

MINUTES OF THE REGULAR MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

OCTOBER 10, 2023

The Regular Meeting of the Ames City Council was called to order by Mayor John Haila at 5:59 p.m. on the 10th day of October, 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* Jeff Clark was also present. Council Member Gloria Betcher joined the meeting telephonically.

PROCLAMATION FOR “KOSHU CITY DAY” OCTOBER 16, 2023: Mayor Haila proclaimed October 16th, 2023, as Koshu City Day. He shared that hundreds of Ames citizens have benefited from, and formed friendships with, the citizens of Koshu City through cultural and educational delegation exchanges over the last 30 years. He further elaborated that Ames is committed to continuing and strengthening the bond by adding online exchanges between youth, commerce exchanges between businesses, and other mutually beneficial undertakings and opportunities. Ames International Partner Cities Association Chair Cindy Hicks accepted the proclamation and expressed joy regarding the three-decade long relationship between the two cities. She highlighted that on October 16th and 17th, Ames will have the honor of hosting an official delegation from Koshu City, including its mayor, education and business officials, and others committed to the Partner City Relationship.

CONSENT AGENDA: Moved by Beatty-Hansen, seconded by Junck, to approve the consent agenda.

2. Motion approving payment of claims
3. Motion approving Summary of Minutes of Regular Meeting on September 26, 2023
4. Motion approving Civil Service Candidates
5. Motion approving new 5-Day (October 27 – October 31, 2023) Class C Retail Alcohol License – The Mucky Duck Pub, 2601 East 13th Street, Pending Dramshop Review
6. Motion approving new 5-Day (November 4 – November 8, 2023) Special Class C Retail Alcohol License – Gateway Hotel & Conference Center, 1800 Christensen Drive
7. Motion approving Ownership Updates for Class E Retail Alcohol License – Liquor Land, 4518 Mortensen Road
8. Motion approving the renewal of the following Beer Permits, Wine Permits, and Liquor Licenses:
 - a. Class E Liquor License – Target Store T-1170, 320 S. Duff Avenue
 - b. Class C Retail Alcohol License – Wasabi Ames, 926 S. 16th Street, Pending Dramshop Review
 - c. Class C Retail Alcohol License – Margarita’s Sport Bar Seafood Inc., 823 Wheeler Street
 - d. Class C Retail Alcohol License – London Underground, 212 Main Street
9. Motion setting October 24, 2023, as date of public hearing regarding proposed changes to Downtown Urban Revitalization Area
10. RESOLUTION NO. 23-532 approving appointment to Boards & Commissions

11. RESOLUTION NO. 23-533 approving the Official Statement for General Obligations Corporate Purpose Bonds, Series 2023D and setting the date of sale for October 24, 2023, and authorize electronic bidding for the sale
 12. RESOLUTION NO. 23-534 approving Iowa DOT Grant Agreement for the 2022/23 Airport Improvements Project (South Apron Rehab)
 13. RESOLUTION NO. 23-535 approving Engineering Services Agreement for 2023/24 Traffic System Capacity Improvements – Airport Road with WHKS & Co., Ames, Iowa, in an amount not to exceed \$62,300
 14. RESOLUTION NO. 23-536 approving Engineering Services Agreement for 2022/23 Shared Use Path System Expansion – Grand Avenue project with WHKS & Co., Ames, Iowa, in the amount not to exceed \$58,100
 15. RESOLUTION NO. 23-537 approving preliminary plans and specifications for the 2022/23 Storm Water Erosion Control Project (Clear Creek Bank Stabilization – Utah Drive), setting November 8, 2023, as bid due date, and November 14, 2023, as date of Public Hearing
 16. RESOLUTION NO. 23-538 approving Change Order No. 2 with J. Pettiecord Inc, Bondurant, Iowa, for removal and disposal of contaminated dirt and water at the GT oil line replacement site in the amount of \$75,000
 17. RESOLUTION NO. 23-539 approving Change Order No. 3 with Con-Struct, Inc., of Ames, Iowa, for the South 16th Street Improvements Project in the amount not to exceed \$28,600
 18. RESOLUTION NO. 23-540 approving Change Order No. 3 with LinnCo, Inc. for the abandonment of previously unidentified water lines for the Water Treatment Plant Demolition project in lump sum of \$157,692.60 and extension of the Substantial Completion Date to November 8, 2023
 19. RESOLUTION NO. 23-541 approving contract and bond for the CyRide 2023 Shop Rehabilitation project with Grabau Construction, Inc., of Boone, Iowa
 20. RESOLUTION NO. 23-542 approving contract and bond for the East 13th Street Sanitary Sewer Extension with On Track Construction, LLC, of Nevada, Iowa
 21. RESOLUTION NO. 23-543 accepting completion of the contract for Unit 8 Electrostatic Precipitator Insulation and Lagging with Incorp Industries LLC, of Evansville, Indiana, in the amount of \$1,830,140
 22. RESOLUTION NO. 23-544 approving partial completion and reducing financial security for public improvements of Quarry Estates 3rd Addition to \$31,005
 23. RESOLUTION NO. 23-545 approving partial completion and reducing financial security for public improvements of Quarry Estates 4th Addition to \$29,350
 24. RESOLUTION NO. 23-546 approving partial completion and reducing financial security for public improvements of Quarry Estates 6th Addition to \$71,880
 25. RESOLUTION NO. 23-547 approving partial completion and reducing financial security for public improvements of Ag Innovations Center Addition to \$42,440
- Roll Call Vote: 6-0. Motions/Resolutions declared carried/adopted unanimously, 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, discussed forming relationships within the community and his individual experiences extending kindness to the residents of Ames.

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

OVER-THE-COUNTER CARD PAYMENTS FOR CUSTOMER SERVICE: Finance Director Corey Goodenow reviewed that staff submitted a report to the City Council concerning the acceptance of credit card payments for utility fees and parking tickets in September 2022 per the request of the City Council. He highlighted the locations where the City currently accepts credit cards as a payment method, emphasizing that in each of the locations the City absorbs the card processing fee. As these costs are not currently integrated into the City's utility rate structure, staff proposed the use of a fixed fee to maintain consistency with the online credit cards payment system. Director Goodnow discussed security concerns, noting that City's existing financial software provider, CentralSquare, has offered two credit card readers to the City at no cost and has committed to implementing the necessary system changes.

Council Member Gartin wondered about best practices regarding how peer communities are handling the card processing fee. Director Goodenow shared that most peer communities are passing the fees along to the customers to keep rates fair to all customers no matter what payment method they choose. Council Member Gartin then inquired about security and how customers' credit card information is being guarded. Utility Accounts Supervisor John Odenweller noted that the card reader from the City's vendor will upload directly to the vendor software. This means the City would never hold any of the credit card information. Rather, it would be encrypted and protected by the vendor.

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

Moved by Corrieri, seconded by Rollins, to adopt RESOLUTION NO. 23-548 authorizing Customer Service staff to accept over-the-counter card payment for a set fee initially established at \$2.99 per transaction (paid by the customer) with a transaction limit initially established at \$450 per transaction.

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

ACCESSORY DWELLING UNIT (ADU) PUBLIC OUTREACH SUMMARY: Planning and Housing Director Kelly Diekmann noted that overall, the Department had a positive engagement process that focused on the specifics of the standards for ADUs. He shared that the goal was to gather input on the understanding of ADUs and the acceptance of those in the community, as well as how the standards may work. He concluded by stating that the recommendation from staff is to proceed with the standards for ADUs as drafted in the staff report.

Planner Eloise Sahlstrom presented the public outreach regarding proposed regulations for allowing Accessory Dwelling Units within low density residential zoning districts city-wide. She

reviewed the outreach efforts, which began in August and included a city newsletter article, webpage, alerting registered neighborhood association contacts, online survey for open comments, brochure, press releases, four open houses, Eco-Fair booth, and two KHOI radio appearances. Staff's efforts created direct or indirect contact with approximately 325 people, 187 of whom were reached through the survey.

After reviewing the results of the survey, Planner Sahlstrom presented relevant zoning issues that would need to be resolved to allow for ADUs. These included issues related to maximum size/floor area, building height, basements, other habitable space, near campus neighborhoods, and rental code/owner residency. She then reviewed the options identified by staff before opening the floor for questions.

Council Member Betcher inquired about the 900 square foot size limit, which she considered to be relatively large. Planner Sahlstrom reviewed that Section 29.408(7) that deals with accessory buildings indicated a maximum gross floor areas of 900 square feet. She noted a provision that necessitates accessory building be smaller than the primary structure. Director Diekmann affirmed that provision, explaining that if a residence is 700 square feet an accessory building is not permitted to be larger than that size. He also noted that, as staff has written the standards, an ADU must be located behind the primary dwelling, so a property owner would not be permitted to build a larger ADU in the front and then designate it as the primary dwelling. Council Member Betcher wondered about the annual verification process. Director Diekmann noted that the owner residency requirement that would be verified through that process would have to fall in line with the renewal process for the Letter of Compliance. He noted that no other check on residency would be completed if a letter of compliance was not on file with the City; all other proof of residency verifications would be addressed at the time of building permits.

Council Member Rollins wondered about the 25% requirement for the rear yard. Planner Sahlstrom shared that the footprint of all accessory structures must be less than 25% of the rear yard and the total lot coverage must be less than 60% of the total lot area, thus incompatibility concerns with the space/lot size would be notable for smaller properties. Council Member Rollins then addressed the setback requirements, which Director Diekmann reviewed in detail. He highlighted that detached ADUs have the same setbacks as other accessory buildings: a one-story ADU in the rear yard may be located three feet from the rear or side property line; or a two-story ADU side setback of eight feet, but still may be three feet from the rear. Planner Sahlstrom shared that, from a practical consideration, a structure would need to be five feet from the property line to avoid having to include a firewall. Director Diekmann added that an existing accessory building that does not meet the required setbacks may be converted into an accessory dwelling unit if the degree of non-compliance is not increased.

Council Member Gartin commended staff for their work on the public outreach. He then asked if staff had a sense of best practices by peer communities. Planner Sahlstrom reviewed the neighboring communities that allowed ADUs, highlighting that each community has unique rules that guide their processes. Council Member Gartin then inquired about parking requirements and

wondered about the conversation in which the Planning and Zoning Commission worked through that issue. Planner Sahlstrom noted that much of the discussion at the Commission meeting regarded parking for affordable housing, which may have had some influence over the discussion on ADUs. Director Diekmann added that the Commission spent time reviewing whether a universal parking standard was appropriate and determined that the parking standard should not be based on an occupant; however, this discussion was a preliminary review, and the Commission did not make a formal recommendation.

Council Member Rollins wondered about how ADUs would impact affordable housing stock within the community. Planner Sahlstrom noted that the value of a property increases with the number of structures on a lot; however, the goal of allowing ADUs is to increase the stock of affordable rental housing. Planner Sahlstrom shared that most property owners that will invest in ADUs will do so for family members because of the considerable upfront cost. Over time, that unit may become available for rental, though she noted that staff predicted that to be a slow transition. Mayor Haila inquired about permitting premanufactured ADUs. Mayor Haila asked if premanufactured ADUs would be permitted. Planner Sahlstrom replied in the affirmative, adding that in the Historic District, it would most likely not conform with the design standards. Mayor Haila then asked about the setback requirements specifically for new construction, wondering if there is value in allowing the new construction to match the existing side yard setback. Director Diekmann shared that there would not be significant value for a one-story new construction. He furthered that the benefit of the three-foot setback is that it allows the property owner to maximize their rear yard space.

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

Council Member Betcher asked for clarification on minimizing the increase of property value with the addition of an ADU by decreasing the maximum allowed square footage below the already established 900 square feet. Director Diekmann shared his uncertainty that it would meaningfully mitigate property value increases and discussed the potential implications with the City Council Members.

Moved by Beatty-Hansen, seconded by Corrieri, to approve Option 1: Direct staff to proceed with preparing a draft ordinance for public hearings related to text amendments to Chapter 31, Historic Preservation, and Chapter 29, Zoning Ordinance to adopt ADU standards consistent with draft regulations and to exempt ADUs from Single-Family Conservation Overlay District (O-SFC). Chapter 13 Rental Code would be updated as well.

Council Member Gartin wondered when it would be appropriate to address the issue of parking. Director Diekmann noted that based on the motion, staff would proceed with drafting an ordinance, so any changes to parking would need immediate attention. Council Member Beatty-Hansen noted that in the draft, an ADU would be required to include one parking spot. She furthered that if City Council received a lot of community feedback about that requirement being onerous, that requirement could be amended after adequate time had passed for meaningful evaluation.

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

DUPLEXES PUBLIC OUTREACH SUMMARY: Director Diekmann noted that public outreach efforts mirrored that of ADUs; however, less engagement was received because the issue had less potential impact on property owners across the community than ADUs. He furthered that as drafted, duplexes can only be built if they are new construction. Thus, the input received was open comment focused on what community members thought of the compatibility standards. He highlighted that staff supports the construction of duplexes fundamentally because of the design guidelines that will be paired with it. He concluded that the intent of Ames Plan 2040 is infill that is compatible.

As part of the review process staff identified a need for direction on how to consider the bedroom/occupancy limitation of the Near Campus Neighborhood Overlay within the Rental Code. Director Diekmann explained that the unique issue within the Near Campus area is the bedroom/occupancy limitation based on the bedroom count of a principal dwelling from 2018; however, this does not address a new structure that replaces a 2018 structure. He highlighted that the intent was to not encourage intensification of rental units in this area. He reviewed the available options to address this issue.

Council Member Betcher shared that she does not support prohibiting duplexes in the Near Campus Neighborhood but has concerns about the 7,000 square foot lot size minimum that is proposed in the regulations. She noted that increasing the minimum lot size to 10,000 square feet would allow for some duplexes in the area, and wondered if many of those lots are the more expensive houses that are less likely to be sold and demolished to build duplexes. She explained that she was concerned that the starter housing stock is more threatened than the larger homes. Director Diekmann noted that he did not evaluate the housing stock beyond the lot size mixture in the Near Campus Neighborhood; however, he believes it is a good premise though he cannot back it with any supporting evidence.

Mayor Haila opened the Public Input.

Justin Dodge, Hunziker and Associates, Realtors, 105 S. 16th Street, Ames, shared his support for permitting the construction of duplexes, highlighting the demands of the current rental market. He encouraged the City Council to consider an option that allowed for the construction of two car garages for each unit.

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

Director Diekmann explained that no more than one driveway cut is permitted per property unless it has more than 150 feet. He explained that to accommodate the duplex design proposed by Mr. Dodge, the driveway standard would have to be altered in relation to duplexes. He furthered that there is a different version of the same design where single family attached homes are utilized with

a property line running between the units. In that case, there would be two lots, thus, two driveways would be permitted under the current driveway standard. Director Diekmann discussed the definition of duplexes and townhomes with the City Council. Council Member Gartin wondered about the value of one lot versus two. Director Diekmann noted that it comes down to the interest in promoting owner-occupied housing versus more likely investor-owned rental housing. He furthered that one of the goals of Ames Plan 2040 is to increase the number of owner-occupied housing units in relation to rental properties.

Moved by Betcher, seconded by Rollins, change the lot size minimum to 10,000 square feet.

Moved by Betcher, seconded by Rollins, to amend the motion to be applicable only in the Near Campus Neighborhood.

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

Moved by Beatty-Hansen, seconded by Gartin, to limit the bedroom count in the Near Campus Neighborhood to the 2018 standard.

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

Moved by Gartin, seconded by Rollins, to approve Option 1: Direct staff to proceed with public hearings for a zoning text amendment for the proposed duplex regulations, based upon the current draft with consideration to the earlier amendments.

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

STAFF REPORT ON PAVING EXCEPTIONS FOR PULLMAN STREET AND CARNEGIE AVENUE: Director Diekmann reviewed the City's requirement for Public Improvements related to "missing infrastructure" for paving streets and utilities. He noted that Carnegie Avenue from Lincoln Way to Pullman Street and large portion of Pullman Street west of Whitney Avenue are unpaved, with no sidewalks, and no sanitary sewer service. The owner of the property was investigating the addition of a small building to the site, which triggered the improvement requirements from which the property owner would like relief. The cost for improvements would far exceed the value of any property improvements on this small site and financial capability of the owner. Director Diekmann reviewed the options identified by staff, discussing the advantages and disadvantages of each with the members of the City Council.

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

Moved by Beatty-Hansen, seconded by Junck, to approve Option 1: Allow for limited development of existing properties with waiver of installation of any or all Public Improvements, and add the item to the Planning and Housing Department Work Plan and Referrals.

Vote on Motion: 5-0. Motion declared carried.

PRESENTATION OF THE 2023 RESIDENT SATISFACTION SURVEY RESULTS: Public Relations Officer Susan Gwiasda discussed the findings of the 2023 Resident Satisfaction Survey. She highlighted that this is the 41st year of the survey and that the results help guide the

budgeting process, which kicks off on November 2, 2023, with the Town Budget Meeting. She emphasized that the survey is a snapshot in time and the statistically significant results were consistent with prior years. She made known that the report presented to the City Council did not include the additional information gathered regarding CyRide. The revised report would be posted to the City Manager's webpage, where residents could find reports dating back to 2008.

The City Council engaged in discussion regarding the survey results; conversation focused on the framing of questions and gathering an understanding of how residents interacted with questions relating to property taxes.

Mayor Haila recessed the meeting at 7:55 p.m. The meeting reconvened at 8:02 p.m.

PARTNER CITY AGREEMENT WITH KOSHU CITY, JAPAN: Mayor Haila reviewed the agreement, sharing that the agreement clarifies the intent of the partnership. He shared that staff sent the agreement to Kosu City for review, and no edits have been received back. He asked that the City Council grant latitude for possible minor changes to wording of the agreement. Council Member Junck asked if the agreement is similar to the original one, inquiring if there were any added benefits. Mayor Haila noted the agreement is similar in nature, with the only addition being the business component that aims to expand related partnerships as well as a broader vision of what the two cities are trying to accomplish.

Moved by Junck, seconded by Corrieri, to adopt RESOLUTION NO. 23-549 formalizing updated Partner City Agreement with Kosu City, Japan.

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

STAFF REPORT ON PROPERTY MAINTENANCE CODE CORRESPONDING CHANGES TO CHAPTERS 18, 22 & 29: Planning and Housing Director Diekmann shared that staff has approached the *Municipal Code* holistically as follow up to the recently adopted changes to Chapter 30, which addressed Public Nuisance and Property Maintenance Code requirements. He elaborated that staff believes that the discussion and the standards need to be reconciled, specifically related to zoning issues primarily related to definitions of vehicles to apply parking, storage of junk or inoperable vehicles, and other outdoor storage regulations in the Zoning Ordinance. He shared that Chapter 30 defines vehicles, trailers, semitrailers, inoperable, and junk vehicles in alignment with state law definitions. Thus, staff is supportive of Option 1 as detailed in the Staff Report.

In relation to junk vehicle storage, he noted that updates to Chapter 30 removed prior provisions for storage/parking of certain vehicles on a property. The Junked Vehicle provisions remain in the Code for parking of it for no more than 48 hours, unless it is indoors or screened/covered outdoors; however, the Zoning Ordinance prohibits the keeping of an inoperable vehicle for more than 30 days whether it is screened or covered. He shared that staff would prefer Option 2 or Option 3 as detailed in the Staff Report to remediate potential nuisances.

Council Member Gartin asked what the driving factors are for this discussion from a staff perspective. Director Diekmann share that the goal of staff is to generate consistent terminology so that there is a standard expectation when staff is addressing a complaint or enforcing a violation.

Director Diekmann furthered that Home Occupations standards were updated in 2022 due to changes in state law requiring certain uses to be permitted. Staff recommended adding to Chapter 30 a cross reference to these standards in Chapter 29 as is done for other issues to streamline enforcement of Home Occupation standards. Director Diekmann discussed outdoor storage of garbage, recycling, and refuse containers. He noted that staff is supportive of Option 1 or Options 2 to keep containers generally out of view.

He continued to streets and sidewalks code amendments since Chapter 30 includes a standard prohibiting obstruction of the right-of-way “with fences, buildings, structures, signs or otherwise.” He emphasized that staff proposes that Chapter 22 include an express prohibition of using right-of-way for private purposes, such as storing materials (rocks, dirt, garbage, etc.), dumpsters, storage containers, etc. within the right-of-way; however, this would not prohibit customers from obtaining a temporary obstruction permit.

Finally, he discussed Parking Code Amendments. He highlighted that changes to Chapter 18 may be needed for front yard parking regulations and staff desires to address occurrences of the storage of equipment and unhitched trailers within right-of-way within the Parking Code.

Council Member Gartin inquired about the provisions related to unhitched trailers, voicing his concerns about the unintended consequences that would disadvantage blue collar workers that drive a work truck/trailer home. Director Diekmann noted that the Police Department views unhitched trailers as a safety issue and City Manager Steve Schainker advised that based on complaints from citizens, the idea is that unhitched trailers are parked in non-residential area. Council Member Gartin shared his understanding of the concerns from staff and residents but shared his preference to engage in more careful conversation about this matter before approving the recommendation. Council Member Betcher highlighted the potential overlap with boat trailers. Director Diekmann agreed that there could be some level of overlap between boat and work trailers.

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

Moved by Gartin, seconded by Rollins, to approve Option 1 under Vehicle Definition: Add vehicle definitions to Chapter 29 based upon Chapter 30.

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

Moved by Betcher, seconded by Beatty-Hansen, to approve Option 2 under Junk Vehicle Storage: Replace the term “inoperable vehicle” in zoning with junked vehicle. Keep the current 30-day limit and other outdoor storage limitations with the modification to only allow one vehicle.

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

Moved by Corrieri, seconded by Beatty-Hansen, to approve Option 1 under Outdoor Storage Garbage, Recycling, and Refuse Containers: Amend the Zoning Ordinance for an exception to screening related to individual containers serving one- and two-family homes.

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

Moved by Gartin, seconded by Rollins, to approve that the Streets and Sidewalks (Chapter 22) include an express prohibition of using right-of-way for private purposes, such as storing materials (rocks, dirt, garbage, etc.), dumpsters, storage containers, etc. within the right-of-way.

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

Moved by Gartin, seconded by Corrieri, to put the matter of “all unhitched trailers” on a future agenda for discussion.

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

Moved by Beatty-Hansen, seconded by Rollins, to insert the storage of equipment in the vehicle language detailed in Chapter 18.

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

Moved by Betcher, seconded by Beatty-Hansen, to amend the Zoning Code Chapter 29, Section 4 exception for RV and boat/boat trailer parking to permit on a property the parking of one RV, empty boat trailer, or boat, trailered or not, on any approved parking surface.

Motion withdrawn.

Moved by Betcher, seconded by Beatty-Hansen, to allow for the parking of one unoccupied travel trailer or recreational vehicle, boat, or boat trailer on any approved parking surface **including within the front yard setback for a period of 72 hours** and allow for the storage of one unoccupied travel trailer or recreational vehicle, boat, or boat trailer on any approved parking surface **behind the front yard setback**.

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

PRESENTATION OF THE 2023 RESIDENT SATISFACTION SURVEY RESULTS:

Mayor Haila opened the Public Input.

Richard Deyo, 505 8th Street, #102, Ames, shared his concerns as a resident of Ames.

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

OUTDOOR DISPLAYS ON CITY-OWNED PROPERTY: City Attorney Mark Lambert explained that at Tom Evans Plaza on Main Street, the City has historically allowed the Ames Chamber of Commerce to put up a display during the holiday season. The Chamber in earlier years

placed a Christmas tree on the plaza, but in recent years changed to placing a snowflake emblem. He explained that under First Amendment case law, it seems likely that the City had created a limited “public forum” for the holiday season by allowing the Chamber’s snowflake, and that saying no to another group that wanted to put up a display would likely be viewed as “content discrimination” under First Amendment case law. He furthered that the City could decide to not allow any ongoing displays on City property, even if displays have been allowed in the past. If this decision was consistently adhered to in the future, such a policy would not be a violation of the First Amendment. City Attorney Lambert noted that the City has allowed temporary displays in conjunction with a gathering or a rally on City property, where a display has been placed for the duration of the gathering but is then taken down at the conclusion of the gathering.

The City Council engaged in robust discussion about what classifies a “public forum” before Mayor Haila opened the Public Input.

Crystal Davis, Executive Director of Ames Main Street, 304 Main Street, Ames, shared that the organization is saddened about the possibility of not being able to continue the tradition of the snowflake display in Tom Evans Plaza and reviewed the history. She noted the intention of Ames Main Street to donate the snowflake to the City of Ames to be used in partnership with the snowflakes on the light poles in Downtown.

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

Moved by Beatty-Hansen, seconded by Junck, to adopt RESOLUTION NO. 23-550 approving a policy that no ongoing displays, other than City-owned displays, will be allowed on City property, with the exception of temporary displays in conjunction with a rally or gathering of people. Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

BOBCAT S770 SKID STEER: City Manager Schainker noted that there was an error in the dollar amount presented at the previous meeting and reconsideration was needed.

Moved by Junck, seconded by Rollins, to reconsider RESOLUTION NO. 23-509.
Vote on Motion: 6-0. Motion declared carried unanimously.

Moved by Rollins, seconded by Junck, to adopt RESOLUTION NO. 23-551 awarding purchase of Bobcat S770 Skid Steer to Bobcat of Ames, Iowa in the amount of \$51,704.13.
Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

DISPOSITION OF COMMUNICATIONS TO COUNCIL: Mayor Haila noted there were two items to consider. The first was from Mack Shelley regarding glass and bottle recycling. City Manager Schainker noted that the complaint is out of the control of the City.
Moved by Rollins, seconded by Corrieri, that staff respond to the email.

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

A memo from Director Diekmann regarding the Planning and Housing Department Work Plan and Referrals was the second item. City Manager Schainker asked the City Council to review the memo, which will be discussed at the next meeting.

COUNCIL COMMENTS: Council Member Gartin reviewed the way in which the City Council processes requests and suggestions. He noted that it is easier for the City Council to act upon such comments when they are in writing, and he welcomed those. He then recognized the events in Israel, noting that it is heavy on the hearts of many and sharing his condolences.

Council Member Rollins recognized the events at Iowa State University the week prior to honor Dr. Patterson and celebrate Jack Trice.

Ex officio Clark noted that the Joint Meeting of the City Council and Iowa State University Student Government would be hosted on Wednesday, October 25, 2023, in the Sun Room at the Memorial Union. He highlighted that the Ames Safeword Project would be a topic of discussion and provided an overview of the project scope. He concluded by sharing that he had been actively recruiting Student Government representatives to fill University seats on the City boards and commissions and was happy to announce he was able to identify several noteworthy candidates.

Mayor Haila reviewed the schedule of events for hosting the contingency from Kosu City, Japan. He then noted that he was able to meet with representatives from Ames Community School District with City Manager Schainker, highlighting good dialogue in terms of building partnerships and strategic relationships.

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 Junck, to go into closed session at 9:23 p.m.

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

The City Council reconvened in Regular Session at 9:35 p.m.

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

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

ADJOURNMENT: Moved by Gartin, seconded by Corrieri, to adjourn at 9:35 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