

MINUTES OF THE REGULAR MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

MARCH 5, 2019

The Regular Meeting of the Ames City Council was called to order by Mayor John Haila at 6:00 p.m. on March 5, 2019, in the City Council Chambers in City Hall, 515 Clark Avenue, pursuant to law. Present were Council Members Bronwyn Beatty-Hansen, Gloria Betcher, Tim Gartin, David Martin, and Chris Nelson. Council Member Amber Corrieri and *Ex officio* Allie Hoskins were absent.

Mayor Haila announced that Council would be working off an Amended Agenda. The wording for Item No. 12 regarding General Obligation Bonds was changed to include the words “and authorizing Debt Service Levy.” Item No. 18, Resolution approving Agreement with Iowa Department of Transportation for the Jefferson Highway Heritage Byway has been moved to Consent; therefore, the “PUBLIC WORKS” category was deleted. Also, a Closed Session was added to discuss matters presently in or threatened to be in litigation.

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

1. Motion approving payment of claims
2. Motion approving certification of Civil Service applicants
3. Motion approving Contract Change Orders for period February 15 - February 28, 2019
4. Motion approving a 5-day Class C Liquor License for Gateway Hotel (March 21) at Reiman Gardens, 1407 University Blvd
5. Motion approving renewal of the following Beer Permits, Wine Permits, and Liquor Licenses:
 - a. Class C Liquor with Outdoor Service and Sunday Sales - Coldwater Golf Links, 1400 S. Grand Avenue
 - b. Class E Liquor with Class B Wine, Class C Beer, and Sunday Sales - Kum & Go #113, 2801 E 13th St
 - c. Class E Liquor with Class B Wine, Class C Beer, and Sunday Sales - Kum & Go #227, 2108 Isaac Newton Dr
 - d. Class A Liquor with Outdoor Service and Sunday Sales - Elks Lodge, 522 Douglas
 - e. Class B Liquor with Class B Wine and Sunday Sales - Ames Sleep Inn & Suites, 1310 Dickinson Avenue - PENDING DRAM SHOP
 - f. Class E Liquor with Class B Wine, Class C Beer, and Sunday Sales - Casey’s General Store #2905, 3612 Stange Road
 - g. Special Class C Liquor with Outdoor Service - Filling Station, 2400 University Blvd - Eatery Only - PENDING DRAM SHOP
 - h. Class B Beer with Sunday Sales - Pizza Pit Extreme, 207 Welch Ave. Ste 201
 - i. Class E Liquor with Class B Wine, Class C Beer, and Sunday Sales - Sam’s Club #6568, 305 Airport Rd
 - j. Class C Beer with Class B Native Wine and Sunday Sales - Swift Stop #4, 1118 S Duff
 - k. Class C Beer with Class B Wine and Sunday Sales - Swift Stop #5, 3218 Orion Street
 - l. Special Class C Liquor - The Spice Thai Cuisine, 402 Main Street

6. RESOLUTION NO. 19-079 approving appointments to various boards and commissions
7. RESOLUTION NO. 19-080 approving Agreement with United Way of Story County to administer Human Services Capital Grant Program in the amount of \$200,000 for FY 2019/20
8. Former Item No. 18 Moved to Consent: RESOLUTION NO. 19-081 approving Agreement with Iowa Department of Transportation for the Jefferson Highway Heritage Byway
9. RESOLUTION NO. 19-082 approving preliminary plans and specifications for 2017/18 Shared Use Path Maintenance Program - Daley Park; setting April 3, 2019, as bid due date and April 9, 2019, as date of public hearing
10. RESOLUTION NO. 19-083 approving preliminary plans and specifications for 2017/18 Shared Use Path Maintenance Program - Stange Road; setting April 3, 2019, as bid due date and April 9, 2019, as date of public hearing
11. RESOLUTION NO. 19-084 approving preliminary plans and specifications for 2017/18 Storm Water Erosion Control (Kinyon Clark); setting April 3, 2019, as bid due date and April 9, 2019, as date of public hearing

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

PUBLIC FORUM: Mary Richards, 720 Kellogg Avenue, #201, Ames, thanked the Council for appropriating money to do a Green House Gas survey for the community. She noted that although the City of Ames, with its municipality-owned utility, will not be directly affected by the net-metering bill currently being proposed in the Iowa legislature, the City should be concerned about those bills. Ms. Richards mentioned that Ames should be asking why their utilities' association (Iowa Municipal Utilities Association) is supporting this bill. She advised that the net-metering bill was House Study Bill number 185.

HEARING ON 2019 GENERAL OBLIGATION CORPORATE PURPOSE LOAN AGREEMENT: Finance Director Duane Pitcher gave an update on the process for General Obligation Bonds and the associated loan agreements.

Mayor Haila opened the public hearing. He closed the hearing after there was no one wishing to speak.

Moved by Betcher, seconded by Nelson, to adopt RESOLUTION NO. 19-085 approving entering into a Loan Agreement in a principal amount not to exceed \$11,880,000 and authorizing Debt Service Levy.

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

HEARING ON AMENDMENTS TO FISCAL YEAR 2018/19 BUDGET: The Mayor opened the public hearing and closed it after there was no one wishing to speak.

Moved by Betcher, seconded by Beatty-Hansen, to adopt RESOLUTION NO. 19-086 approving the amended budget for current Fiscal Year ending June 30, 2019.

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

HEARING ON ADOPTION OF FY 2019/20 BUDGET: The public hearing was opened by the Mayor. He closed the hearing after no one asked to speak.

Moved by Nelson, seconded by Betcher, to adopt RESOLUTION NO. 19-087 approving the FY 2019/20 budget.

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

HEARING ON REZONING OF 1114 SOUTH DAKOTA AVENUE FROM COMMUNITY COMMERCIAL/RESIDENTIAL(CCR) TO COMMUNITY COMMERCIAL/RESIDENTIAL (CCR) WITH REVISED MASTER PLAN: Planning and Housing Director Kelly Diekmann stated that 1114 South Dakota Avenue was zoned as Community Commercial/Residential (CCR) with a Master Plan on August 22, 2017. The 2017 rezoning with Master Plan approval limited the site to development of commercial trade and office uses with an option for mixed-use multiple-family residential development limited to 48 units.

The purpose of the proposed amendment to the Master Plan is to amend the permitted uses to allow Miscellaneous Use of Vehicle Service Facilities, including gas stations. Mr. Diekmann stated that the Planning and Zoning Commission was deadlocked with a 3-3 vote to approve and a 3-3 vote to deny the request due to the current vacancy on the Commission. Ultimately, the Commission voted 5-1 to send the request to City Council with no recommendation regarding the proposed change. Director Diekmann stated that the Planning and Zoning Commission discussed a number of issues about traffic circulation. The site would have some access controls depending on how the site is proposed to be developed and would be addressed by the Traffic Engineer during the design phase.

Council Member Gartin noted that his concern about the trail along the south side, as it is heavily utilized. He would like the safety of the trail users to be considered.

Council Member Gartin stated that staff received feedback from the property owners to the north and inquired if there was any feedback from the Elementary School. Mr. Diekmann stated there was no outreach done in that area. Therefore, staff was not expecting any feedback.

Luke Jensen, 2519 Chamberlain, Ames, stated that tonight's Rezoning Amendment will unlock the way for a substantial investment on the corner lot. He noted that it will provide certainty to the stakeholders in the area. Mr. Jensen explained that they have been working with the neighborhood and are committed to keeping the restrictions of 48 units made up of only one-and two-bedroom units, no short-term lodging, and enhanced screening over the north boundary line.

Council Member Martin asked Mr. Jensen if the Vehicle Uses Station is just gas stations and car washes. Director Diekmann stated the Vehicle Uses Station is restricted to car washes, vehicle

mission test sites, gas stations, quick lubrication services, and auto repair and sales.

Council Member Gartin stated that he is concerned about curb cuts as there are a lot of ISU students, citizens, and elementary school students using the area every day. Mr. Jensen stated that, with any development, there are going to be some changes, and they will be working with staff to come up with the best solution to make it as safe as possible.

Kacie Bonjour, Director of Real Estate at Hy-Vee, stated she wanted to give a little background on what is being proposed for this site. She explained they are proposing a convenience store, which is their new “Fast and Fresh” concept. The convenience store is larger, and it will provide more grocery options and will offer take-home meal options. She noted that there is also a possibility of having a coffee drive-thru. Ms. Bonjour stated that Hy-Vee wants to invest in the Ames community and believes it will provide a positive economic impact. She mentioned that they will work with City staff and the Traffic Engineer to review traffic and curb cuts.

Heather Simmons, 908 South Dakota Avenue, Ames, explained that she is on the board of the Home Owners Association (HOA) for the condominiums at Willow Creek Estate. She noted that the HOA supports what is being recommended, and they would love to see a coffee shop and the “Fast and Fresh” in the area. Ms. Simmons mentioned that the HOA believes this will be good for the neighborhood.

Mayor Haila pointed out to the Council that if they approve the request tonight and Hy-Vee backs out, it opens this lot for other uses. Director Diekmann commented that is correct as staff’s recommendation is not based on Hy-Vee being a presence on the property.

Moved by Betcher, seconded by Nelson, to pass on first reading an ordinance to amend the CCR Zoning District with Master Plan for the following use allowances and limitations subject to receipt of an amended Zoning Agreement by the third reading of the Ordinance:

- A. Vehicle Service Stations (e.g., gas station, a car wash, minor auto repair).
- B. Stand-alone office and commercial trade.
- C. Maximum of 48 household living apartments with office or commercial trade uses below, not to exceed two bedrooms per unit.
- D. Prohibit Short-Term Lodging.

Mr. Gartin stated that there was someone to speak on behalf of the HOA but there is no association for the walkers and bicyclists. Mr. Diekmann stated that staff has spoken at great length with the Traffic Engineer. The Traffic Engineer’s primary concern was the site distance to allow enough time to see bicyclists.

Roll Call Vote: 5-0. Motion declared carried unanimously.

TRANSITIONAL LETTERS OF COMPLIANCE: Mayor Haila mentioned that there is a lot of activity at the State that may affect the Transitional Letter of Compliance (LOC) as the rental cap

may go away depending on the Legislature.

Building Official Sara Van Meeteren explained that the Transitional LOC changes that were made were not in relation to the rental cap and apply City-wide. She noted that it may not be directly related, but as SCAN has presented to the Council, there are some areas that homeowners are able to work around the *Code* and this topic may be a moot point if the rental cap goes away. She explained that there have been a few cases where someone has bought a property with the intention of getting a Transitional LOC, renting it out for a couple of years, and then do one year on and one year off. Ms. Van Meeteren stated it is up to the Council if the Transitional LOC is important enough to change the Ordinance now or wait until they see what Legislature does.

Mr. Gartin asked what the downside is to waiting until the proposed legislation has been decided. Ms. Van Meeteren stated that they will just continue to get Transitional LOC requests. City Attorney Mark Lambert stated that he is not sure if the House is going to take it up, but this bill is moving in the Senate.

After further discussion of the bill, Mr. Lambert stated that the bill is very limited and recommended that it would be better to wait until April 15, 2019, when the Legislature closes to see what will happen.

Moved by Gartin, seconded by Betcher, to table the Transitional Letters of Compliance discussion until they hear back about the proposed legislation.

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

REVISITING DISCUSSION OF PROPERTY SALE HARDSHIP EXEMPTION REQUEST FROM ROBERT HOWELL FOR 107 S RIVERSIDE: Mayor Haila asked if the Council had any questions regarding the memo from City Attorney Mark Lambert.

Mr. Gartin asked if there was anything that the Council can do in the future that would prevent any potential law suits. City Attorney Mark Lambert stated that in regards to the City's liability or a lawsuit, it would not make a difference as the vote that took place was a Resolution, even though he misidentified it. Mr. Lambert stated that as long as they are publicly making a statement that the Mayor's vote didn't count, as it was a Resolution and not a motion, that is sufficient.

Mayor Haila asked if there was any interest by the prevailing party to reconsider. Hearing none, the Mayor moved on to the next agenda item.

HOMEWOOD GOLF COURSE CLUBHOUSE DESIGN: Parks and Recreation Director Keith Abraham stated that, regarding the Homewood Golf Course Clubhouse Design, the question before the City Council was whether staff should pursue LEED certification or not. He noted that throughout the design, they had looked at energy-efficient options and had highlighted a few of these options in the staff report. The consultant did look at three different design options. The first design option would be a Code-based building that would consume 75 tons of CO²/year, the second design

would be the Currently Designed Building that would consume 62 tons of CO²/year, and the last design would be a LEED-Certified Level Building that would consume 57 tons of CO²/year. Mr. Abraham explained that the Parks and Recreation Commission recommended that staff not pursue the LEED certification, but continue with the current design and include as many energy-efficient options as possible while staying with the \$1 million construction budget. He explained that, after talking with the consultant, they believe they can stay within the budget.

City Manager Steve Schainker stated this design is going to be much more than a golf course. The design will show a community room that will be available for meetings and will be open year-round.

Ms. Betcher stated she agreed with the Parks & Recreation Commission recommendation; the value of LEED is the guidance that is provided for achieving certain standards, but the certification itself costs a lot of money. She inquired if previous Councils had set a policy that future Councils should pursue LEED certifications. Mr. Schainker stated there was not, but it is important to some Council members. Overall, the best thing to do is to reduce the carbon footprint.

Moved by Nelson, seconded by Betcher, to direct staff to continue with the current Homewood Golf Course Clubhouse design and incorporate as many energy-efficient items as the budget allows.

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

BICYCLE PARKING STANDARDS: Planning and Housing Director Kelly Diekmann stated that this item was referred by City Council as part of the Department Work Plan to receive information about bicycle parking standards for uses in the Zoning Ordinance. He noted that if the Council chooses to move forward, staff would need some direction as to the scope of the changes they would like to make. Mr. Diekmann gave three options:

1. Long-term secured parking - most commonly used for residential and employee-related needs, as this is often a bike locker or locker room for bikes.
2. Short-term unsecured parking spaces - commonly available for customers or visitors to a site.
3. Mandatory Incentivized Parking - an allowable substitute for vehicle parking or a combination approach of both mandatory and allowing for substitutions.

Council Member Betcher asked if the incentive option would be a trade-off for automobile parking versus bicycle parking. Mr. Diekmann stated that it would be as anyone can allow bicycle parking now as it is not prohibited, but there is no encouragement to use it. Currently developers would still need to meet the vehicle and landscape standards; where the incentivized version, staff would allow the development to have less parking or replace parking with automobiles with bicycle parking.

Council Member Beatty-Hansen mentioned that the incentivized parking standards would be in commercial and industrial uses only at this time. Director Diekmann stated that because of how rental certificates are tied to parking, the incentivized option would not be available for residential uses at this time.

Mr. Martin asked if there are any long-term storage bicycle facilities in the City. Ms. Beatty-Hansen

stated that the Intermodal Facility has some racks under the roof. Mr. Diekmann stated that there are a few in Campustown that have storage rooms for the bikes.

Moved by Beatty-Hansen, seconded by Betcher, to direct staff to draft a proposal regarding the incentivized alternative for commercial and industrial uses.

Mr. Gartin commented that he has never been approached by anyone with a concern about bicycle parking and wondered why they would want to waste staff time on something that has not been identified as a problem. Ms. Betcher stated that if the City is going to be committed to Complete Streets it needs to provide the infrastructure. Mr. Diekmann commented that if the City is going to be a biking community, it would be reasonable for citizens to be able to arrive at a destination knowing they have somewhere to park their bicycle.

Mr. Diekmann advised that if the Council wanted to move forward, staff would take the Council's direction to ask for the Planning and Zoning Commission's recommendation; it would then be brought back to the Council as an Ordinance.

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

ORDINANCE ADJUSTING WATER RATES BY 7%, EFFECTIVE JULY 1, 2109: Water and Pollution Control Director John Dunn highlighted a few points from the FY 2019-20 Water and Sewer Rate presentation. He noted that staff has been trying to alternate sewer and water rate increases and explained that there were not any rate increases in FY 16/17 or FY 17/18. Mr. Dunn reviewed the annual rate increases for water and sewer for Ames versus national trends. He noted that Ames rates are lower than other companies within the state of Iowa. Director Dunn said that staff is recommending passage of the first reading an Ordinance that adjusts water rates by 7%, effective for bills mailed on or after July 1, 2019.

The public hearing was opened and closed by Mayor Haila since there was no one wishing to speak.

Moved by Nelson, seconded by Gartin, to pass on first reading the Ordinance adjusting water rates by 7%, effective for bills mailed on or after July 1, 2019.

Roll Call Vote: 5-0. Motion declared carried unanimously.

ORDINANCE PROHIBITING PARKING AT ALL TIMES ON THE EAST SIDE OF NORTH RIVERSIDE DRIVE AND PROHIBITING PARKING AT ALL TIMES ON THE NORTH SIDE OF HARRIS STREET: Mayor Haila opened Public Forum. No one came forward to speak, and Public Forum was closed.

Moved by Nelson, seconded by Betcher, to pass on second reading the Ordinance prohibiting parking at all times on the east side of North Riverside Drive and prohibiting parking at all times on the north side of Harris Street.

Roll Call Vote: 5-0. Motion declared carried unanimously.

DISPOSITION OF COMMUNICATIONS TO COUNCIL: Mayor Haila mentioned that the first item was a memo from Electric Services Director Don Kom regarding the initial utilization of the Electric Vehicle charging stations. City Manager Steve Schainker advised that no action was required for this item, it was informational only.

Mayor Haila stated the second item was a memo from Water and Pollution Control Director John Dunn regarding 728 E. Lincoln Way. Mr. Schainker advised that no action was required by the Council tonight. Mr. Dunn will be taking the lead on this item and will be bringing an easement request back to the Council at a later date.

COUNCIL COMMENTS: Ms. Betcher stated that she is looking forward to chairing the University Communities Council Meeting. They may be working with the Iowa League of Cities to help disseminate information on race equalities and how to plan more inclusive communities.

Moved by Martin, seconded by Beatty-Hansen, to request a memo from staff regarding the possibility of Council authorizing the Traffic Engineer to require traffic studies on his own initiative during project review that staff would like the Council to consider.

Mayor Haila stated that, from a customer service aspect, this would help a customer know during the review process what they might need to do.

Ms. Betcher asked for clarification on the motion, wanting to know if the motion was just for the Traffic Engineer or for other areas as well. Mr. Martin stated that it was his intention that the motion include all of Public Works staff.

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

Mayor Haila commended the community and NAACP for having a great event last weekend.

The Mayor also noted that there is a lot coming down from the Legislature, and next Thursday, March 14, 2019, he and City Manager Steve Schainker will be going to the capitol for “Ames on the Hill.”

CLOSED SESSION: Council Member Martin asked City Attorney Mark Lambert if there was a legal reason to go into Closed Session. Mr. Lambert replied in the affirmative, citing *Code of Iowa* Section 21.5(1)c, *Code of Iowa*, to discuss matters presently in or threatened to be in litigation.

Moved by Martin, seconded by Betcher, to go into Closed Session under Section 21.5(1)c, *Code of Iowa*, to discuss matters presently in or threatened to be in litigation.

Roll Call Vote: 5-0. Motion declared carried unanimously.

The Council went into Closed Session at 7:20 p.m. and returned to Regular Session at 7:32 p.m.

Moved by Betcher, seconded by Beatty-Hansen, to adopt RESOLUTION NO. 19-088 approving the settlement with Haley Schepers in the amount of \$125,000 contingent upon obtaining a satisfactory signed release from Ms. Schepers.

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

ADJOURNMENT: Moved by Gartin to adjourn the meeting at 7:33 p.m.

Amy L. Colwell, Deputy City Clerk

John A. Haila, Mayor