

MINUTES OF THE REGULAR MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

APRIL 9, 2019

The Regular Meeting of the Ames City Council was called to order by Mayor John Haila at 6:00 p.m. on April 9, 2019, in the City Council Chambers in City Hall, 515 Clark Avenue, pursuant to law. Present were Council Members Bronwyn Beatty-Hansen, Gloria Betcher, Amber Corrieri, Tim Gartin, Chris Nelson, and David Martin. *Ex officio* Member Allie Hoskins was also in attendance.

PROCLAMATION FOR “BEV KRUEMPEL MAKING DEMOCRACY WORK DAY”: Mayor Haila proclaimed April 13, 2019, as “Bev Kruempel Making Democracy Work Day.” Accepting the Proclamation was Bev Kruempel.

PROCLAMATION FOR “NATIONAL BOYS & GIRLS CLUB WEEK:” The week of April 8-12, 2019, was proclaimed “National Boys & Girls Club Week” by Mayor Haila. Those accepting the proclamation were Chief Executive Officer of Story County Boys & Girls Club Erika Peterson, Development Director Jodi Stumbo, Operations Director Kaitlin Binnebose; and Cody Haferbier, who is the 2019 Youth of the Year. Mr. Haferbier is a Senior at Ames High School and has been with the Boys & Girls Club since he was in third grade.

PROCLAMATION FOR “ECO FAIR DAY:” Mayor Haila proclaimed April 20, 2019, as “Eco Fair Day.” Accepting the Proclamation were Director of Electric Services Don Kom and Assistant Director of Water & Pollution Control Christina Murphy. The Mayor informed everyone that the Eco Fair will be held in the Community Center Gymnasium at 515 Clark Avenue on Saturday, April 20, 2019. The event is free and will be open to the public from 9:00 a.m. until 1:00 p.m. In addition to interesting displays, and energy-related literature, there will be door prizes, giveaways, and games for kids.

PROCLAMATION FOR “FAIR HOUSING MONTH:” April 2019 was proclaimed as “Fair Housing Month” by Mayor Haila. Those accepting the proclamation were Planning and Housing Director Kelly Diekmann, Chairperson of the Human Relations Commission Joel Hochstein, and ACCESS Coordinator Virginia Griesheimer. Mr. Diekmann stated that the City has a very important role in supporting a number of organizations that do a lot of work for housing throughout the community. The City works to help educate landlords and work with tenants

PRESENTATION OF THE AMES HUMAN RELATIONS COMMISSION “A HOME FOR EVERYONE” AWARDS: Chairperson of the Ames Human Relations Commission Joel Hochstein explained that one of the ways that they recognize good work in the community is the “Home for Everyone” Award. The “Home for Everyone” Award recognizes and honors an individual or an organization that has made an exemplary commitment to providing safe, quality, and equitable housing opportunities that enhance the quality of life for members of the community.

The first award was presented to the Ames Economical Housing Association. Mr. Hochstein noted

that the Ames Economical Housing Association began offering affordable housing to older and physically challenged individuals with limited financial resources in 1985. He thanked the Ames Economical Housing Association for its dedication to the community and all the work it has done in the last 34 years.

The second award was presented to Youth and Shelter Services (YSS). Mr. Hochstein stated that YSS has been a cornerstone of the Ames community for the past 40 years and its deep dedication to youth and young adults in the community is admirable. Youth and Shelter Services transitional living program assists youth and young adults to live more independently as they navigate from homelessness to more stable housing environments.

It was noted that “Reggie’s Sleepout” is going to be held on Friday, April 26, 2019, which will be held at the Cyclone Sports Complex on Ash Avenue in Ames. “Reggie’s Sleepout” supports Emergency Residence Project, ACCESS, and YSS. All the money donated stays in the community.

CONSENT AGENDA: Mayor Haila noted that there is an Amended Council Action Form for Item No. 18; the amount went from \$38,000 to \$40,000.

Council Member Gartin asked to pull Item No. 18, Resolution setting date of public hearing for sale of City-owned properties at 1228 Stafford Avenue and 3305 Morningside Street.

Moved by Gartin, seconded by Beatty-Hansen, to pull Item No. 18 from the Consent agenda for separate discussion.

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

Moved by Corrieri, seconded by Gartin, to approve the following items on the Consent Agenda:

6. Motion approving payment of claims
7. Motion approving Minutes of Regular Meeting held March 26, 2019
8. Motion approving Report of Contract Change Orders for March 16-31, 2019
9. Motion approving ownership change for Class E Liquor License for Kum & Go #200, 4510 Mortensen Road
10. Motion approving ownership change for Class E Liquor License for Kum & Go #216, 203 Welch Ave.
11. Motion approving ownership change for Class E Liquor License for Kum & Go #214, 111 Duff Ave.
12. Motion approving ownership change for Class E Liquor License for Kum & Go #227, 2108 Isaac Newton Drive
13. Motion approving ownership change for Class E Liquor License for Kum & Go #113, 2801 E. 13th Street
14. Motion approving renewal of the following Beer Permits, Wine Permits, and Liquor Licenses:
 - a. Class C Liquor License with Outdoor Service and Sunday Sales - Brick City Grill, 2704 Stange Road

- b. Class C Liquor License with Sunday Sales - Cinemark Movies 12, 1317 Buckeye Ave.
 - c. Class B Liquor License with Sunday Sales - Radisson Ames, 2609 University Blvd.
 - d. Special Class C Liquor License with Sunday Sales - Smokin Oak Wood-Fired Pizza, 2420 Lincoln Way, Ste. 101
 - e. Class C Liquor License with Catering, Outdoor Service and Sunday Sales - Cyclone Experience Network, 1705 Center Drive - Hilton Coliseum
 - f. Class C Liquor License with Catering, Outdoor Service and Sunday Sales - Perfect Games Inc., 1320 Dickinson Ave.
 - g. Class C Liquor License with Outdoor Service and Sunday Sales - Provisions Lot F, 2400 North Loop Drive
 - h. Special Class C Liquor License with Class B Native Wine - Szechuan House, 3605 Lincoln Way
15. Requests from Kappa Sigma for Ash Ave. Celebration on Saturday, April 20:
- a. Motion approving blanket Temporary Obstruction Permit
 - b. Motion approving blanket Vending License
 - c. RESOLUTION NO. 19-123 approving waiver of Vending License fee
 - d. RESOLUTION NO. 19-124 closing Ash Avenue between Gable Lane and Sunset Drive from 11:30 a.m. to 5:30 p.m.
16. Request from Mary Greeley Medical Center for Hope Run on Saturday, June 15:
- a. Motion approving blanket Temporary Obstruction Permit
17. Request from Campustown Action Association for Summerfest in Campustown on Saturday, June 1:
- a. Motion approving a 5-day Class B Beer License and Outdoor Service for A&R Marketing, Inc (June 1) at 217 Welch Ave.
 - b. Motion approving blanket Temporary Objection Permit
 - c. Motion approving blanket Vending License
 - d. RESOLUTION NO. 19-125 approving waiver of Vending License fee
 - e. RESOLUTION NO. 19-126 approving closure of the 200 block of Welch Avenue and Chamberlain Street between Welch Avenue and the Chamberlain Lot Y exit, Welch Lot T, and Chamberlain Lot Y between 7:00 a.m. and 10:00 p.m.
 - f. RESOLUTION NO. 19-127 approving closure of parking spaces in the 200 block of Welch Avenue, on Chamberlain Street between Welch Avenue and the Chamberlain Lot Y exit, Welch Lot T, and Chamberlain Lot Y between 7:00 a.m. and 10:00 p.m.
 - g. RESOLUTION NO. 19-128 approving waiver of parking meter fees
 - h. RESOLUTION NO. 19-129 authorizing access to City-owned electrical outlets and approving a waiver of fees for the electricity used
18. Iowa State University Research Park Phase IV Improvements Project:
- a. RESOLUTION NO. 19-131 approving Professional Services Agreement with Shive Hattery, Inc., for design services for the Iowa State University Research Park Phase IV Improvements Project
 - b. RESOLUTION NO. 19-132 approving Revitalize Iowa's Sound Economic (RISE) Grant Agreement for ISU Research Park Phase IV Improvements (Collaboration

Place & South Riverside Drive)

- c. RESOLUTION NO. 19-133 authorizing release of Letter of Credit being held for public improvements, which are now being funded by an Economic Development Administration grant and RISE Grant
19. RESOLUTION NO. 19-134 approving Water Quality Initiative Urban Conservation Demonstration Project Funding Agreement with Iowa Department of Agriculture and Land Stewardship for the Campustown Public Improvements (Welch Avenue) in the amount of \$100,000
20. RESOLUTION NO. 19-135 awarding contract to Ames Ford of Ames, Iowa, for the purchase of four 2019 Ford Ranger pickups for \$93,982.48
21. RESOLUTION NO. 19-136 approving contract and bond for 2019 Pavement Improvements - CyRide Bus Turnarounds
22. RESOLUTION NO. 19-137 approving contract and bond for CyRide Bus Wash Renovation
23. RESOLUTION NO. 19-138 approving contract and bond for Unit 7 Boiler Repair Project
24. RESOLUTION NO. 19-139 approving Change Order to Palmer Group of Des Moines, Iowa, for temporary clerical support for the City Manager's Office
25. RESOLUTION NO. 19-140 approving Change Order No. 2 to Sargent & Lundy, LLC for additional engineering services for the Repair of RDF Storage Bin

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

SETTING DATE OF PUBLIC HEARING FOR SALE OF CITY-OWNED PROPERTIES AT 1228 STAFFORD AVENUE AND 3305 MORNINGSIDE STREET: Council Member Gartin said he pulled this item from Consent in order to abstain from the vote due to a potential conflict of interest.

Moved by Martin, seconded by Corrieri, to approve RESOLUTION NO. 19-130 setting the date of Public Hearing for sale of City-owned properties at 1228 Stafford Avenue and 3305 Morningside Street.

Vote on Motion: 5-0-1. Vote Aye: Betcher, Martin, Nelson, Beatty-Hansen, Corrieri. Voting nay: None. Abstaining due to Conflict of Interest: Gartin. Motion declared carried.

PUBLIC FORUM: Shellie Orngard, 928 Burnett Avenue, Ames, stated that she completed the survey designed for input from the community regarding the Ames Comprehensive Plan. She noted that while taking the survey there were questions asking about the future economic well-being and quality of life of Ames, but she would have liked to see more questions regarding the Environmental or ecological health and well-being of Ames. Ms. Orngard specifically wanted to address Climate Control and asked the Council to consider having the Ames Comprehensive Plan include environmental and ecological health.

UPDATE REGARDING HEALTHY LIFE CENTER: City Manager Steve Schainker stated that they are at a crossroads today as he will provide a final status for the Healthy Life Center (HLC) and

then a decision will need to be made to either move ahead with the project or not. Mr. Schainker then went on to thank the Story County Board of Supervisors, Mary Greeley Medical Center Board of Directors, and Heartland Senior Services Board of Directors for the level of commitment they have provided to this project. He thanked Ann Campbell and Bev and Warren Madden for leading the private fund-raising campaign, and the Steering Committee, who worked for the past three years this project.

Mr. Schainker explained that the Council Action Form outlined the difference from what they planned on having from a construction and operating cost standpoint to what they actually have as of today. He noted that the amount raised did fall short. Mr. Schainker reminded everyone that RDG, in January, quoted a \$48,700,000 project and that was with 2019 dollar amounts. In order to move forward with a bond they needed to increase the amount to what the 2020 dollar amount would be, which included a 4% increase to \$50,648,000. City Manager Schainker noted that they did try to find some reductions and are recommending about \$5.8 million in reductions.

City Manager Schainker mentioned that they were able to get funding commitments for construction of the HLC from the following: Mary Greeley Medical Center (\$7 million); Heartland Senior Services (\$3.5 million); Story County (\$2 million); Private Donations (\$6 million) and City of Ames (\$2 million). He noted that if moving forward with the project, there will be a \$24 million bond issue, but that amount may vary a little.

Council Member Betcher asked if the \$6 million in private donations that has been accumulated is going to be all there is, or will more donations be coming in. Ann Campbell came forward and mentioned that more money will be coming in, but they are no longer actively pursuing donations. Ms. Campbell noted that they are anticipating an opportunity for a fund that would give scholarships and explained that one of the lead donors would be interested in donating for ongoing support for those who need scholarships.

Parks and Recreation Director Keith Abraham displayed on overhead regarding how they can cut back project costs by \$5,839,845 while still maintaining the concept of the HLC. The following reductions were recommended: Building Construction Methods, Building Materials, and 30% Less Glass (\$2,491,607); Reduced Gym Size (\$687,854); Eliminate Arts & Crafts Room (\$250,823); Reduced Contingency from 15% to 13% (\$1,436,215), Reduce Design Fees (\$661,346); and Eliminate Land Purchase (\$312,000). Mr. Abraham showed a diagram of what the HLC would look like with the recommended reductions.

Council Member Martin questioned where the walking tracks would be. Mr. Abraham stated the walking track would be over the basketball courts and another path would be around the cardio/weights area.

Council Member Gartin stated that he is concerned about the reduction of the basketball courts as there already aren't enough courts for the youth to practice on. Mr. Gartin also noted that if any tournaments wanted to come utilize the basketball courts, they would not be able to as they are not

regulation size. Mr. Abraham stated they are not looking to have tournaments in the gymnasium and noted that research has shown they need to limit what is rented out. He explained that someone wanting to get a membership to the HLC wants to have their own private time and not be interrupted by events.

Council Member Betcher inquired if the reduction in glass would be a positive or negative for energy consumption. Mr. Abraham stated the loss of windows will reduce cost, but from an energy standpoint, did not see a change.

Council Member Nelson asked if the basketball courts in the original design had four courts or three. Mr. Abraham stated that there were four courts, but the size of each court was not high-school regulation size.

Mayor Haila asked, with the reduction in the building construction methods/materials, if the building was going to be a pre-engineered metal building. Mr. Abraham stated it would be a metal roof that would be sloped, the backside would be the area that would have the metal material, and the front would still be the post and beam as previously discussed. Mayor Haila commented that he was concerned about changing the materials as he was not sure about the longevity of the new design.

Further discussion ensued regarding the recommended reductions in project construction.

City Manager Schainker stated that the City wants to be as transparent as possible and wanted the community to know about the operating costs associated with this project. The RDG report estimated expenditures at \$3.2 million annually, with revenues being about \$2.5 million. Mr. Schainker stated that staff reviewed the expenditures to see if there was anywhere to cut back. Mr. Abraham stated that the footprint of the redesign would be about 5,000 square feet less, which would reduce the Electrical Services by \$14,228 and natural gas to \$8,537. He noted that they could also eliminate a Maintenance Worker & Benefit position saving \$72,800; and finally reduce life guard hours and benefits to save \$41,635. The total savings in expenses would be \$137,000. Council Member Beatty-Hansen noted that if the design did go back to the original plan, the amount of the expenditures would go back up.

Mr. Schainker stated that the deficit with the original plan would be \$673,864, and with the recommended changes, it would be \$536,664. He noted that Story County was going to contribute \$200,000 each year, but now will only be \$100,000 annually and inflate by 3% each year. Mary Greeley Medical Center will give \$105,000 annually toward the deficit and their tenant space plus inflate 3% per year. Heartland Senior Services will do a percentage of 10% for the dry side of the building and 100% of its tenant space. Mr. Schainker noted that all the amounts he noted by the organizations are subject to change, and the City of Ames will be responsible for the total facility deficit minus the above revenues.

City Manager Schainker reviewed went over the property tax impact and wanted it noted that these numbers could be different in the future when the City bonds are actually bid. For residential

properties per \$100,000 of assessed valuation, with the revised plan, the property tax increase would be 6.70% or \$38.26 and for commercial and industrial property, it would be 6.71% or \$60.51. Ms. Beatty-Hansen stated that for anyone watching at home, the 6.70% property tax increase is only the City's portion of the properties' overall taxes. Mr. Schainker stated that is correct as the City only represents 33% of property taxes.

Mr. Schainker commented that he wants everyone to know the risks of moving forward with this project. He noted that in the past they have waited until the donations have been transferred to the City before starting with the project; however, with this project some of the donations will not be given within the same year and some pledges that have come in will be donated over three years. He noted that the City will be able to handle it on a cash flow basis, but if for any reason the pledges don't come in, then the City could come up short.

City Manager Schainker stated that City staff had agreed to the Steering Team's request to consider assuming the responsibility for the City to own and operate the HLC based on the assumption that the two original partners, MGMC and Heartland, would continue their financial support. He noted that they have been informed that the MGMC Board has indicated its willingness to guarantee financial support for the operating expenses for the initial 15 years and then it will be up to MGMC if they wish to continue. Heartland has agreed to give financial support until it is mutually agreed upon that the relationship has been severed; however, Story County does not have a duration set.

Mr. Schainker noted that some of the benefits to having the HLC would be that the City had a quality amenity, help employers to recruit and retain employees, offer applied learning experience, improve the health of the citizens, reduce health care cost for employers, and replace the municipal pool, which is scheduled to be demolished in 2022 by the School District. He noted that the next steps would be:

1. Request that the City staff prepare the necessary language for a \$24,308,155 bond referendum for an August 6, 2019 election.
2. Direct staff to finalize agreements with Story County, MGMC, and Heartland stipulating the financial responsibilities for the construction and ongoing operations of the HLC as well as an agreement with ISU for the HLC site.
3. Collect the signed financial pledges to verify the \$6 million commitment from private donations.
4. Authorize \$7,500 from the Contingency Account for the City's bond election informational campaign.

Mr. Schainker noted that all four steps will be finalized at the May 14, 2019, City Council meeting. He explained that, while no action is required at this time, the cost of a special election for the HLC would be an estimated cost of \$25,000.

Council Member Martin inquired if any of the other funding partners have had any feedback on the proposed reductions. Mr. Abraham stated that staff has spoken with the organizations and agreed with the changes and their only concern was that the changes being recommended would not

jeopardize the concept of the HLC.

Ms. Betcher asked if they added items back in, would the Council be able to see a possible tax breakdown. Mr. Schainker stated that he can provide that information; it just depends on what is being recommended to be added in as he will need to consult with RDG Planning & Design.

Further discussion was had over what the proposed property tax amount would be with different dollar amounts.

Mayor Haila opened public comment.

Anne Kinzel, 720 Duff Avenue, Ames, explained that she has worked in both public and private health. She noted that a few problems today are loneliness, obesity, and public health problems. Ms. Kinzel commented that having a Healthy Life Center in Ames is a very modern way of approaching health problems. She stated that the Council's support of the Healthy Life Center would match the Community Vision of wanting to be a forward-thinking community.

Kyle Poorman, 1815 Northwestern Avenue, Ames, urged the Council to think hard before making any cuts to the Healthy Life Center as some of those cuts would ruin the integrity of the programs.

An unidentified person, who lives at 1622 Burnett Avenue, Ames, stated that this is the first time that he is hearing about this project and inquired about the usage of the facility. He noted that there is only one bus route that gets students there. ISU students would probably not be using the facility as the students already have access to the types of uses on Campus that are being proposed. He questioned the cost of the project and recommended increasing or improving the facilities that are already there. He finds it difficult to support this project and feels that the bond money could go to better improvements or renovations to existing facilities in the City of Ames.

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

Moved by Nelson, seconded by Gartin, to request that staff look at the Contingency and determine if there is a reasonable reduction possible that the consultants and staff would be comfortable with. Vote on Motion: 6-0. Motion declared carried unanimously.

Moved by Corrieri, seconded by Betcher, to start with the original design and see if there are potential cost-savings without sacrificing the building quality/materials and the size of the gyms that were originally designed.

Mr. Abraham asked for clarification on the basketball courts as he suggested having three full-size regulation courts. The Council agreed it would like to have the three full-size regulation courts.

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

Moved by Corrieri, seconded by Betcher, to direct staff to finalize agreements with Story County, MGMC, and Heartland, stipulating the financial responsibilities for the construction and ongoing operations of the HLC, as well as an agreement with ISU for the HLC site.

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

Moved by Corrieri, seconded by Betcher, to collect the signed financial pledges to verify the \$6,000,000 commitment from private donations.

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

Moved by Corrieri, seconded by Betcher, to authorize \$7,500 from the Contingency Account for the City's bond election informational campaign.

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

REPLACING CURRENT DEVELOPMENT AGREEMENT RELATED TO THE REZONING OF THE REGIONAL MALL SITE ON E. 13TH STREET: Planning and Housing Director Kelly Diekmann stated that the property owner, Elwell-Rueter LLC, of the property east of I-35, at the 13th Street interchange. Elwell-Rueter LLC, has requested to have a reconsideration of the current Development Agreement. Mr. Diekmann stated that the current Development Agreement is tied to an original lifestyle center mall project that would have been situated north of 13th Street. He noted that the current Development Agreement is comprehensive as to what it addresses, and the developer is proposing to remove the obligation to construct the lifestyle center as the initial project for both sides of the property.

Director Diekmann stated that going forward with the project, the Council would need to change the structure of how the property is developed along with considering some of provisions in the Agreement. He noted that two of the main infrastructure issues are roadway improvements and sanitary sewer service. Currently, there is no sanitary sewer service, and the closest connection would be from the Dayton Avenue intersection with 13th Street. The plans show an 18-inch trunk line extension to connect the site to the City's sewer infrastructure. He noted that the water is already in place due to the previous development of Barilla.

Mr. Diekmann stated that several traffic improvements would be needed. A traffic study was done in 2005 with extensive improvements planned. Staff is recommending that a new traffic study be completed.

Director Diekmann stated that the developer would like to get started this fall if the Agreement could be modified. He noted that the first step would be for staff to work with the developer to create a new Development Agreement and a new traffic study that would be brought back to the Council some time in the summer.

Council Member Betcher stated that one of the concerns that she has heard is that offering the tax increment financing (TIF) for the connection of the sewer line for this project is unfair to other businesses. Mr. Diekmann stated that when Dayton was reconstructed as an Arterial Street, an

interchange was built; that property did not have to pay for that interchange to be built. Mr. Schainker stated that the Economic Incentive Program does not provide direct incentives to retail operations. City Manager Schainker stated that when looking at Lowe's and Menard's they already had the infrastructure there. He noted that when they built the Somerset Village, the City paved the road from 24th to Bloomington. Mr. Schainker explained that the TIF would take about six years to pay off, and once that is paid off, all the other developments that open up will have retail areas that will need to pay property taxes.

Further discussion was had regarding the TIF.

Council Member Beatty-Hansen stated that they are in the middle of the Comprehensive Plan, but curious as to why they would deploy infrastructure if the Comprehensive Plan is midstream. Mr. Diekmann stated that this is the only area that would have about 233 acres of vacant land, and this area would be the most viable.

Chris Murray, 2401 SE Tones Drive, Suite 176, Ankeny, is the President and CEO of Denny Elwell Company and has collectively owned this property in partnership since 2011. He noted that he originally met with City staff to see what their options were, and there have been several discussions with developers. He noted that the current Development Agreement doesn't make economic sense as regional malls are closing all throughout the United States and the regional malls are having problems keeping tenants. Mr. Murray noted that this is not a quick project, but more of a 25-year project.

Mr. Murray commented that his company recently began working with Mills Fleet Farm and feels that the regional development would bring in businesses and more revenue. Mills Fleet Farm would like to begin construction and open in 2020. Mr. Murray explained that they will work with City staff to help make the area a "green technology engineering" project with an architectural pleasing design. Ms. Beatty-Hansen asked for clarification of what it is meant by "green technology engineering." Mr. Murray stated that each piece of the development will be unique and might have a solar element to the parking lights and will look at opportunities to detain water and use solar energy where possible and has a crisp look.

Mayor Haila stated he is intrigued by having a prairie style development and this area could be a gateway in the future, but wondered what the developer would recommend for a style, so the area is not a mixed design. Mr. Murray stated they would work closely with the City regarding design. He noted that the roof designs would be pleasing to view from the Interstate; however, he was speaking prematurely about design concept at this time.

More discussion ensued regarding potential design of the area.

Mr. Gartin asked if a conversation had been had with Story County with respect to whether this project would affect the Ketelson Marsh on the north side. Mr. Diekmann stated that ten years ago, there was a discussion and a large buffer was planned. Staff had not reached out to Story County yet.

They wanted to move forward with presenting to Council first, but will reach back out to Story County to see if the assessments that were done ten years ago still apply.

Public input was opened and closed when there was no one who came forward to speak.

Moved by Nelson, seconded by Corrieri, to direct staff to prepare a new Development Agreement to include:

- a. Create a new Master Plan without the requirement of a lifestyle center
- b. Allow for development to occur first on the south site.
- c. Allow for phased development on the south side rather than construction of all the estimates 295,000 square feet of regional commercial with the 185,000 square foot Fleet Farm building. However, include provisions for near term development of additional square footage to expand the retail commercial opportunities of the City.
- d. Include provisions that would limit the relocation of tenants from within Ames to the development for a defined time period.
- e. Incorporate requirements for implementation of roadway improvements based upon the updated Traffic Study, with allowance for some phasing of improvements coordinated with buildout of the site.
- f. Include a sanitary sewer trunk line cost sharing provision for construction of a 18" sewer trunk line from Dayton Avenue to the east edge of DOT ROW along the north side of E. 13th Street and require the developer to complete extension of the trunk line to the east with future phases of development with recommending to utilize a TIF financing strategy.
- g. All other subdivision and site development standards for infrastructure are the obligation of the developer.

Council Member Martin stated he is not sure he can support every aspect of the project, especially the TIF portion. He commented that he feels this is a great project idea; the phased approach is reasonable and it would be a great addition to Ames.

Council Member Betcher stated that she had some of the same concerns, but one of the things she comes back to is that they have had this property zoned this way for the past ten years and nothing has been done.

Mayor Haila stated that the property was purchased in 2011; it has sat for eight years, and no property taxes have been collected except for Ag land. He noted that the City is paying for the sewer line up front, but the properties will be paying for the line over six or seven years.

Vote on Motion: 4-2. Voting aye: Betcher, Gartin, Nelson, Corrieri. Voting nay: Martin, Beatty-Hansen. Motion declared carried.

City Council recessed at 8:42 p.m. and reconvened at 8:50 p.m.

STAFF REPORT ON 14TH STREET SIDEWALK IN-FILL REQUEST: Civil Engineer Mark

Gansen stated that the City Council had asked that this project be put on the agenda for further discussion. He noted that they had listed three alternatives. Mr. Schainker noted that each alternative listed may require more public feedback. Mr. Gansen read aloud for the audience the alternatives and what they entailed. It was noted that the Accessibility Enhancement Fund is a program in the Capital Improvements Project (CIP) that consists of Local Option Sales Tax and Road Use Tax.

Council Member Beatty-Hansen asked, if the funds for the sidewalk came out of the Accessibility Enhancement Fund, would there still be enough funds left for other projects that are already scheduled to be done. Traffic Engineer Damion Pregitzer stated that the Accessibility Enhancement Fund was initially set up mainly for curb ramps at corners and the push buttons at intersections, but can be used for any accessibility need. He noted that every year \$100,000 from Road Use and \$100,000 Local Option Sales Tax are pooled together, and the City does as many improvements as it can with the funding.

Council Member Betcher clarified that Alternative 1 and 2 have the City paying for the sidewalk where Alternative 3 shows that the property owners have to pay. It was asked if there could be a way to have the City pay for a portion of the cost and assess the property owners for a portion. It was asked how many properties would be affected if the assessment was approved. Mr. Gansen stated that there are three properties that would be impacted by the sidewalk.

Mr. Martin asked what would have happened to the sidewalks if this request hadn't come in and Public Works proceeded with the street resurfacing as planned in the CIP. Mr. Gansen stated that, with the recently adopted Complete Streets Plan, the construction would include sidewalks on both sides along with the street reconstruction. He noted that he is unsure where the funding would come from at this time.

Ms. Beatty-Hansen wanted to know if the homeowners were assessed for the sidewalk installation would they have to pay it back all at once or would it be over a period of time. It was noted that the homeowners would have ten years to pay off the sidewalk assessment. Mr. Schainker noted that the homeowners could avoid interest if they paid it back all at once. Council Member Nelson wanted to know if the sidewalk were put in, would it include curb cuts and ramps, and would the homeowner be responsible for those as well. Mr. Gansen explained that the curb cuts and ramps would be done with the street reconstruction and would be done by the City as part of the CIP project.

Justin Gersema, 1402 Kellogg Avenue, Ames, commented that he doesn't feel that Alternative 1 is a good idea as he has already been waiting since August of last year to have this issue addressed. He mentioned that he was recently hit by a car and there is no way he can get down 14th Street safely to get to the bus stop. Mr. Gersema noted that he is scared when he has to walk on the street when there is no sidewalk.

Ms. Betcher stated that she agrees that a sidewalk needs to be put in, but is not sure how it should be paid for.

Mr. Schainker stated the quickest way would be if the City paid to have the sidewalk done on the north side through the Accessibility Enhancement Fund. A more traditional way would be some form of assessment when there has been a gap in the sidewalk. He wanted to emphasize that the property owners have not been notified yet and will need to be notified about tonight's decision. Mr. Schainker stated that the Council could direct that the City pay for the sidewalk installation this time, but that is not going to be setting a precedent for other sidewalks with gaps to be done in the same manner

Moved by Gartin, seconded by Corrieri, to begin a standalone property owner assessment project for the installation of the sidewalk.

Mayor Haila pointed out that if the sidewalk was done with the CIP, the construction cost would be \$16,000; however with a standalone project the construction cost would be \$28,000. If assessing the homeowner, that is an additional \$12,000 that homeowners would have to pay.

Motion withdrawn.

Moved by Beatty-Hansen, seconded by Gartin, to direct staff to put the sidewalk installation on the schedule this year and assess the property owners the \$16,000 and the City pay for the difference of \$12,000 out of the Accessibility Enhancement Fund.

Mr. Schainker stated the homeowners will still need to be notified through the regular process. Mayor Haila asked if, given the circumstances, would be better to send the homeowners a letter letting them know what is going on. Mr. Martin stated that until the Council can come up with a process to handle these types of requests in the future, it would be better for the City to pay for this project and not assess the three homeowners.

Motion withdrawn.

Moved by Martin, seconded by Beatty-Hansen, to direct staff to begin a standalone project for the installation of the sidewalk utilizing Accessibility Enhancement Fund.

Mr. Gartin stated he wanted it known that this is not setting a precedent.

Vote on Motion: 6-0.

Mayor Haila asked staff if this project could be accelerated. Mr. Gansen stated that they will begin design on it immediately and should meet their quote threshold. In two to three months, the sidewalk should be installed.

SMALL CELL WIRELESS FACILITIES IN THE RIGHT-OF-WAY: Mr. Pregitzer stated that they are trying to meet a deadline of April 15, 2019, to set some standards as to how these small cells are to be installed. Mr. Diekmann stated they are looking for authorization to have Public Works

get started and there may be follow-up over time.

Motion Beatty-Hansen, seconded by Corrieri, to adopt RESOLUTION NO. 19-147 setting a policy of the City of Ames to apply aesthetic standards to the placement of a wireless infrastructure within the right-of-way and authorize the Public Works Director to prepare and update specific design standards or guidelines for the review and approval of right-of-way permits authorized by Chapter 22A of the *Ames Municipal Code*.

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

HEARING ON VACATION OF TRAFFIC SIGNAL EASEMENT AT 101 HYLAND AVENUE: Mayor Haila opened the hearing and closed the same after receiving no comments.

Moved by Nelson, seconded by Corrieri, to adopt RESOLUTION NO. 19-142 approving vacation of the Traffic Signal Easement at 101 Hyland Avenue.

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

HEARING ON 2017/18 STORM WATER EROSION CONTROL (KINYON-CLARK): The public hearing was opened by Mayor Haila and closed after no one came forward to speak.

Moved by Betcher, seconded by Corrieri, to adopt RESOLUTION NO. 19-143 approving final plans and specifications and awarding contract to Keller Excavating, Inc., in the amount of \$186,578.10. Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

HEARING ON 2017/18 SHARED USE PATH MAINTENANCE PROGRAM - DALEY PARK: Mayor Haila opened the public hearing. No one came forward to speak, and the Mayor closed the hearing.

Moved by Betcher, seconded by Corrieri, to adopt RESOLUTION NO. 19-144 approving final plans and specifications and awarding a contract to Manatt's, Inc., in the amount of \$95,025.50. Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

HEARING ON 2017/18 SHARED USE PATH MAINTENANCE PROGRAM - STANGE ROAD: The hearing was opened by Mayor Haila. He closed same after no one came forward to speak.

Moved by Corrieri, seconded by Betcher, to adopt RESOLUTION NO. 19-145 approving final plans and specifications and awarding contract to Manatt's, Inc., in the amount of \$129,901.79. Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby

made a portion of these Minutes.

ORDINANCE AMENDING CHAPTER 14 OF THE AMES MUNICIPAL CODE TO ELIMINATE THE INVESTIGATIVE FUNCTION OF THE HUMAN RELATIONS COMMISSION: Mayor Haila stated that the investigative function continues to be resident throughout the Ordinance and questioned if this would require an amended ordinance.

Mr. Phillips stated the word investigating is in general and does not talk about specific acts of discrimination.

Joel Hochstein, 1501 Illinois Avenue, Ames, stated that there are some equity markers or surveys that provide points for local municipalities to be able to maintain local control over investigating specifics. He noted that if the City Council eliminates this function, points/scoring would be lost.

Moved by Corrieri, seconded by Gartin, to pass on first reading an Ordinance Amending Chapter 14 of the *Ames Municipal Code* to eliminate the investigative function of the Human Relations Commission.

Roll Call Vote: 6-0. Motion declared carried unanimously.

ORDINANCE TO ALLOW PROPERTIES TO INCREASE THE NUMBER OF OCCUPANTS ALLOWED BY COMPLETING CERTAIN CODE REQUIREMENTS: Moved by Beatty-Hansen, seconded by Corrieri, to pass on second reading an Ordinance to allow properties to increase the number of occupants by completing the Code requirements to make a room with a legally existing egress window a Code-compliant bedroom, as amended.

Roll Call Vote: 5-1. Voting aye: Beatty-Hansen, Betcher, Corrieri, Gartin, Nelson. Voting nay: Martin. Motion declared carried.

ORDINANCE ADJUSTING WATER RATES BY 7%, EFFECTIVE JULY 1, 2019: Moved by Beatty-Hansen, seconded by Betcher, to pass on third reading and adopt ORDINANCE NO. 4382 adjusting the water rates by 7%, effective July 1, 2019.

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

ORDINANCE REZONING 1114 SOUTH DAKOTA AVENUE FROM COMMUNITY COMMERCIAL/RESIDENTIAL (CCR) TO COMMUNITY COMMERCIAL/RESIDENTIAL (CCR) WITH REVISED MASTER PLAN: The Council stated that they are waiting to review the signed Agreement.

Moved by Beatty-Hansen, seconded by Betcher, to move this item to the next City Council meeting on April 23, 2019.

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

DISPOSITION OF COMMUNICATIONS TO COUNCIL: Moved by Beatty-Hansen, seconded

by Corrieri, to take no action at this time on the letters from Bill Nichols and Pure Bridal regarding their concerns with the installation of sidewalks along the south side of South 16th.

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

Mayor Haila asked the Council what they would like to do about the email from Michael Gaston regarding the request for an owner-occupied property maintenance standard. Council Member Martin stated that he is sympathetic to the idea, but doesn't think this is the right time.

Moved by Beatty-Hansen, seconded by Corrieri, to not take any action on the email from Michael Gaston regarding his request for owner-occupied property maintenance.

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

Moved by Betcher, seconded by Corrieri, to take no action on the email from Erik Magnuson regarding the request to consider a Text Amendment to the City of Ames Building Code to allow a potential buyer of a Type A unit in a Group R-2 occupancy building to "opt out" of the three Type A requirements.

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

COUNCIL COMMENTS: Council Member Martin stated that he is looking ahead to the fireworks season and he has observed that the City of Ames has a requirement that within the fireworks sales tent there is a sign stating "No fireworks discharge within the City of Ames" and then there is another requirement for a sign on the outside of the sales tent stating "No discharge within 300 feet," which is confusing for some people. Mr. Martin would like to have the signs be clarified to what the requirements are for the City of Ames.

Moved by Martin, seconded by Beatty-Hansen, to request that the City Attorney investigate the feasibility of incorporating new signs for the upcoming fireworks season.

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

CLOSED SESSION: Council Member Gartin asked City Attorney Mark Lambert if there was a legal reason to go into Closed Session. Mr. Lambert replied in the affirmative, citing *Code of Iowa* Section 20.17(3), *Code of Iowa*, to discuss collective bargaining strategy.

Moved by Gartin, seconded by Betcher, to go into Closed Session under Section 20.17(3), *Code of Iowa*, to discuss matters presently in or threatened to be in litigation.

Roll Call Vote: 6-0. Motion declared carried unanimously.

The Council entered into Closed Session at 9:43 p.m. and returned to Regular Session at 10:00 p.m.

Moved by Gartin, seconded by Corrieri, to adopt RESOLUTION NO. 19-147 ratifying the contract with IUOE, Local 234 - Blue Collar Unit

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

ADJOURNMENT: Moved by Gartin to adjourn the meeting at 10:01 p.m.

Amy L. Colwell, Deputy City Clerk

John A. Haila, Mayor