

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

**AMES, IOWA**

**MARCH 21, 2017**

The Ames City Council met in special session at 6:00 p.m. on the 21st day of March, 2017, in the City Council Chambers in City Hall, 515 Clark Avenue, pursuant to law with Mayor Ann Campbell presiding and the following Council members present: Bronwyn Beatty-Hansen, Gloria Betcher, Amber Corrieri, Tim Gartin, Chris Nelson, and Peter Orazem. *Ex officio* Member Sam Schulte was also present.

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

1. RESOLUTION NO. 17-128 approving Remote Parking Agreement for 114 S. Duff Avenue
2. RESOLUTION NO. 17-129 approving Change Order No. 16 in the amount of \$130,298 with Knutson Construction for New Water Treatment Plant Contract 2

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

**ORDINANCE CLARIFYING MIXED-USE PARKING STANDARDS FOR DOWNTOWN AND CAMPUSTOWN:** Moved by Corrieri, seconded by Betcher, to pass on second reading an ordinance to clarify Mixed-Use Parking Standards for Downtown and Campustown.

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

**ORDINANCE RELATING TO CHILD CARE AS A HOME OCCUPATION:** Moved by Betcher, seconded by Corrieri, to pass on second reading an ordinance relating to child care as a home occupation.

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

**WORKSHOP ON HIGH-SPEED INTERNET SERVICE IN AMES:** City Manager Steve Schainker stated that the City Council had directed City staff to talk to some of the Internet providers in Ames. The providers that the City is aware of had been invited. Mr. Schainker noted that Colo doesn't serve customers in the city limits of Ames, but might if Ames expands to the north. He stated that each provider would be given up to 15 minutes to present their future plans for high-speed Internet services that are or might be provided to residents of the City of Ames.

**Presentation of plans by internet service providers to serve the community.**

1. Mediacom. Representatives present were Lee Grassley, Beau Hicks, and Tim Adrean.

Beau Hicks, Western Iowa Director of Operations, was introduced by Mr. Grassley. Mr. Grassley noted that Mr. Hicks is an Ames resident.

Mr. Hicks stated that Mediacom is the 5<sup>th</sup> largest Internet provider in the United States. It currently serves 22 states; however, its largest footprint is in the State of Iowa. According to Mr. Hicks, Mediacom will be making a \$1 billion capital investment over the next three years. Those dollars are being invested by its owners; there are no public dollars included. As part of the investment, Mediacom plans to extend its high-capacity broadband network to commercial properties in the Greater Ames area. Mediacom has 4,355 coax commercial customers in the Greater Ames area. Another 335 locations are connected via Mediacom Business fiber network. Mr. Hicks also commented that there are 40 employees in the Ames office.

Mr. Hicks explained services available for residential customers in Ames. The improved service is available to every customer where 1 Gb is available. As far as extending its service, Mediacom continues to look at areas where there is a need and desire for service.

Regarding commercial properties, Mr. Hicks said that Mediacom is targeting unserved and under-served business locations (Open Road Initiative). They want to build advanced broadband facilities to the doorstep of commercial properties. The benefit would be to eliminate the construction cost and time frame previously taken on by the business. The Right of Entry form was explained by Mr. Hicks.

Pertaining to Downtown Ames, Mr. Hicks advised that Mediacom Business has identified a significant cluster of under-served businesses. Mediacom's project scope is to wire those areas for high-capacity broadband with speeds up to 1Gig and beyond. Buildings will be "lit" for immediate serviceability for data, voice, and video solutions, without the cost of construction. This will be available for residential customers in the Downtown area as well.

A list of Mediacom's business partners within the City was shown.

Mr. Hicks explained Mediacom's Product Portfolio. He asked to be informed by the City and contractors when new areas are planned, so that they can see if their services would be desired. Mediacom would then do a cost analysis. He said that there are patches of properties in Ames that are not currently served by Internet.

Council Member Orazem asked Mr. Hicks if there is something in Ames that makes it expensive for Mediacom to expand in Ames. Mr. Hicks answered that when Mediacom wasn't contacted to get in early when the development was being created, it makes it much more costly; that means that Mediacom has to go to boring, instead of trenching, which costs much more. Mediacom has worked with residents when there is a need and a desire for their services and worked out a plan to service the area.

Council Member Betcher commented that many of those 4,355 coax customers and residents live in older neighborhoods. In her personal case, she had learned that her cable was put in in 1986. Ms. Betcher asked what Mediacom's plans are for fixing those areas and getting rid of the ancient infrastructure. Mr. Hicks advised that Mediacom is currently attempting to find out where the leaks are; they are using leakage meters to find those areas. He commented again that Mediacom has pockets within Ames that aren't being serviced.

2. Century Link. Representatives present were Ross Wendell, Regional Operations Manager; Nancy Devinay-McNekey, Marketing Manager; James (last name unknown), Engineering; and Michael Sadler, Public Policy Manager.

Mr. Wendell stated that \$68 million has been invested in Iowa to expand and improve their broadband services. They have placed over 300 fiber miles in the past two years and continue to invest in state-of-the art technology to provide higher speeds to Ames and across the country in its copper network. The demand for increased speeds and services is growing. Mr. Wendell stated that there is a never-ending challenge to meet those needs.

Council Member Betcher asked what kind of investment is being made in older neighborhoods

to allow the higher speeds. Mr. Wendell said that Century Link is installing more and more miles of fiber network in residential networks and increasing speeds to its customers.

Council Member Orazem asked to know the overall market shares of each of the providers in Ames.

Mr. Wendell said that CenturyLink has many of the same issues as Mediacom in not being included on the ground floor. He noted that they would also like to be informed about new developments.

The Mayor asked how many areas of Ames are not served by CenturyLink. Mr. Wendell said that there are pockets.

At the inquiry of Council Member Gartin, Mr. Wendell explained how all the lines needs to be run in the right-of-way. He said rights-of-way usage is becoming an issue for cities across the country. According to Mr. Wendell, it gets down to the needs and time frame of the area. They have to build for a specific need to make it work.

3. Colo Telephone Company. Representatives present were Larry Springer, General Manager and CEO, and Allan Armbrecht, Board President, were present.

Mr. Springer said that they are a small local telephone company. It has been providing telephone services to the Colo area since 1906. A network to provide Internet service was constructed between 2005 - 2008; that was updated in 2012. Their services are provided to customers located northwest of Ames up North Dayton Avenue and across to 190th. They must have a business plan that will support them going to that area. Mr. Springer noted that they are also serving some customers near Nevada around the DuPont and Lincoln Way Energy plants. They have now invested to build fiber network that will provide higher speed Internet to some of their customers. After being questioned by Council Member Nelson, Mr. Springer answered that Colo has not received any federal funding to expand Internet in rural areas. Mr. Nelson noted that Internet services are non-regulated by the Iowa Utilities Board.

City Manager Schainker reiterated that the Internet industry is not regulated by the State of Iowa; it is not locally regulated either. It is a decision by the individual companies whether or not it can justify installing the infrastructure in a certain area.

4. ICS Advanced Technologies. No representatives were present.

#### Questions by the Public.

Gary Botine said that he is a resident of Ames; however, he was present on behalf of the Main Street Cultural District. He asked to know the cost to the average business owner. For a lot of the small businesses, cost is a major factor. According to Mr. Hicks, Business Solution would average around \$99.95/month plus fees (taxes, franchise fee) for its Basic Business Service. That fee would increase if the business would want higher-speed fiber network services.

Chris Conmy, 4206 Harrison Road, Ames, referenced outages he had experienced last year that seemed to be related to redundancy. He said he had been told that this had resulted from fiber line

issues along Interstate 35. Mr. Wendell said that CenturyLink had installed a dual redundant track to alleviate the issues that Mr. Conmy had experienced; however there will still be areas where there is just one single track. If the issue is along that track, service will be interrupted.

Adam Rash, 2743 Harrison Road, Ames, spoke as the President of the Northridge Heights Homeowners' Association, advising that his neighborhood had experienced inconsistencies in Internet service options in the neighborhood. He expressed the frustrations expressed by residents that all parts of Northridge Heights do not have similar access. They want the same options that are available to their neighbors. Estimates between \$33,000 from CenturyLink and \$60,000 from Mediacom had been received to provide services to the 10<sup>th</sup> Addition of Northridge Heights.

Mr. Hicks said he had not heard of the \$60,000 cost estimate being given by Mediacom; that should have gone by his desk as well as Mr. Aldean's desk. Mr. Hicks said that they do not have coax accessibility to their homes and the residents are paying for services that they do not have, he needs to be made aware of that. Mr. Hicks advised that he would like to sit down with Mr. Rash, see what the costs will be, and what they need to get back from it based on its Return on Investment number. Mr. Wendell (CenturyLink) said that he would also like to sit down with the Neighborhood. He thinks the quote given by CenturyLink was based on different numbers.

Justin Dodge, 2013 Greenbriar Circle, Ames, speaking personally and on behalf of Hunziker & Associates, said that he communicates regularly with the local representative of Mediacom on new developments in Ames. Mediacom is made aware of where infrastructure is and will be installed. Mr. Dodge also shared that he is frustrated with the service he is personally receiving from CenturyLink. He was told by a representative of CenturyLink that they would get fiber installed in their neighborhood when an apartment building was built in the neighborhood, which will never happen. Mr. Dodge stated that he had also learned from Mediacom representatives that it would service the area if the residents pay the expenses of installing the infrastructure. Mr. Wendell replied that he would look into that area.

Daniel Adams, 3032 Harrison Road, Ames, which is in Northridge Heights, said that he has worked in the technology field for 27 years. He said he constantly hears from Mediacom's customers how disheartened they are about their service and that he was yet to talk to someone who actually gets the service that they had been promised. Mr. Adams wanted to know what Mediacom's plans are to increase its reliability. Mr. Hicks said that every system will go down from time to time. He reiterated that Mediacom is investing \$1 billion to increase its reliability. Mr. Hicks advised that Mediacom constantly tracks outages and responds day and night. He noted that technology constantly changes, and Mediacom is doing its best to keep up with it. Mr. Hicks said he would be happy to meet with anyone who is interested in learning more about their services. Mr. Adams commented that he has CenturyLink service. He said that he has had the same speed Internet (7 megabyte DSL) since he moved into his home ten years ago and he has been told by technicians in the field that the speeds will never include. Mr. Adams said that CenturyLink's business model needs to be updated. He doesn't believe that it includes improvement in services to its customers. Mr. Adams asked what CenturyLink is doing to improve its Business Model. Mr. Wendell said that CenturyLink is always looking to maximize its copper investment that is in the ground and shortening its copper loop. He noted that CenturyLink is not doing that in Ames right now, however. Mr. Wendell recommended that Mr. Adams put his name on a list to be contacted regarding his desire for potential fiber overbuild. Mr. Adams said he had put his name on many lists; however, had received no follow-up from anyone. Addressing the City Council, Mr. Adams suggested that the problem is that there is not enough

competition in Ames. He said he felt strongly that Ames needs to follow the model of Cedar Falls. Fiber has been installed all over the City of Cedar Falls and the services are offered at a very reasonable price.

Council Member Beatty-Hansen shared that she had been emailed a question from a resident of Ames. She passed on things that the sender felt objectionable from Internet Service Providers (ISP), some of which were DNS hacking, altering customer tracking (inserting information from ISP), and inspecting the contents of customer communications. The sender also noted that he supported net neutrality. The Mayor stated that the email could be shared with the providers.

Council Member Betcher shared that, to her, customer service should be a prime concern. She expressed that she was disheartened that the focus of the providers seemed to be on getting new customers, rather than providing better customer service to its existing customers.

Council Member Orazem summarized that the problem seemed to be how to aggregate potential for additional demand. He asked if there is a mechanism that that information could be aggregated and shared with providers. Mr. Orazem questioned if that was something that the City could house on its Website so that the service providers could recognize if there was a critical mass to justify services by a provider. He noted that Cedar Falls subsidizes the providing of Internet service with property taxes, and he is personally not in favor of Ames following that model. Mr. Wendell said that he would be happy to work with the City on that to see where the demand is for services. Mr. Grassley said it would be helpful to have such a mechanism that would alert Mediacom as well.

The meeting recessed at 7:30 p.m. and reconvened at 7:43 p.m.

**WORKSHOP ON PUBLIC PARKING AND PUBLIC GATHERING SPACE FOR THE WELCH/CHAMBERLAIN/HAYWARD INTERIOR SPACE IN CAMPUSTOWN:** Mayor Campbell noted that a goal set by the City Council was to develop a sub-area plan, including public and private uses, for the area from Duff to Grand and Lincoln Way to Sixth Street [e.g., commercial (retail, entertainment, and offices), parking, housing, public spaces]. The second part of that, which is where the Council is at this time, is to plan for public parking and public gathering space for the Welch/Chamberlain/Hayward interior space in Campustown. The first task under that was to hold a workshop with property owners, Student Government, the Campustown Action Association (CAA), ISU, and other stakeholders to share intentions for projects that could affect that space.

Planning and Housing Director Kelly Diekmann showed a map depicting the property owners within the area bounded by Lincoln Way on the north, Welch Avenue on the east, Chamberlain Street on the south, and Hayward Avenue on the west. The dimensions of the City parcel (right-of-way) were given; it is just under a half acre in size. He noted that includes Parking Lot X. Mr. Diekmann indicated that a critical element is the location of the City Electric Services transformer, which serves the entire block. There is also some private parking and the City has 25 public parking stalls in the Lot. Business owners also use the area for garbage collection, pick-up and delivery, loading, and unloading.

Discussion with stakeholders on intentions for projects that could affect the space. Mayor Campbell asked if there was anyone wishing to comment.

Luke Jensen, 2519 Chamberlain, Ames, said that he was representing Chamberlain, LLC, and Campus Plaza, LLC., located in the southwest quadrant. Mr. Jensen stated that both of their sites had been redeveloped in 2004 and 2017, respectively. In addition, 122 Hayward will hopefully be open in August

2017.

One of the ideas that has been contemplated is using the interior space as a community gathering space. Mr. Jensen shared sketches of one conceptual idea: a raised open air plaza. Mr. Jensen believes that this would actually become an amenity to the business owners. Maintaining access to the parking lot is very important to the affected business owners. He noted the importance of the Floating Access Easement allowed through the right-of-way. The conceptual idea was described by Mr. Jensen.

Justin Dodge, 105 S. 16<sup>th</sup> Street, Ames, said that he is representing EM Hunziker and Dayton Park LLC.. Mr. Dodge said that they do not have any current plans for their two properties.

Ryan Jeffrey, 234 Partridge Circle, Ames, said that his property is located at 116 Welch. He commented that he has been wanting a community gathering space in Campustown for some time. Mr. Jeffrey shared that the elevated platform being suggested by Luke Jensen seemed like a nice compromise; it is off-street and has access to Welch Avenue.

Ann Taylor, Dogtown University, 217 Welch Avenue, Ames, said that the concept needs to start with the owners of the properties within the subject area. She believes that the City needs to invest in Campustown in a big way, not piecemeal. Ms. Taylor said that she had not seen that happen in at least the 30 years that she has been in Ames. The “wish list” needs to be grand. There needs to be more interaction from the different demographics in Ames.

Council Member Orazem asked if there a way to build this soon while not disrupting the structure of the current properties or the current functions of the affected businesses. Ms. Taylor replied that she was not an engineer, but just recognizes that it needs to be done in a grand way so people realize that Campustown is not just for students. Ms. Taylor said there will be push-back from losing some of the parking spaces, but she believes people will adapt. There is parking available; people just need to be directed to it via signage.

Council Member Corrieri asked Ms. Taylor what the CAA wants to happen next. Ms. Taylor said that she truly believes that this has to start with the property owners. If the property owners do not want to do this, there probably is no way to move forward. Ms. Taylor replied that the CAA is supportive of it, but can't initiate it.

Council Member Orazem noted that there are requirements as to how much parking must be provided for different uses. He asked Director Diekmann if there is a mechanism that could make the parking be more flexible or altered so areas that are known to have excess residential parking could be used for commercial parking. Mr. Diekmann indicated that the parking requirements are based on the type of use that the property is intended; that is set by ordinance. The City does not have current data on the private parking spaces to see if they are being utilized.

Council Member Betcher asked if the CAA would be interested in creating a public gathering space in another location, i.e., the parking lot in the 2300 Block of Chamberlain or is it only interested in Parking Lot X. Ms. Taylor said that the CAA had not discussed that. She noted that there appears to be excess parking at 119 Stanton; a lot of those spaces do not get used every day.

Mr. Jeffrey commented that he felt the next step was to have a discussion with property owners. He felt it might be helpful if the City were to hire an architect lead to facilitate the meetings with a discussion group, similar to the method used when discussions occurred on the Facade Grant Program.

Mr. Jensen recognized that there is currently surplus parking in the apartment building that Jensen Builders owns. They have seen that trend in other apartment buildings as well. He is unsure if that is going to continue, but it appears to be consistent. Upon being asked by Mayor Campbell why that is occurring, Mr. Jensen replied that there seems to be more of a culture of pedestrian-oriented living and less dependence on cars; CyRide also contributes to that.

Council Member Nelson asked if there was a current Urban Revitalization Area created for the block in question, and if so, could that be used to help with redevelopment. Director Diekmann stated that there was, but an Urban Revitalization Area would not be that tool; the City would have to go into an Urban Renewal project.

Council Member Orazem noted the unattractiveness of Parking Lot X.

Cole Staudt, Student Government President, agreed with Council Member Orazem, stating that he views Parking Lot X as a true eyesore. He lives about a block and one-half from it. The driving factor, in his opinion, is that there is a lack of public space within Campustown. He believes that it will take investment by the City to make the area around Welch a welcoming place. Mr. Staudt thinks that the City needs to take the first step.

Cory Kehlri said that he is representing Copy Works, said that realistically, there are factors that are not favorable to the reuse of Parking Lot X, e.g., the slope, a lot of bars are in the area, and a lot of mess ends up in that parking lot. Customers do use that lot, and if that parking is lost, it would hurt Copy Works. He is supportive of creating a public gathering space, having more green space, cleaning up the area; he is just concerned about how it is going to work with the needs of the businesses adjacent to the Parking Lot.

Sam Schulte also indicated his support for a public gathering space to be created in Campustown. He likes the idea of putting it in Parking Lot X. Mr. Schulte is not in favor of trying to put the gathering space on Chamberlain. He doesn't believe a lot of people walk by there. Parking Lot X is in the heart of Campustown.

Cathy Brown, representing Iowa State University, said that the ISU representatives are basically at this meeting to listen. She noted that there had been many conversations about Campustown. When asked about usage of the Intermodal for parking, she feels many more details are needed. The space would be used for socialization; that needs to be studied; it needs to incorporate safety.

Council Member Orazem said he felt that the City has yet to provide something that gives back even a portion of the value that the students bring to Ames.

Council Member Betcher raised a concern about the raised platform being used a large amenity deck. She is concerned about safety and noise. Ms. Betcher does not want the neighborhood to lose its voice; sound travels.

Council Member Gartin asked if there was a logical next step.

Nitin Gadia, 214 Main Street, Apartment 1, Ames, said he feels that nothing is more important to the Ames community than this project. The area in question is the most active in Ames, and the specific location is at the center of that area. Mr. Gadia noted that Parking Lot X is public property. He

understands that adjacent property owners have certain rights to use the property, but it is not their property. According to Mr. Gadia, there are a couple owners who are opposed to this project. He has contacted most of the property owners, and two-thirds of those area in favor of creating a public gathering space. Mr. Gadia shared his belief that parking is not a capacity issue, it is a management issue. He commented that there are other communities that have a far worse problem than Campustown.

Mayor Campbell said the discussion sparked ideas about the creation of a public gathering space in Campustown. She welcomed further ideas to be shared with the Mayor and City Council.

**COUNCIL COMMENTS:** Moved by Orazem, seconded by Corrieri, to request a memo from staff regarding the feasibility of setting up a mechanism o collect and aggregate information on neighborhoods that are having high-speed Internet issues and be ale to aggregate that information and provide it to the ISPs in an effort to try to start resolving some of those issues.

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

**ADJOURNMENT:** Moved by Corrieri to adjourn the meeting at 8:55 p.m.

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Diane R. Voss, City Clerk

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Ann H. Campbell, Mayor