

MINUTES OF THE REGULAR MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

JULY 23, 2019

The Regular Meeting of the Ames City Council was called to order by Mayor John Haila at 6:00 p.m. on July 23, 2019, in the City Council Chambers in City Hall, 515 Clark Avenue, pursuant to law. Present were Council Members Gloria Betcher, Bronwyn Beatty-Hansen, Amber Corrieri, Tim Gartin, and David Martin. Council Member Chris Nelson was absent. *Ex officio* Member Devyn Leeson was also in attendance.

PROCLAMATION FOR “US ARMY CORPORAL RALPH L. BENNETT COMING HOME DAY”: August 3, 2019, was proclaimed as “US Army Corporal Ralph L. Bennett Coming Home Day” by Mayor Haila. Corporal Ralph L. Bennett’s niece, Charlene Mullin, accepted the Proclamation.

Mayor Haila announced that the Council was working off an Amended Agenda. City staff added items 13 RESOLUTION NO. 19-368 approving Certification of Local Government Approval on behalf of Local Non-Profit Organizations Receiving Emergency Shelter Grant Funds and 23 RESOLUTION NO. 19-379 approving Plat of Survey for 110 S Duff Avenue.

CONSENT AGENDA:

Moved by Betcher, seconded by Beatty-Hansen, to pull items 12 and 17 from the Consent Agenda for separate discussion.

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

1. Motion approving payment of claims
2. Motion approving Minutes of Special Meeting held July 12, 2019, and Regular Meeting held July 9, 2019
3. Motion approving Report of Change Orders for July 1-15, 2019
4. Motion approving Class A Liquor License Premise Update - Green Hills Residents’ Association, 2200 Hamilton Drive, Suite 100
5. Motion approving new 5-day Class C Liquor License (July 30 - August 3, 2019) - Dublinbay Pub, 320 S. 16th Street, pending approval from Iowa State University
6. Motion approving new 12-month Class C Liquor License - La Fiesta Bar & Grill, 823 Wheeler St., Ste. 5, pending Food Establishment License and Dram Shop
7. Motion approving renewal of the following Beer Permits, Wine Permits, and Liquor Licenses:
 - a. Class E Liquor License with Class B Wine and Class C Beer and Sunday Sales - AJ’s Liquor II, 2515 Chamberlain
 - b. Special Class C Liquor License with Sunday Sales - Huhot Mongolian Grill, 703 S. Duff Avenue, Suite #105
 - c. Special Class C Liquor License with Outdoor Service and Sunday Sales - India Palace, 120 Hayward Avenue
 - d. Class C Liquor License with Catering, Outdoor Service and Sunday Sales - Cyclone Experience Network, 1800 S. 4th St - Jack Trice Stadium

- e. Class E Liquor License with Class B Wine and Class C Beer - Fareway Meat Market #189, 3720 Lincoln Way
- 8. Requests from Octagon Center for the Arts for 49th Annual Octagon Art Festival on Sunday, September 22, 2019
 - a. Motion approving a blanket Temporary Obstruction Permit and a blanket Vending License for the Central Business District
 - b. RESOLUTION NO. 19-359 approving closure of the following streets from 6:00 a.m. to 6:00 p.m.
 - i. Main Street, east of Clark to just west of Duff Avenue
 - ii. Douglas Avenue between 5th Street and Main Street
 - iii. Kellogg Avenue between south of the alley and Main Street
 - iv. Burnett Avenue between south of the alley and Main Street
 - c. RESOLUTION NO. 19-360 approving waiver of fees for blanket Vending License
 - d. RESOLUTION NO. 19-361 Resolution allowing usage of electricity and approving waiver of costs of electricity
- 9. RESOLUTION NO. 19-362 approving Quarterly Investment Report for Period Ending June 30, 2019
- 10. Alley Right-of-Way North of Lincoln Way and East of Elm Avenue:
 - a. RESOLUTION NO. 19-363 setting August 27, 2019, as date of public hearing on first reading of Ordinance vacating 180' x 16' alley right-of-way
 - b. RESOLUTION NO. 19-364 setting September 24, 2019, as date of public hearing to convey vacated alley right-of-way to Forest Park Properties, LLC
- 11. RESOLUTION NO. 19-366 authorizing an additional full-time position in Finance Department for the period between August 1, 2019, and November 1, 2019
- 12. RESOLUTION NO. 19-367 approving renewal of contract with EMC for Workers' Compensation and Municipal Fire and Police System Medical Claims Administration
- 13. RESOLUTION NO. 19-368 approving Certification of Local Government Approval on behalf of Local Non-Profit Organizations Receiving Emergency Shelter Grant Funds
- 14. RESOLUTION NO. 19-369 approving an exception to City Purchasing Policies and approving an award to General Electric Steam Services, Inc., of Midlothian, Virginia, to provide technical field advisor services for Unit 7 Overhaul in an amount not to exceed \$200,000
- 15. RESOLUTION NO. 19-370 approving Amendment to Engineering Services Agreement with WHKS & Co., of Ames, Iowa, for Sanitary Sewer Rehabilitation Construction Observation in an amount not to exceed \$39,000
- 16. RESOLUTION NO. 19-372 approving bow hunting within the Park System, on City property, and at other eligible property as detailed in Urban Deer Management Ordinance and rule
- 17. RESOLUTION NO. 19-373 approving preliminary plans and specifications for 2018/19 Asphalt Pavement Improvements (Reliable, Delaware, Florida, and Hutchison); setting August 21, 2019, as bid due date and August 27, 2019, as date of public hearing
- 18. RESOLUTION NO. 19-374 approving contract and bond for Water Plant Radio Telemetry Upgrades

19. RESOLUTION NO. 19-375 approving contract and bond for Campustown Public Improvements - Water Service Replacement
20. RESOLUTION NO. 19-376 approving contract and bond for Power Plant Maintenance Contract
21. RESOLUTION NO. 19-377 approving contract renewal for FY 2019/20 with Itron, Inc., of Liberty Lake, Washington, to furnish water meters, radio units, and related parts in an aggregate amount not to exceed \$450,400
22. RESOLUTION NO. 19-378 accepting completion of Year Three of Water Pollution Control Facility Biosolids Disposal Operations
23. RESOLUTION NO. 19-379 approving Plat of Survey for 110 S Duff Avenue

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

FUNDING REQUEST FOR CENSUS 2020 EDUCATION CAMPAIGN: City Council Member Gloria Betcher said this is the Council's first opportunity to let the citizens know about the Census 2020.

Public Relations Officer Susan Gwiasda said staff is requesting funding to focus on customizing materials for distribution specific to Ames citizens, particularly in areas that have historically low census return rates due to the student population. She has been working with the Mayor to develop a Complete Count Committee that would represent all the sectors of Ames and are still looking for more volunteers. Ms. Gwiasda advised that census forms can be filled out by hard copy, online, and telephone.

Moved by Betcher, seconded by Martin, to adopt RESOLUTION NO. 19-365 approving the funding request for Census 2020 education campaign in the amount of \$35,000.

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

DONATION OF FIVE ACRES OF LAND ON WOODLAND STREET (OLD EDWARDS ELEMENTARY SCHOOL) FROM AMES COMMUNITY SCHOOL DISTRICT FOR USE AS A CITY NEIGHBORHOOD PARK: Ms. Betcher brought attention to the number of citizens who worked for a long time collecting money to clear away the Edwards School property.

Parks & Facilities Superintendent Joshua Thompson said the Parks & Recreation Department has worked with the Edwards Neighborhood Association and the Ames Community School District in acquiring the land. The three things they needed were no cost, clean and green, and adjustment of the property line. Thanks to the Edwards Neighborhood Association, over \$155,000 dollars was raised for the demolition of Edwards School.

Moved by Betcher, seconded by Martin, to adopt RESOLUTION NO. 19-371 accepting the donation of five acres of land on Woodland Street (Old Edwards Elementary School) from the Ames Community School District for use as a City neighborhood park.

Roll Call Vote: 5-0. 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, so he closed Public Forum.

FY 2020/21 ASSET PRIORITIES: Assistant City Manager Deb Schildroth asked the City Council to keep in mind the comprehensive review of the ASSET process that has been going on. The Joint Funders met in May 2019 and discussed a Community Needs Assessment, funding priorities, measuring outcomes, and allocating funds. One of the themes that came out of the meeting was the need for joint priorities or priority areas across funders.

Ms. Schildroth said the Community Needs Assessment is typically piggy-backed with the Health Assessment that Mary Greeley Public Health is required to do every five years. The group that is looking at organizing that is the Story County Quality of Life Alliance. An assessment should be available to use by late winter or early spring for fiscal year 2021/22. The Clear Impact Scorecard is led by United Way of Story County, which will determine trends of services.

Council Member Gartin said he is very supportive of what is on the table. He said the community experienced a tragedy when a 17-year-old high school student took her life recently and asked Ms. Schildroth to discuss the changes that have happened with Youth and Shelter Services (YSS) in terms of mental health care for youth.

According to Ms. Schildroth, state legislation has requirements that school systems offer training to teachers and others within the teaching profession on mental health and recognizing symptoms, addressing issues, learning about resources in the community, and how they can help prevent some of the tragedies that do occur. Locally, YSS offers a wide variety of counseling and psychiatric services to youth. One of the uses of City funds is allowing YSS to schedule crisis appointments; if the appointment doesn't get used, the City pays for the slot. If the appointment does get used, Medicaid or insurance covers when available; otherwise, the City pays for it. She said legislature passed the creation of a children's mental health system, which is the responsibility of the 15 regions throughout the state to figure out how those services will be provided and funded.

Mayor Haila advised the Council Members that staff is looking for direction from them on approving the ASSET priority services. Ms. Schildroth advised the items listed currently exist for fiscal year 2020, but there is one small change that outlines the input given from the volunteers. The only change is under Transportation Cost Offset Programs, which is no longer specific to elderly or families.

Council Member Beatty-Hansen verified the service they are approving tonight is the one with the two bullets. Mayor Haila clarified that the goal is to get all of the services funded.

Mr. Gartin said he is concerned that the volunteers have limited the education development funds

for summer enrichment and prevention of loss of learning under No. 3. By specifically creating a parameter of summer focus, the effort might not fit with the goals of the year-round Raising Readers Program. Mr. Gartin asked if further clarification is needed under the skilled development and enhancement for the volunteers to continue to focus on reading as a skill.

Council Member Martin added that the addition is not meant to exclude things, but to draw attention to these items to make sure they aren't overlooked.

Moved by Betcher, seconded by Corrieri, to adopt Alternative No. 1, thereby approving the City's current ASSET priority service categories for FY 2020/21, with the recommended prioritization of the sub-bullets.

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

DEVELOPMENT AND OPERATION OF A 2-MW COMMUNITY SOLAR FARM:

Electric Services Director Donald Kom said that in 2016, the Electric Department started noticing people putting solar electric panels on their own homes. Other people who didn't own a home or didn't have the ability to put panels on their homes created the idea for a community solar project. In response to this interest in a community solar project, the City contracted with Wind Utility Consulting, PC, to evaluate options for the development of a large community solar project in Ames. The evaluation results showed that with federal tax incentives, it worked out better to have the project be owned, maintained, and operated by a third party. Other models were considered so that the City could potentially purchase the project after a certain amount of time. Another model was examined to build the project and allow any business or customer who wished to participate in the project to have a share in it in the form of "Power Packs." The project, identified as SunSmart Ames, has three components - Site Selection, Power Purchase Agreement with the solar developer, and an Electric Customer Participation Program. Currently, 72% of the project has been subscribed.

The preferred site for the Solar Farm is located adjacent the Ames Municipal Airport. It is ideally suited for solar development and has the public visibility that benefits a community solar farm. Interested electric customers have been subscribing to "Power Packs" in the SunSmart Ames project, and upon execution of a developer's contract, will pay a one-time fee in return for billing credits equal to their pro-rated share of monthly generation output from the farm. At present, Electric Services has received "Intent to Purchase" forms for approximately 70% of full capacity of the project.

A Request for Proposal (RFP) was issued to 94 developers for proposals to build, own, and operate a two-megawatt solar farm. Staff received proposals from 14 developers. The evaluation team was composed of staff from Electric Services, Iowa State University Facilities Planning & Management Utilities, and the City's consultant.

Based on the interviews, responses to the follow-up questions and the determination of the best value to the Utility rate payers and the City, the evaluation team ranked the final four developers.

Based on the total scores and a unanimous decision by the evaluation team, staff concluded that ForeFront Power provides the best value for the ratepayers. Furthermore, the staff believes the system being offered by ForeFront will be able to handle peak demand better due to its design; the developer offers a stable financing package, and the panels will be more visible from Highway 30. At the time the City approved the Letter of Intent with ForeFront, this project was not to move forward until at least 80% of the project has been committed to by the ratepayers, so the City Council approved a Letter of Intent (LOI) with Forefront Power.

Staff has received executed contracts from ForeFront Power with a flat cost at \$60/MWh. However, over the past several days, staff was able to negotiate a slightly lower contract price of \$59/MWh with no changes to the rest of the contract. This lower price will decrease the cost of a Power Pack by an amount yet to be determined. To accept this lower price, ForeFront is requiring that the City be the first party to sign the agreement as a good faith indication of intent to proceed. Upon approval of the contract with ForeFront, staff will finalize the Customer Agreement that will convert the Power Pack "pledges" into "commitments."

City Council Member Betcher asked if there would be an opportunity to buy only part of a Power Pack or if you could buy a Power Pack for another individual. Director Kom said to help those who find the \$333 a struggle, there is a 12-month payment plan. If people wanted to put money together to buy a Power Pack for an organization, it is possible, and as long as they are an electric customer of the City of Ames, it can be done for individuals as well.

Mr. Martin asked when the last day was to purchase a Power Pack. Mr. Kom said they will continue to market the Community Solar Farm up to and through 100%; there are still 1700 power packs available for purchase.

Ex officio Devyn Leeson asked how people who aren't necessarily homeowners or long-term residents can get involved. Mr. Kom said if they are going to stay in Ames, they can take the Power Pack with them anywhere in Ames as long as they are a City electric customer. If a person is leaving Ames, they have the ability to sell it back to the City or they can donate it to a worthy cause.

Council Member Gartin asked Mr. Kom to identify who was involved in the marketing efforts so they could be recognized. Director Kom said Susan Gwiasda, the late Steve Wilson, Derek Crisler, Mel Crippin, KHOA, KASI, and Kiwanis, a group of very excited citizens, and more. Mr. Gartin asked for a ballpark number of individual owners. Mr. Kom said it is in the hundreds, but less than 1,000.

Mayor Haila opened public input. Seeing no one wishing to speak, he closed public input.

Moved by Beatty-Hansen, seconded by Corrieri, to approve RESOLUTION NO. 19-380 approving Energy Services Agreement with ForeFront Power of San Francisco, California, to construct and maintain a 2-MW Community Solar Farm at the Airport site.

Roll Call Vote: 5-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby

made a portion of these Minutes.

RETAIL SOLAR NET METERING REVIEW: Electric Services Director Kom, explained that when a resident installs a solar panel on their house, it is installed behind the meter so the house uses any energy that is produced by that solar panel first, which reduces the amount of energy that a customer buys from the City. At one time, there was a strong desire for people to install more kilowatts than they are using at any given time. The Net Metering Program deals with the excess energy that is produced. The unused energy gets stored on the system for use at a later time. As the City is taking that overproduced energy, they were buying less off the market. The problem is that market energy is the cheapest energy compared to the full retail energy; so instead of buying the market energy, they were paying more for the full retail energy and missing out on the market energy. The other piece is that there is a certain amount of fixed infrastructure that goes in. There was no way to recover the fixed costs from residents who used the infrastructure. The solution was that the City would pay the resident the full retail rate for the energy component of the overproduced amount.

Council Member Gartin asked if the City's approach was consistent with peer communities. Mr. Kom said it's all over the board. Alliant's approach doesn't limit how much solar can be put on, but how much is in the one net metering bucket, and then everything else is purchased. Cedar Falls pays a flat 4.9 cents for anything that is overproduced. Midland pays 2.9 cents. Another co-op paid 2.7 cents. MidAmerican did look at some legislation; they are starting to have concerns about not being able to recover some of the fixed costs.

Mr. Kom said there is some value in the solar reducing the peak demands, but only see about 25% of the benefit as peak times are between 5:00 - 7:00 p.m. Also, solar is green and it doesn't adjust how they use the Power Plant; it just adjusts how they buy from the market.

Director Kom explained that valuing capacity or valuing the reduction in the peak is a stair step approach. There is enough generation to meet the load today and tomorrow, so at 130 megawatts, having more capacity has no value today. If the load is at 140 megawatts, and they are looking at spending money for another Power Plant, the extra capacity helps because it pushes off the need to spend that 50 million on another generator for one more year. It's like adding a bedroom to your home; you can't just spend a couple hundred dollars.

Council Member Beatty-Hansen said one of the qualities that isn't quantifiable is resiliency during natural disasters. Mr. Kom said the key to making dispersed generation work is to have the infrastructure that connects it all, but they need to find a fair way to pay for that infrastructure that allows the homes connected to the grid with solar, to still pay for the linemen. In today's rate structure, the way to do that is to separate the fixed cost from the energy cost.

Further discussion was had regarding the solar energy purchases from customers who are overproducing energy.

Mayor Haila opened public input.

Mark Steffen, 2316 Aspen Road, Ames, said in past videos of the meetings, he was able to demonstrate the most egregious cost shift from rate payers is from the residential to the commercial customer because the City deeply discounts rates to incentivize new businesses to come to Ames. Development of storage infrastructure for the future of this community needs to be addressed. There are 100 of the 140 solar generating customers who only have one solar panel. Mr. Steffen said he has 18 solar panels. There is a much smaller number of average size customers.

Mr. Steffen suggested that the City Council should adopt the Alliant policy because it addresses the big concern of overproduction. It also addresses the concern of the people who have been prevented from putting up rooftop solar as the payout was stretched way out. It pays them the full value of up to what they consume, so they just can't overproduce.

Mayor Haila confirmed that Mr. Steffen is advocating to change the program against EUORAB's recommendation to not change it. Mr. Steffen said that the Council should consider a different model of governing the municipal utility. Other communities have an elected light plant board because there's so much to deal with.

Erv Klaas, 2200 Hamilton Drive, Unit 508, said the most important question is whether a capitalistic society like the United States and a capitalistic international order is capable of reducing their greenhouse emission enough to sustain life. He said he represents the Climate Action Team and will continue to advocate for more solar energy in the City. The Climate Action Team would like to see 100% renewable energy in ten years. He suggested when 30-40% of the houses in the City begin producing electricity with solar means or if the ordinances are changed so the City can put solar on the flat roofs of the commercial buildings or canopies on the large parking lots on Campus, fixed costs would be paid mostly by those who don't have solar panels. But if they have solar panels, they reap the benefits and maybe that's an incentive for everyone to put solar panels on their houses.

Mr. Gartin asked if he or the Climate Action Team have a position for net metering. Mr. Klaas said they haven't had a chance to meet to talk about it, but they believe increased solar is important.

Marybeth Buchele, 4122 Cockrane Parkway, Ames, said she built a home six years ago with the intent to put solar on the south end of the roof which faces a large creek. Looking at the project, they thought they could put in 35% of electric usage, however, before they could get the solar panels in, the City changed the compensation. The project went from an eight-to-ten-year payoff to a 35 to 50-year payoff. The change in the compensation has shut down individuals putting in solar projects because the payoff is not there. The numbers for the power packs show the payoff in 20 years, with \$30 more in electrical credits than what was paid in the beginning with the price of the Power Pack. Financially, solar has been made to not be economically feasible in Ames.

No one else wished to speak, so Mayor Haila closed public input.

Director Kom suggested staff could use the Alliant model to figure out what the numbers would be for the City. The original program was that extra energy could be theoretically stored and brought

back, but that didn't capture the fixed costs. He said the City's new Energy Services Coordinator Kayley Lain reminded him that someone had asked about the capacity value of solar. A rebate is offered on that, and the City has paid out more than \$218,000 in rebates for customer-owned solar.

Mr. Gartin asked if they do something tonight, it's not set in stone forever; they can always come back to visit this in the future if they were to leave things as EUORAB recommends. Mr. Kom confirmed Council can reassess and change this program at any time.

Council Member Amber Corrieri said she would be interested in getting additional information in looking at the numbers as it relates to the Alliant model or any of the other models and how it relates to what they are currently doing.

Mayor Haila said the issue would come back to Council, not to EUORAB. Mr. Gartin said he would be supportive to have EUORAB look at the numbers. Ms. Corrieri said the Council may want to change, but in order to do that and make the right decision, she would like more information from staff. Ms. Betcher said EUORAB should look at the Alliant model since they have not considered that.

Moved by Corrieri, seconded by Beatty-Hansen, to have staff bring additional information back to Council and EUORAB on the Alliant Model and a different model to see a comparison of those to what they are doing now.

Mr. Gartin said he would be supportive with the expectation that EUORAB receives the information and that Council gets a chance to hear from them.

Council Member Beatty-Hansen said it's a good thing to investigate other systems for potential room to grow in the incentives of solar. Mr. Martin said he is more interested in a greater incentivization, not just more information. He asked to amend the motion to ask for an eye toward improving the incentives for solar. Ms. Beatty-Hansen said she is also supportive of that.

City Manager Schainker confirmed they are looking for new models to increase the benefit.

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

RENTAL CODE CHANGES: Mayor Haila said there will be two or three options for public input, but not at this meeting. This is not to revisit and redo everything; tonight is to find out from Council if there are any items that they do not want to consider.

Building Official Sara Van Meeteren recalled that the City Council had held a workshop on June 18, 2019, to bring back options for the Rental Code as a result of the invalidation of the rental concentration cap by the State Legislature. The addition of the third Housing Inspector has allowed staff to more strictly adhere to the time frames set by Code for issuing a Letter of Compliance (LOC) because they can accommodate a higher inspection load.

Council had requested additional options for holding landlords accountable at the June 18, 2019, Council Workshop. All of the options classify violations using the same point system. Violations classified as simple misdemeanors (noise, nuisance parties, anything the police would site) would be assessed two points per occurrence and violations classified as municipal infractions (parking, garbage, snow removal) would be assessed one point per occurrence. To be considered an occurrence, the tenant and/or owner would have been issued a citation and been found guilty of the violation by the court. Once the property has accumulated four points in a lease cycle, it would be subject to the enforcement actions. The first option is to impose suspension/revocation, which would need clarification on when the suspension/revocation is to be effective. The second option is to increase annual registration fees, or introduce fees in addition to those already in Chapter 13. The third option is to use municipal infraction fees based on the point system. If, after the first enforcement action, the property accumulates four more violations in a year, it would be subject to the Second Tier of enforcement. The Third Tier of enforcement would be in effect for the third and subsequent occurrences.

The draft ordinance includes a provision that prohibits a property (not the owner) that has had the LOC revoked from being able to register as a rental for two years from the date of revocation. If the Council members should choose this option, they will also need to consider when the suspension should become effective. This decision will determine when the tenants would be required to vacate the unit.

Ms. Van Meeteren said 50 percent of the Code cases are on rental properties. There are only a couple Code sections that are only enforceable on rental properties: grass height and garbage containers. When you take those out of the equation, only 44% are on rental properties, so over 50% are on owner-occupied properties.

The second item was making illegal properties ineligible for an LOC. If a property is found to have been rented without a LOC, it would make them unable to apply for a LOC. If the Council members should choose to move forward with this, they will need to determine how long the ineligibility applies. The options are indefinite and tied to the property, ineligible for one year, or ineligible under same ownership.

The third item was rent abatement. It allows the City to prohibit the owner from accepting any rent. This provides an option for staff to provide information to the tenants on their legal options. Staff has added a subsection that would give them authority to use this tool when they are unable to get a landlord to make corrections required as the result of an inspection. Rent abatement could be used in addition to, or as an alternative to, a citation.

The fourth item was the removal of the consanguinity clause. Chapter 13 of the *Ames Municipal Code* includes those related to the owner within the first degree of consanguinity (mother, father, sister, brother) in the definition of "owner-occupied dwelling unit." This allows children of the owner to reside in a home without the owner present. In this situation, the child/children could have one additional paying roommate reside in the unit with them without being subject to the Rental Code.

If there were ever more than one paying roommate, the property would need to be registered as a rental property. Removing the consanguinity clause would eliminate the ability for owner's relatives from being considered owner-occupied. It was noted that it is impossible to know the number of properties this change would affect.

The last item was to freeze bedrooms in Near-Campus Neighborhoods. A list was obtained from the City Assessor's Office of all the bedrooms they have for all the owner-occupied properties in the Near-Campus Neighborhoods. It would freeze the bedrooms so if an owner-occupied property today wanted to become a rental tomorrow, they would be a rental with the number of bedrooms that is currently on file. If someone questions their bedroom count at the initial inspection, the Inspector will review Building Permit records. Should the inspector find a Building Permit dated prior to January 1, 2018, for an additional bedroom that is not reflected in the Assessor's records, the bedroom count will reflect the additional bedroom.

Moved by Beatty-Hansen, seconded by Corrieri, to discuss making illegal rentals ineligible for a Letter of Compliance.

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

Moved by Betcher, seconded by Beatty-Hansen, to discuss rent abatement.

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

Moved by Beatty-Hansen, seconded by Corrieri, to discuss removal of consanguinity.

Ms. Betcher asked Ms. Van Meeteren to clarify that this would be an option that is difficult to enforce or if it would not make any difference if they have an LOC. Ms. Van Meeteren said it would not be hard to enforce, but it would be hard to get the word out and get people to be compliant on the front end because they don't know how to reach those people.

Vote on Motion: 2-3. Voting aye: Beatty-Hansen, Corrieri. Voting nay: Betcher, Martin, Gartin. Motion failed.

Moved by Betcher, seconded by Beatty-Hansen, to discuss freezing bedrooms.

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

Moved by Betcher, seconded by Beatty-Hansen, to discuss holding landlords accountable for nuisance issues.

Vote on Motion: 3-2. Voting aye: Betcher, Martin, Beatty-Hansen. Voting nay: Gartin, Corrieri. Motion carried.

Illegal Rentals Ineligible for LOC: Ms. Beatty-Hansen said Option 3 looked the best to her, which is ineligible under the same ownership. Ms. Corrieri asked how the City would prevent someone from just changing the name of their LLC. Mr. Martin said he likes the one year better and Ms. Corrieri agreed. Ms. Beatty-Hansen asked if they could use the one year Transitional Letter of

Compliance for the one year that they are ineligible for an LOC. Ms. Van Meeteren said they could not use that. Mr. Gartin asked what is anticipated to happen to the property when someone gets tagged and they lose their LOC. Ms. Corrieri said the owner could sell it, could stop maintaining it, or they could let it sit vacant. Ms. Betcher added that they could occupy it or have a family member occupy it under the consanguinity clause. Ms. Beatty-Hansen said they could continue to operate it illegally until fines start to be imposed.

Council Member Gartin said he is frustrated by the efforts of people to circumvent the Council's efforts to create a uniform system. If people can't get income for an investment property because their LOC has been taken away, they can't pay their mortgage and that property will go to foreclosure or the owner would have to sell the property. Ms. Betcher advised that staff prefers to go with education first, then "drop the hammer" after that. Ms. Corrieri said if there were an illegal rental reported, they would be informed with a time frame to comply with the Rental Code, and if they failed to comply within that time, then they would become ineligible for an LOC. Ms. Van Meeteren confirmed that was correct. She said currently, when it gets to that point, they would issue a municipal infraction citation of \$500. Ms. Corrieri verified that instead of the current process, if they refuse to comply, they would now become ineligible for an LOC, so there would be a warning system in place.

Ms. Betcher said the people who are uninformed are going to take the education and do the right thing; and if they don't, that's what the system should be addressing. Mayor Haila asked what happens if it's not registered anyway and you can't get an LOC and they can continue operating illegally. Ms. Van Meeteren said it's a municipal infraction for each day that they are in violation. Once they are found guilty, the \$500 citation would go up to \$750, and then \$1,000. Ms. Corrieri asked what time frame they have to comply. Ms. Van Meeteren said the initial letter gives the property owner two weeks to contact the City to let them know what's going on and to begin the process of becoming compliant. If another letter is needed, they might give them another 14 days, but then if they aren't responsive, they would move forward with citations. The time frame allotted for the violation correction is detailed in the Code.

Mr. Martin asked if making someone ineligible for an LOC would have been useful in the past. Ms. Van Meeteren said, in her opinion, the fine would be more reasonable and is typically enough to get people to comply. Ms. Betcher asked if the fine was sufficient or if it should be increased. Ms. Corrieri pointed out that the fine is daily.

Building Official Sara Van Meeteren suggested structuring the Code language to make these consequences as options that the City could assign instead of having just one penalty. Ms. Corrieri said the vast majority of landlords maintain their properties. There is a matter of fairness to the landlord community if they allow illegal rentals to continue while requiring certain things from the people who are following the Code.

Mr. Leeson asked if there was value in considering potentially delaying the ineligibility of the LOC for the renter's sake to allow time for them to find another property to live in. Ms. Van Meeteren said

with the nuisance violations, the first category was suspension or revocation. Council needs to decide when it would be effective, which is similar to this. The renter could be allowed to complete their lease or by July 31st, whichever comes first. Or they could set a specific time frame like 30 or 60 days. A citation doesn't evict the tenants, but it does penalize the landlord for not complying.

Moved by Martin, seconded by Corrieri, to add ineligibility for one year to the toolbox available for dealing with the problem for illegal rentals.

Mr. Schainker confirmed that the penalty follows the property, not the owner.

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

Rent Abatement: Council Member Betcher asked if Iowa City has had any issues with trying to enforce the order. Ms. Van Meeteren said they have used the order four times and have not had any push-back and have not received any reports of retaliation on the renters. Ms. Betcher said initially, the order sounded like a good idea, but providing the information that that option is available is going to put that back in the court of the renters and they can decide. Mr. Martin said having an order from the City is a much stronger position for the renter, so maybe they can authorize the ability to issue the order with consent of the renter to give the renter more power to address the situation.

Ms. Betcher asked if this penalty option applies to any corrections that are required. Ms. Van Meeteren said Iowa City adopted what the *State Code* said and they added if it was an unregistered rental. The City of Ames is proposing to also add if the landlord isn't compliant with anything, not just life-safety, they can default to this penalty option.

Further discussion was had regarding the civil legal ramifications of this penalty between the renter and the landlord.

Moved by Martin, second Beatty-Hansen, to add the ability to issue an order to the toolbox of remedies as proposed for illegal unregistered properties plus any other violation.

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

Freeze bedrooms in Near-Campus Neighborhoods: City Council Member Amber Corrieri reminded Ms. Beatty-Hansen that the request is for Near-Campus Neighborhoods because they already froze rentals in Near-Campus Neighborhoods, now they are just discussing owner-occupied in the same area.

Ms. Corrieri said it's a fairness issue: if they are freezing bedrooms for all the current landlords, why would they allow new properties to come on line without the same rights. She would prefer to either get rid of the other one or make it apply to everyone. Ms. Betcher agreed with Ms. Corrieri. She said from the emails she had received from the landlords, they seem to support this because of the fairness issue. Ms. Beatty-Hansen clarified they could add a bedroom if they wanted, but wouldn't add occupancy if they went to get an LOC.

Moved by Beatty-Hansen, seconded by Betcher, to freeze bedrooms for owner-occupied properties in the Near-Campus Neighborhoods.

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

Holding Landlords Accountable for Nuisance Issues: Ms. Betcher said they received a suggestion which she thought was worth discussing: separating the issues of nuisance parties and noise complaints from issues outside maintenance issues that landlords actually could do something about. She proposed that they hold landlords accountable for those issues, but not the nuisance parties and the noise complaints because evicting residents is problematic. Ms. Corrieri asked if landlords are currently not being held accountable for maintenance issues. Ms. Van Meeteren said the Code allows them to revoke a LOC for any violation. Ms. Beatty-Hansen said, of all the options, financially holding someone accountable is preferable over the revocation of LOCs.

Council Member Betcher asked if the tools are in place, why are there still problems with uncleared walks, etc. She questioned whether it was a problem with enforcement ability due to limited staff. In response to Ms. Corrieri's question about any fines being assessed, Ms. Van Meeteren said she had no recollection of writing citations to landlords; it's more owner-occupied properties. Ms. Betcher said there seemed to be unresolved complaints and she doesn't know how to fix it.

Mr. Gartin asked for the legal perspective from City Attorney Mark Lambert on whether the landlord could be held accountable for actions of the tenant. Mr. Lambert said the City could do that; the landlord owns the property and controls the property. If the tenant isn't complying, the City can penalize the landlord who can then turn around and penalize the tenant.

Mr. Leeson said there are more rentals in Ames than owner-occupied properties, but the issues are happening more at owner-occupied properties, so he isn't sure that holding landlords accountable will be productive. Ms. Betcher explained that she was looking at this for everyone, not just rentals. Mr. Martin said if the City already has the ability to assess infractions and they are not using it, what good is it to come up with other consequences that will not be deployed as well. Ms. Corrieri agreed that the City should be enforcing the tools they already have.

Moved by Beatty-Hansen, seconded by Gartin, to move to delete holding landlords accountable for nuisance issues from the toolbox.

Mr. Martin commented that people can still submit complaints with Ames-on-the-Go.

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

Ms. Betcher said one suggestion for stepping up enforcement was to use some of the people who are already deployed like Community Safety Officers looking for parking violations; they could add inspections to things to look for.

Mayor Haila, reviewed that three of the five penalties will come back to City Council in a draft

ordinance. After that, there will be a two-week period for people to look at it. Council will come back again, and will have public input on those three items.

Mayor Haila called for a recess at 8:34 p.m. Council reconvened at 8:40 p.m.

VACATION LODGING: Planning & Housing Director Kelly Diekmann said the City Council had asked staff in June to bring back the discussion of the Guest Lodging Ordinance component. Vacation Lodging is the whole house rental through an Air B&B type of service. Council asked staff to bring back a report on how to manage those properties. Staff is looking for direction on whether they want to allow vacation rentals to exist in the licensing structure.

Mr. Diekmann said that there is a large variation of approaches utilized around the country as a means of restricting Vacation Lodging along with licensing. Some of these include:

- Prohibit (some cities are backtracking from previously permitting to restricting, such as Nashville)
- Allow only in higher density/commercial zoning districts
- Cap the percentage of licenses that may be issued
- Impose a separation distance between licensed Vacation Lodging units

Ms. Beatty-Hansen asked Mr. Diekmann to clarify whether someone operating an illegal short-term lodging would be ineligible for an LOC for one year. Mr. Diekmann said they would need to first distinguish the LOC issue from the guest lodging use since no version of this is allowed in the City right now. If the owner of an illegal rental wants to change and operate the property as a vacation rental, they wouldn't be able to do that if Council adopts the new Ordinance.

Ms. Betcher said vacation rentals are a commercial use and asked for a vacation lodging definition. Mr. Diekmann said vacation rentals are a short-term lodging use, so the Code considers hotels and motels as a version of residential use, but they are a separate category. By definition they pay Hotel/Motel Tax, whereas, a rental property, which is a household living use, does not pay taxes on the leases of the residents, so it is distinguishable. Vacation lodging is put under a residential category instead of a commercial category, but it is only allowed in a commercial zone right now.

Mr. Gartin suggested that they could treat these properties as regular rental property, but the argument against that is the temporary status; the turnover makes it a different situation than someone who will lease a house for a year. Ms. Beatty-Hansen said not only in the attention that's given to the property by the resident, but also the need of the traveler versus the need of residents to reside in a place for a long period of time.

City Council Member Gartin explained, in terms of the impact on the neighborhood, there is a sufficient difference between two houses: one has a long-term tenant and the other is circulating on a monthly basis. There is enough of a difference to give them a different status. Mr. Diekmann said the Zoning Code does that. The question is if they will allow for a use that the Zoning Code has already said is different in residential zones.

Ms. Beatty-Hansen said it's not only the physical appearance and maintenance of the property, but also the needs in the community. There is a need for affordable owner-occupied housing and affordable rental housing, and the needs of the traveler and the two in this case are competing.

Ms. Betcher said she has been reading various studies that show that most places that have vacation rentals, you see a decline in available long-term rentals because it's more lucrative to have a short-term, and the prices for other renters go up in the community. Mr. Gartin asked what would be left of the units that are there now if they were to limit vacation lodging to exclude it from residential zones. Ms. Corrieri clarified that this is regarding people who registered for a LOC and are operating a short-term lodging property. Mr. Diekmann said they don't have the Home-Occupation Permit to do what they are doing. If you don't live there, there is no permit to get; it can't be grandfathered because it's never been established.

Council Member Beatty-Hansen said this cuts into the affordability of owner-occupied and rental housing stock. They are allowing a short-term residential use into areas that are zoned for long-term residential. Mr. Gartin said they are trying as the City Council to make decisions about how people use their properties because the City is going to try to move the needle one way or another. The reason was for the impact on the neighborhoods. The hook is that short-term rentals have a different enough impact on neighborhoods. Ms. Betcher explained that she has been voting against this from the start because she thinks it impacts neighborhoods that an owner-occupied short-term rental does not. It's the cycling of the population through the areas that causes the issues, not necessarily the degradation of properties.

Mr. Gartin asked for evidence of problems and wanted to know what they are trying to solve. Ms. Corrieri said they can be an asset to a neighborhood and provide an alternative for people who are staying for more than one night. She commented that she is more in favor of looking at a separation distance as that would potentially help to eliminate some of the neighborhood issues. Ms. Betcher said they would have to include regular rental properties in that too.

Director Diekmann said they can't separate rental properties. The permitting of vacation lodging has to be separated from a rental property. Ms. Betcher explained that looking at the proximity of one vacation lodging to another, they are discounting the other rental properties in the area so there could be an entire block of rentals of various terms. She said she is concerned with the stability issue for the neighborhoods that led them to pass the rental caps in the first place.

Council Member Martin said he does see the superior hospitality benefit to have some housing types to accommodate different needs. It's also on the spectrum of problems that lead to his support of the rental cap namely that long-term residential neighborhoods develop social structures. He believes that if you remove the long termness of those terms, it disintegrates the coherence of the neighborhood. Vacation lodging increases the cycling, and he would rather these properties contribute to the lifeblood of the neighborhood.

Mayor Haila reminded the Council that under the goals in addressing housing needs, the last one was

to incentivize converting rental houses back into single-family units, and this would do the opposite.

The Mayor opened public input.

Helen Gunderson, 1626 Burnett, Ames, said she lives in a house and owns the house next door. She currently rents it out very carefully. She said someday she might like to change it, not to vacation, but to people needing to stay for a conference or for a funeral or a hospital. She recommended that Council took out the term “vacation”. She suggested thinking of a way to differentiate between highly commercial or where someone makes minimal money and uses it mainly for charitable purposes.

Ryan Houck, 65697 190th Street, Nevada, said at the end of this month, they have someone staying there who lives in Ames and is having construction done at her house for a week or two. He said this is another example of an Ames citizen using an Air B&B. Ms. Corrieri asked if there was an option that he would recommend. He said he was very amenable to all of the options except Number 2.

Mayor Haila closed public input after no one else came forward to speak.

Moved by Betcher, seconded by Beatty-Hansen, to not allow vacation housing city-wide.

Mr. Gartin asked if that includes high-density areas also. Ms. Betcher said her motion is because the legislature might perceive it as Council trying to limit certain areas and not others. She said she is not convinced this is good for the economy when they need more affordable housing and long-term rentals.

Vote on Motion: 3-2. Voting aye: Betcher, Martin, Beatty-Hansen. Voting nay: Gartin, Corrieri. Motion carried.

Council Member Martin said he does like the idea of having this be possible somehow, some time in Ames, as it can be a better hospitality experience for some people. Ms. Corrieri said Council is effectively putting people out of business who have been trying to work with Council for over a year to continue operating responsibly in this community. She also noted that Council Member Nelson was absent.

Moved by Beatty-Hansen, seconded by Martin, to reconsider this topic until Council Member Nelson was in attendance.

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

Mr. Martin said he is uncomfortable with saying anywhere in the City and that he believes it should be more restricted than that.

Moved by Beatty-Hansen, seconded by Betcher, to table this until the next Council meeting when the full Council can be present.

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

HEARING ON CREATION OF A NEW CHAPTER OF THE AMES MUNICIPAL CODE, KNOWN AS CHAPTER 35, GUEST LODGING: Planning and Housing Director Kelly Diekmann said staff provided an alternative to the Council Members not to take action on this tonight if they did not resolve the vacation lodging issue. The first step was for the Council to decide if it wanted to proceed with this tonight or not since the other issue was deferred.

Mayor Haila asked what is recommended procedurally. City Attorney Mark Lambert said to open the public hearing and then have a motion to continue to the hearing to a future date.

Mr. Diekmann said they have had input along the way without a public hearing. He asked if there was anything else that needed to be changed in the Ordinance that they haven't heard yet since June other than the vacation lodging question.

Moved by Martin, seconded by Beatty-Hansen, to add a carbon monoxide detector to the checklist for fire.

Mayor Haila said they can open the hearing, and continue it until Council Member Nelson gets back, or wait until they have a decision on vacation lodging. He said Mr. Diekmann asked if there were any other changes that needed to be added before coming back with the Ordinance.

Mr. Martin said has been opposed to this because of the lack of the safety requirement. There is a carbon monoxide requirement to get an LOC somewhere in the ordinance. Mr. Diekmann said it's in Chapter 13 but is only in relation to furnaces. Mr. Martin said guest lodging likely has a furnace, so the way he understands it, the current draft of the ordinance is that it currently does not have a comparable carbon monoxide requirement and he would like it to.

Mr. Diekmann said apartments don't require this either. The guest lodging for home shares are viewed as owner-occupied homes and would not have an LOC in the first place. Mr. Martin said they have added safety requirements to allow them to be used for guest lodging and this is an aspect of safety requirement that is appropriate for a home share that the owner may not be there.

Council Member Betcher asked if it would be possible to refer to the code by saying when a carbon monoxide detector is required by the rental code so that it loops in the furnace or the other things that the rental code acknowledges. Mr. Diekmann said they would need to talk to the building department for codes. He said staff can bring language back to insert it prior to first reading. Mr. Gartin said it's not good governance to put something in the ordinance without having a chance to talk to staff. Mr. Martin said he isn't asking for language to be added, he asked for a concept.

Moved by Martin, seconded by Beatty-Hansen, to include a carbon monoxide detector requirement proposal from staff.

Vote on motion: 5-1. Voting aye: Betcher, Martin, Beatty-Hansen, Corrieri. Voting nay: Gartin.

Motion passed.

Mayor Haila opened the public hearing.

Moved by Gartin, seconded by Beatty-Hansen, to continue the hearing to August 13.

Mr. Diekmann asked if everyone will be present at that meeting. Ms. Beatty-Hansen said she will be absent.

Moved by Gartin, seconded by Beatty-Hansen, to withdraw the motion as it was not viable.

Motion withdrawn.

Moved by Gartin, seconded by Beatty-Hansen, to continue the public hearing to August 27.
Vote on Motion: 5-0. Motion carried unanimously.

Moved by Betcher, seconded by Gartin, to continue the hearing until August 27.
Vote on Motion: 5-0. Motion declared carried unanimously.

HEARING ON CONVEYANCE OF CITY OWNED PARCEL LOCATED AT 734 E. LINCOLN WAY: Mayor Haila opened the public hearing. No one came forward to speak, and the hearing was closed.

Moved by Gartin, seconded by Betcher, to adopt Alternative No. 1, thereby approving the conveyance of City-owned property located at 734 E. Lincoln Way less the northern 60' in the amount of \$10,489, based on the Council policy for establishing a sale price for City-owned property.

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

HEARING ON VACATION OF PUBLIC UTILITY, SURFACE WATER FLOWAGE, AND STORM SEWER EASEMENTS AT 397 WILDER AVENUE:

Moved by Beatty-Hansen, seconded by Gartin, to continue the public hearing until August 13, 2019.
Vote on Motion: 5-0. Motion declared carried unanimously.

Moved by Betcher, seconded by Beatty-Hansen, to table until August 13, 2019, accepting donation of Parcel A from Sunset Ridge Property Owners' Association for future park land.

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

HEARING ON PLANNED RESIDENCE DISTRICT (F-PRD) AMENDMENT AND MAJOR SITE DEVELOPMENT PLAN FOR SUNSET RIDGE SUBDIVISION 9TH

ADDITION AT 130 WILDER AVENUE: City Planner Eloise Sahlstrom reviewed the Plan. She advised Council that the property owner wants to go a different direction than originally approved

for 125 and 130 Wilder Avenue. Instead of having 20 townhomes located on each side of Wilder, the property owner now is interested in developing 130 Wilder Avenue into 15 detached single-family units on small lots.

Staff believes accommodating on-street guest parking would be a desirable element of development and could be included with the project. Widening the road by two feet would allow for three guest parking spaces in the street between driveways. The applicant requests to use parking on individual sites to meet requirements. Parking for owners and guests is proposed as the two-car garages and two spaces within the driveway on the site. The applicant also counts two additional spaces on the driveway approach that extends into the common area of the private street.

Ms. Sahlstrom said notices were mailed to the property owners. They have had some inquiries, but no objections. Staff's recommendation is to approve the 26-foot private drive with on-street parking and the condition that the Final Plat be completed for the subdivision.

Planning and Housing Director Kelly Diekmann advised Council if it approves Alternative 1, it would only widen the street by one foot on each side so it would just be done administratively instead of bringing it back to Council to see the wider street. Ms. Betcher asked what the size of Wilder Lane was on the original plan when it was originally approved. Mr. Diekmann said the street was 24-feet-wide because each side had a guest parking lot in it; but in this case, there is no guest parking in the street. Ms. Betcher asked how many cars can be parked in a 40-foot driveway. Mr. Diekmann said they wouldn't count the part that is the apron to the street, so they would say it's a two-car driveway. Ms. Corrieri asked if there were examples of 24-foot roads. Mr. Diekmann said there are some components of Stonebrook Road and Woodhaven Circle. A more recent PRD is on Brickman Avenue but it is wider and it has parking built into it. The bigger projects would suggest a parking area is necessary, but not with this size.

Mr. Gartin said the PRD is designed to give more latitude for the design perspective. Mr. Diekmann said it is to allow for options and maybe not meet all the requirements. He said they are pushing this because there is no public street parking on Wilder, so they would be asking for parking to be up a block.

Council Member Martin asked to know, if the street were not widened to 26 feet, what would the negative impacts on the residents be and what is the City's interest in requiring better parking. Mr. Diekmann said there is no permit parking on Wilder, so if someone were to park there, it would not be good. The PRD does not have specific standards for parking, so it is reviewed on a case-by-case basis.

Further discussion ensued regarding parking and functional elements of the project.

Applicant Justin Dodge representing Hunziker & Associates, 105 S 16th Street, Ames, said the concerns they keep hearing with new construction is that it costs too much and everything looks

exactly the same. They listened and responded, and this is their first solution at addressing those topics. Destiny Homes will be the builder of these homes. They have four floorplans that fit on any of the lots with different elevations, different roof lines, and different colors. The townhomes across the street didn't sell as well as they had hoped, so they are switching gears. Hunziker will be the developer on the project and they will sell the lots right away to Destiny Homes. If the lots can be kept at the price believed, homes can have a delivered sales price at \$220,000 for brand new construction. These have been built in the Des Moines Metro and have been very successful. They can easily fit four full size vehicles in the driveway and then still have two more parking stalls in the garage. That's six parking spaces per home, which are two- and three-bedroom houses.

Ms. Betcher asked what the implications would be if they say they need the 26-foot street. Mr. Dodge said they would need to go back to engineering and relocate the storm sewer and the water line, which would cost them time on engineering. The cost of paving is \$3700 or \$250 for each lot, but they are more concerned about losing out on the construction schedule. He said a contractor ordered the structures already and Destiny Homes is hoping to get started on these stick-built homes this year.

Mayor Haila opened the public hearing. No one came forward to speak, so he closed the public hearing.

Ms. Betcher said one of the trends with private roads is that homeowner's associations often come back to the City and ask them to take over the maintenance of the private roads. She said she is also concerned about making sure lots of cars can be parked, but this is adding impervious surface in order to park more vehicles. But they are also ensuring that the ingress and egress of emergency vehicles is possible on a 26-foot street. Ms. Beatty-Hansen said, in general, she is not in favor of more parking, so the driveway parking seems sufficient.

Moved by Gartin, seconded by Corrieri, to adopt Alternative 2, thereby approving the proposed PRD Amendment and Major Site Development Plan as proposed by the applicant with a 24-foot-wide private street and the condition to complete the Final Plat of the Sunset Ridge Subdivision, 9th Addition.

Mr. Martin said land in Ames is expensive; this was an attempt to try to minimize the footprint and maximize the utility of the land, so he believes it's a good small test-run.

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

PRELIMINARY PLAT FOR SUNSET RIDGE SUBDIVISION, 9TH ADDITION (130 WILDER AVENUE): Moved by Corrieri, seconded Beatty-Hansen, to adopt Alternative No. 1, thereby approving the Preliminary Plat for Sunset Ridge Subdivision, 9th Addition.

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

HEARING ON ASBESTOS REMEDIATION AND RELATED SERVICES AND SUPPLY CONTRACT FOR POWER PLANT: Mayor Haila opened the public hearing. Seeing no one who wished to speak, he closed the public hearing.

Moved by Beatty-Hansen, seconded Betcher, to adopt Alternative No. 1, thereby awarding the contract for Asbestos Remediation and Related Services Contract for the Power Plant to Earth Services & Abatement, LLC of Des Moines, Iowa, for unit prices bid in a total amount not to exceed \$80,000.

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

HEARING ON NON-ASBESTOS INSULATION AND RELATED SERVICES AND SUPPLY CONTRACT FOR POWER PLANT: The public hearing was opened by Mayor Haila. After no one came forward to speak, he closed the hearing.

Moved by Beatty-Hansen, seconded Betcher, to adopt Alternative No. 1, thereby awarding the contract for Non-Asbestos Insulation and Related Services and Supply Contract for Power Plant to HTH Companies, Inc., Union, Missouri, for unit prices bid in a total amount not to exceed \$80,000.

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

HEARING ON SOUTH GRAND AVE – SOUTH 5TH TO SQUAW CREEK DR AND SOUTH 5TH ST – SOUTH GRAND AVE TO 600’ WEST OF SOUTH DUFF AVENUE: Mayor Haila opened the public hearing and closed it due to no one coming forward to speak.

Moved by Betcher, seconded Beatty-Hansen, to adopt Alternative No. 1, thereby accepting the report of bids for the South Grand Ave – South 5th Street to Squaw Creek Drive and South 5th Street – South Grand Avenue to 600’ west of South Duff Avenue; approving the final plans and specifications for this project, and awarding contract to Peterson Contractors Inc. (PCI) of Reinbeck, Iowa, in the amount of \$3,159,304.15, contingent upon receipt of Iowa DOT concurrence.

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

ENGINEERING FOR TRIPP STREET EXTENSION: Public Works Director John Joiner said the City of Ames was working with J-Corp on a partnering agreement for development of the former Ames Middle School site at 321 State Avenue. As a part of working toward the Agreement, J-Corp retained FOX Engineering to design plans for the potential subdivision layout and infrastructure elements. In early 2018, it was decided that an agreement would not be pursued any further. City of Ames Engineering staff was then asked to develop plans and specifications for the extension of Tripp Street through the site.

At the December 18, 2018, City Council meeting, staff reported on the engineering effort for the 321 State Avenue development. At that time, it was stated in the report that City staff did use the FOX

design in creating a profile for Tripp Street. Following that report, FOX Engineering requested a meeting with City staff to discuss similarities between the City's Tripp Street design and the FOX design for the overall subdivision and infrastructure. The roadway alignment followed existing storm sewer and the vertical profile elements of the City plans matched those of FOX. Because of using the FOX alignment, it was pointed out that elements such as pedestrian ramp design inevitably matched as well. Both plans also included a pond and storm sewer at the lower east side of the project. While the pond in the City plans was initially utilized for providing roadway fill for the project, rather than specifically for stormwater management, it was identical to the stormwater system designed by FOX. However, as the City moves forward with subdivision of this area, the pond will likely become a component of the stormwater management plan. Although other elements such as the western part of the storm sewer system and the water main design did not directly match the FOX plans, it was pointed out that these elements needed to be designed along with the engineering effort for those components that were a match between the two designs.

At the request of City staff, FOX submitted timesheets showing its staff's effort for project components such as the preliminary plat, preliminary design, stormwater management, survey and construction plans, which totaled \$57,339.05. Since FOX's client on this project was J-Corp, not the City, an agreement has been drafted which provides for payment by the City to J-Corp, which will subsequently transfer these funds to FOX. In turn, the City would own the work product outright and have it available for use on additional elements and phases as the project continues to move forward.

Mr. Gartin asked if there was anything that might've been done differently with respect to the way the City dealt with JCorp. Mr. Joiner said the main relationship was between Planning and JCorp. The City should've sat down with FOX before the plans were developed to find out what the plans were before moving forward. He stated that there was no consulting between FOX and Public Works.

Mayor Haila opened public input.

Duane Jensen, representing JCorp, 4795 Timbercreek Lane, Huxley, said on June 24, 2019, without any direct conversation with City staff since December of 2018, in regards to 321 State Avenue, he found that JCorp was on a consent agenda stating that JCorp had agreed to a payment for a settlement of a dispute with the City of Ames and was releasing the City of responsibility for the alleged prior use of FOX Engineering work product. Had not seen such documents. Council awarded JCorp \$293.10 on December 18, 2018, based on City staff's report to Council on their minimal reliance on FOX's work product for their engineering time savings. Mr. Jensen said he has not received that check, but was made aware by FOX that City staff was being challenged by FOX as to staff's actual use of FOX's work product and the amount of staff's time-saving accordingly. He said that Council Member Gartin had asked his son, Ben, for the amount expended on the project and what amount JCorp would feel was fair as the City's portion of reimbursement. Ben Jensen had responded with \$90,000 total, and half of that, \$45,000, would be fair. This proposed agreement and release is higher yet. Mr. Jensen said he would prefer an amount without the entanglements of agreements, purchases, and releases. He does have high expectation for the record being set straight

as to the reality of what City staff used of FOX Engineering's work product in the Tripp Street extension engineering documents.

City Council Member Gartin asked Mr. Jensen what he would like Council to do. Mr. Jensen said that in January, Ms. Betcher directed staff to come back with options to reimburse JCorp for its work on 321 State. Eleven months later, that came back to staff as \$293.10. He said seven months have passed and he has not been in any of the conversations, but somehow it's gotten to the point of a signed agreement and release of liability back to the City for their use of the documents. He said he would like to go back to January 2018 and allow Council to answer its own question about what that number should be and forget the whole agreement and release, which means nothing to him.

Mr. Gartin asked if paying FOX will resolve any remaining issues with JCorp in the City's perspective. Ms. Beatty-Hansen said she doesn't see a difference in the separation. Mr. Martin said the agreement has to be signed by all three parties. Mr. Joiner said the agreement has been signed by FOX and JCorp. Mr. Gartin said if Mr. Jensen signed it, then that is a sign that he is in agreement with the resolution. Mr. Jensen said he had to sign the agreement to put it on the agenda; staff wouldn't put it on the agenda without a signature.

Moved by Gartin, seconded Betcher, to adopt Alternative No. 1, thereby approving an agreement with J-Corp and authorizing payment to J-Corp of \$57,339.05 from unobligated General Obligation Bond funds.

According to the terms of the agreement, J-Corp will transfer these funds to FOX Engineering.

Council Member Betcher said she made the motion in January to keep the ball rolling. She said it was not a request specifically for reimbursement from JCorp. She said it would've been better if Council had gotten information that came from a comparison of the documents with FOX working through that.

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

FLOOD MITIGATION RIVER FLOODING (CARNEY PROPERTY ACQUISITION):

Municipal Engineer Tracy Warner reviewed the information contained in the Council Action Form. On June 25, 2019, Ames City Council had considered the request to acquire property located at 1008 and 1016 S. Duff Avenue. Direction was given to staff at the meeting to inquire with Iowa Homeland Security about the finer points of the timing of an acquisition versus reimbursement for the FEMA Grant.

Mayor Haila said the crux of the matter is that Carney wants an agreement that says the City is going to purchase the property regardless of the project moving forward or not.

City Manager Steve Schainker said the options are to purchase the easement or to purchase the

property. Mayor Haila noted that the property owner is not interested in selling the easement. Council Member Martin said if the City agrees to buy the property and the grant doesn't come through, then the City will pay the full \$356,000 for the property. If the grant does come through, and they get the cost-sharing that they anticipate, then they only pay \$89,000 for the property. Mayor Haila said if the grant doesn't come through, then the City paid \$300,000+ for an inaccessible property out of taxpayers' money.

Ms. Betcher asked Ms. Warner to confirm if the City were to purchase the property, there was nothing it could do to improve the flooding situation if it didn't go through with the FEMA project. Ms. Warner said they can do a partial project and improve some conveyance under the bridge. Ms. Betcher asked if there was an area able to be developed if the City only bought the easement.

Ms. Warner said the City would not be buying the whole parcel, but of the part that would be acquired 19% is already in the flood fringe, and 61% in the floodway. Of the portion the City is buying, only 20% is outside of the flood limits. The 19% in the fringe would have to be elevated for an approved use. Ms. Betcher asked if they got an easement instead, would it allow more development for someone else to use the remainder of the space. Mr. Joiner said, with an easement, there could be a potentially bigger footprint building.

Ms. Betcher asked if it was enough of a buy-down to make it worth the money being spent. Mayor Haila said only 20% is developable anyway, so it would be very difficult to develop. Ms. Warner said she has an update that Iowa Homeland Security staff is meeting tomorrow with FEMA to go over the application. City staff has invited them for a site visit next week or at their earliest convenience. Mayor Haila asked if it's a positive sign if the application is moved for further review. Ms. Warner said they have gotten a lot further than in 2017, so it's a good sign. Mr. Gartin confirmed that nothing has changed and that staff is only recommending to buy the easement because there isn't enough justification from a flood water management approach to warrant paying for the full property.

Ms. Betcher said Council received a suggestion from Mr. Winkleblack in an email that if they were to buy the property, that Carney's would be amenable to not close things until May. She asked if that would be long enough to know if they are getting FEMA money or not. Ms. Warner said she was told the City would get the money in January, but things were delayed. Mr. Joiner said the commitment would be based on construction, and the timing could be delayed until they find out about the grant, but the contingency to buy the land cannot be based upon the grant.

Chuck Winkleblack representing Hunziker Companies, 105 S 16th Street, Ames, said the owners just want to have some date in there. He said they can be flexible, they just need to know if they will be moving forward or not. Mr. Gartin asked what they would like Council to do. Mr. Winkleblack said he would like Council to do whatever they can to move it forward to say that they are going to agree to buy the parcel and they will move forward when the money comes in.

Council Member Gartin clarified that Mr. Winkleblack and Carney's are wanting Alternative 2.

Mayor Haila asked if the City can reapply for funding, if needed. Ms. Warner said if the grant money becomes available, they can reapply. She said they have gotten word from DOT that they are looking at replacement of the Highway 30 bridges in 2023. So if the City doesn't get the funding, they should consider taking a step back and see what the impact of the hydraulic bridge replacements are. Mr. Gartin said staff can't justify using tax payer money for a fee simple acquisition, but this has been dragged out for a long time. He said Council needs to treat people fairly and not string the project along for several years.

Ms. Warner asked, if the sellers are not willing to give an easement, if the City is in a place to negotiate or would it just go to eminent domain. Ms. Beatty-Hansen asked how much a fight is worth if they don't agree to the terms of the easement. She also asked if there is any potential recreational value to the land to create an access point for recreational use If FEMA funding doesn't come through. Ms. Warner said there is potential and they can explore those options.

Moved by Beatty-Hansen, seconded by Gartin, to direct staff to move ahead with the intent to acquire a fee simple acquisition for \$356,000 for the front property at 1016 S. Duff and a permanent easement for \$6,840 for the rear property at 1008 S. Duff.

Ms. Schainker suggesting adding a due date. Mr. Winkleblack recommended 2020.

Moved by Beatty-Hansen, seconded by Gartin, to amend the motion to add by December 31, 2020.

Ms. Betcher said this motion is troubling to her as she has been voting no on the whole mitigation strategy all the way through. She likes the idea of buying the land for the purpose that Ms. Beatty-Hansen suggested and to give closure to Carney's, but it also enables them to do the project that she's been voting against so she feels like she needs to continue to vote no even though she feels like this is the right thing to do.

Ms. Warner said a Federal Land Acquisition process is needed. Mr. Haila asked if this is to remain a verbal agreement or if they needed to obtain a written agreement without any money. Ms. Warner confirmed that as long as no money changes hands, they can enter into an agreement in writing to purchase it as long as it's not contingent upon the grant.

Vote on Motion: 3-2. Voting aye: Gartin, Beatty-Hansen, Corrieri. Voting nay: Betcher, Martin. Motion declared carried.

ORDINANCE ON ZONING TEXT AMENDMENT TO CHAPTER 29.401(5) TO ALLOW MULTIPLE BUILDINGS ON SINGLE LOTS IN CERTAIN ZONING DISTRICTS: Public input was opened by Mayor Haila and then closed after no one came forward to speak.

Moved by Beatty-Hansen, seconded by Corrieri, to pass on second reading the Ordinance amending Chapter 29.401 to allow multiple buildings on single lots in certain zoning districts.

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

ORDINANCE NO. 4389 REZONING 3315 S. RIVERSIDE DRIVE FROM AGRICULTURAL TO RESEARCH PARK INNOVATION DISTRICT: Moved by Corrieri seconded by Betcher, to approve the third passage and adopt ORDINANCE NO. 4389 rezoning 3315 S. Riverside Drive from Agricultural to Research Park Innovation District.

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

DISPOSITION OF COMMUNICATIONS TO COUNCIL:

Letter from Heartland Senior Services dated July 15, 2019, Re: Request to transfer title of the property and building that HSS occupies at 205 S. Walnut to Heartland Senior Services:

Moved by Corrieri, seconded by Gartin, to place on a future agenda.

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

Memo From Damion Pregitzer, Traffic Engineer dated July 19, 2019, Re: Update on Inclusion Crosswalk at 5th Street and Douglas:

Moved by Corrieri, seconded by Beatty-Hansen, to direct the City Attorney to bring back a memo on liability with regards to continuing to paint the crosswalk with the original plan.

Mr. Martin asked if colored pavers would be equally compliant or non-compliant. Mr. Schainker said in order to get it done for Pride Week the cost would be \$63,000. Mr. Joiner said earth tones are deemed to be appropriate as long as the crosswalk is delineated. Mr. Schainker asked if they could do this in some other form than a crosswalk to be done by September. Ms. Corrieri said they are trying to embrace the inclusivity, not just for a specific event; so timing is not as important.

Moved by Corrieri, seconded by Beatty-Hansen, to get a memo from staff along with the memo from the City Attorney for alternative options they might recommend.

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

Memo From Damion Pregitzer, Traffic Engineer dated July 19, 2019, Re: Rectangular Rapid Flashing Beacons:

Ms. Betcher said there was a request on S 16th Street as well as the one on Stanton. Ms. Beatty-Hansen said they didn't refer them. Ms. Betcher said those requests would've gotten more traction had they not realized that they were prohibited at that time. *Ex Officio* Devyn Leeson asked for other input in other places that students think they're needed.

Moved Betcher, seconded by Beatty-Hansen, requesting a memo from staff on the possibility of rectangular flashing beacons on Stanton and Lincoln Way and S. 16th Street at Copper Beech.

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

Letter from Kurt Friedrich and Luke Jensen dated July 18, 2019, Re: Request to explore the use of 1) TIF (tax increment financing) to fund Pioneer infrastructure in not just commercial, but residential

development 2) review the way it has approached rural water buyouts; 3) consider extensions of utilities into areas desirable for expansion 4) Consider other available tools/resources as it applies to incentivizing desired residential and commercial development:

Ms. Corrieri said the request is pretty broad; this is so big that they need to have a larger conversation during goal setting. Ms. Beatty-Hansen said some of it will depend on conversations they have had as they are developing the Comprehensive Plan. Mr. Gartin said the letter is heavily on the role of the City on providing infrastructure.

Ms. Beatty-Hansen said each item is substantial on its own and would take a lot of time to work through. Ms. Corrieri said it is all about affordability and diversity of housing, and a memo will not satisfy it. Mayor Haila said it should be a workshop topic.

Moved by Gartin to refer to staff for development of a workshop on the subject of tools available for approving affordable housing. Motion died for lack of a second.

Moved by Betcher, seconded by Gartin, to refer to staff for a memo on the background on the issues that were raised in the email and anything else they see is related.

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

Letter from Paul Livingston dated June 21, 2019, Re: Annexation of Champlin Lloyd Farm:

Mr. Schainker referred to Director Diekmann regarding the memo staff provided. Mr. Diekmann said staff had asked for direction on what kind of annexation to pursue. Staff provided a memo or staff report. He said they had told Champlin Lloyd Farm representatives that they can apply for annexation at any time. They want to know what the expectations of the City are before applying and whether the City would accept them applying for an annexation. They have never discussed merits or anything that goes into the development.

Council Member Martin said if they submitted an application, Council would have enough information to make a decision. Mayor Haila asked if the annexation would create an island. Mr. Diekmann said they can apply and Council will consider when the application is in, or they can add it to an agenda to discuss options and then wait for them to apply. Ms. Beatty-Hansen confirmed that they are waiting for permission to apply.

Moved by Martin, seconded by Beatty-Hansen, to communicate with Paul Livingston that he is free to apply for the annexation.

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

COUNCIL COMMENTS: Ms. Betcher reminded Council of the Rummage Rampage schedule and location.

Mr. Martin commented that there was a meeting discussing a mystery internet provider and they are on track to get a report in August. Since then, the City has had interest from another provider as well.

Moved by Gartin, seconded by Beatty-Hansen, to refer to staff for ideas for field trips in lieu of workshop meetings.

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

Moved by Corrieri, seconded by Beatty-Hansen, to get information from the City Attorney on whether there is a way to allow currently operating guest lodging businesses to remain if disallowing them in low-density neighborhoods.

Ms. Betcher asked if this is for houses in any area. Ms. Corrieri said if they are going to do anything, it would be in medium- or high-density areas.

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

ADJOURNMENT: Moved by Beatty-Hansen to adjourn the meeting at 10:59 p.m.

Rachel E. Knutsen, Deputy City Clerk

John A. Haila, Mayor