

**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 18, 2023

The Ames Area Metropolitan Planning Organization (AAMPO) Transportation Policy Committee meeting was called to order by Ames Mayor Pro Tem and voting member Gloria Betcher at 6:00 p.m. on the 18th day of July, 2023. Other voting members present were: Bronwyn Beatty-Hansen, City of Ames; Amber Corrieri, City of Ames; Rachel Junck, City of Ames; Anita Rollins, City of Ames; and Linda Murken, Story County Board of Supervisors. Ames Transit Agency Representative Jian Janes was brought in telephonically. Ames Mayor and voting member John Haila was absent. Voting member Tim Gartin, City of Ames; entered the meeting at 6:01 p.m.

PRESENTATION OF FINDINGS OF 190TH STREET CORRIDOR STUDY: Traffic Engineer Damion Pregitzer discussed the background of the study and shared that the focus was on solving capacity issues with anticipated growth based on the “Forward 2045” plan. He also reminded the Committee that this was a potential conceptual project to be utilized for long range planning. Consultant Senior Traffic Engineer Jennifer McCoy, of Bolton & Menk, presented the findings and technical analysis. The study covered the 190th Street Corridor from George Washington Carver Avenue to US 69/Grand Avenue while focusing on the three main intersections’ existing and forecasted traffic operations.

Ms. McCoy detailed the stakeholder outreach completed by Bolton & Menk. The main themes from respondents were needs for more lighting, more bike/pedestrian infrastructure, speeding, roundabouts, and school-related traffic concerns. For each intersection signal and roundabout alternative studies were completed, then scored based on criteria developed by the consulting firm. Cost, efficiency, safety, pedestrian crossing, peak vehicle delays and queues, and emission impacts were all considered. Ms. McCoy shared the projected timelines these improvements would be needed, noting that future Capital Improvements Plans (CIP) would need to accommodate for these projects in the coming years, as improvements were needed as soon as 2030 at all three intersections.

Another aspect noted in the presentation was the jurisdiction of each intersection. Engineer Pregitzer noted these projected jurisdiction shares were based on existing cost-share agreements, but noted that could change based on actual construction, costs, and where the design would require expansion. Ms. McCoy clarified for Council Member Junck that the projected construction costs did include rough estimates for land purchase, but that would be subject to change as construction plans were made more specific. Council Member Gartin asked how projected traffic was generated, as there was a lot of weight on the Committee to “get these plans right.” Ms. McCoy shared it was based on the Forward 2045 plan provided by Traffic Engineer Kyle Thompson.

Engineer Pregitzer answered a question from Mayor Pro Tem Betcher on impacts of projected declining private vehicle ownership, explaining that the long-range planning numbers are based on Department of Transportation (DOT) recommendations, and the DOT has not yet given the recommendation to plan on less private vehicle ownership. He then clarified that the DOT does take into consideration the age of existing vehicles and trends in electric vehicles when developing their emission method models. Committee Member Murken inquired about potential safety concerns if both roundabouts and signals were used in the same corridor. Ms. McCoy stated that there was enough distance between the intersections that no complications of that nature were predicted. Engineer Pregitzer noted there had been no complaints in the Iowa State University (ISU) Research Park area where roundabouts were used in answer to Committee Member Janes question of safety with constant student turnover in the area.

Ms. McCoy shared the Committee has an opportunity to define access management in the area for future development in the area. Engineer Pregitzer noted that these models assumed urbanization would be happening in these areas, but there was no engineering done on that aspect. These studies were to be used to set an expectation as development occurs. Ms. McCoy presented a potential implementation plan to help guide future planning, sharing that these were only recommendations on how projects could be added into the long-range plan based on the predicted timeframes the project would be needed. Engineer Pregitzer stated that this table assumed no constraints on time or funding and thus would need to be adjusted.

Mayor Pro Tem Betcher presented questions and concerns on behalf of Mayor Jon Popp of Gilbert, who was not able to attend. Engineer Pregitzer and Ms. McCoy spoke to those concerns and provided further background information to the rest of the Committee. It was shared that the Climate Action Plan accepted by the City of Ames was not an MPO document, and thus was not factored into this study. The involvement of the DOT was highlighted as a valued partnership that was intertwined extensively but was not mentioned in detail in the report as it was an assumption of the study.

Mayor Pro Tem Betcher also noted that accepting the plan did not commit the Committee to carrying it out in the way the report suggested. Engineer Pregitzer noted that there was no timeframe restraint on accepting the report, but that the basis for not accepting reports was usually that there was a technical error. The Committee debated the merit of accepting the report or tabling the vote until the next meeting.

Moved by Gartin, seconded by Corrieri, to accept the report.

Vote on Motion: 2-6. Voting Aye: Corrieri, Gartin. Voting Nay: Betcher, Beatty-Hansen, Janes, Junck, Murken, and Rollins. Motion failed.

Moved by Junck, seconded by Murken, to table the vote to August 8, 2023.

Vote on Motion: 6-2. Voting Aye: Betcher, Beatty-Hansen, Janes, Junck, Murken, and Rollins. Voting Nay: Corrieri, Gartin. Motion passed.

Moved by Murken, seconded by Janes, to review MPO documents that constitute the organization.

Motion withdrawn.

Committee Member Corrieri noted that the bylaws for the organization were available on the City of Ames website for review.

Traffic Engineer Thompson confirmed that the next AAMPO meeting would be held August 8, 2023, due to a DOT request for a TIP amendment.

PRESENTATION OF FINDINGS OF S. DUFF AVENUE INTERCHANGE AND CORRIDOR STUDY: Consultant Mike Forsburg of HDR presented the background and findings of the study. He highlighted that S. Duff and Airport Road, including the US 30 interchange, was the most heavily traveled service interchange in Ames, and that there were currently inefficient operations due to the configurations of the interchange. This area was also noted as being an area where significant growth was expected to necessitate updates in the next 20-25 years. Mr. Forsburg shared the goals of the study were to reduce delays and queuing, improve safety, prepare for future growth, improve multi-modal facilities, and better accommodate event traffic. He highlighted current planned improvements in the area that the study took into consideration when preparing the report.

Mr. Forsburg presented the factors that were evaluated in the corridor assessment: traffic forecasts, operations, safety, and multimodal interactions, highlighting how the project goals were used to evaluate any future changes. The two alternatives identified as being the most viable were a single point interchange and a diverging diamond point interchange. He highlighted the strengths and weaknesses of each option, as well as the cost and additional work needed for each option. Mr. Forsburg explained diverging diamond point interchanges were becoming more popular in peer communities and were expected to become more widespread throughout the United States in the coming years. It also had the advantage of being less expensive, though it would add another traffic signal.

The study also identified build alternatives already in the CIP for the City of Ames at Airport Road that would tie into easing traffic stressors in the corridor. Additional build alternatives that could be included in conjunction with the planned CIP were also identified. Civil Engineer Mark Gansen shared that a Request for Proposals (RFP) would be issued for the design work for these projects, at which point the City would reach out to stakeholders. Build alternatives for S 16th Street were evaluated and presented as well. Mr. Forsburg presented the final evaluation that used the project goals as well as fuel efficiency/emissions, public acceptance, and planning level costs to rank each option. The results were compared to a no-build scenario where nothing new was implemented, with the diverging diamond interchange being the best overall option.

Mr. Forsburg stated that through stress tests, HDR was able to determine that either option would handle more than a 20% increase in what was observed during peak afternoon traffic averages. He shared this increases the resilience of the system with the adaptive signal technology and additional capacity. Engineer Pregitzer noted that other projects were being planned around Iowa State

University and the addition of lanes on S. Duff would lessen the pinch point for event traffic by allowing all available tools to be leveraged.

Mayor Pro Tem Betcher inquired what extent the added DOT costs for the single point intersection mean for the ability of the MPO to select an option, versus having one selected by default based on cost. Engineer Pregitzer stated that the State of Iowa has its own DOT priorities, so the more the MPO is able to collaborate with the wishes of the DOT and the growth needs of the MPO, the more likely the area is to see their projects being programmed. Mr. Forsburg expressed his belief that selecting the more expensive option may result in a larger cost share for the City or delayed programming. He also shared that the fuel efficiencies for both interchange options were very close. For cost estimates, Mr. Forsburg stated the potential cost share responsibility for the City was 50% but may change depending on Federal and State grants. He furthered that the MPO's was competing at a local level for funding, with statewide competition for DOT funds, and national competition for any discretionary funding.

Moved by Gartin, seconded by Rollins, to accept the report.

Vote on Motion: 8-0. Motion declared passed unanimously.

POLICY COMMITTEE COMMENTS: Council Member Gartin shared a reminder that the long-range growth plan is to add 15,000 people to the community, which requires balance between housing availability and transportation to support climate change goals.

ADJOURNMENT: Moved by Murken, seconded by Junck, to adjourn the meeting at 7:43 p.m.

Vote on Motion: 8-0. Motion declared carried unanimously.

MINUTES OF THE REGULAR MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

JULY 18, 2023

The Regular Meeting of the Ames City Council was called to order by Mayor Pro Tem Gloria Betcher at 7:50 p.m. on the 18th day of July, 2023, 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, Rachel Junck, and Anita Rollins. *Ex officio* Tabitha Etten was also present. Mayor John Haila was absent.

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

1. Motion approving payment of claims
2. Motion approving new 5-Day (September 3 – September 7, 2023) Class C Retail Alcohol License with Outdoor Service – Apres Bar Co., 2015 Cessna Street
3. Motion approving the renewal of the following Beer Permits, Wine Permits and Liquor Licenses:

- a. Class C Liquor License with Catering Privilege and Outdoor Service – Cyclone Experience Network, 1800 S 4th Street, Pending Dramshop Status
- b. Class C Liquor License – Hy-Vee Market Grille, 640 Lincoln Way
- c. Class E Liquor License – Fareway Meat Market #189, 3720 Lincoln Way
- d. Class C Liquor License with Catering Privilege and Outdoor Service – Sweet Carolines, 316 Main Street
- e. Class C Liquor License with Catering Privilege and Outdoor Service – The Mucky Duck Pub, 3100 S. Duff Avenue, Pending Dramshop Status
- f. Class E Liquor License – Kum & Go #1215, 4506 Lincoln Way
- g. Class C Liquor License – El Azteca, 2120 Isaac Newton Drive
- h. Special Class C Liquor License – Hickory Park Restaurant, 1404 S. Duff Avenue
- i. Special Class C Retail Alcohol License – Botanero Latino, 604 East Lincoln Way, Pending Dramshop Status
4. RESOLUTION NO. 23-410 approving request to join the Mid-Iowa Planning Alliance through June 30, 2024, in the amount of \$9,965.00
5. RESOLUTION NO. 23-411 approving Quarterly Investment Report for period ending June 30, 2023
6. RESOLUTION NO. 23-412 designating a City Staff member to serve in lieu of the appointed member of City Council for the Ioway Creek Watershed Management Authority and Headwaters of the South Skunk Watershed Management Authority
7. RESOLUTION NO. 23-413 authorizing the Mayor to sign “Certification of Local Government Approval” on behalf of local nonprofit organizations applying for Emergency Shelter Grant (ESG) Funds
8. Requests from Octagon Center for the Arts for Octagon Art Festival on Sunday, September 24, 2023
 - a. Motion approving a blanket Temporary Obstruction Permit and a blanket Vending License for the Central Business District
 - b. RESOLUTION NO. 23-414 approving closure of the following streets from 5:00 a.m. to 6:00 p.m.
 - i. Main Street, east of Clark to just west of Duff Avenue
 - ii. Douglas Avenue between 5th Street and Main Street
 - iii. Kellogg Avenue between south of the alley and Main Street
 - iv. Burnett Avenue between south of the alley and Main Street
 - c. RESOLUTION NO. 23-415 approving waiver of fee for blanket Vending License
 - d. RESOLUTION NO. 23-416 allowing usage of electricity and approving waiver of costs of electricity
9. Requests for ECO Fair on Saturday, September 30, 2023:
 - a. Motion approving blanket Temporary Obstruction Permit
 - b. Motion approving blanket Vending License
 - c. RESOLUTION NO. 23-417 approving closure of 5th Street from Pearle Avenue to Clark Avenue from 7:00 a.m. to 2:00 p.m. on Saturday, September 30
 - d. RESOLUTION NO. 23-418 approving closure of 35 metered spaces along 5th Street from 7:00 a.m. to 2:00 p.m. on Saturday, September 30.
 - e. RESOLUTION NO. 23-419 approving waiver of Vending License fee
 - f. RESOLUTION NO. 23-420 approving waiver of parking meter fees
10. Underground Trenching Contract for Electric Services:

- a. RESOLUTION NO. 23-421 approving contract renewal and bond with Ames Trenching & Excavating of Ames, Iowa from date of award through June 30, 2024, in an amount not to exceed \$400,000
- b. RESOLUTION NO. 23-422 approving renewal of secondary contract and bond with Zoske Electrical Services, Inc., of Iowa Falls, Iowa, from date of award through June 30, 2024, in an amount not to exceed \$100,000
- 11. Milsoft Utility Solutions for Electric Services:
 - a. RESOLUTION NO. 23-423 waiving purchasing policies and procedure requirements for competitive bidding to award a single source procurement
 - b. RESOLUTION NO. 23-424 awarding contract to Milsoft Utility Solutions, Abilene, Texas for Computerized Outage Management System for the Power Plant in the amount of \$58,826.46
- 12. RESOLUTION NO. 23-425 authorizing Change Order No.1 to Incorp Industries, LLC of Evansville, Indiana for \$ 226,500 (inclusive of sales tax) for extra work on the Unit 8 Electrostatic Precipitator Insulation and Lagging Project
- 13. RESOLUTION NO. 23-426 approving Professional Service Agreement No. 1 with WHKS & Co. of Ames, Iowa for the 2022/23 Sanitary Sewer Rehabilitation Construction Observation, thereby adding US Highway 69 project location to contract, in the amount of \$79,500
- 14. RESOLUTION NO. 23-427 accepting year one of the five-year Water Plant Well Rehabilitation Contract as completed by Northway Well and Pump Company of Waukee, Iowa in the amount of \$141,377.00

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 Pro Tem Betcher opened the Public Forum.

Richard Deyo, 505 8th Street Apt. #2, Ames, discussed his concerns about clothing requirements in Council Chambers.

Mayor Pro Tem Betcher closed the Public Forum when no one else came forward to speak.

ES TAS LIQUOR LICENSE: Chief of Police Geoff Huff presented the Council Action Form (CAF). He explained in the previous 12 months that officers have cited 60 individuals for being on-premises underage. In March 2023, Es Tas was granted 50/50 status by the Police Department, as it demonstrated 50% of its business was food sales until 8:30 p.m. Chief Huff explained 50/50 exemption, where a bar may allow minors before a certain time if their food sales are 50% or greater than the establishment's total sales. He furthered that it is the responsibility of the establishment to remove the minors after the set time. Es Tas submitted a plan to the Chief of Police regarding how it would keep minors from being served alcohol. The plan provided by the establishment was voluntarily more conservative than what would be permitted by the Police as Es Tas management decided to only allow those 21 and over on weekend nights around 3:00 p.m. and weekdays around 5:00 p.m. Es Tas was within its rights to elect an earlier time to disallow those under 21 in the bar, so long as the cut-off time is posted within the establishment. Chief Huff

emphasized it is a clear responsibility of the establishment to remove anyone under 21 from the premises when the cut-off time occurs.

In preparation for this license renewal, Police conducted the customary check of records. This check identified the 60 violations mentioned previously. Of these violations, 21 occurred after the 50/50 status went into effect. On June 30, 2023, staff from the Police Department conducted a compliance check. Two underage people entered Es Tas at 2:30 p.m. The sign posted stated the bar was 21 and over starting at 3:00 p.m. At 3:00 p.m., no effort was made by Es Tas staff to remove minors from the establishment as required by the 50/50 agreement. At 3:15 p.m., one of the minors approached the bar and purchased an alcoholic beverage. The bartender asked for ID, but overlooked the person was under the age of 21 and served the person. When officers cited the bartender, the bartender stated that she had worked for Es Tas for 2 ½ years and was unaware of the times the establishment goes to 21 and over. Another notable issue was that when officers were administering citations, there were several times there was no manager available to notify. On July 7, 2023, Chief Huff spoke with Terry Cullen, the owner of Es Tas, and revoked the bar's 50/50 status for failure to uphold the agreement. Mr. Cullen informed the Chief that he would not be appealing this decision. Chief Huff walked through the approval process, as well as next steps if the license was denied.

Mayor Pro Tem Betcher opened the Public Input.

Luke Craven, 699 Walnut Street, Des Moines, spoke in favor of renewing the liquor license as the attorney representing Es Tas. He noted that Es Tas has been part of the community for over 20 years, and this is the first time a compliance check has been failed by the establishment. Mr. Craven stated Es Tas was desired an opportunity to correct the deficiencies noted by Chief Huff in his report. Mr. Craven said that it was startling to Es Tas that they were not made of those violations. He furthered questioned why the 50/50 exemption was granted if the violation count was so high. Mr. Craven advocated against what he viewed as a "zero-tolerance policy" if the City Council were to deny the license renewal based on these circumstances. He further explained the minor who was served alcohol was close to 21 and it was a simple bartender error. Mr. Craven expressed the commitment of Es Tas to correcting errors in checking IDs, by going back to being 21 and over at all times, hiring a new door manager, and new general manager to be present at all times. He added all employees have taken Iowa Program for Alcohol Compliance Training (I-PACT) training and attended ID trainings administered by the Police Department, and all new employees will be required to do the same.

Mayor Pro Tem Betcher stated that this was not a zero-tolerance policy because the bar would still be able to apply for an eight-month license. Instead of denying the license, Mr. Craven asked the City Council to table the vote until August 8, 2023, to allow the establishment to submit an eight-month license request. He stated that it would be easier for the bar to get through the application process for Alcohol Beverages Division (ABD) if there were not a denial on its record, as well as financial and time commitments on the behalf of the bar.

Chief Huff was available for follow up questions from the City Council based on Mr. Craven's statements. He noted that part of the reason the 60 violations were not raising red flags earlier was because there were only about 20 calls for service. However, at each of these calls, there were two to four people cited, which led to an unusually high number of violations. As another point of clarification, Chief Huff stated that each time an officer writes an on-premises violation that they notify the manager, or whoever may be in charge at the establishment, to show them the ID used. He again noted that there were several times that no manager was available to be notified, and how bar staff relayed that information to management or ownership was out of the officer's hands. Chief Huff stated part of the issue facing the bar was they now had a reputation as a place minors could get in, which was only exacerbating the issue.

Council Member Corrieri questioned if there was any opportunity to impose the same settlement agreement that had recently been reached with another establishment. City Attorney Mark Lambert stated he would need to do further research before giving an answer, but that this was a different process than the previous bar as they had appealed the decision to ABD. In response to Mayor Pro Tem Betcher, Chief Huff stated that the steps Es Tas had reportedly taken since their notification of the revocation of the 50/50 license is what he would expect to see. Council Member Rollins noted that Chief Huff had given Es Tas guidelines to help govern the 50/50 implementation, and that those had not been followed. Council Member Junck questioned if any other bars had expressed concern over the turn around time on applying for an eight-month license, to which Chief Huff responded the process was "simple enough" and there had been no other complaints.

Mayor Pro Tem Betcher closed the Public Input when no one else came forward to speak.

Council Member Gartin expressed his belief that it was a poor argument to blame the Police Department, and that with the length of time this bar has been open, they should know the ropes of how to operate. He shared his optimism that the bar would move forward with these changes and be able to operate successfully.

Moved by Gartin, seconded by Beatty-Hansen, to deny renewal of Class C Retail Alcohol License – Terry & Andy's Tacos Inc. (Es Tas) 216 Stanton Avenue, Pending Dramshop Status.
Roll Call Vote: 6-0. Motion declared carried unanimously.

FIRST READING OF MINIMUM EXTERIOR PROPERTY MAINTENANCE ORDINANCE: Mayor Pro Tem Betcher read a letter from Mayor Haila outlining the history of the proposed property maintenance code and proposed the option to continue the hearing on the Minimum Exterior Property Maintenance Ordinance to the next Regular City Council meeting on August 8, 2023, to allow for additional Public Input. Mayor Pro Tem Betcher also reiterated the commitment of the City Council to helping to provide funding for those in need, and that City staff will come back with options. Council Member Corrieri responded to concerns over the potential costs associated with making necessary repairs for compliance with the ordinance that the City Council already funded the Story County Housing Trust Fund, which assists in helping with owner occupied repairs for those in need. She furthered that this funding had been in place for five to six years and was very successful.

Moved by Junck, seconded by Beatty-Hansen, to approve Alternative 2, to continue Public Hearing to August 8, 2023.

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

Fire Chief Rich Higgins and Building Official Sara Van Meeteren presented on the proposed Minimum Exterior Property Maintenance Ordinance and the misconceptions that have been heard in the community. Chief Higgins stated his gratitude to the City Council for continuing the Public Hearing so more feedback could be gathered, as citizen feedback is the main driver of the work done by the City. He reminded the City Council as well that updates could be made to the ordinance as staff learned more about the needs of the community through enforcement.

Building Official Van Meeteren laid out the goals of the ordinance which include: consolidate current code language, align with rental code, maintain existing houses before becoming dilapidated, and to be consistent with other municipalities/peer communities. She also noted that Property Maintenance ordinance from Cedar Falls was the template for the proposed one before the City Council, and that City staff were already a part of the Iowa Association of Code Enforcement (ACE) program, and the suggestions in the proposed ordinance were in line with those guidelines. Outreach opportunities that were completed were also highlighted, as well as current enforcement numbers. Building Official Van Meeteren stated only two citations were issued from over 573 complaints and said this helped demonstrate that City staff had an “education first” philosophy. She then walked through the appeals process to highlight the process available to those who felt that City staff had incorrectly interpreted the *Municipal Code*.

Chief Higgins noted that City staff anticipated a roll out date would likely occur next year to allow time to get a board in place and be able to work effectively. Areas being consolidated in the proposed ordinance include yard waste, weeds, and consistent materials. Chief Higgins shared that several of these issues had weather concerns factored into them, as those issues could lead to unsafe conditions or having a residence that is not weathertight. After discussion over the intended meaning behind the term “consistent materials,” a working definition of “materials used for their intended purpose” was decided on showcasing the intent of the phrase. Chief Higgins suggested that “like materials” was another way to make clear what the ordinance was attempting to accomplish. Building Official Van Meeteren stated that City staff was doing their best to be very clear in the language of the ordinance and what the intent was so that future administrations could use that to guide their application of the ordinance as well. She also shared that safety was the primary concern of the ordinance.

Council Member Gartin inquired about possible impacts to the amount of full-time employee’s (FTEs) needed to aid in enforcement in the Inspections Division. Building Official Van Meeteren clarified that since almost all areas of the suggested ordinance were already in the *Municipal Code*, she was not anticipating a big change in the number of complaints or a need for increased FTEs. The one area where she anticipated more complaints may be registered was for grass, as homeowners would be required to keep their lawns mowed to the same standards as rental properties.

Mayor Pro Tem Betcher asked if the City Council had any motions or alterations regarding the proposed ordinance. Council Member Beatty-Hansen noted that she had several motions she would like to see if the rest of the City Council would support. She shared these suggestions were in an effort to clarify the intent of the ordinance, while addressing some of the misconceptions around the purpose of the ordinance.

Moved by Beatty-Hansen, seconded by Corrieri, to change Section 17a to read “roofing materials shall be in good condition and made up of materials appropriate to the application,” and remove “consistent coloration.”

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

Moved by Beatty-Hansen, seconded by Corrieri, to change Section 17c to take out “in good condition.”

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

Moved by Beatty-Hansen, seconded by Junck, to amend the wording of 17d to read “exterior walls are free of holes and made of material appropriate to the application” and remove everything else.

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

Moved by Beatty-Hansen, seconded by Corrieri, to amend the wording in the first sentence of Section 17h to remove the phrase after “intact” (not in a condition of deterioration, are of uniform coloration and are not patched with dissimilar materials) and remove “no flaking or chipped paint or outer loose material dominates or detracts from the exterior appearance of the structure.”

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

Council Member Gartin asked Building Official Van Meeteren to verify if these changes still allowed City staff to enforce if a paint issue became a damage to the structure. Building Official Van Meeteren affirmed that staff would still be able to enforce based on the safety of the structure, and that education provided to residents staff were working with on a complaint would remain a key aspect of the process.

Moved by Beatty-Hansen, seconded by Junck, to amend the wording of Section 17i’s last sentence to read “all fencing shall be of materials appropriate to the application.”

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

Moved by Beatty-Hansen, seconded by Rollins, to amend Section 30.5, Item 3 to say, “longer than 60 days.”

Motion withdrawn.

Council Member Beatty-Hansen expressed her desire to have something in the *Municipal Code* that codified a longer period for yard waste removal, with the example of if a tree branch were to fall in the middle of winter, the resident wouldn’t be expected to remove it within that time frame. Building Official Van Meeteren clarified that from an enforcement standpoint, 72 hours is already

the maximum amount of time staff can enforce within the requirements needed to take a case to court. Council Member Corrieri also noted that the alteration would require a change in the current *Municipal Code* as well as the proposed ordinance. Council Member Junck suggested adding some language that outlined that education is the priority before citation, while Council Member Corrieri noted that would be more of an internal policy to give staff the continued ability to enforce.

Moved by Beatty-Hansen, seconded by Rollins, to amend the wording of Section 13 to say, “noxious weeds or those deemed invasive by the City Forester.”

Vote on Motion: 5-1. Voting Aye: Betcher, Beatty-Hansen, Corrieri, Junck, and Rollins. Voting Nay: Gartin.

Motion declared carried.

Council Member Beatty-Hansen shared her belief that defining a weed would be very tricky and it may be better to defer back to the State of Iowa. Building Official Van Meeteren noted the State Code section on noxious weeds had not been updated in years, and she believed it would be better to defer to the City Forester. Council Member Gartin asked the City Council to consider the implications of allowing weeds to be above 12 inches, but not allowing the same for turf grasses.

The Public Hearing was opened by Mayor Pro Tem Betcher.

Ann Rezarch, 1414 Kellogg Avenue, Ames, stated the ordinance should be written and communicated so that a person does not have to be present at the meeting to have it make sense. She also thanked the City Council for the work that had already been done to address the some of the concerns she came to discuss. Ms. Rezarch encouraged the City Council to make the ordinance equitable. Ms. Rezarch also expressed concern over the rigidity of the language in the ordinance and expressed additional concerns over the appeals process. She noted that pitting neighbor against neighbor is a dangerous move, and that being flexible with enforcement would upset those making complaints.

Keith Kutz, 621 7th Street, Ames, shared he supported the spirit of the ordinance where it addressed public health and infrastructure, but thought problems arose when the ordinance crossed over into subjective. He stated public nuisances were intended to be those who impacted large groups of people and asked the City Council to consider if this ordinance addressed public nuisances or private ones. Mr. Kutz asked for clear definitions for terms used in the ordinance. He asked that property value concerns be taken out of Section 30.1. Mr. Kutz thanked the City Council for the work that had already been done to address the some of the concerns he came to discuss.

Austin Stewart, 437 Hilltop Avenue, Ames, stated he was concerned with protecting the vulnerable members of the community, and unless there was a guarantee to have assistance or some sort of program to help people maintain these expectations, the ordinance was punitive. He also expressed his belief that the complaint-based system was divisive and would have consequences for neighborhoods. Mr. Stewart also noted the subjectiveness of the definition of a nuisance as injurious to the senses was a very broad definition.

Brenda Kutz, 621 7th Street, Ames, thanked the City Council for addressing several of her concerns already. She stated her concern for the health of trees in the community with the proposed pruning requirements for trees over sidewalks and the street, and the City's status as a Tree City.

Sharon Stewart, 437 Hilltop Avenue, Ames, shared her experience with an Appeals Board being so specific that the intention was lost, and basing enforcement on the intention alone would be dangerous. In Section 3.8, she expressed concerns over the imposition of fines. Ms. Stewart shared the need to focus on being kind to each other, reach out, and help each other and her belief that was what the City Council should be encouraging.

Robbie Wessel Kroeschell, 771 7th Street, Ames, shared the potential of needing to add more staff time for enforcement and inspections does not seem like something that can be ignored.

Jeri Neal, 916 Ridgewood Avenue, Ames, advocated for oversight of the complaint process. She encouraged staff that it seems crucial to have accessible, well-defined pathways to have approval given for exceptions before action is taken on a property. The danger of losing individual beauty in neighborhoods was a concern for Ms. Neal as well. She thanked the City Council for clarifying the intent of the ordinance and extending the comment period.

Mayor Pro Tem Betcher closed the Public Hearing for this meeting when no one else came forward to speak, while noting the Public Hearing would be continued on August 8, 2023.

Moved by Junck, seconded by Beatty-Hansen, to have Section 30.1 state "The purpose of this chapter is to protect the health, welfare, and safety of the citizens of the City of Ames by establishing minimum property maintenance standards; to provide for the removal of nuisances as defined in this chapter; and for the enforcement and penalties for violation hereof."

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

Council Member Gartin asked City staff to speak to the intent of originally mentioning property value in Section 30.1. Building Official Van Meeteren stated it was part of the ordinance in Cedar Falls that staff based the proposed ordinance on, but that staff was open to removing the phrase to make the proposed ordinance better suit the needs of the Ames community. Mayor Pro Tem Betcher shared that enforcement through the Property Maintenance code also helps protect the integrity of affordable housing in the community by keeping older homes in habitable condition.

Moved by Corrieri, seconded by Junck, to insert language that the "property remain fit for occupancy" in Section 30.1.

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

Council Member Rollins expressed her concern over the fine amount, stating that oftentimes those in marginalized groups would have the most trouble paying the fee, and may be disproportionately affected by enforcement of the proposed ordinance.

Moved by Rollins, seconded by Beatty-Hansen, to reduce penalties in Section 30.3 to \$50 fine for a first infraction, and subsequent infraction fines being \$100.

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

Moved by Rollins, seconded by Beatty-Hansen, to have staff reevaluate the subjectiveness of the definition of injurious in Section 30.5.

Motion withdrawn.

During the discussion around the previous motion, Building Official Van Meeteren stated that the first sentence could be struck from that section entirely, as the subsections are used to define what is meant by nuisance in the ordinance.

Moved by Rollins, seconded by Beatty-Hansen, to have Section 30.5 state only “nuisances shall include the following.”

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

Mayor Pro Tem Betcher noted that there had been questions raised previously regarding dead trees on private property that may pose a danger to the property of others.

Moved by Betcher, seconded by Corrieri, to request staff bring back language that covers dead trees on private property that could endanger the property of others.

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

FIRST READING OF AN ORDINANCE AMENDING AMES *MUNICIPAL CODE* SECTION 11.4 REGARDING URINATION AND DEFECATION: Chief Huff presented the background of what necessitated this amendment, and stated this it would close a loophole in the *Municipal Code*.

The Public Hearing was opened and closed by Mayor Pro Tem Betcher when no one came forward to speak.

Moved by Corrieri, seconded by Beatty-Hansen, to pass on first reading an ordinance Amending Ames *Municipal Code* Section 11.4 Regarding Urination and Defecation.

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

SECOND READING OF ORDINANCE ON REZONING OF 314 BORNE AVENUE FROM GENERAL INDUSTRIAL (GI) TO GOVERNMENT/AIRPORT DISTRICT (S-GA):

Moved by Beatty-Hansen, seconded by Corrieri, to pass on second reading an ordinance on Rezoning of 314 Borne Avenue from General Industrial (GI) to Government/Airport District (S-GA).

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

SECOND READING OF ORDINANCE ON ZONING TEXT AMENDMENT TO PARKING STANDARDS FOR RETAIL SALES AND SERVICES-GENERAL TO TWO

SPACES PER 1,000 SQUARE FEET: Moved by Beatty-Hansen, seconded by Corrieri, to pass on second reading an ordinance on Zoning Text Amendment to Parking Standards for Retail Sales and Services-General to two spaces per 1,000 square feet.

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

After votes on the Ordinances were completed via a voice vote, City Attorney Lambert advised that there needed to be a Roll Call Vote for each ordinance, and Mayor Pro Tem Betcher asked for motions to proceed with readdressing the ordinances.

FIRST READING OF AN ORDINANCE AMENDING AMES *MUNICIPAL CODE* SECTION 11.4 REGARDING URINATION AND DEFECATION: Moved by Corrieri, seconded by Rollins, to pass on first reading an ordinance Amending Ames *Municipal Code* Section 11.4 Regarding Urination and Defecation.

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

SECOND READING OF ORDINANCE ON REZONING OF 314 BORNE AVENUE FROM GENERAL INDUSTRIAL (GI) TO GOVERNMENT/AIRPORT DISTRICT (S-GA):

Moved by Beatty-Hansen, seconded by Corrieri, to pass on second reading an ordinance on Rezoning of 314 Borne Avenue from General Industrial (GI) to Government/Airport District (S-GA).

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

SECOND READING OF ORDINANCE ON ZONING TEXT AMENDMENT TO PARKING STANDARDS FOR RETAIL SALES AND SERVICES-GENERAL TO TWO

SPACES PER 1,000 SQUARE FEET: Moved by Rollins, seconded by Corrieri, to pass on second reading an ordinance on Zoning Text Amendment to Parking Standards for Retail Sales and Services-General to two spaces per 1,000 square feet.

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

DISPOSITION OF COMMUNICATIONS TO COUNCIL Mayor Pro Tem Betcher noted there were five items of correspondence to be considered.

The first was a compilation of emails from Ames residents with public comments on the proposed minimum exterior property maintenance ordinance. Mayor Pro Tem Betcher noted these were for information only.

The second was a letter from Eric and Shelly Mathre with a Rezoning Request.

Moved by Beatty-Hansen, seconded by Corrieri, to request a memo from staff with options.

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

A letter from Chuck Winkleblack requesting an amendment to the Dayton Avenue Development Agreement regarding the First Speculative Building Completion Date was next.

Moved by Corrieri, seconded by Rollins, to place the item on a future agenda.

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

The next item was a letter from Justin Dodge requesting an amendment to the Auburn Trail Subdivision Development Agreement with a Trigger Mechanism for Completion of Path on West Side of Hyde Avenue.

Moved by Betcher, seconded by Rollins, to request a memo from staff with options.

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

The last item was a letter from Planning and Housing Director Kelly Diekmann regarding a request to amend Cedar Lane Paving Requirement for Ansley Subdivision.

Moved by Gartin, seconded by Beatty-Hansen, to place the item on a future agenda.

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

COUNCIL COMMENTS: Council Member Beatty-Hansen stated that she would like to address the question raised by Mr. Deyo during Public Forum regarding the legality of needing to wear clothing in Council Chambers. City Attorney Lambert clarified the circumstances around the request, and noted that the City Council had the ability to decide what policy would govern Council Chambers. City Manager Steve Schainker stated that City staff could bring back options for the City Council to consider, with the City Council having the authority to make the final decision. Assistant City Manager Brian Phillips noted that City staff had sent a previous memo with options for such a policy, and the item had been referred to come back on a future agenda. He offered to resend the previous memo.

Moved by Beatty-Hansen, seconded by Junck, to have the City Attorney provide information on if it is legal to have your shirt off in Council Chambers.

Motion withdrawn.

Council Member Gartin encouraged the City Council to share proposed motions to the City Council in advance as a courtesy. He also urged the City Council to remember to represent the homeowner who was living next to a home that had fallen into decay and wanted to protect their home as a significant investment.

Mayor Pro Tem Betcher shared her thanks to the City Council for working through difficult issues, and for the citizens who stayed to hear and participate.

CLOSED SESSION: Council Member Junck 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 measures presently in or threatened to be in litigation.

Moved by Corrieri, seconded by Beatty-Hansen, to go into Closed Session at 10:10 p.m.

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

The City Council reconvened in Regular Session at 10:50 p.m.

Moved by Corrieri, seconded by Beatty-Hansen, to pursue the course of action as determined in the Closed Session.

Roll Call Vote: 5-1. Voting Aye: Betcher, Beatty-Hansen, Corrieri, Junck, and Rollins. Voting Nay: Gartin. Motion declared carried.

ADJOURNMENT: Moved by Corrieri, seconded by Beatty-Hansen, to adjourn the meeting at 10:51 p.m.

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

Grace A. Bandstra, Deputy City Clerk

John A. Haila, Mayor

Renee Hall, City Clerk