

MINUTES OF THE REGULAR MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

MARCH 9, 2021

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 stated that it was 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 was 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.

Mayor Haila noted that staff had pulled Item No. 10: Requests for Greek Week from the Agenda per the request of the applicant.

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

1. Motion approving payment of claims
2. Motion approving Minutes of February 23, 2021
3. Motion approving Report of Change Orders for period February 15 - February 28, 2021
4. Motion approving certification of Civil Service applicants
5. Motion approving new 12-month Special Class C Liquor License (Beer/Wine) with Outdoor Service and Sunday Sales - Homewood Golf Course, 401 E 20th Street, **pending DIA Inspection**
6. Motion approving new 12-month Class B (BB) (includes Wine Coolers) with Sunday Sales: Time to Roll 2801 North Grand Avenue
7. Motion approving new 12-month Class C Liquor License with Sunday Sales: Noir 405 Kellogg
8. Motion approving ownership change for Class E Liquor License with Class B Wine Permit, Class C Beer Permit (Carryout) & Sunday Sales - Wal-mart Store #749 3105 Grand Ave
9. Motion approving renewal of the following Beer Permits, Wine Permits and Liquor Licenses:
 - a. Class C Liquor License with Outdoor Service & Sunday Sales - BN'C Fieldhouse 206 Welch Ave
 - b. Special Class C Liquor License with Sunday Sales - Wing Stop 703 South Duff Ave #101
 - c. Class E Liquor License with Sunday Sales - Tobacco Outlet Plus #530 204 S Duff
 - d. Class E Liquor License with Class B Wine Permit, Class C Beer Permit (Carryout Beer) and Sunday Sales - Wal-Mart #749 3105 Grand Ave
10. RESOLUTION NO. 21-080 approving appointments to various Boards and Commissions
11. Motion setting date of public hearing for March 23, 2021, to review the proposal to adopt the 2020 edition of the *National Electric Code* with two State of Iowa amendments and one local amendment
12. RESOLUTION NO. 21-108 approving Purchase Agreement for 2802 Arbor Street

13. RESOLUTION NO. 21-109 approving Underage Enforcement Contract between Ames Police Department and the Alcoholic Beverages Division for police enforcement of alcohol regulations
14. RESOLUTION NO. 21-110 approving Encroachment Permit Agreement for sign at 2420 Lincoln Way, Ste. B
15. RESOLUTION NO. 21-111 approving preliminary plans and specifications for Water and Pollution Control Facility Sludge Pumping Building Improvements; setting April 14, 2021, as bid due date and April 27, 2021, as date of public hearing
16. RESOLUTION NO. 21-112 awarding contract to Lumen of Monroe, Louisiana, for a 3-year data services contract in the amount of \$2,400/month
17. RESOLUTION NO. 21-113 approving Change Order No. 3 with DGR Engineering of Rock Rapids, Iowa, for additional engineering services for the Electric Power Line Relocation at SE 16th Street & S. Duff Avenue in an amount not to exceed \$32,500
18. RESOLUTION NO. 21-114 approving contract and bond for Water Treatment Plant Lime Pond Underdrain Improvements
19. Durham Bandshell Electrical Renovations:
 - a. RESOLUTION NO. 21-115 approving Change Order No. 1 in the amount of \$1,285.40 to Jaspering Electric, Inc., of Ames, Iowa
 - b. RESOLUTION NO. 21-116 accepting completion
20. RESOLUTION NO. 21-117 approving Plat of Survey for 2006 & 2010 Kildee 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 requested to speak, so he closed Public Forum.

SMALL ARTS GRANT PROGRAM: Assistant City Manager Brian Phillips mentioned that the Public Art Commission (PAC) worked with the Commission on the Arts (COTA) to develop and bring back to the Council guidelines for a Small Arts Grant Pilot Program. Mr. Phillips explained that there was an error in the numbering on the form attached to the Council Action Form; however, the actual application will have the numbering correct. It was noted that the Commission members working on the guidelines for the Grant program were Public Art Commission members Sara Sherman and Angie DeWaard and Commission on the Arts member Tom Lockhart.

Council Member Betcher inquired how the application cycle would work. Ms. Sherman mentioned that she is not sure as they have not fully worked out those details. Her hope is to have it available by Spring 2021, and hopefully make it an annual event. Ms. DeWaard mentioned it would be nice if the Commission would be able to add the application online, similar to the Neighborhood Grant Program. Ms. Betcher asked Mr. Phillips how the Neighborhood Grant Program worked. Mr. Phillips stated he is not sure about the timing of that Program, but if they wanted to apply the same concept as other Art Grants that are offered that could be done. It was noted that COTA is open for about 2-3 weeks, but since this is a new Program, they could open the application period for four weeks. Ms. Betcher stated one thing she is concerned about is making sure the information is out in time for the students at Iowa State who are going to be finishing their semester at the start of May.

This way they would have the opportunity to apply. Mr. Lockhart mentioned that they will need to do some promoting for this new Program; the typical grants through COTA are earmarked for non-profits who already know the process and know the application period is open twice a year. This Program is strictly for individual or small groups of artists and not organizations. He noted that the sooner the Commissions get a green light to move ahead they could have a deadline of May 1, 2021.

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

Moved by Betcher, seconded by Beatty-Hansen, to approve the Small Arts Grant Program criteria and application and direct the Commissioners to proceed with accepting proposals.

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

DISCUSSION REGARDING CITIZEN’S REQUEST FOR A POLICY PERTAINING TO PULLING ITEMS FROM THE CONSENT AGENDA: City Manager Steve Schainker mentioned what is typically on the Consent Agenda are items that would be considered non-controversial. It was recommended by a citizen that when an item is being pulled from the Consent Agenda for the purpose of voting against the staff’s recommendation, that item must be moved to a future agenda, rather than voting on the issue that night.

Council Member Betcher mentioned that she wanted to hear further citizen input on this item. She explained that the reason she asked for this item to be placed on the Agenda for discussion was due to the fact that the Council has not discussed this before.

The Mayor opened public input.

Merlin Pfannkuch, 1424 Kellogg Avenue, Ames, stated that he would like to know where the policy is regarding Council procedures. His opinion was that the Council had acted terribly in this instance. He explained that property rights are considered among the fundamental rights in the United States. In explanation, Mr. Pfannkuch stated that the Council pulled an item from the Consent Agenda and reversed the policy of more than 20 years for mandating sidewalks. He felt the process was rushed and doesn’t believe the way the Council handled his neighborhood sidewalk issue would stand up in court. Mr. Pfannkuch explained that the Council has to give the public an opportunity to speak. There were several long-term residents that could not make the meeting because the Council was expected to follow staff recommendations. He mentioned that two people were able to attend the meeting on an hour’s notice, and he devoted all his attention to attacking the process and never got a chance to say anything about the merits of the proposal. Mr. Pfannkuch commented that the Council acted like the sidewalk item was a routine matter and they “bludgeoned the neighborhood with the sidewalks.” He stated that the neighborhood had a right to come before the Council and say what needed to be said. It was asked why a decision for the sidewalks in his neighborhood had to be made during the meeting instead of waiting until the next meeting. He mentioned that what the Council did was irreprehensible, and it baffled him how the Council defends itself regarding his concerns about the sidewalks being put into his neighborhood. Mr. Pfannkuch mentioned that the Consent Agenda is for non-controversial items, and once the Council determines something is controversial, there should be a procedure to deal with that item. He didn’t understand why this was

not done previously and why a policy is not already in effect.

Public input was closed by the Mayor when no one asked to speak.

Council Member Martin mentioned that he is opposed to adding constraints to the Council's meeting management process. He wanted to make three points in opposition to the proposal to change the process by adding additional steps. First, the Council Consent Agenda is a meeting management technique. Mr. Martin stated that if members of the public mistakenly believe that the presence of an item on the Consent Agenda is a guarantee that it is going to be enacted as the staff recommends, the Council may want to address the misconception, but not add extra steps. Secondly, he doesn't believe the Council should set rules that are triggered by a member's subjective intent. Thirdly, the proposal to add extra steps would shift the power away from the elected officials and towards staff. The point is if the elected officials want to oppose staff's recommendations, there would be extra steps and extra delays, and this would be a shift in power. This is something the citizens of Ames should be cautious about giving away.

Council Member Beatty-Hansen agreed with Mr. Martin. She pointed out that even when Wheatsfields liquor license has been up for renewal, they know that a representative needs to be available during the Council meeting in case there are any questions. She mentioned that education may need to be done.

Council Member Gartin noted that the reason there isn't a policy is because the Council had never done this to someone before. He could not recall where the Council had ever pulled a Consent Item that would have had such an impact on someone when voting on something other than the staff recommendation. Mr. Gartin believed the Council made a mistake with the sidewalk issue, and ultimately, he felt the appropriate action would have been to put sidewalks in. He commented that if the Council could show discipline and make sure this error does not happen again, he doesn't feel there needs to be a change.

Council Member Martin stated that previously Mr. Gartin had made a motion to delay the issue, but the Council ultimately voted against it. He doesn't think that the Council voting against the motion should be a reason to change how they do things. Mr. Gartin explained that Mr. Schainker had mentioned that items are placed on the Consent Agenda that are non-controversial, and the reason a lot of the Consent Agenda items get pulled is because a Council member wants to point out something that they felt was noteworthy. Mr. Gartin noted that Mr. Pfannkuch made an excellent point about property rights. He explained that these were not inconsequential matters, and this was a matter affecting people's property rights, and they didn't have a chance to be notified.

The Mayor mentioned that the topic on the Agenda is about if the Council wants to make a policy change, and if not, he would like to move on to the next item on the Agenda.

Moved by Betcher, seconded by Gartin, to have items pulled from the Consent Agenda by a Council member because they seek an outcome other than the action recommended in the Council Action Form, the Council Member requesting that item to be pulled must move to table that item until the

next meeting.

Council Member Martin stated he had grave concerns about a written policy that would need to be written into an Ordinance or Robert's Rules of Order. To establish a policy that requires an otherwise independent Council Member to make a motion would be a problem. Mr. Martin stated he is opposed to the motion.

Council Member Junck stated the way the motion is worded could be problematic. She explained that sometimes the way the Council pulls items from the Consent Agenda is to further discuss the item, and if the Council wanted to go with Option 1 to approve or Option 2 to deny. Ms. Junck didn't think it would be worth it to put a policy in place.

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

HISTORIC PRESERVATION COMMISSION RECOMMENDED PRESERVATION PLAN AMENDMENTS: Planning and Housing Director Kelly Diekmann reviewed the draft recommendations for the Historic Preservation Plan. Staff will bring back any recommended changes.

Peter Hallock, 114 8th Street, Ames, said that he was speaking on behalf of the Historic Preservation Commission (HPC). He noted that the Commission has been working on the recommended changes for a little over a year. Each goal, objective, and the action steps were reviewed. The proposed changes recognize some of the accomplishments since 2009, such as the 2014 rewrite of the *Ames Municipal Code* Chapter 31 - Historic Preservation, and they also reflect the current view of the Commission regarding historic preservation practices and objectives, including a focus on education. The Commission updated names and some terminology to reflect current usages. Another purpose was to consolidate a number of Action Steps and to add a few new ones. Mr. Hallock noted one minor error on the proposed Amendments attachment on page 7 (Goal 4, Objective C): a line had been put through the description of the objective and that was not intended. Mr. Hallock mentioned that Commission Member Ted Grevstad-Nordbrock and he were available for any questions.

Council Member Betcher stated that she had sent some recommendations to City Manager Schainker, but was not sure if Director Diekmann or Planner Ray Anderson had seen them yet. She questioned the Action Step listed on page 6 (Goal 3, Objective B), which is to "Remove internal inconsistencies and update design guidelines to reflect new materials, technologies, sustainability, and "green issues." Specifically, she asked what the "internal inconsistencies" referred to. Director Diekmann answered that it refers to Chapter 31 and the design guidelines for Old Town. Ms. Betcher then questioned the Action Step for Goal 3, Objective B. She noted that there had been a lot of discussion about using graphics to illustrate Design Guidelines and wanted to know if that implied that the Commission is going to illustrate the Design Guidelines in the *Municipal Code*. Mr. Hallock mentioned that the discussion from the Commission was that some type of graphics would be part of the supporting information on the website that would help to illustrate examples of what was being asked for. Mr. Grevstad-Nordbrock stated that the Commission looked at other cities in Iowa that

had graphically represented design standards on websites. He noted that they looked at the City of Dubuque for ideas, which had tried to eliminate some of the problems that arise when the problem is verbal only. Council Member Betcher requested clarification on Objective D on page 6 under the same Goal 3. It stated to “Ensure the design guidelines for city re/development incentive programs respect the historic character of the properties and surrounding areas to which they are applied.” She wanted to know if that statement implies that the City needs to revise the Urban Revitalization descriptions or other language in the incentive programs themselves to include Historic Preservation. Mr. Hallock mentioned that the language is the same as the previous Plan except that they added the word “the” in the Action Step. Mr. Diekmann commented that, as it is written, it means that if the City Council is adding criteria because of its Historic Preservation related factors, the Council or staff should be reaching out to the Historic Preservation Commission to find out what the standards are. Ms. Betcher stated her other concerns were just some wordsmithing and those were already sent to Director Diekmann.

Mayor Haila inquired about the Action Step on page 7 (Goal 3, Objective F): “Support the minimum maintenance code for rental and owner-occupied property.” The Mayor wanted to know if that was accurate for owner-occupied properties. Mr. Diekmann mentioned that it would not be. Mayor Haila wondered if the Action Step should say “a” instead of “the.” He then asked for an explanation of the Action Step on page 9 (Goal 5, Objective B) that stated, “Explore additional ways the Historic Preservation Commission could be involved with the demolition of potentially eligible historic properties in Ames.” Mr. Hallock stated that the word “process” could be added into that wording. He noted that HPC does not want to be involved in demolition, but the idea is to explore some sort of notification or ability to comment about the process of issuing a demolition permit. Mr. Grevstad-Nordbrock recommended changing the word “explore” to “review.”

The Mayor opened public comment and closed it when no one spoke up.

Mr. Diekmann stated that they revise the Plan with the amendments and bring it back to the Council for approval on a future agenda.

Moved by Betcher, seconded by Junck, to ask staff to clean up the Plan in accordance with the discussion from the Council.

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

SECOND AMENDMENT TO PRE-ANNEXATION AGREEMENT WITH ROSE PRAIRIE, LLC: Planning and Housing Director Kelly Diekmann stated the owners of Rose Prairie are requesting a second Amendment to the Agreement. Rose Prairie is a 170-acre site at the corner of Hyde Avenue and 190th Street. City Council last reviewed the rezoning of the site and an addendum to the Pre-Annexation Agreement in 2016. The developer of the site has had trouble moving forward with development. It is a large piece of land that has several features that will need to be addressed in the Conservation Subdivision Ordinance. There were other exterior improvements that the City did through a street assessment project for Hyde Avenue along with creating connections districts for sewer and water extensions that benefited this property and other properties in the area.

The owners communicated to staff a number of items in the Agreement that they would like additional flexibility on to help move the project forward financially. A lot of it is intended to create flexibility in how the developer starts the phasing of the project and the financing of the project. The overall intent of the Project is the same as what was approved in 2016. Director Diekmann showed the Proposed Conceptual Master Plan and Lot layout. He pointed out that the feature of the east-west connector road that is a main feature will be different with the project. The developer requested to remove the road connection due to the cost of crossing the central waterway. Since 2016, the City has evaluated the North Growth in greater detail with the Ames Plan 2040 scenarios and Forward 2045 Transportation Plan. It is staff's opinion that although the connection is desirable for general access and system performance, when considering the traffic performance level and the initial cost of making the extension over the waterway and long-term bridge/culvert maintenance, removing the requirement can be justified at this time.

A few other features in the Plan relate to the assessments and connection fees. The current Agreement requires payoff of the connection fees with the development of each phase and a full payoff for all remaining areas at the time of the first Final Plat after June 30, 2023, regardless if the total area is developed. The developer asked for a ten-year payoff extension to begin in 2021. Staff supports the requested change as it is being consistent with the original intent of the Agreement. Director Diekmann stated that the street assessments are unique as they relate to an issue within the Subdivision Code. Under state law all subdivisions with a Final Plat must be fully clear of liens and assessments prior to its approval, regardless of the size of the subdivision. For Rose Prairie, they must pay the full remaining assessment with the first phase of development, which would be approximately \$866,000. The \$866,000 would have to be cleared from the property by special assessment. It would either have to be cleared or the developer would have to bond for the amount to secure that the payments would happen. The developers have indicated that they didn't want to go through additional bonding to secure the \$866,000 or have to have that amount paid for in full. To help allow for phased development and payment of the assessment, staff had identified an option for the developer to avoid the full street assessment payoff with the first development phase while continuing to make the annual payments. City Council would be asked to approve a waiver of the Major Subdivision requirement and allow for a Plat of Survey to be recorded dividing the site into two parcels, one for future development and one for immediate development. Staff believed that allowing this to happen would not change the total financial obligations of the developer, and they would be required to continue to make the required annual assessment.

The current Agreement also requires the developer to complete the east-west sanitary sewer line extension for future development at their sole cost. However, due to the size and length of the extension, the developer is concerned about the total cost and benefit of the project as structured in the Agreement. Staff supports exploring the developer's request to reduce the developer's obligation to fully extend the sewer line at their sole cost. However, a precise endpoint for the developer's project still needs to be negotiated before staff can make a final recommendation.

Referencing the trails in the area, Director Diekmann indicated that on the Hyde Avenue frontage one of the elements that was negotiated in 2016 was to relocate the trail on the west side of Rose Prairie to the Hyde Avenue frontage. This was in recognition that the City and the County had

changed its plans for bicycle facilities from earlier planning. What was negotiated was that the developer would, within two years of the first phase, build the shared use path from 190th Street across the Sturgis property all the way to the end point of the Hunziker development. The proposed change would require, with development of the first phase, completion of the path along Rose Prairie's Hyde Avenue frontage from 190th to the south end of the first phase (approximately a half mile), and then allow for deferral of the remainder until such time as it can be connected with other improvements to the south that are expected with the planned Hunziker development of Auburn Trail. A new proposal in the Agreement is the east-west pedestrian trail. Originally, the development plan included a private HOA-maintained five-foot walking path trail as an east-west connection. As part of the Forward 2045 Transportation Plan, the City identified a desire for an east-west greenway that would eventually connect from GW Carver to the Ada Hayden Trailhead on Hyde. Therefore, staff is now requesting the creation of a 20-foot greenway within the development. The developer is willing to agree to this requirement if there is an ability to construct it in phases and the City participating in the costs of creating a bridge to cross the central waterway.

The final component in the 2016 Agreement added a requirement to provide a 5-acre park to the City after the development of four phases or by 2023. Because of the proposed change of having no east-west connector road, it is likely that the delivery of the park will be at the end of the ten-year range due to the need to have a north-south spine road extension to occur to reach the centrally located park. Staff supported modifying the requirement to provide the parkland based upon some level of phasing, but no later than 2031.

Council Member Gartin asked Director Diekmann to give some history as to why the bike path was moved to the west side of Hyde as opposed to the east side. He felt that the County's bike path that they built up to Gilbert was a beautifully built trail and it would have been nice if the trail could have continued on the east side. The trail being moved to the west causes bicyclists to cross twice to get to the trail that will be on the west side. Mr. Diekmann stated his take on the change is because the County is the one that shifted the trail to the east side. He explained that the City of Ames built its road, but the prepared plans were built in 2015 and the plans didn't even include a shared use path. Public Works was able to grade the road to allow a path to be included in the future. It was well after 2015 when the County did its project, which was based solely on the land they were able to acquire. Director Diekmann mentioned that by that time the City had already completed the road before the County finished the project on the north. Mr. Gartin stated he can be a little flexible, but there is an increasing amount of traffic on Hyde Avenue and the sooner the City can get bicyclists off Hyde Avenue and onto the trail would be for the best.

Council Member Betcher inquired about the timing of the park as the Council Action Form said it would be completed no later than 2031. She commented that 2023 might be a little early, but waiting ten years for a park and maybe a temporary terminus for a bike trail seemed really long to wait. Director Diekmann explained that he is more focused on the fact that there will be phasing triggers that will spell out the expectation that if development happens faster than 2031, the park will get done faster. There are four phases and the difficulty is how far into the project the park is to know when the phasing of it will be. Ms. Betcher asked if the trail was dependent upon the park being completed. Mr. Diekmann stated that the trail would not get completed until the spine road gets to

that intersection.

The Mayor opened public comment.

Linda Murken, Story County Supervisor, mentioned that she was not working for the County at the time when it was decided that the bike trail needed to go on the east side rather than the west, but she was told that there was a good size drainage tile to the west, and it would have been prohibitive to try to put the bike path on the west side. Ms. Murken stated that the Story County Board of Supervisors has had discussions with its engineer and City of Ames staff about their concerns with the current traffic at 190th and Hyde Avenue. She noted that with the development of Rose Prairie, Auburn Trail, and Quarry Estates there is going to be about 850 units in the area that will have the majority of the traffic going onto Hyde Avenue or 190th Street. This will put more pressure on the area. Ms. Murken understood that this area is in the Forward 2045 Plan, but it is more than a few years down the road. She felt that starting the design plan in 2023 would be too late and recommended having the design plan done sooner. She advised that she drives this area daily and people run the stop sign all the time, which will become an even larger issue. Ms. Murken thought it would be a good area for a roundabout.

Public input was closed by the Mayor when no one else came forward to speak.

City Manager Steve Schainker stated that what County Board of Supervisor Murken was questioning is something that is looked at when putting together the Capital Improvements Plan. Traffic Engineer Damion Pregitzer reviews a number of projects and prioritizes them based on the amount of traffic. Everything is considered during the Capital Improvement Plan (CIP). Director Diekmann noted that all the traffic for this area was put into the latest traffic model of the latest Traffic Plan, and there is not any new traffic intensity for this area that was not already anticipated.

Council Member Martin mentioned that he wanted to follow up on one point that Council Member Gartin made about the shared use path on the west. He understood how deferring the construction of the portion of it in front of the Sturgis property could be an advantage to whomever is developing Rose Prairie, but he felt that the City also needs to recognize that Hyde Avenue is a very busy road. He would be interested in asking staff to try to be flexible to see if there is a way to get the shared use path built in front of the Sturgis property sooner rather than later.

Council Member Gartin wanted to know if there were any issues that were presented that staff did not think were good suggestions from the developer. Mr. Diekmann stated that the developer had several issues to save them money that staff tried to help them work through. One of the other financial obligations is to commit to traffic improvements offsite. There is a flat \$185,000 fee that needs to be paid by all developers and staff did not entertain any phasing for that fee. Director Diekmann noted that they do not have a final design so there are still some changes that might happen.

The Mayor asked about the schedule for the Hunziker property to the south. Mr. Diekmann mentioned they have a sketch plan and met with the developer about a month ago. A rezoning and

subdivision request will probably come before the Council later this summer from Hunziker.

Moved by Gartin, seconded by Corrieri, direct staff to work with the developer to proceed with the changes to the Master Plan and Pre-Annexation Agreement.

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

Moved by Gartin, seconded by Corrieri, to allow the developer to proceed with proposing a Plat of Survey to divide the site into two parcels with the intent of assigning the street assessment solely to the future development parcel.

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

STAFF REPORT REGARDING COMMUNITY GARDENS & FOOD FORESTS: Parks and Recreation Director Keith Abraham mentioned that the Staff Report gave a lot of information regarding where the City was at regarding the community gardens and the options that were reviewed. He noted staff did get the Parks and Recreation Commission involved and the Staff Report lists its recommendations. Mr. Abraham pointed out that the Commission was not really excited about adding food forests at this time.

Council Member Beatty-Hansen liked the suggestions and felt that starting slow would be fine. Regarding the food forest at the property on Billy Sunday Road adjacent to the Dog Park, she stated her concern about having something like this in a remote area. Ms. Beatty-Hansen commented that if a bunch of fruit becomes ripe at once she could see some logistical challenges in getting the food to people who need it without having a volunteer group or an organization to help. She mentioned that there may be a floodplain property adjacent to the Hilton Coliseum that could be looked at in the future. Ms. Beatty-Hansen thought the idea of putting some raised beds in the Dog Park would be better.

Council Member Gartin concurred with Ms. Beatty-Hansen and liked the idea of raised beds. He stated that in spending time with people at United Way of Ames, he understands there are legitimate food insecurities in Ames and this idea isn't just an aesthetic one, but over time will help with nutrition needs within the community.

Council Member Junck wanted to know how the Billy Sunday site was determined to be big enough for a food forest and how much land is typically needed for one. Director Abraham stated that with the food forest, staff was looking for an area that was not being utilized. He stated that the entire area wouldn't be used for a food forest, only a portion of it. As far as food forests Mr. Abraham had seen some as small as a quarter acre while there were others that were over ten acres. It depended on the size of the community and what people were looking for. Most of the food forests he had seen had an organized component to it.

Council Member Martin stated that the memo that was sent to the Council in July 2020 had mentioned possible locations for community gardens. It had mentioned a site at the end of Cottonwood Road. He didn't see that location mentioned in the current Staff Report and wanted to know if there was a change. Mr. Abraham stated when the information was shared with the Parks and

Recreation Commission to get its Commission Members input, they had felt that because Cottonwood Road is anticipated to go all the way through the site attention should be focused on the Harrison, Welbeck, and the Delaware sites.

Council Member Betcher stated she had thought initially when the request came in for the City to look at community gardens and food forests there was talk of creating opportunities in the rights-of-way or traffic circles in neighborhoods. She wanted to know if there were any discussions to have smaller locations spread throughout the neighborhoods. Director Abraham stated they had not discussed those options at all. He explained that putting fruit trees in the rights-of-way would not be a good option. When a tree is planted, a letter is sent to all the property owners to make sure they agree with the type of tree being planted. Also, any fruit tree in the right-of-way will have the fruit fall to the ground and the property owner would be responsible for picking it up. Ms. Betcher asked if any discussion was had with Iowa State University (ISU) as they may have property and students who would be interested in working on this type of project. Mr. Abraham mentioned staff has not reached out to ISU. He stated that if they proceed with a Food Forest in the future they could reach out to United Way and schools to see if they could get any volunteers.

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

Moved by Junck, seconded by Beatty-Hansen, to direct staff to pursue Option 1 (to add more raised beds and a water source at the Carr Park site) and Option 3 (to develop a community garden at the 830 Delaware property), and continue to explore location options and potential partnerships for Food Forests in Ames.

It was asked what the timing would be for a community garden. Director Abraham explained that, with the number of projects that the Parks and Recreation Department currently has, he hopes that the infrastructure and the water in Carr Park could be done this summer along with starting the infrastructure on Delaware and to be able to start gardening in the Spring of 2022. He mentioned that with the raised beds, he would like to see some community groups to help build the raised beds, but if that can't be done, staff would do it and the best time for staff to build them would be in the winter.

City Manager Steve Schainker reminded the Council that this item has not been budgeted, and if the Council wanted to proceed it would cost about \$30,000. Those funds would come out of the Council contingency unless there is a savings at the end of the year from other projects.

Council Member Martin stated that the sidewalk issue on Delaware should be discussed as that is an additional \$12,000. He noted that the reason to discuss it is because there was recently a traffic study done on Delaware that talked about a sidewalk connection on east Delaware that is scheduled to be done in the 2025-26 Capital Improvement Plan for \$35,000 to cover the entire stretch. Mr. Martin mentioned that he is not sure if they should pay for a chunk of it now opposed to later, but inquired if there was something that should be optimized. Mr. Abraham stated he would have a conversation with Public Works Director John Joiner regarding the sidewalk.

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

RENEWAL OF CLASS C LIQUOR LICENSE WITH OUTDOOR SERVICE & SUNDAY SALES - SIPS AND PADDY'S IRISH PUB 126 WELCH AVENUE: Interim Police Chief Geoff Huff highlighted that Sips and Paddy's had 20 violations since 2021. He noted that up until the beginning of this year the Police Department did not have a lot of enforcement in bars and the bars were not that busy. Once the Governor lifted some of the restrictions for restaurants and bars, the Police Department started to do more enforcement. Interim Chief Huff explained that staff doesn't doubt that Sips and Paddy's will get the number of violations reduced, but having a high number of violations before a renewal is not acceptable. At this point staff is not recommending a full 12-month renewal, but a 6-month license. This would give the business and the Police Department time to evaluate any changes the business can make to reduce the number of violations. The Police Department had already recommended some changes for Sips and Paddy's to make. Mr. Huff noted that there has been a huge increase in fake IDs that are being purchased online from overseas and it is hard to shut those sites down. He is confident that Sips and Paddy's can get these issues worked out.

Mayor Haila asked if there were any code provisions as to what can or can't be done, in terms of requiring staffing, etc. City of Ames Attorney Mark Lambert stated that the City has no authority to require staffing, but the business has to comply with state law and City Ordinances. The options are limited for the Council to choose from. He recommended that the Council make a motion to deny the 12-month renewal and then another motion approving a 6-month license.

Mayor Haila inquired when the current license expires. Interim Chief Huff stated that the current license expires on April 13, 2021.

Council Member Betcher commented that the Council has had to do this before with a few other establishments and it seemed to work.

Council Member Gartin mentioned that staff's recommendation is very fair for the applicant. Mr. Huff stated it is always a balancing act and they want to be fair. Staff does not have any interest in putting anyone out of business.

The Mayor opened public input.

Andrew White, 3315 146th Street, Urbandale, stated he wanted to give some context to the violations and what the business has done to improve and continue to do to help with fake ids. He noted that the 15 violations (9 at one of the bars and 6 at the other) in January is unacceptable. Mr. White mentioned that he was caught off guard as well with the high numbers. The bars have turned in over 300 fake IDs they have about another 300 to turn in. It has been a challenge to keep up with all the fake IDs; all his staff are required to take a class given by Police regarding fake IDs. All his facilities have added the ID Scanner App from the Alcohol Beverages Division and now staff members are planted at all exits to make sure no one enters through them. Mr. White stated they will continue to work with the Police Department to make improvements.

The Mayor closed public comment.

Moved by Gartin, seconded by Betcher to deny the 12-month renewal of the Class C Liquor License with Outdoor Service & Sunday Sales - Sips and Paddy's Irish Pub at 126 Welch Avenue.
Vote on Motion: 6-0. Motion declared carried unanimously.

Moved by Gartin, seconded by Beatty-Hansen, to approve a 6-month license for Sips and Paddy's Irish Pub at 126 Welch Avenue.
Vote on Motion: 6-0. Motion declared carried unanimously.

The Mayor recessed at 8:10 p.m. and reconvened at 8:15 p.m.

HEARING ON PROPOSED CHANGE OF USE DESIGNATION FOR THE CITY-OWNED PROPERTIES LOCATED AT 519, 525, AND 601 SIXTH STREET: Housing Coordinator Vanessa Baker-Latimer mentioned that the 6th Street properties were part of a program that was done in 2014-15 to acquire properties, demolish them, and make them available for sale for affordable housing. After acquisition of the site, the City initiated a Request for Proposals (RFP) in 2015 to redevelop the site, but did not receive any qualified applications. Subsequently, the City acquired the property at 321 State Avenue. The City considered pairing the 6th Street properties with the development of 321 State Avenue to potentially attract additional developer interest; however, that attempt was unsuccessful. In 2019, the City Council directed staff to become the developer of 321 State Avenue and authorized staff to pursue selling the 6th Street properties. The proceeds from the sale of the 6th Street properties would be used to develop 321 State Avenue.

Because CDBG funds were used to purchase the Sixth Street properties, the Department of Housing and Urban Development (HUD) regulations require the City to notify the public of its intentions to propose a Change of Use Designation for these lots. The lots would no longer be used as affordable housing for low-and moderate-income households. The removal of the affordable housing designation related to CDBG funding would allow the City to retain or sell the properties at market value. Those funds would need to be returned to HUD. A recent appraisal was done for the 6th Street properties and the lots were valued at \$198,000. HUD would then reallocate all or a portion of the funds back to the City of Ames for new programming. The City intends to use the reprogrammed funds to complete the public infrastructure improvements for the Baker Subdivision.

Ms. Baker-Latimer mentioned that during the required 30-day public comment period there was only one comment received that voiced opposition to the change of use designation.

City Manager Steve Schainker pointed out that the sale of the property to the City in order to retain the property is part of the strategy for the construction of the Downtown Plaza across from City Hall. With the removal of the parking lot, the City would like to establish a parking lot north of City Hall. Funding has been allocated in the budget to acquire the property along with building the parking lot.

Ms. Baker-Latimer mentioned that once the change of use is completed, the City may have to amend the Action Plan to receive the funds back into the program. The Action Plan was just submitted last month, but the 2020/21 Action Plan may come back to the Council for an Amendment.

Mayor Haila opened public comment and closed it when no one came forward.

Moved by Betcher, seconded by Corrieri, adopting RESOLUTION NO. 21-119 approving the change of use designation for the City-owned properties at 519, 525, and 601 6th Street.

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

HEARING ON SQUAW CREEK WATER FLOOD MITIGATION - TREE CLEARING PROJECT: The Mayor clarified that the name of the creek on the west side of town was recently changed to Ioway Creek, but it is going to take some time to get the name changed on some of the projects. He explained it is not meant to be disparaging, disrespectful, or that the City is not taking the name change into consideration; however, since this project has a public hearing, the project name needs to be maintained for now due to Grant Funding.

Municipal Engineer Tracy Peterson mentioned that as soon as staff learned about the name change, they reached out to Iowa Homeland Security who reached out to FEMA regarding the name change. This project is linked to FEMA grant funding. In press releases they will use the new name, but the project name will stay the same until they hear back from FEMA.

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

Moved by Martin, seconded by Betcher, adopting RESOLUTION NO. 21-120 approving the final plans and specifications and awarding a contract to RW Excavating Solutions, LC, of Prairie City, Iowa, in the amount of \$74,745 for the base bid plus Alternates 1, 2, 3, 4, 8, 9, 10, and 11.

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

Moved by Martin, seconded by Betcher, adopting RESOLUTION NO. 21-121 approving the contract and bond from RW Excavating Solutions, LC, of Prairie City, Iowa, for the Squaw Creek Water Flood Mitigation - Tree Clearing project.

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

HEARING ON ESSENTIAL CORPORATE PURPOSE GENERAL OBLIGATION BONDS AND GENERAL OBLIGATION REFUNDING BONDS: Finance Director Duane Pitcher explained this is the usual bond issue that supports the Capital Improvement Plan (CIP). He mentioned that one item that is different is that there will be two hearings on tonight's Agenda. The first hearing is for the Essential Corporate Purpose General Obligation Bonds and General Obligation Refunding Bonds in an amount not to exceed \$25,665,000. The second hearing tonight is for the issuance of Bonds in an amount not to exceed \$700,000 and authorizing the Debt Service Levy. Director Pitcher noted on the refunding this year the Bond market had softened a little bit, but there was still a tremendous amount of savings.

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

Moved by Martin, seconded by Corrieri, to adopt RESOLUTION NO. 21-122 authorizing issuance of Bonds in an amount not to exceed \$25,665,000.

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

HEARING ON GENERAL CORPORATE PURPOSE GENERAL OBLIGATION BONDS:

The Mayor opened the public hearing. There was no one wishing to speak, and the hearing was closed.

Moved by Betcher, seconded by Junck, to adopt RESOLUTION NO. 21-122 authorizing the issuance of Bonds in an amount not to exceed \$700,000 and authorizing Debt Service Levy.

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

HEARING ON AMENDMENTS TO FISCAL YEAR 2020/21 BUDGET: The Mayor opened the public hearing and closed it after there was no one wishing to speak.

Moved by Corrieri, seconded by Beatty-Hansen, to adopt RESOLUTION NO. 21-123 approving the amendments to the budget for Fiscal Year ending June 30, 2021.

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

HEARING ON ADOPTION OF FY 2021/22 BUDGET: The public hearing was opened by the Mayor. He closed the hearing after no one asked to speak.

Moved by Beatty-Hansen, seconded by Junck, to adopt RESOLUTION NO. 21-124 approving the proposed FY 2021/22 Budget.

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

HEARING ON VACATING PUBLIC UTILITY EASEMENT ACROSS PORTIONS OF 220 SOUTH DUFF AVENUE: Mayor Haila opened the hearing and closed it when no one asked to speak.

Moved by Gartin, seconded by Junck, to adopt RESOLUTION NO. 21-118 approving the vacation of the Public Utility Easement across portions of 220 South Duff Avenue.

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

ORDINANCE REQUIRING SECONDHAND DEALERS TO OBTAIN A PERMIT TO CONDUCT BUSINESS WITHIN THE CITY OF AMES: Moved by Corrieri, seconded by Junck, to pass on second reading an ordinance requiring Secondhand Dealers to obtain a permit to conduct business within the City of Ames.

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

ORDINANCE REDUCING THE NUMBER OF VEHICLE PARKING SPACES REQUIRED FOR APARTMENT USE IN THE DOWNTOWN SERVICE CENTER ZONING DISTRICT:

Moved by Martin, seconded by Betcher, to pass on second reading an ordinance reducing the number of vehicle parking spaces required for apartment use in the Downtown Service Center Zoning District.

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

ORDINANCE REZONING 2801 & 2803 WEST STREET FROM RESIDENTIAL HIGH DENSITY TO NEIGHBORHOOD COMMERCIAL WITH UNIVERSITY WEST IMPACT OVERLAY:

Moved by Beatty-Hansen, seconded by Junck, to pass on second reading an ordinance rezoning 2801 & 2803 West Street from Residential High Density to Neighborhood Commercial with University West Impact Overlay.

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

DISPOSITIONS OF COMMUNICATIONS TO COUNCIL: The Mayor mentioned there were seven items on the list. The first item was a letter from Gilbert Mayor Jonathan Popp regarding the Ames Urban Fringe Plan Amendment and areas of primary importance to the City of Gilbert. City Manager Steve Schainker explained that there is not an action needed on this item as this will be part of the discussion after staff finishes the Comprehensive Plan discussion. Mr. Schainker suggested having the Mayor send a letter acknowledging receipt of the letter and the matter will be discussed later. The Mayor stated he will send a letter to Gilbert Mayor Popp.

The second item was a letter from John Hall, Executive Director, Nevada Economic Development Council requesting to begin the Ames Urban Fringe Plan Amendment process in order to remove the Verbio Nevada LLC property from the Plan so that rezoning, development, and annexation can proceed. Mr. Schainker recommended the Council refer this item to the Planning Director for a memo due to the complex issue of this request.

Moved by Betcher, seconded by Martin, to request a memo from staff.

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

The next item was an email from Walter Hyde requesting the City to allow green burials in designated areas of the Ames Municipal Cemetery. City Manager Schainker asked to have this item referred to the Parks & Recreation Director for a memo explaining what can and can't be done with the green burial concept.

Moved by Beatty-Hansen, seconded by Junck, requesting a memo from staff explaining what can and can't be done with the green burial concept.

Council Member Gartin inquired if the Council had an interest in pursuing this topic. Council Member Betcher explained that the concept fits with the Council's goals to be greener and more sustainable and would like to know what the Parks & Recreation Director thought.

Vote on Motion: 5-1. Voting Aye: Beatty-Hansen, Betcher, Corrieri, Junck, Martin. Voting Nay: Gartin. Motion carried.

The fourth item was an email from Eric Schumacher, Grand Avenue Baptist Church requesting for an exemption from the City's face covering ordinance. Council Member Betcher asked if this item had already been addressed by the City Attorney in previous emails. She noted that she thought this question had been asked before, just not by this church. City Attorney Mark Lambert explained that this request is not the same as previous questions as the Grand Avenue Baptist Church is asking for the entire Church to be exempt from the mask mandate. Mr. Schainker inquired what the current law prohibits churches from in terms of its services. Mr. Lambert stated that the church members have to wear masks due to the building being a public place where the public is invited in. It was asked if there still had to be social distancing as well. Attorney Lambert noted that the City's Ordinance does not require social distancing and only requires a mask to be worn.

The Mayor asked what the Governor's Proclamation requires at this time for masks. Mr. Lambert pointed out that the Governor has removed all requirements for churches and all public locations. Council Member Gartin stated that times have changed since the Council adopted its Ordinance.

Moved by Gartin, seconded by Martin, to place the request from Eric Schumacher, Grand Avenue Baptist Church on a future agenda for discussion of church's (all denominations) being exempt from the Ordinance.

Council Member Martin wanted to confirm with the City Attorney that times have changed enough for the Council to revisit the mask ordinance. City Attorney Lambert confirmed it was an acceptable motion as the Council received a new request. Mayor Haila noted that the current Ordinance expires on June 30, 2021.

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

The fifth item was an email from Adam Dodds, Facility Maintenance Manager for Perfect Games requesting financial assistance for parking lot repair at Perfect Games. City Manager Schainker stated that he had provided a memo to the Council with the history. He explained that the City does not have any current incentive program for those types of improvements (private roadways, entry-ways into commercial or industrial areas). It was noted that if the Council opened this request there would be more areas that may come forward asking for assistance.

Moved by Gartin, seconded by Betcher, to decline to take action on the email from Adam Dodds, Facility Maintenance Manager for Perfect Games requesting financial assistance for parking lot repair at Perfect Games.

Council Member Betcher asked if the Planning and Housing Director Kelly Diekmann or anyone had reached out to Mr. Dodds to give him the background information on his issue. Mr. Schainker stated that he will send an email to Mr. Dodds letting him know that there are no incentive programs.

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

The sixth item was an email from Angelina Panettieri, Legislative Director, Information Technology and Communications, Federal Advocacy for the National League of Cities informing the Council about the FCC Emergency Broadband Benefit rules and role(s) of local governments. Council Member Martin stated that the FCC had recently authorized a substantial benefit for lower income households. Those who qualify can get a monthly \$50 discount for broadband service along with a one-time \$100 discount on equipment. The FCC is hoping to have the program started by the end of April and will be administered by broadband providers. Mr. Martin noted that the City's role is very limited, but something can be done to engage the community and ensure that Ames ISPs are participating in the program. Assistant City Manager Deb Schildroth mentioned that she had already received some information about 2-3 weeks ago and shared the information with the Human Services organizations. She thought that staff could broaden the sharing of information to church groups, hospitals, clinics, and throughout the community. Ms. Schildroth mentioned that she can work with Public Relations Officer Susan Gwiasda to get the word out. Mr. Martin asked if staff could also engage with local ISPs to make sure they are participating in the program.

Moved by Martin, seconded by Junck, to have staff (1) engage our Ames-area ISPs to ensure that they are participating in the Emergency Broadband Benefits program, (2) publicize the EBB program to our residents, and (3) inform our appropriate governmental and non-governmental partners of Ames's general activities along these lines (in hopes that they might do similar inquiries & outreach).

City Manager Schainker asked for clarification on governmental and non-governmental partners as that could be a lot of people. Mr. Martin explained what he had in mind was notifying the Story County Board of Supervisors and United Way by way of an email blast to the entities.

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

The last item was a memo from Tracy Peterson, Municipal Engineer and Neil Weiss, Assistant Director of Water & Pollution Control giving information about the Story County Water Monitoring and Interpretation Plan, 2021-2030, and wanting to know if the Council would like to have a formal presentation on March 23, 2021.

Moved by Gartin, seconded by Martin, to place the presentation on the Story County Water Monitoring and Interpretation Plan, 2021-2030 on the March 23, City Council Agenda.

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

The Mayor reviewed that staff is to draft a letter to Gilbert Mayor Popp for him to sign and he will follow up with Mr. Schumacher.

COUNCIL COMMENTS: Council Member Martin stated on December 22, 2020, the Council wanted to pass three Ordinances regarding Short-Term Rentals and wanted it done in a single meeting. In order to accomplish this the Council had 12 separate roll calls and thought it could have been done within four roll calls. His question is once the Council has passed the super-majority

threshold of suspending the rules, how many additional votes do they have to make to pass an Ordinance. Mr. Martin mentioned that he had already discussed a possible improvement with City Attorney Lambert, City Manager Schainker, Mayor Haila, and Council Member Junck. From his understanding after the first passage of an ordinance the Council could move to suspend the rules and publish the Ordinance.

Moved by Martin, seconded by Junck, to ask the City Attorney for a memo on requirements for suspending the rules regarding multiple readings of an Ordinance prior to its passage.

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

Council Member Betcher stated she had been attending the National League of City's Capital City Conference and she had sent information to the Council with an update on the new American Rescue package. This package has the potential to help low-income community members with broadband issues. She noted that there is some potential for the City to help, but hasn't gotten all the details yet. Ms. Betcher mentioned that she had the University Community Council meeting and was given updates on the census. She explained that Ames will not get its redistricting information until September 30, and this could be challenging for the Council members that are running for re-election in the Fall.

Mayor Haila noted he has several items he wanted to mention. The first was that the legislature is in session and he has been spending a significant amount of time at meetings and "Local Preemption" is a tagline on many of the items. He stated there is a lot of effort being done by trying to network with Mayors across the state, working with the Iowa League of Cities, and the metro coalition.

The Mayor mentioned that redistricting was a topic of discussion with the Mayors group, the Iowa League of Cities, and Congressman Feenstra to see if there is any way to speed up the results.

Mayor Haila pointed out that the City of Ames has over 50,000 population on the census, which makes the City part of a Metropolitan Statistical Area (MSA) designation, and the federal government is looking at changing the criteria to 100,000 population threshold. This would remove the City from the MSA and give it a lower classification. The Mayor will be drafting letters to explain how this change would impact the City of Ames.

The Mayor stated he met with the Community Health Steering Committee. The Mary Greeley Medical Center is a recipient of the Malcolm Baldrige Award. The Malcolm Baldrige Foundation has a program called "Community of Excellence" and the Committee is looking into it and will provide the Council with a presentation.

Lastly, the Mayor and City Manager Steve Schainker had a Zoom call with Leon Andrews and they are in the process of working with a scope for Diversity, Equity, and Inclusion training.

CLOSED SESSION: Council Member Gartin asked City Attorney Mark Lambert if there was a legal reason to go into Closed Session. Mr. Lambert replied in the affirmative, citing Section 21.5(1)c, *Code of Iowa*, to discuss matters presently in or threatened to be in litigation.

Moved by Gartin, seconded by Betcher, to go into Closed Session under 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 Council entered Closed Session at 9:05 p.m. and reconvened in Regular Session at 9:25 p.m.

Moved by Betcher, seconded by Martin, to appeal the Public Employee Relations Board (PERB) ruling.
Vote on Motion: 6-0. Motion declared carried unanimously.

ADJOURNMENT: Moved by Gartin to adjourn the meeting at 9:26 p.m.

Amy L. Colwell, Deputy City Clerk

John A. Haila, Mayor

Diane R. Voss, City Clerk