

MINUTES OF THE REGULAR MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

AUGUST 13, 2019

The Regular Meeting of the Ames City Council was called to order by Mayor John Haila at 6:00 p.m. on August 13, 2019, in the City Council Chambers in City Hall, 515 Clark Avenue, pursuant to law. Present were Council Members, Amber Corrieri, Gloria Betcher, Tim Gartin, David Martin, and Chris Nelson. Council Member Bronwyn Beatty-Hansen was absent. *Ex officio* Devyn Leeson was also in attendance.

CONSENT AGENDA: Council Member Betcher requested to pull Item No. 14d: Renewal of Liquor License for Es Tas Stanton, 216 Stanton, for further discussion. Mayor Haila pulled for separate discussion, Item No. 15, Resolution approving Official Statement for General Obligation Corporate Purpose Bonds, Series 2019A, setting the date of sale for August 27, 2019, and authorizing electronic bidding for the sale.

Moved by Nelson, seconded by Gartin, to approve the following items on the Consent Agenda:

1. Motion approving payment of claims
2. Motion approving Minutes of Special Meetings held July 16, 2019, and August 2, 2019, and Regular Meeting held July 23, 2019
3. Motion approving Report of Change Orders for July 16 - 31, 2019
4. Motion approving new 5-day Class B Beer License (August 28, 2019 - September 2, 2019) - The Whimsical Wine Trailer, 1407 University Boulevard
5. Motion approving new 5-day Class B Beer License (September 25 - 29, 2019) - The Whimsical Wine Trailer, 1407 University Boulevard
6. Motion approving new 5-day Class B Beer License (October 30 - November 3, 2019) - The Whimsical Wine Trailer, 1407 University Boulevard
7. Motion approving new 5-day Special Class C Liquor License (August 22 - 26, 2019) - Gateway Market, ISU Alumni Center, pending satisfactory background checks
8. Motion approving new 12-month Class C Liquor License with Class B Wine and Sunday Sales- Hy-Vee Market Grille, 640 Lincoln Way
9. Motion approving Class A Liquor License Ownership Update - Green Hills Residents' Association, 2200 Hamilton Drive, Suite 100
10. Motion approving new 5-day Special Class C Liquor License (August 24 - 28, 2019) - Ames Historical Society, 416 Douglas Avenue, pending premise approval from Inspections and satisfactory background checks
11. Motion approving temporary Outdoor Service Privilege Update (September 13 - 14, 2019) for Special Class C Liquor License - Sips and Paddy's Irish Pub, 126 Welch Avenue
12. Motion approving temporary Outdoor Service Privilege Update (August 30 - 31, 2019) for Special Class C Liquor License - Sips and Paddy's Irish Pub, 126 Welch Avenue
13. Motion approving temporary Outdoor Service Privilege Update (September 15 - 16, 2019) for Special Class C Liquor License - Tip Top Lounge, 201 E Lincoln Way
14. Motion approving renewal of the following Beer Permits, Wine Permits, and Liquor Licenses:
 - a. Class C Liquor License with Catering, Class B Native Wine, Outdoor Service and Sunday

- Sales - The Mucky Duck Pub, 3100 S. Duff Avenue
- b. Class E Liquor License with Class B Wine, Class C Beer and Sunday Sales - Kum & Go # 1215, 4506 Lincoln Way
 - c. Class C Liquor License with Sunday Sales - El Azteca, 1520 S. Dayton Avenue
 - d. Class B Beer with Sunday Sales - Flame-N-Skewer, 2801 Grand Avenue, Ste. 1125
 - e. Class C Beer Permit with Class B Wine and Sunday Sales - Hy-Vee Gas #5013, 4018 West Lincoln Way
 - f. Class C Liquor License with Sunday Sales - Inside Golf, 2801 Grand Avenue, #1075
 - g. Class C Liquor License with Catering, Outdoor Service and Sunday Sales - Iowa State Center - CY Stephens, CY Stephens- Iowa State University
 - h. Class C Liquor License with Catering, Outdoor Service and Sunday Sales - Iowa State Center – Fisher, Fisher Theatre- Iowa State University
 - i. Class C Liquor License with Sunday Sales - JJC Ames 1 LLC, 2420 Lincoln Way, Suite 103
15. RESOLUTION NO. 19-390 approving Agreement with Iowa Department of Transportation for MPO/STBG-TAP grant funding for 2018/19 Shared Use Path System Expansion - Trail Connection south of Lincoln Way (Beedle Drive to Intermodal Facility)
 16. RESOLUTION NO. 19-391 approving Certificate of Consistency with City’s 2014-19 CDBG Consolidated Plan on behalf of the Emergency Residence Project
 17. RESOLUTION NO. 19-392 waiving Purchasing Policies and awarding a single-source contract with Donna Gilligan, Nevada, Iowa, in an amount not to exceed \$70,900 for FY 2019/20 for organizational development consulting services
 18. Edward Byrne Memorial Justice Assistance Grant:
 - a. RESOLUTION NO. 19-393 authorizing staff to apply for Grant
 - b. RESOLUTION NO. 19-394 approving Memorandum of Understanding with Story County
 - c. Motion authorizing Mayor to sign certification indicating that the City will abide by the Grant terms and conditions
 19. RESOLUTION NO. 19-395 approving Memorandum of Agreement and Agency Access Agreement with Story City Police Department allowing access to Multi-Agency Public Safety Network
 20. Requests from Ames Historical Society for “Uncorked” Exhibit Grand Opening on August 24:
 - a. RESOLUTION NO. 19-396 approving closure of four metered parking spaces in the 100 Block of 5th Street
 - b. RESOLUTION NO. 19-397 approving request for a waiver of fee for metered parking spaces
 - c. Motion approving Blanket Temporary Obstruction Permit
 - d. Motion approving Blanket Vending License
 - e. RESOLUTION NO. 19-398 approving request for a waiver of the fee for Vending License
 - f. RESOLUTION NO. 19-399 authorizing use of City-owned electrical outlets and approving a waiver of the fee for the cost of electricity used
 21. Requests from American Campus Communities for Campustown Fest on August 29:
 - a. Motion approving Blanket Temporary Obstruction Permit
 - b. RESOLUTION NO. 19-400 approving closure of Stanton Avenue from Chamberlain Street to driveway 230 feet south of the intersection
 - c. RESOLUTION NO. 19-401 approving closure of five metered parking spaces in the 200

block of Stanton

22. RESOLUTION NO. 19-402 awarding contract to Star Equipment of Ames, Iowa, for a combination unit for the Public Works Department in the amount of \$77,950 with applied credit of \$10,800 for rental charges, making the net purchasing price of \$67,150
23. RESOLUTION NO. 19-403 approving preliminary plans and specifications for 2018/19 Traffic Signal Program (U. S. Hwy. 30 Westbound Off-Ramp and South Dakota Avenue) setting September 4, 2019, as bid due date and September 10, 2019, as date of public hearing
24. RESOLUTION NO. 19-404 approving preliminary plans and specifications for 2019/20 Sanitary Sewer Rehabilitation (Munn Woods); setting September 18, 2019, as bid due date and September 24, 2019, as date of public hearing
25. RESOLUTION NO. 19-405 approving preliminary plans and specifications for 2018/19 Sanitary Sewer Rehabilitation (Siphon); setting September 18, 2019, as bid due date and September 24, 2019, as date of public hearing
26. RESOLUTION NO. 19-406 approving contract and bond for Non-Asbestos Insulation and Related Services & Supplies
27. RESOLUTION NO. 19-407 approving Contract Change Order No. 1 with GE Steam Power, Inc., of Windsor, Connecticut, for ash grate parts needed for Unit 7 Boiler project in the amount of \$5,011.02 inclusive of sales tax
28. Water Treatment Plant Lime Sludge Disposal Operation:
 - a. RESOLUTION NO. 19-408 approving Change Order No. 1 to FY 2018/19 contract with Wulfekuhle Injection & Pumping, Inc., the deduct amount of \$128,793.30
 - b. RESOLUTION NO. 19-409 accepting completion of FY 2018/19 contract with Wulfekuhle Injection and Pumping, Inc., in the final adjusted amount of \$253,106.70 and releasing retainage
 - c. RESOLUTION NO. 19-410 authorizing carry-over of unspent funds in the amount of \$128,793.30 from 2018/19 Operating Budget to FY 2019/20
 - d. RESOLUTION NO. 19-411 awarding contract to Wulfekuhle Injection and Pumping, Inc., of New Vienna, Iowa, for Year Two (FY 2019/20) in the amount of \$510,693.30
29. RESOLUTION NO. 19-412 approving Change Order to Professional Services Agreement with Strand Associates, Inc., to add bidding and construction phase services for Water Pollution Control Facility Methane Engine Generator Replacement Project in an amount not to exceed \$89,200
30. RESOLUTION NO. 19-413 accepting partial completion of public improvements and reducing security for Quarry Estates, 2nd Addition
31. 2016/17 Storm Water Erosion Control Program (S. Skunk River - Carr Park to Homewood Golf Course) Contract B:
 - a. RESOLUTION NO. 19-414 approving Change Order No. 1 with GreenTech of Iowa, LLC., of Grimes, Iowa
 - b. RESOLUTION NO. 19-415 accepting completion of project in the amount of \$57,381
32. Underground Trenching Services: FY 2014/15 through FY 2018/19:
 - a. RESOLUTION NO. 19-416 accepting completion of primary contract with Ames Trenching & Excavating, Inc., of Ames, Iowa, in the total amount of \$669,729.19
 - b. RESOLUTION NO. 19-417 accepting completion of secondary contract with

Communication Data Link, LLC, of Grimes, Iowa, in the total amount of \$243,017.30
Roll Call Vote: 5-0. Resolutions/Motions declared adopted/approved unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

RENEWAL OF LIQUOR LICENSE FOR ES TAS STATION, 216 STANTON: Council Member Betcher explained that she had pulled this item because, in the past when discussing liquor licenses, the Council had issued six-month licenses instead of for a full year. She mentioned that Es Tas did not have any issues, but she was wondering how to get Es Tas employees to go to training when they haven't been to one in a year and a half. Police Chief Cychosz explained that the Police Department had communicated to Es Tas the expectations regarding attendance when going over the review process. He noted that since this item was pulled for discussion, it gives the Police Department another mechanism to use to point out to Es Tas the vulnerability of its liquor license if there are violations in combination with lack of attendance.

Moved by Betcher, seconded by Nelson, to approve the Liquor License with Sunday Sales for Es Tas Stanton, 216 Stanton.

Vote on Motion: 5-0. Motion declared carried unanimously.

OFFICIAL STATEMENT FOR GENERAL OBLIGATION CORPORATE PURPOSE BONDS, SERIES 2019A: Finance Director Duane Pitcher stated that he had requested to have this item pulled for a separate vote. He noted this is a bond issue that the Council has seen several times before during the bond process. Director Pitcher explained that no information has been withheld and they have followed all the required practices of the Municipal Securities Rule Making Board, which will include placing the report on its website.

Director Pitcher stated that they are ready for the date of sale on August 27, 2019. A rating call was held with Moody's and the City's rating will be announced next Thursday.

Moved by Betcher, seconded by Gartin, to approve RESOLUTION NO. 19-389 approving the Official Statement for General Obligation Corporate Purpose Bonds, Series 2019A, setting the date of sale for August 27, 2019, and authorizing electronic bidding for the sale.

Roll Call Vote: 5-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

PUBLIC FORUM: Roman Lynch, 3720 Jewell Drive, Ames, explained he had been the Director of Midnight Madness for 33 years and wanted to thank the City of Ames for all the help throughout the years. He explained that they have provided a quality event for over 50,000 people where they have guarded intersections, had a party every year with no issues, put up a double fence with few complaints, and given thousands a chance to achieve goals. Mr. Lynch stated that he has appreciated working with different City departments throughout the years and appreciated everyone's help.

Mayor Haila stated that on behalf of the Council members they want to thank Mr. Lynch for spending the last

33 years spearheading the Midnight Madness event.

Bernard Dutchik, 101 3rd Avenue SW, Cedar Rapids, explained that he is with Imon Communications, which is a fiber-to-the-premises provider in Cedar Rapids, Dubuque, Iowa Falls, and other smaller communities throughout Iowa. Mr. Dutchik commented that he wanted to speak today to correct some misrepresentation regarding their interest in providing retail services to the Ames community. He explained that they are very interested in providing service to Ames and noted that if Ames was to do a public option, Imon would be happy to work with the City of Ames in that capacity as well. Mr. Dutchik stated they would be flexible in providing retail service or support a public option as well.

HEALTHY LIFE CENTER: City Manager Steve Schainker stated, as they get ready for the bond referendum on September 10, 2019, there was some work that needed to be done to make sure the necessary agreements were secure with Mary Greeley Medical Center (MGMC), Story County, Heartland Senior Services, and Iowa State University for the lease of the site. Mr. Schainker then briefly summarized some of the major aspects of each agreement. He did note that each agreement had been signed except for the Lease Agreement with Iowa State University; the Board of Regents has approved the document, but would like the City of Ames to sign it first.

Mayor Haila opened public comment and closed it after seeing no one come forward.

Moved by Nelson, seconded by Gartin, to adopt RESOLUTION NO. 19-418 approving the Memorandum of Understanding between the City of Ames and Mary Greeley Medical Center.
Roll Call Vote: 5-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

Moved by Betcher, seconded by Gartin, to adopt RESOLUTION NO. 19-419 approving the Memorandum of Understanding between the City of Ames and Story County.
Roll Call Vote: 5-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

Moved by Gartin, seconded by Betcher, to adopt RESOLUTION NO. 19-420 approving the Memorandum of Understanding between the City of Ames and Heartland Senior Services.
Roll Call Vote: 5-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

Moved by Betcher, seconded by Martin, to adopt RESOLUTION NO. 19-421 approving the Lease Agreement between the City of Ames and Iowa State University.
Roll Call Vote: 5-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

Moved by Martin, seconded by Corrieri, to ask staff to draft a Resolution for Council in support of the Healthy Life Center.

Vote on Motion: 5-0. Motion declared carried unanimously.

PRESENTATION FROM METRONET REGARDING FIBER-TO-THE-PREMISES INTERNET SERVICE: Mayor Haila notified the public that no public comment would be taken at this time, as the presentation is for informational purposes only. If the public is interested in speaking with representatives from MetroNet, they will be available in the lobby after their presentation.

Assistant City Manager Brian Phillips explained that, at the June 25, 2019, City Council meeting, City staff provided a follow-up report regarding internet service in the community. At that meeting, staff reported that a provider had approached the City with interest in providing privately operated fiber-to-the-premises service in Ames. The City Council directed staff to have MetroNet present its plans regarding the Council's interest in speed, availability, reliability, customer service, cost, and net neutrality. Mr. Phillips stated no action is needed for this item by City Council.

Kathy Scheller, Government Affairs Director for MetroNet stated that she and her colleague Keith Leonhardt, Vice President of Communications and Market' Development, were at the City Council meeting to introduce the Council to MetroNet, a fiber-to-the-premises provider. Ms. Scheller explained that their company will be bringing a \$20 million investment to the City of Ames and will be able to show an impact to the residents.

MetroNet is a 100% fiber-optic internet, television, and phone company established in 2004 that serves over 80 communities in seven states and has over 112,000 subscribers. They offer blazing-fast symmetrical internet service. Ms. Scheller noted that part of their corporate culture is their passion for Customer Service. She explained that a true fiber-optic-to-the-premises connection gives reliably-fast broadband, simultaneous streaming, distance learning, tele-commuting, and more. Other benefits of fiber-optics-to-the-premises are increases in home value of approximately 3.1%, exclusive access, competition, better customer service, and competitive pricing.

Ms. Scheller commented that the City of Ames will see the following benefits:

- High Level of Customer Service - An average of 30% higher customer satisfaction scores than peers. Eight different scores are measured monthly.
- Broad Availability
- Local Presence - local retail stores, local staff, community involvement, and local events
- Superior Fiber Services - 1 gigabit symmetrical speeds, no long-term contracts, best technology, attractive "more for the same" pricing, pass-thru video pricing, redundancy route, and outage communication plan.

Ms. Scheller explained that when MetroNet comes in to build new infrastructure, it wants the residents to understand the full process. When building new infrastructure, it has the following neighborhood communication plan:

- Construction Communications - Letters, postcards, turf signs, entrance signs, etc.
- Construction Website - Document questions or concerns, yard restoration, locate underground

utilities, etc.

- Responsiveness - 95% response rate within 24 hours to problems

Mr. Leonhardt stated that their objective is to not create any chaos as the neighborhoods are notified several times that the company will be in their area doing construction work. He noted that they will work with the City by giving reports regarding their actions, as this helps hold them accountable, in responding to the residents. Ms. Scheller explained that prior to construction they go to the City to get direction from leadership as to who will be answering the phone and other ways they can educate the public.

Ms. Scheller appreciates the Council looking at a fiber-optic service and MetroNet is already in Bettendorf and Davenport. They are excited about the opportunity to have service within the City of Ames. Dan Casciato, Governmental Affairs Manager, was introduced as the MetroNet representative who will be in the City of Ames during construction.

Council Member Nelson inquired if MetroNet rates differentiate between commercial and residential customers. Ms. Scheller explained that they do have a business and commercial team that will closely work with businesses for the best option, and they also have a team that is for school and government entities.

Mayor Haila asked if Ms. Scheller could better explain what the citizens might expect their yard to look like during construction. Ms. Scheller stated that, before they go into a neighborhood, they will have a pre-construction meeting for that neighborhood with City officials, any utilities already present, and MetroNet engineers. She explained that they follow the power, if above will follow the power line, and if underground, they will bore and the areas will be dug up and restore the properties as they go along. Mr. Leonhardt explained that they do have two videos on their website showing some of the construction processes, and if during restoration the customer is not happy, they will come back and do more restoration.

Council Member Gartin commented that the Council had received about 25-30 emails from citizens who have expressed interest in the Council pursuing a program for a utility that would provide internet service on a community basis. The primary reason the citizens are wanting this is to provide 100% coverage in the City of Ames. He wondered if MetroNet can provide this coverage. Ms. Scheller stated that this is a common question; and there will be some pocket areas that are not dense enough for MetroNet to provide service during the initial build-out, however, the company is open to discussions to try and come up with solutions to those areas. Mr. Gartin inquired what the highest level of coverage in a community that MetroNet covers. Ms. Scheller stated she is not sure, but can obtain that information and provide it to Assistant City Manager Brian Phillips.

Mr. Gartin asked if there was a time frame that MetroNet is looking to come to Ames. Ms. Scheller stated that this spring they will be in the area to set-up and to start installing. The construction process will take about two years.

Council Member Betcher stated she wanted to go back to the issue of coverage as her ward has older neighborhoods, and she is concerned that coverage would not be available. Ms. Scheller stated that this had happened in Bloomington. Its Council had given MetroNet the opportunity to put in their own temporary poles until new poles could be installed by the city.

Council Member Martin asked if there are any maps available showing where MetroNet will be building out. Ms. Scheller stated they have started on a design for the City of Ames, but nothing is ready yet. Mr. Leonhardt explained that this map will be shown on their website so everyone can see where service will be available. The maps will be available around the same time MetroNet starts to dig.

Mr. Martin asked for a time frame of when a local office will be set-up. Mr. Leonhardt mentioned that a local office is usually up and operating a month before services are available.

Mr. Martin explained that MetroNet is offering a very fast service and inquired what MetroNet does to make sure they have the back-end capacity to serve all the customers. Mr. Leonhardt stated that is a question for one of their engineers, but did state that fiber optic provides incredible bandwidth that doesn't cause the upstream/downstream that a person would get with copper systems.

Further discussions were had regarding what MetroNet can offer.

STAFF REPORT REGARDING OUTSIDE FUNDING REQUEST PROCESS PRIORITIES:

Assistant City Manager Brian Phillips stated this is a follow-up from the budget wrap-up session in February 2019. He noted that the application period for funding requests will close in November so if the Council has any new priorities, those will be relayed to any perspective applicants.

Council Member Betcher asked if there were any challenges noted from the citizen committees regarding the general nature of the priorities. Mr. Phillips stated that they are no longer involving outside residents in the process. He stated they will probably have the same issues as they normally do as there will always be more interest and proposals than what is available for funding. Mr. Phillips stated that, in the past, they had asked the applicants to prioritize their own tasks in their preferred order.

Council Member Gartin commented that one of his concerns is that he doesn't want any organization to have a sense of entitlement; i.e., doesn't want an organization to think that the funds will come their way just because they have been awarded money in the past. Mr. Gartin commented that he appreciates the recommendation that regardless of the criteria, no requests are grandfathered.

Mayor Haila noted that there are four items that were approved a few years ago and asked the Council if they wanted to make any changes. Council Member Betcher mentioned that it is hard to quantify broad-based appeal and wanted to know if this means it is a representation from a number of groups or the number of people involved. Mr. Phillips stated he is not sure he can point to a specific application, but it was something that was important to the Council when it was established.

Ms. Betcher stated they get a lot of different applications that either have very little or a lot of data. She wanted to know if there was a way to have the process run a little bit smoother and would like to have more data for each request be required. Mr. Phillips stated that if the Council wanted to incorporate that into the application process, that could be done.

Council Member Amber Corrieri mentioned that she would recommend keeping the four bulleted items but put them in an order of priority. It was suggested that the four items be listed as:

1. A program or activity that would otherwise be operated by the City at a greater cost
2. Requests that have broad-based appeal to the community
3. Requests that provide a unique benefit or service to the community
4. Requests that pursue current City Council goals (www.cityofames.org/goals)

Moved by Corrieri, seconded by Betcher, to have staff leave the four bulleted criteria in place, but have them ordered sequentially by priority and to have number two read as “requests that have broad-based appeal to the community demonstrated by the number of participants” or something similar as staff can work on the wording.

Vote on Motion: 4-1 Voting aye: Betcher, Gartin, Nelson, Corrieri. Voting nay: Martin. Motion declared carried.

Moved by Gartin, seconded by Martin, to adopt Item 3, “Regardless of the criteria, no requests are grandfathered” in the instructions and criteria.

Vote on Motion: 5-0. Motion declared carried unanimously.

Further discussion ensued regarding previous years’ requests.

STAFF REPORT REGARDING REGULATION OF MASSAGE ESTABLISHMENTS:

Assistant City Manager Brian Phillips recalled that a workshop on this topic was held on April 16, 2019, and City Council had directed staff to bring back possibilities for an ordinance that would regulate massage establishments within Ames as well as further decision points along the lines of the City of Des Moines ordinance. Staff was also tasked with adding provisions to hold owners and managers responsible and measures to assist staff during an investigation when warranted. Mr. Phillips explained that staff is recommending an ordinance be drafted using the Des Moines ordinance as a model and include requirements similar to Davenport/Iowa City related to providing information pertaining to the business and its employees upon demand by City staff and a requirement to designate a manager, in writing, who will be responsible for compliance and for providing information as required in the ordinance.

Council Member Betcher inquired if the manager would need to be located within the City of Ames or if they could be located elsewhere. Mr. Phillips stated he is not sure if the other ordinances specified if the manager had to be local, but that is something that could be written into the City of Ames ordinance.

Mayor Haila wanted to know if it would be possible if there was a business with multiple therapists

for the therapists to display their license and a picture of them on the wall in the main office and also in the therapy room. He asked if this would be beneficial to the customer and the Police Department.

Police Chief Chuck Cychosz explained that the Police department would like the ordinance to give them the ability to go into a business and be able to match up the licenses with the therapists. He noted that the key would be the designation of a manager to help discuss the everyday practices of the business. Chief Cychosz also mentioned that to have the license and picture available would help make the customers feel more comfortable as well.

Mayor Haila noted that he had heard from one person who rents a room in a business and is a licensed massage therapist. He wondered if the therapist would be considered the manager. Chief Cychosz stated that some therapists will be a sole-proprietorship where they are the owner and the manager.

Mayor Haila stated that Davenport had added a reflexologist. He asked if that would be something that the City of Ames needs to add to the ordinance as well. Mr. Phillips stated he can look into the reflexology and see if they are exempt from licensing.

Council Member Martin wanted to know if the manager were unable to be located if the City would still be able to take action against the business. Chief Cychosz explained that is how they are envisioning the ordinance to read. The Police Department would be able to placard the business until the business is compliant.

Michelle DeMarie, 4933 Utah Drive, Ames, explained that she is a licensed massage therapist who operates out of her home. She had an opportunity to review the staff report and supports the staff's recommendation. She noted that Licensed Massage Therapists (LMTs) are already required to post their license in their office space; and if they are doing work outside of the office, they have to have a wallet-size card showing they are a LMT. Ms. DeMarie mentioned that she feels it is a loophole at the state level that the LMTs have to take a test to pass to get their license, but there is no background check done and no photo identification on file. She inquired if the recommendation to draft an ordinance was passed tonight, when the estimated time would be for an ordinance when come back to the Council for approval. City Attorney Mark Lambert stated that it would be two to four weeks and then it will have to go through first, second, and third readings. Mayor Haila asked Ms. DeMarie if she would be supportive if the ordinance asked for a photo to be displayed. Ms. DeMarie commented that she would not have a problem at all and felt that might be helpful to the customers as well.

George Belitsos, 5508 West Lincoln Way, Ames, mentioned that he is representing the Iowa Network Against Human Trafficking, of which he is the Chair of the Board of Directors. He stated this day has been a long day coming; they have been working for the past two years to have something done. Dr. Belitsos commented that he has worked with other cities that have passed ordinances and has seen the good that has come of it. He mentioned that the City of Davenport had passed an ordinance, and within a week of the ordinance being in effect, five businesses were closed,

five women were saved, and two traffickers were arrested. Dr. Belitsos stated they are in support of Alternative #1 and adding the section about keeping the managers accountable. He recommended that staff add that the manager must live in the state of Iowa and require that businesses not operate between the hours of midnight to 5 a.m. with an allowance for exceptions. He noted that the City of Ames is one of the first cities to provide training for hotel/motel employees; this is now being done in several cities throughout Iowa.

Council Member Betcher mentioned that she thought the Council had received feedback from someone that does massages for shift workers that are off work from midnight to 5 a.m. Ms. DeMarie believed that was mentioned by another LMT that is employed by Mary Greeley Medical Center and the service is provided at the hospital.

Moved by Nelson, seconded by Betcher, to direct staff to draft an ordinance using the Des Moines ordinance as a model and 1) include requirements similar to Davenport/Iowa City related to providing information about the business and its employees upon demand by City staff, 2) include requirements to designate a manager, in writing, who will be responsible for compliance and for providing information as required in the ordinance, 3) the manager must be a resident of Iowa and shall consent to serve as an agent for services of notices relating to the business, 4) to have staff add language to the ordinance to prohibit services from midnight to 5 a.m., but with an exception process to be made by staff.

Vote on Motion: 5-0. Motion declared carried unanimously.

Moved by Martin, seconded by Betcher, to draft language into the ordinance to require having the LMT's photo on display in the waiting and therapy rooms at their primary place of business.

Vote on Motion: 5-0. Motion declared carried unanimously.

Mayor Haila stated that he is going to move Item 38 and 40 until the end of the Agenda (before the Closed Session). Those two items will be discussed if time allows.

INCLUSIVE CROSSWALK AT 5TH STREET AND DOUGLAS AVENUE: Public Works Director John Joiner stated that at the June 25, 2019, City Council meeting, Council had directed staff to proceed with a project to install an inclusive crosswalk treatment at the 5th Street and Douglas Avenue intersection in Downtown Ames. It was the Council's intent to complete the installation prior to Pridefest on Saturday, September 7th. However, approximately one week following the City Council meeting, the staff from the local Federal Highway Administration (FHWA) had notified City staff that they were reviewing the proposed design for compliance with the Manual on Uniform Traffic Control Devices (MUTCD). In an email dated July 16, 2019, the FHWA determined that the proposed inclusive crosswalk design was non-compliant, and that if the City installed the treatment, FHWA would issue an official letter of non-compliance. Director Joiner also noted that because it is in the height of the construction season and the project has a relatively short deadline, the City only received one quote for \$68,760, which is approximately \$56,000 greater than the amount originally quoted to the City Council. He explained that staff reached out to the City Attorney, and his opinion was that a letter of non-compliance from the FHWA does not, in and of itself, increase

the City's liability.

Mr. Joiner briefly explained the five alternatives available to the Council.

Moved by Gartin, seconded by Corrieri, to direct staff to install the decorative crosswalk bars with non-specialty paint using City staff labor prior to 2019 Pridefest with an estimated cost of \$4,000. Vote on Motion: 5-0. Motion declared carried unanimously.

Moved by Martin, seconded by Corrieri, to direct staff to rebid the thermoplastic installation over the winter of 2019/20 for contractor installation prior to Pridefest 2020.

Council Member Betcher mentioned that she is interested in possible other funding options by working with other local community groups.

Vote on Motion: 5-0. Motion declared carried unanimously.

ALCOHOL SERVICE AT SIDEWALK CAFÉ AT MOTHER'S PUB, 2900 WEST STREET: Assistant City Manager Brian Phillips explained that this item is a request for an exception to the sidewalk café ordinance. He noted that the Council has approved an exception for this establishment in the past. Staff has reviewed the application and compliance history and is comfortable approving the exception for this sidewalk café season only.

Public comment was opened by Mayor Haila and then closed when no one came forward to speak.

Moved by Nelson, seconded by Corrieri, to approve RESOLUTION NO. 19-422 approving the request from Mother's Pub for an Outdoor Service Privilege and a waiver to allow alcohol service at its sidewalk café during the 2019 Sidewalk Café season.

Roll Call Vote: 5-0: Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

Mayor Haila declared a recess at 8:01 p.m. The meeting reconvened at 8:07 p.m.

RENTAL HOUSING CODE CHANGES: Building Official Sara Van Meeteran explained that, on July 23, 2019, the Council voted on the Rental Code to add three options to put into a draft ordinance.

Council Member Martin explained that his motion regarding the one-year letter of compliance revocation was to be put it in the tool-box, rather than require a one-year revocation. Mr. Martin stated that the drafted ordinance reads like it is a requirement, but he would like to leave it up to staff discretion.

Moved by Martin, seconded by Betcher, to give staff discretion on whether to apply the penalty or not.

Motion withdrawn.

Moved by Martin, seconded by Betcher, to revise the wording under Section 13.301: Letter of Compliance (LOC), in the italicized paragraph, to change the word “are” to “may be.”

Vote on Motion: 5-0. Motion declared carried unanimously.

Moved by Betcher, seconded by Corrieri, to approve the draft ordinance as amended and move it forward for public comment.

Vote on Motion: 5-0. Motion declared carried unanimously.

PURCHASE OF 1417 DOUGLAS AVENUE AND ALLOCATE FUNDS FOR ASBESTOS REMOVAL AND DEMOLITION IN CONJUNCTION WITH THE CITY’S DANGEROUS BUILDINGS PROGRAM: Housing Coordinator Vanessa Baker-Latimer explained that as part of the City’s Dangerous Building Code (Chapter (5.401) of the *Ames Municipal Code*), the property at 1417 Douglas Avenue owned by Phyllis Range was declared a dangerous structure on May 7, 2019. This decision was upheld by the Board of Appeals at its June 3, 2019, meeting and was authorized to be demolished. Ms. Baker-Latimer noted that it would be advantageous for the City to buy the property, tear it down, and then resell the lot in the hope to recoup some of the funds. The property owner is willing to sell the property for \$11,532, but after deductions the property owner would net approximately \$8,000.

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

Moved by Corrieri, seconded by Gartin, to approve RESOLUTION NO. 19-423 approving borrowing approximately \$11,532 from the City-wide Affordable Housing Fund for the purchase of the property and approximately \$45,000 for asbestos removal and demolition of the structure at 1417 Douglas Avenue and approve the re-selling of the lot with the proceeds used to reimburse that fund. Roll Call Vote: 5-0: Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

HEARING ON VACATION OF PUBLIC UTILITY, SURFACE WATER FLOWAGE, AND STORM SEWER EASEMENTS AT 397 WILDER AVENUE (CONTINUED FROM JULY 23, 2019): The public hearing was continued from the City Council meeting on July 23, 2019. The Mayor opened and closed public comment since there was no one wishing to speak.

Moved by Betcher, seconded by Corrieri, to adopt RESOLUTION NO. 19-424 approving the vacation of Public Utility, Surface Water Flowage, and Storm Sewer Easements at 397 Wilder Avenue.

Roll Call Vote: 5-0: Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

Moved by Betcher, seconded by Corrieri, to adopt RESOLUTION NO. 19-425 accepting the donation of Parcel A (1.2 acres) from the Sunset Ridge Property Owners’ Association for future park

land, contingent upon receiving a 10' public utility easement along the east edge of Parcel A and surface flowage and storm sewer easements over the northeast corner of Parcel A.

Roll Call Vote: 5-0: Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

HEARING ON 2019-2023 CONSOLIDATED PLAN AND 2019-2020 ANNUAL ACTION PLAN: City of Ames Housing Coordinator Vanessa Baker-Latimer advised that the 2019-2023 Five-Year Consolidated Plan includes HOME funds. Goals for the 2019-2023 Five-Year Plan will be:

1. To create and expand affordable housing for low-income households through:
 - Increase supply of single-family or two-family housing for ownership in the Neighborhood Revitalization Strategy Area (NRSA)
 - Reduce the cost burden for low-income households to access or maintain rental housing city-wide
 - Increase the affordability and availability of owner housing for homebuyers city-wide

Ms. Baker-Latimer stated that the Council always has the option to update the goals with Housing and Urban Development (HUD). The Council would just need to go through another public comment process.

Housing Coordinator Baker-Latimer explained that the proposed 2019-2020 Annual Action Plan projects include the following:

- Homebuyer Assistance Program - over \$300,000 was set aside
- Public Infrastructure Improvements Program - roll-over money from 2018-2019 plus a 2019 allocation of approximately \$600,000 and GO Bond roll-over money of about \$250,000 to finish the 321 State Avenue site
- Rehabilitation/Resale of 241 Village Drive - funds in the amount of \$45,000 have been set aside to rehabilitate/resell to low-income first time homebuyer
- Acquisition/Reuse Affordable Housing Program - \$400,000 has been set aside to purchase property for conversion to single-home ownership and resale to low-income homebuyer

HOME money in 2019-2020 in the amount of \$883,976 has been set aside for new home construction at 321 State Avenue.

Ms. Baker-Latimer brought the Council's attention to two comments that she had received during the comment period. The first comment was regarding a residential area on the northeast corner of Hickory and McDonald Drive. Ms. Baker-Latimer explained that she had misunderstood the comment to be that of infrastructure improvements rather than residential properties and she sent an email to clarify what specific property address they were referring to so she could respond accordingly. In regards to residential properties, in the 2019-2020 CDBG Acquisition/Reuse Program funds have been set aside to address vacant, abandoned, or deteriorated housing units to convert them back to single-family home ownership. In the Plan it has been stipulated that this could be implemented on a city-wide basis, rather than just in the Neighborhood Revitalization Strategy Area.

First, it would need to be determined if any of the properties being referred to would be eligible for purchase. Some of the determining factors would include: 1) meeting environmental requirements, 2) if the properties are vacant or occupied, 3) if there is a willing seller, and 4) if this would be a priority area for City Council. She also noted that the 2019-2020 HOME funds have been designated for affordable housing at the 321 State Avenue site.

The second comment was received from the AMOS organization. It was regarding utilizing CDBG or HOME funding for a Housing First/Permanent Support Housing Program for the chronically homeless and the chronically homeless experiencing mental illness in Ames. She noted that she had been researching this program and HUD's funding for the Housing First philosophy and Permanent Support Housing Program is directly required for homeless shelter providers as part of the Continuum of Care (CoC) and the Emergency Solutions Grant (ESG) Programs. The City of Ames does not receive funding from either of those programs. The funding of those programs is administered by the Iowa Finance Authority (IFA) for agencies in Ames/Story County. The City of Ames does, however, as part of the Consolidated Plan provide a letter of support to IFA for three agencies (ACCESS, ERP, and YSS) that apply for those funds on an annual basis. She explained that in speaking with the AMOS representative, they are aware of the extensive research that needs to take place to determine what the need would be for a Housing First/Permanent Support Housing Program in Ames. AMOS did want the Council to be aware that they will be moving forward on this for the future.

The public hearing was opened and then closed by Mayor Haila when no one came forward to speak.

Moved by Gartin, seconded by Betcher, to adopt RESOLUTION NO. 19-426 approving the submittal of the 2019-2023 Consolidated Plan, 2019 Fair Housing Impediments Study, and the 2019 Update to the Citizen Participation Plan.

Roll Call Vote: 5-0: Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

Moved by Betcher, seconded by Martin, to adopt RESOLUTION NO. 19-427 the submittal of the documents pertaining to the 2019-2020 Annual Action Plan.

Roll Call Vote: 5-0: Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

HEARING ON WATER TREATMENT PLANT HANDRAIL MODIFICATIONS PROJECT:

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

Moved by Betcher, seconded by Nelson, to accept the report of bids and reject all bids.

Vote on Motion: 5-0. Motion declared carried unanimously.

HEARING ON WELLHEAD CONTROLS IMPROVEMENTS & REPAINTING PROJECT:

The Mayor opened the public hearing and closed it after no one came forward to speak.

Moved by Gartin, seconded by Betcher, to adopt RESOLUTION NO. 19-428 approving the plans and specifications and awarding a contract to Baker Electric from Des Moines, Iowa, in the amount of \$287,000.

Roll Call Vote: 5-0: Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

HEARING ON 2017/18 WATER SYSTEM IMPROVEMENTS PROGRAM #1 - WATER SYSTEM TRANSFERS (10TH STREET, 12TH STREET, GRAY AVENUE, COUNTRY CLUB BOULEVARD, AND CESSNA STREET): The Mayor opened the public hearing and closed it after there was no one wishing to speak.

Moved by Betcher, seconded by Martin, to adopt RESOLUTION NO. 19-429 approving the plans and specifications and awarding a contract to Ames Trenching & Excavating, of Ames, Iowa, in the amount of \$320,456.

Roll Call Vote: 5-0: Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

HEARING ON 2017/18 SHARED USE PATH SYSTEM EXPANSION (WEST LINCOLN WAY - SUNSET RIDGE SUBDIVISION TO NORTH DAKOTA AVENUE): The public hearing was opened by the Mayor. He closed the hearing after no one asked to speak.

Moved by Martin, seconded by Betcher, to adopt RESOLUTION NO. 19-430 approving the plans and specifications and awarding a contract to Manatt's Inc., of Ames, Iowa, in the amount of \$193,618.93.

Roll Call Vote: 5-0: Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

HEARING ON STORM WATER FACILITY REHAB (SOMERSET SUBDIVISION POND IMPROVEMENTS): The Mayor opened the public hearing and closed it after there was no one wishing to speak.

Moved by Betcher, seconded by Martin, to adopt RESOLUTION NO. 19-431 approving the plans and specifications and awarding a contract to Con-Struct, Inc., of Ames, Iowa, in the amount of \$322,997.

Roll Call Vote: 5-0: Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

HEARING ON 2018/19 WATER SYSTEM IMPROVEMENTS (BURNETT AVENUE, MURRAY DRIVE): The public hearing was opened by the Mayor. He closed the hearing after no one came forward to speak.

Moved by Betcher, seconded by Nelson, to adopt RESOLUTION NO. 19-432 approving the plans and specifications and awarding a contract to Keller Excavating Inc., of Boone, Iowa, in the amount

of \$1,194,492.10.

Roll Call Vote: 5-0: Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

ORDINANCE TO ALLOW MULTIPLE BUILDINGS ON SINGLE LOTS IN CERTAIN ZONING DISTRICTS: City Attorney Mark Lambert explained that on the first reading, the Council had adopted an Amendment to add the Hospital-Medical Zone, but then the at second reading, that wording was not in the ordinance as Planning staff decided there was not a need for that Amendment. The ordinance passed on second reading without rescinding the Amendment. Attorney Lambert mentioned that a motion to strike any reference to the Hospital-Medical Zone from the ordinance will be needed tonight and then the Council will be able to approve it on third reading and adopt it.

Moved by Nelson, seconded by Betcher, to amend the ordinance to delete the reference to Hospital-Medical Zone.

Roll Call Vote: 5-0: Motion declared adopted unanimously.

Moved by Nelson, seconded by Betcher, to adopt the revised ORDINANCE NO. 4390 amending Chapter 29.401(5) to allow multiple buildings on single lots in certain zoning districts.

Roll Call Vote: 5-0. Ordinance declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

PARKING METER WAIVERS: Mayor Haila asked the Council if it would like to discuss this item or move it to another agenda as it is not time-sensitive.

Council Member Corrieri commented that she would be in favor of waiting to discuss this item until after the parking study is complete.

Council Member Gartin asked if the parking study would give the Council members information that would help them with the policy change and infrastructure. City Manager Steve Schainker stated that it is not directly geared towards that, but may indirectly help.

Council Member Martin noted that the Council will still continue to get requests for parking meter waivers that will have to be reviewed on a case-by-case basis.

Moved by Corrieri, seconded by Betcher, to hold off on discussing the Parking Meter Waivers issue until the Council has received the parking study.

Vote on Motion: 5-0. Motion declared carried unanimously.

COLLABORATION WITH IOWA STATE UNIVERSITY'S PRINCIPLES OF COMMUNITY CAMPAIGN: Mayor Haila asked if the City Council would like to discuss this item tonight or move to a future agenda.

Council Member Gartin wanted to know if this was a topic that Council Member Bronwyn Beatty-Hansen should be in attendance for. Mayor Haila stated it would be preferable to have a full Council when discussing this item as Council Member Betcher did email more information to Council for review.

Moved by Corrieri, seconded by Betcher, to hold off discussion of this item at a future meeting to be determined by staff.

Vote on Motion: 5-0. Motion declared carried unanimously.

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 *Code of Iowa* Section 21.5(1)(k) to discuss security-related plans or reports.

Moved by Gartin, seconded by Corrieri, to go into Closed Session under Section 21.5(1)(k), *Code of Iowa*, to discuss security-related plans or reports.

Roll Call Vote: 5-0. Motion declared carried unanimously.

The Council went into Closed Session at 8:42 p.m. and returned to Regular Session at 9:06 p.m.

Moved by Gartin, seconded by Betcher, to adopt RESOLUTION NO. 19-433 approving the Story County Courthouse Security Plan.

Roll Call Vote: 5-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

Moved by Gartin, seconded by Betcher, to direct the City Attorney to pursue other options as discussed during the Closed Session.

Vote on Motion: 5-0. Motion declared carried unanimously.

DISPOSITION OF COMMUNICATIONS TO COUNCIL: Moved by Nelson, seconded by Betcher, to place the letter from Dan Culhane requesting the City of Ames to be a sponsor for the second annual Symposium on Building Inclusive Organizations on a future agenda.

Vote on Motion: 5-0. Motion declared carried unanimously.

Moved by Betcher, seconded by Corrieri, to get a memo from staff with more information to clarify what Rick Thompson is referring to in his email about storm water being pumped onto Mr. Flummerfelt's property.

Vote on Motion: 5-0. Motion declared carried unanimously.

Moved by Betcher, seconded by Nelson, to place the letter from Joel Hochstein, Chair of AHRC, on a future agenda for discussion.

Council Member Gartin stated this is a major intervention in the landlord/tenant relationship and he feels there is going to unintended consequences. Mayor Haila commented that this item will take

up a lot of time and asked the Council if it wants staff to spend the time to work on it. Ms. Betcher stated that she is not setting a time and thinks staff can decide when this item can go on an Agenda.

Vote on Motion: 4-1. Voting aye: Betcher, Martin, Nelson, Corrieri. Voting nay: Gartin. Motion declared carried.

COUNCIL COMMENTS: City Council Member Betcher stated that Rummage Ramage made \$33,000 and kept a lot of recoverable resources out of the waste stream. There were 22 non-profits that benefitted from this event.

Council Member Martin mentioned that he is excited about the Greenhouse Gas Inventory and has learned from staff that the Request for Proposals (RFPs) are out right now with a contract to be awarded in September or October.

Council Member Martin commented that MetroNet showed everyone that it is an interesting offer in addition to the options in Ames. He was impressed with its willingness to engage the community to minimize disruption and offer transparency. However, he noted that he doesn't think the Council can conclude that MetroNet will fix all the internet problems in Ames.

Moved by Martin, seconded by Betcher, to add the discussion of a feasibility study to an agenda in the future.

Council Member Gartin stated that would like the study to look at a city utility, but also options to what it would take to close the gap.

Vote on Motion: 5-0. Motion declared carried unanimously.

Council Member Martin stated that the Council received a brief email from a resident of Ames, on July 30, 2019, that asked for options for safe place to meet for purchases off of Craigslist or other applications. Other Council member stated that this has been discussed in the past, Assistant City Manager Brian Phillips stated that people are encouraged to use the City of Ames Parking Lot M. It was recommended that Council Member Martin send an email reply.

Council Member Martin explained that he is happy that the 2018/19 Traffic Signal Program (US Hwy 30 Westbound Off-Ramp and South Dakota Avenue) is coming up, but has heard from several people that the traffic backs up onto US Hwy. 30, and with the high speed of traffic, this can be dangerous.

Moved by Martin, seconded by Gartin, to ask staff for a memo on ideas for short-term ways to address the problem of traffic congestion on the westbound off-ramp of Hwy. 30 towards Mortensen Road.

Vote on Motion: 5-0. Motion declared carried unanimously.

Council Member Gartin stated that the Council had received an email from Dr. Robert Brown, Director of the Bioeconomy Institute at Iowa State University, asking the City for a letter of support for the use of bio-asphalt for paving bicycle paths. He noted that it does not require any financial support from the City just a letter of general support. The proposal is due September 15, 2019.

Moved by Gartin, seconded by Martin, to direct staff to work with Dr. Brown to provide a letter of support for the use of bio-asphalt for paving bicycle paths.

Vote on Motion: 5-0. Motion declared carried unanimously.

Council Member Gartin mentioned that he and Council Member Beatty-Hansen had met with Merry Rankin and several ISU faculty member to learn about carbon sequestration efforts. He would like to invite Merry Rankin to speak at a City Council meeting to discuss some items that have some merit for the Council to consider specific ways to partner with ISU in regards to carbon sequestration.

Moved by Gartin, seconded by Martin, to invite Merry Rankin to a City Council meeting to give a report on opportunities to partner with ISU regarding carbon sequestration efforts.

Vote on Motion: 5-0. Motion declared carried unanimously.

ADJOURNMENT: Moved by Gartin to adjourn the meeting at 9:23 p.m.

Amy L. Colwell, Deputy City Clerk

John A. Haila, Mayor