

MINUTES OF THE REGULAR MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

JULY 23, 2024

The Regular Meeting of the Ames City Council was called to order by Mayor Haila at 5:59 p.m. on the 23rd day of July 2024, in the City Council Chambers in City Hall, 515 Clark Avenue, pursuant to law. City Council Members Bronwyn Beatty-Hansen, Amber Corrieri, Tim Gartin, and Anita Rollins were present. *Ex officio* Emily Boland was also present. Council Members Gloria Betcher and Rachel Junck were absent.

CONSENT AGENDA: Council Member Rollins requested to pull Item No. 8 from the Consent Agenda.

Moved by Corrieri, seconded by Gartin, to approve the Consent Agenda, less Item No. 8.

1. Motion approving payment of claims
2. Motion approving Summary of Minutes of Regular City Council Meeting on July 9, 2024
3. Motion approving Report of Change Orders for period July 01-15, 2024
4. Motion approving the renewal of the following Beer Permits, Wine Permits, and Liquor Licenses:
 - a. Cyclone Experience Network Jack Trice, (1800 S 4th Street), Class C Retail Alcohol License with Catering Privilege and Outdoor Service
 - b. Hy-Vee Market Grille, (640 Lincoln Way), Class C Retail Alcohol License
 - c. Fareway Meat Market #189, (3720 Lincoln Way), Class E Retail Alcohol License
 - d. Sweet Carolines, (316 Main Street), Class C Retail Alcohol License with Outdoor Service and Catering Privilege
 - e. The Mucky Duck Pub, (3100 S Duff Avenue), Class C Retail Alcohol License with Outdoor Service and Catering
 - f. Kum & Go # 1215, (4506 Lincoln Way), Class E Retail Alcohol License
 - g. Lalo's Liquor Store Inc., (809 Wheeler Street Suite 105), Class E Retail Alcohol License
 - h. El Azteca, (2120 Isaac Newton Drive), Class C Retail Alcohol License
 - i. Hickory Park, (1404 S. Duff Avenue), Special Class C Retail Alcohol License
 - j. 313 Bar, (115 5th Street), Class C Retail Alcohol License
 - k. Botanero Latino, (604 Lincoln Way), Special Class C Retail Alcohol License with Outdoor Service
5. Resolution approving updated Requests from Ames Main Street for Campustown Farmer's Market on August 13, 2024:
 - a. RESOLUTION NO. 24-411 approving road closures of Chamberlain Street from Welch Avenue to 2410 Chamberlain Street from 2:00 p.m. to 10:00 p.m.
 - b. RESOLUTION NO. 24-412 approving/motion denying waiver of parking meter fees and enforcement (\$23.00 Loss to the Parking Fund)
6. Motion delaying award of contract for the Water Pollution Control Facility Nutrient Reduction Modifications Phase 1 project until August 13, 2024
7. RESOLUTION NO. 24-413 approving request from Friends of Ada Hayden Heritage Park to waive enforcement of prohibition of motorized vehicles in Ada Hayden Heritage Park on Monday, September 9 (9 am - 7:30 pm) and Tuesday, September 10 (9:00 a.m. – 3:00 p.m.)

8. ~~RESOLUTION NO. 24-414 reauthorizing the GIS Software Enterprise Licensing Agreement with Environmental Systems Research Institute of Redlands, California, for a term of 3 years at a rate of \$66,500 per annum~~
9. RESOLUTION NO. 24-415 approving contract with Apache Industrial, La Vista, NE, for the Scaffolding and Related Services and Supply Contract at the Power Plant for July 1, 2024, through June 30, 2025, in an amount not-to-exceed \$140,000
10. RESOLUTION NO. 24-416 approving Change Order No. 1 with J. Pettiecord Inc. for the Fuel Tank Removal at the Coal Yard in the amount of \$189,500
11. RESOLUTION NO. 24-417 approving Change Order No. 1 with JB Holland Construction Inc. for the Ash Pond Closure and RDF Ash Pond Reconstruction project in the amount of \$417,344.79
12. Water Treatment Plant Lime Sludge Disposal Contract
 - a. RESOLUTION NO. 24-418 approving a change order for the FY 2023/24 lime sludge disposal contract with Wulfekuhle Injection and Pumping, Inc. of Peosta, Iowa in a deduct amount of \$197,099.47
 - b. RESOLUTION NO. 24-419 accepting completion of the FY 2023/24 lime sludge disposal contract with Wulfekuhle Injection and Pumping in the final adjusted amount of \$195,040.53, and release retainage in accordance with the contract documents
 - c. RESOLUTION NO. 24-420 authorizing the carry-over of \$148,900 of unspent funds that resulted from incomplete work in the FY 2023/24 operating budget to the FY 2024/25 budget
 - d. RESOLUTION NO. 24-421 approving change order number one for the FY 2024/25 lime sludge disposal contract with Wulfekuhle Injection and Pumping, Inc. of Peosta, Iowa in an additive amount of \$148,900.

Roll Call Vote: 4-0. Motion/Resolutions declared carried/adopted, signed by the Mayor, and hereby made a portion of these Minutes.

GIS SOFTWARE ENTERPRISE LICENSING AGREEMENT: Assistant City Manager Brian Phillips clarified that the amount of the yearly contract on the agenda should have read \$69,800, as well as Alternative 1.

Moved by Rollins, seconded by Beatty-Hansen, to adopt RESOLUTION NO. 24-414 reauthorizing the GIS Software Enterprise Licensing Agreement with Environmental Systems Research Institute of Redlands, California, for a term of 3 years at a rate of \$69,800 per annum.

Roll Call Vote: 4-0. 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 8th Street #2, Ames, noted that information about National Night Out was not included in the latest edition of City Side.

Caitlin Leann, Ames Resident, voiced her concerns with the Baker Subdivision moving away from geothermal. Ms. Leann shared statistics from the Department of Energy to showcase the life span of geothermal systems. She advocated that geothermal in the Baker Subdivision would allow lower

socioeconomic individuals the opportunity to have lower monthly payments, as well as take carbon reducing action that may otherwise be out of reach financially. Ms. Leann urged the City Council to consult a reputable HVAC service provider before altering the geothermal plans.

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

RAPID NEEDS PURCHASE FOR REPAIRS TO THE 161 KV ELECTRIC TRANSMISSION LINE: Director of Electric Services Donald Kom presented the Council Action Form (CAF). Director Kom reviewed that the line is operated between Ames and Ankeny and is a critical component of utility infrastructure. The line sustained damage from a tornado in May, and the Department took immediate action to repair the line. Utilizing the rapid needs process the Department was able to act and was now bringing the costs of the repair for City Council approval. He shared that seven entities were contracted to complete the project and elaborated on the roles of the contractors. He shared that the engineering company DGR was able to cut time and costs through their expertise that allowed DGR to serve as a purchasing agent to find materials quickly. The line was now back in operation, shared Director Kom.

Council Member Gartin inquired what the funding source for the project was. Director Kom stated that it would come from the Department's available fund balance, but that the Department was also in discussion with FEMA for reimbursement as the tornado had been designated as a federal disaster declaration. Council Member Beatty-Hansen encouraged the City Council to remember that increased costs for repairs were an ongoing cost of climate change that the City has been working to mitigate with the Climate Action Plan (CAP).

Moved by Gartin, seconded by Beatty-Hansen, to adopt RESOLUTION NO. 24-422 approving the report of the rapid needs purchase for repairs to the 161 KV electric transmission line in the amount of \$625,504.86.

Roll Call Vote: 4-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

ADDITION OF 1.0 FTE TO HUMAN RESOURCES (HR) DEPARTMENT: Director of HR Bethany Ballou presented the CAF and shared that a significant increase in recruitment activities had taken place since 2020. After evaluating various process improvements, staff had determined that a more sustainable approach was needed to handle the continued increased recruitment needs. The position would be financed in the current fiscal year through vacancy savings.

Moved by Rollins, seconded by Corrieri, to adopt RESOLUTION NO. 24-423 approving addition of 1.0 FTE to HR Department.

Roll Call Vote: 4-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

IMMEDIATE TOWING OF ILLEGALLY PARKED VEHICLES: Chief of Police Geoff Huff reviewed the CAF, noting that in July of 2022, the City Council approved an ordinance to allow for the immediate towing of vehicles parked illegally when authorized by City Council resolution (Section 18.34 of *Municipal Code*). He furthered that the requested date for immediate towing to be in effect was August 24, 2024, the Saturday before classes begin at Iowa State

University (ISU). In the past several years, this weekend has been associated with an increase in alcohol consumption, illegal parking, nuisance parties, and other high-risk activities. City staff and ISU staff have worked to rebrand the weekend to reduce harm, noise complaints, and reduce parking complaints. Chief Huff furthered that the immediate towing has been an effective tool that allows emergency services vehicles to maneuver in a safer manner.

If a vehicle was towed, the owner would need to contact the contracted tow service, pay the \$100 fee, and go retrieve the vehicle from impound, explained Chief Huff. He highlighted the public outreach done by the Department beforehand, noting that in the fall there is a door-to-door program to meet and educate students. ISU also sends out information about the immediate towing ban, signs are placed in the areas where immediate towing is in effect to inform the public, and the Department has used mobile signs and social media platforms.

Moved by Gartin, seconded by Beatty-Hansen, to adopt RESOLUTION NO. 24-424 authorizing immediate towing of illegally parked vehicles on Saturday, August 24, 2024.

Roll Call Vote: 4-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

ENHANCED PENALTIES FOR NUISANCE PARTY VIOLATIONS: Chief Huff highlighted that the reasoning for enhanced penalties for nuisance party violations was the same as the previous request. These enhanced penalties were targeted at large parties of 500-600 people. He cited that the enhanced penalties were another tool for the Department to utilize but highlighted that these citations were not given out often, with only five written the previous year. Chief Huff furthered that the ticket is written to the individual, not the premise, although the property owner is notified as well. He noted that the Department also assists individuals who proactively request help with reducing the number of people at a premise.

Moved by Gartin, seconded by Corrieri, to adopt RESOLUTION NO. 24-425 authorizing enhanced penalties for nuisance party violations beginning at 5:00 p.m., Friday, August 23 and ending at 4:00 a.m. on Sunday, August 25, 2024.

Roll Call Vote: 4-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

BAKER SUBDIVISION - SECOND AMENDMENT TO RESTRICTIVE COVENANTS FOR AFFORDABLE HOUSING: Housing Coordinator Vanessa Baker-Latimer explained that the goal for the City was to protect its interest in its affordable housing properties and preserve the City's ability to maintain housing for low-and-moderate income (LMI) households for the designated affordability periods. Due to this, the City determined that it would be in the City's best interest to modify the Baker Subdivision Covenants to obligate that all of the lots designated for affordable housing be restricted to LMI households so that the City could have more than one first-time home buyer for the life of each property. The recorded covenants would notify the seller of the property to contact the City for resale provisions to ensure long term affordability at the Baker Subdivision. This would reduce reliance on outside agencies to enforce the City's affordable housing interests. Additionally, she stated that clarifying the role of the Housing Coordinator to approve mortgage assignments will also assist in prompt review of mortgage changes requested by Habitat for Humanity of Central Iowa, which meets Habitat's goals as well. Coordinator Baker-

Latimer stated that the covenants applied to all designated affordable lots in the Baker Subdivision.

City Attorney Mark Lambert explained that the City Council could take action on the items as *Iowa Code* required a majority vote of the full City Council for any action requiring resolution. However, as Council Member Gartin would be abstaining due to conflict of interest, the vote would be based on the number of council members not recusing themselves, thus the required number of votes for a majority was three members.

Moved by Beatty-Hansen, seconded by Rollins, to adopt RESOLUTION NO. 24-426 approving amendment to covenants.

Roll Call Vote: 3-0-1, Gartin abstaining due to conflict of interest. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

Moved by Beatty-Hansen, seconded by Rollins, to adopt RESOLUTION NO. 24-427 authorizing Housing Coordinator to approve assignment of mortgages, requested from Habitat for Humanity of Central Iowa to First National Bank.

Roll Call Vote: 3-0-1, Gartin abstaining due to conflict of interest. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

HEARING ON FY 2022/23 STORY COUNTY EDGE OF FIELD PROJECT: Director of Water and Pollution Control John Dunn explained that only one bid was received for the project, which exceeded the engineers estimate. Director Dunn stated that staff wished to have further conversations with the other funding partners before moving forward with the project. 75% of construction costs were being paid by the Iowa Department of Agriculture and Land Stewardship (IDALS), however, the 28E agreement with IDALS and Story County Conservation designated the City as the fiscal agent. Due to this, the final decision of whether or not to proceed rests with the City.

Director Dunn noted that in respect to IDALS, who is funding the majority of the project, City staff needed more time to review the bid and verify that the bidder would be able to complete the work. Council Member Gartin questioned if there was a timing restriction with the availability of State funding, which Director Dunn responded in the negative. He explained that the funding could be rolled over to the next fiscal year. Additionally, Director Dunn noted that the bidder for this second year of the project was different from the bidder who had completed the work previously.

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

Moved by Gartin, seconded by Beatty-Hansen, to accept report of bids and delay award until the August 13, 2024, City Council meeting.

Vote on Motion: 4-0. Motion declared passed unanimously.

HEARING ON 2024/25 SHARED USE PATH MAINTENANCE PROGRAM: Mayor Haila opened and closed the Public Hearing when no one came forward to speak.

Moved by Beatty-Hansen, seconded by Corrieri, to accept report of bids.

Vote on Motion: 4-0. Motion declared passed unanimously.

Moved by Beatty-Hansen, seconded by Rollins, to adopt RESOLUTION NO. 24-428 approving final plans and specifications and awarding a contract to Mid Iowa Enterprises, LLC of Story City, Iowa in the amount of \$75,340.

Roll Call Vote: 4-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

HEARING ON 302 AND 212 SONDROL AVE: Mayor Haila opened and closed the Public Hearing when no one came forward to speak.

Moved by Beatty-Hansen, seconded by Rollins, to adopt RESOLUTION NO. 24-429 approving the vacation of the 10' strip of right-of-way adjacent to 302 and 212 Sondrol Avenue.

Roll Call Vote: 4-0. 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. 24-430 approving the conveyance of the vacated 10' strip of right-of-way adjacent to 302 and 212 Sondrol Avenue to 302 Sondrol, LLC., for \$10,177.20 (as determined by the City's standard formula).

Roll Call Vote: 4-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

FIRST READING OF ORDINANCE UPDATING ENFORCEMENT PROVISIONS TO CHAPTER 5B AND CHAPTER 22A OF AMES MUNICIPAL CODE: Mayor Haila opened and closed the Public Hearing when no one came forward to speak.

Moved by Rollins, seconded by Corrieri, to pass on first reading an Ordinance updating enforcement provisions to Chapter 5B and Chapter 22A of Ames *Municipal Code*.

Roll Call Vote: 4-0. Motion declared adopted unanimously.

SECOND READING OF ORDINANCE TO CHANGE ELECTRIC RATES TO ADOPT REVENUE-NEUTRAL RATE ADJUSTMENTS TO BETTER ALIGN WITH COST-OF-SERVICE STUDY RECOMMENDATIONS, TO ADD OPTIONAL TIME-OF-USE RATES, AND TO ADJUST THE LARGE CUSTOMER INTERRUPTIBLE OPTION BILL CREDITS: Mayor Haila noted that staff had requested to pull the motion to amend so staff could engage in further discussions.

Moved by Rollins, seconded by Gartin, to pass on second reading of Ordinance to change electric rates to adopt revenue-neutral rate adjustments to better align with cost-of-service study recommendations, to add optional Time-of-Use rates, and to adjust the Large Customer Interruptible Option bill credits.

Roll Call Vote: 4-0. Motion declared adopted unanimously.

DISPOSITION OF COMMUNICATIONS TO COUNCIL: Mayor Haila noted that there were seven items for the City Council's consideration. The first was a request from Margaret Epplin and Ronald Mowers to vacate an annexation agreement.

Moved by Beatty-Hansen, seconded by Gartin, to request a memo from staff.
Vote on Motion: 3-1, Corrieri dissenting. Motion declared carried.

Founder of The Buxton Initiative, Cameron Gray, submitted a request for a Commission on the Arts grant extension.

Moved by Beatty-Hansen, seconded by Corrieri, to place the item on a future agenda.
Vote on Motion: 4-0. Motion declared carried unanimously.

Next, an email from Doug Pepe about increased disruptive fourth of July activity was considered.

Moved by Beatty-Hansen, seconded by Gartin, to respond and express sympathies.
Vote on Motion: 4-0. Motion declared carried unanimously.

The fourth item was an email from Mike Fisk regarding the Resource Recovery Plant Waste acceptance policy.

Moved by Corrieri, seconded by Gartin, to request staff respond.
Vote on Motion: 4-0. Motion declared carried unanimously.

Dylan Kline, Ames Regional Economic Alliance Business Development Director provided an email with follow-up on the Baker Subdivision geothermal costs and Mayor Haila noted the item was for information only.

Ames resident Merlin Pfannkuch submitted an email regarding the Sidewalk Policy.

Moved by Beatty-Hansen to respond and thank him for his input and explain the new standards.
Vote on Motion: 4-0. Motion declared carried unanimously.

The final item for consideration was from Doug Pepe regarding the development process for a former gas station at South Franklin Avenue and Lincoln Way.

Moved by Beatty-Hansen, seconded by Rollins, to request staff respond.
Vote on Motion: 4-0. Motion declared carried unanimously.

REPORT OF GOVERNING BODY: Council Member Rollins announced that a new Downtown Welcome and Visitor Center would be opening as a joint project between Ames Main Street (AMS) and Discover Ames next to the Sheldon Munn. She also announced that Travis Toliver was hired as the New Vice President and Executive Director of AMS. Council Member Gartin shared that he had attended the Story County Emergency Management Agency (SCEMA) where the effects of the May tornados were discussed, along with remedial efforts. Mayor Haila stated there are also several mayors of surrounding communities that are interested in hearing what is going on at the Resource Recovery Plant (RRP) and arranging a meeting to discuss the implications for their communities. Ames Transit Agency Board of Trustees and Ames Economic Development Commission had not met since the previous meeting.

COUNCIL COMMENTS: *Ex officio* Boland shared that she was working on a presentation for the Student Government Expo.

Council Member Beatty-Hansen shared that Rummage Rampage was taking place July 26, 2024 - August 3, 2024. She encouraged the community to donate and shop the event and highlighted that Rehoming Our Animals/Aquariums Responsibly would be in attendance as a community resource as well.

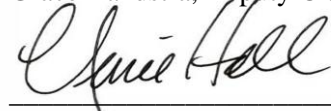
Council Member Rollins highlighted that National Night Out would be Tuesday, August 6, 2024, at Ames Middle School, with over 800 pairs of shoes eligible to give out to families in need in the community. Families could also register to receive a backpack at the event.

Council Member Gartin stated he had attended a concert in Roosevelt Park and encouraged the community to attend as well. He noted that the concerts were at 7:00 p.m. on Sundays.

ADJOURNMENT: Moved by Gartin, seconded by Beatty-Hansen, to adjourn at 6:56 p.m. Vote on Motion: 4-0. Motion declared carried unanimously.



Grace Bandstra, Deputy City Clerk



Renee Hall, City Clerk



John A. Haila, Mayor