

MINUTES OF THE REGULAR MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

JANUARY 14, 2020

The Regular Meeting of the Ames City Council was called to order by Mayor John Haila at 6:02 p.m. on January 14, 2020, 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, Rachel Junck, and David Martin. *Ex officio* Member Devyn Leeson was also in attendance.

PROCLAMATION FOR SLAVERY AND HUMAN TRAFFICKING PREVENTION AND AWARENESS WEEK, JANUARY 12-18, 2020: Mayor Haila proclaimed January 12-18, 2020, to be “Slavery and Human Trafficking Prevention and Awareness Week.” Accepting the Proclamation was Dr. George Belitsos, Chair of the Iowa Network Against Human Trafficking and Slavery. Dr. Belitsos noted that with him were representatives from ISU Students Against Human Trafficking, ACCESS, and Youth and Shelter Service. Dr. Belitsos stated that there have been 12 traffickers convicted, within the past year, and about two dozen women had been set free.

CONSENT AGENDA: City Council Member Martin requested to pull for separate discussion Item No. 16: Requests from Ames Main Street for January Dollar Days, Item No. 17, Requests from Ames Main Street for Summer Sidewalk Sales, and Item No. 22: Pole Attachment Agreement and Underground Utility Locate Letter Agreement with Metro FiberNet, LLC. Council Member Betcher requested to pull Item No.13: Requests from Ames Main Street for Music Walk and Item No. 14: Requests from Ames Main Street for Art Walk, for further discussion.

Moved by Corrieri, seconded by Beatty-Hansen, to approve the following items on the Consent Agenda:

1. Motion approving payment of claims
2. Motion approving Minutes of Regular Meeting held December 17, 2019, and Special Meeting held December 19, 2019
3. Motion approving Reports of Contract Change Orders for December 1 - 15, 2019, and December 16 - 31, 2019
4. Motion approving certification of Civil Service applicants
5. Motion approving new 5-day Class C Liquor License (January 23 - 27, 2020) - Dublinbay Pub, 123 Airport Road
6. Motion approving new 5-day Class C Liquor License (January 23 - 27, 2020) - Mucky Duck Pub, LLC, Reiman Gardens - Pending Dram Shop
7. Motion approving new 5-day Class C Liquor License (January 25 - 29, 2020) - Gateway Hotel and Conference Center, 2508 Mortensen Road
8. Motion approving new 12-month Class C Liquor License with Sunday Sales - Fuji Japanese Steakhouse, 1614 S Kellogg Avenue - Pending Satisfactory Background Check
9. Motion approving new 12-month Class C Liquor License with Class B Native Wine, Outdoor Service, and Sunday Sales - Mickey’s Irish Pub, 109 Welch Avenue - Pending Dram Shop

10. Motion approving Permanent Transfer of Class E Liquor License with Class B Wine Permit and Class C Beer Permit from the old Fareway Store, 619 Burnett, to the new Fareway Store, 619 Burnett, to be effective January 14, 2020
11. Motion approving renewal of the following Beer Permits, Wine Permits, and Liquor Licenses:
 - a. Class C Liquor License with Outdoor Service and Sunday Sales - Chipotle Mexican Grill, 435 S. Duff Avenue
 - b. Class E Liquor License with Class B Wine, Class C Beer and Sunday Sales - JW Liquor, 4518 Mortensen Rd. Suite #109
 - c. Class A Liquor License with Sunday Sales - American Legion Post #37, 225 Main
 - d. Class C Liquor License with Catering Privilege, Outdoor Service, and Sunday Sales - West Towne Pub, 4518 Mortensen Rd. Suite 101
 - e. Class C Liquor License with Catering Privilege, Outdoor Service, and Sunday Sales - Dublin Bay, 320 S 16th
 - f. Class E Liquor License with Class B Wine Permit, Class C Beer Permit (Carry-out Beer), and Sunday Sales - The Filling Station, 2400 University Blvd.
 - g. Class C Liquor License with Outdoor Service and Sunday Sales - The Angry Irishmen, 119 Main Street
 - h. Class C Liquor License with Catering Privilege and Sunday Sales - Hy-Vee Market Café, 3800 Lincoln Way
 - i. Class C Liquor License with Outdoor Service and Sunday Sales - Cy's Roost, 121 Welch Avenue - PENDING DRAM SHOP
12. Requests from Ames Main Street for 4th of July activities on July 4, 2020:
 - a. Motion approving blanket Temporary Obstruction Permit and blanket Vending License in Central Business District
 - b. RESOLUTION NO. 20-005 approving usage and waiver of electrical fees and waiver of fee for blanket Vending License
 - c. RESOLUTION NO. 20-006 approving closure of portions of Main Street, Northwestern Avenue, Fifth Street, Douglas Avenue, Burnett Avenue, Kellogg Avenue, Clark Avenue, Allan Drive, and Pearle Avenue from 6:00 a.m. until end of parade
 - d. RESOLUTION NO. 20-007 approving closure of Parking Lot MM, south portion of Lot M, Depot Lots V and TT from 6:00 a.m. to 2:00 p.m.
13. RESOLUTION NO. 20-011 approving and adopting Supplement No. 2020-1 to *Municipal Code*
14. RESOLUTION NO. 20-012 approving appointment of Council Member Amber Corrieri to the Squaw Creek Watershed Management Authority
15. RESOLUTION NO. 20-013 approving application for procurement card for Council Member Rachel Junck and setting transaction limits
16. RESOLUTION NO. 20-014 waiving enforcement of prohibition of motorized carts on trails in Ada Hayden Heritage Park for the Ames Triathlon

17. RESOLUTION NO. 20-015 approving the Iowa Clean Air Attainment Program (ICAAP) Funding Agreement with Iowa Department of Transportation for Grand Avenue Extension project in the amount of \$1,800,000
18. 2018/19 Shared Use Path System Expansion - Trail Connection South of Lincoln Way:
 - a. RESOLUTION NO. 20-016 approving the purchase of easement on 202 Dotson Drive in the amount of \$6,090
 - b. RESOLUTION NO. 20-017 approving the purchase of easement on 3709 Tripp Street in the amount of \$42,700
19. RESOLUTION NO. 20-018 approving preliminary plans and specifications for Homewood Clubhouse Project; setting February 13, 2020, as bid due date and February 25, 2020, as date of public hearing
20. RESOLUTION NO. 20-019 approving preliminary plans and specifications for 2019/2020 Traffic Signal Program (Lincoln Way & Beach); setting February 5, 2020 as bid due date and February 11, 2020 as date of public hearing
21. RESOLUTION NO. 20-020 approving preliminary plans and specifications for Campustown Public Improvements (Welch Avenue); setting February 12, 2020, as bid due date and February 25, 2020, as date of public hearing
22. RESOLUTION NO. 20-021 approving preliminary plans and specifications for Iowa State University Research Park Phase IV Road and Utility Improvements Project; setting February 12, 2020, as bid due date and February 25, 2020, as date of public hearing
23. RESOLUTION NO. 20-022 awarding Contract for Supplying Gases and Cylinders to the Power Plant to Airgas USA, LLC, in an amount not to exceed \$29,726.82
24. RESOLUTION NO. 20-023 approving contract and bond for the Water Treatment Plant Maintenance & Storage Building
25. RESOLUTION NO. 20-024 approving contract and bond for 2019-20 Pavement Restoration Program (Slurry Seal)
26. RESOLUTION NO. 20-025 approving Change Order No. 2 to HTH Companies, Inc., for additional non-asbestos insulation and related services in the amount of \$65,000
27. RESOLUTION NO. 20-026 approving partial completion of public improvements and reducing security for Sunset Ridge Subdivision, 8th Addition
28. RESOLUTION NO. 20-027 approving partial completion of public improvements and reducing security for Sunset Ridge Subdivision, 9th Addition
29. RESOLUTION NO. 20-028 approving Plat of Survey for 2810 & 2824 Wakefield Circle
30. RESOLUTION NO. 20-029 approving Final Plat for West End Center Subdivision (1114 South Dakota Avenue)
31. RESOLUTION NO. 20-030 accepting completion of Campustown Public Improvements - Water Service Replacement (Lincoln Way from Hayward Avenue to Welch Avenue)
32. RESOLUTION NO. 20-031 accepting completion of contract for Furnishing 15kV Outdoor Metalclad Switchgear and 69kV Control Panels for Top-O-Hollow Substation Expansion and Breaker Addition
33. RESOLUTION NO. 20-032 accepting completion of contract for Power Plant Steam Turbine #7 Parts

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

REQUESTS FROM AMES MAIN STREET (AMS) FOR MUSIC WALK ON THURSDAY, APRIL 23, 2020, & ART WALK ON THURSDAY, JUNE 4, 2020: Council Member Betcher stated she pulled these two items because the Council had previously stated that they needed to have a discussion about waiving Downtown parking fees and a discussion had not happened yet. Ms. Betcher mentioned that since these events were not until April and June respectively, there would be enough time to have the policy discussion and then put the items back on a future agenda.

Moved by Betcher, seconded by Martin, to table the discussion on Items 13 and 14 until the first meeting in February after the Council has had the policy discussion on waiving downtown parking meter fees.

Council Member Corrieri inquired if the recommendation is to approve Ames Main Street's other requests that have to do with waivers of parking meter fees. Council Member Betcher explained that she is pulling the entire items. Council Member Corrieri mentioned that the Council has had discussions in the past about Downtown not being able to market its events until they are approved by Council. Ms. Corrieri recommended that Council approve what is not related to waivers of parking meter fees and to allow AMS to appropriately market its events.

Motion withdrawn.

Moved by Betcher, seconded by Martin, to table 13c related to waivers of parking meter fees and enforcement, electrical fees, and blanket Vending License fee for Ames Main Street Music Walk and 14c related to waivers of parking meter fees and enforcement, electrical fees, and blanket Vending License fee for Ames Main Street Art Walk to the first meeting in February 2020.

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

Moved by Betcher, seconded by Corrieri, to approve: 13a: Motion approving blanket Temporary Obstruction Permit and blanket Vending License in Central Business District and 13b: RESOLUTION NO. 20-001 approving closure of ten metered parking spaces for food trucks and musicians from 3:00 p.m. to 9:00 p.m. related to AMS Music Walk on April 23, 2020, and 14a: Motion approving blanket Temporary Obstruction Permit and blanket Vending License in Central Business District, 14b: RESOLUTION NO. 20-002 approving closure of ten metered parking spaces for vendors from 3:00 p.m. to 8:30 p.m., 14d: RESOLUTION NO. 20-003 approving closure of Kellogg Avenue, from Main Street to Fifth Street from 3:00 p.m. to 8:30 p.m., and 14e: RESOLUTION NO. 20-004 approving usage of Tom Evans Plaza related to AMS Art Walk on June 4, 2020.

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

AMES MAIN STREET (AMS) FOR JANUARY DOLLAR DAYS EVENT ON THURSDAY, JANUARY 23 THROUGH SUNDAY, JANUARY 26, 2020: Council Member Martin noted that this item and the next item are similar in regards to the ones Council Member Betcher pulled. He explained that back in May 2019, the Council voted to not approve a parking waiver for a nonprofit community strengthening event and they had earlier in the year approved a waiver for a shopping event. This led to the request for a policy discussion and until that discussion is had, he will continue to vote against approving any waiver of parking fees.

Moved by Martin, seconded by Beatty-Hansen, to approve the request in all aspects except the waiver of fees for parking.

Mayor Haila pointed out that this event is scheduled to happen on January 23-26, 2020, which would be before the next City Council meeting. City Council Member Betcher mentioned that she would have concerns about changing the policy on this request and would rather have the Council approve this request in full while waiting on the policy discussion. Council Member Beatty-Hansen stated she seconded the motion in order to have a discussion, but would rather let this one go through as well as it is occurring before a policy discussion can be placed on a Council Agenda.

Vote on Motion: 2-4. Voting Aye: Junck, Martin. Voting Nay: Betcher, Gartin, Corrieri, Beatty-Hansen. Motion failed.

Moved by Betcher, seconded by Corrieri, to approve all of the requests from Ames Main Street (AMS) for the January Dollar Days event on Thursday, January 23 through Sunday, January 26, 2020, which includes:

- a. Motion approving blanket Temporary Obstruction Permit and blanket Vending License
- b. RESOLUTION NO. 20-008 approving the waiver of parking meter fees and enforcement in the Downtown District on Saturday, January 25

Roll Call Vote: 5-1. Voting Aye: Betcher, Gartin, Junck, Corrieri, Beatty-Hansen. Voting Nay: Martin.

Resolutions/Motions declared adopted/approved unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

- c. RESOLUTION NO. 20-009 approving the waiver of fee for blanket Vending License

Roll Call Vote: 5-1. Voting Aye: Betcher, Gartin, Junck, Corrieri, Beatty-Hansen. Voting Nay: Martin.

Resolutions/Motions declared adopted/approved unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

REQUESTS FROM AMES MAIN STREET (AMS) FOR SUMMER SIDEWALK SALES ON SATURDAY, JULY 25, 2020: Council Member Martin mentioned he pulled this item for the same reason as the previous item. Mayor Haila pointed out that this event is not until July 25, 2020, and the Council should be able to table the item.

Moved by Corrieri, seconded by Beatty-Hansen, to approve 17a: Motion approving blanket Temporary Obstruction Permit and blanket Vending License; 17c: RESOLUTION NO. 20-010 approving the waiver of fee for blanket Vending License, and to table item 17b: Resolution approving suspension of parking regulations and enforcement for the Downtown from 8:00 a.m. to 8:00 p.m.; until the first meeting in February.

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

POLE ATTACHMENT AGREEMENT AND UNDERGROUND UTILITY LOCATE LETTER AGREEMENT WITH METRO FIBERNET, LLC: Council Member Martin mentioned that he was looking at the proposed contract and noticed that in an unfortunate and unlikely event of termination of the attachment of fibers to the City's poles, the contract does not provide for an alternative for the City to take possession of the fiber if MetroNet fails to remove the fiber within 180 days. He noted that he hopes this doesn't happen, but that it would protect the City if there was an option in the contract that would allow the City to take possession of the fibers if something goes wrong and is left hanging on the poles. Council Member Martin asked Assistant City Manager Brian Phillips if this would be something the Council could pursue. Mr. Phillips stated that if the contract expired, for whatever reason, MetroNet is required after the 80 days to remove the fiber from the entire system, and under the current draft, if MetroNet fails to remove the fiber within the 180 days, the fiber can be removed by the City, if it chooses, and bill the cost to MetroNet. Assistant City Manager Phillips stated that if the Council wanted to explore Council Member Martin's recommendation, they could make a motion to direct staff to go back to MetroNet and see if they would be agreeable to the recommended amendment of the Pole Attachment Agreement.

Moved by Martin, seconded by Junck, directing staff to approach MetroNet with a proposal to add a clause allowing the City to take possession if MetroNet fails to remove the fiber after termination. Vote on Motion: 6-0. Motion declared carried unanimously.

Moved by Martin, seconded by Corrieri, to table this item until the City Council meeting on January 28, 2020. Vote on Motion: 6-0. Motion declared carried unanimously.

PUBLIC FORUM: Richard Deyo, 505-8th Street, #2, Ames, commented that he would like to say something about the Oath of Office as he believes the Council should swear to support people's happiness. He also stated that he is very much a nudist and he would like to speak at the end of the meeting.

Public forum was closed after no one else came forward.

HEARING ON SALE OF CITY-OWNED PROPERTY AT 1420 LINCOLN WAY: Assistant City Manager Brian Phillips explained that the property at 1420 Lincoln Way has been owned by the City since 1924 and was formerly used by the City as a water booster pump station, which became obsolete in the 1990s. A number of water mains on the property have been abandoned. The Water

and Pollution Control Department anticipates demolishing the structure and the abandoned mains in 2024 at a cost of up to \$125,000. MetroNet is an internet provider that plans to construct a fiber optic network throughout Ames in 2020. MetroNet's network will be arranged in three fiber "rings" in the community to which individual neighborhoods will be connected. The fiber rings must all converge at one point to connect to switching equipment, housing in a small building referred to as a "hut." Because the fiber rings reach different parts of the City, the area where they converge must ideally be close to the center of the community. City staff and MetroNet have discussed a number of issues related to MetroNet's deployment over the past ten months. This project involves a lot of City departments and a variety of City processes, in addition to the location of the "hut." Mr. Phillips mentioned that MetroNet was initially interested in a commercial area east of South Duff Avenue, however; the area had been identified for potential future redevelopment as part of the Ames Plan 2040 process. Another private site was considered, but that property had recently been sold to another owner for potential development.

MetroNet had submitted a letter of interest to City Council to purchase the property at 1420 Lincoln Way and on September 24, 2019, the Council referred the request to staff for a background memo. At the October 22, 2019, City Council meeting, the Council directed City staff to negotiate with MetroNet regarding the acquisition of the property. City staff had instructed MetroNet to obtain an appraisal for the property.

Assistant City Manager Phillips mentioned that another component of the project is that MetroNet intends to also offer television service and to accomplish this, an aerial antenna would need to be put up. The initial conversations were that MetroNet would put up the antenna next to the "hut" site. MetroNet went through the process of obtaining a Special Use Permit. All Special Use Permits are reviewed for approval by the Zoning Board of Adjustment (ZBA). ZBA's review of the overall project is limited to the proposed tower. On January 8, 2020, ZBA considered MetroNet's application and received a substantial number of comments from the neighborhood in opposition for the antenna. MetroNet had indicated that it will find another location for the antenna.

Mr. Phillips noted that the City had received another proposal from Kathranne Knight to purchase the property for the purpose of an Art Studio. Ms. Knight had offered to purchase the property for \$21,700, and would grant the easements and right-of-way proposed by the City. He noted that the property is encumbered by a lot of constraints, and a little more than 75% of the property would need to be maintained by easements or right-of-ways. Mr. Phillips stated that with the proposal from MetroNet, there would not be any changes to the site, only the addition of landscaping and a fence.

Council Member Martin noted that he read in the staff report that competitive bidding is not required for the property and asked for further explanation. Mr. Phillips explained that there are certain circumstances where the City is required by State law to take competitive bids for properties they wish to sell that are typically in an Urban Revitalization Area (URA). The property at 1420 Lincoln Way is not in a URA so the only requirement of the City is to have a public hearing. Except for this basic requirement, the City Council has broad discretion regarding the decision to sell real property. There is no requirement in state or local law to sell property to the highest bidder. The Council may

determine to whom the property may be sold and for what amount (as long as the sale price to a private party is reasonably within the range of fair market value and does not constitute a gift).

Council Member Betcher mentioned that in many of the emails that the Council had received regarding this property, the Lincoln Way Corridor Plan was referenced. She mentioned that she thought the intent of the City was to return this property to a clean and green state at a cost to the City. Ms. Betcher questioned if the Lincoln Way Corridor Plan ever specified what could happen to the site or was it anticipated that the building would be gone and just stay green. Planning and Housing Director Kelly Diekmann stated that it wasn't really about the site, but the neighborhood was a focus area of the Plan. He noted that not all the properties in the neighborhoods and the site were discussed in any meaningful way.

Mayor Haila asked Director Diekmann to speak about the zoning of the site. Director Diekmann noted that the current zoning is Urban Core Residential Medium (UCRM), but the way the regulations are written for this zone. Principally the only new use that can be added is a single-family home as the plan accommodates existing duplexes and apartments, but the intent is not to allow for intensification. The site is a legal lot and has a small amount of buildable area, essentially where the building already is, and the property does have access to Lincoln Way. There is already an easement that must be maintained to the benefit of the property to the east. Mayor Haila asked if the current zoning could be used for MetroNet's purposes. Mr. Diekmann stated the City allows for major utilities in most zones, and MetroNet, as a provider of internet, fits into the description of a "utility" as defined in the zoning ordinance. Mayor Haila inquired if Ms. Knight would be able to use the property as it is currently zoned. Director Diekmann answered that from Ms. Knight's brief description of using the property, as an art studio that is not directly an allowed use in the zone.

Moved by Martin, seconded by Beatty-Hansen, to add a restrictive covenant to the property in case the sale is negotiated with MetroNet stipulating that no tower or structure above the existing roof line may be constructed and the City is an interested party for purposes of filing a verified claim to extend the covenant for longer than 21 years.

Council Member Gartin wanted to clarify whether the motion meant if there was a limit to how tall the building may be or a structure being built that is higher than the current one as trying to verify if a height limitation. Mr. Martin stated it would restrict anything taller than the existing roof line that would preclude building any tower and any structure that is mounted on or above the roof line. Council Member Betcher stated that for expansion of the building, it can only be done by building outward and not upward. Council Member Beatty-Hansen mentioned that she understands that MetroNet likes the building the way it is and doesn't have any plans to change it.

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

Mayor Haila opened the public hearing and mentioned to the audience that the rest of the conversation and input would be about the sale of the property to MetroNet with the understanding that there will not be a tower allowed to be built on the site.

Dan Casciato, 3601 Communication Way, Evansville, Indiana, explained that he works for MetroNet and that he had indicated last week that MetroNet is fine with removing the option for a tower on the property and that is now off the table. He noted that the building is very secure and is already designed for the fiber rings that need to be stored. Mr. Casciato mentioned that MetroNet does not intend to build another structure, but may put up a security camera that is small and above the door. Council Member Martin asked Mr. Casciato if the motion that just passed would interfere with MetroNet's needs. Mr. Casciato stated it would not.

Mayor Haila stated that there was an inquiry from a citizen wondering how the fiber would be brought into the building. Mr. Casciato explained that MetroNet follows the current easements and rights-of-way and that is what they would do, with the City's permission. Mayor Haila inquired about the size of the fiber that is being put in. It was mentioned that the tubes would be about the size of a nickel.

Council Member Martin questioned what the neighbors could expect from the ongoing use of the building, i.e., how loud will it be, how frequently will employees be visiting the site. Mr. Casciato explained that the building is a secure site for MetroNet's equipment. Occasionally a technician will enter to make sure everything is correct. Director Diekmann noted that what Mr. Casciato stated is correct for any ongoing activity, but during start-up, there will definitely be more traffic as the fibers are getting set up.

Kathranne Knight, 123 S Riverside Drive, Ames, mentioned that she is still concerned about how much fiber optic cable would converge on 1420 Lincoln Way. She read a sentence from the staff report stating "Since the hut site would have significant amounts of fiber infrastructure associated with it, it would not be feasible to move the hut in the future, making the proposed location undesirable." Ms. Knight commented that if the City sold the property to MetroNet, even without approval of the tower, it has been established that a fiber infrastructure would be significant and not feasible to move in the future. The people of Ames, the ecology of the stream corridor, the Oak-Riverside neighborhood, and the vision of the Lincoln Way Corridor Plan will be stuck with the infrastructure for the foreseeable future. She asked if the City had obtained any photographs of other MetroNet hut sites, both inside and out; this way the citizens would be able to see what is really going on inside the building. Ms. Knight questioned if the fiber would cause a lot of heat to the building and that there should be an environmental assessment on how this will affect the Stream corridor and all it supports ecologically to the City and the Squaw Creek Watershed. She stated that potential sites for MetroNet may be limited, but questioned whether they had been exhausted. Ms. Knight asked why there was such a rush. Ms. Knight mentioned that MetroNet feels that the deal has been made. It was stated at the ZBA meeting that "they have manufactured their mechanical gear specifically for 1420 Lincoln Way" and MetroNet still wants the building even with the tower not being allowed. She felt that the deal is already done with MetroNet and the public hearing is just

a formality. Ms. Knight respectfully asked that the City Council not convey the property to MetroNet.

Mayor Haila stated he wanted to clarify a few items from Ms. Knight's statement to make sure the citizens have all the correct answers. The first question was about the site itself due to all the fiber that needs to be put in. Ms. Knight commented that she is concerned about all the additional cables being put underground and that she doesn't fully understand the operations of the hut. She is concerned about the heat and vibrations of the facility and because of the environmental overlay site being so close, they would want to do an environmental assessment. Ms. Knight stated she had looked over the Lincoln Corridor Plan and was excited about the possibilities for the site as she envisioned the site being used for the community. Mayor Haila inquired if Ms. Knight was still open to purchasing the property. She commented that she was. Ms. Knight also mentioned that she finds the zoning bazaar, because it won't allow her to purchase the building, clean it up, and put a drawing table in, but it will allow for MetroNet's intense infrastructure. She also noted that she believed Prairie Rivers of Iowa has gear in the building and would be interested in keeping the gear there and having a partnership with them. Mayor Haila commented that they will try to get all her questions answered tonight; that way the Council has all the information to make a decision.

Mayor Haila asked staff to address the concern about the Watershed, sensitivity, or the environmental assessment that Ms. Knight talked about. Director Diekmann stated in regards to that the measurement of the flood levels, WPC staff is aware of the equipment on is on top of what is being proposed. The environmental overlay only applies to the floodway portion of the property. The environmental assessment (EA) overlay was put in place about four years ago, to deal with disturbances in floodways. If a disturbance was done, you would have to go through the environmental assessment process. Mr. Diekmann explained that nothing is being proposed in the floodway or in the floodway fringe, and from a zoning compliance standpoint, there is no requirement. Council Member Beatty-Hansen inquired if the property had ever flooded. Mr. Diekmann stated that he is not aware of anyone making that statement, but he doesn't recall going through a detailed conversation on the history of the property. Mr. Phillips stated that he was in the area during the 2010 flood and the water went into the large fields to the west and came up a little way on the eastern portion of the bridge, but doesn't think this site was impacted.

Council Member Betcher asked staff to address the question of impervious surfaces that are required by a communication facility. Mr. Diekmann stated that the driveway paving was in response to the communication tower proposal. Staff also wanted to condition the sale on the driveway approach to be upgraded to a modern approach.

Mayor Haila inquired about the inability to move the "hut" and how that may impact the Lincoln Way Corridor Plan. Director Diekmann stated that one of the goals of Corridor was to improve the Corridor regardless if any redevelopment happened. Staff talked a lot about the street configuration of Lincoln Way, but doesn't see any impediments for the sale of the property. The building is set far enough back and adding front yard landscaping can shield the building.

Council Member Beatty-Hansen asked if there would be any requirements to add any vegetation and make improvements to the property. Mr. Diekmann noted there would not be. Mr. Phillips stated that MetroNet representatives had indicated they would be interested in adding landscaping anyway.

Council Member Gartin commented that his greatest concern from Ms. Knight's comments was the questioning of staff doing its due diligence in finding a location for MetroNet. Director Diekmann stated that he approached it from the perspective of the Planning Department and the Development Review Committee. When MetroNet first came to the City, staff wasn't trying to find a site for MetroNet, but they came to the Planning & Housing Department for the normal review process and suggested a site. Mr. Diekmann and Mr. Phillips looked at several different sites in the area from Squaw Creek over to the Resource Recovery building area as this was the area that MetroNet was looking for properties. Staff looked at what other vacant City properties or what vacant commercial buildings were available and identified that 1420 Lincoln Way was a surplus property and the City did not have a vested interest in maintaining in the long-term. Mr. Phillip stated that staff did an analysis of about four or five potential locations and one of them was the initial site on East Lincoln Way near Hyde Avenue; another piece of property that is used by the Electric company, but it is still actively in use and when the tower was a component of the discussion there was no where to put a tower; a property on north 4th, but couldn't accommodate the proposal without a variance and staff was not sure if the property was for sale. The property at 1420 Lincoln Way was zoned appropriately, had the correct sizing, and the property was one that the City of Ames would have to spend a lot of money on to demolish. Director Diekmann stated that he wanted to be clear that staff did not look for properties to help MetroNet. Mr. Phillips mentioned that after they identified 1420 Lincoln Way as an option, staff did spend a lot of time looking to see if there were any other sites available, but there were not.

Dan Casciato from MetroNet introduced John Sawyer, who will be the Project Manager during the construction of the project. Mayor Haila asked them to address the concerns of the citizens regarding the noise and the amount of heat in the building. Mr. Sawyer stated there will be air conditioning to help keep the building cool. There will be a lot of fiber; there are about 288 strands, about the size of a nickel, there will three of the pipes going in and three going out. Mayor Haila noted that would be about a 2-to 3-inch diameter pipes. Mr. Sawyer commented that once the fiber gets inside the hut, they need to break those cables out into an individual plug. There are three racks of 288 fibers that have an "A" and a "B" size, so if something happens they can switch out the fibers. Ms. Sawyer stated there will be some batteries for back-up along with some generators to charge the batteries. He noted the size of the building is perfect as they could fit two huts within the one building where in most cities they have two huts because the building is not big enough. Mr. Casciato commented that the generator is used as an emergency back up and will not be running all the time, only when the power goes out. Mayor Haila inquired if the property would change at all. Mr. Casciato stated that the outside of the building will not change, but they will work with City staff to landscape the property. Mr. Sawyer commented that MetroNet will need to come into the building three different ways as the fibers can't overlap or it will create a fault line. There will be someone in the building daily at the beginning who will be activating customer's service. Council Member Beatty-Hansen asked if the Council added a covenant to come up-to-code with landscaping whether MetroNet

would have any problems with the covenant. Mr. Casciato stated MetroNet would not as they are already planning to update the landscaping and put in a fence, as they want the property to look nice.

Barbara Blakely, 112 Riverside Drive, Ames, Iowa stated she is relieved that the tower is out of the picture, but she is still picturing the hut as a loud and vibrating building. Ms. Blakely commented that, after hearing more from MetroNet, she sees it will not be that way.

F.A. Faridi, 2821 Wood Street, Ames explained that he has looked into the assessment of the property and others in the area. He noted that the area is Residential and one-to-two story houses that are occupied by the owners or are used as Rentals. He obtained a copy of the assessment from the City Assessor's office. Mr. Faridi noted that the value of a property is assessed by two things: the building and the land. He compared the property at 101 Riverside Drive and 1420 Lincoln Way. The property at 101 Riverside is assessed at \$151,000, and calculated that it costs roughly \$87.38 per 1,000 square feet for the building and the land cost about \$4.79 per square feet. Mayor Haila inquired if Mr. Faridi was trying to point out that the offer is a lot less than what the property is worth and if the City sells the property to MetroNet they are practically giving the property away. Mr. Faridi felt that the property at 1420 Lincoln Way could be converted to a family home that could be given away for a nominal price.

Mayor Haila asked Assistant City Manager Phillips to explain how the value of the property was determined. Mr. Phillips stated that MetroNet used an appraisal company out of Des Moines, who evaluated the structure and the land. The appraiser came to the conclusion that the property has a value of \$90,000-\$100,000 if there was nothing on the property, but green space. The appraiser then did some comparables and found that the building was worth about \$20.00 a square foot.

Darrall Reeves, 3108 Northwood Drive, Ames, explained that he is not opposed to MetroNet's project, as he feels they need better internet service in Ames; however, he has questions about how the City arrived at the decision to sell to MetroNet. He stated he was at the Zoning Board of Adjustment meeting and the MetroNet representative stated that the City reached out to them about this property, but they would not tell him which City staff member; this conflicts with what the City is stating. Mr. Reeves mentioned that back in October 2019, city staff was charged with having a feasibility study done and doesn't know if this was ever done. Council Member Corrieri stated that the feasibility study is in process. Mr. Reeves noted that he thought it was odd that the purchaser gets to do their own appraisal on a property they want to purchase. He thought the process had been rushed and would like to see the City of Ames provide its own internet service.

Manager Phillips stated that this property came up during several conversations about how MetroNet was going to connect to poles, underground locates etc. and during the discussion of the initial property that MetroNet recommended. Mr. Phillips noted that City staff cannot sell a property without the Council's approval. It was recommended that if MetroNet was interested in the property, they would need to write a letter to the City Council and follow the process.

Mayor Haila asked about the status of the feasibility study. Mr. Phillips stated there had been discussions about the City having its own internet service; that is independent from this request. The Council had directed staff to look for a consultant to handle a feasibility study, and that will be brought to the City Council at a later time. Mayor Haila stated that whether the City pursues their own internet service or not, it is a free market, and MetroNet is welcome to come to town and set up their own service.

Mayor Haila inquired about the question of the appraisal. Mr. Phillips stated that appraisals are expensive, and this is not the City's project, and that is why MetroNet received their own.

Joe Leisz, 114 S Riverside Drive, Ames, stated that his house is across the street from the property. He noted that a lot of his concerns had been addressed during previous discussions tonight. He noted that he is still concerned about proposed landscaping, high water, and flooding. Mr. Leisz explained that while he has lived in this neighborhood since 2005, and had experienced three floods, all three have been isolated to the bridge along Lincoln Way. He commented that MetroNet mentioned putting a fence along the property, and if the fence was put up, it would have been impacted by at least two of the three flood events. Mr. Leisz is OK with MetroNet coming to Ames, but thought that Ms. Knight's proposal would be the best for the neighborhood and unify the community. He commented there are other people in the neighborhood that would love to get a property for \$0.11 on the dollar.

Jackie DeLay, 129 S Russell Avenue, Ames, said she felt that the City was rushing into the sale of the property and not fully thinking about the implications for the future. She urged the Council to slow down. Ms. DeLay commented that she agrees that the goal of having fast, efficient internet service in Ames is a very important goal and why the City isn't looking at the property for the City of Ames own use for internet service. If there are limited properties, it might be a good idea to wait and see what the City of Ames feasibility study says. She noted that the citizens are feeling that there hasn't been enough time to consider the feasibility study and the Lincoln Way Corridor Plan. She questioned why MetroNet is getting such a prime deal.

Joe Muench, 304 N. Riverside Street, Ames, mentioned that the site is not a generic isolated industrial site situated outside the City. It is in a prominent and strategically important Ames location. The site overlooks Squaw Creek, Iowa State, and sits directly on a historic and prominent crossroads between Old Town Ames and Campustown. Mr. Muench noted that the property is a valuable asset for those reasons. He noted that if the site is to be sold at a bargain rate to a for-profit outside company, the citizens of Ames should benefit and not just the business. Mr. Muench mentioned that the property should be leased instead of sold. He noted that Ms. Knight had made some good points with the citizens feeling the sale is a done deal and the price of the property is questionable. Mr. Muench commented that Ms. Knight's vision does have some strong goals, coordinates with the City, the Lincoln Way Corridor Plan, and engages the neighborhood and community in ways the MetroNet will not. He thought that the zoning should be examined for this property and further discussed. Mr. Muench's last concern was the signage for the property and would ask that MetroNet find a site elsewhere.

Mayor Haila closed the public hearing.

Council Member Gartin asked if the Council did speculate and the City of Ames did want to move forward with a municipal internet would the City of Ames benefit from the location. Mr. Phillips stated that would be difficult to answer; the location works for MetroNet's infrastructure, but not sure if the property would fit for what the City of Ames would want to do as they don't have any plans. It is impossible to answer at this time. Council Member Gartin wanted to know if they could lease the property instead of selling it. Mr. Phillips explained that leasing the property had not been discussed as the letter from MetroNet was to purchase the property. Mr. Gartin then questioned the signage and if there would be any limitations. Director Diekmann stated that the sign code is based is the zoning district; this property is zoned UCRM. The UCRM district has very limited signage, and the general allowance is two square feet.

Ex Officio Leeson wanted to know if flooding in the area would cause damage to the fiber. Mr. Diekmann stated that per the Code, the building itself is not within the 100-year flood plain. The base flood for Squaw Creek is at 899-907 and the elevation for this property is 903. If in the flood zone, the City would expect the property to be at least three-feet higher than the base flood elevation, which is 890, and the property is already above that.

Mayor Haila mentioned that it keeps coming up that this address is prime reality. Director Diekmann stated that the City already has a number of easements on the property. The property that MetroNet is getting that is usable is the building and the front yard. He stated that anyone who wanted to purchase the property, the building is 62 feet from the sidewalk and the building is roughly 1,000 square feet. Mayor Haila stated that the actual usable buildable area is about 2,000 square feet; there is not a lot of developable land.

Motion by Beatty-Hansen, seconded by Corrieri, to add a covenant to the sale that requires MetroNet to come up to Code on the landscaping for this property.

Motion withdrawn.

Moved by Corrieri, seconded by Beatty-Hansen, to direct staff to bring back to Council a Sales Agreement on the property at 1420 Lincoln Way to Metro FiberNet, LLC, for \$21,600 contingent upon front-yard landscaping, additional screening to the west, and including the previous motion made by Council Member Martin about the tower.

Council Member Betcher inquired if the motion was different from all of the alternatives that staff provided about approving the sale. It was noted that it is different as the sale is not going to be approved tonight. Ms. Betcher stated she is concerned about how it appears, and she would like to be clear about whether the Council is interested in selling the property or not. Council Member Corrieri stated if the Council votes for the motion, then it would be interested in selling. Ms. Betcher stated she may be interested in having the items in the motion applied to the Sales Agreement if the

property is going to be sold, but Council hasn't decided if going to be sold or not. She doesn't support the sale because she doesn't think it is in the spirit of the Lincoln Corridor Plan.

Roll Call Vote: 5-1. Voting Aye: Corrieri, Beatty-Hansen, Martin, Gartin, Junck. Voting Nay: Betcher. Motion declared carried.

HEARING ON SALE OF 1417 DOUGLAS AVENUE: The public hearing was opened by Mayor Haila.

Chris Conmy, 1321 Douglas Avenue, Ames, stated he lives about five houses south of the property, and he wanted to state his support for the sale of the property to Mainstream Living, as it would be a good thing to add to the neighborhood.

The public hearing was closed after no one else asked to speak.

Moved by Gartin, second by Betcher, to adopt RESOLUTION NO. 20-033 approving the conveyance of property at 1417 Douglas Avenue to Mainstream Living, Inc., in the amount of \$36,012 with stipulations, as follows:

1. Mainstream Living must construct a five-bedroom wheelchair accessible facility on or before December 31, 2020;
2. The City of Ames will retain ownership of the property until the specified structure is constructed;
3. For a period of twenty-one (21) years, the facility must be utilized for affordable housing for very low and low income adults with intellectual disabilities;
4. The facility cannot be sold, assigned or any interest transferred prior to December 31, 2041, without the written consent of the City.

Roll Call Vote: 5-0-1. Voting Aye: Betcher, Gartin, Junck, Martin, Beatty-Hansen. Voting Nay: None. Abstaining due to conflict of interest: Corrieri. Resolution declared adopted, signed by the Mayor, and hereby made a portion of these Minutes.

HEARING ON DURHAM BANDSHELL LIGHTING & ELECTRICAL UPGRADES: The Mayor opened the public hearing. He closed it after there was no one wishing to speak.

Moved by Betcher, seconded by Corrieri, to approve RESOLUTION NO. 20-034 approving the final plans and specifications and awarding a contract to Jaspering Electric, Inc., in the amount of \$136,500.

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

HEARING ON HVAC PROJECT FOR CYRIDE: The public hearing was opened by Mayor Haila and closed after no one came forward to speak.

Moved by Beatty-Hansen, seconded by Corrieri, to reject all bids and direct staff to rebid the HVAC Project for Cy-Ride.

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

Mayor Haila declared a recess at 8:13 p.m. The meeting reconvened at 8:27 p.m.

Mayor Haila asked to make an adjustment to the Agenda and stated Item No. 45 will be addressed before Item No 44, in order to save the public's time.

INITIATION OF ANNEXATION OF CHAMPLIN/LLOYD PROPERTY: Planner Eloise Sahlstrom explained that staff had received an Annexation Petition from Lynn Champlin Lloyd representing Champlin Lloyd Farm, LLC, seeking voluntary annexation of a portion of the Champlin Lloyd Farm LLC property equaling 145.03 acres of the approximately 1710 acres of family land holdings in the area. Although most of the southwest area has growth limitations due to not having access to a sanitary sewer, the Champlin property does not have that limitation. It has both sanitary sewer and water connections available at its southeastern board. The site does not have paved access and would require street improvements at the time of development. The applicant is interested in selling their property, but no buyer has been identified. The applicant requests that the City Council authorize the requested annexation area, which includes a 50-foot-wide strip of land to remain in the County along the north boundary of the property. The strip is considered the minimum allowed by the State to maintain connectivity of county lands to an existing peninsula, such as the Meadow Glen area. Ms. Sahlstrom stated staff did reach out to surrounding properties as a courtesy to make sure they were aware of the request. The applicant is requesting a 100% voluntary annexation; three additional parcels (Johnson, State of Iowa, and Coy) would be required to be included in the annexation to avoid creating an island of unincorporated land. Owners of two of those parcels would be consenting due to previous covenants accepting future annexation.

Council Member Martin stated that if the annexation moves forward, there would be three public hearings and asked Ms. Sahlstrom to provide further information. Ms. Sahlstrom stated that the first step would be for staff to meet with the County Board of Supervisors, then after that notices for a public hearing are sent for a Planning and Zoning Commission meeting, then followed by a public hearing with the City Council, and the final step would be a public hearing before the City Development Board.

Mr. Martin wanted to know what would happen to a property owner if there was a fire or another emergency if the Council decided to annex the property with no new infrastructure being planned. Director Diekmann stated that the City of Ames would respond for medical and fire response, and if the fire is big, mutual aid will be asked for. Council Member Martin asked if the City has the same equipment as the mutual aid responders. Director Diekmann stated he is not 100% sure, as this is outside of his scope of work, but from conversations with the Fire Chief, the first response would be to get the people out of the structure on fire and control the fire.

Council Member Gartin asked if the Council proceeded with the annexation would it foreclose the possibility to bring in Meadow Glen. Director Diekmann added that about a year ago there was a developer interested in the McCay property to the west, and at that time the Champlins approached the City indicating they were interested in pursuing development. The Council indicated at that time for the Champlins to wait because if the McCay property was viable, the Council might be interested in combining everything together. Director Diekmann stated that staff's estimation is if they proceeded with the Champlin/Lloyd annexation, it would be very difficult to predict that large of an acreage coming in, and necessitating the annexation of Meadow Glen would be a substantial amount of acreage. Mr. Gartin asked if there had been any discussion about trying to do a project with the McCay farm and Champlin/Lloyd to force in Meadow Glen. Mr. Diekmann stated that in early June the developer for McCay decided they would not be able to pursue the project at the time. Mr. Gartin asked if anyone had reached out to the McCay property owners. Director Diekmann stated they have not within the past two weeks. Mayor Haila inquired if the McCay property could be annexed. Mr. Diekmann explained that the McCay land could be annexed as independently.

Council Member Betcher questioned the island as the City Development Board had approved its existence. Mr. Diekmann stated that the City Development Board may have accepted the existence, but not approved it. Ms. Betcher stated that if the City Development Board said at one point that island doesn't need to go into the City would that decision stand for all of time or could a different Board change the decision. City Attorney Mark Lambert stated that the Board is now different and the Board could change the previous decision. He had read through the City Development section in the *Iowa Code* and there is no actual statement that "you shall not have an island." Ms. Betcher stated it was her understanding that it was the responsibility of the County Development Board to identify the islands and make sure they were annexed.

Council Member Junck asked how this item would play into the 2040 Plan and why the Council would make a decision on an annexation before proceeding with a growth scenario. Director Diekmann stated this area in the current LUPP is designated for urban expansion. As the current adopted policy of the City, staff is supporting it based on the adapted policy. When staff discussed scenarios over the past month, this area was not discussed, as it was not an area where 15,000 people could be served.

Council Member Betcher wanted to know if the Council made a decision about whether they are interested in annexing the property would it reshape the direction of growth to the City. Director Diekmann stated that it was an exercise to analyze the impact of 15,000 people and it was not predicting a growth of the City. Council Member Junck wanted to know if anything else should be considered about the proximity of this property to agriculture land. Director Diekmann stated, from an annexation perspective, there is not.

Mayor Haila asked if Zumwha Station Road would become City property. Director Diekmann stated that upon annexation the City is required to take full possession of County right-of-way easements; the full 66 feet would become City right-of-way. Mayor Haila explained that currently the road is gravel. He asked if there would be a long-term Capital Improvements Project (CIP) to pave the road.

Mr. Diekmann stated he is not sure as that would probably be thrown into a Metropolitan Planning Organization (MPO) project.

Council Member Gartin wanted to know if there is a timing issue as he is looking to table this item to see about increasing the amount of annexation and check on the McCay farm. It was indicated by Director Diekmann that he was not sure.

Council Member Martin asked if the County Board would have a public hearing. Mr. Diekmann stated the County Board meeting is not a public hearing and the first public hearing would be at the Planning & Zoning Commission meeting.

Mayor Haila opened public comment.

Paul Livingston, Hunziker Realtor & Associates, 105 S. 16th Street, Ames, stated he represents the Champlin/Lloyd farm and can't add a lot more than what was already presented. He noted they have been working on this for a long time and had tried to couple this with the McCay property ten months ago, but was told to wait. Mr. Livingston stated that the City boundaries are a mess, but it is not the fault of the Champlin/Lloyd farm. Mr. Livingston stated that the Champlin's have been waiting for a long time to proceed with their property. The property is not primary agriculture land and is more residential land. He noted that the Champlin/Lloyd farm would be fine with either option that staff presented in the Staff Report. Council Member Gartin asked Mr. Livingston if he had reached out to the McCay property after the developer withdrew and the McCays indicated they did not have any current interest in being annexed.

Lynn Lloyd, 3818 Phoenix Street, Ames, commented that they have already waited 30 years and she and her brother are not getting any younger. Council Member Gartin asked if there would be any issues if they waited a little longer to reach out to the McCay farm to see about annexation. Ms. Lloyd stated they have had the property for sale for three years and developers don't want to purchase the property without the annexation. She stated that anyone who has not been to the area wouldn't realize how close this property is to Iowa State University. Ms. Lloyd stated the property has beautiful land for a housing development to go in.

Kim Christiansen, 2985 South Dakota Avenue, Ames, handed a Washington Plat map, to be displayed overhead, of properties shaded in red that are controlled by the State of Iowa, Iowa State University, or other Associated Entities. He stated he is a heavy proponent to having a buffer between the Iowa State University property and the heavy use of agriculture, which both include the Champlin/Lloyd and McCay properties. Mr. Christiansen noted that he doesn't disagree that the land needs to be developed, but believes it should be as rural subdivisions, which would provide a special type of housing for people that like to live out in the country. Mr. Christiansen stated that the important reason for the buffer is because of the use of the land. He pointed out that manure is being spread, a feed mill is located on State Street, and there is a new swine development. He believes that RDG left this property out for a reason and it didn't make sense for any development down the road

with the 2040 Plan. He stated that Lynn Lloyd and Douglas McCay would have developed their properties a long time ago, if the area hadn't been shackled with the Fringe Plan in 2005.

Emil Polashek, 2615 Meadow Glen Road, Ames, explained that he is conflicted. If the annexation would free up Meadow Glen Road from involuntarily annexation, he would appreciate it as they like the area as it is. The development of the property would have proceeded in the past if it was feasible to do so in smaller parcels. Mr. Polashek mentioned that if the area is annexed, there are still issues that would need to be addressed like, gravel roads, the new feed-mill traffic, and agricultural area. He would like to know if whatever proposal comes forward would be appropriate for the area.

David Carter-Lewis, 3400 Dartmoor Road, Ames, mentioned that he is on the map as the Carlton-Appleton. He explained that he lives on the edge of the property of the Champlin/Lloyd Farm property. Mr. Carter-Lewis stated that the area is magical, anyone that visits the area is amazed by the area. The area also has beautiful farm land and trails. He noted that he lived in England for several years where there are cities, forests, etc. and there are footpaths. Mr. Carter-Lewis supports Meadow Glen as staying rural and agricultural. He noted that national forest and parks are under attack and the wildness is great. In his opinion growth is neither good nor bad, but needs stewardship. He urged the Council to consider the wilderness etc., when making their decision.

Phil Iasevoli, 3108 South Dakota, Ames, stated that the issue with fire hydrants is a problem. The Johnson property doesn't have any fire protection other than the Kelly Fire Department as there are no fire hydrants in the area. He explained that fire hydrants would need to be put in. Mr. Iasevoli mentioned that the ISU property is going to be a problem. He stated that the McCay property has issues due to having no sewer or water there, and it isn't going to be developed. Mr. Iasevoli stated that the feed mill will have about 20-30 trucks going in and out daily. He would like the City Council to come out and take a tour of the area before making a decision. Mr. Iasevoli stated that the amount of buildable ground on the Champlin/Lloyd farm is very limited.

Christine Hausner, 3505 245th Street, Ames, explained that no one knows more about the property than she as her family has been in the area for five generations. She noted that she is a little concerned as all they are talking about are boundaries, but not talking about the real issues. The ecosystem is the most important and she indicated that the area is surrounded in 4,000 acres of private land and Iowa State property. She asked the Council if they lived in the county or in the city as the change seems small, but will drastically change your life. Ms. Hausner stated that their property taxes would go up 25%, may or may not get utilities, and will change their way of life. Ms. Hausner then read an email that she sent earlier in the day to the Mayor and the City Council. She noted that the American Society of Agriculture Engineers recommends that a housing development should not be within one mile of a swine facility. She looked at the Urban Fringe Plan and saw what the objectives are especially regarding the Agricultural buffer and noted if the property is annexed the City would not be following their own rules. Ms. Hausner explained that the area where sewer and water were put in the creek nearby is eroding due to the construction and there have also been landslides. She noted that if the property is not turned over to conservation, there is only one other solution that makes sense and that is to update the LUPP and Urban Fringe Plan, as it needs to be

redesigned with the 2040 Plan guiding it. Ms. Hausner pointed out that when the Urban Fringe Plan went into effect for their area, not one single person was notified. She noted that the property owner has even noted environmental issues. She requested that the Council table this request until the completion of the 2040 Plan.

Evan Sivesind, 2724 Meadow Glen Road, Ames, encouraged the Council to respect private property rights as soon as possible. He noted that if the Champlin/Lloyd Farm wants to be annexed he has no problem with that, but asked to keep the forced annexation of non-consenting land owners to a minimum. He explained that he does not wish to be annexed and was dismayed by some of the Council comments made earlier tonight. He would passively support the annexation of Champlin/Lloyd Farm LLC annexation

Mayor Haila closed public input.

Mr. Leeson stated that there were a couple people who had called the land “undesirable” and asking why RDG didn’t put this property in their recommendations. Director Diekmann stated that the property didn’t fit the task. ISU land was to the south and you can’t put 15,000 people on 140 acres and that was the end of the conversation. Council Member Beatty-Hansen commented that there may be other areas of town that are not necessarily in a growth area. Mr. Diekmann commented that those policies have yet to be determined by City Council. The area is currently designated Urban Service Area and that is the only reason this has been brought up. If the area was not in the Fringe Plan as an area currently intended for City development, the Council would not have staff’s recommendation to proceed as that is something the Comp Plan would decide.

Council Member Junck asked if the Urban Fringe Plan would be changed after the 2040 Plan as she would be skeptical to agree to the annexation if changes were made later. Director Diekmann explained that the Urban Fringe Plan designates places for City expansion, for rural development with co-review from Story County, and areas that will never be annexed. He stated he would have no idea what any changes would look like for at least a year after they go through the urbanizing discussion of the City.

Council Member Gartin stated he wanted to explore the concept about the limitation of City development as that should be a factor that the Council should consider. Director Diekmann explained that the property already has water and sewer touching the property and the developer would be obligated to extend those into development. He commented that the road improvements are an open question as to how much the developer would be responsible for and how much the City or MPO would spend. The City will not have to spend any money to proceed with development on day one.

Mayor Haila told Council there were four alternatives that staff had provided and asked for feedback from the Council.

Council Member Martin asked to be reminded of what the permissible uses were for the Champlin/Lloyd property. Mr. Diekmann stated they have some version of agricultural zoning however; the property is not allowed to subdivide.

Council Member Gartin stated that many people addressed the stewardship and environmental issues and inquired how the Council should factor these into their analysis. Mr. Diekmann stated that staff does not want to add in land to the City that can't be developed at urban densities to support urban services. There are some areas that should not and would not be touched during development. The normal development processes should result in development that meets all the interests. Council Member Gartin asked if it would be possible if the annexation is approved, and questioned if the Council could give additional requests for additional buffering for Ag and Conservation. Director Diekmann stated he is not sure on the Ag side, but that can be explored. If the property comes into the city as an Ag Zoning designation, no one can proceed with development under Ag. Council Member Gartin asked if ISU had given any input. Mr. Diekmann stated that they have not been notified as a hearing has not happened yet.

Council Member Gartin stated that since there is no timing problem, he feels that it would be beneficial to speak with the McCay property owners. Mr. Diekmann explained that in order for that to happen that would also necessitate that ISU provide written authorization to participate in the annexation.

Council Member Junck mentioned that she had timing concerns, and if this is a direction that the City wants to go with growth, the area doesn't seem substantial enough before moving forward with the 2040 Plan.

Council Member Betcher stated that the City is operating under a Fringe Plan that could be changing, operating in an area that is constrained, and she doesn't like the idea of creating a 50-foot flag that the City would have to maintain without addressing something that the State would be looking at. She is not comfortable pursuing the annexation at this time and felt that the Council needs to get through the 2040 Plan first.

Council Member Beatty-Hansen commented that the biggest part with the 2040 Plan is the future Fringe Plan, as she doesn't know what it will look like. It could be transitional for this property; what the Council does with the Fringe Plan may change the outcome of this property.

Council Member Martin asked if the applicants could withdrawal their annexation at any time. Mr. Diekmann stated that under *State Code* they could, but staff asks the applicant to waive that right as staff will spend a significant amount of time to get to the hearing.

Moved by Betcher, seconded by Junck, to approve Alternative 4, which states that the City Council declines to initiate the annexation process at this time.

Council Member Martin asked if the intent of Ms. Betcher's comments were to perhaps reconsider the request after the Comprehensive Plan discussion. Council Member Betcher stated she is concerned about the Fringe Plan, as the owners have had previously problems selling the property due to the Fringe Plan. She would be happy to reconsider the annexation further down the road. A discussion about the 2040 Plan and the Fringe Plan needs to happen first.

Council Member Martin asked if the Council agreed with what would be the indicator to bring this item back for discussion. Mr. Diekmann stated it may be more appropriate to table the item to a date unknown instead of declining.

Council Member Junck stated that the idea would be for the Council to look at the 2040 Plan first and then revisit the Urban Fringe Plan, and then talk about this annexation. *Ex Officio* Leeson agreed that time line seemed reasonable.

Vote on Motion: 4-2. Voting Aye: Betcher, Junck, Beatty-Hansen, Martin. Voting Nay: Gartin, Corrieri. Motion declared carried.

AMES COMPREHENSIVE PLAN 2040 PREFERRED LAND USE SCENARIOS: Mayor Haila stated that the City Council Meeting had already lasted four hours, and there are still many items on the Agenda left to discuss. He recommended that the Council table this item to the next meeting.

Moved by Beatty-Hansen, seconded by Martin, to table this item until the City Council meeting on January 28, 2020.

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

321 STATE AVENUE: Housing Coordinator Vanessa Baker-Latimer stated that City Council gave direction on December 17, 2019, to proceed with creating a development concept plan for affordable single-family homes and affordable multi-family housing at 321 State Avenue. Staff had indicated that prior to moving forward on a multi-family housing option, it would provide information on the Low-Income Housing Tax Credit (LIHTC) process. Staff had looked into the LIHTC process and found out that there is only one application period per year, and the deadline for this year would be March 11, 2020. Ms. Baker-Latimer stated the Staff Report gave the Council two options and the first one would be to proceed with preparing a Request for Proposals for the March 11, 2020 application period. She noted that this option has a very tight deadline that would not allow them time for a lot of public input. The other option is to look at the application process for March 2021. City Manager Steve Schainker pointed out that whichever option the Council chooses, it would not preclude the Council from continuing with single-family housing.

Mayor Haila mentioned that there may be a few people who are confused with what is going on with this area. Ms. Baker-Latimer stated that they are planning a meeting with the entire neighborhood on January 23, 2020, at Ames Middle School, to talk about this project and other City projects that are occurring in the neighborhood.

Mayor Haila asked if staff could describe what is happening on the north and south side of Tripp Street. Mr. Diekmann stated that the next item on the Agenda is to hire Civil Design Advantage, LLC, (CDA), and one of their tasks is to pick an area to reserve for multi-family housing. Staff is suggesting the north side be set aside for multi-family housing and the south side for single-family. Director Diekmann stated that to the best of their knowledge, which things change every year with the Iowa Finance Authority (IFA), at least 50 units would be necessary to have the attention of an affordable housing developer.

Council Member Betcher stated that in the staff comments for Option 1, it states that the time frame and steps allow for very little public participation in the shaping of the concept. She asked if that would imply if the Council went with Option 2, there would be public participation. Mr. Diekmann stated that there would be before an RFP is sent out and when staff makes a recommendation on a proposal.

Moved by Gartin, seconded by Corrieri, to approve Option 2: to Prepare a Request for Proposals (RFP) for the 2021 Application Period as well as a reasonable time frame to complete the steps in the application process:

1. Prepare an RFP to solicit an affordable housing developer interest and project proposal for the site. (Issue RFP by June 2020)
2. Proposals' due July 2020
3. Review proposals and interview qualified candidates as needed. (August 2020)
4. City Council selection of a preferred developer. (September 2020)
5. Refine project concept and complete development agreement (December 2020)
6. Submit IFA application March 2021 (anticipated)
7. Notice of an award by IFA, August 2021.
8. Proceed with construction late 2021 or spring 2022.

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

Mayor Haila opened the public hearing and closed it when no one came forward to speak.

Moved by Corrieri seconded by Beatty-Hansen, approving RESOLUTION NO. 20-035 awarding a contract to Civil Design Advantage, LLC, of Grimes, Iowa, for engineering services in an amount not to exceed \$49,600.

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

Mayor Haila asked for further explanation about what the neighborhoods can expect for public input going forward. The open house on January 23, 2020, will request feedback from attendees and then will come back to the Council in either February or March where more public information will be accepted.

REQUEST FROM SIGLER COMPANIES TO PURCHASE AIRPORT PROPERTY FOR 3100 S. RIVERSIDE DRIVE: Traffic Engineer Damion Pregitzer explained that they received a formal request from Sigler Companies to purchase the property at 3100 S. Riverside Drive. Mr. Pregitzer displayed a map overhead that showed the draft Airport Master Plan and pointed out the parcel in question. Staff determined the value of the property to the City for the buyout of the lease, the reversion of the improvements on the property, and the land itself. Mr. Pregitzer stated that staff has given the Council three alternatives to choose from. Under Option 1, using a conservative cash flow estimate, the City would reinvest the total estimated payment amount of \$2,838,250 and then pay the Airport operating budget and annual amount equal to the remaining lease payment schedule. At the end of the current lease term on June 30, 2047, it is estimated that there will be a significant amount of the original principal remaining.

Council Member Gartin mentioned that this item came before the Council in September 2019, and he had voted against it. He questioned why it would be in the best interest of the City, with not knowing the future of the Airport, to sell the property. Mr. Pregitzer stated he can offer two perspectives. The first one being the Airport Master Plan. Even before the current Plan that was adopted in 2008, it identified this segment of road and property essentially being non-aeronautical. He stated that if Sigler came today and wanted to build a new building the FAA would not allow them; this is being allowed because originally VisionAire was allowed to sublet the building to build single-engine jet aircraft. Once VisionAire left, the Airport was stuck with this property and something needed to be done with it, and the Airport Master Plan already pulled this property out. He pointed out that if Mulmac, LLC, or Sigler Companies, Inc., ever defaults on the lease, the City would be stuck trying to find a tenant. The Airport is not in the business of trying to find a manufacturing tenant. Mr. Pregitzer stated that since the building is on Airport property, the building is bound completely by the Federal rules for the use of Airport revenue, and would have to charge Fair-Market Value to the Airport. The property is heavily regulated. Staff is trying to find an option that works for a business, here in town, while trying to minimize the risk to the Airport. Council Member Gartin stated he appreciates the information Mr. Pregitzer provided, but it did not address what the Airport Master Plan would be 40 years down the road. He wanted to be cautious about moving into something because there is a short-term solution in front of the Council.

Council Member Betcher commented that she is not sure she understood the difference between this property and the short-term and longer-term projects that are identified on the draft Airport Master Plan. Mr. Pregitzer stated that what is presented in front of the Council is a draft and staff will be coming back to present the draft Airport Master Plan to the Council, but there is still more work to be done. He mentioned what is being shown is just a small preview of what will be coming back to the Council later; he was just using this to show the layout of the Airport in reference to the Sigler building. Council Member Betcher noted that if the City expanded in the area, the Sigler property is right in the middle of the Airport. Mr. Pregitzer stated that the way to look at it is no different than Bricktowne. He noted that the City would not be completely unprotected, as they would not sell the property, without putting a navigation easement on the property. If Sigler wanted to sell the property down the road, the Airport itself would always be protected by a covenant.

Council Member Martin wanted to know if there were other uses for the property that are not a benefit to the Airport. Mr. Pregitzer stated that he has been working with the FAA and the property does not have to generate revenue, but has to support the Airport. The property itself is not unencumbered; it has improvements on it. In order for the City to convert the property for usage, the building would have to be demolished. Staff is not trying to have a decision tonight to sell the property, but to see about moving forward. Mayor Haila asked if the property could be used as an alternate hangar. Traffic Engineer Pregitzer stated the property was used to build airplanes, but the planes were small and the planes at the Airport now are bigger.

City Manager Schainker stated it is up to the Council to make a decision about this property, but it wouldn't be an asset to the City until 2047 as the lease is valid until then. Mayor Haila asked if this was a sale or just a prepayment of the lease. Public Works Director John Joiner explained that the payment of the lease was included in the sales price. Mr. Schainker noted that the amount of the sale is a combination of the land, value of the lease, and the value of the building.

Mayor Haila opened public comment.

Chris Eggert, 5317 Valley Road, Ames, stated he has worked for Sigler Companies for 31 years and the company has been in Ames around 62 years. He noted that the company would like to stay in Ames, and in order for the company to continue to grow, they would like to purchase this property. Mayor Haila asked about what the plans would be for expansion. Mr. Eggert stated they don't have plans at this time, but will be having discussions in the future to potentially expand the area.

Mayor Haila closed public comment when no one else came forward to speak.

Moved by Martin, seconded by Beatty-Hansen, to approve Alternative 1, which states that the City is willing to sell the land and buildings (includes the depreciated value of a new 15,000 SF hangar) to Mulmac, LLC, for \$2,838,250, and direct staff to work with the City Attorney to:

- a. Draft an amendment to the Development Agreement
- b. Draft an amendment to the Land Lease (setting an end date)
- c. Draft an agreement to purchase the property
- d. Conduct the third party review of the two appraisals
- e. Work with the FAA to obtain approval of the sale

Mr. Schainker stated the Agreement would come back to City Council for final approval and further public comment.

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

ORDINANCE REGARDING STACKED DRIVEWAY PARKING FOR SINGLE-FAMILY AND TWO-FAMILY DWELLINGS: Moved by Corrieri, seconded by Beatty-Hansen, to adopt

ORDINANCE NO. 4405 regarding stacked driveway parking for single-family and two-family dwellings.

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

ORDINANCE REZONING 808 E. LINCOLN WAY FROM AGRICULTURAL “A” AND HIGHWAY-ORIENTED COMMERCIAL (HOC) TO GENERAL INDUSTRIAL (GI): Moved by Corrieri, seconded by Beatty-Hansen, to adopt ORDINANCE NO. 4406 rezoning 808 E. Lincoln Way from Agricultural “A” and Highway-Oriented Commercial (HOC) to General Industrial (GI).

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

COUNCIL COMMENTS: Moved by Betcher, seconded by Gartin, to have staff bring back the information for the policy discussion on the waiver of Downtown parking meter fees to the January 28, 2020, meeting.

City Manager Schainker asked if the Council didn’t need anything more from staff, they will resend out the previous memo that was done.

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

Council Member Martin advised that he has been appointed to the National League of Cities (NLC) Information Technology and Communications federal advocacy committee. The committee has the lead responsibility for developing NLC’s federal policy positions on issues involving telecommunications and information systems (and public access to these systems), privacy concerns, cable TV, phone services, spectrum issues, communications tower siting, universal service, broadcasting, and defense of city rights-of-way from degradation caused by installation of communications facilities.

Mayor Haila stated that the Story County Supervisors is planning to make some recommendations on the re-naming of Squaw Creek that will be on the January 28 agenda. Mayor Haila and Mr. Schainker to work on a memo for the Council.

DISPOSITION OF COMMUNICATIONS TO COUNCIL: City Manager Schainker stated the first item was an email from Clapsaddle-Garber Associates (CGA) requesting to rezone the property at 23959-580th Avenue from Industrial Reserve/Research Park to Planned Industrial. Mr. Schainker recommended obtaining a memo from the Planning & Housing Director.

Moved by Gartin, seconded by Beatty-Hansen, to get a memo from staff on Clapsaddle-Garber Associates request to rezone the property at 23959-580th Avenue. Vote on Motion. 6-0. Motion declared carried unanimously.

Mr. Schainker mentioned that the next item is a letter from the Building Board of Appeals requesting to look into the options that would provide a more equitable sign allowance so that “flag” properties are not negatively affected.

Moved by Betcher, seconded by Corrieri, to incorporate the request from the Building Board of Appeals into the ongoing staff analysis of the Sign Ordinance. Vote on Motion: 6-0. Motion declared carried unanimously.

City Manager Schainker stated that the letter from Ames Main Street requesting to consider making improvements to the Downtown and Campustown Facade Grant Program refers to two items: one is a budget issue and the other is about prioritizing tasks. Mr. Schainker recommended waiting until after the Council’s goal setting meeting on Saturday. The Council agreed to wait.

Mr. Schainker noted that the next item was from Justin Dodge requesting to initiate a land use amendment with rezoning pertaining to the property at 802 Delaware Avenue. He recommended the Council obtain a memo from staff.

Moved by Corrieri, seconded by Beatty-Hansen, to ask staff for a memo on the request from Justin Dodge to rezone the property at 802 Delaware Avenue .

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

The last email was about Brookridge Parking. That had been addressed a couple of times already. Council Member Corrieri stated that she had a couple of people from the neighborhood follow-up with her. She forwarded them information from the Traffic Engineer and that answered their questions and no further action was needed.

CLOSED SESSION: Council Member Gartin asked City Attorney Mark Lambert if there was a legal reason to go into Closed Session. Mr. Lambert replied in the affirmative, citing Section 21.5(1)c, *Code of Iowa*, to discuss matters presently in or threatened to be in litigation.

Moved by Gartin, seconded by Corrieri, to go into Closed Session under Section 21.5(1)c, *Code of Iowa*, to discuss matters presently in or threatened to be in litigation.

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

The Council entered into Closed Session at 10:53 p.m. and reconvened in Regular Session at 11:00 p.m.

Moved by Martin, seconded by Beatty-Hansen, to approve RESOLUTION NO. 20-036 authorizing authorizes the settlement and payment of \$47,701.82 from the Risk Fund to the property owner at 1901 Polk Drive.

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

ADJOURNMENT: Moved by Beatty-Hansen to adjourn the meeting at 11:01 p.m.

Amy L. Colwell, Deputy City Clerk

John A. Haila, Mayor