

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

AMES, IOWA

DECEMBER 18, 2018

The Regular Meeting of the Ames City Council was called to order by Mayor John Haila at 4:01 p.m. on December 18, 2018, in the City Council Chambers in City Hall, 515 Clark Avenue, pursuant to law. Present were Council Members Bronwyn Beatty-Hansen, Gloria Betcher, Amber Corrieri, Tim Gartin, David Martin, and Chris Nelson. *Ex officio* Member Allie Hoskins was also present.

**COMPREHENSIVE PLAN KICK-OFF:** Those present from RDG Planning and Design were Marty Shukert, Principle Planner; Justin Platts, Landscape Architect; and Cory Scott, Project Manager. Kelly Diekmann, Planning and Housing Director, gave background information on why the City of Ames needs a Comprehensive Plan. Mr. Diekmann noted that after today's meeting, there will be a dedicated page on the Planning Website for the Comprehensive Plan, which will provide updates and new information.

Mr. Scott reviewed the timeline, which showed adoption of the Plan to occur in early April 2020.

Mayor Haila noted that he wanted to ensure that a lot of public input is done, and if more time is needed, the timeline should be extended. City Manager Steve Schainker stated that the citizens of Ames are very busy and can't always make the meetings. He asked if there were alternatives for citizens to provide their input. Mr. Scott noted that they are working on other options and one of them is working with Input.com. Mr. Schainker asked if the Council was going to be given a list of groups that would be invited to do the Focus Group meetings as the Council might have other suggestions. Mr. Diekmann stated that they don't have the list completed yet, but he can provide that information to the Council. Further discussion ensued regarding the need to make all the information available to the public and to make sure the Council is involved with whom is asked to attend the stakeholder's meetings. Mr. Diekmann stated that if the Council talks to anyone who wants more information they should direct them to him and he would be happy to speak with them.

Mr. Platts asked for the City Council Member's feedback regarding their vision for a Successful Comprehensive Plan.

Identify the Strengths and Challenges for the following topics.

1. Expansion of the City
2. Opportunities for infill development
3. Future demand for housing and commercial use
4. Sustaining neighborhoods
5. Support of social and cultural connections
6. Transportation choices
7. Sustainability
8. Well-being and health living
9. Subarea planning

10. Urban fringe management

The Council broke into small groups at 5:09 p.m.

The Council resumed around the dais at 5:26 p.m.

Mr. Shukert reviewed the strengths and challenges of each topic. Mr. Diekmann stated that the notes will be transcribed and sent to the Council by RDG Planning and Design.

Mr. Scott stated that over the next couple of weeks they will work with Mr. Diekmann to put together information garnered from tonight's meeting, additional outreach information, and existing events. Mr. Diekmann stated that his Departments next step will be putting the Website together along with a campaign.

The Council meeting recessed at 5:52 p.m. and reconvened at 6:02 p.m.

**CONSENT AGENDA:** Moved by Beatty-Hansen, seconded by Corrieri, to approve the following items on the Consent Agenda.

2. Motion approving payment of claims
3. Motion approving Minutes of Special Meeting held December 4, 2018
4. Motion approving 5-day (Jan 12 - 17) Class C Liquor License for Christiani's Events LLC at the ISU Alumni Association, 429 Alumni Lane
5. Motion approving renewal of the following Beer Permits, Wine Permits, and Liquor Licenses:
  - a. Class C Liquor - Cyclone Liquors, 626 Lincoln Way (Back Room Only)
  - b. Class C Beer & B Wine Permit - Fresh Thyme Farmers Market, 215 SE 5<sup>th</sup> Street
6. Motion rejecting all bids for Scaffolding and Related Services and Supply Contract for Electric Services and directing staff to re-bid at a later date
7. RESOLUTION NO. 18-650 approving and adopting Supplement No. 2019-1 to the *Ames Municipal Code*
8. RESOLUTION NO. 18-651 approving appointment of Council Member Betcher to Ames Convention and Visitors Bureau Board of Directors
9. RESOLUTION NO. 18-652 awarding contract to Diamond Oil of Des Moines, Iowa, to provide and deliver fuel to Cy-Ride during Calendar Year 2019 in an amount not to exceed \$1,127,500
10. RESOLUTION NO. 18-653 approving Change Order to Task Order 4.1 under Master Agreement with FOX Engineering for design, bidding, and construction of New Water Treatment Plant in an amount not to exceed \$75,000
11. RESOLUTION NO. 18-654 approving partial completion of public improvements and reducing security for Aspen Business Park, 3<sup>rd</sup> Addition (aka The Quarters)
12. RESOLUTION NO. 18-655 approving partial completion of public improvements and reducing security for Crane Farm Subdivision, 2<sup>nd</sup> Addition
13. RESOLUTION NO. 18-656 approving partial completion of public improvements and reducing security for Crane Farm Subdivision, 4<sup>th</sup> Addition
14. RESOLUTION NO. 18-657 approving partial completion of public improvements and reducing security for Crane Farm Subdivision, 6<sup>th</sup> Addition

15. RESOLUTION NO. 18-658 accepting completion of 2017/18 Asphalt Street Pavement Improvements Program (Pierce/Tyler)
16. RESOLUTION NO. 18-659 accepting completion of 2016/17 Downtown Street Pavement Improvements (Sherman Avenue)
17. 2017/18 and 2018/19 Seal Coat Street Pavement Improvements (E. 16<sup>th</sup> Street, Linden Drive, Carr Drive, and Crestwood Circle):
  - c. RESOLUTION NO. 18-660 approving Balancing Change Order
  - d. RESOLUTION NO. 18-661 accepting completion

Roll Call Vote: 6-0. Motions/Resolutions declared carried/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.

**FLOOD MITIGATION - RIVER FLOODING:** Mayor Haila mentioned that the Council had received a request to pull item “18c” from the agenda to discuss at a later time in January.

Tracy Warner, Municipal Engineer, stated that Public Works needed the support from the City Council for submitting the FEMA application for the Pre-Disaster Mitigation. The category is different than last year, but still the Nationally Competitive Funding through FEMA. FEMA is looking for a benefit cost of more than 1.0. Staff has gotten feedback regarding last years application, and they are currently at a benefit cost of 3.6.

Mayor Haila asked about the turnaround for the application. Ms. Warner stated there is a long review period; she should hear back from FEMA in 2019, and the funding is not available until January 2020.

Moved by Beatty-Hansen, seconded by Nelson, to adopt RESOLUTION NO. 18-662 approving the local match funding in an amount up to \$1,260,000 for the Flood Mitigation - River Flooding project and adopt RESOLUTION NO. 18-663 designating Tracy Warner to serve as the authorized representative.

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

Moved by Gartin, seconded by Betcher, to table item “18c” until the City Council meeting to be held on January 22, 2019.

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

**STAFF REPORT REGARDING REIMBURSEMENT OF COSTS TO DUANE JENSEN RELATED TO 321 STATE AVENUE:** Kelly Diekmann, Planning and Housing Director, explained that last year, a RFP request was sent out and JCorp responded to the request. During this time, JCorp developed a proposal that the Council reviewed. The proposal was not workable due to cost, but the Council was interested in alternative plans. Mr. Diekmann stated that when the results of the bid came back in January 2018, the developer and City Council decided to part ways

and not enter into an agreement. Mr. Diekmann stated that City staff doesn't have the authority to reimburse or provide payment for the costs associated with preparing the proposal.

Council Member Nelson questioned the RFP process and asked if the City had any legal liability for payment. Mark Lambert, City Attorney, stated that he had submitted a memo to the Council earlier today noting several places in the RFP that made it clear that developing plans would be at the developer's own risk. Mr. Nelson mentioned that the Council members received an email from FOX Engineering regarding the storm water plan and wanted to know if the storm water plan was used to build this project. John Joiner, Public Works Director, stated that the storm water plan was developed to provide the amount of fill needed for the roadway only.

Council Member Gartin stated that the City may not have a legal basis to pay, but may have a moral one. Mr. Diekmann stated that this process was not a bid, but a RFP, and there was dialog back and forth about what the developer can do and what the City wanted. Mr. Lambert stated that under Iowa law, tax money has to be spent on a public purpose. He advised the Council that if it decides to provide money to JCorp, they must articulate well what public purpose is served to be covered legally.

Ben Jensen, 708 Hwy. 69, Huxley, stated that he was representing Duane Jensen and JCorp; it is not specifically Duane Jensen asking for money. He understands that the partnership fell apart, but the back end of the process has not been addressed. Mr. Jensen noted that JCorp cares about providing a service that is a big need in the community. He stated that JCorp knew coming into the project that they would lose money and all they wanted was a commitment from the City. He understands that the City is not legally bound to provide any reimbursement, but would like to know if there was a creative way to end the partnership with respect. Mr. Gartin asked Mr. Jensen if he could quantify a number that would be a fair compensation. Mr. Jensen stated they had attached some invoices with the letter that was sent over earlier, and they would be happy with a partnership agreement where the City would pay half of the \$90,000 cost.

Council Member Betcher stated that she had originally made the motion as this was a unique situation and wanted to know if it was even possible or advisable. She stated that the report states that it is possible but not advisable. Ms. Betcher stated that she wanted it noted that Duane Jensen was not the one who asked for reimbursement and apologized if that came out as misrepresenting the situation.

Moved by Betcher, seconded by Beatty-Hansen, to adopt Resolution No. 18-561 in reimbursement to JCorp for the amount of the plan that the City of Ames used to create the vertical profile for the Tripp Street Extension, which is \$293.10.

Mr. Gartin stated that it seems like a paltry amount and feels like an insult. Ms. Betcher stated she doesn't disagree with him however, but she is conscience of not wanting to set a precedence by giving more in this case.

Roll Call Vote: 4-2. Voting Aye: Beatty-Hansen, Corrieri, Betcher, Nelson. Voting Nay: Martin, Gartin.

**STAFF REPORT REGARDING REQUIREMENT FOR INDIVIDUAL METERING OF WATER USAGE IN MULTI-UNIT BUILDINGS:** John Dunn, Water and Pollution Control Director, stated that in November 2018, the City Council asked to bring this item back for further discussion regarding Chapter 28, which requires individual water metering of multi-unit residential properties. Mr. Dunn stated that this was initially proposed as an idea to promote water conservation. He stated that the leading expert in the world, American Waterworks Association and the Water Research Foundation, has found that if the person who is using the water is the same person who is writing the check for the water, the usage goes down. Mr. Dunn stated this topic comes down to a policy issue.

Jerry Cable, 623 South Dayton Avenue, Ames, stated that he is against the proposed policy. As a landlord, he watches the water bill to find out what is going on. Mr. Cable estimated that it would cost at least \$2,000 per apartment to put an individual meter in. He explained that most apartments would need to have a water heater put in for each unit and have an additional room built for the water heater; the space would need to get bigger and they would lose valuable rental space. He stated they currently have very economical water heaters in the apartments.

Robert Braun, 1033 Florida Avenue, Ames, stated he supports everything that Mr. Cable said.

Moved by Nelson, seconded by Betcher, to all allow multi-family residential units to be master-metered.

Motion withdrawn.

Moved by Nelson, seconded by Betcher, to allow multi-family residential units to be master-metered and also direct staff to suspend the individual metering requirement until such time as an ordinance can be brought to Council for further action.

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

**REPORT FROM SUSTAINABILITY COORDINATOR REGARDING FY 2018-19 MID-YEAR ACTIVITIES:** Public Relations Officer Susan Gwiasda introduced Mary Rankin Sustainability Coordinator.

Ms. Rankin reviewed a few items that had been done over the past six months.

- Beneficial Waste Project - There are five primary discussion areas and the final report will come back to Council on January 22, 2019.
- Smart Business Challenge - Continued recruitment of additional businesses for a total of 34 Smart Business Challenge participants. There is the Annual Smart Business Challenge Recognition Event scheduled for January 24, 2019, at Reiman Gardens.
- Rummage Rampage Event - They diverted 51 tons of furniture and housewares from being

sent to the landfill; \$16,607 was raised for 15 local non-profit agencies (a \$4,000 increase from previous years). The Rehoming Our Animals/Aquariums Responsibly (ROAR) initiative collected three pets - two fish and a bearded dragon. The next Rummage Rampage is scheduled July 28 - August 3, 2019.

Mr. Gartin asked if they were keeping track of CO<sup>2</sup> for the community or the City. Ms. Rankin stated that they do a Greenhouse Gas Emissions inventory for the City. Brian Phillips, Assistant City Manager, stated that the City has inventory reports that go back to 2001; an update has not been given since 2017. Mr. Gartin asked what would need to be done in order to do an inventory for the community. Ms. Rankin stated that they would need assistance if the Council wanted to move forward with that and possibly partner with Iowa State University.

Moved by Beatty-Hansen, seconded by Gartin, to have staff prepare a cost-estimate for a consultant to do a community-wide Greenhouse Gas Inventory and include the amount of time involved.  
Vote on Motion: 6-0. Motion declared unanimously.

Moved by Gartin, seconded by Corrieri, to approve the mid-year Sustainability Report.  
Vote on Motion: 6-0. Motion declared unanimously.

**ORDINANCE PLACING LIMITATIONS ON EXPANSION OF NONCONFORMING USES, DISCONTINUANCE OF A NONCONFORMING USE, AND DEFINING REMODELING OF A NONCONFORMING USE:** Moved by Corrieri, seconded by Beatty-Hansen, to pass on second reading an ordinance related to placing limitations on expansion of nonconforming uses, discontinuance of a nonconforming use, and defining remodeling of a nonconforming use.  
Roll Call Vote: 6-0. Motion declared carried unanimously.

**ORDINANCE ESTABLISHING PARKING REGULATIONS ON SUNCREST DRIVE, FROM RED FOX ROAD TO CEDAR LANE:** Moved by Betcher, seconded by Beatty-Hansen, to pass on second reading an ordinance related to establishing parking regulations on Suncrest Drive, from Red Fox Road to Cedar Lane.  
Roll Call Vote: 6-0. Motion declared carried unanimously.

**DISPOSITION OF COMMUNICATIONS:** Moved by Beatty-Hansen, seconded by Betcher, to refer the letter from Newbrough Law Firm, LLP, requesting a boundary line adjustment between 729 and 808 East Lincoln Way to Water Pollution Control staff for a memo.  
Vote on Motion: 6-0. Motion declared carried unanimously.

**ADJOURNMENT:** Moved by Beatty-Hansen to adjourn the meeting at 6:59 p.m.

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Amy L. Colwell, Deputy City Clerk

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John A. Haila, Mayor