

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

AMES, IOWA

JUNE 23, 2020

**CALL TO ORDER:** Mayor John Haila called the Regular Meeting of the Ames City Council, which was being held electronically, to order at 6:00 p.m. with the following Council members present: Bronwyn Beatty-Hansen, Gloria Betcher, Amber Corrieri, Tim Gartin, Rachel Junck, and David Martin. *Ex officio* Member Nicole Whitlock was also present.

Mayor Haila announced that it is impractical to hold an in-person Council meeting due to the Governor of Iowa declaring a public health emergency because of the COVID-19 pandemic. Therefore, limits have been placed on public gatherings, and this meeting is being held as an electronic meeting as allowed by Section 21.8 of the *Iowa Code*. The Mayor then provided how the public could participate in the meeting via internet or by phone.

**CONSENT AGENDA:** Moved by Gartin, seconded by Betcher, to approve the following items on the Consent Agenda.

1. Motion approving claims
2. Motion approving Minutes of Regular Meeting held June 9, 2020
3. Motion approving Report of Change Orders for period June 1 - 15, 2020
4. Motion approving new 12-month Class B Liquor License with Catering Privilege, Class B Native Wine Permit, Class B Wine Permit, Outdoor Service, and Sunday Sales - Courtyard by Marriott Ames - 311 S. 17<sup>th</sup> Street, **pending Food Service Establishment License and final inspection**
5. Motion approving renewal of the following Beer Permits, Wine Permits, and Liquor Licenses:
  - a. Class C Liquor License with Sunday Sales - Red Lobster #0747, 1101 Buckeye Avenue
  - b. Class C Liquor License with Sunday Sales - Welch Ave Station, 207 Welch Avenue
  - c. Class C Beer Permit with Class B Native Wine Permit and Sunday Sales - Hampton Inn & Suites, Ames, 2100 SE 16<sup>th</sup> Street
  - d. Class C Liquor License with Outdoor Service -Class B Beer with Sunday Sales - Pancho's Mexican Grill, 1310 S. Duff Avenue
  - e. Special Class C Liquor License with Outdoor Service and Sunday Sales - Botanero Latino, 604 East Lincoln Way, **Pending Dram Shop**
6. RESOLUTION NO. 20-325 approving revised ASSET Policies and Procedures
7. RESOLUTION NO. 20-326 approving and adopting Supplement No. 2020-3 Municipal
8. RESOLUTION NO. 20-327 appointing Dan Culhane to serve as the appointed representative and Amy Howard to serve as the alternate appointed representative to the Story County Economic Development Group
9. RESOLUTION NO. 20-328 approving Commission On The Arts (COTA) Special Project Grant Contract for Fall 2020
10. RESOLUTION NO. 20-329 approving Second Amendment to the Municipal Joint Use Agreement regarding the Municipal Pool between the City and the Ames Community School District to extend the Agreement through February 28, 2022

11. RESOLUTION NO. 20-330 approving amendment to Funding Agreement with Iowa Department of Agriculture and Land Stewardship regarding the South Grand Avenue Extension
12. RESOLUTION NO. 20-331 approving amendment to Funding Agreement with Iowa Department of Agriculture and Land Stewardship regarding Campustown Public Improvements on Welch Avenue
13. RESOLUTION NO. 20-332 approving renewal of Fiscal Agency Agreement between the Ames Foundation and the City of Ames to support projects in the Police Department
14. RESOLUTION NO. 20-333 accepting quote for Excess Workers' Compensation Insurance from Holmes Murphy & Associates for coverage with Midwest Employers' Casualty Company for the same coverage types and limits as the expiring contract at a renewal premium of \$115,950
15. RESOLUTION NO. 20-334 approving renewal of contract with EMC Risk Services, LLC, of Des Moines, Iowa, to provide third-party administration of the City's Workers' Compensation and Municipal Fire and Police "411 System" claims for August 1, 2020, through July 31, 2021, at a cost not to exceed \$55,000
16. RESOLUTION NO. 20-335 approving temporary street closure at 111 Lynn Avenue for crane operation
17. RESOLUTION NO. 20-336 approving preliminary plans and specifications for Emma McCarthy Lee Park Bridge Project; setting July 21, 2020, as bid due date and July 28, 2020, as date of public hearing
18. RESOLUTION NO. 20-337 approving preliminary plans and specifications for 2020/21 US Hwy 69 Improvements (South Duff Avenue and US Highway 30 Eastbound Off-Ramp); setting July 22, 2020, as bid due date and July 28, 2020, as date of public hearing
19. RESOLUTION NO. 20-338 approving preliminary plans and specifications for 2019/20 Clear Water Diversion; setting July 22, 2020, as bid due date and July 28, 2020, as date of public hearing
20. RESOLUTION NO. 20-339 approving preliminary plans and specifications for Power Plant Unit 8 Turbine Generator Overhaul; setting July 29, 2020, as bid due date and August 11, 2020, as date of public hearing
21. RESOLUTION NO. 20-340 approving preliminary plans and specifications for Unit 8 Precipitator Roof Replacement; setting August 12, 2020, as bid due date and August 25, 2020, as date of public hearing
22. RESOLUTION NO. 20-341 of Wellsville, New York, for Unit 8 Air Heater Basket Replacement for the Power Plant in the amount of \$135,857.77 (inclusive of sales tax)
23. RESOLUTION NO. 20-342 awarding a contract for the Ames/ISU Ice Arena Resurfacer (including laser ice system and trade-in value for current resurfacer) to CTM Services, Inc, of Lonsdale, Minnesota, in the amount of \$97,630
24. RESOLUTION NO. 20-343 waiving bidding requirements and awarding a contract with Itron, Inc., of Liberty Lake, Washington, to furnish radio units, meters and related parts and services in an amount not to exceed \$503,800
25. Non-Asbestos Insulation and Related Services:
  - a. RESOLUTION NO. 20-344 approving renewal of contract with HTH Companies, Inc., of Union, Missouri, for Power Plant in an amount not to exceed \$150,000

- b. R RESOLUTION NO. 20-345 approving Performance Bond
- 26. Underground Trenching Contract:
  - a. RESOLUTION NO. 20-346 approving renewal of primary contract with Ames Trenching & Excavating, of Ames, Iowa for Electric Services in an amount not to exceed \$200,000
  - b. RESOLUTION NO. 20-347 approving Performance Bond
  - c. RESOLUTION NO. 20-348 approving renewal of secondary contract with Zoske Electrical Services, Inc., of Des Moines, Iowa for Electric Services in an amount not to exceed \$100,000
  - d. RESOLUTION NO. 20-349 approving Performance Bond
- 27. Scaffolding and Related Services & Supply Contract
  - a. RESOLUTION NO. 20-350 approving renewal of contract with HTH Companies, Inc., of Union, Missouri, for the Power Plant for hourly rates and unit prices bid, in an amount not to exceed \$53,000
  - b. RESOLUTION NO. 20-351 approving Performance Bond
- 28. Boiler Maintenance Services Contract:
  - a. RESOLUTION NO. 20-352 approving renewal of contract with Plibrico Company LLC., Omaha, Nebraska for Power Plant in an amount not to exceed \$215,000
  - b. RESOLUTION NO. 20-353 approving Performance Bond
- 29. RESOLUTION NO. 20-354 accepting completion of Wellhead Controls Improvements and Repainting Project (Baker Electric)
- 30. RESOLUTION NO. 20-355 accepting completion of 2017/18 Shared Use Path Maintenance Contract 1 - Daley Park

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

**PUBLIC FORUM:** Mayor Haila opened Public Forum. No one requested to speak, so he closed Public Forum.

**SETTING SALARIES FOR COUNCIL APPOINTEES:** Council Member Corrieri stated that she and Council Member Beatty-Hansen lead the effort to conduct the City Manager and City Attorney reviews. Ms. Corrieri mentioned that she spoke for the entire Council when stating that they have a very strong leadership in the City Manager’s office and City Attorney’s office. The Council is appreciative of their services and the reviews were overwhelmingly positive for both individuals. She noted that they are recommending a 3% increase for the City Manager, which is a \$6,600.97 increase over the current salary. The Council is recommending a 5% increase for the City Attorney, which equals a \$6,895.85 increase over the current salary.

Moved by Betcher, seconded by Martin, to approve the recommendation of the review committee. Roll Call Vote: 6-0. Motion declared carried unanimously.

**REVISED CONTRACT WITH IOWA STATE UNIVERSITY FOR SUSTAINABILITY ADVISORY SERVICES:** The Mayor asked for public input no one wished to speak.

Moved by Corrieri, seconded by Betcher, to adopt RESOLUTION NO. 20-356 approving the revised Contract with Iowa State University for Sustainability Advisory Services from July 1, 2020, through June 30, 2021, in an amount not to exceed \$34,000.

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

**MODIFICATIONS TO OUTDOOR DINING RELATED TO COVID-19:** Assistant City Manager Brian Phillips stated that this report came as a request from the Ames Chamber of Commerce. The Chamber had done some outreach and gathered feedback from businesses about what would be helpful during the COVID-19 pandemic regarding restrictions with sidewalk cafés and outdoor dining. Responses received from the Chamber’s outreach were forwarded to City staff, and are as follows:

1. Allow parking spaces to be used for temporary outdoor seating, without affecting minimum parking requirements, storm water requirements, or other development standards
2. Use the City right-of-way for patio space
3. Allow signage to be placed in the City right-of-way to advertise the business

Mr. Phillips noted that two of the above issues are already provided in the Ames *Municipal Code* to some extent. The use of signage is restricted to the Downtown Service Center (DSC) and the Campustown Service Center (CSC) zones, as there is a temporary portable sign provision. Staff has investigated the use of parking spaces, staff doesn’t believe there will be an impact on storm water requirements or other development standards by placing tables and chairs temporarily in a parking space. Mr. Phillips commented that there would be an impact on minimum parking requirements. He noted that this is for temporary portable tables and chairs. The Council has the option to direct staff to temporarily waive the enforcement of the minimum parking requirements to temporarily allow tables and chairs to be placed in a parking stall. The Council could also expand the use of temporary outdoor portable signs on public sidewalks.

Assistant City Manager Phillips stated that two other issues came up during discussions and staff had included those in the report. The first issue is the fencing requirement. The requirement states that there are to be barriers all around the sidewalk café. Staff noted that the barrier is important if alcohol is going to be served as it is a requirement in the State law; however, if alcohol is not going to be served, staff felt that if the proprietor can keep the tables and chairs from encroaching onto the sidewalk walking area, there doesn’t need to be a requirement. The second issue is that sidewalk cafés are limited to the frontage of the adjacent business that they are in front of and this can make for some small sidewalk cafés. City staff believed that allowing the sidewalk cafés to be extended into the frontage of an adjacent property, with permission of the adjacent property owner, would be beneficial to the sidewalk café program and the Downtown/Campustown atmosphere.

Mr. Phillips noted that the Council could make a motion to make a permanent change in the Ordinance regarding the two above issues or direct staff to immediately waive the enforcement of those provisions.

Council Member Betcher mentioned she had a couple questions about the Sign Ordinance. She asked if they waived enforcement of Section 22.32(b)(4), would they also be waiving the obstruction part of the *Code*. Mr. Phillips stated that the Council would only be waiving that section for the purpose of allowing the signs in other zones. All the other aspects of the temporary portable signs section of the *Code* would still be in effect; it is just taking away the limitation to allow the portable signs in CSC and DSC zones. Ms. Betcher also asked if the signs could be placed in the Somerset area or wherever there is a restaurant that wants to have an outdoor seating option. Mr. Phillips confirmed that would be correct, and noted that for all the temporary modifications to signs and sidewalk cafes, all the temporary components would be tied to the current sidewalk café season that ends on October 31, 2020. After that date all the normal rules would apply again for the following season.

Council Member Corrieri stated she had a question about the barrier for alcohol service. She noted that the Staff Report stated that the State Code mentions that there has to be a delineated premise and she wanted to know how this is different. Ms. Corrieri mentioned that in the Somerset area there are not necessarily barriers out for the restaurants that are serving alcohol. Assistant Manager Phillips commented that the distinction between Somerset and Downtown is that the businesses that have sidewalk cafés in the Somerset area are on private property and not City property. He noted that when the Sidewalk Café Code was established there was a lot of concern about making sure the alcohol didn't move into areas where it was not allowed. Mr. Phillips mentioned he doesn't have a clear answer as to what the difference may be. Ms. Corrieri commented that she understood that and doesn't believe that citizens will understand the difference between being on private property versus City property when Somerset is so close to the Shared Use Path.

Council Member Betcher mentioned that the Council received a few emails referring to the sidewalk café fee and asked if it could be waived. Ms. Betcher commented that she didn't have enough information to know if it could be waived. Mr. Phillips explained there is a \$35.00 permit fee per season, and he thought there were about a dozen applications each season. The fee is intended to recoup the cost of processing the application, making sure everything is in order, and the site is in compliance with the *Municipal Code*. He stated that if the fee was waived, it would probably not hurt the City Clerk's budget. Mr. Phillips inquired if the Council would want to waive the permit fee for the rest of the season for new applicants only or would they want to have it be retroactive back to the beginning of the season and refund the applicants who had already paid. Ms. Betcher stated that it is the understanding that if a business that currently does not have a Sidewalk Café Permit wants to setup one they would have to go through the permitting process. Mr. Phillips explained that in the Staff Report they clarified the difference between setting up a sidewalk café on City right-of-way versus setting up tables and chairs in a parking lot. If the Council waived the parking requirement for the purpose of allowing tables and chairs in a parking lot on private property that would not require a permit or a fee.

Mayor Haila asked for public input.

Bethany DeVries, owner of Della Viti, Ames, wanted to thank staff and the Chamber for bringing this concern back to the Council quickly. She noted that in the Staff Report it mentions that the space

must be contiguous. The salon next door to her has approached her for several years asking her to put her tables in the front of their business, but the area is contiguous with her doorway. There would be a space for people to get into both of their businesses. Ms. DeVries commented that this is a gray area as the area would be contiguous with her doorway so it would be one patio, but people would need to get in and she is unsure if this could be done or not. Mayor Haila mentioned that staff will address her question after public forum is closed.

Dan Culhane, Ames Chamber of Commerce President, 3115 Aspen Road, Ames, thanked the Council for looking at ways to find solutions for businesses. The Chamber of Commerce reached out to over 70 businesses and the feedback was forwarded on to City staff for review. Mr. Culhane mentioned that the contiguous space is a good question, as there seems to be some logic since they share a door. He noted that he didn't know what the amount of the fee was to obtain a sidewalk café permit, but felt \$35 was an inconsequential amount, as every penny is needed for the businesses during the pandemic. Mr. Culhane commented, that on the fencing piece, he can appreciate the rule, but that is just another cost to the business owners.

Marcus Johnson, 1415 Duff Avenue, Ames, owner of the Mucky Duck Pub, stated that from his perspective moving parking spaces will create difficulty with maintaining the minimums. He commented that anything that could be done to simplify that process would be greatly appreciated. Mr. Johnson mentioned that parking is not that big of an issue, and questioned what options are available when there are shared parking spaces with some of their commercial neighbors. He noted that a lot of his customers have no plans to come back when he opens again, and believes that businesses will continue to hurt in the long-term. Mayor Haila wanted to verify that Mr. Johnson had a question about parking and a seating area that was not contiguous with his other seating areas that serve food. Mr. Johnson stated that if the additional outside area doesn't require parking, all they need to do is move some spaces, but his concern is that, as soon as they move parking spaces, it becomes difficult with site plans, etc. Mr. Johnson mentioned that his other question was if businesses could use an area not connected to the building for serving food.

Mayor Haila asked Assistant Manager Phillips to answer the question of Ms. DeVries regarding the contiguous area interrupted by the access to her business. Mr. Phillips stated he is not sure if there was a specific reason cited for that requirement at the time the *Code* was adopted. If he had to guess it was to help closely identify the sidewalk café with that business; that way if there was an issue it would be clear what business the sidewalk café belonged to. Mr. Phillips stated that his only concern with allowing multiple sidewalk cafés that are broken up into segments with a single business is that it does create the opportunity for sidewalk cafés to be stacked right next to each other, business to business to business, which can make it difficult. He noted this might be an opportunity for the City of Ames to try it, and after the sidewalk café season is over, to determine if the change should be made permanent. Mayor Haila inquired if Option 1E is what Ms. DeVries is questioning in the Staff Report. Mr. Phillips commented that there are two pieces, and the first one is that the Sidewalk Café Code currently states that the sidewalk café requires that the café can only extend across the frontage of the building it is attached to; it can't extend to another business's frontage. He noted that is the component that is being suggested to be waived and permanently modified. The other component

is a component of the *Code* that states a business may only have one unbroken sidewalk café per restaurant. Mr. Phillips mentioned that if the Council wanted to allow two sidewalk cafés for a restaurant with a break in-between for the entrance to the building, it would be a different waiver. Mr. Phillips commented this would be an issue if a restaurant had a door in the middle of the building; the sidewalk café would only be allowed on the left or right side of the door, not both.

Council Member Betcher commented that another thing that Mr. Johnson had mentioned was another location for a café on the same property, that is not contiguous to the building. Mr. Philips explained that was a different issue. If the second location is fully contained on private property, there is not any concern, but if a true sidewalk café is on the public sidewalk then that would fall into the sidewalk café issues, which would fall into the multiple sidewalk cafés per business. He noted that Mr. Johnson's situation is fully within his own property, and doesn't believe it would be a concern under the existing *Code* or the proposed waiver. Mayor Haila stated if that was done, it would displace some parking spaces until October 31, 2020, and that is what staff is proposing.

Mayor Haila questioned the fencing requirement. He asked if someone who served alcohol wanted to have a bigger expanse of a sidewalk café per the *Iowa Code*, there must be a physical barrier between the sidewalk café and where people are walking. Mr. Phillips commented that there has to be a delineated premise and the fencing accomplishes that. He is not sure the City has the ability to waive it. Mayor Haila inquired if painting a stripe on the sidewalk could be considered a delineated area. Council Member Beatty-Hansen commented that a line is the definition of delineated. Council Member Corrieri inquired if the delineated piece is only going into the public rights-of-way. Ms. Corrieri mentioned she is thinking again of the Somerset example stated earlier. City Attorney Mark Lambert stated that he doesn't have an answer to Council Member Corrieri's question. He mentioned he would want to look at the *Code* before giving a definitive answer. Mr. Lambert commented that a physical barrier is better than painting a line. Council Member Betcher noted that a physical barrier would avoid the issue of painting the City rights-of-way, and Downtown has decorative pavers on the sidewalks. Mayor Haila mentioned, if a physical barrier is needed, someone could use a piece of rope strung through a piece of PVC pipe and have a concrete weighted foot. He commented that the Council wants to help the businesses by quickly expanding their capacity, but if the businesses have to purchase wood fencing etc., it can get expensive and will affect the quality of the pavement. Attorney Lambert stated that a line on the ground could be easily stepped over; a physical barrier would be preferable.

Moved by Martin, seconded by Gartin, to adopt Options 1 A-E, which state:

- a. Temporarily waive enforcement of minimum parking requirements for standard parking stalls (not ADA parking stalls) for the temporary use of an existing parking lot for outdoor dining subject to conformance with sidewalk clearance and vehicle access standards of the Zoning Ordinance through October 31, 2020.
- b. Temporarily waive the provisions of Section 21.134 through October 31, 2020, for the purpose of allowing temporary portable signs on public sidewalks in zones other than DSC and CSC.
- c. Temporarily waive enforcement of Section 22.32(b)(4) through October 31, 2020,

- for the purpose of allowing sidewalk cafes to extend into the frontage of an adjacent business, provided permission has been obtained from the adjacent property owner.
- d. Prepare an ordinance to permanently remove the requirement in the Sidewalk Café Code for barriers to be in place if alcohol service will not be provided.
  - e. Prepare an ordinance to permanently modify the Sidewalk Café Code to allow a sidewalk café to extend in front of an adjacent business, provided the extension is approved by the adjacent business owner and ingress/egress to the adjacent business is not blocked.

and to additionally institute temporary waivers on Options 1 D and E for this season, and to additionally temporarily waive the provision limiting each sidewalk café to the one segment.

Council Member Corrieri asked for clarification on Option 1C: to temporarily waive the extension of the frontage. She would be in favor of doing that permanently. Council Member Beatty-Hansen mentioned that to her it looked like Option 1E does permanently what Option 1 C does temporarily. Council Member Junck commented that Option 1D doesn't allow for a temporary waiver. When staff is working on preparing the ordinance it would temporarily waive the barrier requirement for this season. Council Member Martin mentioned that his intent was for it to be temporary and then staff will prepare an ordinance.

Council Member Betcher wanted clarification on what Council Member Junck stated about Option 1 D as she thought the Council could not waive the barrier requirement. Council Member Martin stated that the Council can waive the barrier requirement, but not the delineation.

Council Member Corrieri inquired if the motion would solve the contiguous issue along with extending the frontage. Mr. Martin stated that his motion does those things, but would be temporary for this sidewalk café season. Council Member Betcher asked for Council Member Martin to list what would be permanent and temporary, so she is clear on the motion. Council Member Martin explained that the only permanent aspects were Options 1D and 1E.

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

Moved by Martin, seconded by Gartin, to temporarily waive the requirement that a barrier be at least 42 inches and be constructed in order to satisfy the State requirement of delineated premises.

Council Member Martin stated that the motion leaves open the interpretation of how the barrier could be accomplished as businesses will no longer be required to put up a 42-inch barrier, but would still have to satisfy the State law, and would no longer say how businesses have to have a barrier. Council Member Beatty-Hansen inquired if the motion was temporary or permanent. Mr. Martin stated it was temporary.

Council Member Betcher commented that it sounded as if City Attorney Lambert was not sure about the delineation aspect and asked for him to weigh in. Attorney Lambert mentioned that he is not sure if the barrier requirement is per the *Code of Iowa* or in the Alcoholic Beverage's Administrative



rules, and he had not looked at those yet. He suggested if the Council was going to approve the motion regarding the barriers to make the motion fuzzy enough, where if they discovered they were unable to change the barriers then they wouldn't have to. Mr. Lambert commented that he would be more comfortable looking through the *Code* before a final decision is made.

Council Member Martin asked to amend his motion to add that it be contingent upon the approval of the City Attorney.

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

Moved by Gartin, seconded by Corrieri, to waive the sidewalk café permit fee and refund the fees for whomever has already paid for a sidewalk café permit for this season.

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

**DELINQUENT UTILITY ACCOUNTS RELATED TO COVID-19:** Assistant City Manager Deb Schildroth stated that the Governor's Proclamation included an order by the Iowa Utilities Board (IUB) restricting the disconnection of utility service to any customer by all electric and natural gas utilities until the public health emergency is lifted by the Governor. Although not governed by IUB, city-operated water and sewer utilities were also strongly encouraged to cease disconnections. Therefore, the City has not issued any utility disconnect notices since Mid-March. The Proclamation expired on May 27, 2020, and staff is now looking on how to best manage the delinquent accounts and what options will be available for the customers. She commented that the pandemic has affected everyone differently. Individuals have had job losses, job changes, receiving temporary assistance through unemployment funds, and trying to get their feet on the ground. When putting all these factors together, staff's goal was to work with the customers to keep their utilities intact while getting the delinquent accounts up to date. Ms. Schildroth stated that there will be re-payment plans, which have always been offered, but this time if an individual had a payment plan before, but didn't meet the terms of the payment plan, they can start over with a new plan. CDBG COVID funds will be available through the Planning and Housing Department to help with utilities, and several agencies will be receiving CARES funds to help with utility assistance.

Council Member Betcher stated that the Council received a lot of emails right before the Council meeting that seemed to believe that the City was going to cut-off all utility service tonight. She wanted to reaffirm that any utility disconnects have a process that needs to be followed, and staff will be doing everything possible to ensure that utilities will continue to be available. Ms. Schildroth confirmed that Ms. Betcher was correct, and staff will follow the process. The City has a very generous process to begin with regarding notifying customers of delinquent accounts. The City of Ames wants to work with the customers to get them the assistance they need and to avoid disconnection. Council Member Betcher commented that the process seems to be the same as it has been in previous years, but the amount owed would be higher. She wanted to know how many customers routinely get their utilities cut off after going through the process. City Manager Steve Schainker stated that it can be a little confusing as many of the customers getting shut off are in apartment buildings and there is a tendency for some people to not pay their final bill and move out. The apartment owner is usually notified, and the service is transferred into the landlord's name, so

the utility is not shut off, and sometimes the final bill is paid by their deposit. He noted that the numbers can be deceiving as during August they may have 50 accounts due to be shut off, but a lot of those are from the apartment complexes.

Council Member Betcher noted that a few community members have asked about Project Share, which is set up to help members of the community who are not able to pay their winter utility bills, and inquired if those funds could be used in this type of situation. Mr. Schainker stated that he spoke with Mike Wheelock from Customer Service, and he didn't believe those funds could be used for delinquent utilities related to COVID-19. Project Share was created to meet the requirements of a State Ordinance that was established in 1988, and the wording states that the purpose of the funds is to receive contributions to assist low-income customers with winterization and to supplement energy assistance received under the Federal Low-Income Heating Assistance Program for payments of winter heating bills. He noted the funds are directed to a particular area. Ms. Betcher stated that it wouldn't preclude the City of Ames from setting up another fund that may operate in a similar way, where citizens can contribute, if they were interested. City Manager Schainker explained he isn't sure if they would set up a fund, but there are accounts where citizens can make donations to.

Council Member Corrieri stated she had a question for Ms. Schildroth as she is a little nervous about the City potentially collecting for the same things that several non-profits are already funding. Ms. Corrieri noted she was in a different meeting today, and it was brought up that there are a number of agencies that have a healthy amount of funds available to help with different types of assistance. She wanted to clarify that is what Ms. Schildroth has heard as well. Ms. Schildroth mentioned that several of the agencies have received funding through CARES for items or situations that they normally don't have funding for and there is a lot of assistance available for citizens to utilize. Ms. Betcher explained it may be the case of just letting a customer know where they can go to get help.

Council Member Martin wanted to clarify that he was reading the staff report correctly as it states that the only way a disconnect order will be issued is if the customer doesn't respond to the first and second notices. Finance Director Duane Pitcher mentioned that one of the changes they are asking for is that they are going to give customers notice as if it were the first time, they were coming up delinquent. He noted that they are expecting a lot of customers to come in and make payment arrangements and they are going to mail the first delinquent notice by billing cycles. As the accounts that come up as delinquent, they will be given the 12-day notice, which will ask the customer to come in and make a payment arrangement and will give them a list of agencies to contact for assistance. The second notice is a door hanger on the premise and the only way a customer will be shut off is if the customer did not contact the City to make some arrangement to make a payment or come in and make the payment. Mr. Pitcher explained that it will be a long process as they do expect to make several arrangements.

Council Member Corrieri mentioned that from her experience with a few clients that she serves, several agencies have streamlined the process and have less paperwork to complete to help move the assistance through as fast as possible.

Council Member Gartin commented that given the number of people who have been impacted, the Council should get a report back from the Finance Department with an update on delinquent accounts. Director Pitcher mentioned that it would be beneficial to wait for the utility department to go through all the cycles and then they could report back to Council. Mr. Gartin wanted clarification on if it would impact the customer's credit if a customer went into a collection situation. Mr. Pitcher stated they typically do not report. There are a lot of cases that a landlord has a Leave-On Agreement and the landlord might turn a customer's account over to collections, but the City does not typically report small amounts.

Council Member Martin mentioned that the actual cut-offs are tied closely to non-responsiveness. He had heard that if the customer does respond to one of the notices, the City will work with the customer, and wanted to verify that was correct. Director Pitcher confirmed that was correct. Mr. Martin noted that is critical for people to understand.

Council Member Junck questioned the timeline, as based on the staff report, the delinquency processes would start immediately, but there is a deadline of June 30, 2020, for the Low-Income Heating Assistance Program (LIHEAP). Ms. Junck inquired as to what funding opportunities would be available if the CDBG funds are not available yet.

Housing Coordinator Vanessa Baker-Latimer stated she did receive notification earlier today in writing from HUD that the Action Plan had been approved and authorized the City to proceed with the process. She commented that once she completes the environmental process (which will be done in the morning), they can look at getting applications out sooner as HUD mentioned it will take them about one more week to go through the documentation. She pointed out that one important factor with the CDBG program is that a customer could not be disconnected. Ms. Baker-Latimer commented that going through the cycling process again with past due accounts will be helpful, as it will give customers more time to get assistance.

Mayor Haila asked for public input.

Terry Potter, 608 Douglas Avenue, Ames, stated that the discussion tonight had been very helpful. He asked for the Council to take into consideration the explosive number of positive COVID-19 cases in Story County and the effect on the City of Ames. Mr. Potter asked, in order to prevent customers from being cut-off, could they use the CDBG funds without an application and apply the monies to prevent the customer from being disconnected. He commented that there were fewer than 100 COVID-19 cases at the beginning of June and now there are about 500 cases.

Moved by Corrieri, seconded by Gartin, to approve Alternative 1: To approve the resumption of utility collections including disconnects with the following changes to the regular policy: a) Withhold sending notice until the next regular billing cycle even though a customer is already delinquent to the point of a disconnect notice; b) Allow for a payment plan in those situations where such a plan had been in place, but terms were broken; c) Offer additional options for financial assistance, and d) Have staff report back in August.

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

**SMALL LOTS AND INCREASING THE DIVERSITY OF HOUSING TYPES:** Mayor Haila stated this item is a Staff Report and is in the beginning of creating concepts; therefore, there would not be any public input on this item tonight.

Planning and Housing Director Kelly Diekmann mentioned that this Report is a product of one of the City Council's Goals this year, which is to "Increase the stock of diverse housing types for a variety of income levels through zoning, including: 1) adjusting minimum lot area, 2) multiple dwelling units on a lots, and 3) accessory dwelling units. The first task assigned for this goal was an evaluation of minimum lot size standards and multiple buildings on a lot within the City's Zoning Ordinance. The Staff Report identified how to look at small lots as a component of the development process and to give the Council some examples of how other cities look at it. A Power Point was provided to the Council to help illustrate some of the concepts in the Staff Report.

Director Diekmann explained that small lots and increasing the diversity of housing types is a housing issue that has been under discussion in many jurisdictions. He noted that it is an industry issue along with a city issue. Mr. Diekmann mentioned they are not talking about tiny houses, but talking about creating individual lots for long-term construction of homes. A normal lot within the City of Ames is probably a double-car garage wide lot; which is typically in the 65-foot-wide range and 120 foot deep. A small lot is just not about the area, but the width as well. He noted, when looking at the examples, the floor plans have to be very precise and specific to make sense for the home buyer, and to provide features on the lot and architecturally that would make sense with the neighborhood. Mr. Diekmann noted they would be looking at lots that are under 50-feet-wide and most of the time under 100 feet deep. A couple examples that were provided by the Urban Land Institute of a small house on a small lot were shown. Side yards are not an important feature with small houses on small lots. He pointed out that in the Staff Report, they do mention not confusing the small lots with a necessarily small home or a lower cost depending on the builder's goals. They could still build a large home on a smaller lot or have a very featured-packed home that is still going to be very expensive. Director Diekmann stated that cities have approached this concept differently and the approach cities are trying is the long-term livability. He then showed the following examples of small lot home styles: 1) Pattern Book; 2) Form-Based Code example; 3) Iowa City cottages; and, 4) Cottage Courtyard. Mr. Diekmann pointed out a few examples of small lots already within the City of Ames and indicated in West Ames, the Sunset Ridge area that is still under construction, and in North Ames, the Bloomington Heights West.

Council Member Gartin asked if there is any research as to what the impact is on the neighborhood when all you are seeing are garage-prominent structure when driving through the neighborhood. He mentioned he prefers the garages to be located in the rear of the homes as it makes the neighborhood more engaging. Director Diekmann commented, from his experience, he has spent a lot of time trying to balance the public street appearance and the private space on the lot for the homebuyer. The idea of having just garages on a private street with no yards and driving into a dead-end cul-de-sac

is not something the City of Ames will want to promote. If there are any front-loaded homes, Mr. Diekmann recommended looking at the sidewalk connectivity, and the open connections.

Mr. Diekmann stated that a lot of cities don't have a one-size-fits-all approach to small lot house types. He noted that, when looking at different cities within Iowa, the default basis Single-Family Zoning is the same in almost every city. The City of Ames has one of the smaller lot sizes with higher density expectations at 6,000 square feet. Cities are normally relying on a Planned Unit Development (PUD) process. They are asking for developers to ask for waivers or deviations from basic code standards to do small lots. Director Diekmann stated that, in the Staff Report, there are a few options for Council to think about as they move forward. He noted there are some very short and small options the Council could go with. Option 1 and Option 2 talk about lowering the lot line standards or adding in an element where a variation could be done. Option 3 has an intentional component of trying to create diverse housing opportunities through mandatory standards rather than through optional or flexible standards. Option 4 is creating a new Planned Unit Development tool to focus on smaller lot issues to consider case-by-case design issues and provide a greater degree of flexibility than usually afforded by base housing.

Council Member Gartin stated that it seems counter-intuitive that Option 4 would necessarily diminish focus on green space and inquired why that would be. Mr. Diekmann explained that the default standards are hard to achieve when doing anything with a variation. A PRD allows for flexibility, but its automatic trade-off is substantial open space being set aside and not density expectation.

Mr. Diekmann stated that Option 5 is to establish housing prototypes with Form-Based zoning standards. This option could be a stand-alone zoning approach, or the basis of a design guideline tool related to other zoning changes. He mentioned that Form-Based zoning describes how the City would want to orient a home and what features need to be integrated depending on lot sizes. This option would be more design-oriented and may need to be combined with some of the other tools. Since Form-Based learning is not currently used within the City, there could be a steep learning curve. Mr. Diekmann noted that the City has been talking for years about how to get more homes built in the City and it is very clear that it is a desire in the community. The hard part is how to do this with the current market. Mr. Diekmann thought that if the City did a small adjustment and went down to 5,000 square feet that would be encouraging. Staff is eager to get direction from the Council and move forward. Director Diekmann commented that in terms of public input, since this is the first step, they reached out to the developer's interest group and alerted them that the City Council was taking the first step with a staff report. He noted that, when moving forward, there will be plenty of opportunities to get developer input.

Council Member Gartin commented that the Form-Based zoning is new to the development community and new for the City of Ames and suggested it would be helpful to have something on the web to provide substantial examples.

Mayor Haila referred to the City Council Goal as stated earlier and that in the staff report it notes that

while lot area influences the overall cost of housing, it should not be misconstrued that smaller lots necessarily lead to lower cost or “affordable” homes automatically. Variables on home size and finishes affect the overall cost of home at a much higher rate than lot size. Staff finds the issues of sales price and lot area do intersect, but it is more directly connected to creating housing variety than ensuring affordable housing. He mentioned that as the Council starts to discuss this topic and moving forward, he wondered if the Council’s Goal is being accomplished or if the goals are incompatible. Mayor Haila wanted to know if the goal was to provide housing through a variety of income levels, is it through zoning or by some other means. He wanted the Council to think about what they are trying to accomplish with their goal.

Council Member Gartin stated that the Council can’t achieve affordable housing through zoning. When looking at the factors that go into housing (materials, labor, land cost, etc.), there are some things that can be tweaked by zoning, but all they can do is encourage more construction, so the price is being affected by the quantity. The challenge is the City is not building enough houses to drive down the curve.

Council Member Beatty-Hansen commented that if you allow for smaller lot sizes, you could put more houses. She understood Council Member Gartin’s comment about only zoning changes to bring affordable housing, but still believes it is an important piece. Council Member Gartin noted he is very support of creating some flexibility, but believes Mayor Haila’s comment was very profound as it is not going to be the silver bullet that solves all the affordable housing issues. Ms. Beatty-Hansen mentioned that there are many approaches at once. Council Member Corrieri stated that they have heard some from the development community that this type of flexibility whether with the PUD or some other mechanism will help in some way to address some of the affordability issues.

Mayor Haila referenced the Council goal and stated maybe they need to define what “variety of income levels” means and inquired if that meant people from low-moderate-income up to a higher-wage earner. Council Member Betcher stated that the Council is getting into the position where they are using the term “affordable housing” and should be saying “housing affordability,” because having smaller lots can lead to housing affordability for certain income levels much more than it leads to affordable housing for LMI individuals, although it can help to contribute to that. Ms. Betcher noted that when she is thinking about smaller lots, she is thinking about a means to increasing diversity stock that is still going to get to more levels of income than the current housing stock. It will increase affordability, but not specifically designed to solve the affordable housing problem.

Council Member Martin mentioned that he agrees with what has been said and that the goal is phrased well. He would like to pursue this more, but not ready to make any major decisions tonight. Mr. Martin thought the staff presentation was a great introduction and to think about what to do next. Some of the options presented were good ideas but doesn’t feel that the Council needs to move quickly.

Council Member Junck commented that this was one of the goals she had brought up and was

excited to see the report. One of the things she was looking at was how the tasks were laid out after the goal. Ms. Junck stated that one of the tasks states “after the report is provided the Council will decide whether to proceed with changes before getting another staff report about accessory dwelling units,” but thought it would be helpful to have the report on accessory dwelling units before making any decisions. This way the Council can comprehensively look at both together. Council Member Betcher agreed with Council Member Junck. Director Diekmann stated if staff did that it would be a big change. In the Ames 2040 Plan discussion, they said they would look into accessory dwelling more when they got into the land use discussions and understanding what expectations were in existing neighborhoods. Mr. Diekmann viewed this task as new development. He noted that small lots and accessory dwellings are not related because they are not addressing the same types of properties. He mentioned they could be done concurrently, but there is more work on the accessory living unit side than there is in investigating zoning district changes.

Mayor Haila asked Director Diekmann to talk about how the discussion of Zoning and Zoning Ordinances interface with the Ames 2040 Plan. Director Diekmann commented that as the Council gets through the Ames 2040 Plan, it will become clear what elements of the Zoning Ordinance need to change to fit the policies of that Plan. Mr. Diekmann noted that this task fits within the current Land Use Policy Plan (LUPP), and they already have a goal to support housing diversity and variety and if they are saying the current tools are not accomplishing this, they could say that moving forward with a Zoning Ordinance fits with the idea of the current LUPP.

Council Member Beatty-Hansen asked for a reminder of what Director Diekmann had suggested with the PUD tool and the 5,000-square-foot lot size. Mr. Diekmann stated if they just reduced the lot area that would be simple to do and will give a little bit of change to the Ordinance, and doesn't lead to the new kind of development concepts, and that is where they would need the PUD tool to allow for development. Ms. Beatty-Hansen questioned if the two together were a good combination. Director Diekmann stated that as the staff begins to look through options, they will begin to see what they want for a small lot project, and then some of it could be rolled into zoning directly and maybe some needs to be kept in the PUD Ordinance.

Mayor Haila mentioned that the people that will be affected the most by the small lots are developers. The developers were alerted that the Council would be taking this concern up for discussion, but did not have any hard materials to look at. Mayor Haila inquired if it would be appropriate to schedule a workshop to discuss this topic further. He wanted to make sure if any changes were to be made, additional feedback would be needed. Director Diekmann explained that staff could do that, but it is hard for the development community to respond in theory without some idea of where the Council is heading with the project. He noted there are big differences between Option 1 and Option 5.

Moved by Beatty-Hansen, seconded by Corrieri, to have staff look further into and get feedback on Options 1 (Modify Base Zoning Standards for Lot Area) and Option 4 (Establish a Planned Unit Development Tool).

Council Member Betcher asked if the PUD tool would create a lot more work for staff than Option 5 (Establish Housing Prototypes with Form-Based Zoning Standards). Mr. Diekmann commented that Option 5 would create more work than Option 4. Option 5 is going to have a higher level of detail than Option 4. Option 4 is going to setup framework or parameters that staff will want to see. Option 4 would respond to a developer's request where Option 5 is going to define in a greater level of detail what staff would expect someone to do and the developer will know going into the project that they will need to match that expectation. Council Member Betcher inquired if that would remove the project by project analysis if the design standards are set for a Form-Based Zoning. Director Diekmann stated that Form-Based Zoning has value, but is time-intensive on the front and back end.

Council Member Beatty-Hansen stated that she is leaning on staff recommendations, and those two options would be something to start with and get more input from the development community.

Council Member Gartin stated that he likes Option 1 and Option 4, but would like to add Option 2 (Create Optional Lot Size Variation Option) to give more options to respond to. Mr. Diekmann stated, for outreach, there would not be any additional work.

Council Member Betcher questioned how they arrived at the maintaining of the 50-foot lot width requirement on Option 1 as other cities that have gone to the 5,000 square-foot lot have also reduced the lot width. Mr. Diekmann stated if you keep lot width, you will get the features on a public street look; you will get the driveway space that allows on-street parking, and still space for street trees. When you start to go below 50-feet, there is a lot of pressure on how things are going to fit. His comfort level was to reduce square footage.

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

Moved by Gartin, seconded by Betcher, to include Option 2 to what is being presented to the community and for the workshop.

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

Director Diekmann stated in July the Council is already scheduled to discuss 321 State Avenue in July. In August, the Council is holding that Workshop for non-planning items. He noted in the Fall, they will be discussing the Ames 2040 Plan again. Mr. Diekmann asked that the Council give staff time during the summer to reach out to developers and then will provide communication back to the Council to see if they should have a workshop or how to go about incorporating the input.

**HEARING ON 2019//20 SHARED USE PATH SYSTEM EXPANSION - VET MED TRAIL (S. 16<sup>TH</sup> STREET TO ISU RESEARCH PARK):** Council Member Gartin wanted to direct the Council's attention to Page 3 of the Staff Report, Section 9, regarding the duration of easement. He mentioned that normally easements are perpetual unless they are a temporary construction type of easement or some other reason why there needs to be a constraint on the easement. Mr. Gartin's concern was that, by having a 20-year easement, it will place a burden on staff to periodically go



back and renegotiate the easement. He commented he was concerned that this would be setting a precedent as to how the City is entering into Agreements with the University. City Manager Steve Schainker stated that over the years the position of the University has changed; there was a time that they used to have 199-year Agreements with the University for parkland, but that has been reduced substantially. He noted he is not sure if it is the position of the University. In the past, negotiations had taken place with the University, but now the Board of Regents Attorney's office is involved and have different expectations for the easements. Mr. Schainker noted that it wasn't because they City didn't want longer easements, but it is not possible to negotiate longer terms right now.

The public hearing was opened by the Mayor. He closed the hearing after no one asked to speak.

Moved by Beatty-Hansen, seconded by Corrieri, to adopt RESOLUTION NO. 20-357 approving a 20-year Shared Use Path Easement with Iowa State University for a portion of path on the Vet Med property and authorize City staff to approve any de minimis changes required by the Attorney General and Board of Regents.

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

Moved by Beatty-Hansen, seconded by Betcher, to adopt RESOLUTION NO. 20-358 approving the final plans and specifications and awarding a contract to Howrey Construction, Inc., of Rockwell City, Iowa, in the amount of \$282,715.05, subject to the City being granted an acceptable easement from the State of Iowa.

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

**HEARING ON 2019/20 ARTERIAL STREET PAVEMENT IMPROVEMENTS - 13<sup>TH</sup> STREET (WILSON AVENUE TO DUFF AVENUE):** The Mayor opened the public hearing and closed it after there was no one wishing to speak.

Moved by Gartin, seconded by Corrieri, to adopt RESOLUTION NO. 20-359 approving the final plans and specifications and awarding a contract to Con-Struct, Inc., of Ames, Iowa, in the amount of \$2,350,344.20.

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

**HEARING ON CYRIDE 2020 INTERIOR IMPROVEMENT:** Mayor Haila opened the public hearing and closed it when no one came forward.

Moved by Gartin, seconded by Junck, to approve the Report of Bids and delaying award to allow for Transit Board approval.

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

**HEARING ON PROPOSED VACATION OF A PORTION OF CITY RIGHT-OF-WAY**

**ADJACENT TO THE SOUTH EDGE OF 2400 SE 16<sup>TH</sup> STREET:** The public hearing was opened by the Mayor. He closed the hearing after no one asked to speak.

Moved by Beatty-Hansen, seconded by Gartin, to pass on first reading an ordinance to vacate a portion of City right-of-way adjacent to the south edge of 2400 SE 16<sup>th</sup> Street.

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

**ORDINANCE REVISING THE PARKING REGULATIONS ON WESTBROOK DRIVE:** The Mayor opened the public hearing and closed it after there was no one wishing to speak.

Moved by Martin, seconded by Gartin, to pass on first reading an ordinance revising the parking regulations on Westbrook Drive.

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

**ORDINANCE ESTABLISHING PARKING RESTRICTIONS ON DUFF AVENUE (20<sup>TH</sup> STREET TO GRAND AVENUE):** Moved by Junck, seconded by Gartin, to pass on second reading an ordinance establishing parking restrictions on Duff Avenue from 20<sup>th</sup> Street to Grand Avenue, and prohibiting parking at all times on the west and south side of Duff Avenue from Douglas Avenue to 22<sup>nd</sup> Street and from 120' west of Briggs Circle intersection to Grand Avenue.

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

**ORDINANCE UPDATING NAME OF IOWA STATE UNIVERSITY STUDENT GOVERNMENT IN AMES *MUNICIPAL CODE* SECTION 26A:** Moved by Junck, seconded by Beatty-Hansen, to pass on third reading and adopt ORDINANCE NO. 4415 updating the name of the Iowa State University Student Government in Ames *Municipal Code* Section 26A.

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

**DISPOSITION OF COMMUNICATIONS TO COUNCIL:** Mayor Haila mentioned that there were three items to be addressed. The first was an informational memo from the Planning and Housing Department in response to the request its department received to amend the Ames Urban Fringe Plan (AUFPP) Long-Term Industrial Reserve designation of property used as the former Caremoli USA plant. Mayor Haila commented that it was the recommendation of staff to place the request on a future agenda for further discussion.

Moved by Corrieri, second by Beatty-Hansen, to have staff place this item on a future Agenda.

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

Mayor Haila stated that the second item was a memo that staff prepared regarding a request from Blake Jensen for some property south of Ames. The Mayor noted that this morning the Council received an email from the applicant, and after talking with Planning and Housing Director Kelly Diekmann, it was his understanding that Mr. Jensen had withdrawn his request as they are no longer interested in pursuing the request.

Mayor Haila mentioned the last item was a letter from Lojean Petersen representing the Ames Main Street Farmers' Market. Council Member Martin stated that the request is to permit the Ames Main Street Farmers' Market to resume all activities. Mr. Martin commented that his own feeling is that the Council should still have an interest in minimizing entertainment distractions in the City of Ames. He fully supports the idea of allowing non-food items as in previous years. Some of the food vendors like to offer samples of their food and wine, as a prelude to purchase, but that not really a gathering type of event.

Moved by Martin, seconded by Corrieri, to approve the request of the Ames Main Street Farmers' Market for the addition of non-profit artisans, crafters, and other vendors to the market, and food and wine sampling can be resumed at the Market.

Council Member Gartin asked for clarification as to what would not be allowed at the Farmers' Market. Council Member Martin stated it would be activities, music, tables and chairs, and to be able to eat food within the market. Mr. Martin commented that the Market would be more of "get what you would like, social distance, and keep moving."

Council Member Betcher stated she is not comfortable with eating food within the Market, so she probably wouldn't support the motion, but other than the food she doesn't see a problem. Council Member Beatty-Hansen commented that it would be only sampling food and wine and general merchandise vendors. Council Member Betcher stated it would be difficult to separate the food sampling from eating other food and may lead people to believe that they can eat the food from the food trucks while still at the Market.

Council Member Gartin mentioned that he will support the motion, but will be making another motion to add the other items that he felt would be beneficial.

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

Council Member Gartin stated that since the State has lifted the other restrictions for Farmers' Markets, the Council has generally taken the posture that they will follow the States recommendations with respect to issues of health and safety. Mr. Gartin commented that the point Council Member Martin had made about an equal protection perspective is what the Council should do, and treat like parties in a similar fashion. He felt that since restaurants were able to open back up, this would be the next step for the Farmers' Market.

Moved by Gartin to lift the other restrictions on the Farmers' Market.  
Motion failed for lack of a second.

**COUNCIL COMMENTS:** Council Member Betcher stated she had a very successful NLC Summer Board and Committee Leadership Summit. There were exciting discussions around the ideas that the race and equity team were sharing. There are a lot of communities that are trying to improve their

inclusion and diversity efforts.

Council Member Junck wanted to remind everyone about the second NAACP Zoom meeting on Thursday, June 25, 2020. She thought the first meeting went well and is excited to see how the other meetings will go.

Council Member Corrieri stated that they have seen the COVID-19 numbers spike over the past couple of weeks and given what they are seeing regarding public health along with several local businesses electing to close. She felt the Council should have a formal discussion on what measures they are taking either legally or what measures they are encouraging the public to do to keep themselves and each other safe.

Moved Corrieri, seconded by Betcher, to add to the next agenda a formal staff report laying out what legal options are available to the Council, especially given the recent Story County public health guidance, and what other recommendations staff may have about encouraging particular behaviors within businesses and the community.

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

Mayor Haila wanted to echo what Council Member Junck said regarding the NAACP Zoom meetings. He stated that they had so many participants on the first meeting, they had to increase the capacity. Public Relations Coordinator Susan Gwiasda commented that the NAACP Zoom meetings are being recorded and people can go to the Media Productions page on the City of Ames website, under “Archived,” to watch any previously recorded video.

**CLOSED SESSION:** Mayor Haila 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 Corrieri, seconded by Betcher, 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 Closed Session at 8:17 p.m. and reconvened in Regular Session at 8:50 p.m.

Moved by Betcher, seconded by Beatty-Hansen, to approve the Settlement Agreement with Tim Hansen.

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

**ADJOURNMENT:** Moved by Betcher to adjourn the meeting at 8:50 p.m.

Amy L. Colwell, Deputy City Clerk

John A. Haila, Mayor

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Diane R. Voss, City Clerk