

MINUTES OF THE REGULAR MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

DECEMBER 22, 2020

CALL TO ORDER: Mayor John Haila called the Regular Meeting of the Ames City Council, which was being held electronically, to order at 6:00 p.m. with the following Council members participating: Bronwyn Beatty-Hansen, Gloria Betcher, Amber Corrieri, Tim Gartin, Rachel Junck, and David Martin. *Ex officio* Member Nicole Whitlock was also present.

Mayor Haila announced that it is impractical to hold an in-person Council meeting due to the Governor of Iowa declaring a public health emergency because of the COVID-19 pandemic. Therefore, limits have been placed on public gatherings, and this meeting is being held as an electronic meeting as allowed by Section 21.8 of the *Iowa Code*. The Mayor then provided how the public could participate in the meeting via internet or by phone.

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

1. Motion approving payment of claims
2. Motion approving Minutes of Special Meeting held December 4, 2020, and of Regular Meeting held December 8, 2020
3. Motion approving Report of Change Orders for period December 1 - 15, 2020
4. Motion approving certification of Civil Service applicants
5. Motion approving temporary waiver of residency requirement for City Attorney
6. Motion authorizing the Mayor to sign Certificate of Consistency with City's 2019-2023 CDBG Consolidated Plan on behalf of The Bridge and ACCESS for CARES funding from Iowa Finance Authority
7. Motion approving New 12-month Class C Liquor License, Class B Native Wine with Sunday Sales: North Grand Seafood, 823-Wheeler St Suite 1, **Pending Favorable Background Checks & Pending DRAM**
8. Motion approval renewal of the following Beer Permits, Wine Permits, and Liquor Licenses:
 - a. Class C Liquor License with Sunday Sales & Outdoor Service Chipotle Mexican Grill (435 S Duff Ave)
 - b. Class C Liquor License with Sunday Sales Fuji Japanese Steakhouse (1614 S Kellogg Ave) **Pending DRAM**
9. Motion accepting bi-annual Sustainability Coordinator Report regarding FY 2020-21 Activities
10. RESOLUTION NO. 20-620 approving and adopting Supplement No. 2021-1 to *Municipal Code*
11. RESOLUTION NO. 20-650 waiving enforcement of prohibition of motorized vehicles in Ada Hayden Heritage Park for the Ames Triathlon on June 27, 2021
12. RESOLUTION NO. 20-651 approving extension of COVID Leave benefits to City employees through February 28, 2021, or such a time as a similar package is approved at the federal level
13. RESOLUTION NO. 652 approving Amendment to extend Purchase Agreement between the City and Mainstream Living, Inc., for the property at 1417 Douglas Avenue for a completion

- date on or before January 31, 2021
14. RESOLUTION NO. 20-653 approving Police Department's participation in the Governor's Traffic Safety Bureau Nighttime Seat Belt Enforcement Grant Program
 15. RESOLUTION NO. 20-654 awarding contract to Wesco Distribution of Des Moines, Iowa for the 750 KCMIL Copper Cable for Electric Distribution Inventory in the amount of \$110,295.60 (inclusive of Iowa sales tax)
 16. RESOLUTION NO. 20-655 awarding contract to Gillig Corporation of Livermore, California, for the purchase of four new 40-foot standard diesel buses for CyRide in the not-to-exceed amount of \$1,930,378
 17. RESOLUTION NO. 20-656 approving preliminary plans and specifications for 2019/20 Sanitary Sewer Rehabilitation (Basin 10); setting February 3, 2021, as bid due date and February 9, 2021, as date of public hearing
 18. RESOLUTION NO. 20-657 approving Change Order No. 1 for the 2018/19 Sanitary Sewer Rehabilitation (Siphon) for a deduction in the amount of \$174,575
 19. RESOLUTION NO. 20-658 approving contract and bond for 2019/20 Traffic Signal Program (Lincoln Way/Beach Avenue)
 20. R RESOLUTION NO. 20-659 approving Plat of Survey for 300 and 310 South 17th Street
 21. 2019/20 Shared Use Path System Expansion (Vet Med Trail):
 - a. RESOLUTION NO. 20-660 transferring \$175,000 from the \$271,158.30 remaining available project balance to the South of Lincoln Way Path Expansion (Franklin Avenue to Wilmoth Avenue), which will be combined with the Franklin Park Shared Use Path and is planned for FY 2021/22
 - b. RESOLUTION NO. 20-661 accepting completion of 2019/20 Shared Use Path System Expansion (Vet Med Trail)
 22. Biosolids Disposal Operations for Water Pollution Control Facility:
 - c. RESOLUTION 20-662 accepting completion of Year One
 - d. RESOLUTION 20-663 awarding retroactive Agreement for Year Two to Nutri-Ject Systems, Inc., of Hudson, Iowa, in the amount of \$79,060.06

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

PUBLIC FORUM: Mayor Haila opened Public Forum. No one requested to speak, so he closed Public Forum.

EXTEND SUSPENSION OF VENDING LICENSES UNTIL JUNE 30, 2021: Assistant City Manager Brian Phillips explained that in response to the COVID-19 outbreak, on March 18, 2020, City staff administratively suspended Vending Licenses. He noted that there were a few Vending Licenses that were approved for Special Events. The City Council took subsequent action on August 25 to extend the suspension of Vending Licenses through December 31 for vendors on City property. Mr. Phillips stated staff is asking the City Council what they would like to do regarding the suspension of Vending Licenses. He mentioned that staff had received a letter from Karin Chitty, Executive Director, Campustown Action Association. Mr. Phillips explained that he had a meeting with Ms. Chitty and discussed how vending was going to work with the new Welch Avenue

reconstruction. Ms. Chitty's letter requested that the City continue with the suspension of Vending Licenses until staff can develop a plan as to how vending will go back into the Welch Avenue area. There are some issues that City staff has with the Vending Code, but also some concerns from the Campustown Action Association (CAA) about ensuring the streetscape is accomplishing the vibrant gathering space that was laid out for the Welch Avenue project.

Council Member Gartin wanted to know why the City is suspending the Vending Licenses when vendors could sell its goods during the Farmers' Market. Mr. Phillips noted that at first the vendors were unable to sell its goods, but later in the year they were approved to do so. Mr. Gartin stated that it is perfectly legal on private property to have vending, and you will see where there is vending on one block, but not the next public street. He noted this is an outdoor activity and its safer to purchase food that is outside. Mr. Gartin stated that the Council can work with Campustown Action Association later, but this is affecting a lot of people's businesses. Mr. Gartin wanted to know why this is coming up and why the recommendation is to continue with the suspension of Vending Licenses. Mr. Phillips stated that primarily the Council asked for this item to be brought back before the end of 2020, and also historically, there have been sizable gatherings in food vendor lines. Mr. Gartin explained that he doesn't feel that it's fair that a vendor can be on one street, but not another.

Council Member Betcher stated she is more inclined to listen to the Campustown Action Association in this instance because it is always easier to make changes before reinstating something than it is once something has been suspended. Ms. Betcher asked Mr. Phillips if he had had a chance to address the concerns Ms. Chitty had in her letter. Mr. Phillips mentioned that he did have a conversation with Ms. Chitty and that conversation was what precipitated the letter being sent to the Council. Ms. Chitty raised the questions independently from this Agenda item.

Council Member Betcher inquired if there were some vendors that have been asking to vend. Mr. Phillips mentioned that all the vendors have either been relocated or closed during the suspension. It was noted that with the Welch Avenue project one of the spaces that was previously occupied by a vendor doesn't accommodate the vendor anymore due to some of the streetscape features. Staff has attempted to reach out to that vendor, but has not heard back from them yet to see what could be done. Mr. Phillips noted that there have been a few inquiries, and historically there are five to six Vending Licenses in the Campustown Area, but if vending was to be reinstated there would only be three. Ms. Betcher asked if there were other locations for the vendors to operate in Campustown. Mr. Phillips mentioned that he doesn't believe all the vending operations are on Welch Avenue; he believed there was one on Chamberlain and one Downtown. Ms. Betcher asked if it was possible to reinstate Vending Licenses in the City of Ames except for the Campustown area until further details could be worked out as to where the vendors could be located. Mr. Phillips believed they could wait as the Code allows Vending carts to only operate in Campustown and Downtown; the Council could allow it Downtown, but still suspend in Campustown.

Council Member Martin stated that there aren't any enforcement personnel stationed anywhere for vending, but the Face-Covering Ordinance does still require citizens congregating around food trucks to wear face-coverings when standing in line.

Mayor Haila opened public comment. It was then closed when no one came forward to comment.

Moved by Gartin, seconded by Corrieri, to approve Alternative 2, which is to resume suspended Vending Licenses and direct staff to accept applications for new Licenses effective immediately.
Vote on Motion: 6-0. Motion declared carried unanimously.

Moved by Betcher, seconded by Corrieri, to ask staff to engage further with Campustown Action Association to determine which elements of vending in Campustown they believe are going to be problematic, so the Council can look at revising the vending licensure and location in the future.

City Manager Steve Schainker clarified that when Vending Licenses are issued, they are good for one year; if the Council institutes vending in a certain location that will be good for one year. Ms. Betcher asked how long it would take to go through the process of revising the vending licensure. Mr. Phillips mentioned that it would probably not come back to the Council until the summer, so maybe six months to a year. Ms. Betcher stated then she would recommend issuing the Vending Licenses for a year.

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

AMENDMENT TO SCHEDULE 3 OF ENERGY SERVICES AGREEMENT WITH FOREFRONT POWER REGARDING SUNSMART AMES COMMUNITY SOLAR FARM:

Electric Services Director Donald Kom stated in 2019 a contract was signed with ForeFront Power for the SunSmart Ames Community Solar Farm. He noted that the Solar Farm is almost complete and going through its final testing. Mr. Kom explained that ForeFront, through a subcontractor, will build the Solar Farm and then ForeFront finances it, owns it, and the City purchases the power off the Solar Farm for 25 years. The City has an Agreement with ForeFront. He mentioned that one of the benefits of working with a third party is the production tax credits that the federal government gives; in order to take advantage of these, you have to be a taxable entity. ForeFront is working with a tax entity partner. ForeFront's tax entity partner had looked at the Agreement between the City and ForeFront and noticed in Schedule 3 there were some concerns with the Schedule, as it is set up, that don't adequately reflect the true fair market value of the system going forward. Schedule 3 is a section of the Contract that is not typically used and would only be applied if the City chose to purchase the Solar Farm and require ForeFront to remove the equipment early. Mr. Kom explained that the Schedule, as it is right now, prevents the tax equity partner from being part of the financing with ForeFront. When staff reviewed the request, the possibility that the City would ever trigger that part of the Agreement would be highly unlikely. Director Kom stated that when looking at all the options, it would be in the City's best interest to allow the change to the Schedule 3 and allow the tax equity partner to join in on the financing.

The Mayor opened public input and it was closed when no one came forward.

Council Member Gartin stated this is something that he has never seen before and asked if there were any pitfalls that the Council should be considering. Mr. Kom explained that the potential is that if,

ten years down the road, the City wanted to have the Solar Farm removed then the Schedule 3 would apply, and as part of the termination, ForeFront would have to remove the equipment and return the land to farmland. Under the existing Contract, there would be a fee and a cost that would be associated with the Contract. The fees would increase depending on the year in which they would be asked to remove the equipment from the property. Director Kom mentioned that this request is dealing with a unique situation that the City is not planning on ever activating during the 25 years of the Contract.

Council Member Gartin inquired what would happen if the Council declined the Amendment to the Contract. Mr. Kom stated that the Solar Farm would not be able to be turned on and ForeFront may have to find another tax equity partner, who may require the same changes. Mr. Gartin asked if this Amendment was something that could have been anticipated. Mr. Kom stated that when the Contract was signed in 2019, staff was led to believe that everything was set up and taken care of completely. He noted that when this request came up about a month ago, staff asked ForeFront the same question. Staff was informed that a developer will build several solar farms, and when they are close to completion, they bundle all the projects together and present them to large banks or entities that can absorb millions of dollars in tax equity.

Matthew Grossman, representative for ForeFront, answered Mr. Gartin's question: ForeFront knew they would need to bring in a tax equity partner down the road in order to finance the system. Ideally, the City would never see the tax equity partner as that is something that ForeFront would take care of. Mr. Grossman admitted that if they had correctly anticipated the values, that would have needed to be in the Schedule two years ago, they wouldn't be in this situation. Mr. Grossman explained it was a bit of a miss on the part of ForeFront in the initial contracting, but they have been working with Director Kom to understand where this would affect the City. ForeFront wanted to try and meet in the middle and only have the change be extremely unlikely to impact anyone in the future.

The Mayor asked City Attorney Mark Lambert if he had any concerns. Mr. Lambert explained that he had spoken with Director Kom and he didn't see any major risks to the City.

Moved by Beatty-Hansen, seconded by Betcher, to adopt RESOLUTION NO. 20-664 approving the Amendment to Schedule 3 of the Energy Services Agreement with ForeFront Power regarding SunSmart Ames Community Solar Farm.

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

INIS GROVE SIDEWALK PROJECT: Parks and Recreation Director Keith Abraham explained that at its December 8 meeting, City Council awarded a contract to Pillar Inc., of Huxley, Iowa to complete the Inis Grove Park Sidewalk Project. After the award, staff determined there was an error in the calculation of a line item, which should have been found prior to the award. In this instance the calculation error was made by the contractor which increased the bid amount from \$157,199.11 to \$905,699.11. In Section 9.2 of the bid specifications, it states, "In the event of discrepancies in the unit price extension listed in the bidder's proposal, unit prices shall govern." Mr. Abraham

explained staff is requesting the Council to reconsider the Award to Pillar Inc., and then award a contract to TK Concrete, Inc., of Pella, Iowa in the bid amount of \$170,484.40.

Mayor Haila opened public comment. It was closed when no one came forward.

Moved by Betcher, seconded by Corrieri, to reconsider the award of contract to Pillar, Inc., of Huxley, Iowa, in the bid amount of \$905,699.11 for the Inis Grove Park Sidewalk Project due to an error in the bid.

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

Moved by Junck, seconded by Betcher, to adopt RESOLUTION NO. 20-665 awarding a contract to TK Concrete, Inc., of Pella, Iowa, in the amount of \$170,484.40.

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

INITIATE ZONING TEXT AMENDMENT TO ELIMINATE RESIDENTIAL PARKING REQUIREMENTS IN DOWNTOWN:

Planning and Housing Director Kelly Diekmann stated this is in response to a request by a Downtown property owner. He stated that Downtown parking requires one space per apartment, which is the same as the standard in Campustown. The rest of the City uses a one-space-per-bedroom requirement. The reason the City uses one space per apartment is for the area to be more urban and dense, and to support the density you have to reduce parking. Parking is a significant land use and a significant cost for a development. The request before the Council is to consider for small-or-medium-size projects (defined as up to 18-units per the applicant) whether the City would waive some of the parking requirements. Staff believed there are multiple ways to allow flexibility. Director Diekmann explained the City currently allows for remote parking in the Zoning Ordinance, but it has a 300-foot distance requirement and a perpetuity requirement. Mr. Diekmann explained that there are four options for the Council Members to consider if they are interested in looking into changing the Downtown parking requirements.

Council Member Martin explained that the Staff Report mentioned not being in favor of allowing large apartments (5-bedroom apartments). He wanted to know what the appropriate apartment size should be. Director Diekmann stated his comfort level would be in the two-bedroom or fewer size. Mr. Martin mentioned that the original request was to consider 18-unit developments, but the Staff Report recommended 8-12 units and asked to know what the difference would be. Mr. Diekmann explained that there is a large height allowance in Downtown (can go up to 100 feet), but the practical design limits are five-to six-story limits. The difference to Mr. Diekmann from 12 or 18 is whether facilitating one whole level of housing can be added to a building. Mr. Martin wanted to confirm that when staff is saying 8-12 units, they are thinking about three-story buildings as opposed to a four-story building or higher. Director Diekmann stated that a three-story building fits most of the Downtown character. He pointed out that parking is a big factor in urban design as it controls parking through cost and the design aspects on the site.

Council Member Betcher inquired if there was a means of enforcing the requirement of parking in

perpetuity. Director Diekmann stated in remote parking, there is an Agreement with the City, and once the City Council approves the Agreement, it has to be recorded. Regarding that Ms. Betcher stated Option 3, Rental Code is used as a means of enforcing the parking. She asked if that would enable apartment owners to rent from the City or someone else, on an annual basis. Mr. Diekmann explained that if the Council picked Option 3, under the Letter of Compliance (LOC), some paperwork would need to be submitted to the City every year showing the owner has some version of a lease that would last for one year. Ms. Betcher wanted to know if there was a reason that they settled on 300-foot for the remote parking and if that requirement could be expanded. Director Diekmann stated that the 300-foot requirement is applied to all zoning districts and is a traditional block length. He noted that they could change the distance, but it is about the amount of flexibility that the Council wants to give.

Mayor Haila inquired as to the reason a parking requirement is tied to a rental property. Director Diekmann stated the reason cities have parking requirements is to not overburden the public supply and is a workable design.

Mayor Haila opened public comment.

Chris Nelson, 239 S Bell Avenue, Ames, thanked the staff for the report and noted that there were some good options available. Mr. Nelson mentioned that if the Council read the letter that was attached to the Staff Report, they would notice that parking is an impediment to increasing the housing stock in Downtown. He explained that he wanted to follow-up on one of the questions that Mr. Martin had asked about the 12-18 units. Mr. Nelson stated that he was thinking that the first floor would be commercial and then three floors of residential (similar to the Sheldon Munn building). He explained that when making the request, they were thinking that they didn't want to make the request about their project only, but also the entire Downtown area. He liked the idea of limiting the bedroom size. He stated that with his property, a decision would need to be made within the next two months if a change could happen.

Council Member Betcher asked if Mr. Nelson was opposed to any of the options in the Staff Report. He noted that the only option he would be opposed to was Option 4 that would require a parking in-lieu fee when parking is not built on site. He felt the restrictions on the bedroom size and getting to a point where there could be a *Rental Code* requirement could be entirely appropriate. Mr. Nelson mentioned that changing the 300-foot rule would need to be done to help with the geography of Downtown.

The Mayor closed public input.

Council Member Gartin asked if staff had received any feedback from downtown businesses. Mr. Diekmann stated that they did not send out any notices as this was just a Staff Report to review options.

Council Member Betcher inquired how staff viewed the use of the Rental Code versus not using the

Rental Code for parking requirements. Director Diekmann mentioned that staff already uses the Rental Code to enforce parking, but it is the Zoning Ordinance that makes you build it in the first place. By using the Rental Code, you would take a lot of the entanglements of zoning away. The question of hardships, variances, etc., would no longer be applicable.

Mayor Haila mentioned that there has been a lot of conversations throughout the years about trying to encourage housing in the Downtown area. He wanted to know what impediments there may be. Mr. Diekmann stated that parking would be an issue as the surface parking lots are fully occupied. Displacement of those parking lots would be difficult as people want replacement parking, and the cost of structured parking, especially on small parcels, is astronomical. He mentioned that a developer would need to acquire more properties to make a bigger parcel that can shoulder the parking that is not on a surface lot. In Downtown, no one is able to build surface lots and there would need to be a street with a building, and with those two obstacles, there has not been any redevelopment or additions in Downtown.

Moved by Gartin, moved by Corrieri, to approve Option 1, which is to waive all parking for Apartments up to 18 Units.

Council Member Martin mentioned that he would like to add a constraint to the number of bedrooms per apartment. Mr. Gartin stated he would like to see what the rest of the Council prefers before making any Amendments to the motion.

Mayor Haila asked for Mr. Diekmann to clarify Option 1 as it stated that “staff is not in favor of a broad-brush waiver of all spaces for 18 apartments that allow for configurations of up to five bedrooms per apartment.” Director Diekmann explained that if Option 1 passed, a bedroom count would not be part of the equation when staff evaluates. He further explained that currently the rule is one parking space per apartment, whether it is one bedroom or five bedrooms. Under Option 1, there would be no parking for the first 18 units developed on a property.

City Manager Schainker asked for further clarification if a developer came in and wanted to build the maximum number of levels and have 50-70 units, would they still be excluded from parking. Director Diekmann stated it is open for discussion. The Council can target the parking requirement for small projects only or for the first 18 units. Council Member Gartin mentioned Mr. Schainker made a good point, and he wanted to know if the Council should add some constraints to Option 1. Mr. Diekmann stated that it would depend, and he is unsure if that would affect any projects.

Moved by Gartin, seconded by Corrieri, to amend the motion to have a limit of 18 units total for the project.

Vote on Motion: 2-4. Voting Aye: Gartin. Corrieri. Voting Nay: Beatty-Hansen, Betcher, Junck, Martin. Motion failed.

Moved by Beatty-Hansen, seconded by Betcher, to approve Option 2, which would waive all parking

requirements for 2-bedroom apartments up to 18 units.
Vote on Motion: 6-0. Motion declared carried unanimously.

Director Diekmann mentioned that the other question in the Staff Report was if the Council wanted to direct the City Manager to review the overnight parking restrictions in Downtown as a parallel item.

Moved by Martin, seconded by Junck, to direct the City Manager to review options for changing overnight parking restrictions Downtown.

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

Moved by Betcher, seconded by Junck, to reconsider the 300-foot distance requirement and to change it to parking within the Downtown Service Center zone for remote parking.

Council Member Martin wanted to know if the motion meant to satisfy the remote parking requirement for properties within the Downtown Service Center. Ms. Betcher clarified that was correct. Mr. Martin indicated that he would also like to see a buffer around the Downtown Service Center, but he thought it would be reasonable to look at a block radius around the circumference of the Downtown Service Center. He mentioned that he would be supportive of the motion, but wanted to know if they could be a little more generous with allowing people to find parking a little farther out. Director Diekmann explained that he would not have a problem with expanding south, but he would have to look at the other areas.

Council Member Betcher withdrew her motion.

Moved by Betcher, seconded by Martin, to have staff come back with recommendations on expanding the radius for remote parking for the Downtown Service Center.

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

HEARING REGARDING VACATING A PUBLIC UTILITY EASEMENT LOCATED ACROSS PORTIONS OF SOUTHTOWN SUBDIVISION (LOCALLY KNOWN AS 300 AND 310 SOUTH 17TH STREET): The Mayor opened public comment. There was no one wishing to speak.

Moved by Gartin, seconded by Corrieri, to adopt RESOLUTION NO. 20-666 approving the vacation of the Public Utility Easement located across portions of Southtown Subdivision (locally known as 300 and 310 South 17th Street).

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

HEARING REGARDING THE ESTABLISHMENT OF A NEW INDUSTRIAL ZONING DISTRICT TO BE KNOWN AS THE INTENSIVE INDUSTRIAL ZONE IN CHAPTER 29, ARTICLE 9, OF THE AMES MUNICIPAL CODE: Director Diekmann explained that the

proposed Industrial District is a little bit different. It is a compilation of Planned Industrial and General Industrial and intended to only be used east of I35. The idea is that large tracts of land have different economic development options compared to other industrial land in the City. This will allow for the intense large manufacturing or distribution facilities. The zoning is the step that the Ames Economic Development Commission requested to continue to market the property as the City looks at extending utilities in 2021. There is no action to rezone any properties by making this change, but it does put the zoning district into the Ordinance so when a property is ready to develop, the zone is known and it can move forward in a quick manner.

Council Member Betcher mentioned that at various points as the Council has discussed this industrial area, the question of water super-users has come up and if the City is trying to attract those industrial uses that could put a strain on the water supply in the future. She wanted to know a little more about the permitted uses for this area and if they are water-intensive uses. Director Diekmann commented that there is the potential for those types of uses. He noted that all staff is aware of the water issue. The only place it is included in City Policy is through the Economic Development strategies that the City is not interested in incentives for large water users.

Council Member Betcher inquired about the question of odors that the Planning & Zoning Commission were interested in. Mr. Diekmann stated that it is a difficult issue as odor is a subjective matter. There are clearly going to be odor issues for different people, but there is no absolute answer. There is not an odor management ordinance in the City. Director Diekmann explained that what the Planning and Zoning Commission was concerned about was if the east growth scenario did occur with housing would the industrial use be compatible with the neighborhood. He explained to the Planning and Zoning Commission that if the East Industrial development is not compatible, staff would have to revisit some of the assumptions for the east growth area and look at what is compatible.

Council Member Betcher asked about vehicle service facilities as there had been a previous request for these types of facilities. She wanted to know if it would be reasonable to have industrial vehicle service facilities in an industrial area, and wanted to know about the exclusion of that particular use. Director Diekmann stated that Article 5 of the Zoning Ordinance breaks out the uses in greater detail. He mentioned that if it was truly a truck repair business, it falls under industrial service, which is a permitted use in this area. Vehicle service facilities are to target passenger vehicles, gas stations, and small repair shops. If it was truly an industrial repair use, it falls in a different category than vehicle service facility. If the Council allowed vehicle service facilities, it would be gas stations and passenger vehicle repair shops.

Mayor Haila inquired about what the landscaping requirement would be. Mr. Diekmann explained that the only attribute that was put in for this area was the ability for staff to require additional screening for certain types of outdoor appurtenances to a site that are unsightly. Staff is applying the normal front-yard landscaping requirement and the normal parking lot landscaping requirement. They also copied over the total site cover percentages that are used in the other districts, to where developers have to reserve at least 15% of the site, but there is no planting pattern requirement.

Council Member Gartin mentioned that they will notice a significant increase in truck traffic in the area and wanted to know if it was possible, at some point, to allow a fuel station to be put in later. Mr. Diekmann stated it is possible; there were a lot of unknowns at this time, but that is something that can be looked at once a pattern of development is seen.

The public hearing was opened by the Mayor. He closed the hearing after no one asked to speak.

Moved by Gartin, seconded by Junck, to pass on first reading an ordinance regarding the establishment of a new Industrial Zoning District to be known as the Intensive Industrial Zone in Chapter 29, Article 9, 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.

LOW-INCOME HOUSING TAX CREDIT HOUSING PROJECT (BAKER SUBDIVISION):

Housing Coordinator Vanessa Baker-Latimer stated that staff has been working hard to stay on track to be able to submit an application to the Iowa Finance Authority (IFA) for approval of Low-Income Housing Tax Credits (LIHTC). The next step is the Option Agreement and the Development Agreement. Ms. Baker-Latimer explained that the Option Agreement is a requirement that Prairie Fire and the City must enter into to transfer the property from the City to Prairie Fire prior to submitting the LIHTC application. As part of the proposal, Prairie Fire offered to purchase the site for \$2,500, contingent on receiving tax credit approval as Prairie Fire must demonstrate site control of the property at the time of submitting the LIHTC application to IFA. She pointed out that if Prairie Fire doesn't get awarded the tax credit, the property will still belong to the City of Ames. The Development Agreement covers a lot of areas, i.e., construction schedules, warranties, covenants, performance, etc.

Planning and Housing Director Kelly Diekmann stated that the next steps would be to update the Concept Plan and bring back that Plan to the Council in February 2021; and they will then be able to submit the application by the March 2021 deadline. After that staff will be waiting until August 2021 to hear back about the approval of LIHTC in order to proceed with the project.

Council Member Martin mentioned that he had heard some concerns about how the contract is written, as it mentions up to 50 units, and that may change the overall density of the site that the Council previously discussed. Director Diekmann stated that measure is not intended to mean that the developer is trying to get the 50 units. Staff has had discussions with Prairie Fire, and they are not interested in trying to maximize more units on the property.

The Mayor opened the public hearing and closed it after there was no one wishing to speak.

Moved by Betcher, seconded by Martin, to adopt RESOLUTION NO. 20-667 approving the Option Agreement for the sale of the site to Prairie Fire Corporation.

Roll Call Vote: 5-1. Voting Aye: Beatty-Hansen, Betcher, Corrieri, Junck, Martin, Voting Nay: Gartin. Resolution declared adopted, signed by the Mayor, and hereby made a portion of these

Minutes.

Moved by Martin, seconded by Betcher, to adopt RESOLUTION NO. 20-668 approving the Developer's Agreement between the City of Ames, Prairie Fire Corporation, and Builder's Development Corporation.

Council Member Gartin explained that the reason he voted nay was because he thought this Plan was inconsistent with the Council's goals. A previous Staff Report stated that one of the proposed options that allowed for 50 units met all the green-space requirements and there hasn't been a project like this one in 30 years. Instead of going with a 50-unit option that would accommodate an additional 14 families to live in the community, the Council decided to go with the lower number of units. Mr. Gartin felt this was one of the poorest decisions that the Council has ever made. He was also concerned that the Council never heard from A Mid-Iowa Organizing Strategy (AMOS) or other advocacy groups.

Roll Call Vote: 5-1. Voting Aye: Beatty-Hansen, Betcher, Corrieri, Junck, Martin, Voting Nay: Gartin. Resolution declared adopted, signed by the Mayor, and hereby made a portion of these Minutes.

HEARING ON HOMEWOOD SLOPE STABILIZATION: Council Member Betcher asked if anyone had heard anything else from the Inis Grove neighborhood people since the previous day. City Manager Steve Schinker stated they had not.

The Mayor opened public comment. There was no one wishing to speak.

Moved by Gartin, seconded by Corrieri, to adopt RESOLUTION NO. 20-669 approving final plans and specifications and awarding a contract to RW Excavating Solutions, Inc., of Prairie City, Iowa, in the amount of \$535,192.55.

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

HEARING ON AMENDMENT TO THE PLANNED RESIDENCE DISTRICT MAJOR SITE DEVELOPMENT PLAN FOR A DEVELOPMENT KNOWN AS DOMANI LOCATED AT 2200 OAKWOOD ROAD: The public hearing was opened by the Mayor.

Joyce Hammen, 2932 White Oak Drive, Ames, stated she has been watching this project, and she is concerned about what has changed in the Plan since the initial Preliminary Plan was approved. She noted she hasn't seen a big change in anything when she looked through all the information provided to her. Ms. Hammen noted that it appears that the lots need to be reduced and it seems to be an issue where the developer found out that they didn't have enough room. Ms. Hammen stated as a neighboring property, she was approached by the developer prior to the approval of the Preliminary Plan, and she was told that the developer was going to be building five feet from her property. She mentioned that she told the developer that her lot was not part of the planned development, but was

told by the developer that they could build on her property line. Ms. Hammen explained that the developer came back after he realized he couldn't build on her property line, and she was told by the developer that they needed extra feet. She mentioned that she was approached by the developer to sign a Non-Disclosure Agreement if they would allow the developer to build into their property. She stated that she had an issue with that and walked away from the developer. Ms. Hammen thought that the City should know how the property owners were being approached by the developer. She doesn't believe that it was a miscalculation by the developer.

Keith Arneson, 4114 Cochrane Parkway, Ames, mentioned that while he and Ms. Hammen didn't agree on some items, he took exception to some of the comments that were made. Rather than waste the time of the Council, he wanted to know if the Council had any questions for him. He explained that the comment about the Non-Disclosure Agreement was that he offered the Hammens an easement to use the eight-foot of space, up to the edge of the building, that was refused.

The Mayor asked staff to address Ms. Hammen's concern about what has changed in the Amendment to the Major Site Development Plan. City Planner Benjamin Campbell stated that the developer discovered that while moving forward, and in further discussion with staff that the setback needed to be clarified. The main concern that came up was the eaves on the houses and whether or not they would project over the property lines. The Building Official requested that the eaves not project over property lines and be kept within a single lot, which accounts for a lot of the changes in setbacks. The new proposed standards will have the homes set back 1.5 feet from the zero-lot-line side of the property line and 8.5 feet from the opposite side property line for most lots. This will maintain the ten feet of separation, but place the entirety of the house, including the eaves, wholly on a lot. Mr. Campbell explained that there will be one exception: Lots 22 and 23 will have nine feet as Lot 22 will be the model home and the foundation has already been poured. The applicant is required to fire-rate the walls on the east side of the home on Lot 23 and the west side of the home on Lots 22 to account for the reduced separation. As a result, Lot 23 will also only have a 7.5-foot side-yard setback to the east.

Moved by Gartin, seconded by Corrieri, to adopt RESOLUTION NO. 20-670 approving the Amendment to the Planned Residence District Major Site Development Plan.

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

HEARING ON MAJOR SITE DEVELOPMENT PLAN ALTERNATIVE LANDSCAPE PLAN FOR 1910 ISAAC NEWTON DRIVE (KWIK TRIP, INC.): The Mayor opened the public hearing.

Wade Dumond, La Crosse, WI, representative for Kwik Trip/Star, wanted to let the Council know he was available for any questions.

The public hearing was closed by the Mayor.

Moved by Betcher, seconded by Junck, to adopt RESOLUTION NO. 20-671 approving the Major Site Development Plan Alternative Landscape Plan.

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

ORDINANCES PERTAINING TO SHORT-TERM RENTALS: Mayor Haila mentioned that staff is requesting to pass on second reading and to suspend the rules necessary for the adoption of the ordinance for third passage and adoption for the Ordinances pertaining to short-term rentals.

Moved by Corrieri, seconded by Beatty-Hansen, to pass on second reading an Ordinance amending Chapter 29 (zoning).

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

Moved by Corrieri, seconded by Junck, to suspend the rules necessary for the adoption of an ordinance.

Roll Call Vote: 6.0. Motion declared carried unanimously.

Moved by Corrieri, seconded by Beatty-Hansen, to pass on third reading and adopt ORDINANCE NO. 4427 amending Chapter 29 (zoning).

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

Moved by Gartin, seconded by Beatty-Hansen, to pass on second reading an Ordinance amending Chapter 13 (rental).

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

Moved by Beatty-Hansen, seconded by Junck, to suspend the rules necessary for the adoption of an ordinance.

Roll Call Vote: 6.0. Motion declared carried unanimously.

Moved by Beatty-Hansen, seconded by Junck, to pass on third reading and adopt ORDINANCE NO. 4428 amending Chapter 13 (rental).

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

Moved by Corrieri, seconded by Junck, to pass on second reading an Ordinance amending Chapter 35 (guest lodging).

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

Moved by Beatty-Hansen, seconded by Junck, to suspend the rules necessary for the adoption of an ordinance.

Roll Call Vote: 6.0. Motion declared carried unanimously.

Moved by Gartin, seconded by Junck, to pass on third reading and adopt ORDINANCE NO. 4429 amending Chapter 35 (guest lodging).

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

ORDINANCE AMENDING THE EAST UNIVERSITY IMPACTED URBAN REVITALIZATION AREA BOUNDARY BY ADDING 313 LYNN AVENUE AND ADDING AN EXPIRATION DATE OF APRIL 1, 2024: Moved by Betcher, seconded by Junck, to adopt ORDINANCE NO. 4424 amending the East University Impacted Urban Revitalization Area boundary by adding 313 Lynn Avenue and adding an expiration date of April 1, 2024.

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

ORDINANCE REGARDING THE EXTENSION OF BUILDING FEATURES INTO REQUIRED SETBACKS: Moved by Junck, seconded by Betcher, to adopt ORDINANCE NO. 4425 regarding the extension of building features into required setbacks.

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

FACE-COVERING ORDINANCE EXTENDING THE SUNSET CLAUSE TO JUNE 30, 2021: Moved by Junck, seconded by Corrieri, to adopt ORDINANCE NO. 4426 amending the Face-Covering Ordinance to extend the sunset clause to June 30, 2021.

Roll Call Vote: 5-1. Voting Aye: Beatty-Hansen, Betcher, Corrieri, Junck, Martin. Voting Nay: Gartin. Ordinance declared adopted, signed by the Mayor, and hereby made a portion of these Minutes.

DISPOSITION OF COMMUNICATIONS TO COUNCIL: Mayor Haila explained that the first item was a letter from Mediacom notifying the City about rate adjustments that will occur on or about December 22, 2020. No action was taken by the Council as this was informational only.

The second item was a letter from Chuck Winkleblack, Hunziker and Associates, notifying the City that Dayton Park Development LLC was to have completed a speculative building within the TIF district by June of this year to be in compliance with its Developer's Agreement. However, due to COVID, they are behind schedule. He asked for consideration, of a revised completion date. City Manager Schainker stated that it was just for the Councils information and no action is required.

The Mayor mentioned that the third item was a memo from Assistant City Manager Brian Phillips giving an update on the Small Arts Grant Program.

Moved by Betcher, seconded by Martin, to place the memo regarding the Small Arts Grant Program on an agenda in January to discuss the direction that the Public Arts Commission has taken.

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

The last item was a letter from Karen Chitty, Executive Director, Campustown Action Association, providing input on vending on public streets and sidewalks in Campustown. The Mayor noted that the letter was already addressed during the vending discussion earlier.

COUNCIL COMMENTS: Council Member Betcher wished everyone “Happy Holidays” and thanked City staff for all the hard work that was done this year especially due to the pandemic.

Mayor Haila mentioned that he thinks the Council is unanimous in its support of everything that City staff had done in 2020 and hopes that 2021 will be a better year. The Mayor stated he had had the privilege of participating in the first “Wreaths across America” presentation. The American Legion Writers is connected to this project. Across the entire United States, over 2500 different ceremonies were held at the same time, including Arlington National Cemetery. Over 1.8 million wreaths were placed on the graves of veterans. The goal is to place a wreath on every veteran’s grave in all the cemeteries in Ames.

ADJOURNMENT: Moved by Corrieri to adjourn the meeting at 8:01 p.m.

Amy L. Colwell, Deputy City Clerk

John A. Haila, Mayor

Diane R. Voss, City Clerk