

MINUTES OF THE SPECIAL MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

MARCH 30, 2021

The Special Meeting of the Ames City Council was called to order by Mayor John Haila at 1:30 p.m. on the 30th day of March, 2021. The Mayor announced that it was impractical to hold an in-person Council meeting due to the COVID-19 pandemic. Therefore, this meeting was being held as an electronic meeting as allowed by Section 21.8 of the *Iowa Code*. Council Members Bronwyn Beatty-Hansen, Gloria Betcher, Rachel Junck, and David Martin were present. Council Members Amber Corrieri and Tim Gartin were absent as was *ex officio* Member Nicole Whitlock. The Mayor described the options available to those who wanted to offer public input.

RESOLUTION APPROVING PRELIMINARY PLANS AND SPECIFICATIONS FOR 2020/21 AIRPORT IMPROVEMENTS [RUNWAY 01/19 & TAXIWAY A (NORTH) LIGHTING PROJECT]: Moved by Betcher, seconded by Martin, to adopt RESOLUTION NO. 21-157 approving preliminary plans and specifications for the 2020/21 Airport Improvements [Runway 01/19 & Taxiway A (north) Lighting Project], setting April 21, 2021, as bid due date and April 27, 2021, as date of public hearing.

Roll Call Vote: 4-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

RESOLUTION APPROVING PRELIMINARY PLANS AND SPECIFICATIONS FOR 2019/20 CONCRETE PAVEMENT IMPROVEMENTS (E. 3RD STREET, E. 2ND STREET, DES MOINES AVENUE, CENTER AVENUE, DOUGLAS AVENUE, AND 5TH STREET) PROJECT: Mayor Haila asked if the Council members had any questions for staff. He noted that staff had asked for the Council's direction at its March 23, 2021, meeting as to whether to include sidewalk infill. The Council had directed staff to proceed with this Project including sidewalk infill.

Hearing no questions for staff from the Council members, the Mayor asked if there was anyone from the public who wished to comment on the Project. Merlin Pfannkuch, 1424 Kellogg Avenue, Ames, informed the Council that he had not had enough time to review the material for this meeting. He asked that the Council give him a little time to review this information. Mr. Pfannkuch stated that the City had adopted a Complete Streets Plan in 2018 and had made a commitment to examine street projects holistic, which he does not believe is happening.

According to Mr. Pfannkuch, he had sent an email to Public Works Director John Joiner expressing his disappointment at how easily his questions/comments about sidewalk infill and the Complete Streets Plan that he raised during the March 23, 2021, Council meeting were dismissed. He acknowledged that he had received an email from Public Works Director John Joiner this morning regarding the Complete Streets Plan, but he had another issue he had to address and has not had time to read that email.

Mr. Pfannkuch commented that the City is not following the Complete Streets Plan, and if it is not, he asked that staff quit pretending that they are. He recommended that staff ask the City Attorney if the City is following it and also ask the Planning & Housing Director. In the opinion of Mr. Pfannkuch, perhaps that Department has more to do with Complete Streets than the Public Works Department.

Staff was asked by Mr. Pfannkuch to explain, since this project was contained in the 2019/20 Capital Improvements Plan (CIP), why it is just going out for bid now. He commented that perhaps it was due to the pandemic, but in his opinion, contractors would like to know before now that there are projects going out for bid since he would think that most contractors would have their work projects and schedules established by now. He admitted that he doesn't know much about bidding street projects, but it also appears to him that once the award is made, the City is "at the mercy of the contractor."

Mr. Pfannkuch questioned how sidewalk infill in this area was going to improve the community and whether it was even fiscally responsible. In addition, he questioned whether the residents living in the former motel near the Resource Recovery are going to feel safer because of sidewalks being constructed. He suggested that the City ask those residents how safe or unsafe they feel walking in the area in question.

It was recalled by Mr. Pfannkuch that he had heard a response from City Manager Steve Schainker during the March 23, 2021, meeting when Council was asked to decide about including sidewalks in this project that the Public Works Department was responsible for implementing the Complete Streets Plan and not the Planning and Housing Department. Mr. Pfannkuch believes that the Planning and Housing Department should be the ones implementing the Plan. He then read an excerpt from the Web site of "smartgrowthamerica" about Complete Streets Plans and suggested that the City read and use it.

Since Mr. Pfannkuch had indicated that he had not had time to read the email sent to him by Public Works Director John Joiner, Mayor Haila asked Mr. Joiner to summarize it. Mr. Joiner read parts of his email related to connectivity being referenced in the Complete Streets Plan. He noted that connectivity is referenced 52 times in the Complete Streets Plan. Some of the specific pages of the Plan where connectivity is referenced and the context in which it is used were given.

The Mayor asked whether Public Works staff would want to comment about the Planning and Housing Department taking the lead on the Complete Streets Plan. Replying, Traffic Engineer Damion Pregitzer stated that the Complete Streets Plan is a transportation planning/engineering document. It was developed by a consultant hired by Public Works, maintained by the Public Works Department, and implemented by the Public Works Department. Responding to a question raised by Mayor Haila, Mr. Pregitzer commented that Ames is not the only city in the nation that uses a Complete Streets Plan as a guide. He advised that Complete Streets is a nationwide guide; the City is not unique. The Plan sets expectations for what streets should look like.

It was noted by Director Joiner that the Planning and Housing Department was involved in the planning phase; however, the Plan mainly focuses on infrastructure, which is the responsibility of the Public Works Department. Mr. Pregitzer added that the consultant hired by the City is a national expert, and the City is applying national standards through the Complete Streets Plan.

Traffic Engineer Pregitzer explained that the "smartgrowthamerica" web site is run by a non-profit agency and is comprised of many different agencies - from large metro areas to small cities - who contribute to the development of policies and best practices. Information from a list of multiple agencies is referenced in the first part of the Complete Streets Plan.

The Mayor asked staff to comment about the bidding process and why the project is just going out for bids at this time and to also address Mr. Pfannkuch's comment about "the contractor having an upper hand on projects." Regarding the project in question being bid at this time, Municipal Engineer Tracy Peterson explained that this project was included in the 2019/20 CIP. There were unforeseen issues that arose with the Welch Avenue (Campustown Improvements Program) project, and the City Council approved diverting some funding from this project to complete that project. Ms. Peterson stated that this is an ideal time for the City to be advertising for bids; contractors are now setting up their project time lines. She also noted that the City asks for public comment on all projects. It is not just due to sidewalk infill being included. Addressing a comment made by Mr. Pfannkuch alleging that contractors, once an award is made, seem to have the "upper hand" on projects, Mr. Peterson said that some changes are driven by weather; some are due to issues that were discovered after the project had begun, and some might be driven by the contractor's schedule. The City does not dictate specific tasks to the contractor. She also pointed out that *Iowa Code* requires the City to award to the lowest responsive bidder. Also, pertaining to contract change orders, Ms. Peterson stated that City inspectors are on site often, checking the project and verifying when issues have arisen. Field conditions do change, and some unexpected conditions arise, which require additional work to be done by the contractor. City staff thoroughly looks at unit prices to make sure they're reasonable. She advised that the majority of this work is street work; there may be a little bit of storm sewer to be adjusted, but not a lot of extra work. On certain projects, it is discovered after the work has begun that some sewer pipes need to be enlarged. Contract Change Orders are necessary then because that work needs to be completed prior to new pavement being installed. Contractors sometimes discover additional work that needs to be done after they have started the project.

City Manager Schainker said that he had received an email from Mr. Pfannkuch on March 24, 2021, wherein he asked why Public Works had taken the lead on the Complete Streets Plan. Mr. Schainker read his response that explained why the Public Works Department is the lead department. He also noted that if the City Council had determined that staff has incorrectly interpreted the Plan or the policy, it would provide direction to City staff. Mr. Schainker also commented that the Planning and Housing Department was involved in the process during the planning phase.

Moved by Betcher, seconded by Martin, to adopt RESOLUTION NO. 21-159 approving preliminary plans and specifications for the 2019/20 Concrete Pavement Improvements (E 3rd Street, E 2nd Street, Des Moines Avenue, Center Avenue, Douglas Avenue, and 5th Street) project; setting April 21, 2021, as bid due date and April 27, 2021, as date of public hearing.

Roll Call Vote: 4-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

DISPOSITIONS OF COMMUNICATIONS TO COUNCIL: None

COUNCIL COMMENTS: None.

ADJOURNMENT: Moved by Beatty-Hansen, to adjourn the meeting at 1:52 p.m.

Diane R. Voss, City Clerk

John A. Haila, Mayor