

MINUTES OF THE REGULAR MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

NOVEMBER 27, 2018

The Regular Meeting of the Ames City Council was called to order by Mayor John Haila at 6:00 p.m. on November 27, 2018, in the City Council Chambers in City Hall, 515 Clark Avenue, pursuant to law. Present were Council Members Bronwyn Beatty-Hansen, Gloria Betcher, Amber Corrieri, Tim Gartin, David Martin, and Chris Nelson. *Ex officio* Member Allie Hoskins was absent.

Mayor Haila announced that Council would be working off of an Amended Agenda. The Special Recognition item has been removed as the swim team are still practicing for some national competitions and will come some time in December for recognition. The other item was an addition under Consent for a Resolution approving the contract and bond for the 2018/19 Sanitary Sewer Rehabilitation (Wilson & 15th).

PROCLAMATION FOR “PANCREATIC CANCER AWARENESS MONTH:” Mayor Haila proclaimed the month of November as “Pancreatic Cancer Awareness Month.” Accepting the Proclamation was Melinda Thach, Volunteer with the Des Moines Affiliate, Pancreatic Cancer Action Network.

PRESENTATION OF “PROJECT OF THE YEAR” AWARD (CITY HALL PARKING LOT) TO THE PUBLIC WORKS DEPARTMENT: Presenting the award was Eric Cowles, Chairman of the Iowa Chapter of American Public Works Association Awards. He recognized the South Skunk River Watershed Basin Improvements Project (City Hall Parking Lot), as the Chapter Project of the Year in the Environmental Category in the \$1-2 million category. He noted that he will be submitting this project at the National level for consideration of the National Project of the Year Award and will know more in the spring.

CONSENT AGENDA: Council Member Betcher requested to pull, for separate discussion, Item No. 14, Amendment to Professional Services Agreement with Bolton & Menk, Inc. for Teagarden Drainage Area Improvements.

Moved by Corrieri, seconded by Gartin, to approve the following items on the Consent agenda.

4. Motion approving payment of claims
5. Motion approving Minutes of Regular Meeting of November 13, 2018, and Special Meeting held November 14, 2018
6. Motion approving Report of Contract Change Orders for November 1 - 15, 2018
7. Motion setting January 22, 2019, at 5:30 p.m. and February 26, 2019, at 6:00 p.m. as Conference Board meeting dates
8. Motion approving Public Art Commission’s Birdhouse Competition program and authorizing the Commission to proceed with further development and implementation of the program
9. Motion approving renewal of the following Beer Permits, Wine Permits, and Liquor Licenses:

- a. Class C Liquor & Outdoor Service - Outlaws, 2522 Chamberlain St.
 - b. Class B Native Wine - Chocolaterie Stam, 230 Main St.
 - c. Class C Beer & B Native Wine - Swift Stop #8, 705 24th Street
 - d. Class B Liquor, Catering, & Outdoor Service - Country Inn & Suites, 2605 SE 16th St.
 - e. Class C Liquor - LC0043993 - Time Out - Ames, 120 Kellogg Avenue
10. RESOLUTION NO. 18-621 authorizing Mayor to submit Letter of Support requested by Iowa State University regarding AraNet Advanced Wireless Research Proposal and committing to allowing a network infrastructure in the right-of-way and cooperate in finding appropriate locations for transmission equipment on electric poles, street lights, and traffic signals
 11. RESOLUTION NO. 18-623 setting date of public hearing for December 11, 2018, regarding vacation of Water Main Easement at 2205 Green Hills Drive
 12. RESOLUTION NO. 18-624 approving 2018 Urban Renewal Report and certification of TIF Debt for Campustown and annual appropriation of Kingland TIF Rebate
 13. RESOLUTION NO. 18-625 approving Encroachment Permit for a sign at 120 Welch Avenue
 14. RESOLUTION NO. 18-627 approving contract and bond for 2018/19 Sanitary Sewer Rehabilitation (Wilson and 15th)
 15. RESOLUTION NO. 18-628 approving partial completion of public improvements and reducing the security being held for Hayden's Crossing, 1st Addition
 16. RESOLUTION NO. 18-629 approving partial completion of public improvements and reducing the security being held for Hayden's Crossing, 2nd Addition
 17. 2015/16 and 2016/17 Bridge Rehabilitation Program (East Lincoln Way and Dayton Avenue):
 - f. RESOLUTION NO. 18-630 approving Balancing Change Order
 - g. RESOLUTION NO. 18-631 accepting completion

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

AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT WITH BOLTON & MENK, INC., FOR TEAGARDEN DRAINAGE AREA IMPROVEMENTS:

Council Member Betcher stated that she had pulled this item from Consent as she questioned how these Agreements work. She explained that staff has done a good job negotiating with the property owners to come up with a resolution, but has it had cost a lot of money. Ms. Betcher asked if the Agreements are bound to the property owner or the actual property. Municipal Engineer Tracy Warner stated that with the design contract, it is bound to the design only. She explained that they had come to an Agreement with the property owner, but Public Works had not processed and gotten the Easement recorded before the property suddenly came up for sale. The new property owner had a different idea for the property. They are working on getting easements, so they have the documents in place so. Once an easement is granted, it is recorded and then it is held against the land even if the property is sold.

Moved by Betcher, Second by Gartin, to approve Resolution No. 18-626 approving the Amendment to the Professional Services Agreement with Bolton & Menk, Inc., for Teagarden Drainage Area Improvements in an amount not to exceed \$21,500.

PUBLIC ART COMMISSION'S BIRDHOUSE COMPETITION: Mayor Haila asked to have Kerry Dixon with the Public Art Commission give a brief overview of Consent Item No. 8 regarding the Public Art Commission's Birdhouse Competition. Ms. Dixon explained that they have reached out to several organizations that are excited to partner with the Public Arts Commission. They will have several different categories to compete in. The birdhouses will be fully functional and will be for different species of birds. The appropriated City funding will go to support the installation, maintenance, and decommissioning of the birdhouses. She noted that they will work with the Parks and Recreation Department in placing the completed birdhouses. The Commission will also seek a guest artist or artists to work with the community and area schools and preschools for birdhouse decorating workshops. Council Member Beatty-Hansen asked how the birdhouses will be cleaned. Ms. Dixon stated that they will either work with the Parks and Recreation Department to pay to clean them or get volunteers to do this annually. Mayor Haila asked about the availability to purchase the birdhouse kits. Ms. Dixon stated that they are going to work on purchasing different types of birdhouses for different species of birds. Mayor Haila pointed out that this is a good opportunity for anyone from pre-school-age and older to help out in the community.

PUBLIC FORUM: Mayor Haila opened Public Forum. No one came forward to speak, and Public Forum was closed.

REQUESTED REFUND PERTAINING TO SOUTH DUFF SIGNAL PROJECT TO E-M HUNZIKER, LLC, IN THE AMOUNT OF \$17,003: Public Works Director John Joiner stated that the Council received this item in the non-agenda packet. At the last City Council meeting, staff was asked to bring it back as a discussion item tonight. Mr. Joiner stated that the staff report should cover the background of this issue and the advice of the City Attorney. Council Member Gartin stated that this is an unfortunate miss-communication between the parties, and hopefully, with future agreements this will not happen again.

Moved by Gartin, seconded by Betcher, to adopt RESOLUTION NO. 18-632 approving the requested refund pertaining to the South Duff Signal Project to E-M Hunziker, LLC, in the amount of \$17,003.

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

FLOOD MITIGATION - RIVER FLOODING: Mayor Haila noted that the applicant had requested that this item be tabled to December 18, 2018, as they are working on obtaining additional information.

Moved by Beatty-Hansen, seconded by Nelson, to table the Flood Mitigation-River Flooding agenda item until the City Council meeting on December 18, 2018.

Vote on Motion: 6-0 Motion declared unanimously.

RESOLUTION AUTHORIZING THE USE OF EMINENT DOMAIN, IF NECESSARY, TO OBTAIN EASEMENTS AND ACQUIRE LAND FOR EAST INDUSTRIAL AREA UTILITY EXTENSION PROJECT:

Public Works Engineer Nathan Willey stated that currently they are in the easement and land acquisition phase of this project. He explained that they are trying to get permanent and temporary construction easements from different property owners and are also trying to acquire about two acres of land from one property owner, which is a key piece of the project, for a lift station and a future water tower. To date, they have five easements signed by property owners out of the eleven. The land acquisition agent has been approached by their Appraiser and so far there has not been an agreement. Mr. Willey stated the only reason for this request is to authorize eminent domains only if necessary. It is staff's preference to prevent any delays and to have this project bid in early spring of 2019.

Council Member Gartin commented that eminent domain has a lot of negative stigmas. He explained that using it for a lift station and a future water tower is in the category of necessary capital improvements. The goal is to not use eminent domain at this time, but to have it available in case negotiations are unable to be completed.

Mayor Haila opened public comment. There was no one wishing to speak, and public comment was closed.

Moved by Beatty-Hansen, seconded by Corrieri, to adopt RESOLUTION NO. 18-633 authorizing use of eminent domain, if necessary, to obtain easements and acquire land for the East Industrial Area Utility Extension Project.

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

STORY COUNTY HOUSING TRUST: Brian Phillips, Assistant City Manager, stated that two years ago during the City Council budgeting process the Council allocated funding for the Story County Housing Trust. The City has received an invoice for the second of the payments for the funding; however, no parameters were set up as to identify what must be done with the funding. Mr. Phillips noted that they thought it would be a good opportunity for the Council to receive an update as to the activities of the Housing Trust.

Brenda Dryer explained that she is representing the Story County Housing Trust Fund as a Vice-Chair. Ms. Dryer stated that in the Council packet, there was a recap of the accomplishments and achievements dating back to 2017 when the trust fund was established. She noted the following highlights:

- Received certification as a Local Housing Trust Fund through the State Housing Trust Fund

- Applied for first State Housing Trust Fund (SHF) grant
- December 2017: Awarded the maximum grant available from the State Housing Trust Fund of \$239,313
- FY2017: Matching funds required by the State Housing Trust Fund grant received nearly \$48,600 public and \$12,500 private donations.
- FY2018: Required matching funds, pledged a little more than \$60,000
- Story County Housing Trust awarded \$185,000 in Owner-Occupied Repair grants to six organizations to provide repairs for homeowners with 60% or less of area median income
- Owner-Occupied Repair contracts issued and projects started throughout Story County

Ms. Betcher asked how many grant requests were received for the Owner-Occupied Repair Program. Ms. Dryer stated that the Story County Housing Trust Fund does not accept applications from individuals as they make their awards to organizations that are able to support citizens across the counties. The funding is targeted for homeowners who make 60% or less of the county-wide median based on household size. Ms. Betcher noted that they did have six homeowners who qualified, and they were able to help all six of them. Ms. Betcher asked if the Story County Housing Trust Fund tracks how the money is distributed to the six organizations. Ms. Dryer explained that they do; the organizations have two years to get the funds awarded to individuals with a possibility of a one-year extension.

Mayor Haila asked what the mission and objective statement was for the Story County Housing Trust Fund. Council Member Corrieri read off the mission statement for the Story County Housing Trust Fund. Mayor Haila asked if the City's new Home Funds would be able to work with the Story County Housing Trust Fund. Ms. Corrieri commented that there will be opportunities for the Trust Fund to partner with the City on how Home Funds are distributed.

Moved by Beatty-Hansen, seconded by Gartin, to accept the Report of Activities for FY2017/18 and to adopt RESOLUTION NO. 18-634 authorizing payment in the amount of \$34,000 to the Story County Housing Trust for FY 2017/18.

Mayor Haila opened public comment. No one came forward to speak, and public comment was closed.

Roll Call Vote: 5-0-1. Voting aye: Gartin, Betcher, Nelson, Martin, Beatty-Hansen. Voting nay: None. Abstaining due to a conflict of interest: Corrieri,

The Council recessed at 6:35 p.m. and reconvened at 6:43 p.m.

STAFF REPORT ON COMMUNITY INTERNET IMPROVEMENTS: Assistant City Manager Brian Phillips noted that about a year ago the Council members established, during their goal-setting session an initiative to explore possible improvements in internet options for residents and businesses, including the aspects of availability, speed, cost, reliability, customer service, and policy. He explained that the Federal Communications Commission (FCC) defines

“broadband internet” as speeds exceeding 25 megabits per second (Mbps) download and three Mbps upload. Mr. Phillips stated that one of the biggest challenges is the lack of clear publicly available data to understand what the overall picture is in the community. He noted that there were a few resources available; the FCC publishes a broadband map that you can put your address in and see what services are available in your area.

Mr. Phillips stated that they did have conversations with the two major internet providers in the area: Mediacom and CenturyLink. They had a meeting with Mediacom representatives outlining the issues that the Council is interested in exploring. In the meeting, they asked Mediacom for information about what has worked in other communities to help improve the connection issues, what are the impediments, and service coverage maps to overlay with the CenturyLink map to see if there are any coverage gaps. Mr. Phillips noted that he did not receive any of the data from Mediacom and CenturyLink did not respond at all.

Mr. Phillips stated that an online survey was done in 2017 to get resident feedback on internet use and problems. A focus group was held in October 2018 with residents having the same complaints as the online survey about service being too slow and not reliable. He noted that a lack of data was one limitation, and another would be that even if they knew where the problem was, the City does not have the ability to regulate the current providers. However; the City does have the option of entering the marketplace as a provider.

Mr. Phillips explained that there are four models (outlined below) after looking at other cities:

- Retail Model - Offers the City the most control over internet access, service, speeds, and fees for the customer. It requires the largest infrastructure investment; therefore, making it the costliest model. This model also presents the greatest financial risk to the City due to having to compete with private sector companies.
- Wholesale Services Model - The municipality builds and operates a network for use by private sector internet service providers. The private providers pay for the use of the City-owned network infrastructure, which they use to reach their individual customers. In this model, the investment by the City is less than in the retail model and also presents lower financial risk since there is not direct competition with private sectors' providers.
- Franchise Model - the municipality provides private services providers access to conduits and to the public right-of-way in exchange for a franchise fee. In this model, the municipality has little to no control over coverage, prices, speeds, and customer service. The City also has little to no investment cost.
- Community Ownership and Deployment Model - The municipality along with other community anchor institutions (e.g., universities, hospitals, school districts, DOT) co-invest to create a broadband network. A nonprofit is typically formed from this coalition to oversee the funding, deployment, and operations of the network as well as act as the internet service provider. In this model, the initial investment and the risk is shared by the participating institutions.

Mr. Phillips explained that in addition to the four models listed above, the City would need to

take into consideration the legal and financial issues of City-operated internet utilities:

1. Establishment of a Municipal Broadband Utility: Before any steps could occur toward establishing a City-owned utility through the retail or wholesale models, a feasibility study would need to be conducted. Following the study, if the Council chooses to establish a broadband utility, Iowa law requires a referendum election, which may proceed on a simple majority. If the referendum fails, the ballot questions may not be submitted to the voters again for a period of four years.
2. Capital Funding of a Municipal Broadband Utility: Establishing a broadband utility requires a significant cost, and there are limited sources of funding for the City. General Obligation Bond funding requires passing a referendum and pledging of property taxes. A referendum to issue bonds requires 60 percent voter approvals. The most practical financing option would be negotiated direct placement of debt or a bank loan.
3. Funding the Operations of a Municipal Broadband Utility: *Iowa Code* section 388.10 strictly prohibits any operating subsidy for a municipal utility providing telecommunications services, which is defined by *Iowa Code* to include internet access services. A City that owns and operates a municipal broadband utility is required to prepare and maintain records to show the full cost of providing services, including the cost of capital.
4. Net Neutrality: this requires that internet service providers like AT&T, Verizon, CenturyLink, Mediacom, or Windstream treat all network traffic equally, not slowing or speeding up, or charging differently for any particular sites or content.

Mr. Phillips went over three potential City policies to improve, Internet Service in Ames:

- Accommodating internet fiber cabling in City electrical conduits
- Reduce or eliminate pole attachment fees for internet fiber cable.
- Implement subdivision requirements to provide high-speed internet service

Council Member Martin commented that it was mentioned that the FCC does define broadband as 25 Mbps download, but some residents use DL and wanted to know if those speeds were reported. Mr. Phillips stated he does not have that data at the time. The Director of Electric Services Don Kom noted that during the focus group, everyone had Mediacom and only one person had CenturyLink.

Mr. Martin stated that the state law and regulations would require that a communications utility operation on the basis of its subscribers' revenue without cross subsidization, and inquired if there were any cities already doing this. Mr. Kom explained that Cedar Falls has their own telecommunications within the utility, but it is separate.

Council Member Betcher questioned if the potential City policies would be able to work alongside one of the models discussed or are they mutually exclusive. Mr. Phillips stated that multiple policies and models could be reviewed at the same time, and if the Council's direction is to go to the end of the spectrum, to become an internet provider, than it may not be worth exploring the policies. He noted that he doesn't think there is any harm in reviewing multiple

items, but it would just be time-consuming. Mr. Kom commented that in regards to policy one, internet fiber and cabling, there are already four different electric services in the Ames district, and the majority of homeowner growth is not happening in the Ames service territory; most of the growth is happening in two of the other utility companies. Ms. Betcher asked if going to investigate policy one if any of the other utilities would be willing to work jointly together. Mr. Kom stated there is a potential to meet with them but there would be a cost involved.

Ms. Betcher stated she doesn't see any Iowa cities listed as models and wanted to know if there was a reason they were not listed. Mr. Phillips stated it was not intentional.

Further discussion ensued about other Iowa cities providing internet service.

Iddo Friedberg, 908 Vermont Circle, Ames, stated that he had emailed the Council about his personal experience regarding his internet service earlier today. He commented that he was surprised that there were no Iowa cities mentioned in the staff report, as he heard Pella just recently joined a municipal model. Mr. Friedberg inquired why bonding could not be used as a funding source. He believes that since Ames is a college town that has a strong use of the internet, the retail model would pay for itself and that citizens would happily apply for a working internet service. Mr. Friedberg then quoted a portion of the City of Ames Community Vision.

Troy Dejoode, 1735 Northeast 70th Avenue, Ankeny, noted he was the Executive Director of the Iowa Association of Municipal Utilities. He noted they are the trade association for 541 municipal water utilities, 136 municipal electric utilities, 51 natural gas utilities, and 25 operating broadband utilities. He noted there are about 73 communities in the state of Iowa that have passed a referendum and operating in some of the ways listed in the staff report. Mr. Dejoode mentioned that he was a previous electrical engineer in Cedar Falls and they are governed by a Board that is different from the City of Ames. He explained that he is not advocating for municipalization; his job as an Association is to be a trusted resource to help staff make a decision. What is right for the City of Ames may not be right for other cities. Mr. Dejoode stated that there are three things that most successful utilities have: market demand, strong community leadership, and financing. He commented that he wanted the Council to know that his organization is here to help the City of Ames. Mr. Gartin stated that there are not any newspaper articles about communities that have gone through a feasibility study and couldn't make the numbers work and wanted to know if Mr. Dejoode knew of any communities that have gone through that process. Mr. Dejoode stated that he doesn't know off the top of his head, but knows there are some.

Ben Schmitt, 1035 Vermont Court, Ames, noted that he is a member of the local group: Ames Community Internet Initiative. He listed a couple previous jobs that he had, and dealt with technology. Mr. Schmitt stated that as an Ames resident, he wants the City to thrive through growth, economic development and to have choices. He mentioned as a father, he wants to have reliable and cost-effective internet access for his children and their classmates, and as a Vice-President of Information Security at Dwolla, he helps to lead a team solving difficult problems

and enabling businesses to connect to U.S. banking infrastructure, he can share the requirement for remote productivity tools, 24x7 customer support, and reliable bandwidth to support teleconferencing. Mr. Schmitt stated that additional data are needed to drive the initiative and recommended the feasibility study.

Caleb Keller, 1214 Truman Place, Ames, stated he is in support of the Retail Model. He noted that in 1993, it was a luxury to have internet service, now it is a necessity. He related a story of a high school student who was assigned a computer from school; however, the mom could not afford internet service, so the student had a limited window of time to do her homework at friends' houses. Mr. Keller mentioned that he doesn't want barriers between Ames residents and internet service, as it is a necessity of modern life. Council Member Martin stated that even in the Retail Model, the goal is not to give free internet service, and the City's cost may be the same as the current providers. Mr. Keller stated he understands that, but feels that the City of Ames would help the citizens obtain internet service and it would not only be about the bottom dollar.

Curtis Dean, 517 SE 17th Street, Grimes, commented that he is co-founder of an organization called the Community Broadband Action Network, which is designed to help communities identify and solve problems for better broadband. He wanted to clarify about the earlier discussion where the electric utility is and isn't in the City of Ames: If the City was to have a referendum and legal authority under Iowa law to operate a utility, the City would have the legal authority to operate the utility throughout the City boundaries, but joint trenching may not be able to happen. Mr. Dean explained that he has gone to a number of City Council and Utility boards and as he tells everyone there are five elements to broadband that are needed. Broadband should be fast, reliable, universally available, affordable, and excellence in customer service. If a community feels that those five are not met, then the community is not getting what they need to survive.

Carolyn Myers, 1804 Maxwell Avenue, Ames, explained that she wants to encourage the Council to do a feasibility study. She stated that another benefit for having the public municipality for the broadband internet would be able to have local control.

Beau Hicks, 129 Main Street #3, Ames, stated he represents Mediacom as the Area Director. He mentioned that he was here tonight not on behalf of the Mediacom Corporation, but of he 40 employees that work at 225 S. Dayton Avenue; Ames. Mr. Hicks commented that he understands the frustration of the citizens as he is a resident of Ames as well. On behalf of Mediacom, when he previously met with the City, he felt it was going to be an ongoing conversation, but did give a map to the Council today of their node coverage. Affordability is something that he hears a lot and Mediacom does have a program called "Connect to Compete" where it is only \$9.95 month if you qualify for free or reduced lunch at school. Mr. Hicks noted that he is here for an open conversation and wants to partner with the City. Council Member Gartin stated the meeting tonight has generated a lot of public input and one thing they are hearing is all the frustration customers are having. He asked Mr. Hicks what he recommended the City do. Mr. Hicks stated that they have worked with other cities that have gone through this

process and would be happy to work with the City. Council Member Martin commented that Mediacom was asked to provide information several times over the past few months, but just got the map today. Mr. Hicks stated he will take the blame for the map as it was his understanding that the map, was sent back in July. A map was displayed overhead and Mr. Hicks explained that everyone in the red area should have access to 1G of speed.

Brian Woerth, 3515 Emerald Drive, Ames, commented that he is the Chair for the Ames Community Internet Initiative. He asked to comment about the concern with the price being the same if the City pursues internet service and feels that just by having the City start the process, with a feasibility study, the process may lower the costs by the private sectors. He stated that Mediacom wanted to know what areas need to be fixed, but as the City report shows, it is everyone and can't pinpoint one area. Mr. Woerth questioned the technology as to why would anyone want fiber optics that lead into an outdated coaxial cable. He believes that this is a great infrastructure project that the City can do.

David Mattocks, 724 Duff Avenue, Ames, noted that he moved to Ames about five years ago, and the apartment he lived in only had cable access, but he moved and now only has a phone line and doesn't have cable run to the house. He commented that the focus groups should be looking at the methods of delivery that are available or can expand out with wireless networks.

Chuck Winkleblack, 105 South 16th Street, Ames, stated that he is commenting from a developer's standpoint. The process has changed in the past 20 years, as before when putting in a new subdivision, they had to contact all the utility companies and a representative would come out to look at their Plat of Survey and want to know their time line, but now they don't even get a phone call back. Mr. Winkleblack noted that they have lost house sales due to lack of internet options. He gave an example of a home where fiber was put in, but neighbors a block away can't get the service. He stated that as a developer they would be happy to work with whoever, whether it's the City or not, but as a private business, he would prefer the City not get involved. Mr. Winkleblack explained that one of the first questions they are asked is what speeds of internet service are available.

Bob Houg, 3517 Oakland Street, Ames, noted that he was the Executive Director of the Municipal Utilities Association for 27 years, but is now retired. He was involved in negotiating the limitations on cross subsidiaries; they apply to only the ongoing operating expenses of the telecommunication utility. At any time the electric utility or the City can provide funding for capital expenses. Mr. Houg commented when Cedar Falls started, they covered capital costs by revenue bonds and general obligation bonds but took away the general obligation bonds once they were up and running. He didn't want everyone to have the impression that any cities that started this process in the 1990's were grand-fathered in.

Kelly Junge, 1935 Paulson Drive, Ames, commented that there are few towns that have fiber networks to their house and are profitable. These towns are paying \$50 a month for 50 Mbps and he is paying \$60 up to 60 Mbps but it is never 60 as he is lucky to get 8. He noted that he

appreciates Mr. Hicks' job, but showing that everyone should have 1 Gb is a lie.

Public input was closed at 8:06 p.m.

Council Member Martin asked to show a few graphs showing his internet experience. He is a former Computer Science Professor, who taught Networking and Security. Mr. Martin wanted to find out what some of the disparity between people with great service versus people that can't get any service. He showed a speed measurement from his house, using his cable internet, to his neighbor's house. The graphs showed the speed of the internet every 15 minutes and it was pretty consistent throughout the day. The next graph showed a more typical day where the service was up and down. He commented that when the service dips, and if you call customer service by the time you get someone on the phone the service is back up and working. Mr. Martin just wanted to give the Council an idea that people can look at the same thing and see different issues.

Mr. Gartin asked if City Manager Steve Schainker could give an example of how much a feasibility study might cost. Mr. Schainker stated that more information would be needed before doing the study, but would guess it would probably cost in excess of \$100,000 for the most significant analysis. Mr. Gartin stated everyone understands the current utilities that the City of Ames offers, but wanted to know would it would mean to create a new utility. Mr. Schainker noted that they would need a building for staff, technicians, vehicles, and 24-hour customer service, as the City would be unable to tack this on to an existing office. Further discussion ensued as to what would be needed to have a new utility service.

Moved by Martin, seconded by Beatty-Hansen, to bring an agenda item with cost estimates for a feasibility study covering the retail and wholesale models and a staff report with more information on the community ownership and deployment model including reaching out to ISU, Iowa DOT, Mary Greeley, Ames, and Gilbert School Districts, and COLO.

Mr. Gartin stated that normally they do everything internally first before going to the feasibility study. He would like to suggest that Mr. Schainker pursue a last chance dialog with the other private sectors. Council Member Beatty-Hansen commented that Mr. Martin's motion was to just find out the cost of a feasibility study. Mr. Nelson noted that his only concern is that it leaves out the option to partner with other providers.

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

Moved by Gartin, seconded by Corrieri, to direct staff to work with private sector companies to explore the quality and scope of internet service in Ames and to investigate more information on the Bettendorf/Davenport models.

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

Moved by Martin, seconded by Beatty-Hansen, to have staff report on possible modifications to the subdivision codes, to require a new subdivision housing be internet ready.

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

ORDINANCE RELATED TO DEVELOPMENT STANDARDS OF THE NEIGHBORHOOD COMMERCIAL ZONING DISTRICT: The public hearing was opened and closed by Mayor Haila since there was no one wishing to speak.

Moved by Nelson, seconded by Corrieri, to pass on third reading and adopt ORDINANCE NO. 4374 related to development standards of the Neighborhood Commercial Zoning District.
Roll Call Vote: 6-0. Ordinance declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

ORDINANCE TO ALLOW ALTERNATIVE LANDSCAPE PLAN APPROVAL IN CONJUNCTION WITH A SPECIAL USE PERMIT: The public hearing was opened and closed by Mayor Haila as there was no one wishing to speak.

Moved by Corrieri, seconded by Beatty-Hansen, to pass on third reading and adopt ORDINANCE NO. 4375 to allow alternative landscape plan approval in conjunction with a Special Use Permit.
Roll Call Vote: 6-0. Ordinance declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

DISPOSITION OF COMMUNICATIONS TO COUNCIL: Moved by Beatty-Hansen, seconded by Betcher to get a memo from staff regarding the letter from Ben Jensen about his request to allow a 6-foot tall security fence in the setback area for the property located at 4415 Lincoln Way.
Vote on Motion: 6-0. Motion declared unanimously.

ADJOURNMENT: Moved by Corrieri to adjourn the meeting at 8:35 p.m.

Amy L. Colwell, Deputy City Clerk

John A. Haila, Mayor