

MINUTES OF THE SPECIAL MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

JULY 9, 2020

The Special Meeting of the Ames City Council was called to order by Mayor John Haila at 12:04 p.m. on the 9th day of July, 2020. Mayor Haila announced that due to the Governor of Iowa declaring a public health emergency because of the COVID-19 pandemic, City Council meetings are being held electronically, as allowed by Section 21.8 of the *Iowa Code*. The Mayor explained how the public could participate in the meeting via internet or by phone. City Council members joining the meeting electronically were Bronwyn Beatty-Hansen, Gloria Betcher, Amber Corrieri, Tim Gartin, Rachel Junck, and David Martin, and *ex officio* Member Nicole Whitlock.

DIRECTION TO STAFF REGARDING VIRTUAL OR IN-PERSON CITY COUNCIL AND BOARD/COMMISSION MEETINGS: Assistant City Manager Brian Phillips stated that for the past several months, per Council direction, City Hall has been closed to the public. Since that time, Council meetings and many Board and Commission meetings have been held via Zoom. The Zoom platform allowed participation from the public online or via phone. City staff had prepared for a return to in-person City Council meetings beginning with the Regular Council meeting on July 14 by taking measures to provide for increased protections in the Council Chambers. Those measures include:

1. Plexiglas screens have been suspended from the ceiling in between each seat at the dais.
2. Audience chairs have been separated six feet apart and extra chairs have been removed from the room, which leaves enough seating for approximately 16 in the main portion of the Council Chambers. In addition, staff expects to have the wall to the Courtroom open, which brings the total number of possible audience seats to at least 24. In order to allow more room in the Chambers for the public, City staff members will remain in their offices or the City Manager's Conference Room until it's time for their presentation or need to answer questions.
3. Overflow public seating will be established in Conference Rooms 135 and 235; each Conference Room can accommodate another ten socially distanced persons. In the event that the overflow seating is not enough, the meeting may be relocated to the Auditorium or the public can be spaced apart in the hallway.
4. Each speaker will be asked to give their name and address clearly and also to complete orange cards. The orange cards will then be placed in a tray on the podium instead of being handed to the Clerk or a Council Member.

According to Mr. Phillips, staff has been attempting to work through technical issues to allow Zoom participation among Council members and the public during a live Council meeting. However, due to the way that Zoom interacts with the audio and video systems in the Chambers, it is not possible to have combined Zoom participation and in-person participation.

Council Member Betcher asked if there had been any concerns from the public about participating in live City Council meetings. Mr. Phillips indicated he had not heard of any concerns. He noted that it is anticipated that several upcoming Council meeting or workshop agendas will have items that may generate a great deal of public input, such as 321 State, Ames Plan 2040, and reports regarding policing.

The Council was asked by Mr. Phillips to inform staff whether they preferred to return to holding in-person meetings in the Council Chambers or continue meeting virtually via Zoom starting with the July 14, 2020, City Council meeting and future meetings. He also inquired as to what the Council members' expectation was for Board and Commission meetings or whether they wanted to offer any guidance to them.

Council Member Betcher asked if any citizens had reported having difficulties accessing Zoom for City Council meetings. Mr. Phillips said he had not been made aware of anyone having difficulties. It was noted that there are several options and avenues for the public to participate.

Council Member Beatty-Hansen commented that she would be more comfortable returning to in-person meetings if the City Council members and the public wore masks. Assistant City Manager Phillips explained that, currently, there is no mask requirement; there is only the expectation that people entering City Hall will wear a mask. There is a requirement for City staff to wear a mask in the common areas, such as the hallways, and in any area where they can't social-distance. City Manager Schainker added that, per the advice of City Attorney Mark Lambert, the City is not able to require masks to be worn in City Hall. According to Mr. Schainker, most people have cooperated; no one coming into City Hall has refused to put a mask on. There are masks available at various locations throughout City Hall for those who do not have one. City Attorney Mark Lambert advised that the City does not have the authority to require the public to wear masks; that authority rests with the Governor.

Council Member Gartin questioned what City Councils from other communities in Iowa are doing. Assistant City Manager Phillips answered that he had not studied what other communities were doing.

City Manager Schainker said the City won't be able to allow access safely to as many persons if the meeting is held in City Hall; Zoom can accommodate more public participation. For him, the decision centers around being able to allow as much public input as possible.

Mayor Haila asked to know, realistically, how many people may be accommodated in the Council Chambers. Mr. Phillips answered that the normal occupancy of the Council Chambers is around 90 with an additional 30 if the wall is opened. However, with spacing to ensure social-distancing, the Council Chambers can accommodate 24 with the wall to the Courtroom opened. Twenty additional people can be accommodated between two conference rooms. Both conference rooms have a television so the people in the conference room would be able to watch the meeting. If there are more attendees than what the Chambers and the conference rooms can hold, the people would have to spread six feet apart in the hallway.

Assistant City Manager Phillips also advised that additional staff members will be necessary to monitor and ensure that social-distancing measures are being followed. He noted that there are drawbacks to holding the meetings in the City Hall Auditorium. It is currently not set up to have videotaping and hearing the Mayor and Council as well as the staff and anyone wishing to speak

from the public would be difficult. He noted that the Auditorium is intended to be used for performances, not audience participation.

City Manager Schainker shared that people may not leave after the item they initially came for has been discussed. If other members of the public came to hear items later on the agenda, conference rooms and hallways are not the best venues to allow for their participation and still make the best effort to protect them and City staff from exposure to the Virus.

Council Member Betcher commented that something like the 321 State discussion could generate interest from the most vulnerable members of the community. She believes that in-person meetings have the potential of excluding a significant portion of the population. Ms. Betcher noted that circumstances have changed since this was last discussed by Council; it appears that Story County is showing a significant increase in the number of people testing positive for COVID-19.

Council Member Gartin stated his belief that the City Council should not ask staff to do something that they, as Council members, are not willing to do themselves. He said that he was impressed by the thought processes that have gone into this. In his opinion, from a practical standpoint, the protocol that is being suggested by staff to be followed to allow for Council to resume in-person meetings as early as the next meeting and protect the public as well as staff is extensive and well-thought-out; a lot of work has been put into this by the staff. Council Member Betcher commented that there is a difference between expecting City staff to come back and expecting the public to come back to a Council Chambers that will have limited space and without requiring face masks to be worn. She is not sure whether there would be a benefit to allowing people to gather in one space. Ms. Betcher would like masks to be worn around the dais as well.

Council Member Junck agreed with Council Member Betcher. In looking at the increased number of cases in the community, she believes that anything that the City Council can be doing to help stop the spread is helpful. Ms. Junck commented that the situation is not much different now than it was in March. Council Member Corrieri stated that the situation now is actually worse than it was in March when the decision was made to close City Hall to the public and move to virtual Council meetings using Zoom. Ms. Corrieri shared that she is not convinced that Plexiglas and no masks would keep everyone - the staff, the public, and the City Council - safe.

Mayor Haila stated that the staff does not have 100+ people coming to see them at one time. Council meetings are a different situation, and not a true comparison. He shared that, in discussions with Story County and the Iowa Department of Transportation, they also have a lot of concerns about having a lot of people coming in at one time.

Assistant City Manager Brian Phillips told the Council members that if it is their desire to continue virtual meetings, staff would rather that the City Council not state when that would end, but to state that it would continue until the City Council decides to resume in-person meetings.

Council Member Betcher questioned how many people can be accommodated with the Zoom link. Mr. Phillips answered that, originally, it was 100; however, they have upgraded to 500, so there should be plenty of capacity available now. It can be further upgraded if there is a need.

Council Member Martin commented that he felt there had been good points shared by all Council members. It had appeared to him that Zoom had allowed for quality deliberation among the Council and public; he had been very pleased. He also noted that staff has not received any complaints about Zoom, so it appears that the system is working for the public and the Council members to fully participate in the meetings.

Council Member Gartin cautioned that the Council should be careful not to substitute their own thoughts with those of the public health officials. He believes that it would be important for the community to return to some sort of normalcy. Mr. Gartin sees a pattern emerging that the City Council has somehow become experts in public health. Mayor Haila responded that they are not purporting to have become experts in public health, but are attempting to ensure that the City will be able to continue delivering services to the community. He asked what would happen if a number of staff were to be exposed – that would present an opportunity for the Virus to be spread to staff providing critical services to the public, e.g., police, fire, the Water Plant, and others. That would not only compromise the City’s ability to deliver services, but also to be able to maintain the high level of services that citizens need and expect.

The Mayor noted that Zoom makes sure that the people who want to participate in meetings may do so. He reiterated that it is not possible to merge live City Council meetings and Zoom. Mr. Gartin pointed out that, for the vast majority of City Council meetings, there are not a lot of people attending. He, therefore, believes that, for the vast majority of the meetings, the Council Chambers could easily accommodate all the people who would want to attend and still provide for social-distancing.

Council Member Gartin commented that holding City Council meetings in the City Auditorium was a brilliant idea, and there would not be a lot that would have to be done to make that happen.

Moved by Junck, seconded by Betcher, to direct staff to continue holding City Council meetings virtually on Zoom until the City Council provides further direction to resume in-person meetings. Vote on Motion: 5-1. Voting aye: Beatty-Hansen, Betcher, Corrieri, Junck, Martin. Voting nay: Gartin. Motion declared carried.

Assistant City Manager Phillips stated that staff was also asking the Council to provide direction regarding whether Boards and Commissions would be permitted to continue holding their meetings via Zoom. He noted that there are only a few occasions when meetings for other Boards and Commissions draw a lot of attendance. Most Boards and Commissions can operate effectively on Zoom; however, there are times when interacting in person would be better. During the time that City Hall was closed to the public, some Boards/Commissions have elected not to meet, but most have been meeting via Zoom or telephonically. It would also be possible for the Council to leave it up to the individual Board or Commission to make the decision based on what would be best for them. Mr. Phillips asked if the Council wished to offer any specific guidance to Boards and Commissions on this matter.

Council Member Betcher asked if there had been any issues with connectivity. Assistant City Manager Phillips replied that there was one sight-impaired member who had indicated that Zoom was not the best platform and indicated a preference to resume in-person meetings.

It was noted by Mr. Phillips that there are approximately 100 people serving on City Boards and Commissions, and probably all of those people have different opinions and interests on this topic. Many of the smaller Boards/Commissions could spread out to achieve social-distancing and still meet in the Council Chambers, if that was their desire.

Moved by Gartin, seconded by Betcher, that Boards/Commissions be allowed to make their own decisions on whether to hold their meetings virtually via Zoom or resume in-person meetings.
Vote on Motion: 6-0. Motion declared carried unanimously.

Assistant City Attorney Phillips thanked the City Council members for providing direction.

DISPOSITION OF COMMUNICATIONS TO COUNCIL: Mayor Haila asked Mr. Phillips if there was anything under Dispositions that was urgent. Mr. Phillips replied that there was nothing that needed to be decided at this meeting.

Moved by Betcher, seconded by Beatty-Hansen, to wait until next Tuesday (July 14, 2020) to discuss Dispositions.
Vote on Motion: 6-0. Motion declared carried unanimously.

COUNCIL COMMENTS: Regarding the upcoming Council Workshop on the development of 321 State, Council Member Martin pointed out that the Council has had a discussion in the past about the amount of public input that was believed to be generated about this issue. Now that it is still not possible for everyone to be in a room together to have this discussion, he suggested that the Workshop be held on July 21, but the Council not vote on the issues on that same night. He clarified that he was wondering if it would be possible to have the Workshop on Zoom on July 21, but wait for the vote until the next meeting. That would give the Council time to consider all the input received during the Workshop. Mr. Martin asked if there were any concerns about waiting until the next meeting to take the vote. Council Member Betcher commented that she liked the idea if it would be possible.

City Manager Schainker said that he did not think one week was going to make a lot of difference; however, the City needs to consider the requirements of and time frame for the Community Development Block Grant. The City needs to move forward as quickly as possible so as not to jeopardize the Grant funding.

Council Member Martin stressed the importance of getting input from the community and allowing time for the Council to think through it.

Mr. Schainker suggested that the staff be allowed to weigh in now and get something back to the Council. Mr. Martin stated that he would like staff to think about his suggestion and advise. Mayor Haila commented that the Workshop Agenda would have the Staff Report that would be discussed, and then that night, the Council could vote to postpone the decision to for one week until the Regular Meeting of July 28.

Moved by Martin, seconded by Betcher, to ask the staff for a memo on if it is possible to postpone a decision on 321 State for one week to the meeting following the Workshop.
Vote on Motion: 6-0. Motion declared carried unanimously.

ADJOURNMENT: Moved by Corrieri to adjourn the meeting at 12:50 p.m.

Diane R. Voss, City Clerk

John A. Haila, Mayor