships to the Rental Concentration Cap.
Roll Call Vote: 4-2. Voting aye: Beatty-Hansen, Corrieri, Gartin, Nelson. Voting nay: Betcher, Martin. Ordinance declared adopted, signed by the Mayor, and hereby made a portion of these Minutes.

ORDINANCE REVISING PARKING REGULATIONS ON McKinley Drive: Mayor Haila
noted that public input had been taken regarding this item at the Council meeting held July 31, 2018.

Moved by Corrieri, seconded by Gartin, to pass on first reading an ordinance revising parking regulations on McKinley Drive.
Roll Call Vote: 6-0. Motion declared carried unanimously.

ORDINANCE REZONING 1801-20TH STREET AND 2008-24TH STREET (NORTHCREST): Moved by Nelson, seconded by Corrieri, to pass on second reading an ordinance rezoning 1801-20th Street and 2008-24th Street (Northcrest) from High-Density Residential (RH) to Planned Residence District (F-PRD).
Roll Call Vote: 6-0. Motion declared carried unanimously.

ORDINANCE ALLOWING DRY CLEANING AND LAUNDRY FACILITIES IN HIGHWAY-ORIENTED COMMERCIAL ZONE: Moved by Beatty-Hansen, seconded by Corrieri, to pass on third reading and adopt ORDINANCE NO. 4367 to allow dry cleaning and laundry facilities to be located in Highway-Oriented Commercial Zone by Special Use Permit.
Roll Call Vote: 6-0. Ordinance declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

LAND LOCATED AT 397 WILDER AVENUE FOR USE AS A CITY PARK: Council Member Nelson asked if the Sunset Ridge Property Owners Association was going to cover everything above $80,000 (the amount included in the Capital Improvements Plan for Fiscal Year 2017-18 for development of a neighborhood park in West Ames). Director of Parks & Recreation Keith Abraham answered that the Property Owners Association had already done some fund-raising. If the bids come in higher than what has been estimated, the Association is prepared to raise additional funds.

City Manager Schainker noted that the Council members were not approving development of the park at this time; they are only being asked to provide direction to staff to pursue this as an option if certain conditions are met.

Moved by Nelson, seconded by Corrieri, to direct staff to pursue deeding of a portion of the land located at 397 Wilder Avenue for use as a City park if the following conditions are met:

1. The site provided to the City by the Sunset Ridge Property Owners Association is “clean and green.”

2. The site is given to the City by the Sunset Ridge Property Owners Association at no cost.

3. The land that is donated at no cost to the City by the Sunset Ridge Property Owners Association does not include the drainage ditch on the west and north sides of the property.

4. The Sunset Ridge Property Owners Association contributes the additional funds in excess of the City’s $80,000 needed to develop the park.

Council Member Gartin felt it was important to note that this is an unusual type of direction for the
City to take. He explained that the City’s standard has been to ask the developer to take on the task of creating public space for the people of the area. Speaking for himself, Mr. Gartin said he was not interested in this becoming a precedent that the City Council would follow. He felt, however, that there were unique aspects of this, especially its location, that warrants this action.

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

HEARING ON WATER POLLUTION CONTROL FACILITY CLARIFIER LAUNDER COVERS: Mayor Haila opened the public hearing. No one came forward to speak, and the Mayor closed the hearing.

Moved by Betcher, seconded by Beatty-Hansen, to adopt RESOLUTION NO. 18-510 approving final plans and specifications and awarding a contract to Minturn, Inc., in the amount of $166,950.00. Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

HEARING ON 201718 RIGHT-OF-WAY RESTORATION: The Mayor opened the public hearing and closed same after no one asked to speak.

Moved by Beatty-Hansen, seconded by Gartin, to adopt RESOLUTION NO. 18-511 approving final plans and specifications and awarding contract to Green Tech of Grimes, Iowa, in the amount of $117,370.00. Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

ISSUANCE OF GENERAL OBLIGATION CORPORATE PURPOSE BONDS, SERIES 2018A: Finance Director Duane Pitcher advised that the City accepted bids for the bonds per the terms of its Offering Statement. The bids were evaluated by the City’s financial advisor, Public Financial Management (PFM), by the City’s Bond Counsel, and by City staff. Susanne Gerlach, PFM, told the Council that eight bids from 40 firms were received. The lowest bid was from Janney Montgomery Scott, LLC, of Philadelphia, Pennsylvania, at an interest rate of 2.56%. Subsequent to the receipt of bids, the City decreased the aggregate par amount of the Bonds to $7,490,000.

Moved by Betcher, seconded by Gartin, to adopt RESOLUTION NO. 18-512 accepting bids and authorizing sale and issuance of General Obligation Corporate Purpose Bonds, Series 2018A, in an amount not to exceed $8,120,000.00, to Janney Montgomery Scott LLC of Philadelphia, Pennsylvania. Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

PRESENTATION ON INTERNATIONAL EXISTING BUILDING CODE (IEBC): Newly named Fire Chief Rich Higgins; Sara VanMeeteren, Building Official; and Adam Ostert, Plans Examiner, were present. Mr. Higgins explained that Council, at its goal-setting session held on January 13, 2018, had requested that a presentation be made regarding the IEBC. He said that the IEBC was adopted a couple years ago; the City is currently using the 2015 Edition. Ms. VanMeeteren stated that
the IEBC provides flexibility in renovating existing older buildings by permitting the use of alternative approaches to achieve compliance, which is in keeping with the Council’s goal to expand sustainability efforts.

Ms. VanMeeteren gave an overview of the International Existing Building Code. She provided a brief description of the three main components of the IEBC: (1) Prescriptive Method, (2) Work Area Method, and (3) Performance Method. At the inquiry of Mayor Haila, Ms. VanMeeteren answered that the owner of the building makes the decision on what method he or she prefers to use. Following the decision of the owner, Mr. Ostert would review the plans. Specifically highlighted was Change of Occupancy, which was defined as resulting when the use of an existing space changes, including within the same classification, e.g., office space to apartments or storage space to offices. Ms. VanMeeteren noted the three categories included under Chapter 14, which are Fire Safety, Means of Egress, and General Safety. She noted that each type of occupancy has a different minimum score for the three categories. Twenty-one safety parameters are measured. There are mandatory safety scores. A Code Summary Table was shown to indicate how properties are scored.

Council Member Betcher asked how many projects come through using Chapter 14. Mr. Ostert replied that there has not been a large number; several have started down the path, but had realized that it was not going to be beneficial for them. Mr. Ostert believed that there had been four or five during the past year that had been successful.

Council Member Gartin questioned if staff had received any feedback from the public. Ms. VanMeeteren answered that she was not aware of any. She commented that questions do come up from the property owners during the plan review stage as to what is the best option for them, and staff then reviews the options and tries to educate them that they do have options as to what might be their best option.

Council Member Betcher noted that, in the past, she had heard there were not enough options. She said she was glad to hear that staff works with the owner(s) to educate them about the options and what might work best for them.

PLANNING & HOUSING DEPARTMENT WORK PLAN PRIORITIES: Planning and Housing Director Kelly Diekmann noted that it had been about a year since Council had reviewed the list of pending projects and the Work Plan. He explained that Table 1 was a list of projects that had already been prioritized by the Council and were the carryover items to be completed in the next six to nine months. Table 2 showed the remaining items that had been referred to staff previously, but had not been prioritized or the next steps had not been identified. Director Diekmann indicated that, due to the high number of items that are on the referral list, the City Council could choose to prioritize its immediate interests and decide to keep the remaining items on the list for future consideration. He stated that it was not necessary to attempt to prioritize the entire list of issues that will not be able to be addressed this fall.

Mr. Diekmann stated that there are three projects that are “in the middle” (currently, not on Table 1 or Table 2). These are additional projects that staff believes might be of interest to the City Council. Those projects were named as: (1) Review of current Urban Revitalization Areas. (2) Revise
“Nonconformities Article” of the Zoning Ordinance. (3) Zoning Ordinance Clean-up. A brief explanation of each was given. The Council members were told that if they wanted to have more information on the projects, staff could provide it to them, and they could then decide if they wanted to provide further direction.

Mr. Diekmann told the Council that the time estimates were built on what staff believes is the amount of time needed to prepare information and reports for the Council and for larger projects to include efforts for outreach. He advised that if the Council believes a certain level of outreach is required for any of the items that are on the Work Plan, it would be helpful to review this as part of the hour estimate for each project. Director Diekmann emphasized that with the start of the Comprehensive Plan update, there will be fewer staff resources available for referrals and Work Plan items in 2019 that what has been possible during the past couple of years.

According to Mr. Diekmann, there are two substantial requests that staff believes will be presented to Council this fall for referral:

1. **Southwest Growth Area infrastructure and Development Agreement for Landmark Development Company.** Mr. Diekmann explained that staff had been in contact with a potential purchaser of approximately 170 acres of land between Highway 30 and 240th Street, west of South Dakota Avenue. The developer is seeking direction on the City’s willingness to extend needed utility infrastructure. It was noted that the developer’s request had been included as part of the Council’s August 24, 2018, Non-Agenda Packet. Staff is recommended that this item be added to the September 25, 2018, City Council Meeting Agenda, if directed by the City Council.

2. **Review of the 13th Street Regional Commercial Development Agreement to address development thresholds and phasing for retail development north and south of 13th Street.** Representatives of the property owner have approached staff about revising the Development Agreement and have indicated that they would like to pursue changes later this year. Any changes would be subject to Council approval of a new Development Agreement.

Discussion ensued as to whether there were any projects on Table 2 that the Council was no longer interested in pursuing. Mayor Haila asked Director Diekmann to provide a brief description of each item currently listed on Table 2. He reiterated that Table 2 is a list of the remaining items that had been referred to staff previously, but had not been prioritized or next steps had not been identified. That list, according to Mr. Diekmann, was shown in random order. Mr. Diekmann noted that some of these issues will be addressed in relation to the upcoming Comprehensive Plan Update. A brief description of each project listed on Table 2 was given.

Moved by Gartin, seconded by Corrieri, to remove the “LUPP Policy for RH Land Use” project

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

Moved by Corrieri, seconded by Betcher, to get a memo from staff on what might be involved in updating the Sign Code; preparation of the memo to be moved to Table 1.

Vote on Motion: 6-0. Motion declared carried unanimously.
Moved by Gartin, seconded by Corrieri, to remove the Sign Code for Digital Signs and Billboards. Vote on Motion: 6-0. Motion declared carried unanimously.

Moved by Beatty-Hansen, seconded by Corrieri, to remove the project entitled, “Ames Urban Fringe Plan Review with Story County and Gilbert on potential update land use classifications and future growth areas.” Vote on Motion: 6-0. Motion declared carried unanimously.

Moved by Gartin, seconded by Beatty-Hansen, to move the project, “Consider bicycle parking standards,” to Table 1. Discussion ensued as to staff re-sending the memo to the City Council that had been sent previously (last September). Council Member Gartin said he didn’t see this as a huge project, so he preferred to move it to Table 1. Director Diekmann noted that the motion doesn’t include any direction to staff about standards. He stated that, later this winter, staff would first come back and review what would be put in the ordinance and then it would go through the ordinance process. Vote on Motion: 6-0. Motion declared carried unanimously.

Moved by Betcher, seconded by Martin, to move the project, “Background memo on inclusionary zoning programs, to the Green Area (Table 1)." Council Member Gartin indicated that he was philosophically not on board with that project. Vote on Motion: 5-1. Voting aye: Beatty-Hansen, Betcher, Corrieri, Martin, Nelson. Voting nay: Gartin. Motion declared carried.

Moved by Corrieri, seconded by Beatty-Hansen, to remove the project, “Request for a memo from staff pertaining to abatement for new construction of Greek houses.” Vote on Motion: 6-0. Motion declared carried unanimously.

Moved by Beatty-Hansen, seconded by Corrieri, to remove the project, “Fringe Plan Amendment for Planned Industrial on Dayton Avenue (request from William Underwood),” given that it will be part of the Comprehensive Plan update. Vote on Motion: 6-0. Motion declared carried unanimously.

Moved by Corrieri, seconded by Betcher, to place the Southwest Growth Area (Landmark Development) on a future agenda. Vote on Motion: 6-0. Motion declared carried unanimously.

Regarding the review of the 13th Street Regional Commercial Development Agreement, which had not been referred or prioritized, Director Diekmann acknowledged that the City did not have a specific request from Elwells (owners of the property in question located on East 13th Street). He commented that he and City Manager Schainker have been working with the owners. Mr. Diekmann said it was his understanding that staff would place the request on a future agenda, rather than wait until the
Council would refer it.

Moved by Beatty-Hansen, seconded by Corrieri, to direct that three projects, namely, (1) Review current Urban Revitalization Areas, (2) Revise Non-Conformities Article of Zoning Ordinance (3) Zoning Ordinance clean-up be placed on Table 2.
Vote on Motion: 6-0. Motion declared carried unanimously.

DISPOSITION OF COMMUNICATIONS TO COUNCIL: Moved by Betcher, seconded by Gartin, to direct staff to provide a memo regarding the request for a change in parking hours in the CBD Lots X, Y, and Z south of Main Street and a comprehensive parking study to identify current and future needs.
Motion withdrawn.

Moved by Betcher, seconded by Gartin, to direct staff to provide a memo regarding the request for a change in parking hours in the CBD Lots X, Y, and Z south of Main Street.

Moved by Corrieri, seconded by Nelson, to refer to staff the request of Brian Aukes to consider a new competitive lease rate and 50-year lease agreement for his existing hangar and a new hangar that he would like to build.
Vote on Motion: 6-0. Motion declared carried unanimously.

Moved by Corrieri, seconded by Martin, to not refer to staff the letter from Alexandra Wilson.
Vote on Motion: 6-0. Motion declared carried unanimously.

ADJOURNMENT: Moved by Gartin to adjourn the meeting at 8:02 p.m.

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Diane R. Voss, City Clerk
John A. Haila, Mayor