

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: Mayor Haila proclaimed August 20-26, 2023, Water and Wastewater Workers Week, highlighting that the commitment by staff to protecting public health is displayed twenty-four hours per day, seven days per week without regard to weather or holiday. Director of Water and Pollution Control John Dunn accepted the proclamation along with staff members Heidi Petersen, Derek Crawford, Dena Flynn, Emily Engle, and Director of Public Works John Joiner. Director Dunn shared his gratitude for the recognition and noted that one of the advantages of being a municipal utility is the interaction between other city departments which make the utilities function in the way that they do.

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

- a. Saturday, September 2
 - b. Saturday, September 9
 - c. Saturday, September 23
 - d. Saturday, October 7
 - e. Saturday, November 4
 - f. Saturday, November 18
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 by 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, and highlighted that there has been a robust investment in downtown as a City policy for the past 20 years. This investment came after the establishment of the Downtown Façade Grant Program in 2001 and, in support of that grant program, tax abatement to allow for abatement of incremental taxes created by investment downtown. He discussed the history of the program, noting that the program is focused on exterior façade changes that improve the aesthetic of downtown and expand retail presence at the street level.

He furthered that on August 12, 2022, City Council received a request from Dylan Kline of the Ames Economic Development Commission (AEDC) to consider two changes to the current Downtown URA. One requested change was to allow for a partial property tax abatement schedule of 3, 5, or 10 years compared to the current 3-year allowance. The second request was to allow for additional projects to qualify for abatement by changing the eligibility criteria. Staff provided a report to the City Council on November 8, 2022, that presented the history of the program and presented four options for changes to the incentive policies regarding downtown. In follow-up to that meeting, staff engaged with the downtown district to conduct public outreach on these issues. Director Diekmann presented a summary of the responses received, noting that staff was seeking direction for further changes to the program.

Director Diekmann along with Planner Benjamin Campbell, Fire Chief Rich Higgins, and AEDC representative Dylan Kline answered questions from the members of the City Council. Council Member Corrieri inquired about common challenges that business face when it comes to meeting the requirements of the program. Planner Campbell noted that the most common thing that businesses encountered is the expectation that the program will assist with façade maintenance, which is not the intent. He elaborated that the program is to change the façade to bring it into compliance with the downtown guidelines, so compliant façades are not eligible for the program

unless it is being utilized for the rehabilitation of historically significant features that are original to the façade.

Council Member Gartin expressed his concern that the goal or purpose of the program is sometimes getting in the way of beneficial projects through cost prohibitive materials. He shared his preference in seeing flexibility in materials and even flexibility in the design aspect of the program. He added that he would also like to shift the approval process for the program to the staff level as it deals with aesthetic matter rather than policy matters, to which Council Member Carrieri agreed.

Council Member Betcher shared that there is a potential to expand the program to unlink from façade improvements in order to provide more useful funding for downtown development and redevelopment. She noted that some façade improvements downtown would be “lipstick on a pig” as there are buildings that have significant structural issues that could be addressed with the funding. She also added that she is not in favor of incentivizing demolition of historic structures but is rather in favor of identifying ways to help property owners maintain historic structures in meaningful ways so they are safe and can continue to create a downtown destination. Council Member Gartin shared his agreement, adding that the City has implemented aggressive climate action goals and there could be the possibility of improvements to downtown structures that would result in energy efficiencies.

Mr. Kline added that there is great potential for development and redevelopment within the downtown district. He shared his uncertainty that the Façade Grant Program is driving development in the downtown district but rather appears to be a response to projects that may already be underway. He added that there is interest in collaboration between downtown partners to open opportunities that will help maintain the buildings that are contributing historic properties and encourage businesses and property owners to invest their dollars in the downtown district.

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.

The members of the City Council engaged in robust discussion to determine changes to the program that would enhance its application to the downtown. Chief Higgins discussed minimum building code requirements and the code modification process, as well as consistency in enforcement and the outreach processes to communicate these to property owners of historic buildings. Director Diekmann again reviewed the direction staff was seeking from the City Council.

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. Voting Aye: Beatty-Hansen, Betcher, Junck, Rollins. Voting Nay: Corrieri, Gartin. 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. Director Diekmann highlighted that the owners and developers of the Ansley Subdivision requested to modify the development requirement that requires them to pave approximately 700 feet of Cedar Lane adjacent to their development with future phases of their project. 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 reviewed that Ames Ford Lincoln was recently approved to install a new transformer and 12 charging stations on its 6-acre site. The approved plan included replacement of approximately 300 square feet of displaced landscaping to maintain consistency with the City's current minimum landscape percentage requirement, thus Ames Ford Lincoln requested to amend the standards related to electric vehicle charging stations. Director Diekmann explained that transformers are treated uniformly across the city, therefore latitude in landscaping for existing sites is warranted. Council Member Gartin inquired if the Zoning Text Amendment would only affect commercial zoning. Director Diekmann replied in the affirmative, noting that industrial zones would also be affected.

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 shared that the developer requested an extension of May 1, 2024, and staff supports the request.

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 highlighted the nuance on this project is that typically when staff conducts projects at

the Power Plant, they obtain a construction permit from the Iowa Department of Natural Resources as required. However, due to the lead time of 58 weeks for the air heater baskets, staff has yet to obtain the permit. He emphasized that there is an infinitesimally small risk that staff would not be able to acquire the permit for the installation of the equipment, yet the equipment will be held as inventory until the permit is received.

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 shared that staff submitted applications for Resource Enhancement and Protection (REAP) and Land and Water Conservation grants to offset a portion of the purchase price of \$1,146,474. Staff was notified that the City has been approved to receive funding from both grants. He then reviewed the development plan for the park, highlighting that developing the park will take years to plan and implement and will require significant public input as well as millions of dollars in funding.

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.

Council Member Rollins inquired if there had been any communication from the property owner regarding the assessment. City Manager Steven Schainker replied in the negative.

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: Building Official Sara Van Meeteren clarified that there were three changes made to the ordinance based on input from the first reading. She noted that staff was seeking confirmation that the changes pertaining to yard waste were accurately captured. She also stated that staff was requesting the effective date of the new ordinance be January 1, 2024.

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.

The members of the City Council engaged in robust discussion with Building Official Van Meeteren and Chief Higgins regarding compliance and enforcement of Section 22 of the ordinance pertaining to parking of recreational vehicles. Building Official Van Meeteren highlighted that the Zoning Code is written to be a development standard and staff is trying to move the enforcement piece from the Zoning Code to relate to property maintenance.

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.

Council Member Gartin noted that major progress had been made relating to the ordinance, specifically pertaining to recreational vehicles; however, he still has concerns with the disparity between the treatment of turf grass and weeds. He shared that he believes people want to have a clean and visually appealing neighborhood, and he worries that the City Council is empowering homeowners to grow weeds. He noted that because of this inconsistency, he will be voting against the item.

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. Voting Aye: Beatty-Hansen, Betcher, Corrieri, Junck, Rollins. Voting Nay: Gartin. 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: ISU Student Government Speaker of the Senate Quinn Margrett introduced himself and noted that the responsibility to be at the City Council meeting fell to him in the absence of the *ex officio*, who has resigned from the position. He mentioned that the turnover in the role of *ex officio* does not imply a lack of respect to the City Council or for the relationship between the two entities. He stated that the discussions at the City Council meetings are incredibly important as they help guide the decision making for ISU Student Government. He added that from the student body perspective, it is valuable to have a student representative. Mr. Margrett furthered that the Student Body President and he are looking for ways to strengthen the relationship with the City Council, and the first step in that is having a consistent *ex officio* present at meetings. He shared about the efforts being made to appoint a new *ex officio*, highlighting that the appointment will likely be through an application process.

Council Member Beatty-Hansen addressed the comment from Marilyn Devick who spoke at Public Forum regarding parking enforcement. She highlighted that when the City Council adopted the ordinance related to immediate towing, the latitude to include other events, such as football games, was included. However, the City Council is relying on the input of the Police Department and staff to know when to deploy that tactic. Council Member Corrieri agreed, noting that historical context is important as well to explain why the ordinance was put into place.

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.

Council Member Beatty-Hansen also extended a welcome to all students back in Ames for the start of classes. She noted there are a lot of related events, highlighting Cyclone Welcome Weekend the past weekend and Welcome Fest, which was planned for Wednesday, August 23, 2023, at the Memorial Union. She encouraged students to attend.

Council Members Junck and Rollins also extended a welcome to students.

Council Member Gartin noted that the City Council and the community asks a lot of City staff in extreme weather situations, and he extended a word of thanks to staff for their efforts during the excessive heat warning. He also noted that the community has entered an unprecedented “black hole” of press coverage. He shared that he has attempted to reach out to the Ames Tribune to no effect and he is concerned because the way in which the City Council conducts business relies on press for communication. He concluded with regards to the Iowa State Daily for its continued coverage of City Council proceedings.

Council Member Betcher welcomed back students, noting it will be nice to see everyone at Welcome Fest and noting that good times were had the past weekend during the Cyclone Welcome Weekend barbeque. She added that the ribbon cutting for the Ames Community Preschool Center (ACPC) infant room was hosted earlier in the afternoon. She shared that there were cots for eight infants and there were already 40 individuals on the waiting list. She highlighted some of the facility features, concluding that the project was an excellent way to spend American Rescue Plan funding and she had hopes that the facility would be able to expand further.

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. Voting Aye: Beatty-Hansen, Betcher, Corrieri, Junck, Rollins. Voting Nay: Gartin. 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