

# MINUTES OF THE REGULAR MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

JANUARY 8, 2019

The Regular Meeting of the Ames City Council was called to order by Mayor John Haila at 6:00 p.m. on January 8, 2019, in the City Council Chambers in City Hall, 515 Clark Avenue, pursuant to law. Present were Council Members Bronwyn Beatty-Hansen, Gloria Betcher, Amber Corrieri, Tim Gartin, and Chris Nelson. As it was impractical for Council Member Martin to be present in person, he was brought into the meeting telephonically. *Ex officio* Member Allie Hoskins was absent.

**PROCLAMATION FOR SLAVERY AND HUMAN TRAFFICKING PREVENTION AND AWARENESS WEEK:** Mayor Haila proclaimed the week of January 6 - 12, 2019, as Slavery and Human Trafficking Prevention and Awareness Week. Accepting the Proclamation was Dr. George Belitsos, Board Chair of the Iowa Network Against Human Trafficking and Slavery.

Dr. Belitsos stated that the Iowa Network Against Human Trafficking and Slavery is still the only statewide agency exclusively fighting Human Trafficking with 20 volunteers across the state of Iowa. He added that on Tuesday, April 16, 2019, at 6:00 p.m., there will be a City Council Workshop that will discuss the possible adoption of a local ordinance to regulate massage businesses in Ames.

**CONSENT AGENDA:** Mayor Haila announced that staff had requested that Consent Item No. 11, “Resolution approving designation of City representatives to Central Iowa Regional Transportation Planning Alliance (CIRTPA), be pulled.” Council Member Martin requested to pull Consent Item No. 5, “Motion approving Report of Change Orders for December 16-31, 2018,” for separate discussion.

Moved by Nelson, seconded by Beatty-Hansen, to approve the following items on the Consent Agenda:

2. Motion approving payment of claims
3. Motion approving Minutes of Regular Meetings held December 11, 2018, and December 18, 2018
4. Motion approving certification of Civil Service applicants
5. Motion approving Report of Change Orders for December 1 - 15, 2018
6. Motion approving 5-day (January 18 - 23) Class C Liquor License for Whatcha Smokin BBQ+Brew at the Hansen Ag Building, 2508 Mortensen Rd
7. Motion approving 5-day (January 24 - 29) Class C Liquor License for Mucky Duck Pub, LLC at Reiman Gardens, 1407 University Blvd
8. Motion approving 5-day (January 23 - 28) Class C Liquor License for Dublin Bay Pub at Ames Ford Lincoln, 123 Airport Road
9. Motion approving renewal of the following Beer Permits, Wine Permits, and Liquor Licenses:
  - a. Class B Liquor & Sunday Sales- Quality Inn & Suites, Starlite Village Conference, 2601 E 13<sup>th</sup> St

- b. Class C Liquor, Outdoor Service, & Sunday Sales - Café Beau, 2504 Lincoln Way
  - c. Class B Beer, Outdoor Service, & Sunday Sales - Torrent Brewing Co LLC, 504 Burnett Ave
  - d. Class C Liquor, Outdoor Service, & Sunday Sales - Chipotle Mexican Grill, 435 S Duff Avenue Ste #102
  - e. Class A Liquor & Sunday Sales - American Legion Post #37, 225 Main
  - f. Class C Liquor, Catering, Outdoor Service, & Sunday Sales - West Towne Pub, 4518 Mortensen Rd Ste #101
  - g. Class C Liquor, Catering, Outdoor Service, & Sunday Sales - Dublin Bay, 320 S 16<sup>th</sup>
  - h. Class E Liquor, Class B Wine, Class C Beer, & Sunday Sales - The Filling Station, 2400 University Blvd., pending Bond Certification
10. RESOLUTION NO. 19-002 approving appointment of Sean Carlton-Appleton to the Parks and Recreation Commission
  11. RESOLUTION NO. 19-003 approving Engineering Services Agreement with WHKS & Co., Ames, Iowa, for Campustown public improvements design (Welch Avenue) in an amount not to exceed \$139,000
  12. 28E Agreement creating “StoryComm” to purchase and operate an interoperable communication system:
    - a. RESOLUTION NO. 19-004 approving 28E Agreement among the City of Ames, Story County, Iowa State University, and Story County 9-1-1 Service Board to form StoryComm
    - b. RESOLUTION NO. 19-005 appointing Assistant City Manager Bob Kindred to serve as the City’s representative on the StoryComm Board
  13. RESOLUTION NO. 19-006 approving addition of the City of Boone to the Intergovernmental Agreement for Combined Law Enforcement Investigations of Controlled Substances
  14. RESOLUTION NO. 19-007 approving RISE Grant Application for ISU Research Park Phase IV improvements (Collaboration Place & South Riverside Drive)
  15. RESOLUTION NO. 19-008 awarding contract to United Conveyor Corporation, Waukegan, IL for the Furnishing of Fly-Ash Conveying System Parts in the amount of \$127,141.95
  16. RESOLUTION NO. 19-009 approving contract and bond for 2018/19 Traffic Signal Program (Lincoln Way/Hyland Avenue)
  17. RESOLUTION NO. 19-010 approving contract and bond for WPC Facility Screw Pump Drive Replacement
  18. WPC Biosolids Disposal Operation:
    - a. RESOLUTION NO. 19-011 approving Change Order in the amount of \$28,233.85 to adjust for final quantities
  19. RESOLUTION NO. 19-012 accepting completion of 2017/18 Collector Street Pavement Improvements (Meadowlane)
  20. RESOLUTION NO. 19-013 accepting completion of 2017/18 Water System Improvement Program #2
  21. RESOLUTION NO. 19-014 approving Plat of Survey for 619 Burnett Avenue
  22. RESOLUTION NO. 19-001 approving partial completion of public improvements and

reducing security for various additions of South Fork Subdivision (Wrap-Up Letter of Credit)  
Roll Call Vote: 6-0. Resolutions/Motions declared adopted/approved unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

**RESOLUTION APPROVING DESIGNATION OF CITY REPRESENTATIVES TO CENTRAL IOWA REGIONAL TRANSPORTATION PLANNING ALLIANCE (CIRTPA):**  
At the request of City staff this item was pulled from the Agenda.

**MOTION APPROVING REPORT OF CHANGE ORDERS FOR DECEMBER 16 - 31, 2018:**  
Council Member Martin stated he was looking for an explanation to the change order request by Electric Service pertaining to the Engineering Services for Compliance with Select Provisions of EPA's Coal Combustion Residuals (CCR) Standard. He noted that the original contract was for \$30,000, this change order is for \$10,000, and there had already been \$127,195 in Change Orders approved. Mr. Schainker stated that Electric Services Director Don Kom was not present tonight to give an explanation.

Moved by Martin, seconded by Corrieri, to approve the report of Change Orders for December 16 - 31, 2018.

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

**PUBLIC FORUM:** Chiara Travesset, 1239 Wisconsin Avenue, Ames, stated she represented the Citizens Actualizing and Understanding Environments (CAUSE). She noted that during the week of December 3-8, 2018, CAUSE hosted a signature drive and received 613 signatures for a petition that stated:

“We the undersigned want our elected officials to create a climate action plan for the Ames Community School District and the City of Ames. Climate change is an existential threat to our generation's future. On October 8, 2018, the Intergovernmental Panel on Climate Change (IPCC) released a report that states that we may have only 12 years to reduce emissions by 45% or climate change could be irreversible. Our elected officials have the responsibility to secure our generation's future and thus we request the development of a Comprehensive Climate Action Plan and its implementation to reduce emissions.”

Ms. Travesset said she hoped the 613 youth signatures would encourage the City of Ames to take a bolder stance on climate change. Ms. Travesset noted that in the past few months, several City Council members have come to speak with CAUSE and they hope to continue the open communication. Ms. Travesset handed the Recording Secretary the petition for filing.

Merlin Pfannkuch, 1424 Kellogg Avenue, Ames, noted that he wanted to talk about economic development subsidies for industries. He is concerned that if procedures aren't changed the taxpayers will pay dearly if the East Industrial area is successful. Mr. Pfannkuch stated that procedures need to be changed in how subsidies are given. He added that he was disappointed in the City Council's discussion last month on increased transparency as the transparency that was

discussed was giving more notice; he is OK with that process, but explained that a new process needed to be created to have a public hearing before these decisions are made. He commented that he is upset that when Barilla was asking for \$2 million, no representative from Barilla was present to speak that night, yet the City requires anyone who wants a liquor license to be present. Mr. Pfannkuch would like to see some ground rules set for the City Manager and staff as to what they are committing the City to.

Jeri Neal, 916 Ridgewood Avenue, Ames, stated she was present on behalf of the Ames Climate Action Team (ACAT). She noted that they are going to be making an effort to attend more City Council meetings and talk about issues around what is being done personally and professionally in the City of Ames. She explained that during the Ames Comprehensive Plan, there should be a discussion about a greenhouse gas litigation plan for the City. Ms. Neal stated that there will be some lectures held at the Library, in the future regarding climate control for anyone to attend.

Allison Brundy, 3125 Maplewood Road, Ames, urged the City of Ames to create a plan to create a greenhouse plan as other cities have done. She noted that many people see this effort as a moral and economic responsibility to mitigate the cost of climate change. Ms. Brundy explained that the City of Ames is full of engineers, planners, and scientists and very well suited to create a plan. She asked the City Council for their leadership to budget the funds, the work hours, commitment, and community engagement that is necessary.

No one else came forward to speak, and the Mayor closed Public Forum.

**CAMPUS AND COMMUNITY COMMISSION:** Commission Member Karin Chitty stated that they submitted a report on their latest task of helping the community to be more inclusive.

Council Member Betcher stated that she thought the discussion was to plan more events and the report was more inclusive as opposed to welcoming? She mentioned that some kind of branding campaign that organizes the events all under one umbrella needs to be organized. She explained that she has seen the Principles of Community at Iowa State University and feels it is a good endeavor for Iowa State University, but when reading the Principles, the City of Ames is not mentioned at all; it is all about the University and the focus on the students as part of the campus community. Ms. Betcher inquired about the history of the Principles of Community.

Commission Member Peter Englin stated that in 2000, the University hired someone to do a campus survey, and from this survey a group was put together to develop the Principles. Mr. Englin stated that they recently reemphasized the Principles based on the assessment of the University community, regarding the challenges they are having among the students, staff, and faculty. He noted that while working on the Principles, there are an opportunities for expansion.

Ms. Betcher stated she thought that the Council was going to get recommendations for a signature Ames event based on the analysis from Management Analyst Tasheik Kerr and wanted to know what happened from that discussion. Ms. Chitty replied that they discussed a lot of different events, but

every time an idea came up, it was noted that the Ames Chamber or another group had already done it. They didn't want to duplicate events, but wanted to see how they could tie events together. Ms. Betcher noted that a lot of the events they have are an "open house" style where they can come if they want to and they wait to see if anyone shows up; she doesn't think that many students are attending. She mentioned what the Ohio State University does, where it is part of orientation and all the students are taken to the event after the completion of orientation. Ms. Betcher stated that she had seen the video that Iowa State University had done, but it highlighted the University not the City of Ames, and wanted to know if the City Council could build on it. She suggested maybe having vendors or businesses highlighted around the event to make it more integrated.

Council Member Beatty-Hansen asked the Commission if it needed more time to work on the inclusiveness. Ms. Chitty stated that the Commission doesn't need more time, but needs more direction. Further discussion ensued about what the Council is expecting from the Commission and whether the Commission or the Council needs to take the next step.

Ms. Betcher asked if the Commission had a sense of what topic came up the most while they were having discussions. Mr. Abrams stated that the students had raised the lease gap issue. Mr. Englin noted that all three student governments want to look into a Web-based rental portal that will answer questions about how to be good tenants, how to get resolved issues, and having the capability to publish concerns. He noted that Rent Smart Ames offers the same type of information that the students are looking for, but the landlords are not using it; the landlords are advertising what they have available on their own Websites.

Mayor Haila stated he doesn't feel the Council is ready to give direction to the Commission tonight and wondered if the Council would like to discuss this topic further during its goal-setting meetings.

Ms. Chitty stated the Commission meetings are open to the public and maybe they need to publicize the meetings more and let the students know they could come and state their concerns.

Moved by Betcher, seconded by Beatty-Hansen, to wait until after the Council's goal-setting session to provide direction to the Commission.

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

#### **STAFF REPORT REGARDING HUMAN SERVICES CAPITAL GRANT PROGRAM**

**FUNDING:** Assistant City Manager Brian Phillips stated that in 2017, the City Council initiated the creation of a Human Services Capital Grant Program. The Council set aside a Capital Improvement Program amount of \$500,000. The funding was comprised of \$300,000 from the General Fund and \$200,000 from the Local Option Sales Tax Fund. The City Council set the criteria for the use of the funds and additionally authorized the initial program to utilize \$250,000 of the \$500,000 in available funding. Mr. Phillips noted that an Agreement was done between staff and the United Way of Story County to administer the Grant Program. He noted that United Way of Story County accepted the applications and five agencies were approved award amounts totaling \$250,000. A letter from the United Way of Story County outlining the uses of the funds was delivered to the City Council in its

June 1, 2018 Non-Agenda Packet. Mr. Phillips noted that the balance of \$250,000 in unspent funds was not carried forward in the FY2017/18 to FY2018/19 budget carryover authorization.

Ms. Beatty-Hansen questioned if the projects that were funded in the first round have been completed and was any tracking done. United Way President and CEO Jean Kresse stated that there was a three-step process to get the money out: first was the letter of intent: second, a Grant Agreement was done; and then the third step was issuing the funds to the agencies. Ms. Kresse stated that a six-month Grant update was done; and the five that were awarded were Capital Improvement programs, so a few of them were not completed. She then gave a quick status update regarding the five agencies that were awarded funding.

Council Member Gartin asked about the viability of the Capital Grant Program. He noted that he is concerned about being able to continue to fund ASSET and still maintain the Grant Program. Mr. Phillips stated the increased amount of funds to ASSET and other areas was increasing at a faster rate than the growth of the Local Option Sales Tax Fund. He noted that the Council will need to prioritize where the money is to be used.

Ms. Beatty-Hansen pointed out that the report from United Way of Story County showed a need for the Capital Grants. She explained the City is in a good place to release the \$250,000 in funds. Ms. Beatty-Hansen mentioned that she is not sure of the future, but knows that right now it is hopeful. Mr. Gartin stated that he is reluctant to bring the balance down that low.

Mayor Haila asked if there was anyone wishing to provide comments.

Council Member Nelson inquired if United Way of Story County had any idea of what other projects that may be looking for assistance. Ms. Kresse stated she can't think of one, but knows there is still a need. It all hinges on if those agencies can come up with the required cash match.

Mr. Phillips stated the Agreement has expired and staff needs direction as to the dollar amount and the funding source. A new Agreement will have to be drafted.

Moved by Beatty-Hansen, seconded by Betcher, to initiate a new round of grant funding for the 2019/20 FY for \$250,000 (\$50,000 from the General Fund and \$200,000 for the Local Option Sales Tax Fund), direct staff to revamp the Agreement with United Way of Story County, and add a qualifier of natural disaster as an exemption regarding the cash match requirement.

Mayor Haila asked if Ms. Kresse could speak about the wording for an emergency request. Ms. Kresse stated the Letter Of Intent process it would make it difficult to qualify for an emergency.

Motion by Beatty-Hansen, seconded by Betcher, to amend the motion to initiate a new round of grant funding for the 2019/20 FY for \$250,000 (\$50,000 from the General Fund and \$200,000 for the Local Option Sales Tax Fund) and to partner with United Way of Story County.

Vote on Motion: 4-1-1. Voting aye: Betcher, Nelson, Beatty-Hansen, Martin. Voting nay: Gartin.

Abstaining due to Conflict of Interest: Corrieri.  
Motion declared carried.

Motion by Beatty-Hansen, seconded by Betcher, to adopt RESOLUTION NO. 19-014, initiating a new round of grant funding for the 2019/20 FY for \$250,000 (\$50,000 from the General Fund and \$200,000 for the Local Option Sales Tax Fund) and to partner with United Way of Story County. Vote on Motion: 4-1-1. Voting aye: Betcher, Nelson, Beatty-Hansen, Martin. Voting nay: Gartin. Abstaining due to Conflict of Interest: Corrieri.  
Resolution declared adopted.

**ORDINANCE REMOVING MULTI-FAMILY RESIDENTIAL PROPERTIES FROM THE LIST OF PROPERTY TYPES INCLUDED IN *MUNICIPAL CODE* SECTION 28.214(1) THAT REQUIRE INDIVIDUAL WATER METERING:** Moved by Nelson, seconded by Beatty-Hansen, to pass on first reading an ordinance removing multi-family residential properties from the list of property types included in *Municipal Code* Section 28.214(1) that requires individual water metering.

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

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

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

Moved by Nelson, seconded by Corrieri, to pass on second reading an ordinance removing multi-family residential properties from the list of property types included in *Municipal Code* Section 28.214(1) that requires individual water metering.

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

Moved by Betcher, seconded by Corrieri, to pass on third reading and adopt ORDINANCE NO. 4378 removing multi-family residential properties from the list of property types included in *Municipal Code* Section 28.214(1) that requires individual water metering.

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

**ORDINANCE PLACING LIMITATIONS ON EXPANSION OF NONCONFORMING USES, DISCONTINUANCE OF A NONCONFORMING USE, AND DEFINING REMODELING OF A NONCONFORMING USE:** Moved by Corrieri, seconded by Betcher, to pass on third reading and adopt ORDINANCE NO. 4376 placing limitations on expansion of nonconforming uses, discontinuance of a nonconforming use, and defining remodeling of a nonconforming use.

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

**ORDINANCE ESTABLISHING PARKING REGULATIONS ON SUNCREST DRIVE, FROM RED FOX ROAD TO CEDAR LANE:** Moved by Corrieri, seconded by Betcher, to pass on third reading and adopt ORDINANCE NO. 4377 establishing parking regulations on Suncrest Drive, from Red Fox Road to Cedar Lane.

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

**DISPOSITION OF COMMUNICATIONS TO COUNCIL:** Moved by Beatty-Hansen, seconded by Betcher to direct staff to accept the Ames Public Library Annual Report.

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

Moved by Gartin, seconded by Corrieri, to direct staff to advise Ben Jensen to allow a six-foot fence in the front yard of the property at 4415 Lincoln Way that the City Council was not willing to move forward with his proposal.

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

Mr. Gartin suggested that maybe staff could make other recommendations to help Mr. Jensen find an alternative.

Moved by Nelson, seconded by Corrieri, to get a memo from staff regarding the letter from Paul Livingston pertaining to the Annexation options for the Champlin Lloyd Farm, LLC.

Mayor Haila stated that he had spoken to Planning and Housing Director Kelly Diekmann, and he had recommended that City Council consider placing the letter from Paul Livingston, Broker with Hunziker & Associates, on a future agenda, but only after there is clarity and status of the McCay property being annexed.

Motion withdrawn.

Moved by Beatty-Hansen, seconded by Betcher, to place the request for Annexation of Champlin Lloyd Farm, LLC on a future agenda; date uncertain.

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

Moved by Betcher, seconded by Nelson, to request a memo from staff regarding the request from Steve Burgason, for a pre-annexation agreement similar to the one adopted under Resolution No. 13-583 on December 30, 2013, between the City of Ames and the Jamie and Brian Frame property.

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

Moved by Gartin, seconded by Corrieri to refer the request from Al Warren regarding the request to finish bedrooms at 2334 Storm Street that were put on hold during the temporary moratorium to staff to provide options for Mr. Warren and place on a future agenda.

Vote on Motion: 5-1. Voting aye: Betcher, Gartin, Nelson, Beatty-Hansen, Corrieri. Voting nay: Martin. Motion declared carried.



Moved by Nelson, seconded by Betcher, to refer to staff for a memo regarding the Fareway Stores, Inc., request to allow access to 15-20 metered or reserved City parking spaces during the construction of its new store at 619 Burnett Avenue.

Motion withdrawn.

Moved by Nelson, seconded by Betcher to place on a future agenda the request from Fareway Stores, Inc., to allow access to 15-20 metered or reserved City parking spaces during the construction of its new store at 619 Burnett Avenue.

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

**COUNCIL COMMENTS:** Ms. Betcher mentioned that she has been appointed as Chair of the University Communities Council for the National League of Cities.

Moved by Betcher, seconded by Beatty-Hansen, to have staff contact Iowa State to discuss the potential of expanding their Principles of the Community to include the City of Ames, and to investigate the potential to expand orientation efforts to better address student inclusion in the Ames Community.

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

Moved by Martin, seconded by Beatty-Hansen, to request a memo from staff explaining the Change Orders relative to the original contract work for Engineering Services for Compliance with Select Provisions of EPA's Coal Combustion Residuals (CCR) Standard.

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

**ADJOURNMENT:** Moved by Beatty-Hansen to adjourn the meeting at 7:46 p.m.

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Amy L. Colwell, Deputy City Clerk

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John A. Haila, Mayor