

MINUTES OF THE REGULAR MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

NOVEMBER 28, 2023

The Regular Meeting of the Ames City Council was called to order by Mayor John Haila at 6:00 p.m. on the 28th day of November, 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, Tim Gartin, and Rachel Junck. *Ex officio* Jeff Clark was also present. Council Member Anita Rollins joined the meeting telephonically.

CONSENT AGENDA: Council Member Rollins requested to pull Item No. 2.

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 November 14, 2023~~
3. Motion approving Report of Change Orders for period November 1 -15, 2023
4. Motion approving Civil Service Candidates
5. Motion approving 5-Day (December 9 – December 13, 2023) Class C Retail Alcohol License – Christiani's Events, 2601 East 13th Street
6. Motion approving addition of Outdoor Service Privilege to Special Class C Retail Alcohol License - Potter's Shoppe & Eatery, 330 5th Street
7. Motion approving the renewal of the following Beer Permits, Wine Permits, and Liquor Licenses:
 - a. Class C Liquor License with Outdoor Service and Catering Privilege, The Café, 616 Northridge Parkway
 - b. Class C Liquor License with Outdoor Service, Aunt Maude's, 543-547 Main Street
 - c. Class C Liquor License with Outdoor Service, Thumbs Bar, 2816 West Street
 - d. Special Class C Retail Alcohol License, Mongolian Buffet, 1620 South Kellogg Ave #103, Pending Dramshop Review
 - e. Class E Retail Alcohol License, Caseys #4314, 1118 South Duff Avenue
 - f. Class E Retail Alcohol License, Caseys #4315, 3218 Orion Drive
 - g. Class E Retail Alcohol License, AJ's Liquor III, 2401 "A" Chamberlain Street
8. RESOLUTION NO. 23-596 accepting Abstract of Votes for November 7, 2023, Regular City Election
9. RESOLUTION NO. 23-597 approving Encroachment Permit for Mini Split Heat Pump at 300 Main Street
10. RESOLUTION NO. 23-598 approving the Iowa Department of Agriculture and Land Stewardship Funding Agreement for the Ioway Creek-Brookside Water Quality Project revising the completion date to December 31, 2024
11. RESOLUTION NO. 23-599 approving preliminary plans and specifications for the Ash Pond Closure, setting January 24, 2024 as the due date for bids, and setting February 13, 2024 as the date of public hearing and award of contract
12. RESOLUTION NO. 23-600 approving preliminary plans and specifications for the CyRide Security System Upgrade Phase II project, setting January 10, 2024, as the bid due date, and January 23, 2024, as the date of Public Hearing

13. RESOLUTION NO. 23-601 awarding contract to RESCO of Ankeny, Iowa for the purchase of pad mount transformers in the amount of \$446,639.40
 14. RESOLUTION NO. 23-602 approving Change Order to Professional Services Agreement with Dewilt Grant Reckert (DGR) for the 161kV Electric Line Relocation Project related to the Iowa Department of Transportation I-35 Improvements in Polk County
 15. RESOLUTION NO. 23-603 approving contract and bond for 2022/23 Traffic Signal Program with Kline Electric d.b.a. Heartland Underground Solutions
- Roll Call Vote: 6-0. Motions/Resolutions declared carried/adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

SUMMARY OF MINUTES OF REGULAR MEETING ON NOVEMBER 14, 2023:
Council Member Rollins noted an omission of a motion from “Council Comments” regarding the removal of the Fifth Street Brick Piers and Art Reliefs.

Moved by Rollins, seconded by Junck, to delay approval of the Summary of Minutes of the Regular Meeting on November 14, 2023, pending the inclusion of the motion related to the aforementioned art in “Council Comments.”

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

PUBLIC FORUM: Mayor Haila opened the Public Forum.

Richard Deyo, 505 8th Street #2, Ames, shared his passion for art in the community and discussed his personal artwork. He also elaborated on where his artwork has been kept and displayed.

James Bernau, 3511 Oakland Street, Ames, discussed the Ames Climate Action Plan and concerns regarding noncompliance of Tesla Powerwalls with the City’s Interconnect Agreement. He urged the City Council and staff to investigate removing this barrier to support electric vehicle infrastructure.

Valerie Stallbaumer, 823 Crawford Avenue, Ames, shared that she and a group of supporters are in favor of maintaining the 16 brick structures with plaques on two sides showing historic information about Ames along 5th Street. She presented quotes from a mason and the cost to the City after accounting for donations. She concluded by highlighting that a petition had been started to show the support for keeping the artwork, which currently had over 100 signatures.

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

FITCH FAMILY INDOOR AQUATIC CENTER: Parks and Recreation Director Keith Abraham and Troy Turner, of Story Construction, presented the plans and specifications. Director Abraham brought the standard setback requirements to the attention of the City Council, highlighting that Zoning Code requires a 20-foot setback; however, if Add Alternate 1 is awarded, the setback on the east side of the building will be 16 feet. He clarified that by approving Plans and Specifications, the City Council acknowledges that the 16-foot setback is adequate.

Director Abraham continued with the presentation by reviewing in detail the floor plans, building renderings, cost estimate, and add alternates that are included in the construction documents before diving into the additional miscellaneous activities. The geothermal wells were discussed, and Director Abraham explained that staff had been informed that it is not feasible to install horizontal geothermal wells on the site; thus, the current plans and specifications include the addition of more traditional heating and cooling components.

Also included in the plans and specifications are onsite stormwater management. Bioretention cells will be utilized as well as permeable pavers and underground storage. Director Abraham additionally noted that after the September 26, 2023, Regular City Council meeting, staff worked with Impact7G to revise its recommendations based on the direction received.

To conclude, Director Abraham announced that the bid due date was set for January 11, 2024, with the construction timeline beginning in April 2024. The City Council Members engaged in discussion with staff. Council Member Gartin began by asking about seating areas for parents attending swimming lessons. Director Abraham highlighted where seating would be available inside of the natatorium, also offering the multipurpose room, lobby, and walking track as options. He elaborated on discussions with staff to hold fitness classes overlapping with swim lesson times so parents could attend a class while their children are participating in lessons. Mayor Haila asked for a comment on acoustics. Director Abraham noted that dovetail acoustic panels would be utilized on the ceiling with no acoustic barriers on the walls. Mayor Haila questioned this decision, wondering if an acoustic engineer had reviewed the plans. Director Abraham replied in the negative, noting that staff could further research the acoustic barriers. Council Member Betcher asked if there was a plan to have treatment on the windows, so heat does not build up in the multipurpose room. Director Abraham replied in the affirmative, highlighting the roller shades that will be utilized throughout the building. She also inquired about plans to allow rental of the lockers in the changing room area. Director Abraham replied in the negative, noting that if patrons wished to lock their belonging, a personal lock would be required.

Council Member Betcher continued the discussion with questions regarding the permeable pavers that were incorporated as part of the onsite stormwater management. She wondered if there was the opportunity to extend some of the permeable pavers to the accessible spaces in the parking lot for enhanced safety. Director Abraham reported that he was not able to speak to that question at this time and noted that he would return to the City Council with an update at the next meeting. Council Member Gartin then questioned the surface material of the walking track. Mr. Turner explained that the track would be a resinous flooring, which Director Abraham compared to a refinished garage floor. Council Member Gartin expressed his concern for using a nontraditional surface material for the walking track and wondered if staff could explore other options. Council Member Rollins echoed concerns on the onsite stormwater management, seeking to confirm that the permeable pavers do not increase the risk of movement of the contamination on the site. Director Abraham replied in the affirmative, adding that the stormwater management plan will actually help mitigate the contamination through vapor mitigation.

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

Moved by Gartin, seconded by Corrieri, to adopt RESOLUTION NO. 23-604 approving preliminary plans and specifications for the Fitch Family Indoor Aquatic Center setting January 11, 2024 as bid due date and January 23, 2024, as date of Public Hearing.

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

Moved by Gartin, seconded by Corrieri, to request staff to return with alternative material options for the walking track and the associated costs of each.

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

12-MONTH CLASS E RETAIL ALCOHOL LICENSE - NEIGHBORHOOD LIQUOR AND SMOKES, 3505 LINCOLN WAY, SUITE 105: Mayor Haila noted that the applicant for the 12-month Class E Retail Alcohol License - Neighborhood Liquor and Smokes, 3505 Lincoln Way, Suite 105 had withdrawn the license request at the state level and City staff were notified late this afternoon. He concluded that this item no longer required consideration from the City Council.

AMES MAIN STREET REQUEST FOR DOWNTOWN AMES MASTER PLAN COST SHARING: Board Members Sam Stagg, Chair; Nicole Rasmussen, Organizational Chair and Secretary; and Crystal Davis, Executive Director, of Ames Main Street presented the proposed scope of services and request for funding match. The City Council members engaged in discussion with Ames Main Street representatives refining terminology and outreach methods in the Scope of Services to best support the collaborative effort between the two entities.

Moved by Gartin, seconded by Beatty-Hansen, to adopt RESOLUTION NO. 23-605 allocating \$25,000 from Council Contingency for a Downtown Ames Master Plan.

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

Moved by Beatty-Hansen, seconded by Junck, to adopt RESOLUTION NO. 23-606 approving an agreement with Ames Main Street to reimburse 50% of the actual cost to produce a Downtown Master Plan, up to an amount not-to-exceed \$25,000.

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

DEFERRAL REQUEST OF SIDEWALK INSTALLATION AND CONNECTION DISTRICT PAYMENTS FOR ALLIANT ENERGY SUBDIVISION SITE ON EAST LINCOLN WAY: Planning and Housing Director Kelly Diekmann explained that though this was a unique request, with a subdivision configuration that allows for the eventual development of the site in its entirety, partial deferrals as requested by Alliant are appropriate because of the proposed utility use.

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

Moved by Betcher, seconded by Junck, to approve Alternative 1: Direct staff to prepare an agreement to be considered along with the Final Plat approval to allow for an alternative schedule of connection fee payments and deferral of the sidewalk installation.

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

REQUEST FROM AMES MAIN STREET TO ACCEPT UNCONDITIONAL GIFT OF OUTDOOR DECORATIVE SNOWFLAKE: Assistant City Manager Brian Phillips noted that Ames Main Street is proposing that the City take ownership of an outdoor decorative snowflake, emphasizing that the acceptance of the gift would be unconditional. Thus, it would be up to the City to determine the details of the placement and duration of the placement of the snowflake. He then reviewed proposed acceptable locations for the snowflake. The City Council members engaged in discussion regarding the location of the snowflake and how to empower staff to make that decision.

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

Moved by Beatty-Hansen, seconded by Junck, to adopt RESOLUTION NO. 23-607 accepting unconditional gift of snowflake.

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

Moved by Junck, seconded by Beatty-Hansen, to direct staff to determine location, timing, and placement of the snowflake.

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

BATTERY ELECTRIC BUS PURCHASE: Director of CyRide Barb Neal and Assistant Director of CyRide Fleet and Facilities James Rendall reviewed the purchase. Director Neal noted that to help support the Climate Action Plan, CyRide has partnered with the Center for Transportation and the Environment (CTE) to develop a Zero Emission Roadmap to deploy additional electric bus technology through 2030. As a result, it was determined that up to 17 battery electric buses (BEBs) could operate within the current route structure. CyRide has already purchased two BEBs, which were put into service in July 2023.

She furthered by highlighting that CyRide received two federal grants from the Federal Transportation Administration (FTA) and one federal Surface Transportation Block Grant (STBG) funded through the Ames Area Metropolitan Planning Organization for the replacement of up to five 40' diesel buses with BEBs. Director Neal added that CyRide has evaluated the bus manufacturers available on the Washington State heavy-duty transit bus procurement contract and identified Gillig LLC as the preferred manufacturer. Council Member Gartin inquired about the weight difference between the standard diesel bus and BEB. Director Neal noted that the BEB weighs in at roughly 45,000 pounds, which is around 5,000 pounds more than the standard diesel bus, which was not a point of concerns as the arterial streets of the current route structure are suitable to carry the additional weight. Council Member Gartin also asked about the cost to replace the battery. Assistant Director Rendall shared that \$200,000 was the declared value with the last purchase of a battery, which is tied to the productive price index. As the batteries need to be replaced every 8-10 years, CyRide staff has allocated, and the Transit Board approved,

funding through a Battery Electric Reserve Fund in the Capital Improvement Plan.

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. 23-608 awarding contract to Gillig LLC of Livermore, California, for the purchase of five 40' battery electric buses in a total amount not to exceed \$5,789,480.

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

NORTH RIVER VALLEY WELL FIELD AND PIPELINE PROJECT: Director of Water and Pollution Control John Dunn introduced the project that will provide a combination of new and replacement water supply capacity. He noted that the project is funded through a State Revolving Fund (SRF) loan, which comes with several requirements, including clearance from the State Historical Preservation Office (SHPO). He further explained that it was determined by SHPO during the loan's environmental review process that a portion of the project would be in potentially sensitive archaeological areas, and to satisfy the requirement, a certified archaeologist was to be present on-site at all times during excavation. SHPO also provided additional requirements of the contractor performing the excavation that must be adhered to under the terms of the City's SRF loan. When it became evident that considerably more time would be required to maintain SRF funding, staff executed a small change order with In Situ to keep the contractor moving while the City issued a new Request for Proposals (RFP) for additional archaeological services. Director Dunn shared that In Situ Archaeological Consulting was the lowest proposal on the new RFP, which was fortunate for the City as it would help maintain continuity across the project.

The Council Members discussed the nature and need of archeological services, including what may be required on future projects, and weighed the additional cost against the benefit of obtaining state funding.

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

Moved by Beatty-Hansen, seconded by Betcher, to adopt RESOLUTION NO. 23-609 awarding contract to In Situ Archaeological Consulting of Eden Prairie, Minnesota, for archaeological monitoring during construction of the North River Valley Well Field and Pipeline Project in the amount of \$134,924.

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

Moved by Beatty-Hansen, seconded by Betcher, to adopt RESOLUTION NO. 23-610 approving Change Order No. 2 for North River Valley Well Field and Pipeline Project.

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

HEARING ON AMENDING THE CONTRACT REZONING AGREEMENT AT 4605 HYDE AVENUE (AUBURN TRAIL) RESULTING IN TIME EXTENSION FOR

SHARED USE PATH CONSTRUCTION: Mayor Haila opened and closed the Public Hearing when no one came forward to speak.

Moved by Betcher, seconded by Corrieri, to adopt RESOLUTION NO. 23-611 approving the amendment to the Contract Rezoning Agreement for Auburn Trail Subdivision to extend the timeline for constructing the Hyde shared use path.

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

OAKWOOD ROAD SPEED LIMIT: The Public Input was opened and closed by Mayor Haila when no one came forward to speak.

Moved by Betcher, seconded by Corrieri, to pass on First reading an ordinance updating speed limit on Oakwood Road.

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

Moved by Corrieri, seconded by Betcher, to waive the rules.

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

Moved by Corrieri, seconded by Beatty-Hansen, to pass on Second reading an ordinance updating speed limit on Oakwood Road.

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

Moved by Betcher, seconded by Corrieri, to pass on Third reading and adopt ORDINANCE NO. 4512 updating speed limit on Oakwood Road.

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

MODIFICATIONS TO TIME-OF-USE ELECTRIC RATE FOR LARGE CUSTOMERS:

Director of Electric Services Don Kom shared that the Industrial Time-of-Use Electric Rate is a voluntary option for large electric customers whose metered demand at any time exceeds 2,500 kVA, which offers mechanisms to help reduce the utility's overall annual peak. He noted that staff recommends lowering the demand threshold from 2,500 kVA to 500 kVA. This modification will increase the number of customers that may participate in the rate, thereby reducing their costs as a customer, and incentivize more customers to shift their energy consumption to off-peak hours. Council Member Gartin inquired about how many businesses would be eligible to participate with the modification. Director Kom noted that there are currently six eligible businesses, and the modification would increase that number to around 100 businesses.

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

Moved by Corrieri, seconded by Betcher, to pass on First reading an ordinance amending Chapter 28, Division 1 for eligibility of customers for time-of-use rates based on electrical demand.

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

SECOND READING OF ORDINANCE ON AMENDING THE ZONING TEXT AMENDMENT FOR REDUCED AFFORDABLE HOUSING PARKING REQUIREMENT: Moved by Beatty-Hansen, seconded by Betcher, to pass on Second reading an ordinance to amending the Zoning Text Amendment for Reduced Affordable Housing Parking Requirement.

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

SECOND READING OF AN ORDINANCE TO AMEND THE URBAN REVITALIZATION AREA BOUNDARY: Moved by Beatty-Hansen, seconded by Betcher, to pass on Second reading an ordinance to amend the Urban Revitalization Area Boundary.

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

THIRD READING AND ADOPTION OF ORDINANCE NO. 4511 AMENDING SECTION 29.1317 FOR THE PURPOSE OF EXCEPTION FOR ELECTRICAL VEHICLE CHARGERS WITHIN SETBACKS AND PARKING AREAS: Moved by Betcher, seconded by Beatty-Hansen, to pass on Third reading and adopt ORDINANCE NO. 4511 amending Section 29.1317 for the purpose of exception for Electrical Vehicle Chargers within setbacks and parking areas.

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

DISPOSITION OF COMMUNICATIONS TO COUNCIL: Mayor Haila noted that there were three items to consider. The first was from Ryan Berg requesting same-side parking on Garden Road.

Moved by Gartin, seconded by Corrieri, to refer the item to staff for a memo.

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

The second item was a collection of feedback regarding the deaccession of the Downtown Brick Pillars. Mayor Haila asked the City Council to take this item under advisement for discussion of the topic at a future meeting.

Mayor Haila announced the third item, which was an email from Mr. Bernau regarding Tesla Powerwalls as mentioned in Public Forum. City Manager Steve Schainker noted that this important topic was being addressed by staff.

Moved by Junck, seconded by Beatty-Hansen, to place the aforementioned issue on the December 12, 2023, agenda.

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

COUNCIL COMMENTS: Council Member Betcher shared her experience at the National League of Cities conference, highlighting information on ways to fulfill the Climate Action Plan. She particularly focused on a presentation by a non-profit organization from Rochester, New York, that works with stakeholders to provide the funding and services necessary to complete retrofits and upgrades for older homes.

Council Member Gartin noted that he visited with a constituent in Somerset who brought forth

concerns related to sidewalk conditions and the costs associated with repairs. Council Member Gartin stated that there would be value in reviewing the sidewalk maintenance policy in light of the concerns raised.

Moved by Gartin, seconded by Beatty-Hansen, to place review of the sidewalk maintenance ordinance on a future agenda.

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

Council Member Gartin also discussed the success of Kate Mitchell Elementary School and Principal Mr. Jeffs, as it was recently ranked in the top 1% of Iowa schools. He shared his desire to celebrate this tremendous achievement.

Moved by Gartin, seconded by Betcher, to invite Mr. Jeffs of Kate Mitchell Elementary School along with his team to an upcoming City Council meeting to recognize the achievement of students and staff of being in the top 1% of Iowa schools.

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

Council Member Rollins shared that she attended the Iowa League of Cities Advanced Budget Workshop, where one of the main topics was House File 718 and its impacts. She noted that she would share the information she learned with the City Council.

Ex officio Clark discussed the Iowa State University Student Government seat on the Analysis of Social Services Evaluation Team, highlighting that it was set to appoint a member at its upcoming meeting.

Mayor Haila announced Tubachristmas, a free concert taking place at 3:00 p.m. on Saturday, December 2, 2023, at CY Stephens Auditorium. He noted that it was an enjoyable event and encouraged the community to attend.

ADJOURNMENT: Moved by Betcher, seconded by Corrieri, to adjourn the meeting at 8:10 p.m.

Carly M. Watson, Deputy City Clerk

John A. Haila, Mayor

Renee Hall, City Clerk