

**MINUTES OF THE MEETING OF THE AMES AREA
METROPOLITAN PLANNING ORGANIZATION (AAMPO)
TRANSPORTATION POLICY COMMITTEE AND
REGULAR MEETING OF THE AMES CITY COUNCIL**

AMES, IOWA

JULY 12, 2022

**AMES AREA METROPOLITAN PLANNING ORGANIZATION (AAMPO)
TRANSPORTATION POLICY COMMITTEE MEETING**

CALL TO ORDER: The Ames Area Metropolitan Planning Organization (AAMPO) Transportation Policy Committee meeting was called to order by Ames Mayor and voting member John Haila at 6:00 p.m. on the 12th day of July, 2022. Other voting members present were: Bronwyn Beatty-Hansen, City of Ames; Amber Corrieri, City of Ames; Tim Gartin, City of Ames; Rachel Junck, City of Ames; Anita Rollins, City of Ames; Linda Murken, Story County Supervisor; Jon Popp, Mayor of Gilbert; and Bill Zinnel, Boone County Supervisor. Gloria Betcher, City of Ames and Jacob Ludwig, Transit Board were absent.

HEARING ON FINAL FEDERAL FISCAL YEARS (FFY) 2023-2026 TRANSPORTATION IMPROVEMENT PROGRAM (TIP): Transportation Planner Kyle Thompson noted that the Policy Committee approved the draft version of the Transportation Improvement Program (TIP) in May 2022, and a public input session was held. There were not any public comments received; however, there were some comments from the Iowa Department of Transportation (IDOT). Those comments were addressed in the final version of the TIP. Mr. Thompson noted that besides addressing the IDOT comments, there were no other changes.

Mayor Haila opened the public hearing and closed it when no one came forward to speak.

Moved by Beatty-Hansen, seconded by Murken, to adopt RESOLUTION NO. 22-374 approving the Final FFY 2023-2026 TIP.

Vote on Motion: 9-0. Resolution declared carried unanimously.

POLICY COMMITTEE COMMENTS: Supervisor Murken stated that they had previously discussed the study on the three intersections north of Ames and she wanted to verify if those would be done in this fiscal year. Mr. Thompson said that the Request for Proposals (RFP) was sent out about a week ago, and those Proposals are due back at the end of July; staff will then look over the proposals and hire a consultant.

City of Gilbert Mayor Popp mentioned that there are a lot of pieces to the Federal Infrastructure Bill, including the carbon reduction program. They are waiting on guidance on how to apply for a grant. Mayor Popp wanted to know if there were any updates available. Mr. Thompson said that the MPO quarterly meeting with the IDOT gave a small update; however, the IDOT is still working through the process themselves. It is anticipated that the next fiscal year is when we will hear how any funding is going to be distributed.

ADJOURNMENT: Moved by Junck, seconded by Popp, to adjourn the Ames Area Metropolitan Planning Organization Transportation Policy Committee meeting at 6:04 p.m.

Vote on Motion: 9-0. Motion declared carried unanimously.

REGULAR MEETING OF THE AMES CITY COUNCIL

The Regular Meeting of the Ames City Council was called to order by Mayor John Haila at 6:05 p.m. on July 12, 2022, in the City Council Chambers in City Hall, 515 Clark Avenue, pursuant to law. Present were Council Members Bronwyn Beatty-Hansen, Amber Corrieri, Tim Gartin, and Rachel Junck. Council Member Anita Rollins was brought into the meeting telephonically. *Ex officio* Member Bryce Garman was also in attendance. Council Member Gloria Betcher was absent.

The Mayor announced that there would be no report from staff for Item No. 31: Hearing on Rezoning, with Master Plan, 798-500th Street. Per the request of staff and the applicant, the hearing will be continued to July 26, 2022.

PROCLAMATION FOR “SUMMER LEARNING WEEK,” JULY 11 - 15, 2022: Mayor Haila proclaimed the week of July 11 - July 15, 2022, as “Summer Learning Week.” Accepting the Proclamation was Andy Fish, Education and Initiatives Coordinator with United Way of Story County. Mr. Fish thanked the Mayor and Council for acknowledging “Summer Learning Week.” He explained that the “summer slide” is what often happens to disadvantaged children during the summer months. Findings from nearly 40 extensive studies have shown clear and consistent support that “summer slide” affects children differently; most notably by socioeconomic status (scs). By the end of elementary school, low scs students are almost three grades behind their higher scs peers. Summer vacation has been identified as the strongest contributing factor of this achievement gap. Mr. Fish commented that there is good news, as they know how to solve the problem. Summer reading and Summer enrichment programs are proven to work. School-based, out-of-school, home-based, and library reading programs have all been shown to slow and even reverse summer learning loss.

PROCLAMATION FOR “PARKS AND RECREATION MONTH,” JULY 2022: The month of July 2022 was proclaimed as “Parks and Recreation Month” by Mayor Haila. Accepting the Proclamation was Parks and Recreation Director Keith Abraham. Director Abraham thanked the City for its continued support. Courtney Kort, Recreation Superintendent, explained that the theme for Parks and Recreation Month is “Rise Up.” She encouraged everyone to go out and take part in all the amenities that Parks and Recreation has to offer.

PRESENTATION BY ROBERT DENSON, PRESIDENT OF DES MOINES AREA COMMUNITY COLLEGE (DMACC), REGARDING THE “STATE OF DMACC:” Mr. Denson said that the Board spends over 100 hours a year working with DMACC to make sure it is focusing on the needs of every community within its district. It was noted that DMACC is in its 56th year and it serves 5,665 square miles throughout Iowa. There are six campuses and five centers. He

noted that DMACC's goal is to make sure it is within driving distance of everybody within their area. It serves around 36,000 credit students every year and 22,000 non-credit students. 97% of DMACC's students are from Iowa and 95% of the students stay in the state after they graduate. Mr. Denson explained that DMACC offers a Career Advantage enrollment that offers college credit classes to high school students. He highlighted that around 56% of students are female and 23.3% are minority students. DMACC provides 226 different certificates, diplomas, and degree programs. Mr. Denson noted that around 56% of students come to DMACC for the first two years of a four-year degree and then transfer after two years to a university. He said that DMACC's goal is to serve every citizen, businesses, and the communities in Central Iowa. Mr. Denson highlighted several other ways that DMACC has improved throughout the years. DMACC was ranked #10 of 1,717 two-year colleges in the United States. Last year Forbes had named DMACC as the number one employer in the State of Iowa. Mr. Denson thanked the City of Ames for its continued partnership.

CONSENT AGENDA: Moved by Junck, seconded by Beatty-Hansen, to approve the following items on the Consent Agenda.

1. Motion approving payment of claims
2. Motion approving Minutes of Special City Council Meeting held June 21, 2022, and Regular City Council Meeting held June 28, 2022
3. Motion approving Report of Change Orders for period June 16 - 30, 2022
4. Motion approving ownership update for Class C Liquor License with Sunday Sales - Welch Ave Station, 207 Welch Avenue
5. Motion approving temporary Outdoor Service for Class C Liquor License with Outdoor Service and Sunday Sales - Tip Top Lounge, 201 E. Lincoln Way for August 25, 2022
6. Motion approving the renewal of the following Beer Permits, Wine Permits and Liquor Licenses:
 - a. Class C Liquor License with Sunday Sales - Applebee's Neighborhood Grill & Bar, 105 Chestnut
 - b. Class C Liquor License with Living Quarters and Sunday Sales - Sportsman's Lounge, 1236 Main Street
 - c. Special Class C Liquor License with Sunday Sales - Huhot Mongolian Grill, 703 S Duff Avenue, Suite 105
 - d. Class C Liquor License with Sunday Sales & Outdoor Service - La Casa Maya, 631 Lincoln Way - Pending Dram Shop Insurance
7. Requests from Youth & Shelter Services for Youth Recovery Campus Unveiling on July 19, 2022:
 - a. Motion approving Blanket Vending License
 - b. Motion approving Blanket Temporary Obstruction Permit
 - c. RESOLUTION NO. 22-375 approving waiver of fee for Blanket Vending License
 - d. RESOLUTION NO. 22-376 approving suspension of seven parking meters and waiver of parking meter fees on Kellogg between Main Street and Fifth Street from 3:00 p.m. to 7:00 p.m.
 - e. RESOLUTION NO. 22-377 approving closure of Kellogg Avenue between Main Street and Fifth Street from 3:00 p.m. to 7:00 p.m.

8. RESOLUTION NO. 22-378 approving the final construction loan application to borrow an amount not to exceed \$3,500,000 in Water Revenue Bonds (SRF loan) for demolition of the Old Water Treatment Plant
9. RESOLUTION NO. 22-379 amending Purchase Agreement with Habitat for Humanity of Central Iowa to extend the time for completion for the rehabilitation and sale of the single-family home located at 241 Village Drive
10. RESOLUTION NO. 22-380 authorizing staff to administratively close Lynn Avenue as necessary to install utility services for 120 Lynn Avenue
11. RESOLUTION NO. 22-381 approving preliminary plans and specifications for 2021/22 Shared Use Path System Expansion (South of Lincoln Way Path Expansion); setting August 3, 2022, as bid due date and August 9, 2022, as date of public hearing
12. RESOLUTION NO. 22-382 awarding contract to Wulfekuhle Injection and Pumping of Peosta, Iowa, for FY 2022/23 WPC Biosolids Disposal Contract using unit prices bid in a total amount not to exceed \$120,312.50
13. Padmount Switchgear for Electric Services:
 - a. RESOLUTION NO. 22-383 awarding contract to WESCO Distribution, of Des Moines, Iowa, for the purchase of line item 1, Electric Services Padmount Switchgear in the amount of \$22,799.61 (inclusive of Iowa sales tax)
 - b. RESOLUTION NO. 22-384 awarding contract to Power Line Supply, of Williamsburg, Iowa, for the purchase of line items 2 & 3, Electric Services Padmount Switchgear in the amount of \$44,500.61 (inclusive of Iowa sales tax)
14. RESOLUTION NO. 22-385 awarding contract to WESCO Distribution, of Des Moines, Iowa, for the purchase of Electric Services Aluminum Cable and Copper Wire in a total amount of \$210,243.23 (inclusive of Iowa sales tax)
15. RESOLUTION NO. 22-386 approving contract and bond for Water Treatment Plant Demolition
16. RESOLUTION NO. 22-387 approving contract and bond for 2021/22 Clear Water Diversion
17. RESOLUTION NO. 22-388 approving contract and bond for 2017/18 Low Point Drainage Improvements (GW Carver Avenue & Bloomington Road)
18. RESOLUTION NO. 22-389 approving Change Order No. 3 for Ioway Creek Restoration and Flood Mitigation project in the amount of \$223,713.72
19. RESOLUTION NO. 22-390 accepting completion of 2020/21 Multi-Modal Roadway Improvements (Vet Med Trail)
20. RESOLUTION NO. 22-391 accepting completion of Year Five of the Water Plant Well Rehabilitation Contract
21. RESOLUTION NO. 22-392 approving Major Final Plat for Hayden's Ridge located at 2098 W. 190th Street

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

PUBLIC FORUM: Mayor Haila opened Public Forum.

Richard Deyo, 505-8th Street, #2, Ames, said “he wishes he could do everything in his power to make you happy, but you won’t let me.” He mentioned he was somewhat of a nudist, but likes to

wear clothes. Mr. Deyo commented that he is upset because he can't be naked in his own home and on public land. He said that he has been diagnosed as "crazy" and felt that more people would be more considerate/tolerant of his views on public nudity if they could understand him.

The Mayor closed public forum when no one else came forward to speak.

FITCH FAMILY INDOOR AQUATIC CENTER PROPERTY ACQUISITION UPDATE (IDOT SITE): Parks and Recreation Director Keith Abraham introduced Megan Down, Project Manager with Impact7G, and Daniel Cook, Environmental Senior Specialist with the Iowa Department of Natural Resources (DNR).

Director Abraham stated that at the May 10, 2022, City Council meeting, staff provided an update regarding the proposed new warm-water Indoor Aquatic Center. Based on the information obtained in the Phase I and Phase II Environmental Site Assessments, the Council approved pursuing further environmental investigations. Additional soil borings were done on June 7, 2022.

Assistant City Manager Brian Phillips wanted to provide a word of caution to the City Council and the community members about how staff has gone through the process. It has been a priority of the City Council to build an indoor aquatic facility and the decision about where and how that is done is going to have implications for a long period of time. Because of this the City wants to get it right. He noted that there are thousands of pages of documents related to the environmental conditions of the site at 122 N Oak. Staff had gone through many of the pages and tried to incorporate as much information as they could into an 18-page Staff Report. Mr. Phillips said that the one takeaway is that it is indisputable that there is contamination at some level on the site.

Director Abraham displayed an image of the current site at 122 N. Oak and gave some site history. On the northeast corner, there used to be a filling station; a church on the southwest corner, a former coal gasification plant to the north; and a former leaking underground storage tank to the east. A conceptual drawing was done, and the proposed center will have the building on the south of the site; a walking area and multipurpose space to the east of the building; and a parking lot to the north.

Director Abraham said the Iowa Department of Transportation (IDOT) purchased the site in 1995, and prior to the purchase, the IDOT retained a firm to conduct a limited Phase II Environmental Site Assessment (ESA). Nine soil borings were conducted in 1994, and contamination was detected in three of the bores. The contaminated borings were located in the northeast quadrant of the site. Between 2018 and 2020, IPL (Interstate Power & Light) did six additional monitoring wells, and of those, two were contaminated.

Based on all the information received in April 2022, the City environmental consultant, Impact7G, issued a report of its findings from the Limited Subsurface Investigation of the site. Three environmental borings were completed and analyzed. The boring in the northeast corner of the property detected a variety of compounds. Due to these initial results, City staff retained Impact7G again to obtain four additional environmental borings along the northern edge of the property and

to collect groundwater samples from three sump basins located in the existing buildings. These samples were collected on June 7, 2022. Director Abraham said the important thing to gather from the Reports is that there is contamination that is present and there are a number of different components that exceed the state-wide standard.

Director Abraham stated that there would be some risks associated with the contamination and mediating those risks would come at a cost. One of the things that needs to be looked at is human health. The conclusion Impact7G reached based on the results is that: “it is the opinion of Impact7G that the detected groundwater contamination at the property represents a minor risk to human health and the environment. Best Management Practices in the form of a Soil/Groundwater Management Plan and consideration of building materials should be considered if construction will be disturbing the northeast area of the property.” Director Abraham noted that there is a difference in opinion as the DNR said that the cumulative risk calculator may not be the appropriate tool to assess risks on the site. In conversations with the DNR, it was emphasized that the City would only be responsible for properly handling any contamination disturbed by the City on the site. The City would not be obligated to clean up contamination that exists now, as long as it does not become exposed or begin to migrate due to activities such as construction and operation of the aquatic center.

Based on discussions with Impact7G and DNR, City staff is aware that additional project design components may be impacted by the contaminated areas. These include the location and design of the stormwater detention and treatment facilities on the site (which may be reacted in a way that does not draw contaminated water into waterways). Additionally, the facility may require the installation of a vapor mitigation system (akin to radon mitigation system), to ensure that the vapors that make their way through the soil into the building have ventilation to the outside. The contaminants identified in the site are odorous, and therefore the adjacent neighborhood may be temporarily impacted by unpleasant odors encountered during excavation.

In order to proceed with construction on the site in light of the contamination, staff has identified a variety of additional measures that would need to be incorporated into the design of the facility/site, the construction process, and the ongoing operations of the facility. The costs indicated for these measures are in addition to the purchase price of the land that would be agreed to by the IDOT.

Double Cased Geothermal Well (Additional Outer Casing)	\$367,080
Mitigation System with Vapor Barrier for all Petroleum Contaminants	\$54,000
Contaminated Soil Removal and Disposal	TBD
On-Demand Soil and/or Groundwater Testing	\$500-600 per Sample
Monitoring Wells During Construction	\$10,000 - \$20,000
Construction Dewatering	TBD
Sump Pump Watering	\$400/Year

Council Member Gartin wanted to know what the status of the site is per the State DNR. Mr. Cook stated that the contamination was done by the other party and the good news is that the construction of the pool would not be impacted by other construction. Mr. Gartin asked what the status of the site was according to the DNR (opened/closed). Mr. Cook indicated that all the sites to the north have closure letters.

Council Member Gartin asked how much it would cost to remediate the soils to bring them up to a safe standard. Ms. Down commented that she and Director Abraham had worked through all the mitigation strategies that were mentioned earlier. The biggest cost saving factor would be to not disturb the northeast corner of the site. Ms. Down said she would not be able to give an estimated cost. Mr. Gartin wanted to know if it was fair to assume that the contamination on the northeast corner would be static or would it be possible that changes in the water tables and other areas might cause the contamination in the northeast corner to migrate to other areas of the property that the City will be using. Ms. Downs explained that the contamination has been the worst it is going to ever be and the levels will slowly go down throughout the years. Mr. Cook stated that the site is in static condition and the plume is stable, but if digging the foundation, the static condition may change and bring the contamination to the site through the ground water. Mr. Gartin stated this decision is a lot of responsibility for the Council and the community is counting on the Council to get it right with respect to the health concerns.

Mayor Haila asked if a basement could be a residential safe way to help mitigate contamination. Mr. Cook said that there are several methods that could be used to prevent the contaminated groundwater from impacting the living space/work space and physical barriers, special types of plastic, or a standard radon testing system.

Council Member Rollins mentioned that the designs had mentioned using geothermal. She wanted to know more information about the filtration system for the pool. Director Abraham said that if they did the geothermal, they could avoid putting the geothermal wells in the northeast corner, but if there is contaminated ground water going through the sand seams, you would need to do something to prevent the contamination from moving vertically. It was suggested to use the double casing to correct this problem. Director Abraham stated that the pool filters will be inside the building either at a lower level or at grade, but not sure yet as they have not designed that aspect. He indicated the water that fills the pool will be from the tap and that water will be treated with chlorine. Mr. Phillips said that the architect would work with the DNR to know where to place the wells that would or would not require the double casing.

Council Member Gartin asked if the filtration system would filter out the kind of chemicals that staff would be concerned about. It was indicated that it would not. Mr. Gartin wanted to know if there was any way to monitor vapors. Director Abraham said they would need to use a radon mitigation system.

Council Member Gartin questioned what would happen if the indoor pool was built and then later, they found contamination. Mr. Cook said in a worst case scenario a series of wells would need to be placed to treat the water. Mr. Phillips mentioned that during discussions with the Water Pollution Control Department the discharge from the sump pump would be tested quarterly.

Mr. Phillips explained that since discussions had started with the IDOT about purchasing their property, they have been very clear that the purchase price for the property will be based upon the appraisal value of the property. Their disposal process requires that the City pays at least the appraised value because of this a lot depends on the quality of the appraisal. The appraisal did not indicate the state of the contamination on the property since the time the appraisal was conducted. Unfortunately, the appraisal does not indicate within it that the status of the contamination was considered in determining the appraised value of the property. The appraisal assumes the site is free and clear of contamination. The appraised value was \$2.9 million. After further discussions with the IDOT the bottom line was that the purchase price of the property will remain at \$2.9 million per the IDOT. The Council will need to weigh in on what staff should do to move forward.

Director Abraham noted that the next steps would be to weigh in on the potential health impacts, potential environmental impacts, additional costs, and impacts for delaying. He mentioned that there was a possibility of grant funding to address the environmental contamination at the site.

Council Member Gartin stated he thought that if an appraiser is made aware of a contamination/situation they would be obligated to do another appraisal. Mr. Phillips mentioned that there is no evidence that shows that the appraiser knew at the time that the appraisal was done that there was contamination. The appraiser is now saying that there was a discount applied to the property and that should make it "square." He noted that the City did not have a direct conversation with the appraiser, the appraiser spoke with the IDOT, who then spoke with Director Abraham. City Manager Steve Schainker indicated that the appraiser had indicated it was a clean site. Mr. Gartin said that is one of his concerns as he was under the impression that if an appraiser found out that it was not a clean site then they would be obligated to do an updated appraisal. Mr. Gartin commented that he felt that the fact that the IDOT is now aware of the contamination and is not willing to make an adjustment, seemed like a heavy-handed approach in negotiations. City Manager Steve Schainker stated that the IDOT said they believe that the appraiser did make an adjustment per their conversations with them, but the City is saying it is inconsistent as it didn't see any data that reflected an adjustment was made.

Council Member Junck inquired if there were any avenues for the City to contest the appraisal. Mr. Schainker said that the procedure that was established was done administratively and there is not an appeal process. Mr. Phillips noted that it is a voluntary sale and voluntary purchase.

Council Member Gartin wanted to know if the IDOT would honor an appraisal done by the City. Mr. Phillips indicated that there would not be any guarantee that there would be a change as the appraisal may come in higher than normal. Mr. Schainker said that the point is that the appraisal has been

discussed many times by staff and the same questions were made, but the price is \$2.9 million, and the Council needs to decide if they should buy the property or not.

Council Member Beatty-Hansen asked if the City has exhausted all possibilities for locations. Mr. Schainker commented that whatever site they go with has to be in close proximity to the Reinvestment District.

Moved by Beatty-Hansen, seconded by Corrieri, to direct staff to examine any other possibilities for locating the facility within close proximity to the Reinvestment District area.

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

Council Member Junck asked about the grant funding opportunity. Mr. Schainker indicated that the grant opportunity is for funding to clean-up a site. Staff is scheduled to meet with the DNR soon to discuss options and timing.

FINES FOR NUISANCE PARTIES: Police Chief Geoff Huff said that they are back to discuss the increase in fines for nuisance parties on designated dates/times as passed by City Council. The City has noticed an increase in issues the Saturday before ISU classes begin. Students referred to this day as “801 Day.” This unofficial event is being transitioned to an official ISU event, “Cyclone Welcome Weekend.” The University has created several activities to take the focus off alcohol use and overuse and steer activities towards community events and safer alternatives. An additional strategy resulting from these discussions is a focus on nuisance party enforcement. Many of the parties include underage drinking, fights, noise above what is allowed by the Noise Ordinance, public intoxication, spilling onto neighboring property, public urination, and other inappropriate activities. These behaviors are grounds for a citation under the City Nuisance Party Ordinance, which may be cited as either municipal infraction or a simple misdemeanor. Currently, the fine for a first violation of the Ordinance is \$100 and \$200 for the second and subsequent violations. The proposed citation amounts would be increased on designated days to a municipal infraction of \$750 for the first offense, and \$1,000 for a second or subsequent offense. Chief Huff reiterated that the Police do not show up at a Nuisance Party and start writing tickets, they will start with education and let them know that they will start enforcing the fines if the rules are not followed.

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

Moved by Beatty-Hansen, seconded by Corrieri, to pass on first reading an ordinance increasing fines for nuisance parties on certain occasions.

Council Member Gartin commented that it was unfortunate that the *Ames Tribune* did not provide any coverage over this story. He felt that if the public wasn’t aware it would be unfortunate to not get any public feedback. Mr. Gartin noted he will be voting against the motion due to the facts that he had previously stated at the last meeting on June 28, 2022.

Roll Call Vote: 3-2. Voting Aye: Beatty-Hansen, Corrieri, Rollins. Voting Nay: Gartin, Junck. Motion failed.

Council Member Corrieri commented that the motion failed because they are missing a Council Member.

Council Member Gartin stated that his concern was the amount of the fine; he was willing to support an increase, but not to \$750. He wanted to know if there were other fines that were comparable. City Attorney Mark Lambert commented that he didn't know of any other comparable fines, and it would be up to the Council to set the fines. Chief Huff explained that this Ordinance can also be charged as a simple misdemeanor. The simple misdemeanor fines are \$650 for the first violation and \$855 for repeat violations. Chief Huff said staff could do this now, but they tend not to use simple misdemeanors and give the offender a municipal infraction.

Ex officio Garman said that the point of the fines for the nuisance parties was to create a deterrent, and if you go smaller than what the maximum will allow there could still be issues. He commented that on social media people are commenting that they will start charging fees to get into parties to help cover the cost of the fines.

Moved by Gartin, seconded by Beatty-Hansen, to reconsider the motion.
Vote on Motion: 4-1. Voting Aye: Beatty-Hansen, Corrieri, Gartin, Rollins. Voting Nay: Junck.
Motion declared carried.

Council Member Junck asked what other charges are in the *Municipal Code* that are a simple misdemeanor. City Attorney Lambert said it was assault, trespassing, and most of Chapter 17. Ms. Junck commented that she wanted the public to see what is being considered at the same level of a nuisance party.

Moved by Gartin, seconded by Corrieri, to amend the Nuisance Party Ordinance to charge \$650 for the first offense and \$855 for the second offense.
Roll Call: 4-1. Voting Aye: Beatty-Hansen, Corrieri, Gartin, Rollins. Voting Nay: Junck.
Motion declared carried.

Moved by Corrieri, seconded by Gartin, to pass on first reading an amendment to the Nuisance Party Ordinance to charge \$650 for the first offense and \$855 for the second offense.
Vote on Motion: 4-1. Voting Aye: Beatty-Hansen, Corrieri, Gartin, Rollins. Voting Nay: Junck.
Motion declared carried.

Moved by Corrieri, seconded by Beatty-Hansen, to suspend the rules necessary for the adoption of an ordinance.
Roll Call Vote: 4-1. Voting Aye: Beatty-Hansen, Corrieri, Gartin, Rollins. Voting Nay: Junck.
Motion failed.

Moved by Corrieri, seconded by Beatty-Hansen, to pass on second reading an ordinance increasing fines for nuisance parties on certain occasions.
Vote on Motion: 4-1. Voting Aye: Beatty-Hansen, Corrieri, Gartin, Rollins. Voting Nay: Junck.

Motion declared carried.

Moved by Corrieri, seconded by Beatty-Hansen, to pass on third reading and adopt ORDINANCE NO. 4473 approving an ordinance increasing fines for nuisance parties on certain occasions.

Roll Call Vote: 4-1. Ordinance declared adopted, signed by the Mayor, and hereby made a portion of these Minutes.

TOWING FOR ILLEGAL PARKING: Police Chief Geoff Huff indicated illegal parking on residential streets has increased to the point that in some cases emergency vehicles are unable to travel down the street safely due to cars parked on both sides. The current penalty for this kind of illegal parking is \$10 to \$15. This amount has not been a sufficient deterrent to illegal parking. In addition, a parking ticket does not relieve the safety issue until the violator decides to move the vehicle. To provide a deterrent to illegal parking and to address instances of it on certain days in a timelier manner, the City Council had directed staff to draft an ordinance authorizing immediate towing of specified types of illegally parked vehicle on certain days and in certain areas designated in advance by City Council.

Council Member Junck asked if additional signage would be put up when the immediate towing is in effect. Chief Huff indicated there would be. He commented that they don't want to have to tow anyone and want people to follow the law.

Council Member Rollins asked if there would be some communication prior to the weekend regarding parking violations. Chief Huff stated that there will be an education process along with a campaign by the City and ISU.

Council Member Junck mentioned she discussed the accessibility of where vehicles are towed to at the last meeting and she appreciated that staff looked into it quickly and provided a memo regarding if anything could be done. She said it was unfortunate that nothing could be done; however, safety outweighs the towing concerns and she will be voting in favor of staff's recommendation.

Public input was opened by Mayor Haila; it was closed when no one came forward to speak.

Moved by Junck, seconded by Gartin, to pass on first reading an ordinance allowing towing for illegal parking on certain occasions.

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

Moved by Gartin, seconded by Corrieri, to suspend the rules necessary for the adoption of an ordinance.

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

Moved by Corrieri, seconded by Beatty-Hansen, to pass on second reading an ordinance allowing towing for illegal parking on certain occasions.

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

Moved by Beatty-Hansen, seconded by Corrieri, to pass on third reading and adopt ORDINANCE NO. 4474 approving an ordinance allowing towing for illegal parking on certain occasions.
Roll Call Vote: 5-0. Ordinance declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

ORDINANCE REZONING 3005 - 3125 GROVE AVENUE AND 3209 DUFF AVENUE FROM RESIDENTIAL HIGH DENSITY (RH) TO RESIDENTIAL MEDIUM DENSITY (RM): Moved by Beatty-Hansen, seconded by Corrieri, to adopt ORDINANCE NO. 4472 rezoning 3005 - 3125 Grove Avenue and 3209 Duff Avenue from Residential High Density (RH) to Residential Medium Density (RM).

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

HEARING ON PROPOSAL TO VACATE ELECTRIC EASEMENT AT 1404 AND 1410 BUCKEYE AVENUE: The Mayor opened the public hearing and closed it when no one came forward to speak.

Moved by Corrieri, seconded by Beatty-Hansen, to adopt RESOLUTION NO. 22-393 approving vacation of electric easement at 1404 and 1410 Buckeye Avenue.

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

HEARING ON INTEGRATED SITE PLAN SUBDIVISION WITH CONCURRENT FINAL PLAT AND MAJOR SITE DEVELOPMENT PLAN AMENDMENT FOR 1404 AND 1410 BUCKEYE AVENUE: City Planner Julie Gould stated this area is the overall redevelopment of the old Kmart area. The subject site was approved for two small commercial buildings, including one drive thru restaurant use, on separate lots as part of the original approval. She highlighted that Alternative 1A states “the applicant shall work directly with CyRide regarding the installation of a new bus stop concrete pad for sidewalk access to the bus prior to a building permit being issued. Paving of the improvement completed at the cost of the developer. Final occupancy permits for the site will not be granted without completion of the bus loading area to the City of Ames specifications,” and this is a unique condition.

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

Moved by Beatty-Hansen, seconded by Gartin, to adopt RESOLUTION NO. 22-394 approving the Integrated Site Plan Subdivision, which includes concurrent Final Plat and Major Site Development Plan Amendment approval for the properties at 1404 and 1410 Buckeye Avenue, with conditions.
Roll Call Vote: 5-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

HEARING ON REZONING, WITH MASTER PLAN, 798-500TH STREET FROM “A” (AGRICULTURAL) TO “FS-RL” (FLOATING SUBURBAN RESIDENTIAL LOW DENSITY): Moved by Beatty-Hansen, seconded by Corrieri, to continue the hearing on the Rezoning, with Master Plan, of 798-500th Street from “A” (Agricultural) to “FS-RL” (Floating Suburban Residential Low Density) until July 26, 2022.

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

HEARING ON PROPOSED AMENDMENT TO THE CITY’S PLANNING PROJECT REVIEW AND NOTIFICATION PROCESS AND APPROVAL PROCESS RELATED TO CHAPTERS 20 AND 29 OF THE AMES MUNICIPAL CODE (CONTINUED FROM JUNE 14, 2022): Planning and Housing Director Kelly Diekmann said that the Planning Division and the City Manager’s office recently reviewed some of the City’s planning project review and notification procedures and approval processes. Staff determined that modifications to defined roles would improve administration of the *Ames Municipal Code* and better serve customers. The changes in Chapter 20 and Chapter 29 relate to the Zoning Board of Adjustment, Zoning Enforcement Officer, Planning and Zoning Commission, references to the Comprehensive Plan, and various application procedures in Chapter 29, including the addition of a formal Annexation initiation procedure.

The Zoning Enforcement Officer is currently the Building Official and the proposed change assigns the Planning and Housing Department the responsibility for support of the Zoning Board of Adjustment rather than the City Clerk’s Office, and empowers the Planning Director to have final authority on interpretations of the Zoning Ordinance, in lieu of the Zoning Enforcement Officer. The Planning Director will also be responsible for approval of front yard paving related to driveways and parking. It was emphasized that for the public, there were no outward changes in how applications are handled as a result of these modifications. The Zoning Board of Adjustment had identified last year that they wanted to simplify the noticing process as well as clarify the voting procedures. Staff reviewed the notification process with the City Attorney’s office, and it was determined that they can’t avoid the newspaper publishing requirement.

Director Diekmann said that the Planning and Zoning Commission staff clarified their role for review of Preliminary Plats in Chapter 23. Staff took out an old section from the 70s, where the Planning and Zoning Commission is supposed to comment on street plans and other items that the Commission has not reviewed for decades. Staff also updated how Comprehensive Plans are reviewed. Director Diekmann indicated that there is a new application type to include Annexations into Chapter 29. The Annexation applications were done by policy rather than an ordinance. The current policy is to bring an Annexation request to the City Council to ask what to do next. Staff wanted to put the steps into an ordinance. What was put in the *Code* was just the initiation process; staff didn’t want to duplicate state law as once an application is initiated staff will follow state law. By custom the City of Ames has always included the Planning and Zoning Commission in the review of Annexations. What staff proposed was to codify the Planning and Zoning Commissions role and have it only applied to 80/20 Annexations. The 100% Annexations are straightforward and probably don’t need a public hearing to confirm a 100% Annexation meets City goals.

Council Member Gartin indicated that this new Ordinance would be effective after passage and publication and wanted to know if there would be any timing issues with any projects that are already in process. Director Diekmann stated that he didn't believe anything that is already in process would be affected.

Council Member Rollins asked for more information regarding the sign posting requirement. Director Diekmann said that Ms. Rollins was referring to Section 29.1500 in the draft Ordinance. He explained there are three types of notices in the Zoning section: 1) publication in the newspaper; 2) 200-foot mailing requirement; 3) posting of a sign on a property. Director Diekmann explained that there was already some language that discussed if a sign isn't posted or doesn't stay in the location it can be found to still be compliant with the notification process. Staff wanted to add the language that the absence of a sign doesn't void all the other notice processes.

Mayor Haila opened the public hearing.

Richard Deyo, 505-8th Street, #2, Ames, stated that there was a sign posted on his front yard a few weeks ago, and he had gone to Hunziker who stated that they didn't know anything about it. He did not object to anything in the rezoning, but was surprised that Hunziker knew nothing about it.

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

Moved by Gartin, seconded by Beatty-Hansen, to pass on first reading an ordinance on the Proposed Amendment to the City's Planning Project Review and Notification Process and Approval Process related to Chapters 20 and 29 of the *Ames Municipal Code*.
Roll Call Vote: 5-0. Motion declared carried unanimously.

HEARING ON PROPOSED GRANTING OF UNDERGROUND ELECTRICAL UTILITY EASEMENT ON THE PRAIRIE VIEW INDUSTRIAL LIFT STATION SITE LOCATED AT 207 S. TELLER AVENUE TO INTERSTATE POWER AND LIGHT COMPANY (ALLIANT ENERGY): The Mayor opened the public hearing and closed it when no one came forward to speak.

Moved by Beatty-Hansen, seconded by Corrieri, to adopt RESOLUTION NO. 22-395 granting an easement to Interstate Power and Light Company (Alliant Energy) at 207 S. Teller Avenue.
Roll Call Vote: 5-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

2020/21 AND 2021/22 INTELLIGENT TRANSPORTATION SYSTEM PROGRAM (PHASES 1 & 2): Traffic Engineer Damion Pregitzer said that on June 28, 2022, the Council approved the Report of Bids and approved the final plans and specifications. The low bid received was approximately 18% over the engineer's estimate. Since that meeting, staff had worked with the Iowa Department of Transportation (IIDOT) and the Finance Department to gather information to develop potential funding options for this project. Staff suggested the City Council approve Option 1, which

was to use local funding budgeted for Phase 3 of the Intelligent Transportation System (ITS) program to make up the shortfall for Phases 1 and 2 and then reprogram the ITS Program to move Phase 3 to FY 23/24 and move the rest of the Phases back at least one fiscal year, depending on future funding availability. This would allow staff time to assess the increases in construction costs and adjust the Capital Improvement Program budget accordingly.

The Mayor asked if additional funding was received. Mr. Pregitzer explained that the City did receive two ICAAP (Iowa Clean Air Attainment Program) Grants. He indicated that staff had spoken with the IDOT about using other state grant programs, but because the project had already been let, staff would not be able to access any other funding without rebidding the project. Staff felt rebidding would not be favorable due to the increase in construction costs. Mr. Pregitzer stated that when they look at Phases 3 through Phases 6, they will be able to apply for more grants to try and catch up with the market increases.

Mayor Haila opened public input and it was closed when no one came forward to speak.

Moved by Beatty-Hansen, seconded by Corrieri, to adopt RESOLUTION NO. 22-396 awarding a contract to Van Maanen Electric Inc., of Newton, Iowa, for the 2020/21 and 2021/22 Intelligent Transportation System Program (Phases 1 & 2) in the amount of \$3,800,582.00
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 Beatty-Hansen, to adopt RESOLUTION NO. 22-397 approving the use of local funding from FY 2022/23 Intelligent Transportation System Program to cover the funding shortfall for Phases 1 & 2.
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 Junck, to direct staff to reprogram Phases 3 to 6 in the FY 2024/29 Capital Improvements Plan.
Vote on Motion: 5-0. Motion declared carried unanimously.

DISPOSITIONS OF COMMUNICATIONS TO COUNCIL: The Mayor mentioned there were three items to review. The first was an email from Bill Haas, Managing Corporate Counsel, T-Mobile letting the City know about the availability of T-Mobile Wireless High-Speed home internet in Ames.

The Mayor said that the letter from Bill Haas was for informational purposes only.

The second item was a letter from John Gade, P.E., Project Manager with Strand Associates, requesting to waive subdivision approval authority regarding a proposed Plat of Survey located at the northeast corner of West 190th Street and Grant Avenue.

Moved by Gartin, seconded by Corrieri, to refer the letter from John Gade, P.E., Project Manager with Strand Associates, to staff for a memo.

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

The last item was a memo from Police Chief Geoff Huff regarding any alternate pick-up locations for towed vehicles. This memo was discussed earlier during Item 26.

COUNCIL COMMENTS: None.

ADJOURNMENT: Moved by Gartin, seconded by Corrieri, to adjourn the meeting at 8:37 p.m.

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

Amy L. Colwell, Deputy City Clerk

John A. Haila, Mayor

Diane R. Voss, City Clerk