

**SUMMARY OF MINUTES OF THE
REGULAR MEETING OF THE AMES CITY COUNCIL**

AMES, IOWA

AUGUST 22, 2023

The Regular Meeting of the Ames City Council was called to order by Mayor John Haila at 6:00 p.m. on the 22nd day of August, 2023, 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, Rachel Junck, and Anita Rollins. *Ex officio* Tabitha Etten was absent and Iowa State University Student Government Speaker of the Senate Quinn Margrett was present on her behalf.

PROCLAMATION FOR “WATER AND WASTEWATER WORKERS WEEK,” AUGUST 20-26, 2023: Director of Water and Pollution John Dunn accepted the proclamation along with staff members Heidi Petersen, Derek Crawford, Dena Flynn, Emily Engle, and Director of Public Works John Joiner.

Council Member Tim Gartin entered the meeting at 6:01 p.m.

CONSENT AGENDA: Moved by Corrieri, seconded by Betcher, to approve the consent agenda.

1. Motion approving payment of claims
2. Motion approving Summary of Minutes of Regular Meeting on August 8, 2023
3. Motion approving Report of Change Orders for period August 1-15, 2023
4. Motion approving Civil Service Candidates
5. Motion approving 5-Day (September 20 – September 24, 2023) Special Class C Retail Alcohol License – Lucky Wife Wine Slushies, 1930 East 13th Street, Pending Dramshop Status
6. Motion approving 5-Day (August 28 – August 30, 2023) Class C Retail Alcohol License – Christiani’s Events, 2321 North Loop Drive
7. Motion approving a new Class E Retail Alcohol License – Lalo’s Liquor Store Inc., 809 Wheeler Street Suite 105
8. Motion approving the renewal of the following Beer Permits, Wine Permits, and Liquor Licenses:
 - a. Class C Liquor License with Outdoor Service – Daytime Diner, 127 Dotson Drive
 - b. Class E Liquor License – Cyclone Liquors, 626 Lincoln Way
 - c. Class C Liquor License with Catering Privilege and Outdoor Service – Whiskey River, 132-134 Main Street
 - d. Class C Liquor License with Outdoor Service –Wallaby’s Grille, 2733 Stange Road
9. Motion approving request for Fireworks Permits for display from Jack Trice Stadium for 2023 ISU Home Football Games
10. RESOLUTION NO. 23-454 accepting completion of Art Capital Grant Project for KHOI-FM, and authorizing full payment in the amount of \$3,314

11. RESOLUTION NO. 23-455 approving Agreement between Ames Human Relations Commission and Iowa Civil Rights Commission regarding intake and investigation of Civil Rights Complaints
12. RESOLUTION NO. 23-456 approving Encroachment Permit for Sign at 301 Alexander Avenue
13. RESOLUTION NO. 23-457 setting date of Public Hearing for September 12, 2023, for vacation of existing electric utility easements 2214 Lincoln Way, located on Lot 23, Parkers Addition, Ames, Iowa
14. RESOLUTION NO. 23-458 approving Rapid Need Report for Unit 8 Turbine Repair at the Power Plant
15. Emerson SureService Software Support Contract for the Power Plant
 - a. RESOLUTION NO. 23-459 waiving the City's Purchasing Policies and Procedures requirement for formal bidding requirements and awarding a single source purchase
 - b. RESOLUTION NO. 23-460 awarding a three-year contract to Emerson Process Management Power & Water Solutions, Inc. of Tinley Park, Illinois, for the Emerson SureService Software Support Contract for the Power Plant in the amount of \$107,534
16. RESOLUTION NO. 23-461 approving Change Order No. 1 for Power Plant Boiler Maintenance Services Contract to TEi Construction Services, Inc., Duncan, South Carolina, in the amount of \$320,000
17. RESOLUTION NO. 23-462 approving preliminary plans and specifications for the East 13th Street Sanitary Sewer Extension, setting September 20, 2023, as the bid due date and September 26, 2023, as the date of Public Hearing
18. RESOLUTION NO. 23-463 approving preliminary plans and specifications for the Water Treatment Plant, Southeast Wellfield, and Technical Services Complex Security Fence Improvements setting September 14, 2023, as the bid due date and September 26, 2023, as the date of Public Hearing
19. RESOLUTION NO. 23-464 awarding contract for CyRide Reconditioned Engine Replacements to MHC Kenworth, Des Moines, Iowa for a total cost of \$116,200.47
20. RESOLUTION NO. 23-465 approving closure of portion of Hayward Avenue, between Mortensen Road and Storm Street, from 7:00 a.m. to 4:00 p.m. for 2023 Big 12 Conference Cross Country Championships on Saturday, October 28, 2023

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

PUBLIC FORUM: Mayor Haila opened the Public Forum.

Richard Deyo, 505 8th Street, #102, Ames, furthered his concern that he shared at the last City Council meeting regarding the Senior Variety show that is hosted in the Ames City Auditorium. He concluded by providing an overview of his thoughts on computers, and their relationship with humans.

Marilyn Devick, 2019 Kildee Street, Ames, spoke about the south campus neighborhood, and the presence of immediate towing signs during Cyclone Welcome Weekend. She shared her opinion

that these signs communicate unwelcoming and threatening themes to new students and their parents. She furthered her concern highlighting that there is a double standard when it comes to home football games for Iowa State University, when the immediate towing signs are not present. She asked that the City Council rescind or revise the ordinance that addresses immediate towing.

Mayor Haila closed the Public Forum when no one else came forward to speak.

STAFF REPORT ON DOWNTOWN STAKEHOLDER DEVELOPMENT AND REDEVELOPMENT OUTREACH: Planning and Housing Director Kelly Diekmann presented the staff report. The City Council Members engaged in robust discussion and had questions answered by Director Diekmann along with Planner Benjamin Campbell, Fire Chief Rich Higgins, and Ames Economic Development Commission representative Dylan Kline.

The Public Input was opened by Mayor Haila.

Sam Stagg, President of Ames Main Street, shared his gratitude for the time the City Council and City staff dedicated to collaborating on the issues relevant to the downtown district. He discussed the visioning process for downtown, highlighting the ways downtown can promote development and redevelopment.

The Public Input was closed by Mayor Haila when no one else came forward to speak.

Moved by Rollins, seconded by Beatty-Hansen, to proceed with 3-, 5-, and 10-year Tax Abatement schedule options.

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

Moved by Betcher, seconded by Beatty-Hansen, that any property that has an identified contributing resource within a Local or National Historic District would be ineligible for Tax Abatement if demolished.

Vote on Motion: 4-2, Corrieri and Gartin dissenting. Motion declared carried.

Moved by Betcher, seconded by Gartin, that Tax Abatement should not be tied to façade grant improvements or existing compliant historic façade design.

Motion withdrawn.

Moved by Betcher, seconded by Gartin, to request that staff report back to the City Council with language that expands the opportunity for Tax Abatement to interior and/or exterior projects with limiting principles.

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

Moved by Gartin, seconded by Corrieri, to request that staff report back to the City Council with a proposal on how to integrate energy efficiency as an additional component to the eligibility requirement.

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

Moved by Corrieri, seconded by Betcher, to add Residential to the list of eligible uses.

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

Moved by Corrieri, seconded by Betcher, to place on a future agenda discussion of the items listed in the report from the Ames Main Street under the section titled “Flexibility.”

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

Moved by Gartin, seconded by Corrieri, to request that staff report back to the City Council with options to delegate the approval process of the Façade Grant Program to the staff level, with information on what an appeal process would entail.

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

Moved by Betcher, seconded by Junck, to request that the Inspections Division work to develop an enhanced education program for the International Existing Building Code and share that with stakeholders.

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

STAFF REPORT ON PAVING REQUIREMENT FOR CEDAR LANE RELATED TO THE ANSLEY DEVELOPMENT: Director Diekmann and Planner Campbell presented the staff report. Since the property owner was not present at the meeting to answer questions, the members of the City Council agreed that it would be best to table the vote.

Moved by Betcher, seconded by Corrieri, to table the item to the September 12 or September 26, 2023, meeting.

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

ZONING TEXT AMENDMENT TO ALLOW FOR ELECTRIC VEHICLE CHARGING RELATED EQUIPMENT ENCROACHMENTS: Director Diekmann presented the Council Action Form (CAF).

Mayor Haila opened and closed the Public Input when no one came forward to speak.

Moved by Beatty-Hansen, seconded by Gartin, to initiate a Zoning Text Amendment to allow for electric vehicle charging related equipment encroachments to be exempt from the landscape area calculation.

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

NORTH DAYTON AVENUE INDUSTRIAL PARK: Director Diekmann presented the CAF.

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

Moved by Betcher, seconded by Corrieri, to adopt RESOLUTION NO. 23-466 approving amendment for the North Dayton Avenue Industrial Park Tax Increment Financing (TIF) Agreement Speculative Building Extension.

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

UNIT 7 AIR HEATER BASKETS FOR THE POWER PLANT: Director of Electric Services Don Kom presented the CAF.

Mayor Haila opened and closed the Public Input when no one came forward to speak.

Moved by Gartin, seconded by Rollins, to adopt RESOLUTION NO. 23-467 waiving the City's Purchasing Policies and Procedures requirement for formal bidding requirements and awarding a single source purchase.

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

Moved by Betcher, seconded by Rollins, to adopt RESOLUTION NO. 23-468 awarding contract to Arvos Ljungstrom for the purchase of air heater baskets for the Power Plant in the amount of \$338,141.40 (inclusive of sales tax).

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

SANDS-MCDORMAN PROPERTY: Director of Parks and Recreation Keith Abraham was available for questions.

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

Moved by Junck, seconded by Betcher, to adopt RESOLUTION NO. 23-469 approving purchase agreement for the Sands-McDorman Property at 5658 Ontario Street for the price of \$1,146,474.

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

HEARING ON NUISANCE ASSESSMENTS: Mayor Haila opened and closed the Public Hearing when no one came forward to speak.

Moved by Gartin, seconded by Junck, to adopt RESOLUTION NO. 23-470 assessing cost of snow/ice removal and removal of vegetation in right of way and certifying assessments to Story County Treasurer.

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

SECOND READING OF THE MINIMUM EXTERIOR PROPERTY MAINTENANCE ORDINANCE: Chief Higgins and Building Official Sarah Van Meeteren presented the CAF.

Moved by Rollins, seconded by Betcher, to amend Section 30.5 subparagraph three to strike “yard waste bag” from the ordinance.

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

Moved by Betcher, seconded by Junck, to add a provision that the effective date of the ordinance would be January 1, 2024.

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

Moved by Betcher, seconded by Corrieri, to amend the ordinance to strike Section 22.

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

Moved by Betcher, seconded by Rollins, to amend the ordinance to re-establish Section 22 so it reads “travel trailers, recreational vehicles, boats, or boat trailers not in compliance with Ames Municipal Code Section 29.406(19) Manufactured Home, Mobile Home, and Recreational Vehicle Parking.”

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

Moved by Betcher, seconded by Rollins, to pass on second reading an ordinance relating to Minimum Exterior Property Maintenance as amended.

Roll Call Vote: 5-1, Gartin dissenting. Motion declared carried.

THIRD READING AND ADOPTION OF ORDINANCE NO. 4509 ON ZONING TEXT AMENDMENT TO ALLOW FOR SPORTS PRACTICE FACILITY AS A USE WITHIN THE GENERAL INDUSTRIAL (GI) ZONING DISTRICT OF SECTION 29.901 OF THE AMES MUNICIPAL CODE: Moved by Corrieri, seconded by Betcher, to pass on third reading and adopt ORDINANCE NO. 4509.

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

DISPOSITION OF COMMUNICATIONS TO COUNCIL: Mayor Haila noted that there were four communications to consider.

The first was a letter from Justin Dodge of Hunziker companies concerning the proposed design standards for duplexes. Mayor Haila noted that this item was for information purposes only.

Next was a letter from the residents representing the Chautauqua Park and Ridgewood Addition neighborhoods as a follow-up regarding the grant application nominating the Chautauqua Park and Ridgewood Addition to the National Register of Historic Places.

Moved by Betcher, seconded by Beatty-Hansen, to request a memo from staff.

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

An email from Bob and Sam Shaffer was the third item, requesting an exemption for paving and sanitary sewer improvements for the property located at 1923 Pullman Street.
Moved by Betcher, seconded by Rollins, to request a memo from staff.
Vote on Motion: 6-0. Motion declared carried unanimously.

The last item was a staff report from Director Diekmann relating to the request to amend the Auburn Trail Contract Rezoning Agreement for a Shared Use Path.
Moved by Betcher, seconded by Rollins, to place the item on a future agenda.
Vote on Motion: 6-0. Motion declared carried unanimously.

COUNCIL COMMENTS: The Mayor and Council Members reported on various meetings attended, upcoming meetings, community events, and items of interest.

Moved by Beatty-Hansen, seconded by Junck, to direct the Mayor to respond to Marilyn Devick in response to her comment at Public Forum.
Vote on Motion: 6-0. Motion declared carried unanimously.

CLOSED SESSION: Mayor Haila asked City Attorney Mark Lambert if there was a legal reason to go into Closed Session. Attorney Lambert replied in the affirmative, citing Section 21.5(1)(c), *Code of Iowa*, to discuss matters presently in or threatened to be in litigation.

Moved by Gartin, seconded by Betcher, to go into closed session at 8:27 p.m.
Roll Call Vote: 6-0. Motion declared carried unanimously.

The City Council reconvened in Regular Session at 8:49 p.m.

Moved by Betcher, seconded by Junck, to pursue the course of action as determined in the Closed Session.
Roll Call Vote: 5-1, Gartin dissenting. Motion declared carried.

ADJOURNMENT: Moved by Betcher, seconded by Junck, to adjourn at 8:51 p.m.
Vote on Motion: 6-0. Motion declared carried unanimously.

Carly M. Watson, Deputy City Clerk

John A. Haila, Mayor

Renee Hall, City Clerk