

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

AMES, IOWA

SEPTEMBER 11, 2018

The Regular Meeting of the Ames City Council was called to order by Mayor John Haila at 6:00 p.m. on September 11, 2018, 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, David Martin, and Chris Nelson. *Ex officio* Member Allie Hoskins was also present.

Mayor Haila announced that the Council would be working from an Amended Agenda. Added to the Consent Agenda was a Resolution establishing compliance with reimbursement bond regulations under the Internal Revenue Code.

In recognition of Patriot's Day, Mayor Haila noted that it was important for the City of Ames and the United States not to forget all those who were murdered on September 11, 2001. To honor the over 3,000 persons who perished on that day, a moment of silence was observed.

**PROCLAMATION:** Mayor Haila proclaimed September 2018 as "School Attendance Awareness Month." Malai Amfahr, Coordinator of Story County Reads, accepted the Proclamation. Others present as part of the Story County Reads collaboration were Erika Peterson, Boys & Girls Club of Story County; Carolyn Jons, Raising Readers in Story County; Kim Hanna, Raising Readers in Story County; Jerri Heid, Ames Public Library and Raising Readers in Story County; Randie Camp, Iowa State University and Raising Readers in Story County; Dan Fox, Ames Middle School Principal; Sunni Swarbrick, Story County Community Foundation; Anthony Jones, Ames Community School District; Lisa Negus, Ames School District; and Justin Jeffs, Kate Mitchell Elementary School Principal.

**CONSENT AGENDA:** Moved by Beatty-Hansen, seconded by Gartin, to approve the following items on the Consent Agenda:

1. Motion approving payment of claims
2. Motion approving Minutes of Special Meeting of August 21, 2018, and Regular Meeting of August 28, 2018
3. Motion approving Report of Change Orders for August 16 - 31, 2018
4. Motion approving renewal of the following Beer Permits, Wine Permits, and Liquor Licenses:
  - a. Class C Liquor – Corner Pocket/DG's Taphouse, 125 Main St.
  - b. Class C Liquor & Outdoor Service – Grandpa Noodle Gallery, 926 S. 16<sup>th</sup> Street
  - c. Class B Liquor, Catering, & Outdoor Service – Hilton Garden Inn Ames, 1325 Dickinson Avenue
  - d. Class C Liquor & Catering – Whiskey River, 132-134 Main Street
5. Request from Campustown Action Association for Crafts & Draughts on October 6, 2018:
  - a. Motion approving 5-day (October 6-11) Special Class B Beer & Outdoor Service for A&R Marketing
  - b. Motion approving blanket Temporary Obstruction Permit on Welch Avenue from Chamberlain Street to Hunt Street from 7:00 a.m. to 7:00 p.m.
  - c. RESOLUTION NO. 18-513 approving waiver of electricity costs for the 200 block of Welch

- Avenue, including the Campustown Court area
- d. RESOLUTION NO. 18-514 approving the closure of 8 parking spaces and waiver of parking meter fees on Welch from 8:00 a.m. to 6:00 p.m.
  - e. Motion approving blanket Vending Permit on Welch Avenue from Chamberlain Street to Hunt Street
  - f. RESOLUTION NO. 18-515 approving a waiver of fee for the blanket Vending Permit
6. Motion approving ownership change for Class B Wine, Class C Beer License for Fareway Stores, Inc. #386 - 619 Burnett Avenue
  7. Motion approving ownership change for Class B Wine, Class C Beer License for Fareway Stores, Inc. #093 - 3619 Stange Road
  8. RESOLUTION NO. 18-516 approving, with conditions, Encroachment Permit for brick columns at 3109 Balsam Circle
  9. RESOLUTION NO. 18-517 setting date of public hearing as September 25, 2018, on a proposal to enter into SRF Sanitary Sewer Revenue Loan and Disbursement Agreement
  10. RESOLUTION NO. 18-518 reauthorizing the GIS Software Enterprise Licensing Agreement with Environmental Systems Research Institute of Redlands, California
  11. RESOLUTION NO. 18-519 approving contract and bond for WPC Facility Clarifier Launder Cover Project
  12. RESOLUTION NO. 18-520 approving partial completion of public improvements and reducing security for Quarry Estates, 2<sup>nd</sup> Addition
  13. RESOLUTION NO. 18-521 approving Plat of Survey for 1801-20th Street and 2008-24th Street (Northcrest) and acceptance of right-of-way dedication
  14. RESOLUTION NO. 18-522 approving Plat of Survey for 2800, 2820, 2902, and 2920 E. 13<sup>th</sup> Street

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 came forward to speak, and Public Forum was closed.

**ENDORSEMENT OF IOWA ECONOMIC DEVELOPMENT AUTHORITY APPLICATION FOR FINANCIAL ASSISTANCE FOR 3M:** Council Member Betcher asked if City staff had concerns about the increase in utilities that will occur as a result of 3M's expansion. Dan Culhane, Ames Economic Development Commission, introduced Jeff Peeler, Plant Manager at the 3M facility in Ames. Mr. Peeler said that 3M had been a proud and engaged contributor to the Ames community since 1970 when it first opened as a distribution center with 13 employees. It has now grown to a world-class manufacturing facility with over 400 employees. Mr. Peeler advised that 3M will be investing over \$30 million in the facility to expand its operations in Ames. Sixteen high-quality jobs will be added as a result of the expansion. Mr. Peeler requested the City's support of 3M's application to the Iowa Economic Development Authority for financial assistance. In answer to Ms. Betcher's question, Mr. Peeler stated that there will be a nominal increase in electric, and no additional usage in water or sewer will occur. There will be a need for additional usage of natural gas.

Mayor Haila thanked 3M on behalf of the City for investing in the Ames community.

Moved by Beatty-Hansen, seconded by Betcher, to adopt RESOLUTION NO. 18-523 approving the Endorsement of Iowa Economic Development Authority application for financial assistance for 3M, with no local match requirement.

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

**CONCEPT OF ACCEPTING HAULED WASTE FROM BURKE CORPORATION:** Council Member Betcher noted that there will be heavy trucks hauling the waste to the City's facility. She asked if City staff had concerns about that additional traffic, especially because the County road's bridge is still out and the alternative route is still being used. Director of Water and Pollution Control John Dunn stated that route was actually designed to take that level of traffic. In addition, Mr. Dunn stated that the Department budgeted for road rock and maintenance of that road.

Council Member Beatty-Hansen noted that the only number where the City is already overloaded is in Total Suspended Solids (TSS). Noting that the anticipated volume from Burke is small, Ms. Beatty-Hansen asked Mr. Dunn if he was concerned about adding to that volume. Mr. Dunn replied that the design estimate is 28 years old. He noted that what leaves the facility needs to be considered; the City's Permit allows the Plant to discharge 3,027 pounds of TSS, and currently, it is only discharging an average of 358 pounds. According to Director Dunn, clearly very conservative factors were used when the Plant's capacity was weighted initially.

Mayor Barker, Mayor of Nevada, thanked the City Council for its willingness to consider a Hauled Waste Agreement with the City of Nevada. He noted that Burke Corporation is the largest employer in Nevada.

Chad Randick, President of Burke Corporation, also thanked the City of Ames from Burke Corporation and the Hormel Corporation, for considering such a unique agreement. According to Mr. Randick, they are currently in the explorative phases for a plant expansion; the Nevada site has been identified as a finalist. Mr. Randick stated they are proposing to double the size of its existing facility. They do have the land to accommodate the expansion and are looking at adding approximately \$150 million in invested capital. There would be 210 new jobs created; 52 would qualify under the high-quality jobs program. None of that can happen if they do not find a way to bridge an approximate three-year gap between when the expansion would be completed and when Nevada's wastewater treatment facility would be completed. Mr. Randick said that the facility currently operates under its limits, but they want to set up a safety net so if it does need some assistance, the plant could continue to operate. They are also investing in an on-site storage tank that would allow waste to be held and divert it back to the City's system. It is difficult to determine how much assistance it will need.

Moved by Nelson, seconded by Gartin, to approve the concept of accepting hauled waste from Burke Corporation and to direct staff to develop a written Treatment Agreement.

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

**REQUEST BY BARILLA TO ALLOW FOR MISSING INFRASTRUCTURE DEFERRAL:** Planning and Housing Director Diekmann explained that staff was recommending that the Council, at a minimum, support the three-year deferral process; however, staff also supports creating the possibility of using an in-lieu payment method for sidewalks in very limited circumstances. Neither are allowed in the current *Code*.

Moved by Corrieri, seconded by Martin, to refer this matter to the City Attorney to draft an amendment to the *Municipal Code* that would allow for both deferral options.

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

**ANNEXATION REQUEST BY FRIEDRICH FOR 108 ACRES LYING WEST OF GEORGE WASHINGTON CARVER AVENUE AND SOUTH OF CAMERON SCHOOL ROAD:** Director Diekmann stated that City staff had been discussing possibilities for the development of the land along Cameron School Road and George Washington Carver Avenue with Kurt Friedrich for over two years. The land in question lies north and west of Scenic Valley Subdivision and has been referred to previously as the “Dankbar-Muench” properties. According to Mr. Diekmann, this land was the subject of a recently approved Land Use Policy Plan (LUPP) and Fringe Plan Amendment (in November 28, 2017), which designated the area as part of the North Allowable Growth Area and as an Urban Service Area and created a Convenience Commercial Node. As an Urban Service Area, the site is eligible for annexation and will be developed as one of the “New Lands” development patterns – a suburban low- to medium-density development or a village development.

Director Diekmann stated that, with any initiation of an annexation, staff would turn to the City Council to determine what the scope of the annexation should be. He explained that, in addition to the voluntary annexation request for the subject properties, there are a few neighboring properties abutting the site that could be included in the annexation to make more uniform boundaries and create an “80-20” annexation. There are two properties on the south side of Cameron School Road (Jamison and Scudder) adjacent to the requested annexation area and two properties in the west side of George Washington Carver Avenue (Hilker and JDS Rental Properties). Mr. Diekmann also stated that it is not necessary to include any additional properties to avoid creating an island as all four abutting properties lie on the periphery of the subject property. The Council was informed by Director Diekmann that the inclusion of non-consenting owners would require an initial meeting of the City Development Board followed by a public hearing before that Board. He also made the Council aware that if the 80/20 annexation were not approved, the portion of the land belonging to the non-consenting owners could be removed and the annexation could go forward as voluntary.

The following options were provided to the City Council:

1. Initiate the annexation as a 100% voluntary annexation by not including any non-consenting owners.

2. Initiate the voluntary annexation of 108.14 acres and include the two non-consenting owners along George Washington Carver Avenue in order to create more uniform boundaries and complete the developer tasks.

The developer tasks were identified as follows:

- a. The developer shall be responsible for the cost of completing a traffic study as defined by the City's traffic engineer for development of the site with approximately 300 homes and five acres of convenience commercial uses; and,
  - b. The developer shall enter into a Development Agreement for the developer's obligations at their sole cost to improve sanitary sewer capacity to serve the site consistent with the study from May 2017, complete required traffic improvements identified in the traffic study related to the development of the site, and complete any water services territory buy-out requirement that may be necessary to allow transfer of Xenia service territory to the City prior to development.
3. Initiate the voluntary annexation of 108.14 acres and include all four non-consenting owners in order to create more uniform boundaries and complete the developer tasks.

Council Member Beatty-Hansen offered her opinion that the City should definitely bring in the two properties along George Washington Carver to create a more uniform boundary. She felt that the City would be taking a risk if they did not bring them in at this time, especially if the property would be split and brought in in pieces. Council Member Gartin agreed, stating that he felt the City should annex as much as it can at this time.

Council Member Nelson asked if City staff knew that all four property owners would be non-consenting or had they just not been approached. Mr. Diekmann advised that they had not been approached.

Council Member Betcher said she had concerns about bringing in non-consenting properties because the City's past attempts had not met with success. She noted that the "smoothing of the boundaries" argument had failed previously and may not be convincing in this case. Ms. Betcher advised that she was concerned about expending staff time fighting to gain the non-consenting properties.

Moved by Nelson, seconded by Betcher, to approve Option 1: to initiate a voluntary annexation of 108.14 acres and not include any non-consenting owners.

Moved by Nelson, seconded by Betcher, to amend the motion to direct staff to reach out first to the property owners (Jamison, Scudder, Hilker, and JDS Rental Properties) to see if they are interested in being annexed to the City of Ames, and if so, include them; if there is no response within two weeks, to approve Option 1: to initiate the annexation as a 100% voluntary annexation by not including any non-consenting owners.

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

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

Moved by Gartin, seconded by Corrieri, to approve Option 3: to initiate the voluntary annexation of 108.14 acres and include all four non-consenting owners in order to create more uniform boundaries and complete the developer tasks.

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

**SOUTH GRAND AVENUE EXTENSION PROJECT:** Municipal Engineer Tracy Warner explained that the City of Ames is acquiring the entire Double DRS, LC, property for the South Grand Avenue Extension Project. Ms. Warner said that, for the phase associated with this property, South 5<sup>th</sup> Street will be partially relocated and extended westward to the new portion of South Grand Avenue Extension. This parcel is the open field where the new proposed South 5<sup>th</sup> Street Alignment passes through adjacent to the existing South 5<sup>th</sup> Street and the Boys and Girls Club. According to Ms. Warner, the parcel in question will also be used for roadway borrow material and constructed into a storm water wetland.

At the inquiry of Council Member Gartin as to whom would be charged with the maintenance of the wetland, Ms. Warner answered that, initially, it would be Public Works Engineering, who will be monitoring it for a while; then it will transition to the Parks & Recreation Department.

At the inquiry of Mayor Haila as to whether the site is buildable, Ms. Warner advised that the portion of the land that is outside of the floodway is approximately 18% of the property; that is where the roadway is going.

Moved by Beatty-Hansen, seconded by Betcher, to adopt RESOLUTION NO. 18-524 approving the Purchase Agreement with Double DRS, LC, for land acquisition at 299 South 5<sup>th</sup> Street.

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

**HEARING ON LEASE AGREEMENT WITH DEERE & COMPANY FOR APPROXIMATELY 53.03 ACRES OF CITY LAND:** Public Works Director John Joiner explained that John Deere has plans to develop a Spray Lab Building at the ISU Research Park. The lot in question is located along S. Riverside Drive, directly west of the Ames Municipal Airport. To facilitate planned equipment research and development, John Deere asked to have access to the ag fields adjacent to its site. They identified 53 acres that is currently being farmed as part of the Airport property. According to Mr. Joiner, water only will be used; there will be no chemicals. He also stated that John Deere will pay the same as the tenant farmer pays.

Mayor Haila opened the public hearing. The hearing was closed after no one requested to speak.

Moved by Gartin, seconded by Betcher, to adopt RESOLUTION NO. 18-525 approving a Ten-Year Lease with Deere & Company for approximately 53.03 acres of City land located along S. Riverside Drive, directly west of the Ames Municipal Airport.

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 UTILITY EASEMENTS AT 1801-20TH STREET AND 2008-24TH STREET (NORTHCREST):** The hearing was opened by the Mayor. He closed same after no one came forward to speak.

Moved by Nelson, seconded by Beatty-Hansen, to adopt RESOLUTION NO. 18-526 vacating eight Sanitary Sewer, Water Main, Storm Sewer, and Electric Easements.

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

**HEARING ON POWER PLANT MAINTENANCE SERVICES:** The public hearing was opened and closed by Mayor Haila since there was no one wishing to speak.

Moved by Betcher, seconded by Corrieri, to adopt RESOLUTION NO. 18-527 approving final plans and specifications and awarding a contract to TEI Construction Services, Inc., of Duncan, South Carolina, for hourly rates and unit prices bid, in an amount not-to-exceed \$90,000.

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

**ORDINANCE REVISING PARKING REGULATIONS ON MCKINLEY DRIVE:** Moved by Beatty-Hansen, seconded by Betcher, to pass on second reading an ordinance revising parking regulations on McKinley Drive.

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

**ORDINANCE REZONING 1801-20TH STREET AND 2008-24TH STREET (NORTHCREST):** Moved by Betcher, seconded by Beatty-Hansen, to pass on third reading and adopt ORDINANCE NO. 4369 rezoning 1801-20th Street and 2008-24th Street (Northcrest) from High-Density Residential (RH) to Planned Residence District (F-PRD).

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

**DISPOSITION OF COMMUNICATIONS TO COUNCIL:** Moved by Corrieri, seconded by Gartin, to direct staff to place on a future Agenda the request of Ames Community Preschool Center to carry over unspent ASSET funding from 2017/18 to 2018/19.

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

Moved by Beatty-Hansen, seconded by Corrieri, to communicate to Iowa WorkForce Development that the City Council was not interested in waiving the parking fees for 100 meters around the north and southwest areas of the Public Library for its Regional Summit.

Council Member Gartin said it was important to consider that the State of Iowa wants to partner with the City to benefit people in the community by helping them to find meaningful employment. He would like to approve the waiver this time.

Council Member Betcher noted that there had been other State-sponsored events held , but the City had not waived parking fees. She pointed out that there is free parking within a few blocks of the Public Library.

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

Moved by Gartin, seconded by Beatty-Hansen, to have staff include information on the Champlin-Lloyd property in the Staff Report to Council (on September 25) regarding the McCay property.

City Manager Schainker advised that this would be part of the discussion on the Comprehensive Plan.

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

Moved by Betcher, seconded by Corrieri, to refer to staff, for a memo, the letter from the Hunziker Companies, regarding the South Duff project.

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

**COUNCIL COMMENTS:** Council Member Martin stated that, in a recent National League of Cities email, there was mention of action being taken by the FCC regarding rules for small cell (wireless) placement. He advised that it requires radios to be placed in close proximity to whomever is using the radios. The rules that were being discussed have to do with what a provider has to do in order to attach their equipment to facilities within a city and to provide the service. It was Mr. Martin's feeling that the rules were hostile to local control of such issues. He noted that he felt he wanted to voice his opposition to this; however, there is a very short window of time for response to the FCC (written comment is due by September 18). Mr. Martin expressed his desire for City staff to review this, and if they felt that they should offer an opinion, they should do so. Council Member Betcher commented that she felt that was a good idea. The topic had come up at a National League of Cities Conference session that she had attended back in March. She commented that it is a real concern for city infrastructure because of their placement. Council Member Gartin stated that the Council needs to be cautious about efforts to support various policy issues. If there is a clear local connection, it would make a difference. He will be supportive of what Council Member Martin was recommending for that reason. No formal action was taken; however, there was no opposition indicated by the City Council to City staff offering an opinion to the FCC.

**CLOSED SESSIONS:** Council Member Beatty-Hansen 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) to discuss collective bargaining strategy.



Moved by Beatty-Hansen, seconded by Gartin, to hold a Closed Session, as provided by Section 20.17(3), *Code of Iowa*, to discuss collective bargaining strategy.  
Roll Call Vote: 6-0. Motion declared carried unanimously.

The meeting reconvened in Regular Session at 7:17 p.m.

Council Member Betcher 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 21.5(1)c to discuss matters presently in or threatened to be in litigation.

Moved by Betcher, seconded by Corrieri, to hold a Closed Session, as provided by Section 21.5(1)c, *Code of Iowa*, to discuss matters presently in or threatened to be in litigation.  
Roll Call Vote: 6-0. Motion declared carried unanimously.

The meeting reconvened in Regular Session at 8:25 p.m.

Moved by Beatty-Hansen, seconded by Betcher, to adopt RESOLUTION NO. 18-529 approving a recommended settlement in the amount of \$250,000 for a claim filed against the City on behalf of Chris Miller, who alleged that the City discriminated against him on the basis of a physical disability.  
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 8:26 p.m.

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Diane R. Voss, City Clerk

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John A. Haila, Mayor