

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

AMES, IOWA

OCTOBER 17, 2017

The Ames City Council met in Special Session at 6:00 p.m. on the 17th day of October, 2017, 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 Robert Bingham was absent.

REQUEST FOR “OVER THE EDGE” EVENT ON FRIDAY, OCTOBER 27: Ericka Peterson, CEO of the Boys and Girls Club of Story County, stated that this event is a fundraiser for the Boys and Girls Club. The event will be held on Friday, October 27, from 9 a.m. to 5 p.m. at the Edge building in Campustown. Ms. Peterson described several of the activities that will be available during the event.

Moved by Orazem, seconded by Gartin to approve the following:

- a. Motion approving blanket Temporary Obstruction Permit for the closed area
- b. RESOLUTION NO. 17-630 approving closure of Chamberlain Street, from Stanton Avenue to the entrance of Municipal Parking Lot Z, from 6:30 a.m. to 5:00 p.m
- c. RESOLUTION NO. 17-631 approving closure of 57 metered parking spaces and suspension of parking regulations within the closed area.

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

CRIMINAL JUSTICE BRIEFING FOR AMES AND STORY COUNTY: Jessica Reynolds, Story County Attorney, reported that Story County has 14 attorneys and ten staff. Eleven of those attorneys are in the Criminal Division. The Criminal Division prosecutes state crimes - simple misdemeanors to Class A felonies, and County Ordinance violations. The Civil Division has one attorney for hearings, employment law, to defend lawsuits, and to sue on behalf of Story County. The Juvenile Division has two attorneys for child-in-need-of-assistance cases, delinquency cases, and mental health and substance abuse committals. The Story County Attorney’s office has two location: one in Ames and one in Nevada. Ms. Reynolds described the County Attorney’s Community Outreach program and the law enforcement liaison training.

City of Ames Police Chief Chuck Cychosz told the Council that training to work in a diverse community actually begins with whom and how the City hires. He noted that the Ames Police Department looks for individuals who may have had experience in diverse communities. Training on diversity continues at the Iowa Law Enforcement Academy. Diversity training is attended by the entire Department, not just officers. Chief Cychose also described some of the individual training attended by members of the Department: Teaching Diversity, Cultural Diversity/Racial Profiling;

Beyond Cultural Sensitivity; Community Conversations/Diversity Roundtable. Statistics were given on neighborhood quality-of-life complaints, e.g., parties and loud noise and trespassing.

Council Member Beatty-Hansen inquired whether the Crime-Free Housing program was having an effect on the trend. Chief Cychosz responded that Crime Free Housing started in 2009 as a certification process that looks at how housing is managed. More property managers are willing to include expectations and penalties into their leases. The Safe Neighborhoods initiative has also contributed to this success. According to the Chief, the Police Department also provides information to developers on what makes for safer living conditions. In addition, the Dean of Students from Iowa State is giving a call as a follow-up with students help to reinforce safe behavior. Chief Cychosz commented that Ames is trying to be on a path to that crime-free status.

Chief Cychosz stated that personal crimes (homicides, robberies, assaults, and abuse) also showed a pretty flat line. Generally investigators spend a lot of time working on these crimes. Many of those crimes have drugs and or alcohol involved. The action that is taken by the Police Department involves investigators, the Drug Task Force, SAT, DART, and Victim Witness support. Responsive teams, commitment to victim support, and partnering with the nurse examiner and the advocate are the driving forces. It was noted that the report did not include incidents that occur on campus.

Ms. Reynolds stated that her office treats domestic violence cases as a main priority. Studies have shown early intervention in these cases can possibly stop a murder. She commented that the law enforcement offices within the County collaborate as a team from the start of the investigation.

Mr. Cychosz advised that property crime, such as theft, burglary, or financial crimes, have stayed pretty much level. Efforts to take action on these crimes comes from the Drug Task Force, restitution/recovery, electronic resale monitoring, ID theft, scam alerts, and regional retail collaboration. It was noted by Chief Cychosz that the City Council put an ordinance in place requiring electronic resale monitoring, which stops using pawn shops to stolen goods to because the item will pop up on the tracker. However, ID theft is running ramped. There are tools the Police Department uses to help with this, but it is more and more difficult to keep personal information private. According to Chief Cychosz, the Police Department works with the University and community to get information out on scams that are going around.

Chief Cychosz commented that early intervention/contact with a police officer is the beginning of the process, not the end. The Police Department wants it to be a positive and life-changing experience. He noted that underage drinking is a prime opportunity for such intervention.

According to Chief Cychosz, the work of the City's Mental Health Advocate in responding to a crisis situations involves organizing services, connecting family members, and identifying community resources to help the individual live a normal life and avoid subsequent consequences. Early intervention with domestic violence happens when a police officer talks with people when a loud argument is happening, before it becomes violent. The drug crisis in Ames is methamphetamine. It is cheap and widely available. Opioid and heroin use is on the rise, but the biggest issue is

methamphetamine. Council Member Gartin asked Chief Cychosz about his involvement with the Opioid Task Force. Chief Cychosz responded by saying the Task Force was organized by social service agencies and interested parties across the community. It was a collective thought to get together early and learn from other communities on what may be coming, so as to protect the community.

Ms. Reynolds added that methamphetamine is the County's biggest battle. It is important to provide drug treatment to those addicted as soon as possible. She said she has and will continue to apply for a grant from the Department of Justice for a drug court. Some drug courts have been used as a prison diversion program that has been highly effective. According to Ms. Reynolds, treatment up-front must occur to keep some crimes from happening.

Council Member Gartin asked Chief Cychosz about possible gang activity. Chief Cychosz responded that it does happen, but Ames does not have a big gang footprint to deal with. The Chief noted that all are affected by guns that are readily available to our young people.

Interim City Attorney Mark Lambert addressed the difference between the Ames City Attorney and Story County Attorney. He stated that it is similar, but the City Attorney prosecutes the simple misdemeanors and ordinance violations in the City. Mr. Lambert also stated that the City Attorney also tends to have more civil work. The two offices do work together frequently and have a positive working relationship.

Chief Cychosz advised that public events take a homeland security mentality to think like a Boston or Chicago. Ames is also home to federal and state research labs that must be protected. The Chief stated that there is a lot of planning, security analysis, and communication to develop response plans. Council Member Orazem asked about the coordination with the University since many public events are around the University. Chief Cychosz stated that there is a long history of the City working with the University. He pointed out that the City and the University has to share people for certain events to plan and manage for those events. Most of the time the County and University are a part of the plan. There is a strong partnership between the City and Iowa State University, which is highly valued.

Ms. Reynolds stated that there was a law change in 2009 that allowed County Attorney Offices to recover delinquent fines, victim restitution, and sheriff's fees. The Fines Recovery Program has deposited \$1,892,269.67 into Story County's General Fund since the Program began in 2009. These funds benefits the crime victims because they get their restitution first; defendants are able to get on a monthly payment plan, and if compliant with the plan, the County Attorney can help reinstate their driver's license. It also benefits taxpayers because the money goes back to the County. The Truancy Task Force was created this year as a collaboration of the public schools, County Attorney's Office, Department of Human Services, and Juvenile Court System. As part of this Program, the team meets with the child and his or her family to prevent court actions for truancy. According to Ms. Reynolds, Story County has about one murder case a year. Oftentimes, there is a connection with drugs on those cases.

Council Member Gartin inquired about recidivism. According to Chief Cychosz, the rate is highest the first year out of prison. He stated that research shows that after seven years, they are no more at risk to commit a crime than someone who has not been in prison. He also commented that people are less likely to commit a crime again if they have a job, sense of support, and a sense of local accountability (know their neighbors).

Mayor Campbell called a recess at 7:24 p.m.

The meeting reconvened at 7:29 p.m.

STAFF REPORT ON DIGESTER GAS UTILIZATION AT WATER POLLUTION CONTROL FACILITY: John Dunn, Director of Water and Pollution Control, said that the Council must determine if the sustainability benefits of continuing to generate electrical power from methane gas produced on-site (“co-generation”) offsets the increased capital and operating expenses when compared to simply purchasing electricity from the rural electrical cooperative.

Randall Wirtz, Strand Associates, Inc., presented results of the study on co-generation. Two of the three existing engines were put in 1989 and the third one was put in 2003. Co-generation is used at the Treatment Plant. The previous Plant used cogeneration to offset, at times, nearly 100% of the electricity needed for the plant. When the most recent Plant was constructed in 1989, cogeneration was continued. With increased electricity demands on that facility, cogeneration has been offsetting approximately 15-20% of the electricity demand. There is no gas cleaning and those engines burn very “dirty gas.” Today’s engines require much cleaner gas. Instead of cleaning the gas, it has been decided to do more maintenance. The engines have costly maintenance due to necessary frequent oil changes and overhauls. Heat is critical to the operation and the engines need to operate to provide the heat. There is not a back-up boiler and two engines cannot operate simultaneously. The safety and control functions for the generators no longer operate properly on the engines. The engines normally last 20 years. The existing High Strength Waste (HSW) Receiving Station requires improvements also and needs a lot of operation attention. The benefit of hauling waste to the digesters is the tipping fee revenue. High Strength Waste will produce more gas in the digester, which could double or triple the amount of gas produced, and that will produce more energy.

Council Member Orazem asked if there was a market to sell fats and oils. Mr. Wirtz responded that most material brought to the Plant usually is limited in value, but if it is high-quality grease waste there is a very big market for that.

According to Director Dunn, the goal of the study was to evaluate existing facilities and current gas production; estimate future loading and gas production; identify potential high strength waste sources; evaluate the potential to co-digest HSW to increase digester gas production; and develop and evaluate digester gas use alternatives under both future scenarios with or without HSW. High Strength Waste receiving equipment helps to take the trash that will travel to the digester and sift out the rock and the objectables so not to clog up the digester. Some facilities can be run 24-hours/day and seven days/week so that haulers can come at any time. There are card readers so it will know

who was there, who was discharging, and who was buying the discharge. To incorporate this, better access would be needed; just for the HSW Receiving/Storage Costs, it would be over \$1,000,000. It was noted that that is a lot of money, but there is more and more interest in the program, not only from local grease haulers, but outside entities also. When doing the study and talking with some haulers, many expressed interest because of the shorter haul distance.

Five alternatives were explained:

Alternative 1: Continue Using Existing Engines

- Use MG #2 and MG#3, need to use MG #1 just as a backup. The generator control system will need to be upgraded due to safety issue. This will allow the operation of two engines to run simultaneously.

Alternative 2: Install One New Engine

- The City would continue with co-generation without a boiler. The new engine would replace MG #1. The new engine would need a lot cleaner gas, but would be more efficient, to where it would produce up to fifty percent more electricity.
- A new building or inclosure would be needed to house the gas cleaning equipment. Gas cleaning equipment doubles the cost of the project and doubles the maintenance requirement.

Alternative 3: Replace with Microturbines

- Microturbines are another way to produce heat instead of using the engines. Microturbines do need even cleaner gas than the new engines and will also need an inclosed area with a roof over it.

Alternative 4: Discontinue Co-generation and produce pipeline quality gas

- The City would need to clean the gas all the way up to natural gas that could be injected into the pipeline. The City of Ames gas flow is not where it needs to be to do this in full measure. There maybe a possibility in five years if HSW program takes off. The City would then have the gas production to do it.
- There is Green energy, that is very valuable gas, but very expensive to create. A pipeline would need to be built to connect to the HSW. Green energy is twenty times more valuable than natural gas, but if only producing a little bit of the green energy the capital cost associated is way too much. There is also no guarantee this will stay in affect past 2022.

Alternative 5a: Replace Engines with Boiler and/or Co-generation

- Boilers operate using both natural gas and digester gas to provide heat for the digesters. This alternative does not require costly gas treatment. It could use the gas as it was produced. The boilers would fit inside the rooms, so no building cost.

Alternative 5b: Existing Engines with Backup Boiler

- This alternative would be to replace MG #1 with a boiler and keep the other two existing engines. The City would be able to use those two engines as much or as little as it chooses. Gas treatment would not be needed, but a new control system would be needed.

Alternative 5c: One New Boiler and One New Engine

- This alternative will need to have the cleaner gas and the gas cleaning system.

Mr. Wirtz stated the cheapest way to do things now is to keep doing what the City is doing and just replace the controls, which is about \$800,000. This does not include the High Strength Waste. Council Member Orazem wanted to clarify that the maintenance costs would steadily increase and was concerned about potential upscale costs. Mr. Wirtz responded that the maintenance costs would continue to rise, but an increase was factored in in the calculations.

The next option was to do away with the engines and put in two new boilers; this would be a cost of \$1.2 million dollars. This would actually be the cheapest over a 20-year period because the operating cost and maintenance cost would be lower. If the City were to add the HSW, it would be a total of about \$2.1 million. Council Member Gartin asked how long it would be before seeing a return on investment. Mr. Wirtz replied that with a direct payback it would be in about ten years with a return of possibly \$1.4 million.

Council Member Nelson inquired about the sustainability difference between option 5a and 5b. Mr. Wirtz responded that 5a is only using the amount of gas needed for the digesters, which is only about 40 - 50%, and 5b would use all of the gas for some beneficial use.

Council Member Gartin asked about best practices or trends of other communities the size of Ames. Mr. Wirtz stated that Ames is on the very bottom lip for the size of community for co-generation to be viable. Plants smaller may do HSW for the revenue of the tipping fee. The City of Ames does have a lot of digester capacity and low land cost of sludge, which is cost-effective.

Recommendations were described based on certain factors:

If Green Electricity Is Not Paramount:

- Implement Alternative 5a, with boilers only.
 - Lowest total present worth cost - with and without HSW
 - Highest non-monetary score (operational complexity, expandability, sustainability, air emissions, and constructability)
 - \$1.3 million without HSW
- The City could consider bringing in HSW. Implement minor upgrades to receiving facility and evaluate before putting in a large amount of capital improvement funds. Make sure that the program is sustainable in 2-3 years.

If Green Is Paramount:

- Alternative 5b initially, which is working with existing co-generation and putting in a new backup boiler. This will improve the reliability and provide time to prove HSW program and gas production. The cost of the project would be around \$1.5 million. If the program is successful the City could move to Alternative C.

Director Dunn stated that staff was seeking direction from the City Council to choose one of the following paths:

- Replace the methane engines entirely with boilers to supply the necessary heat, but no electricity for the plant (\$1.25 million) or
- Choose a path that includes co-generation supplying both the heat and electricity for the plant at higher cost (\$3.1 million).
- Choose a short-term path that splits the difference, staying with co-generation in the short-term, essentially “buying time” to see how the economics might change over the next few years.

Council Member Betcher shared that she was concerned about the air emissions. Mr. Dunn explained that if the Council were to choose option 5a, that would only mean that the City would not be generating electricity at the facility, but the City would have to buy electricity from some place else. Essentially, the City’s air emission may improve, but someone else will have to generate emissions on the City’s behalf. It is not improving the emissions, just changing who generates them.

Council Member Gartin asked about staff implications. Mr. Dunn responded that it would depend on how much waste the City would receive and the type of waste. There is a possibility that the City would need to spend the capital improvement money to avoid putting on additional staff to “babysit” a system like that.

Council Member Orazem wanted to know more about the potential for HSW between Options 5a and 5b, and how they would compare 20 years from now. Council Member Beatty-Hansen clarified that Alternative 5b would still be generating electricity and that is where the HSW makes the savings. The boilers will eventually max out in their effectiveness. Mr. Wirtz clarified that only one boiler and a backup would be needed. If the City were to go with the boiler-only option and bring in a lot of HSW, that would just flare more gas.

Council Member Gartin asked about safety between the two options. Mr. Wirtz did not believe there was a difference. Christina Murphy, Assistant Water & Pollution Control Director, stated as long the City addresses the switch gear and controls problem, it would put the City on better footing. She also noted that the City is addressing the new Code requirements as it goes through the Capital Improvements Plan.

Moved by Beatty-Hansen, seconded by Orazem, direct staff to pursue Alternative 5b.
Vote on Motion: 6-0. Motion declared carried unanimously.

STAFF REPORT ON PROPOSED REVISIONS TO CHAPTER 28 DIVISIONS II AND III

AND APPENDIX N: According to Director Dunn, this presentation is informational only. He commented that if the Council is comfortable with the proposed changes, no action will be needed at this meeting. Staff will bring the Chapter 28 changes and small change to Appendix N to the City Council in ordinance form on October 24 for the first of three readings. There were a couple changes related to the Industrial Pretreatment Program US EPA that staff asked to have added to the Code and adopted by December 15. Director Dunn; David Blumer, Supervisor for the Water Meter Division; Justin Albrecht, Environmental Specialist, and Assistant Director Murphy gave the presentation on the Chapter 28 revisions.

STAFF REPORT ON PROPOSED REVISION TO INDUSTRIAL PRETREATMENT PROGRAM DOCUMENT: Environmental Specialist Albrecht presented information on the revisions to the Industrial Pretreatment Program. He stated that all communities with wastewater treatment facilities designed to receive more than five million gallons-per-day of wastewater flow must implement an industrial pretreatment program consistent with the federal requirements. The goals of the Program are to protect water and pollution control facilities, the personnel working in those facilities, the environment, and to ensure that the City remains in compliance with the NPDES permit. Mr. Albrecht explained the reasons for the revisions. The previous versions are outdated and no longer aligned with current practices. The EPA audit that took place a year ago identified a couple of areas that needed attention. The City also had an outdated enforcement plan and did not require all industrial users to perform self-monitoring of their waste water discharge. According to Mr. Albrecht, the City's Industrial Pretreatment Program has been completely revised so that it mirrors that of a model provided by the Environmental Protection Agency and include suggestions from the recent audit. He also noted that the City was specifically asked to update the Enforcement Response Plan to reflect the Streamlining regulation changes made in 2010. The EPA had requested that the Program authorize the use of the Best Management Practices Permits that the City has issued in lieu of regular monitoring. The City has also implemented a Memorandum of Understanding with Iowa State University Research Park in order to better track new industries coming into the Park. Other updates include clarification of instances when two labs analyze a sample for the same parameter and how it should be handled should any parameters exceed an industries' pretreatment permit. Staff also clarified the requirement for industries to use a certified lab for analysis.

Council Member Gartin asked how many customers the revision will affect. Mr. Albrecht responded that there were eight to ten customers with about 14 Permits.

Karla Tebben, Environmental Protection Specialist for National Centers for Animal Health, 6201 North Fork Road, Ames, expressed that her agency had concerns with the Permits. Council Member Gartin asked Ms. Tebben what her concerns were, and Ms. Tebben responded that confidentiality concerns, security concerns (that people should not be able to get a hold of their maps), with the revision those could be given to whoever requests. Ms. Tebben added that a letter will be sent to the City Council with more concerns; after which, they are hoping to have some kind of dialogue.

Mr. Dunn stated that the way the Pretreatment Program addresses handling of confidential information is consistent with how the City handles any public record request. If someone indicates

it should be confidential, the City would notify them of that. It is then their obligation to go to court to get an injunction to block the release of that information.

Council Member Gartin agreed with Ms. Tebben concerning the confidentiality and stated that if the City has material that puts the public at risk, it should be “off the table.” Council Member Gartin also added that there should be some way to create a safe harbor for that kind of information.

Mr. Lambert clarified that even if it is someone else’s record, once the City has it, it is then subject to the Open Record’s Law. Council Member Orazem stated with that fact and there is a danger with the City having possession of the item, there has to be a way to accommodate the National Animal Disease Lab in a way that would not open the City up to that particular “back door” to potentially put the public at risk. Mr. Lambert responded by saying that he would look to see if there was an exception that would apply and that these issues can be discussed.

COUNCIL COMMENTS: Moved Orazem, seconded by Nelson, to refer to staff for a memo the email from Kurt Friedrich pertaining to having to remit cash payment for off-site improvements for Quarry Estates (instead of a Letter of Credit) that are not even contemplated in the City’s Capital Improvements Plan at this time.

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

ADJOURNMENT: Moved by Corrieri to adjourn the meeting at 9:06 p.m.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor

Stacy Craven, Recording Secretary