

MINUTES OF THE REGULAR MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

JUNE 9, 2015

The Regular Meeting of the Ames City Council was called to order by Acting Mayor Peter Orazem at 6:00 p.m. on the 9th day of June, 2015, in the City Council Chambers in City Hall, 515 Clark Avenue. Present were Council Members Gloria Betcher, Amber Corrieri, Tim Gartin, and Chris Nelson. *Ex officio* Member Sam Schulte was also present. Mayor Campbell and Council Member Matthew Goodman were absent.

PRESENTATION OF LIFE-SAFETY AWARDS BY POLICE DEPARTMENT: Police Chief Chuck Cychosz expressed the importance of the Department's Automated External Defibrillator (AED) Program and gave summaries of incidents that had occurred in the past few months that demonstrated its impact on members of the community. According to Chief Cychosz, there have been 36 AED deployments since 2012.

Chief Cychosz recognized the following members of the Ames Police Department for taking life-safety actions:

Kurt Kruger: Commendation Award for responding to a report of a man not breathing and appearing to be having a heart attack. Officer Kruger deployed the AED and performed chest compressions; after which the victim's heart started to beat on its own. The victim was transported to Mary Greeley Medical Center. The Department was informed that the victim has made a full recovery.

Dan Walter, Heath Ropp, and Amber Christian: Commendation Awards for responding to a report of an unresponsive female. Within two minutes of the call, Lieutenant Walter, Sergeant Ropp, and Officer Christian had attached the AED to the victim and continued life-saving measures until the victim started breathing again. It was later learned that the victim survived the incident.

Nate Rivera: Commendation Award for assessing the severity of an injured victim and applying a tourniquet to the wound. Medical personnel stated that if it had not been for the application of the tourniquet by Officer Rivera, the person would likely have died from blood loss.

Scott Clewell: Meritorious Service Award for being a leader in training the Department in the use of AED and First Aid/CPR since 2012 when AEDs were first deployed. This training has led to a number of lives being saved in the community. Officer Clewell's performance was above and beyond his basic work assignment.

Maggie Moody and Karla Hobbs: Letters of Appreciation for initiating Emergency Medical Protocols for cardiac arrest and dispatching appropriate resources to the scene after receiving a call of an unresponsive female. The victim survived the incident.

Danny White: Outstanding Citizen Award. Mr. White was a customer at a local restaurant when he noticed another customer appeared to be having a medical issue and quickly responded. Mr. White assessed the situation, and began performing CPR until relieved by Ames Police officers.

CONSENT AGENDA: Moved by Nelson, seconded by Betcher, to approve the following items on the Consent Agenda:

1. Motion approving payment of claims
2. Motion approving minutes of Regular Meeting of May 26, 2015, and Special Meeting of May 19, 2015

3. Motion approving certification of civil service applicants
4. Motion approving Report of Contract Change Orders for May 16-31, 2015
5. Motion approving renewal of the following Beer Permits, Wine Permits, and Liquor Licenses:
 - a. Class A Liquor w/ Outdoor Service – Green Hills Residents’ Association, 2200 Hamilton Drive #100
 - b. Class E Liquor, C Beer, and B Wine – AJ’s Liquor, 4518 Mortensen #109
 - c. Class E Liquor, C Beer, & B Wine – Kum & Go #200, 4510 Mortensen Road
 - d. Class E Liquor, C Beer, & B Wine – Kum & Go #214, 111 Duff Avenue
 - e. Class E Liquor, C Beer, & B Wine – Kum & Go #215, 4506 Lincoln Way
 - f. Class E Liquor, C Beer, & B Wine – Kum & Go #216, 203 Welch Avenue
 - g. Class E Liquor – MMDG Spirits, 126A Welch Avenue
 - h. Class C Liquor – Texas Roadhouse, 519 South Duff Avenue
 - i. Special Class C Liquor – Hickory Park, 1404 South Duff Avenue
6. Motion approving Ownership Change of Class C Liquor License for Fuji Japanese Steakhouse, 1614 South Kellogg Avenue, Ste. 101
7. Motion approving 5-day (June 24-June 28) Special Class C Liquor License for Global Reach Internet Productions at CPMI Event Center, 2321 North Loop Drive
8. Motion approving 5-day (June 13-June 17) Special Class C Liquor License for Olde Main at Reiman Gardens, 1407 University Boulevard
9. Motion approving 5-day (June 10-June 14) Special Class C Liquor License for Olde Main at Hansen Ag. Student Learning Center, Iowa State University Campus
10. Motion approving 5-day (June 13-June 17) Special Class C Liquor License for Burgie’s Coffee and Tea at ISU Alumni Center, 420 Beach Avenue
11. Motion approving 5-day (June 25-29) Special Class C Liquor License for Olde Main at Reiman Gardens, 1407 University Boulevard
12. Motion approving Ownership Change of Class C Liquor License for Red Lobster, 1100 Buckeye Avenue
13. 4th of July Activities:
 - a. RESOLUTION NO. 15-346 approving closure of Clark Avenue between 5th Street and 6th Street from 5:00 p.m. on Friday, July 3, until conclusion of parade on July 4 for City Council Community Pancake Breakfast
 - b. Motion approving blanket Temporary Obstruction Permit for MSCD from 8:00 a.m. to 2:00 p.m. on July 4
 - c. RESOLUTION NO. 15-347 approving waiver of utility fees for use of outlets
 - d. Parade on Saturday, July 4:
 - i. RESOLUTION NO. 15-348 approving closure of portions of Main Street, Northwestern Avenue, Fifth Street, Douglas Avenue, Burnett Avenue, Kellogg Avenue, Clark Avenue, Allan Drive, and Pearle Avenue from 6:00 a.m. until end of parade
 - ii. RESOLUTION NO. 15-349 approving closure of Parking Lot MM, Depot Lots V and TT, and south half of Parking Lot M from 6:00 a.m. to 2:00 p.m.
14. RESOLUTION NO. 15-350 adopting new and revised fees
15. RESOLUTION NO. 15-351 deaccessioning two pieces of artwork (sculptural pieces, concrete pad, and terra cotta inserts) located at Lincoln Way and Marshall Avenue and West Lincoln Way and South Oak Street
16. RESOLUTION NO. 15-352 approving 2015/16 Human Services Contract with Heart of Iowa Regional Transit Agency (HIRTA)
17. RESOLUTION NO. 15-353 approving 2015/16 contract with Ames Economic Development Commission for economic development services
18. RESOLUTION NO. 15-354 approving three-year contract with HIRTA for CyRide Dial-A-Ride Bus Service

19. RESOLUTION NO. 15-355 approving TSIP Agreement with Iowa Department of Transportation for West Lincoln Way Improvements (Lincoln Way/Franklin Avenue)
 20. RESOLUTION NO. 15-356 canceling License Agreement between the City and Chicago & Northwestern Railway Company (currently known as the Union Pacific Railroad) for Electric Services
 21. Insurance Renewals:
 - a. RESOLUTION NO. 15-357 approving one-year extension of agreement with Willis of Illinois for brokerage services
 - b. RESOLUTION NO. 15-358 approving 2015/16 Annual Premium for Power and Municipal properties, brokered by Willis
 - c. RESOLUTION NO. 15-359 approving coverage brokered by Holmes Murphy & Associates (with coverage provided by Midwest Employers Casualty Company) for Excess Workers Compensation Insurance
 22. RESOLUTION NO. 15-360 approving closure of 100 block of Welch Avenue for installation of mechanical equipment at 2422 Lincoln Way
 23. RESOLUTION NO. 15-361 awarding contract to Municipal Emergency Services, Inc., of Fremont, Nebraska, for Self-Contained Breathing Apparatuses in the amount of \$273,758
 24. RESOLUTION NO. 15-362 awarding contract for Specialized Heavy-Duty Cleaning Services for Power Plant Boilers to Bodine Services of Clinton, LLC, of Clinton, Iowa, for hourly rates and unit prices bid, in an amount not to exceed \$175,000
 25. Underground Trenching for Electric Services:
 - a. RESOLUTION NO. 15-363 approving renewal of primary contract with Ames Trenching & Excavating, Inc., of Ames, Iowa, in an amount not to exceed \$255,000
 - b. RESOLUTION NO. 15-364 approving renewal of secondary contract with Communication Technologies of Des Moines, Iowa, in an amount not to exceed \$45,000
 26. RESOLUTION NO. 15-365 approving renewal of contract with Itron, Inc., of Liberty Lake, Washington, for Water Meter and Related Accessories in an amount not to exceed \$500,000
 27. RESOLUTION NO. 15-366 approving Change Order No. 4 to MSR of Minneapolis, Minnesota, for Library Renovation and Addition in the amount of \$15,302
 28. RESOLUTION NO. 15-367 approving Change Order to Engineering Services Agreement with Howard R. Green, Inc., for Grand Avenue Extension Location and Environmental Studies in an amount not to exceed \$265,861.35
 29. RESOLUTION NO. 15-368 approving Change Order No. 3 to Eriksen Construction of Blair, Nebraska, for WPC Digester Improvements Project for reduction of (\$77,572)
- Roll Call Vote: 5-0. Resolutions/Motions declared adopted/approved unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

PUBLIC FORUM: Acting Mayor Orazem opened the Public Forum. He closed same after no one came forward to speak.

CAMPUSTOWN URBAN REVITALIZATION AREA CRITERIA: Planning and Housing Director Kelly Diekmann recalled that the Campustown Action Association (CAA) had requested that the Council consider making an incentive in the Tax Abatement Criteria encouraging owners to lease commercial space in Campustown to non-formula-retail businesses and to allow for Adaptive Reuse for buildings that had been constructed more than 50 years ago. He advised that that would require the City to define a formula-retail business for the purpose of deciding eligibility for property tax abatement. The request to change the Adaptive Reuse Criteria would change the current eligibility threshold from a building constructed prior to 1941 to a standard of any building 50 years or older.

Mr. Diekmann defined formula-retail as a business with a certain number of stores that have a standardized array of services and goods, employee uniforms, architectural decor and facade appearance, trademarks, or other similar features that makes a business substantially identical to others. According to Director Diekmann, staff had identified 12 businesses that exist or are planned for Campustown that might meet the definition of a formula-retail business if the established minimum threshold is two or more establishments. Mr. Diekmann stated that the threshold (number of stores that would meet the definition of a formula-retail business) would have to be set by the City Council. According to Mr. Diekmann, Campustown was designated as an Urban Revitalization Area and an Urban Renewal Area in 2001. He brought the Council's attention to the Campustown Urban Revitalization Criteria Matrix.

Director Diekmann stated that formula-retail businesses have been regulated through zoning standards in dozens of cities across the country. At Director Diekmann's request, definitions pertaining to Business Use, as used in Sebastapol, California, were distributed to the Council members for their information and reference.

Council Member Corrieri asked what type of businesses the CAA felt were needed in Campustown. Director Diekmann noted that the letter from CAA indicated that it would like to see a grocery, large sit-down restaurant, or an entertainment venue.

Council Member Nelson said he was struggling with how the benefits of tax abatement for the smaller businesses who have been owned by a local owner for 30 years compared to the large developer projects (e.g., OPUS, Gilbane, Kingland). Director Diekmann explained the difference between incentivizing a business being assessed at \$100/square foot versus one valued at \$150/square foot. Mr. Diekmann noted that formula-retail has not been used to subsidize existing small businesses.

Director Diekmann explained the following Options:

1. Add criteria to left side (Slum Blight/Mixed Use/Adaptive Reuse)
2. Add criterion to right side (Brick Material and Design Standards, Under-represented Business)
3. Add new criterion as a fourth box (Mandatory Limit on Formula-Retail).

Discussion ensued that Option 1 would not have a requirement for the project to either redevelop property that is slum and blighted, to develop a mixed-use project with structured parking, or make adaptive reuse of a building constructed before 1941. It was noted that there had only been one project in the Campustown URA that had come in under the slum-and blight criterion. Instead, tax abatement could be provided for constructing a new building or making improvements to an existing building and then leasing space in that building to non-formula-retail businesses. Mr. Diekmann emphasized that in order to qualify for tax abatement, a project could not just lease space to a local business, but would also have to increase the assessed value of the property by more than 5%. This new option might provide a means for a smaller project to receive tax abatement, either new construction or renovation, with non-formula-retail on the ground floor and offices or a few residential units above.

Council Member Gartin asked if staff were concerned about finding tenants that would be willing to go along with a three-year lease with no option for renewal. Mr. Gartin noted that the business wants assurance that it will be able to remain in business at that location, and the owner wants to make sure that the tenant pays the rent. He noted his concern about allowing a three-year abatement schedule and not having an opportunity to renew.

Council Member Corrieri pointed out that there was no guarantee that the owner would pass the tax abatement benefit on to those leasing space.

Acting Mayor Orazem asked if there was anyone wishing to address the Council. Ryan Jeffrey, Chair of Business Improvement Committee for the CAA, said that not one person on the Committee was in favor of Option 2. Under Option 2, it would no longer be necessary for a project to comply with design and material standards that go beyond the zoning requirements. Also, it would not be necessary to lease to a business use that is under-represented in the District. Mr. Jeffrey stated that all Committee members agreed that it was extremely important to maintain the visual quality of the area. Their rationale is that if the building looks bad, no one will want to come to the area.

At the inquiry of Council Member Gartin, Mr. Jeffrey advised that the CAA's position is to recommend Option 3 to the Council. Option 3 would create a new box that it would make it mandatory to have some predetermined amount of non-formula-retail in order to qualify for tax abatement. Director Diekmann said that if the Council was interested in ensuring space for non-formula businesses, it would need to make it a prerequisite.

Council Member Orazem pointed out that at the time construction begins on a non-formula business, the owner would not know if he or she was going to receive an abatement. He would like to condition the abatement on actual contracts.

Council Member Gartin asked if there could be a rule that would require any lease to be for five years in order to be eligible for abatement. He believes that it would expand the pool of potential tenants. Council Member Orazem disagreed, stating that requiring a five-year lease would constitute more risk for the tenant. Council Member Orazem said that he would like to see a schedule that sets up an abatement schedule that does not involve a mandatory lease.

Possible next steps were explained by Mr. Diekmann. He believed that this issue could come back to the Council in the late summer or early fall. Discussion ensued among the Council members as to seeking input from the CAA and business owners. Council Member Nelson asked if the CAA had an expectation as to the timing. Mr. Jeffrey answered that the CAA could provide input relatively quickly; they have a Board meeting tomorrow and will be discussing this item. He also wants the Committee to have a discussion; it will meet early next month. The middle of next month would be when the CAA could get feedback to the Council.

Moved by Gartin, seconded by Corrieri, to direct staff to go with Option 3 with the abatement not beginning until there was occupancy.

Council Member Gartin asked City Attorney Judy Parks if this has been tested in courts and was found to be legal. Ms. Parks replied that was correct; Ames would not be the first place where this had occurred, and it appeared to be upheld. Council Member Nelson questioned whether there were any other communities in Iowa that had done this. Director Diekmann said that he was not aware of any.

Council Member Orazem noted that there was nothing being proposed that would prevent a non-formula business from taking advantage of what the City already offers. Council Member Corrieri commented that this option is very reasonable in that this is merely an option for people who are going to invest in the area.

At the inquiry of Council Member Nelson, Director Diekmann stated that it was possible to sunset a tax abatement. When the Plan would be adopted, an end date would need to be included. Currently, there are no end dates for any tax abatement programs in Ames.

Vote on Motion: 4-1. Voting aye: Betcher, Corrieri, Gartin, Nelson. Voting nay: Orazem. Motion declared carried.

Moved by Corrieri, seconded by Betcher, to recommend that ten be used (as the minimum number of similar establishments that establish the threshold), 30% as the minimum leased area square footage, and the suggestions from CAA's letter for exemptions be used as the starting point for gathering feedback.

Vote on Motion: 4-1. Voting aye: Betcher, Corrieri, Gartin, Nelson. Voting nay: Orazem. Motion declared carried.

Director Diekmann explained the Adaptive Reuse option as one of three choices to qualify for tax abatement. He noted that the current requirement for a building to be built prior to 1941 reflects the City's understanding of the historic context for the area. According to Mr. Diekmann, there are very few buildings along Lincoln Way that remain that would actually meet the 1941 threshold. It is staff's proposal that the threshold be changed from 1941 to have it be a rolling 50 years; that is the standard that comes from the Secretary of the Interior for how to first decide if a property should be evaluated for historic significance.

Ms. Betcher said that the reason she might be in favor of the 50-year moving wall would be to support more sustainability.

At the inquiry of Council Member Gartin, Director Diekmann replied that the Historic Preservation Commission had not weighed in on this issue. He said that it would only discuss it if the Council so directed.

Moved by Betcher, seconded by Corrieri, to direct staff to change the wording on the Adaptive Reuse to indicate the 50-year moving wall.

Vote on Motion: 4-1. Voting aye: Betcher, Corrieri, Gartin, Nelson. Voting nay: Orazem. Motion declared carried.

UN-MANNED AIRCRAFT SYSTEMS (UAS): Traffic Engineer Damion Pregitzer advised that, at this time, commercial drone usage is entirely regulated by the Federal Aviation Administration (FAA). The size of drones allowed by the FAA is less than 55 pounds. The Council's attention was brought to the FAA's requirements for operators of small UAS. Mr. Pregitzer noted that the one owned by Hunziker & Associates weighs only a few pounds.

According to Mr. Pregitzer, the FAA has established a comprehensive list of operational limitations for operators of small UAS in addition to certification. The major provisions were summarized. It was noted that FAA rule-making for UAS is still in the very initial stages. Mr. Pregitzer stated that staff had worked with Hunziker & Associates to agree to additional notification requirements that would be specific to the Ames area.

Mr. Pregitzer emphasized that, under the FAA rules, operators of any UAS cannot fly their aircraft over any property that they do not own public or private or until they have permission in writing from each property owner involved during a particular flight. The UAS owner also has to keep a detailed flight log, which must be submitted to the FAA every month. According to the requesting party (Hunziker & Associates), the drone will not be flown over public property.

Pointing out that this would be the first commercial drone usage in the Ames community, it was noted that Ames does not have an official policy related to the private use of small aircraft.

Mr. Pregitzer advised that he had talked with the City's Risk Manager about the issue of liability. It will have to be determined what kind of liability insurance the operator must have. City Manager Schainker

distributed the recommendation of the Risk Manager as to what insurance requirement would need to be incorporated into an agreement pertaining to the UAS.

Council Member Betcher expressed her concerns about the City authorizing the use of a drone without having done more research as to what the City's policy should be. She said she was not necessarily against the usage of UAS, but had an issue with the City authorizing the usage of them without a consistent policy in place.

Council Member Nelson pointed out that there are no requirements for the recreational user. Mr. Pregitzer concurred, stating that there are suggestions by the FAA, but no requirements.

Moved by Nelson, seconded by Corrieri, to direct the City Attorney to draft an agreement with Hunziker & Associates authorizing it to operate small UAS for commercial use until December 31, 2015.

Justin Dodge, Hunziker & Associates, 105 S. 16th Street, Ames, commented that this is a brand-new topic nationwide. What Ames does will set the tone for others; the FAA is using Ames as a "guinea pig."

Council Member Betcher asked what would be the benefit of using a UAS for market purposes. Mr. Dodge answered that flying the drone about 20 to 25' above the house and taking pictures and fanning out to show amenities in the area gives potential buyers a better idea of the property. At the inquiry of Council Member Nelson, Mr. Dodge advised that, from that distance, any people in the area being fanned over would not be identifiable.

Vote on Motion: 4-1. Voting aye: Corrieri, Gartin, Nelson, Orazem. Voting nay: Betcher. Motion declared carried.

PROCESS FOR OUTSIDE FUNDING REQUESTS: Management Analyst Brian Phillips explained that the current process used to manage requests for funding from outside community organizations has been successful in the past. Mr. Phillips explained the issues that have caused the process to be questioned, as follows:

1. Is the Council interested in having a policy similar to that followed for ASSET funding, i.e., the Council identifies its priorities in the summer prior to the applicants developing their budgets?

Council Member Corrieri said that she was generally in favor of setting priorities; however, she does not think those are necessary for the outside funding requests because the applicant organizations are vastly different than the human service agencies.

Council Member Betcher said that she believes setting priorities would be beneficial. She noted that some applications are more thorough than others, and it is frustrating that there are such varying levels of specificity in the grant applications.

Moved by Corrieri, seconded by Orazem, to ask staff to come back at a later date with recommendations for outside funding priorities.

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

2. How much funding should be made available?

Moved by Betcher, seconded by Corrieri, to direct staff to set a maximum amount of funding that may be considered by the Review Team.

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

3. How should staff pursue contracts when purchasing less than applicant request?

Mr. Phillips explained that in cases where the City Council approves a lesser amount than the applicant has requested, City staff has been left to identify what the City Council is interested in purchasing and at what cost.

Council Member Corrieri said that she would like the applicant to prioritize their own proposed services rather than focus on the unit cost of each activity.

Moved by Corrieri to direct staff to modify the application to ask applicants to prioritize their own proposed services.

Motion died for lack of a second.

Moved by Corrieri, seconded by Nelson, to ask applicants to prioritize their own proposed services and require that funds be tied to specific tangible services for the public.

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

HEARING ON PROPOSED 2015/16 COMMUNITY DEVELOPMENT BLOCK GRANT ANNUAL ACTION PLAN: Housing Coordinator Vanessa Baker-Latimer explained that the Annual Action Plan outlines program activities that will be undertaken from July 1, 2015, to June 30, 2016, to meet the goals and priorities outlined in the Five-Year Consolidated Plan.

Ms. Baker-Latimer reminded the Council that input had been taken at public forums in February, and on March 3, 2015, the Council had approved the proposed 2015/16 Action Plan projects. According to Ms. Baker-Latimer, the Plan had also been made available for public comment from May 6 through June 5, 2015. One comment had been received during that time frame. The comment encouraged use of the funds to create additional affordable housing.

The City Council was informed by Ms. Baker-Latimer that the City had been notified by the Department of Housing and Urban Development (HUD) that its 2015/16 CDBG allocation would be \$484,297, which is approximately \$3,900 less than its 2014/15 allocation. Of that allocation, approximately \$387,438 is available for programming. In addition to the annual allocation, staff is cautiously anticipating a rollover balance of approximately \$700,000 and approximately \$132,063 of program income, which would result in an available balance of \$1,316,360 for the 2015/16 program year.

Ms. Baker-Latimer stated that staff was recommending that the anticipated budget for 2015/16 of \$1,316,360 be allocated to the following projects:

1. Homebuyer Assistance Program	\$ 50,000
2. Neighborhood Housing Improvement Programs:	
a. Single-Family Home Owners	100,000
b. Rental Property Owners	100,000
3. Acquisition/Reuse Program for Affordable Housing	705,000
4. Operation and Repair Program for Existing Properties	68,502
5. Public Facilities Improvement Program for Non-Profits	100,000
6. Renter Affordability (Deposit & Transportation Assist)	70,000
7. 2015/16 Program Administration	<u>122,858</u>
Total	\$1,316,360

Acting Mayor Orazem opened the public hearing. No one came forward to speak, and the hearing was closed.

Moved by Corrieri, seconded by Nelson, to adopt RESOLUTION NO. 15-369 approving the proposed Annual Action Plan projects as outlined above in connection with the City's Community Development Block Grant Program.

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

HEARING ON 2014/15 SEAL COAT STREET PAVEMENT IMPROVEMENTS: The public hearing was opened by Acting Mayor Orazem. He closed same after no one came forward to speak.

Moved by Nelson, seconded by Corrieri, to adopt RESOLUTION NO. 15-370 approving final plans and specifications and awarding a contract to Manatt's, Inc., of Ames, Iowa, in the amount of \$749,019.84.

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

HEARING TURBINE GENERATOR MAINTENANCE, REPAIR, AND RELATED SERVICES FOR ELECTRIC SERVICES: The Acting Mayor opened the public hearing. There was no one wishing to speak, and the hearing was closed.

Moved by Nelson, seconded by Corrieri, to accept the report of bids.

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

ORDINANCE REVISING REGULAR COUNCIL MEETING TIME: Moved by Nelson, seconded by Corrieri, to pass on first reading an ordinance revising Regular Council Meeting times.

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

ORDINANCE MAKING A ZONING TEXT AMENDMENT TO EXCLUDE PARKING STRUCTURES FROM THE DEFINITION OF FLOOR AREA RATIO (FAR): Moved by Corrieri, seconded by Betcher, to pass on second reading an ordinance making a Zoning Text Amendment to exclude parking structures from the definition of Floor Area Ratio (FAR).

Roll Call Vote: 4-0-1. Voting aye: Betcher, Corrieri, Nelson, Orazem. Voting nay: None. Abstaining due to a conflict of interest: Gartin. Motion declared carried.

ORDINANCE MAKING A ZONING TEXT AMENDMENT TO ALLOW FOR A LINCOLN WAY MIXED-USE OVERLAY ZONE: Moved by Nelson, seconded by Corrieri, to pass on second reading an ordinance making a Zoning Text Amendment to allow for a Lincoln Way Mixed-Use Overlay Zone.

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

ORDINANCE REVISING CHAPTER 23 OF THE MUNICIPAL CODE PERTAINING TO SUBDIVISIONS: Moved by Corrieri, seconded by Betcher, to pass on third reading and adopt ORDINANCE NO. 4218 revising Chapter 23 of the *Municipal Code* pertaining to subdivisions.

Roll Call Vote: 5-0. Ordinance declared adopted unanimously.

ORDINANCE PERTAINING TO CHILD RESTRAINT SYSTEMS: Moved by Corrieri, seconded by Nelson, to pass on third reading and adopt ORDINANCE NO. 4219 pertaining to child restraint systems.

Roll Call Vote: 5-0. Ordinance declared adopted unanimously.

COUNCIL COMMENTS: Council Member Betcher asked to know the amount of funding remaining for Downtown Facade Grants in Fiscal Year 2014/15. City Manager Schainker answered that there is \$22,000 remaining in FY 2014/15. There is one pending application that appears to be eligible (\$15,000), which brings the fund down to \$6,000. There is \$50,000 in the Downtown Facade Grant Fund for FY 2015/16. Rolling over the \$6,000 into FY 2014/15, there would be \$56,000 available. It was noted by Council Member Betcher that there is also a pending application from the Sheldon Munn. Director Diekmann advised that the award of the Downtown Facade Grant funding is slated to be on the June 23, 2015, Agenda.

Moved by Betcher, seconded by Orazem, to direct staff to request the report on the structural integrity of the Sheldon Munn and provide it to the Council.

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

Moved by Betcher, seconded by Gartin, to request staff to provide a memo to Council as to what other municipalities have done to address protesters.

Ms. Betcher clarified that her motion was in response to the letter received from the Director of the Main Street Cultural District specifically pertaining to the Dyvig's Pet Shoppe.

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

ADJOURNMENT: Moved by Corrieri to adjourn the meeting at 8:40 p.m.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor