

MINUTES OF THE REGULAR MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

NOVEMBER 12, 2019

The Regular Meeting of the Ames City Council was called to order by Mayor John Haila at 6:01 p.m. on November 12, 2019, in the City Council Chambers in City Hall, 515 Clark Avenue, pursuant to law. Present were Council Members Gloria Betcher, Bronwyn Beatty-Hansen, Amber Corrieri, Tim Gartin, David Martin, and Chris Nelson. *Ex officio* Member Devyn Leeson was also in attendance.

PROCLAMATION FOR HUNGER AND HOMELESSNESS AWARENESS WEEK: Mayor Haila proclaimed the week of November 11-15, 2019, as “National Hunger and Homelessness Awareness Week.” Accepting the Proclamation were City Housing Coordinator Vanessa Baker-Latimer, United Way representative Anneke Mundel, Emergency Residence Project representatives Jodi Stumbo and Linda Munden, and Youth and Shelter Services representative Katlyn Carr. Ms. Baker-Latimer noted that they don’t have an event planned this year, but have wrist bands that say “Awareness = Volunteer. Donate. Educate” and these bands were shared with the Council. Mayor Haila asked to know on the status of some of the food pantries in the area. Ms. Mundel explained that she works with the Hunger Collaboration at the United Way of Story and it came to her attention that a number of local food pantries; (including the Salvation Army pantry and Mid-Iowa Community Action pantry) shelves are almost completely bare. She noted there has been an increased need in the community.

PRESENTATION BY AMES INTERNATIONAL PARTNER CITIES ASSOCIATION (AIPCA) REGARDING PROPOSED KOSOVO RELATIONSHIP: Tom and Pat Sauer stated that they share a seat on the Ames International Partner Cities Association (AIPCA). Mr. Sauer explained that Mayor Haila had received a letter from the Mayor of Podujeva, Kosovo, last September inquiring about establishing a sister-city relationship with the City of Ames. Mr. Sauer stated the AIPCA included the letter in its end-of-the-year newsletter asking interested parties to contact the Board. In February the AIPCA Board met and decided to pursue the possibility of having the sister-city relationship. He mentioned that, in order to start the process, the Board invited representatives from the Iowa Sister States (ISS) organization and the Consulate of Kosovo. Representatives from ISS and the Consulate briefed the Board on April 8, 2019, and described the ongoing relationships between several Iowa cities and their sister-cities in Kosovo. The AIPCA had asked Mr. and Mrs. Sauer to chair a subcommittee to investigate options. In July 2019 some members of the subcommittee attended a picnic with ISS and the Consulate in Saylorville, Iowa. There was then a meeting at the Ames Public Library with ISS representatives and the new Chief of Mission from the consulate.

Mr. Sauer mentioned that the first steps would be for Mayor Haila to respond to the Mayor of Podujevo indicating an interest in pursuing a relationship to become a sister-city. The next step would be ISS organizing a trip to Kosovo in June and have some representatives from Ames go on that trip. It was asked for the exchange of letters to be coordinated through the Consulate. The only other criteria that were mentioned were that the ministry of state in Kosovo has to approve the relationship and the Mayors have to meet, in person, to sign the Agreement.

Ms. Sauer explained that she wanted to give an update about Japan as the AIPCA formerly sent adult and student delegations. Japan has now requested that there only be one delegation exchange and for it to be between students only with an adult chaperone.

Mayor Haila asked if there was a time line for issuing the letter. Mr. Sauer stated there really wasn't a deadline, but the sooner the better.

City Council Member Gartin asked how many sister-cities the City of Ames had, as he thought there were two. Mr. Sauer stated the only one at this time is with Japan.

Mayor Haila requested to pull Item No. 10, approving the appointment of Leila Ammar to the Zoning Board of Adjustment (ZBA) for further discussion.

CONSENT AGENDA:

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

3. Motion approving payment of claims
4. Motion approving Minutes of Regular Meeting held October 22, 2019, and Special Meeting held October 23, 2019
5. Motion approving Report of Contract Change Orders for October 16 - 31, 2019
6. Motion approving new 5-day Class C Liquor License (November 13 - 17, 2019) - Dublin Bay, 123 Airport Road, Pending Satisfactory Background Check
7. Motion approving new 5-day Class C Liquor License (December 7 - 11, 2019) - Gateway Market, ISU Alumni Center
8. Motion approving new 5-day Class C Liquor License (December 13 - 17, 2019) - Gateway Market, ISU Alumni Center
9. Motion approving renewal of the following Beer Permits, Wine Permits, and Liquor Licenses:
 - a. Class E Liquor License - AJ's Liquor III, 2401 "A" Chamberlain Street
 - b. Class C Liquor License with Outdoor Service and Sunday Sales - Outlaws, 2522 Chamberlain Street - Pending Dram Shop
 - c. Class B Native Wine Permit with Sunday Sales - Chocolaterie Stam, 230 Main Street
 - d. Class B Liquor License with Catering, Outdoor Service and Sunday Sales - Country Inn & Suites Ames, 2605 SE 16th Street - Pending Dram Shop
10. RESOLUTION NO. 19-569 approving renewed 28E Agreement for Tobacco, Alternative Nicotine, and Vapor Product Enforcement between Ames Police Department and Iowa Alcoholic Beverages Division
11. RESOLUTION NO. 19-570 setting November 26, 2019, as the date of regarding vacating Public Walkway Easements at 3802 and 3806 Marigold Drive
12. RESOLUTION NO. 19-571 approving temporary and permanent easements from Iowa State University regarding South Grand Avenue Extension project in the amount of \$11,626
13. RESOLUTION NO. 19-572 approving contract to Gillig Corporation, of Livermore, California, for purchase of three new standard 40' buses for CyRide in a not-to-exceed grant amount of \$1,437,600
14. RESOLUTION NO. 19-573 awarding contract to Brimhall Industrial, Inc., of Monte Vista, Colorado, for Unit 7 (Pump 72) Feedwater Pump Inspection and Repair in the amount of

- \$98,662.83, plus applicable sales taxes (in the amount of \$6,906.40) to be paid directly by the City of Ames to the State of Iowa
15. RESOLUTION NO. 19-574 awarding contract to RED Equipment of Kansas City, Missouri, for purchase of a combination jetting/vacuuming truck for Public Works Water Utility Division in the amount of \$272,337 (purchase amount \$392,337 - \$120,000 trade in value)
 16. RESOLUTION NO. 19-575 approving contract and bond for Brookside Park Restroom Renovations
 17. RESOLUTION NO. 19-576 approving contract and bond for South Grand Avenue - S. 5th to Squaw Creek Drive and South 5th Street - South Grand Ave to 600' West of South Duff Avenue
 18. RESOLUTION NO. 19-577 approving Change Order No. 2 in the amount of \$40,662.90 to RW Excavating Solutions of Prairie City, Iowa, for the North River Valley Low-Head Dam
 19. RESOLUTION NO. 19-578 accepting completion of 2019 Pavement Improvements CyRide Bus Turnarounds Project
 20. RESOLUTION NO. 19-579 accepting completion of 2017/18 Downtown Street Pavement Improvements Project - Main Street Alleys (Duff to Douglas, Kellogg to Burnett)
 21. RESOLUTION NO. 19-580 approving Final Plat for Iowa State University Research Park, Phase III, Fourth Addition
 22. RESOLUTION NO. 19-581 accepting partial completion of public improvements and lessening security being held for Quarry Estates Subdivision, 1st Addition
- Roll Call Vote: 6-0. Resolutions/Motions declared adopted/approved unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

APPOINTMENT OF LEILA AMMAR TO THE ZONING BOARD OF ADJUSTMENT (ZBA): Mayor Haila stated that he pulled this item to clarify that the term of office will not expire until April 1, 2024, as there was a scrivener's error on the memo stating that it would end as of April 1, 2020.

Moved by Gartin, seconded by Betcher, to approve RESOLUTION NO. 19-568 approving the appointment of Leila Ammar to the Zoning Board of Adjustment (ZBA).
Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

PUBLIC FORUM: Allison Brundy, 3125 Maplewood Road, Ames, explained that she is representing the Ames Climate Action Team and wanted to present a petition that was gathered during the Youth Global Climate Strike. She then stated that the top of the petition reads that the scientific community around the world agrees that climate change is occurring and is human-induced. Scientists also warn that, if not addressed now, climate change will accelerate beyond our control and will threaten our survival. The Petition calls on the City of Ames and Iowa State University to (1) Reduce greenhouse gases and phase greenhouse gas pollution to zero and (2) develop methods for sequestering carbon from the atmosphere. To achieve it is being requested that plans with verifiable phases be urgently forged to rapidly shift to 100% greenhouse-gas-free energy by 2030 and eliminate all other community-wide greenhouse gas emissions to urgently address this emergency. Ms Brundy also referred to an article that was in the journal, "BioScience," that stated

“We declare clearly and unequivocally that planet Earth is facing a climate emergency.” The journal cited their moral obligation to speak up and called for massive changes across all sectors of society to combat the crisis and underscored the possibilities for “greater human well-being” inherent in a just transition away from fossil fuels.

Jeri Neal, 916 Ridgewood Avenue, Ames, explained that Ms. Brundy mentioned transitions and major sector changes, which involves a lot of long-term planning. As a concerned climate citizen, one thing that worries her is the inertia that is built into the process and she feels it lacks the urgency. Ms. Neal referred back to a letter that was sent in October 2019 when the Climate Action Team had a list of suggestions for the City of Ames for climate actions, with a number of them being able to be initiated now, and gave a few examples. Ms. Neal urged the Council to keep thinking about climate change.

Council Member Nelson notified Ms. Brundy and Ms. Neal that the letter that was sent in October will be discussed during Dispositions of Communications to Council later on this meeting’s Agenda.

AWARDING CONTRACT TO PALEBLUEDOT, LLC, OF MAPLEWOOD, MINNESOTA, FOR COMMUNITY GREENHOUSE GAS INVENTORY, FORECASTING, AND RECOMMENDATIONS REPORT: Public Relations Coordinator Susan Gwiasda explained that this item addresses one of the City Council’s Goals to expand the sustainability efforts by evaluating the community’s greenhouse gas impact and looking for ways to reduce it. Ms. Gwiasda noted that the Council Action form stated that the funds will be coming from the Council Contingency Fund, but they will actually be coming out of the General Fund. In the Request for Proposals (RFP), the City looked at standard protocols for determining how to build a greenhouse gas inventory and the consultant’s expertise. After reviewing the five responses that were received, staff recommended awarding a contract to PaleBLUEDot, LLC of Maplewood, Minnesota.

Merry Rankin, Sustainability Coordinator, explained six tasks were put forward in the RFP. Ms. Rankin noted that they did look at what would be in-line according to reporting platforms for other communities and in-line with the governor’s covenant. Ms. Rankin stated they would start doing the data collection in the community and will be asking the consultant to give a forecast based on if the current operations and emission stayed the same until 2030 and 2040 and what would their recommendations would be. The consultant would be asked to provide a tool that could be used for future inventory emissions, collections, and estimation to establish a baseline. There were a couple of other items that PaleBLUEDot, LLC offered that were optional and made sense as a community to utilize. PaleBLUEDot, LLC, offered climate vulnerability assessment and also some renewable energy potentials study.

Council Member Beatty-Hansen inquired if the potential renewable energy study would look at current ordinances. Ms. Rankin stated that it would come into play as they would look at current restrictions that are already in place.

Council Member Nelson mentioned that the scope is both City-wide and City operations and wanted

to know if the city-wide included Iowa State University. Ms. Rankin stated that it would as it is the entire community.

Council Member Betcher wanted to know when looking at the ordinances and incentives, if the consultant would be looking at ways that the City is working against the goal of sustainability. Assistant City Manager Deb Schildroth explained that it is not included as that is a high level of review, but the company could do a deeper dive if the Council wants to move into a Climate Action Plan and then determining which policies and ordinances would need to be enhanced or revised going forward.

Council Member Gartin mentioned that he is surprised that the amount being awarded to the contractor is very small for the work being asked to be done. He wanted to know if the consultants will be able to accurately capture data. Ms. Rankin commented that the consultant has done several of these types of studies before; there could be some estimation based on national standards, but they feel confident they would get the correct information needed. Council Member Gartin stated that down the road they could be making decisions based on this information. He asked if the process is going to be represented by the standard of care and best practices. Ms. Rankin stated that based on the consultant's track record and references, the City would get a good picture of what is needed.

Council Member Martin commented that he thought it was good to get an accurate measure about the current greenhouse gas emissions in absolute terms, but asked if using the same tool, would they get consistent results. Mr. Martin stated that the RFP referred to the ICLEI Global Protocol for Community-Scale Green House Gas Emissions and wanted to confirm that the deliverable from the study is portable and would transfer to others. Ms. Rankin mentioned that it should be as that is what they were thinking when they put the RFP together.

Mayor Haila opened public comment.

Allison Brundy, 3125 Maplewood Road, Ames, thanked the staff for putting the report together and using ICLEI. Ms. Brundy asked if the consultant was going to have an Iowa State University (ISU) student work on this project. Ms. Rankin commented that PaleBLUEdot, LLC, does have an ISU graduate student, who will be a part of the City of Ames study. Staff members will also get training through the process as well.

Moved by Betcher, seconded by Beatty-Hansen, to approve RESOLUTION NO. 19-582 awarding a contract to PaleBLUEdot, LLC, of Maplewood, Minnesota, for the Community Greenhouse Gas Inventory, Forecasting, and Recommendations Report in the amount of \$24,960.

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

HEARING ON 2018/19 CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER) IN ACCORDANCE WITH THE CONSOLIDATED PLAN: Housing Coordinator Vanessa Baker-Latimer noted this is the annual report that is due at the end of the

program year. She noted that she had asked the Department of Housing and Urban Development (HUD) for an extension to submit the Report by November 15, 2019, due to the fact that the five-year plan was pushed back as well. She noted the CAPER was available for a 15-day public review and comment period, which occurred from October 24, 2019, through November 7, 2019. The Report shows \$595,695 was spent on the following activities: Renter Affordability Program Activities, Affordable Housing Program Activities either through the Disposition of Properties, and/or the Rehabilitation of Properties, Neighborhood Public Infrastructure Improvements for 321 State Avenue, and 58 low-income households were assisted. Additionally, approximately \$3,139 of program income was generated from repayments of single-family homes that were sold through the Homebuyer Assistance Program and approximately \$112,249 was spent on program administration. The total CDBG expenditures for the FY 2018-19 program year were approximately \$707,945. An additional \$250,000 of G.O. Bond funds was available during the program year, but there were no expenditures during the program year. The City also received its first allocation of HOME funding in the amount of \$750,000. Of the \$750,000 allocation, \$75,000 was available for program administration and approximately \$562,500 was available for the program. The majority of the 2018-19 fiscal year was spent on program set-ups and training in the amount of \$2,250.

Council Member Gartin inquired if any public input was received during the comment period to which Ms. Baker-Latimer confirmed there was none.

The Mayor opened the public hearing and closed it after there was no one wishing to speak.

Moved by Gartin, seconded by Corrieri, approving RESOLUTION NO. 19-583 approving the 2018/19 Consolidated Annual Performance and Evaluation Report (CAPER).

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

HEARING ON VACATION OF SANITARY SEWER EASEMENT LOCATED AT 610 AND 700 SE 16TH STREET: Mayor Haila declared the public hearing opened. He declared it closed after there wasn't anyone wishing to speak.

Moved by Gartin, seconded by Betcher, to approve RESOLUTION NO. 19-584 approving the vacation of the sanitary sewer easement located at 610 and 700 SE 16th Street.

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

HEARING ON INIS GROVE PARK - RESTROOM PROJECTS: Parks and Recreation Director Keith Abraham stated he wanted to explain a couple of the alternatives listed in the staff report. One alternative was to award just the base bid for the Inis Grove Restroom and to not do any additional funding that would be required to accomplish the new restroom adjacent to the Miracle Field. However, the renovation of the Duff Avenue restroom would have to be re-bid separately and additional funds would need to be identified from either the Local Option Sales Tax or Park Development Funds. The second alternative was to award a contract for both the new restroom and

the renovated restrooms. Under that alternative, money would need to be appropriated from the Park Development Fund or the Local Option Sales Tax Funds. Director Abraham explained that the staff's recommendation is to award the contract to HPC, LLC.

The Mayor opened the public hearing. He then closed it after there was no one wishing to speak.

Moved by Beatty-Hansen, seconded by Betcher, to approve RESOLUTION NO. 19-585 approving the final plans and specifications and awarding a contract to HPC, LLC, of Ames, Iowa, for both the new restroom and renovated restrooms, in the amount of \$378,000.

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 Beatty-Hansen, to approve RESOLUTION NO. 19-586 approving the re-allocation of \$72,420 from the Park Development.

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

REQUEST FROM AMES FOUNDATION FOR CITY TO COMPLETE THREE CITY PROJECTS AT A MINIMUM COST OF \$525,000 BY SEPTEMBER 30, 2021, TO SATISFY MIRACLE LEAGUE COMMUNITY ATTRACTION AND TOURISM (CAT) GRANT MATCH REQUIREMENT: Parks and Recreation Director Keith Abraham stated that the Ames Foundation received a CAT grant and the Foundation needs to sign the Agreement with the Iowa Economic Development Authority (IEDA) by November 18, 2019. The Ames Foundation is looking for confirmation from the City Council that they will do their best to accomplish the three projects that were listed in the overall Inis Grove Accessibility Improvement Project. The three projects included the two restrooms at Inis Grove and the Shared Use Path along 24th Street and Duff Avenue. The Shared Use Path is in the 2020 Capital Improvement Plan (CIP).

Director Abraham noted that if the items are not all completed by September 30, 2021, the Ames Foundation may have to pay back a portion of the CAT grant money. He explained that the City of Ames has made it clear to the Ames Foundation that the City will not assume any financial responsibility for the Ames Foundation paying back any CAT grant funding. Staff is recommending the approval of Option 1 on the staff report that states that the City Council can convey to the Ames Foundation that the City will make its "best effort" to complete the three aforementioned City projects at a minimum cost of \$525,000 by September 30, 2021, however, it must be understood by the Ames Foundation that, if for any reason the City cannot fulfill this commitment in regards to the amount of the project match for the three City projects or completion date, the City will not assume any financial responsibility for the Ames Foundation paying back any CAT grant funding. Should the City Council decide to move ahead with the contracts for the two Inis Grove Restroom projects as recommended in a previous agenda item, the risk to the City for assuming any financial liability for the local match is diminished. All that will remain will be the shared use path and the actual completion of the restroom projects. However, as evidenced by previous City projects, experience has shown that weather and/or, contractor/subcontractor capabilities have resulted in project

completion dates well past the planned deadlines.

Mayor Haila questioned if they added the \$378,000 that the Council just awarded to HPC, LLC, for the Inis Grove Park Restrooms Renovations, could they also include the \$32,500 that will be used for restroom decommissioning and the sewage lift station installations to the total. Mr. Abraham stated that it could all be added together as it is all part of the project. Director Abraham stated that right now they have \$150,000 in the CIP for the trails, and based on the Inis Grove project and the Shared Use Path, the City would be over the amount needed.

Mayor Haila opened the floor for any public input on this project. No one came forward and public input was closed.

Moved by Betcher, seconded by Beatty-Hansen, to approve Option 1: That the City Council will convey to the Ames Foundation that the City will make its “best effort” to complete the three City projects at a minimum cost of \$525,000 by September 30, 2021. However, it must be understood by the Ames Foundation that, if for any reason the City cannot fulfill this commitment in regards to the amount of the project match for the three City projects or completion date, the City will not assume any financial responsibility for the Ames Foundation paying back any CAT Grant funding. Should the City Council decide to move ahead with the contracts for the two Inis Grove Restroom projects as recommended in a previous agenda item, the risk to the City for assuming any financial liability for the local match is diminished. All that will remain will be the shared use path and the actual completion of the restroom projects. However, as evidenced by previous City projects, experience has shown that weather and/or, contractor/subcontractor capability have resulted in project completion dates well past the planned deadlines.

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

PRELIMINARY PLAT FOR KINGSBURY’S SUBDIVISION, THIRD ADDITION (315 SE 3RD STREET): Planning and Housing Director Kelly Diekmann advised that the request is for a commercial subdivision. The applicant intends to seek a deferral in the future for some of the public improvements that were not included in Preliminary Plat. Director Diekmann informed the Council Members that they would not formally be approving a deferral tonight, but he wanted to make sure the Council was okay with the applicant moving forward and working with staff to put together the Deferral Agreement. He explained that the City is planning for a future extension of Cherry Avenue to the east of the site that will include a future connection to SE 3rd Street. The owner intends to defer the installation of the infrastructure in conjunction with the proposed Plat until such time as Cherry Avenue to the north and east is extended south to intersect with SE 3rd Street or until site development of one of the lots is started.

Council Member Beatty-Hansen noted that the staff report states that there is no immediate development being proposed for either of the two lots and wanted to know what the purpose was. Mr. Diekmann stated that the applicant is trying to create two sellable lots.

Mayor Haila mentioned that this area is in the floodplain and wanted verification that the land would still be buildable as long as the floor elevation is three-feet above Base Flood Elevation. Director Diekmann stated that is correct and almost all of the sites would require some in-fill to be able to be usable.

Council Member Martin questioned the Base Flood Elevation (BFE) measures and what the triggers would be that allows staff to see if they have the right standard of three feet in the long run. Mr. Diekmann stated that three feet is the local standard. Staff had looked through the flood mitigation study information in regards to the 2010 flood. A workshop had been held and at that time no recommendations were made to change the standard. City Manager Steve Schainker questioned if it was the federal standard that only required one foot. Mr. Diekmann stated it is not even that as it just has to be above the BFE. He noted that right now, City-wide, the Iowa DNR with FEMA are updating the maps for the flood plains across the City. Director Diekmann noted that the Council will be asked, within the next year or two, to adopt the new maps. Adopting the new maps will ensure that the City can stay within the Flood Insurance Program requirements.

Council Member Martin inquired if the three-foot standard is to protect the properties within the area. Mr. Diekmann stated that the City's standard is to protect the properties and investments.

Council Member Betcher noted that in the Staff Report under Streets, it states that "due to issues with terrain near the northern edge of the site staff has not recommended dedication of right-of-way for 2nd Street." She wanted to know if it would trigger the need for 2nd Street to be extended if the property gets developed. Mr. Diekmann commented that it would not.

Scott Renaud, 414 S. 17th Street, Ames, with Fox Engineering, said he is present tonight as a representative for DET Land Company LC and is available to answer any questions.

Moved by Nelson, seconded by Gartin, to approve RESOLUTION NO. 19-587 approving the Preliminary Plat for Kingsbury's Subdivision, Third Addition (315 SE. 3rd Street).

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

Moved by Nelson, seconded by Beatty-Hansen, to direct staff to work with the applicant on preparing an Infrastructure Deferral Agreement.

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

POSTPONE THIRD PASSAGE AND ADOPTION OF ORDINANCE REZONING WITH MASTER PLAN PROPERTY LOCATED AT 507 LINCOLN WAY FROM DOWNTOWN GATEWAY COMMERCIAL (DGC) TO HIGHWAY-ORIENTED COMMERCIAL (HOC):

Mayor Haila noted that the Council received an email earlier today from the applicant asking to postpone the third passage and adoption of the Ordinance, as they are still waiting to obtain a signed Agreement.

Moved by Betcher, seconded by Corrieri, to postpone the third passage and adoption of the Ordinance Rezoning with Master Plan the property located at 507 Lincoln Way from Downtown Gateway Commercial (DGC) to Highway-Oriented Commercial (HOC).

Vote on Motion: 5-0-1. Voting Aye: Betcher, Martin, Gartin, Beatty-Hansen, Corrieri. Voting Nay: None. Abstaining due to a potential conflict of interest: Nelson.

ORDINANCE FOR ISU RESEARCH PARK URBAN RENEWAL AREA: Moved by Corrieri, seconded by Beatty-Hansen, to pass on third reading and adopt ORDINANCE NO. 4396 correcting the boundaries of Tax-Increment Financing District No. 1.

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

Mayor Haila asked City Attorney Mark Lambert to explain why he was asking for a motion to approve the amended the ordinance. Mr. Lambert noted that in order to get the process started to have the Ordinance in place before December, staff started with the best legal description they had, knowing it would need to be changed. The Plat was approved earlier tonight that changed the legal description. He noted that a motion would need to be made to approve the amended legal description for the Urban Renewal Area and the correct version was in the Council's packet.

Moved by Corrieri, seconded by Betcher, to amend the Ordinance to reflect the legal description of the Urban Renewal Area that was in the Council's packets.

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

Moved by Corrieri, seconded by Nelson, to pass on third reading and adopt ORDINANCE NO. 4397 creating a Tax-Increment Financing District No. 2.

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

ORDINANCE AMENDING CHAPTER 29 TO ESTABLISH DEFINITIONS, STANDARDS, AND ENFORCEMENT PROCEDURES FOR LICENSING OF GUEST LODGING IN SPECIFIED ZONING DISTRICTS: Moved by Corrieri, seconded by Beatty-Hansen, to pass on third reading and adopt ORDINANCE NO. 4398 amending Chapter 29 to establish definitions, standards, and enforcement procedures for licensing of guest lodging in specified zoning districts. Roll Call Vote: 6-0. Ordinance declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

ORDINANCE AMENDING CHAPTER 13 (RENTAL CODE) TO ESTABLISH DEFINITIONS, STANDARDS, AND ENFORCEMENT PROCEDURES FOR LICENSING OF GUEST LODGING IN SPECIFIED ZONING DISTRICTS: Moved by Corrieri, seconded by Beatty-Hansen, to pass on third reading and adopt ORDINANCE NO. 4399 amending Chapter 13 (Rental Code) to establish definitions, standards, and enforcement procedures for licensing of guest lodging in specified zoning districts.

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

made a portion of these Minutes.

ORDINANCE CREATING CHAPTER 35 TO ESTABLISH DEFINITIONS, STANDARDS, AND ENFORCEMENT PROCEDURES FOR LICENSING OF GUEST LODGING IN SPECIFIED ZONING DISTRICTS: Mayor Haila asked City Attorney Mark Lambert to explain why an amendment is needed for this Ordinance. Mr. Lambert explained that in the appeals language it stated 31 days when it should be 30 days. The correct ordinance showing the 30 days was included in the Council's packet.

Moved by Beatty-Hansen, seconded by Nelson, to approve the amended Ordinance allowing the appeal time period to reflect 30 days, not 31 days.

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

Moved by Nelson, seconded by Beatty-Hansen, to pass on third reading and adopt ORDINANCE NO. 4400 creating Chapter 35 to establish definitions, standards, and enforcement procedures for licensing of guest lodging in specified zoning districts.

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

Moved by Beatty-Hansen, seconded by Corrieri, approving RESOLUTION NO. 19-588 setting the fee at \$50 for the Guest Lodging licensure.

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

ORDINANCE REVISING THE AGE-LIMIT RESTRICTION IN THE CONTRACT REZONING AGREEMENT FOR 415 STANTON: Moved by Corrieri, seconded by Nelson, to pass on third reading and adopt ORDINANCE NO. 4401 revising the age-limit restriction in the Contract Rezoning Agreement for 415 Stanton.

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

ORDINANCE REGULATING MASSAGE ESTABLISHMENTS: City Attorney Mark Lambert advised the Council that they would not be able to pass on first reading as the Ordinance was not provided by the Legal Department in the packets. He noted that an ordinance was included in the Council's packet, but it has comments from the massage therapists on it. Council Member Corrieri inquired whether they could recommend changes to the draft that was included. Mr. Lambert explained that would be correct. Assistant City Manager Brian Phillips explained that the draft addressed the six specific directions that the Council had given.

Council Member Martin commented that it was his prior motion to have the requirement for the photo to be displayed in both the waiting room and in the massage therapists' rooms and in thinking about it further, he will be making a motion later to simplify the original motion along with allowing the photo to be smaller.

Council Member Betcher inquired as to what difference it would make, in the Purpose Section, if they had the clause that says “which may include prostitution and/or human trafficking” as a follow-up to be involved in illegal activities. She noted that “illegal activities” is a broad statement and will encompass human trafficking. Mr. Phillips stated that he is not sure if it will make much difference with the enforcement, as this was the same language they used from the Des Moines Ordinance. Mr. Lambert explained that they placed the statement of purpose in this Ordinance because of the nature of the Ordinance. Council Member Gartin stated that the purpose statement helps the City Attorney if there is ever a dispute over the intent.

Doug Dollison, 1018 NE Fountain View Drive, Ankeny, stated he owns the business, Massage Heights, at 637 Lincoln Way in Ames. He appreciates the time that staff has put into creating the Ordinance. Mr. Dollison explained that he has eight therapy rooms and 14 therapists and one issue was the posting of all the licensing and photos. They would have to have around 126 licenses and photos to have in the waiting room and therapy rooms. He recommended having a smaller size photo with the license somewhere in a public area. He noted another concern that the therapists mentioned was they didn’t want their clients to decide which therapist to use based on their looks. Mr. Dollison also wanted to see if there could be a grace period or a correction period, of a day or two, if something comes up. He further explained that if there was a clerical error that the business would be given time to correct the error before their business is placarded.

Mayor Haila asked for Mr. Dollison’s feedback on where the pictures should be displayed. Mr. Dollison stated to have it somewhere in a publicly accessible area. He also inquired as to how mobile massage therapists would display their license and photo.

Michelle DeMarie, 4933 Utah Drive, Ames, explained that she is the owner of Healing with Heart Massage Therapy and is a sole-practitioner. She noted that she has a private Facebook group for the Ames Licensed Massage Therapists (LMTs) that allows everyone to voice their opinions on the Ordinance and she heard from very few members. As a sole-practitioner, that works out of her home, she doesn’t have a treatment room to display her license and photo, but would be fine having them displayed in the treatment room. Ms. DeMarie stated that their license certificates do not have an expiration date, but upon each renewal they are given a wallet size card showing proof of an expiration date. Mayor Haila asked for Ms. DeMarie’s input on the size of the photo to be displayed and she mentioned that something smaller than a 5x7 would be preferable.

Dr. George Belitsos, 5508 West Lincoln Way, Ames, told the Council that he is here as the Chair of the Board of Directors for the Iowa Network Against Human Trafficking and Slavery and also speaking on behalf of ACCESS, YSS, ISU Students Against Human Trafficking, Teens Against Human Trafficking, and Protecting Our Children. He noted they support the Ordinance as written and are okay with some of the changes that the massage therapists are recommending. Dr. Belitsos stated he would support Council Member Martin’s comment about making a motion to not have the photos and licenses in the waiting room and in the therapist room, but the other recommendations should not be changed as they need to protect the citizens. He noted that ten massage therapists have given support for the massage ordinance and there are now 23 Ordinances in the state of Iowa. There

have been nine convictions of traffickers all getting long jail sentences and over 30 businesses have been closed since Ordinances have gone into effect. Mayor Haila mentioned that one suggestion was to strike some wording from the Purpose Statement and asked Dr. Belitsos why he was against that. Dr. Belitsos stated that he feels it is important to look back at the Ordinance and remember which violation of the law brought about the Ordinance. Mayor Haila asked for Dr. Belitsos opinion on having the 24-hour grace period. He commented that he would not support that recommendation, as within those 24 hours items could be hidden and people could be in another state. Mr. Dollison explained that if there was a way to have the grace-period be a procedural item for the Police Department as he certainly doesn't want any delay on criminal activities. Council Member Gartin stated that there has to be some discretion for the Police Department and would be comfortable leaving it the way it is.

Council Member Betcher stated she had a question for Chief Cychosz in regards to the size of the photo needing to be displayed. She explained in order to see any detail on the license you would have to be close to it to read it and would having a photo bigger than a passport size really be needed. Police Chief Charles Cychosz mentioned that the Police need a photo to give them a beginning place in identifying the individual to the license and would like it to be something larger than a driver's license photo. He noted that they are not going to rely completely on the photo to make the determination, but use it as a starting point. The Police Department will have a process to identify a violation. Ms. Betcher inquired if it was important to have proof of expiration of the license. Chief Cychosz stated that he could probably say "no," but if there are any complaints then they will contact the State to verify the information.

Mayor Haila stated it was brought up by Ms. DeMarie who has a home business if it is okay to have the license and picture posted in the treatment room. Chief Cychosz stated he doesn't really have an opinion on where the license and photo should be posted as the majority of the work the Police Department will have will be complaint driven.

Mayor Haila asked Chief Cychosz if he had any concerns about the massage therapists who have a portable massage table and travel. Police Chief Cychosz stated he is not sure as they are not in the business regulation method and will have to learn about this process. He may have an answer in a year or two as this is uncharted territory for his Department.

Mayor Haila asked the City Attorney about Section 9 of the Ordinance regarding Penalties that states, "A violation under this Section is declared to be a municipal infraction punishable by a civil penalty of \$500 for the person's first violation and by a civil penalty of \$750 for each repeat violation" and if the person is the person who owns the business or the person who is practicing massage therapy. Mr. Lambert stated that it can be either person.

Council Member Betcher asked for further clarification in the Purpose Statement and if it was important for the City Attorney to have the statement on the Ordinance. Mr. Lambert stated that he and Assistant City Manger Phillips, had discussed that as it is normally not something that is put into ordinances. He recommended putting it in for this particular Ordinance, given the nature of the

Ordinance. He didn't feel strongly that it needed to be kept in the Ordinance.

Moved by Martin, seconded by Betcher, to modify the Ordinance photo display requirement to require that the photos for the practitioners be with their license and be on display somewhere in the establishment.

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

Moved by Martin, seconded by Beatty-Hansen, to reduce the size requirement for the photos to 24 square inches.

Council Members stated they would like to see the photo even smaller.

Motion Withdrawn.

Moved by Corrieri, seconded by Nelson, to direct staff to revise the Ordinance to reduce the photos of the massage therapists to 2x3 to be displayed with the license.

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

Moved by Corrieri, seconded by Martin, to direct staff to strike everything in the proposed Ordinance from the Purpose Statement after the sentence that ends with "illegal activities."

Council Member Martin asked if the words "human trafficking" were listed anywhere else in the Ordinance. It was noted that they were not.

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

Council Member Corrieri questioned the designated manager and how it is applied to a sole-proprietor. She noted that it doesn't make sense to designate a manager when, by default, a sole-proprietor would be the therapist and the general manager.

Moved by Corrieri, seconded by Nelson, directing staff to clarify that the manager designation is not applicable to sole-proprietors.

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

Moved by Martin, seconded by Beatty-Hansen, to revise the proposed Ordinance requiring the establishments Manager's information to be displayed near the photos and licenses of the massage therapists.

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

Mayor Haila mentioned that the first reading with the proposed changes would be on the next City Council Agenda on November 26, 2019, and public input will be available.

DISPOSITION OF COMMUNICATIONS TO COUNCIL: Mayor Haila brought the Council's attention to the memo was from Donald Kom, Electric Services Director, regarding MetroNet's request to attach to City-owned utility poles. City Manager Steve Schainker explained that they tried to give the Council some perspective on the request and would recommend giving MetroNet some other options. Assistant City Manager Brian Phillips stated what is being proposed would be the easiest route for MetroNet, there are other options, but will be a little more costly for the company.

Moved by Betcher, seconded by Corrieri, to direct staff to let MetroNet know that the Council is not interested in honoring its request and requested the staff reach out to MetroNet with alternative routes.

Council Member Gartin noted that the Council shouldn't dismiss the item and recommended putting it on a future agenda for discussion. Council Member Betcher explained that the Council doesn't have enough information and staff has better knowledge of what to relay to MetroNet.

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

Moved by Beatty-Hansen, seconded by Nelson, to place the Staff Report regarding the East Industrial Area Utility Connection Fees on a future agenda.

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

Mayor Haila noted that the Memo from Keith Abraham, Director of Parks and Recreation, regarding the Brookside Park Restroom Renovation Project was for information purposes only.

Moved by Beatty-Hansen, seconded by Betcher, to place the request from Mainstream Living to purchase the property at 1417 Douglas on a future agenda.

Vote on Motion: 5-0-1. Voting Aye: Betcher, Martin, Gartin, Nelson, Beatty-Hansen. Voting Nay: None. Abstaining due to a conflict of interest: Corrieri. Motion declared carried.

Moved by Beatty-Hansen, seconded by Corrieri, to place the memo from Damion Pregitzer, Traffic Engineer regarding the options for Pedestrian Infrastructure along Mortensen Road in Southwest Ames on a future agenda.

Council Member Gartin asked if they would provide a courtesy note to the School District letting them know this item will be on a future agenda. Council Member Martin noted that he would like to have staff also reach out to property owners that are affected by this item to see if they would be interested in installing the sidewalk themselves.

Moved by Beatty-Hansen, seconded by Martin, to amend the motion to include reaching out to the property owners.

Motion to amend withdrawn.

Moved by Beatty-Hansen, seconded by Martin, for staff to reach out to the affected property owners to ask if they are interested in possibly paying for this up front for the pedestrian infrastructure, and if not, then to place on a future agenda.

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

Mayor Haila explained the next item is a letter from the U.S. Board on Geographic Names requesting an opinion about a proposal to change the name of Squaw Creek. There is a form that he would need to complete and send.

Moved by Beatty-Hansen, seconded by Betcher, to place the letter from the U.S. Board on Geographic Names on a future agenda.

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

Moved by Gartin, seconded by Martin, to have the Legal Department research further on the use of eminent domains for trails.

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

Moved by Gartin, seconded by Beatty-Hansen, directed staff to write a letter declining to take further action on the letter from Douglas Pepe in regards to his request to decriminalize and/or deprioritize nonviolent cannabis possession arrests.

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

Council Member Nelson explained that the letter from the Ames Climate Action Team regarding the five actions to address climate change would be better addressed during the Council goal setting meetings.

Moved by Betcher, seconded by Beatty-Hansen, directed staff for a memo in response to Ames Climate Action Team's recommendations to prioritize the five points provided by the Ames Climate Action Team.

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

COUNCIL COMMENTS: *Ex officio* Devyn Leeson stated it has been about three weeks since the joint Student Government meeting with the Council and he wanted to mention one of the topics that was discussed that night, diversity inclusion, due to recent events. He explained that recently a photo came out of a Student Government Advisor doing a "black face" in 2008, vandalism in a dorm that targeted Latino individuals, chalking on Campus that said "Hail Hitler," which all lead to protests led by the student body that blocked Lincoln Way. The students voiced a lot of frustrations about being "unsafe" not just on campus, but in the community as well. Mr. Leeson recommended the Council go back and listen to the meeting on the Student Governments YouTube channel.

Mayor Haila asked Mr. Leeson if he had any suggestions. Mr. Leeson stated he wished he did, but that it will start with listening to the problems. He noted that there were about ten things that the University is changing to help move forward. *Ex officio* Leeson explained that a few months ago it was discussed at Council about reviewing all City forms and documents that do not have gender

neutral language and believes this needs to be done along with training on diversity and inclusion. Mayor Haila explained that he appreciates what Mr. Leeson is saying and agrees that further education needs to be done and will continue to see what can be done to move forward.

Council Member Betcher stated she appreciates Devyn's input, and noted that she and Council Member Martin had attended the Campus Conversation to listen. It is important to know that the students know that the Council supports them. She recommends that all of the Council attend any training they can on diversity and inclusion.

Council Member Betcher wanted to take a moment to congratulate Vanessa Baker-Latimer, Housing Coordinator and Karen Server, Purchasing Director, for being recognized for excellence in what they do.

Moved by Betcher, seconded by Beatty-Hansen, to place the request from the Ames International Partner Cities Association (AIPCA) on a future agenda to discuss the opportunity to become a sister-city with Podujeva, Republic of Kosovo.

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

Moved by Betcher, seconded by Gartin, to place, on a future agenda, a discussion about altering the plans for the 321 State Avenue development in order to reconsider opportunities for multi-family housing and the possibility of helping to meet several community needs with the project.

Council Member Gartin asked if this would include an indoor pool. Ms. Betcher stated that one of the issues is the Municipal pool and that could be a point of discussion. Ms. Betcher mentioned that her motion is just to see if the Council is interested in pursuing altering the plans for the 321 State Avenue Development.

Council Member Betcher noted that she is being conscious of the fact that this project will be going out for bid soon. City Manager Schainker stated now is a good time to have this discussion if the Council is going to alter the concept.

Mayor Haila stated his concern is that they have a neighborhood association that has been very adamant about how the site would be used and the Council has a passion about being true to what they have talked and agreed to previously. He explained he felt this was a bad idea to move forward without first engaging the neighborhood association in a conversation before this item comes to Council. Mayor Haila stated that he understands the City owns the property, but this is a deviation and this would be breaking trust. Ms. Betcher stated that is not the point to the motion as it is to determine if the Council is even interested in pursuing alternate plans at all and then engage the neighborhood.

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

Planning and Housing Director Kelly Diekmann stated they have never talked about having an

indoor pool just a park. Council Member Gartin commented that he thought they had discussed the level of a subsidy that would be required per lot was \$80,000 - \$90,000, and thought it would be helpful to have this information available again for further discussion. Director Diekmann stated the last conversation was in June 2019, and they are going to be looking into RFP discussions this week and this item will need to be on an Agenda soon.

Council Member Martin asked is City Manager Schainker could speak about the improvements to Franklin Park. Mr. Schainker stated he would need to check for an update. Mr. Diekmann stated that they have moved ahead and had a design of the sidewalk and picnic shelters, but doesn't believe the bid packet has been put together yet.

Council Member Betcher wanted to clarify that she fully intends to move forward with speaking with the neighborhood association. Director Diekmann mentioned that they will have a conversation with the neighborhood association to let them know what is going on.

Council Member Martin explained that the Council has had previous conversations on incentives for rental properties back to owner-occupied, but it was unclear to him as to the sequencing of events. It was mentioned to reach out to stakeholders and landlords before moving forward. He would like to have the item brought back for further discussion. Director Diekmann stated that they have not started working on anything for this topic as staff has been working on other projects.

Moved by Martin, seconded by Beatty-Hansen, to place on a future agenda the topic of rental conversion incentives programs for further discussion.

City Manager Schainker inquired if putting the item back on the agenda to discuss would it be in lieu of the other program currently being worked on. Council Member Martin explained that the proposal he has in mind would fulfill the purpose of the other program and would be simpler.

Vote on Motion: 3-3. Vote Aye: Betcher, Martin, Beatty-Hansen. Voting Nay: Gartin, Corrieri, Nelson.

Motion Failed.

Moved by Beatty-Hansen, seconded by Gartin, requesting a memo from staff on the suggestions for beautifying the City's electrical boxes.

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

Council Member Corrieri stated she wanted give congratulations to the Mary Greeley Paramedic team that was chosen as the Iowa EMS Association, "EMS Service of the Year."

Mayor Haila mentioned that each of the Council Members serves on a Board or Commission and the terms do not coincide with each other. He has spoken with City Manager Schainker and City Attorney Lambert about looking into the possibility of having those terms be on a calendar year, if the Council agrees. Mayor Haila noted that the City Attorney would need to check with the AEDC,

ACVB, Transit, and Watershed.

Moved by Beatty-Hansen, seconded by Corrieri, to have the City Attorney look into possibly changing the terms for the AEDC, ACVB, Transit, and Watershed to calendar year expirations.
Vote on Motion: 6-0. Motion declared carried unanimously.

ADJOURNMENT: Moved by Gartin to adjourn the meeting at 8:54 p.m.

Amy L. Colwell, Deputy City Clerk

John A. Haila, Mayor