

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

AMES, IOWA

SEPTEMBER 20, 2016

The Ames City Council met in special session at 6:00 p.m. on the 20<sup>th</sup> day of September, 2016, in the City Council Chambers in City Hall, 515 Clark Avenue, pursuant to law with Mayor Ann Campbell presiding and the following Council members present: Bronwyn Beatty-Hansen, Gloria Betcher, Amber Corrieri, Tim Gartin, Chris Nelson, and Peter Orazem. *Ex officio* Member Sam Schulte was also present.

**SCAFFOLDING AND RELATED SERVICES AND SUPPLY CONTRACT FOR POWER PLANT:** Moved by Orazem, seconded by Corrieri, to adopt RESOLUTION NO. 16-547 approving contract and bond for the Scaffolding and Related Services and Supply Contract for Power Plant.

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

**STORY COUNTY PRESENTATION ON PLANS TO CONNECT BIKE/TRAIL SYSTEMS WITH CITY OF AMES:** City Manager Schainker recalled that the Council had directed him to meet with the Story County Board of Supervisors to determine interest and plans to date for establishing trail connections from the city limits to the Heart of Iowa Trail. Mr. Schainker indicated that he had met with Supervisor Rick Sanders and Mike Cox, Director of the Story County Conservation Board. Because they both had good information to share, Mr. Schainker said he felt it would be best for them to attend this workshop and present it themselves.

Supervisor Sanders brought the Council's attention to the Story County Proposed Trails and Greenways Map, which had recently been adopted. Mr. Cox advised that the map represents existing trails as well as those that have been proposed. He said that all types of trails are shown, e.g., hard-surface, soft-surface, greenways.

Mr. Cox said he wished to speak about the three different trail connections that are being proposed: (1) southwest corner of Ames, (2) southeast corner of Ames, and (3) north corner. A map of each was shown.

Regarding the trail connection to the southwest corner of Ames, according to Mr. Cox, an Agreement has been entered into with Iowa State University to provide land to the County for the trail. The trail is in the design stages. The trail is proposed to run along 260<sup>th</sup> Avenue and run north of the dairy farm to the ISU Research Park.

According to Mr. Cox, the Story County Conservation Board has placed hard-surfacing of the trails to the High-Trestle Trail in its CIP; the County has not. Funding has not been identified at this time. Mr. Cox stated that paving costs equate to approximately \$400,000/mile.

Mr. Sanders advised that funding has been identified and is contained in the County's Plan to pave 530<sup>th</sup> south from the Ames City limits to 260<sup>th</sup>; that should occur within three years. Funding is not identified for a trail from 260<sup>th</sup> to South Dakota or 260<sup>th</sup> to Slater.

Mr. Cox pointed out that the proposed trails are merely lines on the map at this time. They are conceptual at this point; their exact locations have not been confirmed.

Mr. Sanders noted that there are three phases of the ISU Research Park. He advised that the County has committed to all three phases; however, funding has only been identified for the first third of the project. Mr. Cox shared that they are going to use this project to educate the public about how a commercial development can be symbiotic with resource management, recreation, and economic benefit.

Mayor Campbell asked the City Manager to comment on the uniqueness of County greenspace running through the City of Ames. Mr. Schainker admitted that it was very unusual, but the roles were divided when phases of the ISU Research Park were being developed, and this is how it ended up. Supervisor Sanders added that the greenspace is located within the City of Ames, but will be managed by County Park Rangers.

Council Member Gartin asked Mr. Cox if they had reached out to other bicycle groups in Central Iowa to get their feedback. Mr. Cox responded that they are just beginning the design phase; everything at this point is conceptual. He emphasized that they will go through a public vetting process.

Mr. Cox detailed the proposed project to connect to the southeast portion of Ames (I-35 and Highway 30). He said they would be developing a greenbelt corridor along the River and using it to connect to the Heart of Iowa Nature Trail. They current have a fund-raising campaign going to purchase and develop the Jordan Wildlife Area at a cost approximately \$800,000. Since this project has begun, Mr. Cox stated that there had been another 500 acres that had gone into some type of habitat-protection program. Mr. Sanders said that the County is looking at the quarry site at the intersection if I-35 and Highway 30. It wants to ensure that the gravel quarry, when it has served that purpose, will roll into public hands.

Pertaining to the connection to the north part of Ames, Mr. Cox showed the conceptual trials. He again emphasized that the trail locations shown were very general and have not been confirmed. No land has been secured. Mr. Cox indicated that they continue to work with the Corps of Engineers in an attempt to get the Old Interstate right-of-way south of Story City over to County ownership. Supervisor Sanders advised that, in 2009, it was mandated that the Corps of Engineers give that Interstate right-of-way free-of-charge to the County; they are still working on making that happen.

Mr. Sanders told the Council that the County has put in its budget to pave Hyde Avenue from the Ames city limits all the way to Gilbert. There will be a paved trail included in that project; that was funded by the Gilbert School District and Story County.

Pertaining to any future development of Moore Park and specifically the part that is west of Squaw Creek, Supervisor Sanders wanted it known that the County would have a real interest in “thinking outside the box” on that project. He is particularly interested in buffer strips.

The meeting recessed at 7:05 p.m. and reconvened at 7:11 p.m.

**VENDING ORDINANCE AND OUTDOOR CAFÉ ORDINANCE: Sidewalk Cafes.** Assistant City Manager Brian Phillips gave the background on the Sidewalk Café Ordinance. He noted that in 2012, the City Council had received a request from the Campustown Action Association to allow wait service at tables, not require barriers; however, if required, ensure that they, and allow alcohol to be served. City staff proposed additional modifications to the *Municipal Code*, which were ultimately discussed with the City Council in 2012 and consultations with the CAA and Main Street Cultural District (MSCD) occurred.

Mr. Phillips advised that a more significant change that is currently being proposed is to allow an offset sidewalk café. He stated that a four-foot clear path for pedestrians would still be required. It is also being proposed that parklets could be used for offset cafes. They would have to be reviewed for safety and storm water management. They would also must request use of metered parking space(s) from the City Council.

Another revision that is being proposed is to allow accessory devices, e.g., air conditioners, fans, heaters (if approved by the Fire Inspector), and noise-making devices if in compliance with the Noise Ordinance.

Also being proposed is to require that furniture and delineators not be made of plastic, plastic resin, or fabric. Staff is proposing an exception to allow furniture made of HDPE, which is similar in durability to wood, but does not rot.

Council Member Betcher asked why the materials allowed to be used in parklets are not specified. Mr. Phillips stated that if the Council is desirous of that, it could direct staff to look into it.

Council Member Gartin asked if staff had reached out to restaurants in Somerset or others who might have an interest in this. Mr. Phillips advised that Somerset is structured differently because the sidewalk cafes in that location are located on private property. The commercial properties are set back farther from the street.

Council Member Nelson noted that only plastic, plastic resin, and fabric are specified as not being allowed. There are other possible materials that might be unsightly. Mr. Phillips advised that staff would have to review that and perhaps come up with a more specific list.

Another revision being proposed is to allow table service. Mr. Phillips noted a couple requirements if table service is allowed: (1) tables must be bused promptly and (2) soiled tableware would not be kept in an outdoor busing station.

Mr. Phillips also covered the appeals process for revocation or denial of a Permit; it would mirror the Vending License process. Council Member Betcher said she would like a clause added that would cover parklets since they are not as movable as a sidewalk café. Mr. Phillips noted the current requirement: that the sidewalk café, including the barriers, be taken down at night.

Regarding the delineation of sidewalk cafes, it is being proposed that barriers at least 42" in height be used to separate patrons from the pedestrian area or street. It was noted that it is important to "contain" the sidewalk café and keep a clear path of travel. Assistant Manager

Phillips read a list of possible acceptable materials for the barriers. He noted that barriers are required in other comparable communities.

The CAA had requested that alcohol be permitted at sidewalk cafes, and the City Council had directed staff to work to make alcohol service a safe initial effort. Staff is now proposing a revision to permit alcohol if safety requirements are met. Restrictions being proposed were listed as follows:

1. Alcohol could only be served at restaurants, as defined by the City's 50/50 Alcohol Ordinance (prohibits minors from being on the premises where 50% or more of the business's sales are alcohol).
2. Prohibit consumption of outside food and beverage.
3. The number of patrons allowed would be limited to the number of chairs of the Code limit, whichever is less.
4. Alcohol service in sidewalk cafes after 10 PM would be prohibited.
5. Staff supervision of the sidewalk café would be required.
6. If at an offset sidewalk café, patrons would be prohibited from loitering with alcohol between the business and the sidewalk café.

According to Mr. Phillips, the intent is that alcohol service be incidental to the dining experience, not intended to extend bars onto the sidewalk.

Mr. Phillips emphasized that when considered a restaurant, alcohol service would be allowed; however, when it is considered a bar, alcohol would not be allowed at the outdoor café and minors would not be allowed.

Council Member Nelson noted that the City's current sidewalk requirement is that it be five feet. He asked why only the four-foot clear sidewalk requirement was being proposed for sidewalk cafes. Mr. Phillips stated that five feet is the suggested dimension, but four feet is currently required.

Beth DeVries, owner of DelaViti, stated that her business serves food; however, they don't meet the 50/50 Rule (at least 50% of the establishment's receipts are for food); they are more like 50/20 (50% from alcohol/20% from food). She asked the Council to consider allowing establishments who are not designated as restaurants to have a sidewalk café with certain standards, such as that the establishment serve food and that it be in good standing with the Ames Police Department. Ms. DeVries also asked that the outdoor furniture not be required to be brought in when the Café closes. She pointed out that it can be very large and heavy and a place to store it inside could be a problem.

Ryan Jeffrey, Arcadia Café, also recommended that the furniture not be required to be brought inside when the sidewalk café is closed. He agreed that it can be very heavy. He felt that it was important that everything be secured, however.

Lee Vondra, 1315 Mayfield Drive, Ames, asked for clarification of a few points. He noted that it was being proposed that busing stations not be allowed and asked if that would include public garbage cans. Mr. Phillips added that he had not contemplated that garbage cans would be used for food waste or waste products from the sidewalk café, and that would have to be figured out. He noted that trash receptacles would be allowed. Mr. Vondra also questioned the proximity of a sidewalk café to an existing parklet. Mr. Phillips believes that the staff would have to look at that and ensure that the parklet would not interfere with the sidewalk café. The parklets have only been allowed for one year. He felt that it could be worked out.

The General Manager of Café Beaudelaire on Lincoln Way shared that he is excited about the proposed changes and would be one of the businesses that would want to participate. He showed two possible scenarios: (1) the sidewalk café being located next to the business and (2) incorporating a parklet with a sidewalk café.

Council Member Beatty-Hansen questioned if the character is enough different in Downtown versus Campustown that it would warrant different requirements for the serving of alcohol in sidewalk cafes. It was noted that Iowa City has different zones with different requirements. Council Member Corrieri suggested that perhaps the service of alcohol should be tied to when the kitchen is open.

Assistant City Manager Phillips noted that, given the time frame of the sidewalk café season (April 1 to October 1), no changes would be effective for this year.

Council Member Gartin offered that he felt the City should absolutely do this and get it done by next spring; just a few items need to be fine-tuned.

Council Member Corrieri said that she felt there was consensus among the Council not to require bringing in furniture every night. Council Member Orazem noted, however, that it was important that the sidewalk sweeper must be able to pass safely.

Mr. Orazem shared that perhaps the 50/50 requirement for restaurant/bar could be relaxed. Mr. Phillips advised that the City does not have the right to condition the liquor license, but it does have the right to condition the use of its rights-of-way.

Vending. Assistant City Manager Phillips noted that the City Council had made Vending Code revisions in 2015. Those changes included allowing for different types of vendors (carts, mobile vending vehicles, vendor persons), prohibited food trucks (except mobile ice cream trucks), revised the appeals process, added the requirement for the vendor to get permission of the adjacent property owner, and created an additional set of “Administrative” rules.

Mr. Phillips pointed out the administrative challenges caused by the changes made in 2015. Those included:

1. The revisions required separate applications for vending cart, vendor person, sidewalk café, sidewalk sales, mobile vending vehicle, and newspaper dispenser.
2. The separate set of “Administrative” rules required prospective vendors to consult the application, rules and *Code*. These documents some times were in conflict and caused confusion for prospective vendors.

3. The revised *Code* contains unclear language and explanations.

There are also site selection issues in that there are no designated spots. Support of the adjacent property owner is required and the adjacent property owners have “veto” power over any prospective vendor. Currently, transfer of the license is prohibited. There have been other conflicts with saturation of vendors in one area, street furniture, and right-of-way space.

According to Mr. Phillips, the effect of the 2015 Ordinance changes has been a poor customer service experience for prospective vendors. All have to “hunt” for a space on their own, and that is frequently unsuccessful.

Mr. Phillips noted that there have also been enforcement issues. It is unclear who enforces violations of the Vending Code (City Clerk’s Office, Inspections, or the Police Department). One option offered by staff is to treat vending licenses like liquor license renewals: information would be collected on violations, encourage responsiveness, and bring a report to the City Council indicating whether problems have occurred. This would allow for clearer expectations to be sent to licensees.

According to Mr. Phillips, the current Code does not allow a vending truck, except mobile ice cream trucks. Staff has permitted food trucks to be operated at special events when streets are closed. It was noted by Mr. Phillips that food trucks are becoming more popular at events and on private property. He said that if the City Council believes that food trucks should be allowed on streets during special events, the *Municipal Code* should reflect that. Currently, food trucks on private property are regulated by the City only through land use and zoning.

Council Member Betcher said one of her concerns with vending trucks being allowed on private property would be the parking requirement. She noted that it would in essence mean that there would be two businesses on the property instead of one.

Mr. Phillips stated that staff would like to reach out to vendors for their issues and concerns.

Because of concerns that had been expressed by adjacent property owners to private properties where food trucks have been allowed to vend, Ms. Betcher would like staff to also get input from adjacent property owners.

Mr. Phillips said that Council needs to answer the philosophical questions of whether the City wants to require that the vendor get the support of the adjacent business and also whether it wanted to establish particular spots where vendors would be allowed. Mayor Campbell pointed out that businesses with store fronts pay property taxes; vendors do not.

Council Member Beatty-Hansen noted staff had also requested direction on whether to allow vending trucks during special events when City streets have been closed.

Moved by Beatty-Hansen, seconded by Orazem, to recognize that vending trucks should be allowed on City streets when they are closed.

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

Mr. Phillips noted that staff can return to Council with changes to the administrative sections of the Code in an attempt to make them less complicated.

**COUNCIL COMMENTS:** Moved by Betcher, seconded by Beatty-Hansen, to request a memo from memo from staff on whether or not the citizen reporting act could be used to identify other problems, such as crumbling sidewalks, snowy sidewalks, and other issues.

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

Moved by Gartin, seconded by Orazem, to refer to staff for a memo the letter from Ken's Appliance & Service regarding purchasing or trading a lot owned by the City of Ames at the corner of South 3<sup>rd</sup> and Washington Street to staff.

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

Moved by Gartin, seconded by Orazem, to refer to staff for a memo the letter from Joseph Sines regarding using the Ames Public Access Studio.

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

**ADJOURNMENT:** Moved by Beatty-Hansen to adjourn the meeting at 9:00 p.m.

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Diane R. Voss, City Clerk

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Ann H. Campbell, Mayor

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Heidi Petersen, Recording Secretary