

MINUTES OF THE REGULAR MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

JUNE 25, 2019

The Regular Meeting of the Ames City Council was called to order by Mayor John Haila at 6:00 p.m. on June 25, 2019, in the City Council Chambers in City Hall, 515 Clark Avenue, pursuant to law. Present were Council Members Bronwyn Beatty-Hansen, Amber Corrieri, Gloria Betcher, Tim Gartin, and David Martin. As it was impractical for Council Member Chris Nelson to be present in person, he was brought into the meeting telephonically. *Ex officio* Member Devyn Leeson was also in attendance.

CONSENT AGENDA: Council Member Betcher requested to pull Item No. 12, Modifications to Clark Avenue Bike Lanes, for further discussion. Mayor Haila pulled Item No. 19, regarding Tripp Street Extension project, due to having an unsigned Agreement.

Moved by Corrieri, seconded by Gartin, to approve the following items on the Consent Agenda:

1. Motion approving payment of claims
2. Motion approving Minutes of the Regular Meeting of June 11, 2019
3. Motion setting salaries for Council appointees FY 2019-20
4. Motion approving Class E Liquor License ownership change - Fareway Meat Market #189, 3720 Lincoln Way
5. Motion approving new 5-day Class C Liquor License (June 28 - July 2) - Thirsty Pigs LLC, 3600 University Boulevard
6. Motion approving renewal of the following Beer Permits, Wine Permits, and Liquor Licenses:
 - a. Special Class C Liquor License with Outdoor Service and Sunday Sales - Botanero Latino, 604 East Lincoln Way
 - b. Class C Liquor License with Catering and Sunday Sales - Jethro's BBQ, 1301 Buckeye Avenue
7. Motion approving request from Ames Convention & Visitors Bureau for Fireworks Permit for display from 1422 S. 4th Street at 10:00 p.m. on July 3, 2019, for Independence Day Celebration
8. RESOLUTION NO. 19-289 approving reappointment of Council Member Tim Gartin to Ames Economic Development Commission Board of Directors
9. RESOLUTION NO. 19-290 approving and adopting Supplement No. 2019-3 to the *Ames Municipal Code*
10. RESOLUTION NO. 19-291 adopting New and Revised Fees for the City of Ames to be effective July 1, 2019
11. RESOLUTION NO. 19-292 approving Commission On The Arts (COTA) Special Project Grant Contract for Fall 2019 with Town and Gown Chamber Music Association
12. RESOLUTION NO. 19-294 approving Safety Services Contract with IAMU in an amount not to exceed \$66,000 for period July 1 through December 31, 2019, and optional renewal in an amount not to exceed \$66,000 for period January 1 through June 30, 2020
13. RESOLUTION NO. 19-295 accepting quote for Excess Worker's Compensation Insurance from Holmes Murphy & Associates for coverage with Midwest Employers Casualty

- Company1 for the same coverage types and limits as the expiring contract at a renewal premium of \$104,765
14. RESOLUTION NO. 19-296 Communities Assurance Pool (ICAP) for certain casualty and liability coverages at a net cost of \$510,499
 15. RESOLUTION NO. 19-297 accepting extension of Property Brokerage Agreement with Willis of Greater Kansas, Inc., for the period beginning July 1, 2019, through June 30, 2020, in the amount of \$50,000
 16. RESOLUTION NO. 19-298 approving renewal for property insurance program coverage with Willis of Greater Kansas, Inc., for FY 2019/20 at the combined quoted premium of \$612,813
 17. RESOLUTION NO. 19-299 approving Professional Services Agreement with HDR Engineering of Omaha, Nebraska for 2045 Long-Range Transportation Plan Update in an amount not to exceed \$494,909
 18. RESOLUTION NO. 19-301 awarding Contract for FY 2019/2020 Hauling (to the Boone County Landfill) and Related Services for Resource Recovery Plant to Waste Management of Iowa, Inc., at a base rate of \$14.14/ton
 19. RESOLUTION NO. 19-302 approving payment of \$349,105 to Iowa State University to meet the City's current StoryComm obligation under the Radio System Contract with RAYCOM
 20. RESOLUTION NO. 19-303 approving 3-Year extension of Welch Avenue Parking Lot T (Campustown) Lease
 21. Requests for Midnight Madness on July 13, 2019:
 - a. Motion approving blanket Temporary Obstruction Permit and blanket Vending License
 - b. Motion approving 5-day Class B Beer & Outdoor Service Area in City Hall Parking Lot N
 - c. RESOLUTION NO. 19-304 approving closure of portions of 5th Street, Douglas Avenue, 10th Street, Clark Avenue, Main Street, Northwestern Avenue, 9th Street, Ridgewood Avenue, and 6th Street; Burnett Avenue and Kellogg Avenue, from 5th Street to 10th Street; 6th Street, 7th Street, 8th Street, and 9th Street, from Clark Avenue to Douglas Avenue; and Park Way, from 6:00 p.m. to 11:00 p.m. on Saturday, July 13
 - d. RESOLUTION NO. 19-305 approving suspension of parking regulations and enforcement from 6 PM to 11 PM
 - e. RESOLUTION NO. 19-306 approving closure of Clark Avenue from 5th Street to 6th Street and City Hall Parking Lot N from 6 PM on July 13 to 1 AM on July 14 for post-race activities
 - f. RESOLUTION NO. 19-307 approving waiver of fees for blanket Vending License and usage of electricity
 22. RESOLUTION NO. 19-308 approving preliminary plans and specifications for South Grand Avenue - South 5th Street; setting July 16, 2019, as bid due date and July 23, 2019, as date of public hearing
 23. RESOLUTION NO. 19-309 approving preliminary plans and specifications for the Wellhead Controls Improvements and Repainting Project; setting July 31, 2019, as the bid due date and August 13, 2019, as date of public hearing
 24. RESOLUTION NO. 19-310 approving preliminary plans and specifications for the Water Plant Handrail Modifications Project; setting July 24, 2019, as bid due date and August 13, 2019, as date of public hearing
 25. RESOLUTION NO. 19-311 waiving City's Purchasing Policies and Procedures requirement

- for formal bidding and awarding a contract to Open Systems International, Inc., of Medina, Minnesota, for Monarch Support for three-year term for Supervisory Control and Data Acquisition (SCADA) for the Power Plant in the total amount of \$184,632
26. RESOLUTION NO. 19-312 awarding contract to Murphy Tractor and Equipment of Des Moines, Iowa, for the purchase of a wheel loader to replace an old one used at the Resource Recovery Plant in the amount of \$298,478
 27. RESOLUTION NO. 19-313 approving contract and bond for 2017/18 Downtown Street Pavement Improvements - Main Street Alleys (Duff-Douglas, Kellogg-Burnett)
 28. RESOLUTION NO. 19-314 approving contract and bond for Boiler Maintenance Services Contract for Power Plant
 29. RESOLUTION NO. 19-315 approving contract and bond for Power Plant Unit 7 Generator Overhaul Project
 30. RESOLUTION NO. 19-316 approving contract and bond for Teagarden Area Drainage Improvements
 31. RESOLUTION NO. 19-317 approving contract extension with Electronic Engineering Co., of Ames, Iowa, to provide 800-MHZ trunked radio equipment, pagers, and related equipment and services for City departments from July 1, 2019, through June 30, 2020
 32. RESOLUTION NO. 19-318 approving contract renewal to Excellence Opto, Inc., of Pomona, California, for LED Luminaries Supply Contract for Electric Distribution
 33. RESOLUTION NO. 19-319 approving contract to TEI Construction Services., Inc., of Duncan, South Carolina, for Power Plant Maintenance Services for hourly rates and unit prices bid in an amount not to exceed \$100,000
 34. RESOLUTION NO. 19-320 approving partial completion of public improvements and reducing security for Quarry Estates, 3rd Addition
 35. RESOLUTION NO. 19-321 approving Plat of Survey for 1528 X Avenue (Boone County)
 36. RESOLUTION NO. 19-322 accepting completion of 2017/18 Accessibility Enhancement Program (Airport Road Sidewalk)

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

MODIFICATIONS TO CLARK AVENUE BIKE LANES TO REMOVE BIKE BOX AND REPLACE WITH BIKE LANES AT AN ESTIMATED COST OF \$2,500: Council Member Betcher explained that she pulled this item from Consent to discuss the letter from the Ames Bicycle Coalition (ABC). She noted that in ABC's letter they note that they would like to see a bike box tried in another location. Traffic Engineer Damion Pregitzer stated that if the Council has a specific location they would like staff to evaluate they can; however, the best option would be to discuss having additional bike boxes during the 2045 Long Range Transportation Plan discussions. Ms. Betcher commented that she is not sure if any data were collected from the Clark Avenue bike box, but suggested when putting a bike box in a different location to collect more data. Mr. Pregitzer stated staff could work with a consultant and look at more specific thresholds, but currently don't have any thresholds that would trigger the bike box treatment versus a separated bike line.

Moved by Gartin, seconded by Corrieri, to approve RESOLUTION NO. 19-293 approving modifications to Clark Avenue bike lanes to remove bike box and replace with bike lanes at an

estimated cost of \$2,500.

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

PUBLIC FORUM: Alex Yakobsen, Southdale Drive, Ames, stated he wanted to talk about the Police Departments behavior. In his opinion, the Police Department only protects some people. He gave an example of a child with a disability who was beaten up by another student on the bus in the morning, and the driver did nothing, and then it happened again in the afternoon. Mr. Yakobsen mentioned that instead of the Police Department understanding what happened, they threatened the parent who was trying to help the situation. He also noted there are other safety issues.

There being no one else wishing to speak, the Mayor closed Public Forum.

STAFF REPORT ON COMMUNITY INTERNET IMPROVEMENTS: Assistant City Manager Brian Phillips stated that since November 2018, staff has been investigating five issues that the Council had identified related to internet service in the community. He noted that he wanted to focus on the issues that are identified in the report as potential next steps:

1. A feasibility study for municipally owned and operated internet utility and the factors that influence the decision.
2. Whether there is any further action that the Council would like to do in regards to the existing internet providers in the area, with ways to improve the service in the community.
3. Whether the Council would like to study subdivision requirements related to the installation of internet infrastructure.

Feasibility Study: Mr. Phillips noted that when preparing the staff report there were conversations with dozens of people representing seven different internet providers. He explained that staff had made it clear to each provider that the Council's goals are for improvements to availability, reliability, cost, speed, customer service, and policy. Staff did make an offer to the current internet providers to share the City's public data regarding locations of easements, rights-of-way, utility poles, in order to help provide better service. Mr. Phillips noted that a conversation was had with three providers that have infrastructure just outside of the Ames service area for fiber to the premises internet service, but at the moment they are not able to serve the Ames community due to capital constraints for infrastructure.

Assistant City Manager Phillips stated a fiber-to-the-premises provider had reached out to the City and expressed interest in providing the Ames community with that type of network. The provider has received approval from its Board to proceed with construction and has begun investing funds to secure real estate in Ames. He noted that this provider is not ready to make the public aware of whom they are at this time, but will do so in July or August of this year. The provider intends to build out the Ames network within two to three years and would affect the rights-of-way, and easements in the area. This company has done build outs in a number of cities in the U.S. throughout the past several years. Mr. Phillips stated that fiber-to-the-residence internet only works

when there is one provider. City staff has been up front with the provider that the City may do a feasibility study for a municipally operated and owned internet utility, and the provider responded that it does not align with their timeline and would move on to another city if the City started a feasibility study.

Mr. Phillips commented that staff estimates the cost to conduct a feasibility study would be approximately \$75,000 to \$125,000. He then explained all the steps that staff would do if the Council directed staff to proceed with the feasibility study. Mr. Phillips stated that the Staff Report does show two options, but a third option would be to delay the process and invite this provider to give a report to City Council.

Council Member Martin inquired if this other provider needed the City's permission to do the project. Mr. Phillips stated that they do not as they would need to follow the proper procedures for obtaining right-of-way and easements, but this provider is asking for the use of certain city facilities, such as the utility pole infrastructure. The provider would also need to build a structure where the fiber would loop back to.

Mr. Martin also asked how this other company replied to the City Council's top five concerns. Mr. Phillips stated that the provider is in the process of evaluating where it would provide service to and is willing to share this information with the City. He pointed out that this company, like the other companies, will not be able to cover 100% of the community; there will still be some areas that it will not be able to provide service to as it would not be cost-effective.

Council Member Gartin stated that when he read the Staff Report, it felt like the new firm was trying to be heavy-handed and almost bullying the City, and he received about 30 emails from constituents who felt the same way. He noted that Mr. Phillips had clarified the intent of the new company, but if there are still some people who feel a bit put off by the notion that the new company would hold the City hostage to having a feasibility study and asked Mr. Phillips for his opinion. Mr. Phillips stated he didn't take their comment as threatening as the company has to fulfill obligations by its investors, who want the money in the ground right away. He noted that the provider is offering to put \$30 million into this project. Mr. Gartin stated that the Council needs to take a good hard look at this potential new company and a couple months really isn't that long.

Council Member Betcher stated that Mr. Phillips mentioned the disruption in the right-of-way if the new provider comes in and inquired if this would be the same if the City did the work. It was noted that the disruption would still happen no matter who provided the internet service.

Council Member Betcher inquired if the new provider would be doing work underground, overhead, or both. Mr. Phillips stated that he wouldn't be able to answer that and would need to do a study to see what is needed. Mr. Schainker stated that there are areas of town that are older and do not have a lot of room, and that it might be impossible to go underground. Mr. Phillips noted that this new provider did mention the possibility of putting up temporary poles until the City could put up newer poles.

Mr. Schainker stated that if the Council would like to postpone this discussion he would recommend having a Workshop meeting and having other providers present as well. Council Member Corrieri stated she is fine with having a Workshop, but the other providers have already spoken and addressed the City's concerns, and she would like to move forward.

Council Member Martin asked if this company had done a study of its own regarding the Ames market and if so, whether that had been provided to staff. Mr. Phillips stated that the company has indicated that it likes under-served communities and Ames is a college community, but hasn't shared the specific economic data that it used.

Brian Woerth, 3515 Emerald Drive, Ames, stated that he wanted to promote the idea of the feasibility study. He noted that when he read through the Report he was excited about a new company coming to the Ames community even though he has some concerns about being strong-armed. Mr. Woerth explained that he thought it was a good idea to get together with this new company to find out more about it, but questioned why the City is not thinking of doing that for the municipal internet. He noted that he looked into Wilson, North Carolina, which was listed in the Staff Report and that city is doing great as a municipal internet provider and its population is close to that of the Ames community. Mr. Woerth recommended proceeding with a feasibility study.

David Brenner, 1214 Marston Avenue, Ames, explained that he is in favor of the feasibility study and also in favor of having a municipal broadband, as he feels this will keep money in the community. He noted that when he goes into shops and runs his credit card, it takes forever to go through. Mr. Brenner stated it would be best to have a municipal broadband.

Fritz Keinert, 619-8th Street, Ames, noted that he is in favor of exploring the possibility of a community-owned internet. He explained that he has been a customer of Mediacom and CenturyLink in the past, and the customer service is horrible; he has to wait a week or so for a service call and has to go without service in the meantime. Mr. Keinert stated that when looking over the Report, the new company coming in is interested in generating value for its shareholders and no interest in providing good service to the community. He would prefer to have local control and local repair people who care about their customers.

Phyllis Peters, 1311 Coolidge Drive, Ames, explained that she is an employee of Mediacom, has worked there for about ten years, and is also a member of the community. She stated that it seems to her there is a lot of incorrect information, especially in the terminology. Ms. Peters noted that when she looked at Ogden, which is noted in the Staff Report, its fastest speed is 200 mgs, and this was done a year or more after Mediacom offered 1 gb of speed. She explained that 1gb is faster than 200 mgs and believes that Mediacom offers the fastest speeds. It does have prices for people who don't use the internet as often for only \$24.99. Ms. Peters explained that Mediacom has continued to invest in the community.

Chad Moore, 235 Alexander Avenue, Ames, explained that he works for ICS Advanced Technologies and was part of the preliminary meeting that was conducted with the City. He

questioned if there was municipal internet, how would the Development Review Committee be affected, and how all the other internet providers would be kept in the loop regarding development. Mr. Phillips commented that the City would continue to have that commitment to make sure all providers get the development information.

Iddo Friedberg, 908 Vermont Circle, Ames, asked to address some of the issues from Ms. Peters' discussion earlier. He noted that, just from his experience, he has been paying Mediacom for 50 mgs for several years, and it is not reliable. Mr. Friedberg commented that he is for the feasibility study. In Mr. Friedberg's opinion, the internet has changed over the years and is now an essential part of life and no longer a luxury. He would like to take a step back and look at the internet as a utility, and need to treat the issue of reliability, accessibility, and under-served populations.

Beau Hicks, 225 South Dayton, Ames, advised that he is the Area Director for Mediacom in Ames. He mentioned that Mediacom had spent the last three months looking at every single address in Ames to see if Mediacom provides service, and if not, why they do not. Mr. Hicks stated that, with the findings that some areas are unserviceable without customer contributions and new construction, they have put a new plan of action in place. He noted that Mediacom has had the lowest number of customer service calls than they have ever had. Mr. Hicks explained that they are not opposed to competition and are ready for it. Mediacom would like to be treated fairly, and the Subdivision Code is very important no matter what route the Council decides to take.

Moved by Martin, seconded by Beatty-Hansen, to ask staff to bring the Council a draft Request for Proposal (RFP) for a wholesale and retail feasibility study, and in the meantime, invite the new provider to present its plan and give the Council an opportunity to ask questions.

Council Member Martin stated he said a "draft" RFP because he would want to allow time to speak to the new provider, and doesn't feel what they heard so far gives them enough reason to suspend their investigation completely. Council Member Gartin inquired as to the scope of work involved in developing a draft RFP. Mr. Phillips stated that putting together an RFP would involve doing some research on other communities to see what they have done, assembling a team to evaluate the RFP, and setting criteria. City Manager Schainker stated it would take about two months to collect the data and get something put together.

Mayor Haila stated in the Staff Report, it is noted that "this provider is aware that the City may consider pursuing a feasibility study for a City-operated internet utility, and has informed City staff that it would not proceed with a project in Ames if the City intended to proceed with a City-operated utility" and he wanted to know if the motion would cause the provider not to proceed with the project in Ames. Mr. Schainker stated that all that staff would be doing is preparing something, but not submitting it; it is not a commitment to move forward with a City-operated utility.

Further discussion was had about whether Mr. Martin's motion would make the new provider decide to not proceed further with the City.

Vote on Motion: 3-3. Voting aye: Beatty-Hansen, Corrieri, Martin. Voting nay: Betcher, Gartin, Nelson. Motion failed.

Moved by Gartin, seconded by Betcher, to direct staff to engage the new company to meet with the Council at its earliest convenience or no later than end of August, and if possible provide as much information about its plan in advance to the public, and ask the City to do its due diligence by investigating references in regards to the Council's five concerns along with checking to see if there are any outstanding complaints about the new company.

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

Mr. Phillips stated that there are two potential next steps and asked the Council if they would like staff to do anything further with the existing providers. Mr. Schainker commented that the existing providers might be updating their plans. Council Member Beatty-Hansen asked if the new provider will be providing a map, and if so, the existing companies might want to bring similar information. Mr. Phillips noted that the new company will not have that level of detail until November, but would be willing to share what it has so far.

Mayor Haila asked if the Council would like to add anything to the Subdivision Code requirement to have providers require a rough-in for pathways for service into the house. Mr. Phillips stated that they have had preliminary discussions with developers about how they secure internet service for their developments, and the developer will go with whatever is the lowest cost to them. Mr. Phillips noted that if the City required this type of infrastructure at the time of Subdivision, whether the conduit would become the City's property and have to maintain it or does the City provide it one time for providers to use at their own risk if the conduit fails in the future. He explained that these are questions that need to be looked into further.

STAFF REPORT ON INCLUSION CROSSWALK AT 5TH STREET AND DOUGLAS AVENUE: Traffic Engineer Damion Pregitzer stated that there was an idea of putting an inclusive sidewalk at the intersection of 5th and Douglas along all four corners. Mr. Pregitzer stated that one question was if there were any regulations regarding a decorative sidewalk. The only regulation that he could find was if the City was going to do anything that is "cross-marking," the white lines would need to be put on the outside. He noted that the designs he is going to show tonight all have the white lines along the edges of the design. Mr. Pregitzer stated another item that was discussed was if paint or thermal plastic would be used. He noted that paint is inexpensive, but has less than a year life, slip-resistant material can wear off, tends to darken quickly from road wear, and requires labor-intensive installation. The thermal plastic is durable, as can last up to five years, slip-resistant material throughout, fade-resistant colors, and installs quickly, but it is a lot more expensive than paint. Mr. Pregitzer then went over the following three options:

Option One - Blocks design that includes three separate pride designs represented by 6x6 foot blocks of color with six-inch white border for the official crosswalk lines at an estimated cost of \$32,890.

Option Two - Rainbow design that includes a single pride design represented by one-foot-wide color stripes and a six-inch white border for the official crosswalk lines at an estimated cost of \$45,740.

Option Three - Bars design is a cost-effective alternative to Option 1, which still includes three separate pride designs, represented by 2x6 foot bars of color with a six-inch white border for the official crosswalk lines at an estimated cost of \$12,140.

Council Member Betcher asked for Mr. Pregitzer to explain what the colors represent. Mr. Pregitzer stated the top and bottom, is the pride inclusion flag, which is for the LGBTQ community plus minorities and the blue, pink, and white is the transgender pride flag and the nonbinary gender is the right side.

City Manager Steve Schainker stated that staff is recommending moving forward with Option 3, which is the most cost-effective while still using the thermal plastic tiles.

Mayor Haila reminded the Council that this idea was initiated through Dr. Stewart with Iowa State University. He showed Option 3 to Dr. Stewart, and he liked the idea as well. The goal is to have this crosswalk implemented before Pridefest this year.

Council Member Nelson suggested that after this sidewalk is established in Downtown, maybe after the Welch Avenue project is completed, this could be done in the Campustown area.

Jonathan Kolash, Ames, wanted to urge the Council to support Option 3.

Moved by Gartin, seconded by Betcher, to approve Option 3 - Bars design.
Vote on Motion: 6-0. Motion declared carried unanimously.

FLOOD MITIGATION - RIVER FLOODING: Municipal Engineer Tracy Warner stated this item has been brought forward several times for different steps in the process. The owners at 1016 and 1008 S. Duff have been patient, but would like to move forward so they know the necessary impacts on their project and their potential development area. Ms. Warner stated that the area was platted in 2011 and has areas that are in the flood way. She noted that part of the area is already in a permanent drainage easement that was dedicated with the 2011 plat. The parcel is 2.78 acres; just under one acre is under the floodway and under a half acre is in the floodway fringe. Ms. Warner explained that 1.44 acres is needed for the project, but .487 acres is already in the drainage easement. Of the total area needed to be acquired, 19% is already in flood fringe and 61% is in the floodway. She noted that staff has spoken with potential buyers for the Lot 1 (Carney property) on potential layouts and has worked with the potential grading and flood wall and believes it has come down to cost and if the land will be used in an easement. Ms. Warner stated that staff is recommending the easement, but there is also the option to purchase the land.

Mayor Haila inquired if the Council was to commit to buy the easement or the property, how would that affect the Grant funding. Ms. Warner stated that any work that is done regarding acquisition

would not be eligible to be used as either qualifying for the local match or the Grant to be eligible to be reimbursed. Mayor Haila asked if that included an oral commitment. Ms. Warner stated she is not sure and would need to ask Iowa Homeland Security.

Council Member Gartin wanted to know if there were any historical information as to how the City has had to handle similar matters in the past. Ms. Warner stated they have been acquiring a lot of land lately, and the City's preference is to acquire an easement. Mr. Gartin asked if it would leave the property owner with enough viable land. Ms. Warner explained that they had been working with one of the interested parties and they were able to meet the parking requirements for what they wanted.

Chuck Winkleblack, Hunziker Companies, 105 S. 16th Street, Ames, explained that he is here tonight representing the Carney family. He noted that the preference of the family is not to fight with the City, but they have been waiting for three years to get an answer. He explained that the site plan that was shown earlier is no longer valid as that company is no longer interested because the process has taken too long. Mr. Winkleblack stated that the Carneys are not worried about the money, but just want to know what they will have to sell and the guidelines. He noted that the retainage wall will be tall and believes it has a 10-12 foot drop. Ms. Warner stated that the storm drainage would be accessible on the east side, but the area is in the floodway fringe right now and would tie into the bridge abutment. Mr. Winkleblack stated he is trying to point out that the stormwater on the other side of the wall would not be usable. Mr. Winkleblack stated that he believes the Carneys are unwilling to sign an easement for the dollar amount listed in the Staff Report.

Mayor Haila wanted to clarify that the Carneys are not interested in doing anything else besides selling for \$356,000. Mr. Winkleblack stated that is incorrect, and if the direction of staff is to go get an easement for the \$156,000, then don't waste the City staff's time as the Carneys will not sign it. Mayor Haila then asked to clarify that the Carneys are not interested in doing an easement. Mr. Winkleblack stated that was correct. Mr. Winkleblack noted there are a few outstanding questions that still need to be answered; e.g., would be responsible for the erosion control. Ms. Warner stated that the City would be responsible for the wall and the maintenance of the area. Mr. Winkleblack asked about who would be responsible for mowing the area. Ms. Warner stated it would be native landscaping and would not require any mowing. It was then asked by Mr. Winkleblack if the tax assessment value and whether it be zero. Ms. Warner stated that it would not be zero but would be a reduced value, but she could not speak for the City Assessors office.

Eric Eide, Nyemaster Law Office, Ames, stated that he is here today on behalf of his client the Carney. He advised that he is an attorney who has been practicing for 31 years and has dealt extensively with condemnation. Mr. Eide stated that he had reviewed the 134-page Staff Report and doesn't believe the City's appraisal is supportable. He noted that he had spoken with Ted Frandson, who was hired by Mr. Winkleblack to do an appraisal; the appraisal included the value of the property after the easement had been taken out. Ms. Warner stated that the City's appraisal was not intended for the imminent domain process but it is a preliminary report that has not been reviewed; it was done to just get a base land value of what was going to be included in the project. Mr. Eide

stated that might be true, but a city is talking about acquiring property, doing it any other way doesn't make any sense. Mr. Eide stated that both appraisals agree about the amount of buildable property. He noted that if he went with Mr. Frandson's buildable property amount of one-third of an acre and charged \$25 a square foot, it would come up to \$363,000. Mr. Eide stated that the City's quote came up to \$377,000 and Mr. Frandson's was \$356,000. Mr. Eide stated that if the City is going to build a wall on someone's property, the City should probably buy it as it is the same as a road. He noted that, with the wall, there has to be additional set-backs as well.

Council Member Gartin asked Mr. Eide if it would render the property to be valueless, if the City was only to seek an easement. Mr. Eide stated it would not as it would still be buildable.

Ms. Warner stated that the landowners' representatives are looking for some direction and staff has provided three options, but could go in a different direction, if needed.

Council Member Beatty-Hanson inquired if the City purchased the land would there be any part of the land that would be of value to the City. Ms. Warner stated that with the project they will be doing some grading and the wall, and this property along with the Red Lobster property will end up with the wall to maximize the developable area. Mayor Haila asked whose benefit it would be to have a more developable area. Ms. Warner stated it would be beneficial to the property owners.

Further discussion was had about what the options were regarding an easement versus purchasing the land.

Moved by Martin to direct staff to move ahead with the intent to acquire permanent easements for \$156,000 for the front property (1016 S. Duff) and \$6,840 for the rear property (1008 S. Duff). Motion failed due to lack of second.

Moved by Beatty-Hansen, seconded by Corrieri, to direct staff to move ahead with the intent to acquire a fee simple acquisition for \$356,000 for the front property (1016 S. Duff) and a permanent easement for \$6,840 for the rear property (1008 S. Duff).

After further discussion, it was believed that the motion would pose a risk to the City if the purchases were made prior to confirmation of the federal grant award.

Motion withdrawn.

Moved by Beatty-Hansen, seconded by Corrieri, to wait until the next Council meeting after which an answer is received from the Iowa Department of Homeland Security and direct staff to inquire with Homeland about the finer points of the timing of an acquisition versus reimbursement for the FEMA Grant.

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

AMENDMENT NO. 3 TO PROFESSIONAL SERVICES AGREEMENT: Municipal Engineer

Tracy Warner stated staff had been continuing to negotiate land with property owners who are impacted by the roadway construction. There are a few items that were negotiated as part of the land acquisitions that need to be incorporated into the plans for construction. The items to be included are the Aldi sidewalk connection, an addition of a rectangular rapid flashing beacon, mid-block crosswalk at the Boys and Girls Club, and additional right-of-way coordination.

Moved by Betcher, seconded by Gartin, to approve RESOLUTION NO. 19-324 approving Amendment No. 3 to the Professional Services Agreement with Shive Hattery, Inc., of West Des Moines, Iowa, in an amount not to exceed \$21,300 regarding the South Grand Avenue Extension project.

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

CYRIDE AUTOMATIC VEHICLE LOCATOR (AVL)/AUTOMATIC VOICE ANNUNCIATION (AVA) PASSENGER INFORMATION AWARD TO GMV SYNCROMATICS: Moved by Betcher, seconded by Gartin, to approve RESOLUTION NO. 19-325 awarding a contract to GMV Syncromatics of Los Angeles, California, in the amount of \$941,730, contingent on Iowa DOT 5310 Contract approval for FY 2020 and subject to concurrence with award from the Iowa DOT Office of Public Transit.

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

HEARING ON ZONING TEXT AMENDMENT (CHAPTER 29) REGARDING GUEST LODGING IN SPECIFIED ZONING DISTRICTS: The Mayor opened the public hearing and closed it after there was no one wishing to speak.

Moved by Beatty-Hansen, seconded by Betcher, to continue the hearing to a date uncertain and direct staff to republish notice.

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

HEARING ON UNDERGROUND TRENCHING SERVICES FOR ELECTRIC SERVICES: The public hearing was opened by the Mayor. He closed the hearing after no one asked to speak.

Moved by Betcher, seconded by Martin, to adopt RESOLUTION NO. 19-326 approving final plans and specifications and awarding the primary contract to Ames Trenching of Ames, Iowa, in an amount not to exceed \$200,000.

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

Moved by Martin, seconded by Betcher, to adopt RESOLUTION NO. 19-327 approving final plans and specifications and awarding the secondary contract to Zoske Electrical Services of Iowa Falls, Iowa, in an amount not to exceed \$100,000.

Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby

made a portion of these Minutes.

HEARING ON SCAFFOLDING & RELATED SERVICES SUPPLY CONTRACT FOR ELECTRIC SERVICES: The Mayor opened the public hearing and closed it after there was no one wishing to speak.

Moved by Martin, seconded by Beatty-Hansen, to adopt RESOLUTION NO. 19-328 approving final plans and specifications and awarding a contract to HTH Companies Inc., of Union, Missouri, in an amount not to exceed \$60,000.

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

HEARING ON WATER PLANT RADIO TELEMETRY UPGRADES: Mayor Haila declared the public hearing opened. He declared it closed after there wasn't anyone wishing to speak.

Moved by Betcher, seconded by Martin, to adopt RESOLUTION NO. 19-300 approving final plans and specifications and awarding a contract to Jetco. Inc., of Altoona, Iowa, in the amount of \$53,200.

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

HEARING ON REZONING OF 3315 S RIVERSIDE DRIVE FROM AGRICULTURAL TO RESEARCH PARK INNOVATION DISTRICT: The public hearing was opened by the Mayor. He closed the hearing after no one asked to speak.

Moved by Betcher, seconded by Beatty-Hansen, to pass on first reading an ordinance rezoning 3315 S. Riverside Drive from Agricultural to Research Park Innovation District.

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

ORDINANCE VACATING RIGHT-OF-WAY ADJACENT TO 635 AGG AVENUE: Moved by Nelson, seconded by Beatty-Hansen, to pass on second reading the Ordinance vacating the right-of-way adjacent to 635 Agg Avenue.

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

ORDINANCE REPEALING RENTAL CONCENTRATION CAP: Moved by Beatty-Hansen, seconded by Betcher, to pass on third reading and adopt ORDINANCE NO. 4386 repealing the Rental Concentration Cap.

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

Moved by Betcher, seconded by Martin, adopting RESOLUTION NO. 19-323 repealing the Rental Concentration Cap Map.

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

ORDINANCE AMENDING CHAPTER 22 OF THE AMES MUNICIPAL CODE REGARDING DEFERRAL OF INFRASTRUCTURE IMPROVEMENTS: Moved by Beatty-Hansen, seconded by Betcher, to pass on third reading and adopt ORDINANCE NO. 4387 amending Chapter 22 of the *Ames Municipal Code* regarding deferral of infrastructure improvements.

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

DISPOSITION OF COMMUNICATIONS TO COUNCIL: Mayor Haila stated the one item tonight is on notes from a contractor round-table discussion from the Ames Economic Development Commission (AEDC). City Manager Steve Schainker stated this was a task that the Council assigned to the AEDC as part of its goal setting.

Moved by Betcher, seconded by Beatty-Hansen, to accept the report for the time being.

Vote on Motion: 5-1. Voting aye: Betcher, Martin, Nelson, Beatty-Hansen, Corrieri. Voting Nay: Gartin. Motion declared carried.

COUNCIL COMMENTS: Council Member Betcher noted that in Item No. 42, she noticed that a rectangular rapid flashing beacon was going to be installed. This was something the Council had recommended previously but was unable to consider due to a legal issue over the patent. That issue has now been resolved.

Moved by Betcher, seconded by Beatty-Hansen, to get a memo from staff to see if anything is being done with the past requests for a rectangular rapid flashing beacon.

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

Ms. Betcher stated that she is involved in discussions with the International Town & Gown Association on a future webinar on the Census 2020 project.

Council Member Gartin received an update on activities from the Ames Interfaith Refugee Alliance. The group has been meeting monthly since 2016 to help make Ames a more welcoming community for refugees. The organization has been helping one family and providing services to others. Mr. Gartin pointed out that this organization meets the third Thursday of each month at the First United Methodist Church, if anyone is interested in attending.

Ex officio Devyn Leeson stated that he had met with the Campus Community Commission (CCC) and went over several items on rental housing. There will be a meeting on July 16, 2019, with CCC and landlords.

ADJOURNMENT: Moved by Gartin to adjourn the meeting at 9:02 p.m.

Amy L. Colwell, Deputy City Clerk

John A. Haila, Mayor