

## MINUTES OF THE REGULAR MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

MAY 14, 2024

The Regular Meeting of the Ames City Council was called to order by Mayor John Haila at 6:00 p.m. on the 14<sup>th</sup> day of May 2024, in the City Council Chambers in City Hall, 515 Clark Avenue, pursuant to law. Present were Council Members Bronwyn Beatty-Hansen, Gloria Betcher, Tim Gartin, Rachel Junck, and Anita Rollins. *Ex officio* Emily Boland was also present. Council Member Amber Corrieri was absent.

**PROCLAMATION FOR "PEACE OFFICERS' MEMORIAL DAY," MAY 15, 2024:** Chief of Police Geoff Huff and Commander Jason Tuttle accepted the proclamation and thanked Mayor Haila, City Council, and the community for supporting the Ames Police Department. Chief Huff shared that two new police officers were sworn in that morning. He noted that policing had changed in recent years and highlighted the methods the Ames Police Department has taken to adapt. These included greater community outreach, transparency, and the addition of the Ames Resident Police Advisory Committee.

**PROCLAMATION FOR "NATIONAL PUBLIC WORKS WEEK," MAY 19-25, 2024:** Director of Public Works John Joiner accepted the proclamation from Mayor Haila, highlighting the contributions of the Public Works Department to the community. Director Joiner thanked the City Council, Mayor Haila, and the City Manager's Office for their support and direction throughout the year and thanked all employees of the Public Works Department for their hard work and dedication.

**PROCLAMATION FOR "POPPY DAYS," MAY 24-25, 2024:** Mayor Haila presented the proclamation to Jamie Barker, President of the American Legion Auxiliary, who highlighted some of the programs the American Legion Auxiliary supports. Ms. Barker encouraged the community to participate on May 24-25, 2024.

Mayor Haila noted that staff had requested to pull Item No. 55: Resolution approving Amendment Number 2 to the agreement with Strand Associates for the Water Pollution Control Facility Nutrient Reduction Modifications Phase 1 Project, which would return to the City Council at a later date.

**CONSENT AGENDA:** Council Member Gartin requested to pull Item No. 15, Item No. 17, Item No. 46, and Item No. 47 from the consent agenda.

Moved by Beatty-Hansen, seconded by Betcher, to approve the consent agenda less Item No. 15, Item No. 17, Item No. 46, and Item No. 47.

4. Motion approving payment of claims
5. Motion approving Summary of Minutes of Regular City Council Meeting on April 23, 2024, and Special Meeting on April 16, 2023
6. Motion approving Civil Service Candidates
7. Motion approving Report of Change Orders for period April 16-30, 2024
8. Motion approving new 14-Day (May 12, 2024 - May 25, 2024) Class C Retail Alcohol License with Outdoor Service - Jack Trice Stadium, 1732 Jack Trice Way

9. Motion approving new 5 - Day (June 10 - June 14, 2024) Special Class C Retail Alcohol License - Cloud Wine, LLC, 2801 Grand Avenue
10. Motion approving the renewal of the following Beer Permits, Wine Permits, and Liquor Licenses:
  - a. North Grand Cinema, (2801 Grand Avenue), Special Class C Retail Alcohol License,  
Pending Dramshop Review
  - b. Octagon Center for the Arts, (427 Douglas Avenue), Special Class C Retail Alcohol License with Outdoor Service
  - c. Casey's General Store #2298, (428 Lincoln Way), Class E Retail Alcohol License
  - d. Gateway Hotel and Conference Center, LLC, (2100 Green Hills Drive), Special Class C Retail Alcohol License
  - e. Hy-Vee Fast and Fresh #2, (4018 Lincoln Way), Class E Retail Alcohol License
  - f. Ichiban, (117 Welch Avenue), Class C Liquor License, Pending Dramshop Review
11. RESOLUTION NO. 24-225 approving appointment to Historic Preservation Commission
12. RESOLUTION NO. 24-226 approving appointment of *ex officio* ISU Student Liaison to City Council
13. RESOLUTION NO. 24-227 approving appointments of Iowa State University Student Government representatives to the Ames Transit Agency Board of Trustees
14. RESOLUTION NO. 24-228 approving request from Story County Auditor for parking waiver(s) for election day parking on June 4, 2024
- ~~15. Requests from Ames Patriotic Council for Memorial Day Parade on Monday, May 27, 2024:~~
  - ~~a. Motion approving blanket Temporary Obstruction Permit for closed area~~
  - ~~b. RESOLUTION NO. 24-229 approving closure of Pearle Avenue and 5th Street from east of Pearle Avenue through Clark Avenue intersection from 9:00 a.m. to 11:00 a.m. for parade line-up~~
  - ~~c. RESOLUTION NO. 24-230 approving temporary closure of Clark Avenue from 5th to 9th Street between 10:30 a.m. and 11:00 a.m. for movement of the parade~~
  - ~~d. RESOLUTION NO. 24-231 approving temporary closure of 9th Street between Clark Avenue and Maxwell Avenue from 10:45 a.m. to 11:00 a.m. for movement of the parade~~
  - ~~e. RESOLUTION NO. 24-232 approving temporary closure of 6th Street at Clark Avenue and Duff Avenue at 9th Street, as parade moves through those intersections~~
16. RESOLUTION NO. 24-233 approving Plat of Survey (Boundary Line Adjustment) for 25016 Sand Hill Trail & Parcel to the South
- ~~17. RESOLUTION NO. 24-234 approving amendment to FY 2023/24 ASSET Contract with The Salvation Army to add \$40,000 for temporary emergency shelter services~~
18. RESOLUTION NO. 24-235 approving request to modify the City's FY 2023/24 ASSET contract with Heartland of Story County
19. Ames International Partner Cities Association:
  - a. RESOLUTION NO. 24-236 amending FY 2023/24 contract for services
  - b. RESOLUTION NO. 24-237 authorizing payment of \$476 for services delivered under FY 2022/23 contract for services
20. RESOLUTION NO. 24-238 approving Professional Services Agreement with HR Green, Inc. of Johnston, Iowa for the Intelligent Transportation Systems Program (Phase 4) in an amount not to exceed \$241,150

21. RESOLUTION NO. 24-239 approving Iowa DOT Iowa Clean Air Attainment Program agreement for \$1,521,280 for the Intelligent Transportation Systems Program (Phase 4)
22. RESOLUTION NO. 24-240 approving the purchase of NoTraffic Video/Radar Detection Systems from General Traffic Controls of Spencer, Iowa, in an amount not to exceed \$103,412 as a single source provider
23. RESOLUTION NO. 24-241 approving the plans and specifications for the 2024/25 Right-of-Way Restoration Program, setting June 5, 2025, as the bid due date and June 11, 2025, as the date of Public Hearing
24. RESOLUTION NO. 24-242 approving the plans and specifications for the 2024/25 Clear Water Diversion Program, setting June 5, 2025, as the bid due date and June 11, 2025, as the date of Public Hearing
25. RESOLUTION NO. 24-243 approving contract renewal with TEI Construction Services Inc., Duncan, SC, for Boiler Maintenance Services Contract for Power Plant for the one-year period from July 1, 2024 through June 30, 2025 in an amount not-to-exceed \$360,000
26. RESOLUTION NO. 24-244 approving contract renewal with Integrated Global Services, Inc., Richmond, VA, for the Boiler Tube Spray Coating and Related Services and Supplies Contract for Power Plant for the one-year period from July 1, 2024 through June 30, 2025 in an amount not-to-exceed \$535,000
27. RESOLUTION NO. 24-245 approving contract renewal with Pioneer Industrial Corp, Kansas City, MO for the Valve Maintenance and Related Services and Supplies Contract for Power Plant for the one-year period from July 1, 2024 through June 30, 2025 in an amount not-to-exceed \$60,000
28. RESOLUTION NO. 24-246 approving contract with Earth Services & Abatement for Asbestos Remediation and Related Services and Supply Contract at the Power Plant for the one-year period from July 1, 2024 through June 30, 2025 in an amount not-to-exceed \$150,000
29. RESOLUTION NO. 24-247 awarding contract to Sunoco, LLC for the FY 2024/25 Electrical Services Fuel Supply contract in an amount not-to-exceed \$300,000
30. RESOLUTION NO. 24-248 awarding contract to Remote Solutions, LLC, of Tucson, AZ to provide and install a remote racking system for the Electric Department's Technical Services Division - Substations in the amount of \$101,552.41
31. RESOLUTION NO. 24-249 awarding a contract to Hawkins, Inc. for the purchase of liquid sodium hypochlorite in FY 2024/25 for the Water Plant and Power Plant
32. RESOLUTION NO. 24-250 awarding a contract to Mississippi Lime Company of St Louis, MO for pebble lime for the Water Plant in the amount of \$257.81/ton
33. RESOLUTION NO. 24-251 awarding year three of the five year well rehabilitation contract to Northway Well and Pump Company of Waukee, IA in the amount of \$154,208
34. RESOLUTION NO. 24-252 approving contract renewal for the purchase of oils, lubricants, and fluid analysis for Fleet Services and Ames Transit Agency (CyRide) to Diamond Oil Company of Des Moines, IA, for the one-year period from July 1, 2024 through June 30, 2025, in an amount not-to-exceed \$74,700
35. RESOLUTION NO. 24-253 awarding the contract for concrete and asphalt crushing to Reilly Construction Co. in an amount not-to-exceed \$60,000
36. RESOLUTION NO. 24-254 awarding contract to Stiver's Ford, of Waukee, IA for three Ford Police Interceptors in the amount of \$132,582

37. RESOLUTION NO. 24-255 awarding the contract for the purchase of rock salt for the Snow and Ice Control Program to Independent Salt Co. of Kanapolis, KS in the amount of \$208,725
38. RESOLUTION NO. 24-256 awarding contract for FY 2024/25 to Waste Management of Ames, IA, for Hauling Services to the Boone County Landfill in the amount of \$19.50/ton, up to \$146,958
39. RESOLUTION NO. 24-257 awarding contract to ABM Industry Groups, LLC, of Des Moines, IA for Custodial Services at Ames Public Library in the amount of \$94,498.56.
40. RESOLUTION NO. 24-258 approving Change Order No. 2 with Central States Roofing for Roof Replacement at the Power Plant in the amount of \$100,000
41. Water Pollution Control Facility Biosolids Disposal Operations:
  - a. RESOLUTION NO. 24-259 accepting completion of the FY 2023/24 biosolids disposal contract with Wulfekuhle Injection & Pumping of Peosta, Iowa, in the amount of \$75,073.27
  - b. RESOLUTION NO. 24-260 awarding renewal for the FY 2024/25 contract for biosolids disposal to Wulfekuhle Injection and Pumping of Peosta, Iowa in an amount not to exceed \$126,750.
42. RESOLUTION NO. 24-261 approving electric utility easement on State of Iowa property for the installation of an overhead electric line for the City of Ames, Iowa
43. RESOLUTION NO. 24-262 setting May 28, 2024, as date of Public Hearing to vacate existing Electrical Utility Easements along the lot line of 302 and 212 Sondrol Avenue
44. RESOLUTION NO. 24-263 Setting May 28, 2024, as the date of the public hearing to consider the adoption of the final amendment to the Fiscal Year 2023/24 Budget
45. RESOLUTION NO. 24-264 approving second amendment to Development Agreement with Townhome at Creekside, LLLP in conjunction with construction of 38 low-income housing tax credit (LIHTC) multi-family housing units on Lot 27 in Baker Subdivision
- ~~46. RESOLUTION NO. 24-265 setting May 28, 2024, as date of public hearing for approving the sale of City-owned Lot 1 in Baker Subdivision to Habitat for Humanity of Central Iowa~~
- ~~47. RESOLUTION NO. 24-266 approving amendment to purchase agreement with Habitat for Humanity of Central Iowa in conjunction with the sale of lots 6, 7, and 8 in the Baker Subdivision.~~
48. RESOLUTION NO. 24-267 Approving Geothermal Operations Agreement with Habitat for Humanity for Baker Subdivision Lots 1-8

Roll Call Vote: 5-0. Motions/Resolutions declared carried/adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

**REQUESTS FROM AMES PATRIOTIC COUNCIL FOR MEMORIAL DAY PARADE ON MONDAY, MAY 27, 2024:** Council Member Gartin stated that he had pulled the item due to conflict of interest.

Moved by Betcher, seconded by Junck, to approve the Requests from Ames Patriotic Council for Memorial Day Parade on Monday, May 27, 2024:

- a. Motion approving blanket Temporary Obstruction Permit for closed area
- b. RESOLUTION NO. 24-229 approving closure of Pearle Avenue and 5th Street from east of Pearle Avenue through Clark Avenue intersection from 9:00 a.m. to 11:00 a.m. for parade line-up
- c. RESOLUTION NO. 24-230 approving temporary closure of Clark Avenue from

- 5th to 9th Street between 10:30 a.m. and 11:00 a.m. for movement of the parade
- d. RESOLUTION NO. 24-231 approving temporary closure of 9th Street between Clark Avenue and Maxwell Avenue from 10:45 a.m. to 11:00 a.m. for movement of the parade

- e. RESOLUTION NO. 24-232 approving temporary closure of 6th Street at Clark Avenue and Duff Avenue at 9th Street, as parade moves through those intersections

Roll Call Vote: 4-0-1, Gartin abstaining due to conflict of interest. Motions/Resolutions declared carried/adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

**AMENDMENT TO FY 2023/24 ASSET CONTRACT WITH THE SALVATION ARMY:**

Assistant City Manager Pa Goldbeck explained that the funding request would be drawn from funds that were already budgeted and set aside for emergency shelter services. Council Member Gartin inquired if these funds were preapproved dollars that were being reallocated, and Assistant City Manager Goldbeck responded in the affirmative.

Moved by Gartin, seconded by Betcher to adopt RESOLUTION NO. 24-234 approving amendment to FY 2023/24 ASSET Contract with The Salvation Army to add \$40,000 for temporary emergency shelter services.

Roll Call Vote: 5-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

**SALE OF CITY-OWNED LOT 1 IN BAKER SUBDIVISION TO HABITAT FOR HUMANITY OF CENTRAL IOWA:** Council Member Gartin stated that he pulled this item due to a conflict of interest.

Moved by Rollins, seconded by Betcher, to adopt RESOLUTION NO. 24-265 setting May 28, 2024, as date of public hearing for approving the sale of City-owned Lot 1 in Baker Subdivision to Habitat for Humanity of Central Iowa.

Roll Call Vote: 4-0-1, Gartin abstaining due to conflict of interest. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

**AMENDMENT TO PURCHASE AGREEMENT WITH HABITAT FOR HUMANITY OF CENTRAL IOWA IN CONJUNCTION WITH THE SALE OF LOTS 6, 7, AND 8 IN THE BAKER SUBDIVISION:** Council Member Gartin stated that he pulled this item due to a conflict of interest.

Moved by Rollins, seconded by Betcher, to adopt RESOLUTION NO. 24-266 approving amendment to purchase agreement with Habitat for Humanity of Central Iowa in conjunction with the sale of lots 6, 7, and 8 in the Baker Subdivision.

Roll Call Vote: 4-0-1, Gartin abstaining due to conflict of interest. Resolution declared 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 8<sup>th</sup> Street #102, Ames, shared his experience with the Ames Community School District.

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

**AGREEMENTS WITH IOWA STATE UNIVERSITY (ISU) FOR CYTOWN:** Assistant City Manager Brian Phillips presented the Council Action Form (CAF). He highlighted the two agreements consisting of a Memorandum of Understanding (MOU) that outlined the financial arrangements and the manner in which funds will be collected and reinvested into the Iowa State Center and a second agreement that described the City's involvement in the construction of the improvements, the provision of utilities, traffic control, and the interaction of other City/Iowa State University services in this new development (Infrastructure Agreement).

Assistant City Manager Phillips reviewed the two modifications that the City Council had directed staff to investigate. The first, an addition to the language directing how designees were selected had been modified with the appropriate language. The second request was to clarify what would happen to the Payment in Lieu of Taxes (PILOT) funds if one of the original four buildings in the Iowa State Center were to be demolished. He emphasized that City staff had not heard a proposal to demolish or close any Iowa State Center buildings, and that the proposed agreement would obligate ISU to continue using PILOT funds for improvements to the remaining buildings. He furthered that ISU had agreed to additional language stating that if demolition of any building in the Iowa State Center was considered, the CYTown Advisory Committee would present the proposal to the City Council in a public meeting prior for consideration. Utility easements were the next focus of presentation from Assistant City Manager Phillips, who stated that ISU and City staff had reached agreements on how to structure easements to meet the needs of ISU and protect the interests and resources of the City.

Assistant City Manager Phillips then provided clarification on issues staff received feedback from the community. He stated that approving the proposed agreements did not grant CYTown an exemption from property taxes, instead the agreements dictated how PILOT funds would be spent. As taxability is determined by the City Assessor and the Iowa Department of Revenue, the City did not have the authority to make that decision, and therefore was not stating whether CYTown was taxable or exempt. Assistant City Manager Phillips also provided clarification on whether a business location in CYTown would be exempt from Sales Tax. He stated that if a tax-exempt entity were to locate within CYTown the business would be tax exempt, but if a non-tax-exempt entity were to locate within CYTown, the business would not be granted tax-exemption based on the location. Hotel/Motel taxes, as a different subset of taxes, would still be collected at the local rate should a hotel or motel locate within CYTown. The final point of clarification involved the Scheman Building. Improvements to the facility were approved before the terms of the proposed agreements, and therefore were being paid using funds from the Athletic Department rather than the PILOT funds collected as part of the agreement. Assistant City Manager Phillips stated that it is expected that the improvements to Scheman will be available for events and programming that occur throughout the year and not as Athletics-exclusive spaces.

Council Member Betcher reviewed questions from constituents that she wished to clarify regarding PILOT funds being used to develop CYTown. Assistant City Manager Phillips stated that the PILOT fund is a large pot consisting of a comparable amount that would be collected in a private development. The portion of the PILOT fund that the City would collect would be designated to the

MOU agreement for restoration and improvements of the Iowa State Center facilities. All other portions of the PILOT fund would enter into the Operating Fund, which ISU could utilize for expenses to operate CYTown, which would include maintenance, construction, development, or paying back investments in infrastructure. Those funds would be invested in some manner back into CYTown; however, the funds could not be used for an unrelated ISU project. He referenced a list of allowed expenses and explained that if ISU were to take money out of the PILOT fund for an unrelated project, that the City would have the authority to take an equal amount out of the PILOT fund to add to the City's General Fund. Council Member Gartin asked for details on how the City would be able to verify that PILOT funds were being used for their intended purpose. Assistant Manager Phillips stated that there is an obligation in the MOU for ISU to provide the City with annual audited financial documents, including where the money was collected and where it was spent. He noted that ISU was also obligated to begin improvements on the existing facilities before the balance of the PILOT fund reached \$4,000,000 in the Capital Improvements Fund, to be sure that improvements were initiated in a timely manner. Furthermore, the provided documents would be thoroughly reviewed by the City's Finance Department. Assistant City Manager Phillips also clarified that whenever PILOT funds were referenced, he was specifically speaking to the City's portion of those funds that would be collected if the business was located on a public property.

Council Member Betcher asked Assistant City Manager Phillips to speak to any potential leverage the City may exert. He responded that this agreement was a product of a negotiation process between the City and ISU that was as advantageous to both sides as possible. He furthered that declining the agreement may sour the relationship between the City and ISU, who would then be free to collect the PILOT funds but utilize the funds for any project that ISU deemed necessary. In addition, requesting more would lead to further requests from ISU, noting that staff believed the proposed agreement was the best outcome that could be negotiated. Assistant City Manager Phillips also emphasized that Ames Community School District (ACSD), Des Moines Area Community College, and Story County would have to negotiate on their own behalf, as the City was not authorized to do so. City Manager Steve Schainker stated that if negotiations between other parties took place that resulted in a better agreement than the one arranged with the City, that the City would be entitled to adopt the same agreement. He further emphasized that the City was not in a position to negotiate for other tax entities, and that City staff had ensured that Ames citizens were protected through the better deal clause.

Council Member Betcher shared that she had heard concerns from citizens who were afraid that the City Council was not protecting local businesses by not being willing to litigate on the taxability of CYTown. City Manager Schainker stated that all economic development competes against industries that already exist. He noted that the City had not pursued litigation because staff was not confident that the City would be favored in litigation and did not want to damage relationships established with ISU. He furthered that hotel or business owners may have more standing to challenge the taxability of CYTown, but that all new businesses brought energy to Ames.

Mayor Haila opened the Public Input.

Herman Quirnbach, 1002 Jarrett Circle, Ames, expressed his concerns with the legal implications of the agreements, revenue collection for the ACSD and Story County, and asked the City Council to pursue independent legal opinion on Chapter 23A of the *Code of Iowa*. He expressed his belief

that CYTown violated the spirit of Chapter 23A and stated that businesses in CYTown may have an unfair advantage over others in the community. Mr. Quirnbach shared his desire to support the Iowa State Center but recommended that approving the agreements be postponed until another legal opinion was consulted.

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

Council Member Gartin requested Assistant City Manager Phillips respond to Mr. Quirnbach's comments. Assistant City Manager Phillips shared that City staff had many conversations with ISU on the applicability of Chapter 23A, where ISU pointed to different sections of the *State Code* to support their argument. He furthered that it was not clear that City staff would prevail, and in the case of no agreement, ISU is free to use those funds on any project at their discretion. Assistant City Manager Phillips stated that if ISU was challenged by someone else in the future and ISU prevails, the agreements with the City would still be valid. With ISU paying for the infrastructure and deeding it to the City, Assistant City Manager Phillips shared that there was virtually no risk to the City.

Council Member Gartin requested staff speak further to the potential lost revenues for the ACSD and Story County. City Manager Schainker stated that staff were just as concerned about revenue loss, and did not accept the agreements out of fear of a court battle, but was instead trying to meet the City Council's goal of being a community that attracts people with entertainment and activity. He furthered that there was more competition in the industry, and the City had not invested previously in the upkeep of the Iowa State Center. He reiterated that the agreements were an innovative way to raise funds and were a balance between restoring the Iowa State Center buildings and the revenue that may have been collected from property taxes.

Mayor Haila added that many Council Members were in office when there was an announcement that CY Stephens might have to close. He shared that citizens were quick to ask why the City did not put funds into the Iowa State Center, and his belief that the community was aware of the value of the buildings as well and was a priority of many. Mayor Haila stated that the agreements bound ISU and obligated them to put PILOT funds into the buildings. In reference to ACSD and Story County, Mayor Haila shared that staff had asked to bring in ACSD and Story County to the process but was told that ISU would deal with each entity separately, and City staff had respected that.

Council Member Betcher questioned if the City had the power to act on the options detailed by Mr. Quirnbach. She noted that the City did not have the jurisdiction to subdivide the land, and that CYTown was already approved by the Board of Regents. City Manager Schainker stated that if the City Council wanted to stop the project, the City could potentially not provide utilities, but ISU would likely proceed with or without the agreement. Mayor Haila noted that the easements detailed ISU placing the infrastructure and then deeding it to the City, as well as alternatives for if the equipment did not work as anticipated.

Moved by Rollins, seconded by Gartin, to adopt RESOLUTION NO. 24-268 approving Memorandum of Understanding Relating to the CYTown Development.

Council Member Beatty-Hansen thanked the everyone for their comments, and shared that she hoped the community understood that ISU was not asking for the City Council's permission and

the City was getting the best deal possible, and without the PILOT fund agreements the City and Iowa State Center would not be getting anything.

Council Member Gartin stated that it was important to indicate that there was a very complex and robust relationship between the City and ISU, and that the CYTown agreements were an example of how the two entities intertwined.

Council Member Betcher shared her hope that the City Council would continue to consider funding the arts in other ways in the future.

Roll Call Vote: 5-0. 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. 24-269 approving CYTown Development Area Construction, Utilities, Traffic and Related Services Memorandum of Understanding.

Roll Call Vote: 5-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

Moved by Betcher, seconded by Gartin, to adopt RESOLUTION NO. 24-270 approving CYTown Development Area Water and Sanitary Sewer Utility Easement Agreement.

Roll Call Vote: 5-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

Moved by Rollins, seconded by Beatty-Hansen, to adopt RESOLUTION NO. 24-271 approving CYTown Development Area Electrical Agreement.

Roll Call Vote: 5-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

**AMES ECONOMIC DEVELOPMENT COMMISSION (AEDC) ANNUAL REPORT:** Dan Culhane, President and CEO of the Ames Chamber of Commerce, presented on the accomplishments and activities of the AEDC in the past fiscal year. He stated that economic development in Ames was unique as Ames is a university town which also boasts the Prairie View Industrial Center and the Iowa State University Research Park as well. Mr. Culhane highlighted the expansion of the 3M plant as well as the groundbreaking of the Fitch Family Indoor Aquatic Center. He stated that the AEDC was also a community development organization working to create a rich community and had become a region wide organization. Mr. Culhane gave examples of initiatives that AEDC had undertaken to respond to the changing needs of the community and shared that AEDC was committed to hosting the Symposium on Building Inclusive Organizations annually. Mr. Culhane shared his excitement over the Traction magazine publication that highlighted economic development in Ames and the tax abatement for new housing. A priority goal of the AEDC was to attract those who travel to Ames for work to live in Ames, explained Mr. Culhane.

Council Member Gartin thanked Mr. Culhane and the AEDC for the economic development the organization facilitates as well as fundraising efforts for community enhancement projects. Council Member Betcher thanked the AEDC for continuing the Symposium on Building Inclusive

Organizations, and asked Mr. Culhane to provide an update on the AEDC rebrand. He responded that the rebrand would be revealed June 25, 2024, and that the name would be updated to reflect the regional work of the AEDC. In response to the Symposium on Building Inclusive Organizations, Mr. Culhane stated the diversity, equity, and inclusion (DEI) work was never done and the topic was broad.

Moved by Gartin, seconded by Betcher, to adopt RESOLUTION NO. 24-272 approving 2024/25 Funding Contract.

Roll Call Vote: 5-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

**HARRISON ROAD SURPLUS LAND NEIGHBORHOOD OUTREACH MEETING FOR HOUSING INFILL OPTIONS:** Director of Planning and Housing Kelly Diekmann and Planner Eloise Sahlstrom presented the Staff Report. Director Diekmann stated that one site identified by staff as an infill option was the 1.8-acre City-owned site of Harrison Road right-of-way at the corner of Harrison Road and Wellbeck Street. He furthered that with the City Council's goal of increasing diverse housing options and interest in infill development, the site could be utilized as a City-controlled test case for identifying a developer to construct small-lot style housing. Staff indicated that a neighborhood outreach meeting would be an appropriate first step before determining whether to proceed with an RFP for the sale and development of the site.

Accordingly, a neighborhood meeting was held on April 11, 2024, to obtain input from property owners in proximity to the site, explained Director Diekmann. He shared that staff had designed several possible lot layouts to fit housing on the site, which were all low-density options. The consensus from the Public Input session was that the community did not want to see any development on the lot. Director Diekmann stated that staff needed direction from the City Council in order to design the Request for Proposals (RFP). He noted that the RFP would be for a type of housing supported by the City Council. Once the RFP was developed, staff would return to the City Council with more details.

In response to Council Member Gartin's inquiry on the history of the lot, Director Diekmann noted that the City originally planned for a fragment of the lot to be utilized as a collector arterial street. However, shifts in growth areas and changing traffic concerns If that had not been that case, homes would have been placed in this area, stated Council Member Gartin. Council Member Betcher questioned the location of the nearest City park, which Director Diekman stated was Lloyd Kurtz Park half a mile away.

Mayor Haila opened the Public Input.

Dwayne Myers, 4103 Crestmoor Avenue, Ames, expressed his opposition to the addition of housing in the neighborhood and outlined the conditions of the plot. He outlined his concerns with the water drainage issues on the plot, as well as the amount of speeding in the area.

Gerald, Ames Resident, shared the outdoor recreational activities he enjoyed with his sister on the property and expressed his concerns with safety on Hyde Avenue.

Loren, 4110 Crestmoor Avenue, Ames, expressed his belief that development was not the right choice for the neighborhood, highlighted the history of the neighborhood, and mentioned that there was no deed for the property. He expressed his concerns over the safety of children crossing Hyde Avenue to reach Lloyd Kurtz Park.

Aiden, Ames Resident, expressed his concerns with traffic and noise levels in the community if development were to be pursued. He also shared his enjoyment of the green space and the nature he was able to observe there.

Grant Olsen, 3812 Ontario Street, Ames, shared his concerns with the speed of traffic and the need for traffic calming on Hyde Avenue.

Rex, 2729 Laurel Street, Ames, emphasized how the space had been used by families and how important it was to the neighborhood.

Paul, 4206 Wellbeck Drive, Ames, reiterated previous sentiments of the importance of the space and the high levels of use that the area received by children for recreation.

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

Council Member Beatty-Hansen thanked everyone for their input. She stated that infill is important to Ames' housing strategy and that reasonable people may agree with concepts but not want the concept in their backyard. She expressed that community input had been considered and heard, but hard decisions had to be made and the City Council was balancing a number of factors. The emphasis was on low density development, she stated, to maintain the character of the neighborhood. Council Member Rollins inquired if it would be possible to maintain a portion of the area as green space. Director Diekmann stated that could be included in the RFP as a preference to be sure to get responses from developers who may be interested in the project. He furthered that the more precise the RFP was, the less interest it was likely to draw.

In response to Council Member Betcher's concern over the distance of Lloyd Kurtz Park, Director Diekmann affirmed that the park is within the Ames 2040 Plan guidelines for parks and greenspaces. Council Member Betcher questioned if the City owned the land without a deed. Council Member Gartin responded that the City did own the land and shared his support for maintaining portions of the green space for the neighborhood to enjoy. Council Member Junck inquired if the RFP could include specifications to address the stormwater and drainage issues that were brought forward by the community. Director Diekmann stated stormwater management would need to be addressed by the Public Works Department, as issues with existing infrastructure are not the responsibility of the developer to maintain. Council Member Betcher expressed her concern with the community feedback that the City does not maintain the lot, which City Manager Schinker stated he would look into.

Council Member Beatty-Hansen shared her concerns regarding the traffic speeds brought by the community and the need for traffic calming measures on Hyde Avenue. She expressed her desire to revisit the topic if the area were to be further developed. She also inquired if staff needed more detail about the City Council's interest in preserving a portion of the green space for the RFP.

Director Diekmann shared his wish to not develop the RFP from motions, but rather to bring back a comprehensive RFP and let the City Council edit as it finds necessary. After thorough conversation between staff and the City Council, Mayor Haila noted that staff were looking for general direction and would come back with a RFP, noting that the evaluative process of the RFP may solve components that the City Council wanted to address.

Moved by Gartin, seconded by Rollins, to approve Option One: Direct staff to proceed with preparing a Request for Proposals (RFP) to prioritize attached housing and maintaining a sizeable portion for open space.

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

**REQUEST TO INITIATE A ZONING TEXT AMENDMENT FOR EXCEPTION TO MINIMUM FAR AND HEIGHT ALONG MAIN STREET:** Director Diekmann shared this item was in response to a request from a local Main Street business. He stated that in the Downtown Service Center Zoning (DSC) that there were two zoning standards, a minimum of two stories and a minimum 1.0 Floor to Area Ratio (FAR). He furthered that there are no other zoning design standards within DSC related to building design and its historic character, but the goal was to maintain the character of Downtown. Director Diekmann stated that the request was centered around the applicant owning a one-story building and having purchased another. In order to demolish and rebuild without meeting the two-story minimum, the applicant requested a Zoning Text Amendment. Director Diekmann noted that one option available to the City Council would be to remove the current limitation that excludes Main Street businesses from requesting an exception through the Zoning Board of Adjustment. Director Diekmann referenced the recently adopted ability for staff to approve up to a 20% variance from the standard and noted that this request does not quite meeting the 80% compliance requirement. In response to City Manager Schainker's inquiry of which design standards the applicant would still be required to meet, Director Diekmann stated that the building design must meet a .5 FAR, cannot have parking be the primary feature at the front of the building, have Main Street character, and that the guidelines were based on design rather than building form. He noted that any of the options outlined in the Staff Report required the same level of amendment to the current Zoning standards.

In response to Council Member Gartin's inquiry on the consequences of either option, Director Diekmann stated that in the last six years, there had been four requests of this nature, with none being for a new building. He reiterated that the standard was in place to reflect Main Street character, as the City did not want to see one story commercial development with surface parking lots for more intense density. Director Diekmann stated that taking requirements out of the current Zoning Ordinance would necessitate conversation around the priorities of the DSC Zoning, and how the City Council would like Downtown storefronts and parking to look.

Council Member Gartin questioned if there would be input gathered in the process. Director Diekmann responded that it could if the City Council desired and noted that in addition to the outreach that was done with Downtown stakeholders in the years prior, the feedback affirmed flexibility in the standards. There was also a notice requirement for an exception, which would provide notice to half a block of Downtown. Council Member Betcher inquired if there would be consequences to adopting an allowance to replace like with like. Director Diekmann stated

that could be the standard if the City Council wanted to pursue that in further policy and explained that would lock Downtown into the character that currently existed.

Mayor Haila opened the Public Input.

Gary Youngberg, owner of Ames Silversmithing, shared the vision for the new building with the City Council. He explained the history of the business in Downtown and the value and strength of Ames Silversmithing who hoped to bring more to Downtown. Mr. Youngberg stated that he would be agreeable to pursuing a ZBA exception, as he was familiar with the process.

Director Diekmann clarified that the original request was Option Two, to allow for all building additions, regardless of use, to be eligible to apply for an exception approved by the ZBA.

Mike Stott, architect for Ames Silversmithing, expressed his thanks to staff for the assistance and customer service provided throughout the process of strategizing the best solution to the business' requests.

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

Moved by Betcher, seconded by Beatty-Hansen, to approve Option Two: Allow for all building additions, regardless of use, to be eligible to apply for an exception approved by the Zoning Board of Adjustment (ZBA).

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

**SUNSET RIDGE NORTH SUBDIVISION, FIRST ADDITION MAJOR FINAL PLAT:**

Director Diekmann presented the Major Final Plat. He shared that the sewer connections and infrastructure were completed and noted that water and sewer easements were previously accepted as completed. The proposed plat had unique properties, such as the right of way line being extended to Wilder Lane without being paved at this time. The Public Improvement Agreement identified that paving in Outlot XX and Outlot YY were not complete, but the water and sewer completion led to approval of the site as Outlot XX and Outlot YY were not yet buildable. The developer requested deferral of the two conditions of the preliminary plat: a private sidewalk planned within Outlot A that may connect to a future City park and defer to Staff approval of a street tree planting plan on the west side of Greene Street. He furthered that staff was supportive of the two deferrals.

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

Moved by Gartin, seconded by Beatty-Hansen, to adopt RESOLUTION NO. 24-273 approving Final Plat.

Roll Call Vote: 5-0. 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. 24-274 Accepting Financial Security for Public Improvements.

Roll Call Vote: 5-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

The City Council recessed the meeting at 8:29 p.m. and reconvened at 8:36 p.m.

**PLANNING DIVISION WORK PLAN 2024:** Director Diekmann shared with the City Council the list of current projects assigned to the Department, and requested direction on how the City Council would like to see projects prioritized. Based off staff's current workload, he cautioned that any prioritized projects would wait until later in the year to be initialized. Director Diekmann noted that the Linc development was still on the Work Plan in connection with the Reinvestment District. Additionally, the State had notified staff that the Reinvestment District application had been in a "Pending" Status, however, the program was coming to an end this year, so a final application needed to be submitted and approved in Fall 2024. In that context, the item was new to the Work Plan. Key factors for the City Council to consider involved goals with the Climate Action Plan, measures with Plan 2040 that required implementation, and several transportation planning projects.

Director Diekmann also highlighted the possibility of a comprehensive Zoning Ordinance Update, which would require a significant amount of staff time. He shared his belief that this was warranted through the number of referrals, developer requests, and City Council priorities that showed the Zoning Ordinance was not in line with the expectations of the current City Council. He furthered that updating the Zoning Ordinance would not be as heavy of a lift as previous attempts had been due to several issues being picked off through requests, but that he estimated the project would take roughly 18 months. If the Zoning Ordinance was the route that City Council chose to pursue, Director Diekmann stated that a special City Council workshop would be needed in the fall to determine further priorities. Another placeholder staff had built into the Work Plan was for Neighborhood Plans, which would be coming to the City Council at a later date. He noted that if the Zoning Ordinance update was not pursued, up to six other pending projects could be entered into the Work Plan.

Director Diekmann stated the themes the potential Work Plan was broken down transportation, placemaking or plans, development focused, zoning ordinance, environmental, and housing. He reminded the City Council that items could be deleted from the project list as well if there was no longer an interest in pursuing them. Mayor Haila encouraged the City Council to identify the top priorities they would like to see accomplished and allow staff to suggest the best way to realize those goals. Council Member Beatty-Hansen noted that the Zoning Ordinance Update would cover several areas of the City Council's goals. Director Diekmann emphasized that Plan 2040 required implementation, which would require meaningful changes to the Zoning Ordinance as well.

Council Member Gartin noted that the Zoning Ordinance update was another way to create a structure where Plan 2040 could fully develop. Director Diekmann affirmed that Plan 2040 shaped policy and that policy needed implementation. Council Member Betcher highlighted items listed under options for the Work Plan that would be addressed through the Zoning Ordinance Update. Director Diekmann explained that staff had tried to be conservative in their estimates of what could be accomplished, but that there was room for more projects as needs and priorities arise from other Departments. The City Council and Director Diekmann engaged in thorough conversation about priorities and options to facilitate the City Council goals.

Moved by Betcher, seconded by Junck, to prioritize a Comprehensive Zoning Ordinance Update and establish a timeframe to initiate the project.

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

Moved by Junck, seconded by Betcher, to prioritize the Elwell Property Commercial Zoning Overlay and Development Agreement Changes.

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

Moved by Junck, seconded by Rollins, to prioritize developing a Climate Action Plan Incentive Program of Property Tax Abatement for Net Zero/Passive Homes.

City Manager Schainker noted that this priority was to incentivize the cost of development. Council Member Gartin expressed his belief that these projects could come with a high price tag and the project was worth exploring.

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

Moved by Junck, seconded by Beatty-Hansen, to prioritize one redirection area.

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

Moved by Betcher, seconded by Rollins, to place Work Plan Items No. 31 and 32 on the City Council agenda for discussion in September.

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

**NUTRIENT REDUCTION MODIFICATION PHASE I:** Moved by Beatty-Hansen, seconded by Betcher, to adopt RESOLUTION NO. 24-276 Issuing a Notice to Bidders for the Water Pollution Control Facility Nutrient Reduction Modifications Phase 1 Project, setting June 26 as the bid due date and July 9 as the date of public hearing and award.

Roll Call Vote: 5-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

**HEARING ON ZONING TEXT AMENDMENT FOR THE PURPOSE OF INCLUDING ROCK CLIMBING FACILITIES AS A MISCELLANEOUS USE WITHIN THE GENERAL INDUSTRIAL (GI) ZONING DISTRICT BY SPECIAL USE PERMIT:** Planner Sahlstrom was available for questions from the City Council.

Mayor Haila opened the Public Hearing.

Brian Doscher, Ames Business Owner, spoke in favor of the Zoning Text Amendment and explained the vision he had for the building and future business.

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

Moved by Betcher, seconded by Junck, to pass on first reading an Ordinance on Zoning Text Amendment for the purpose of including rock climbing facilities as a Miscellaneous Uses within the General Industrial (GI) zoning district by Special Use Permit.

Roll Call Vote: 5-0. Motion declared carried unanimously.

**FIRST READING OF ORDINANCE ON AN AMENDMENT TO CHAPTER 18.7A OF THE *MUNICIPAL CODE*, SPECIAL PENALTY FOR GAME DAY PARKING, TO ADD EVENT PARKING:** Chief Huff stated that the events that will be coming to Ames in the future are expected to impact the residential areas around the stadium in the same way home ISU football games do. He furthered that the increase of illegal parking around these events puts the public at risk by making it difficult for emergency vehicles to respond to medical calls, fire calls, and law enforcement calls for service. In addition, it impacts the residents of the area, making it more difficult for them to travel the streets around their homes, explained Chief Huff. He detailed the measures staff would take to update signage in the area, and the timeline to update the signs over the summer.

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

Moved by Betcher, seconded by Beatty-Hansen, to pass on First reading of an Ordinance on an Amendment to Chapter 18.7A of the *Municipal Code*, Special Penalty for Game Day Parking, to add Event Parking.

Roll Call Vote: 5-0. Motion declared carried unanimously.

**SECOND READING OF ORDINANCE AMENDING CHAPTER 28 OF THE *MUNICIPAL CODE* ESTABLISHING GEOTHERMAL SERVICES AND RULES AND CHARGES THEREFORE:** Moved by Beatty-Hansen, seconded by Junck, to pass on Second reading of Ordinance amending Chapter 28 of the *Municipal Code* establishing Geothermal Services and rules and charges therefore.

Roll Call Vote: 5-0. Motion declared carried unanimously.

**SECOND READING ON AMENDING CHAPTER 5 AND CHAPTER 22 OF AMES *MUNICIPAL CODE* REGARDING MISSING INFRASTRUCTURE REQUIREMENTS:** Moved by Betcher, seconded by Junck, to pass on Second reading on amending Chapter 5 and Chapter 22 of Ames *Municipal Code* regarding Missing Infrastructure Requirements.

Roll Call Vote: 5-0. Motion declared carried unanimously.

**THIRD READING AND ADOPTION OF ORDINANCE NO. 4526 CHAPTER 28 OF THE *MUNICIPAL CODE* SECTION 28.304(3) TO INCREASE SANITARY SEWER RATES BY 7% FOR BILLS DUE ON OR AFTER JULY 1, 2024:** Moved by Beatty-Hansen, seconded by Rollins, to pass on third reading and adoption of ORDINANCE NO. 4526 Chapter 28 of the *Municipal Code* Section 28.304(3) to increase sanitary sewer rates by 7% for bills due on or after July 1, 2024.

Roll Call Vote: 5-0. Motion declared carried unanimously.

**THIRD READING AND ADOPTION OF ORDINANCE NO. 4527 ON APPOINTMENT CRITERIA FOR BOARDS & COMMISSIONS:** Moved by Betcher, seconded by Junck, to pass on Third reading and adopt of ORDINANCE NO. 4527 on Appointment Criteria for Boards & Commissions.

Roll Call Vote: 5-0. Motion declared carried unanimously.

**DISPOSITIONS OF COMMUNINCATIONS TO COUNCIL:** Mayor Haila noted that there were ten items for consideration. The first and second items were emails and a previous Staff Report for information only regarding CYTown.

Then an email from Julious Lawson, Ames Community School District Superintendent, containing an invoice for Municipal Pool Demolition, was considered.

Moved by Beatty-Hansen, seconded by Rollins, to request a memo from staff.  
Vote on Motion: 5-0. Motion declared carried unanimously.

The fourth item to be discussed regarding Scholarships for the Middle School Delegation to Koshu, Japan, was from Cynthia Hicks.

Moved by Betcher, seconded by Junck, to place the item on a future agenda for discussion.  
Vote on Motion: 4-1. Voting Aye: Beatty-Hansen, Betcher, Junck, Rollins. Voting Nay: Gartin.  
Motion declared carried.

A memo from Dean Sayre, Public Works Civil Engineer, providing an update on Hyland Avenue Bicycle and Pedestrian Facilities was considered.

Moved by Beatty-Hansen, seconded by Rollins, to place the item on a future agenda.  
Vote on Motion: 4-1. Voting Aye: Beatty-Hansen, Betcher, Junck, Rollins. Voting Nay: Gartin.  
Motion declared carried.

Dotson Drive Traffic Concerns sent by Mark and Carly Reynolds was the next item to be evaluated.

Moved by Rollins, seconded by Betcher, to request a memo from staff.  
Vote on Motion: 5-0. Motion declared carried unanimously.

An email from Bob Johnson regarding Residential Energy Audit Concerns was the seventh item. City Manager Schainker stated that the Director of Electric Services had responded to the resident and was working to find a resolution.

Next, an email from Steve Martin, concerning Cost of Downtown Parking was examined.

Moved by Beatty-Hansen, seconded by Betcher, to respond that no action will be taken at this time.  
Vote on Motion: 5-0. Motion declared carried unanimously.

Then, an email with pictures from Balinda Ellsworth citing Washington Avenue and S. 4<sup>th</sup> Street Intersection Concerns was evaluated.

Moved by Beatty-Hansen, seconded by Junck, to refer the item to staff to address.  
Vote on Motion: 5-0. Motion declared carried unanimously.

The next item to be discussed by the City Council was an email from James Roach regarding

Permitted Mowing Hours.

Moved by Beatty-Hansen, seconded by Junck, to take no action on the item.

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

Mayor Haila noted that an email from Marie Mancuso regarding the Martin pier in Downtown had been sent to all Council Members and himself individually, resulting in its exclusion from the packet, though action was needed.

Moved by Betcher to refer to staff for a memo.

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

**REPORT OF GOVERNING BODY:** Council Member Rollins shared that the May Innovation Lunch Club meeting, sponsored by the AEDC, would be May 24, 2024. Council Members reported that the other boards and commissions had not met since the previous meeting.

**COUNCIL COMMENTS:** *Ex officio* Boland thanked her mom for attending the meeting. She shared that students had expressed their excitement over the new pickleball courts. Ms. Boland shared her efforts to develop an interactive calendar to share with Iowa State Student Government to share City events to promote more interaction with the community.

Council Member Betcher expressed her interest in traffic calming on Hyde Avenue.

Moved by Betcher, seconded by Rollins, to request a memo from staff on recent traffic studies on Hyde Avenue from Bloomington Road to 190<sup>th</sup> Street.

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

Council Member Gartin stated that the pickleball court ribbon cutting had a great turnout. He highlighted the Memorial Day Parade, which would take place on May 27, 2024, with the parade starting at 10:30 a.m. and the ceremony starting at 11:00 a.m. He invited the community to participate.

Council Member Junck invited the community to attend the Mayor's Bike Ride on Saturday, May 18, 2024, at 9:00 a.m.

Council Member Rollins reminded the community of the opportunity to provide feedback on the City's new website navigation, available on the City's current website.

**ADJOURNMENT:** Moved by Betcher, seconded by Beatty-Hansen, to adjourn at 9:49 p.m.

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