

MINUTES OF THE REGULAR MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

APRIL 25, 2023

The Regular Meeting of the Ames City Council was called to order by Mayor John Haila at 6:00 p.m. on the 25th day of April, 2023, in the City Council Chambers in City Hall, 515 Clark Avenue, pursuant to law. Present were Council Members Gloria Betcher, Bronwyn Beatty-Hansen, Tim Gartin, Rachel Junck, and Anita Rollins. Vice President of Iowa State University Student Government Emily Roberts was present on behalf of *ex officio* Tabitha Etten. Council Member Amber Corrieri was brought into the meeting telephonically.

PROCLAMATION FOR “ARBOR DAY,” APRIL 28, 2023: Mayor Haila proclaimed Friday, April 28, 2023, as Arbor Day. He announced the Arbor Day tree planting at the Ames Municipal Cemetery on Friday, April 28, 2023, at 10:00 a.m., and highlighted the opportunity for Ames residents to receive a rebate for planting a native tree on their property or in the adjacent right-of-way. City Forester Gabriele Edwards, Parks and Recreation Director Keith Abraham, and members of Ames Trees Forever accepted the proclamation. City Forester Edwards noted that last year was the 150th Arbor Day, which was started in Nebraska and typically observed on the last Friday in April. She also highlighted that Ames has been recognized as a “Tree City USA” for the 39th straight year.

PROCLAMATION FOR “NATIONAL HISTORIC PRESERVATION MONTH,” MAY 2023: Mayor Haila proclaimed May as National Historic Preservation Month and Historic Preservation Commission Chair Susan Minks accepted the proclamation.

PROCLAMATION FOR “NATIONAL LIBRARY WEEK,” APRIL 23-29, 2023: Mayor Haila proclaimed April 23-29, 2023, as National Library Week. He invited all residents to visit the Library to explore the wealth of resources available. Ames Public Library Director Sheila Schofer accepted the proclamation. She noted this was an exciting time for libraries across the country, highlighting the special exhibit being featured at the Ames Library by means of a scavenger hunt.

PRESENTATION OF HISTORIC PRESERVATION AWARDS: Mayor Haila recognized the 2023 award recipients for their work to rehabilitate and restore residential and commercial properties, and Historic Preservation Chair Susan Minks presented the awards. Jerry and Mary Nelson accepted the 2023 Renewing the Past Award for the rehabilitation of the commercial building at 412 Burnett Avenue and 330 5th Street. Jason Dietzenbach, architect for the project, accepted the 2023 Architecturally Compatible New Additions or Structures Award on behalf of the recipient Karly Hermanson for the building located at 721 Douglas Avenue. Kristy Collins and Alex Fejfar accepted the 2023 Crown Jewel of Ames Award on behalf of the recipient Dennis Jones, who passed away in 2018, for the restoration of the building located at 410 Douglas Avenue. James Wilcox also accepted the 2023 Crown Jewel of Ames Award for the restoration of the front porch at the home located at 320 9th Street.

Council Member Corrieri was disconnected from the meeting at 6:17 p.m. due to technical difficulties.

CONSENT AGENDA: Moved by Betcher, seconded by Beatty-Hansen, to approve the consent agenda.

4. Motion approving payment of claims
5. Motion approving Minutes of Regular Meeting on April 11, 2023
6. Motion approving Report of Change Orders for period April 1-15, 2023
7. Motion approving the renewal of the following Beer Permits, Wine Permits, and Liquor Licenses
 - a. Special Class C Liquor License – The Great Plains Sauce and Dough Co, 129 Main Street
 - b. Class E Liquor License – Walgreens #12108, 2719 Grand Ave
 - c. Class C Liquor License with Catering Privilege and Outdoor Service – Mother’s Pub, 2900 West Street
 - d. Class B Beer Permit, Jeff’s Pizza Shop LLC, 2402 Lincoln Way
 - e. Class C Liquor License with Outdoor Service – Bar la Tosca, 303 Welch Avenue
8. Motion approving temporary Outdoor Service for Class C Liquor License with Outdoor Service - Tip Top Lounge, 201 E. Lincoln Way, for the following dates in 2023:
 - a. May 20 – May 21
 - b. June 1 – June 2
 - c. June 15 – June 16
 - d. June 29 – June 30
 - e. July 13 – July 14
 - f. July 27 – July 28
 - g. August 10 – August 11
 - h. August 24 – August 25
 - i. August 31 – September 1
 - j. September 9 – September 10
9. Ames on the Half Shell:
 - a. RESOLUTION NO. 23-221 approving waiver of enforcement of *Municipal Code* Section 17.17 related to alcohol consumption in City parks with respect only to Bandshell Park from 5:00 p.m. to 9:00 p.m. on Fridays June 2 – June 30, 2023
 - b. Motion approving 8-month Special Class C Retail Alcohol License with Outdoor Service – Ames on the Half Shell, Bandshell Park
10. Motion approving 5-day Special Class C Liquor License with Outdoor Service for Ames Chamber of Commerce 515 Celebration for closed area on May 17 and License Premise Transfer for May 19
11. RESOLUTION NO. 23-222 approving appointments to Campus and Community Commission
12. RESOLUTION NO. 23-223 approving Quarterly Investment Report for period ending March 31, 2023
13. RESOLUTION NO. 23-224 waiving enforcement of prohibition of motorized vehicles in Ada Hayden Heritage Park for the Friends of Ada Hayden Heritage Park golf cart tours on September 11 and 12, 2023

14. RESOLUTION NO. 23-225 approving exception to Section 22.32(c)(2)(v) to allow alcohol service in Sidewalk Café at Noir, 405 Kellogg
15. RESOLUTION NO. 23-226 approving request to modify the City’s FY 2022/23 ASSET contract with NAMI of Central Iowa by reallocating \$3,203 from Public Education and Awareness to Activity and Resource Center and \$1,102 from Public Education and Awareness to Family/Peer Support services for a total of \$4,305
16. RESOLUTION NO. 23-227 setting May 9, 2023, as date of public hearing on proposal to enter into a Drinking Water State Revolving Loan Agreement and to borrow money thereunder
17. RESOLUTION NO. 23-228 approving preliminary plans and specifications for the Water Plant Distributed Antenna System, setting May 31, 2023, as bid due date and June 13, 2023, as the date of public hearing
18. RESOLUTION NO. 23-229 approving preliminary plans and specifications for 2023/24 Traffic Signal Program (S. Duff & Chestnut); setting May 17, 2023, as bid due date and May 23, 2023, as date of public hearing
19. RESOLUTION NO. 23-230 approving preliminary plans and specifications for 2025/26 Traffic Signal Program (S. Duff Avenue & S. 3rd Street); setting May 17, 2023, as bid due date and May 23, 2023, as date of public hearing
20. RESOLUTION NO. 23-231 awarding contract for the purchase of playground equipment for University Community Childcare (UCC) in conjunction with CARES Round 2 (COVID-19) Grant Funding through the Iowa Economic Development Authority (IEDA)
21. RESOLUTION NO. 23-232 approving purchase of eight solid rubber tires from SETCO Tire, Idabel, Oklahoma for a total of \$84,396.56, to be delivered after July 1, 2023
22. RESOLUTION NO. 23-233 approving professional services agreement for 2023/24 Intelligent Transportation System Program (Phase 3) project with HR Green, Inc., of Johnston, Iowa in an amount not to exceed \$172,620
23. RESOLUTION NO. 23-234 approving the contract renewal with ChemTreat, Inc, of Glen Allen, Virginia, for Chemical Treatment Program in an amount not to exceed \$365,000
24. RESOLUTION NO. 23-235 approving contract and bond for 2021/22 Concrete Street Pavement Improvements (Stange and 24th) with Con-Struct, Inc., of Ames, Iowa
25. RESOLUTION NO. 23-236 approving contract and bond for 2021/22 Shared Use Path System Expansion – Ioway Creek with Caliber Concrete, LLC, of Adair, Iowa
26. RESOLUTION NO. 23-237 approving contract and bond for 2022/23 Concrete Pavement Improvements (Brookridge Avenue, Ridgewood Avenue, Lee Street, 9th Street, Park Way, and Alley) with Shekar Engineering, P.L.C. of Des Moines, Iowa
27. RESOLUTION NO. 23-238 approving contract and bond for the SAM Pump Station Standby Generator with Price Electric of Robins, Iowa
28. RESOLUTION NO. 23-239 accepting the South 5th St (S Grand Ave to 600’ west of S Duff Ave) and South Grand Ave (Ioway Creek Dr to S 5th St) project as completed by Peterson Contractors, Inc. (PCI) of Reinbeck, Iowa in the amount of \$3,188,148.65.
29. RESOLUTION NO. 23-240 accepting the 2021/22 Arterial Street Pavement Improvements (North Dakota & Ontario Street) project as completed by Con-Struct Inc. of Ames, Iowa, in the amount of \$1,427,992.70

Roll Call Vote: 5-0. Motions/Resolutions declared carried/adopted, signed by the Mayor, and hereby made a portion of these Minutes.

PUBLIC FORUM: Mayor Haila opened the Public Forum.

Grant Olsen, 3812 Ontario Street, Ames, spoke in regard to bicycle and pedestrian accessibility and safety at the intersection of S Duff Avenue and SE 16th Street considering the construction project currently underway.

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

Council Member Corrieri was reconnected to the meeting at 6:31 p.m.

CYCLONE WELCOME WEEKEND: Police of Chief Geoff Huff noted that on July 29, 2022, the City Council approved an ordinance to allow for enhanced penalties for nuisance parties when authorized by City Council resolution for certain dates and times. The requested approval of a resolution is to authorize the use of enhanced penalties for nuisance parties beginning at 5:00 p.m. Friday, August 18, 2023, and ending at 4:00 a.m. Sunday, August 20, 2023. These dates correspond with the weekend before Iowa State University classes begin, which has been associated with an increase in alcohol consumption, illegal parking, nuisance parties, and other high-risk activities. Chief Huff explained that City leadership, Iowa State University (ISU) leadership, and both the Ames and ISU Police Departments discussed ways to refocus the event order way to reduce harm, reduce noise complaints, reduce parking complaints, etc. The unofficial events hosted that weekend are being transitioned to an official ISU event, Cyclone Welcome Weekend, explained Chief Huff. ISU created several activities to take the focus off alcohol use and overuse and steer activities towards community events and safer alternatives.

Chief Huff explained that the current fine for a first violation of the ordinance is \$100, and \$200 for second and subsequent violations. It is believed this fine structure is an insufficient deterrent to nuisance parties on the Saturday before classes. The new ordinance passed on July 29, 2022, allows for enhanced penalties for nuisance party violations of \$650 for a first offense and \$855 for each repeat offense on dates and times approved through a resolution by City Council. The enhanced fine structure for nuisance party violations was utilized for Cyclone Welcome Weekend last year and City staff noticed reduction in large parties, with only three citations written in 2022 for the enhanced penalty Nuisance Party Violation. He furthered that inclement weather in the area also helped dissuade high-risk activities.

Cyclone Welcome Weekend is several months away which provides ample time to notify the community of the enhanced penalties for nuisance party violations, Chief Huff noted. He detailed the outreach efforts, highlighting that ISU agreed to send out notifications to students and staff to make them aware of the new towing policy as a part of a larger campaign regarding Cyclone Welcome Weekend.

Chief Huff responded to an inquiry from Council Member Betcher regarding multiple citations, noting that the Police Department did not write a second offense for a nuisance party during the increased penalty period last year. Council Member Betcher asked a follow-up question involving the parameters for second offenses. Chief Huff explained that if a citation was issued to the same resident at the same location as last year, it would be considered a second offense, while if it were to be issued at a different location to the same resident it would be considered a first offense.

ISU Student Government Vice President Emily Roberts questioned the hours for enhanced fines and Chief Huff noted that the proposed hours mirrored those that were approved last year. Council Member Corrieri asked if Chief Huff could provide the City Council with other suggestions to mediate other challenges the Department may be anticipating. Chief Huff shared that the structure of Cyclone Welcome Weekend would be similar to that of last year and emphasized that the weather would be the determining factor in evaluating how effective the proposed penalties would be.

The Public Input for enhanced penalties for nuisance party violations was opened and closed by Mayor Haila when no one came forward to speak.

Moved by Betcher, seconded by Beatty-Hansen, to adopt RESOLUTION NO. 23-241 authorizing enhanced penalties for nuisance party violations beginning at 5:00 p.m., Friday August 18 and ending at 4:00 a.m. on Sunday, August 20, 2023.

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

Chief Huff shared that, similarly to the previous item, the City Council approved an ordinance to allow for the immediate towing of vehicles parked illegally when authorized by City Council resolution. The resolution that authorizes such towing must designate certain types of illegal parking subject to towing, along with the specific dates, times, and geographic area subject to immediate towing, he furthered. The requested approval of a resolution was to authorize the use of the immediate towing ordinance for certain areas and times on Saturday, August 19, 2023. Included are the areas of Lincoln Way between Beach Avenue and State Street, State Street between Lincoln Way and Mortensen Avenue, Mortensen Avenue between State Street and Beach Avenue, and Beach Avenue between Mortensen Avenue and Lincoln Way on Saturday, August 19 from midnight to 11:59 p.m. for Cyclone Welcome Weekend. Chief Huff justified this request by highlighting the safety hazard of illegally parked vehicles on residential streets, which has escalated to the extent that in some cases emergency vehicles are unable to travel down the street safely.

The strategy of towing illegally parked vehicles was authorized for August 20, 2022, for Cyclone Welcome Weekend, and City staff was pleased to see few illegally parked vehicles. In total, only 32 vehicles were towed. Council Member Gartin highlighted a discussion from last year concerning inordinately penalizing those who have their car towed. Chief Huff noted that the vendor for the City would store all towed vehicles for the City at their location due to liability

purposes. He furthered that because it is a City initiated tow, it is less expensive than a private tow, with fees amounting to \$50 with a \$5 per day storage fee. Council Member Rollins inquired about how the 32 citations issued compared to other towing events. Chief Huff noted that the number of citations was on par with a Snow Ordinance.

Mayor Haila opened and closed the Public Input regarding the Immediate Towing of Vehicles when no one came forward to speak.

Moved by Rollins, seconded by Betcher, to adopt RESOLUTION NO. 23-242 authorizing the Immediate Towing of Vehicles on Saturday, August 19, 2023, midnight to 11:59 p.m. in the designated area of Beach Avenue west to State Avenue and Lincoln Way south to Mortensen Avenue for certain illegal parking violations.

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

JAMES HERMAN BANNING AMES MUNICIPAL AIRPORT: City Manager Steve Schainker noted that this item had been included on the agenda for discussion per the request of the City Council. Action taken on this item would appropriate the funds in order to progress the item to the point of contract and allocation of funding, which would return to the City Council for approval.

Council Member Gartin shared that he would be respectfully dissenting on this item due to his belief that the City Council did not make full consideration of other possible candidates for the renaming of the airport. He noted that Hartley “Hap” Westbrook flew B-24s in World War II, spent two years in a Prisoner of War Camp, started Haps Air Service in Ames in 1947, and spent decades of his life trying to enhance and develop the Ames Municipal Airport. Council Member Gartin furthered that he has received a tremendous amount of feedback from the community that is baffled by the decision to rename the airport after someone when there was not adequate consideration of Mr. Westbrook and his contributions. Mr. Gartin stated that he believes this was an injustice and emphasized again that he would be respectfully dissenting.

The Public Input was opened and closed by Mayor Haila when no one came forward to speak.

Moved by Betcher, seconded by Rollins, to adopt RESOLUTION NO. 23-243 approving request for the City Council to allocate up to \$10,000 for ribbon-cutting event at the James Herman Banning Ames Municipal Airport in conjunction with Juneteenth activities.

Roll Call Vote: 5-1. Voting Aye: Beatty-Hansen, Betcher, Corrieri, Junck, Rollins. Voting Nay: Gartin. Resolution declared adopted, signed by the Mayor, and hereby made a portion of these Minutes.

STEVEN L. SCHAINKER PLAZA: Parks and Recreation Director Keith Abraham provided an update on the vision and design of the plaza. He noted that the original plans for the project included two water features: a spray pad and water runnel. The spray pad included three column

jets, three large ground jets, three tri-stream jets, two fog nozzles with light, and an activator post. The runnel was to have a constant flow of water moving through it at a depth of half to three-quarters of an inch. Additionally, the runnel included three column jets, three tri-stream jets, and four fog nozzles with lights.

As a measure of water conservation, the design included the use of a recirculation system, rather than a flow-through system. The system would recirculate and chemically treat the water, saving millions of gallons of water versus a flow-through system. Director Abraham explained that since the water would be recirculated, the Iowa Department of Public Health (IDPH) Swimming Pool and Spa Code must be followed. He noted that getting the runnel to meet code would be cost prohibitive and instead, staff recommended pursuing a linear spray pad in place of the runnel. Staff worked with the project consultant to develop an updated plan, which IDPH has indicated should meet code, but cannot provide a final determination until the final drawings are submitted.

Director Abraham reviewed the several items from the original plan that would need to be changed in order to accomplish the linear spray pad. Council Member Betcher asked for an explanation for the proposed added cost. Director Abraham replied, noting that the most significant cost came in adding the second bollard. He justified the addition of the bollard by highlighting the sustainability measures it implements. Council Member Gartin noted that this is not the first issue the City has had with the IDPH on this project. Director Abraham explained that the recirculation system calls for this high level of review, while a flow-through system requires no regulation. He reiterated the need for the recirculation system in terms of conservation.

Moved by Beatty-Hansen, seconded by Junck, to proceed with the project as proposed.
Vote on Motion: 6-0. Motion declared carried unanimously.

INFILL DESIGN: Planning and Housing Director Kelly Diekmann presented the staff report, which focused on infill solutions regarding Accessory Dwelling Units (ADUs) and duplexes. He noted that the March 21, 2023, City Council Workshop was the first step in implementing Plan 2040 in regard to infill. Broad discussion took place at that workshop, with the primary focus on design attributes with a secondary focus on layering in building types and features to augment housing supply across the City. Staff noted at the workshop that guidance would be needed to focus on priorities for infill.

Director Diekmann reviewed the relevant issues: 1) Allowing for ADU and Duplexes city-wide or only in designated areas, 2) Allowing for new construction of ADUs or Duplexes and/or Single Family Conversions, and 3) Formulating standards for ADUs, such as owner/rental options, size, parking, lot coverage, setbacks, design features, ownership, flexibility, etc. He then discussed the relevant additional information including covenants, imperious coverage, and rental concentration.

It was identified that private covenants may prohibit all versions of a second dwelling within many single-family neighborhoods, primarily those developed since the 1990s. This question is pertinent to the potential distribution of units across the City, explained Director Diekmann. Additionally,

staff was able to review initial covenants that were filed with the City at time of the original subdivision review. Some of the initial covenants have not been renewed and expired after 21 years. Director Diekmann noted that staff estimates 2,337 single-family properties currently have a covenant limiting second units, which is approximately 23.3% of all single-family homes in the city.

Director Diekmann noted that staff utilized impervious coverage as a proxy for estimating viability of adding new paving or structures to a lot. Most single-family zones allow for a maximum of 60% of the lot area to be covered by paving or a structure. Director Diekmann explained that staff concluded that most properties across the City are well under the 60% threshold and most properties could add an additional structure or paving. Although the impervious coverage is a reasonable estimate of initial feasibility, there would be numerous site factors that would apply to siting a new structure related to setbacks, parking and paving, rear yard encroachments, building code separation between dwellings, utility services, parking requirements, etc. He highlighted the related Building and Rental Code issues that would also need to be resolved to create separate units within one residential structure.

Rental concentration has been an issue with a long history, especially in certain areas of Ames. Director Diekmann displayed a map of all registered units for rental, which encompassed single-family homes as well as larger apartment complexes. Director Diekmann noted the core areas south of Campus to the east of Ioway Creek, including the Oak-Riverside Neighborhood, as having a strong concentration of rentals. He added that the City still has a Near Campus Neighborhood overlay limiting increases in residential occupancies of rental properties based upon existing bedroom counts as of 2018. He emphasized that one outstanding issue is whether ADUs could be rented and result in having two rental dwellings on a property, or if ADUs are only going to be associated with owner-occupied properties.

Director Diekmann discussed questions from staff for the City Council to consider, including: 1) Allowing for ADUs and/or Duplexes; 2) City-wide or Designated Areas; 3) Allowing for New Construction of ADUs or Duplexes and/or Allow for Conversions of Existing Structures; 4) Ownership or Rental; 5) Size and Bedroom Limits; 6) Parking; and 7) Design and Flexibility. He then discussed comments from staff, emphasizing the goal to support infill that is contextual with the fabric of a neighborhood.

Council Member Betcher discussed points of clarification regarding the first three bullets under staff comments. As part of that discussion, Director Diekmann noted that an accessory structure that is made into an ADU would not be restricted by the new construction standard. He also stated that if a second unit were to be built on a property, there would be a notice of limitations recorded on the property to inform any future potential buyer that the property is restricted from allowing both units to be rented. Additionally, Director Diekmann emphasized that it is important to make it clear that an ADU is not a fully independent unit, rather it is an accessory to the primary unit, which needs to be tied together in the Rental Code.

Council Member Gartin asked for a reminder as to the scope of use of ADUs in peer communities. Director Diekmann noted that the portfolios of peer communities were small with six ADUs in Des Moines and seven in Cedar Falls. Council Member Gartin shared that he thinks it would be unlikely for ADUs to be a large part of the infill projects in Ames if the City were to constrain ADUs to new construction only. Director Diekmann clarified that under the recommendation of staff, an ADU could be built on a lot with an existing home as long as the unit was built wholly independent.

Moved by Beatty-Hansen, seconded by Rollins, to proceed with creating an allowance for second units as recommended by staff in the seven bullet points listed under staff comments in the staff report:

- Allow for ADUs and Duplexes as new construction only, city-wide.
- Allow properties with ADUs to have only one rental Letter of Compliance (LOC).
- Within Near Campus Neighborhoods treat ADUs as accessory only, not a new unit.
- Allow for ADUs to have a maximum of one bedroom, meaning no dens, office, or extra rooms that would qualify as a bedroom.
- Require one parking space per ADU and require the property overall to comply with total required parking for the home and ADU, meaning three parking spaces.
- Apply design standards to duplexes for single-family compatibility.
- Apply standards ADUs uniformly for all buildings rather than create exceptions uniquely for ADUs.

Council Member Gartin asked what the process would be for a resident interested in adding an ADU to their property and noted particular interest if there would be an opportunity in that process for the neighborhood to provide input. Director Diekmann replied by stating that staff would anticipate a prospective property would meet all the basic zoning standards, resulting in no notice to the abutting property owners. He supported this by noting that the goal is to create uniform expectations across the community. City Planner Eloise Sahlstrom provided an example from the City of Bloomington, where residents were initially required to obtain a Special Use Permit or Conditional Use Permit for the construction of an ADU. This process was unsuccessful as it only resulted in a handful of units, and City officials ultimately decided to eliminate that process entirely.

Moved by Gartin to amend the motion to create a process of approval involving the Zoning Board of Adjustment (ZBA) that would grant neighbors in the affected areas the opportunity to raise concern and permit the ZBA authority to provide review.

Council Member Beatty-Hansen shared her lack of concern regarding review because there are many things a person can do to their property without getting the permission or approval of their neighbors. She noted that she could build an accessory structure under current standards as long as she did not make it habitable. Council Member Rollins shared agreement, noting that the City does not regulate how many people can live in an owner-occupied home. She stated that her family members can stay with her in her home without the input of her neighbors. She explained that she

views ADUs as a similar situation, as it is usually a family member that is living in the accessory structure. Council Member Rollins emphasized that it is an opportunity for families to be able to support other family members.

As the amendment to the motion lacked a second, Mayor Haila called for a vote on the original motion.

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

PLAT OF SURVEY FOR 220 & 420 SOUTH TELLER AVENUE AND 5810 & 5898 EAST LINCOLN WAY (WYFFELS HYBRIDS): Planner Justin Moore reviewed the proposed Plat of Survey, noting it is a boundary line adjustment merging four parcels for a resulting two parcels. He noted that the current owner is Wyffels Hybrids (Wyffels), and they desire to develop part of the site with construction of a seed warehouse in 2023 and for development of multiple phases with additional buildings and facilities in the future. The proposed survey is composed of Parcel D at 32.23 acres and Parcel E at 117.78 acres. He furthered that Right-Of-Way Tracts 1 and 2 are described for the purpose of the dedication of the right-of-way to the City. Additionally, the applicant submitted a waiver request for consideration by the City Council to permanently waive sidewalk improvement requirements along Teller Avenue, as the applicant believes it is unwarranted given no other development in the area would commence in the near future. Planner Moore emphasized that staff is not recommending full waiver of the requirements and instead support a deferral option.

Mayor Haila opened and closed the Public Input regarding the Plat of Survey and Dedication of Right of Way when no one came forward to speak.

Moved by Betcher, seconded by Gartin, to adopt RESOLUTION NO. 23-244 approving Plat of Survey for 220 & 420 South Teller Avenue and 5810 & 5898 East Lincoln Way.

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

Moved by Betcher, seconded by Gartin, to adopt RESOLUTION NO. 23-245 approving Dedication of Right of Way.

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

Planner Moore responded to a request from Council Member Gartin to discuss the logistics of the sidewalk by highlighting that the sidewalk would be five feet wide and located on an easement along the front of the property that faces Teller Avenue. He reviewed the extent of the sidewalk installation requirement with the presentation of a map. He explained that there is not a lot of the community in this area that has been developed, thus the sidewalk would terminate at the north end of the property as well as the far south end. Council Member Gartin inquired about plans for future development in the area, specifically along the south end of the property. Director Diekmann

explained that the land to the south of Wyffels could be annexed and developed, adding that a frontage road is being built by the Iowa Department of Transportation (IDOT) that would run parallel to Highway 30. He elaborated that whatever sidewalk that is constructed would ultimately connect with the intersection at the frontage road. It is unknown if the IDOT has accommodated a pedestrian crossing into the design of the intersection; however, there should be long-term sidewalk extension to the east and west.

Mayor Haila shared his confusion that the proposed sidewalk would not lead to anywhere, referencing the related ordinance which states that sidewalk should provide convenient access to all properties and shall connect to the City-Wide sidewalk system. He asked if it was possible to have the land graded and prepared for sidewalk, with an agreement in place that predicated the construction of sidewalk to future development in a manner that is compliant with the *Municipal Code*. Director Diekmann explained that staff wrote Alternative 2B, as outlined in the staff report, to create a method for deferred installation of sidewalk that eliminated the requirement of Financial Security and attached it instead to future development with the construction of the third building. He furthered that if the City Council were to choose to defer the sidewalk and not tie it to the construction of a third building, a formal agreement would need to be in place with the developer to ensure compliance.

Council Member Gartin asked about the range of possibilities for development around the future interchange to the south of the Wyffels property. Director Diekmann noted that per Plan 2040 the land is designated as employment, which is expected to be industrial but may at some point in the future require a commercial component. Council Member Betcher asked for clarification on Alternative 2B, wondering what the plan was for building out the site. Planner Moore noted that the general Master Plan includes an initial distribution facility with small units for office space, ultimately leading to expansion to the south and east northeast. Director Diekmann clarified that Alternative 2B is based on internal development on the site, adding that Phase 1 of construction does not trigger the full half-mile of sidewalk, but rather the length of Parcel D.

The Public Input regarding the waiver or deferment of sidewalks was opened by Mayor Haila.

Chuck Winkleblack, Hunziker Development, 105 S 16th Street, Ames, elaborated on his views of the impractical nature of the sidewalk requirement at this point in time, considering that the sidewalk would need to be a half-mile in length, and encouraged the City Council to consider an alternative that necessitates sidewalks at the time of future development in the area.

The Public Input was closed by Mayor Haila when no one else came forward to speak.

Members of the City Council engaged in thorough discussion with staff to determine the proper legal mechanism to grant a conditional waiver for the deferral of the sidewalk requirement, giving consideration to the project timeline.

Moved by Betcher, seconded by Junk, to adopt RESOLUTION NO. 23-246 approving a waiver of financial security for sidewalk installation with a signed agreement for deferral of sidewalk installation along the Teller Avenue frontage of Parcel D and Parcel E that identifies a requirement for future installation of sidewalks upon notice by the City to install a sidewalk and for the property owner to provide a minimum of a 10-foot wide easement for sidewalk installation along the frontage of both parcels. The signed agreement and easement are to be provided to the City prior to approval of a certificate of occupancy for a building on Parcel D or Parcel E. Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

Mayor Haila recessed the meeting at 8:13 p.m. and the meeting reconvened at 8:20 p.m.

HEARING ON CITY OF AMES BUDGET AND PROPERTY TAX LEVY: Finance Director Corey Goodenow and Budget Manager Nancy Masteller reviewed the City of Ames Budget and Property Tax Levy for Fiscal Year 2022/23 and 2023/24. Director Goodenow provided sample tax calculations, highlighting the dollar change and percentage change.

City Manager Schainker clarified that the proposed budget reflects the 37-cent increase on average that residents can expect on every one hundred thousand dollars of their assessed property values. He noted that this may be confusing because the new property assessments do not affect the budget being presented. Council Member Gartin inquired about the percent increase in the budget from last fiscal year. City Manager Schainker noted that it was a 3.6% increase in the overall tax asking, which encompassed all increases, including insurance, property, and salary increases. Council Member Gartin discussed the level of fiscal restraint exercised by City staff to have a 3.6% increase in the current inflationary environment.

City Manager Schainker assured the City Council and Ames residents that the City does not need action from the State Legislature to ensure City staff is prudent with the budget. Mayor Haila opened discussion regarding increases in property assessments, asking for explanation on the roll back. Director Goodenow focused on the process of reevaluation for residential properties that occurs year to year, providing a detailed example. He added that the residential rollback is currently projected by the Department of Revenue to be 47%. City Manager Schainker pointed out that when he first started at the City many years ago, the residential rollback rate was about 88%. He furthered that there is a dedicated team of City staff that strive to maintain the same level of service at the least possible cost. When the Budget is prepared, staff first determines what it takes to provide programming, which includes new levels of service each year, before figuring out what it takes to generate that amount. Council Member Gartin shared in City Manager Schainker's statement and noted that the City has an expanding tax base, spreading that cost over an increasing number of commercial, industrial, and residential properties, and Mayor Haila reminded everyone that the City is just about one-third of the total property tax bill. City Manager Schainker added that there are two proposed bills at the State level, one of which would mandate that no one property can have more than a three percent increase in property taxes. With the level of fiscal restraint City staff is currently exercising, there is an average increase of nearly five percent, he explained. In order to meet the proposed mandate, City staff would have to further reduce the budget, which cannot be done without affecting existing service levels to the community.

Mayor Haila opened and closed the Public Hearing on the Adjusted Fiscal Year 2022/23 City Budget when no one came forward to speak.

Moved by Betcher, seconded by Gartin, to adopt RESOLUTION NO. 23-247 authorizing and approving the Adjusted Fiscal Year 2022/23 City Budget.

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

The Public Hearing on the Fiscal Year 2023/24 City Budget was opened and closed by Mayor Haila when no one came forward to speak.

Moved by Rollins, seconded by Betcher, to adopt RESOLUTION NO. 23-248 authorizing and approving Fiscal Year 2023/24 City Budget.

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

HEARING ON ZONING TEXT AMENDMENT ON ELECTRIC VEHICLE CHARGING STATIONS SETBACKS: Council Member Betcher inquired about the language in the proposed Ordinance that allows for an unlimited number of charger encroachments, but only allows for one cabinet per four chargers to encroach. She asked if it is intent to limit it to one cabinet and four chargers for all properties or to allow it in an incremental process. Director Diekmann explained that it is supposed to read to allow an unlimited number of charger pedestals with one cabinet for every four chargers. After reviewing available examples, Council Member Betcher discussed screening. Director Diekmann shared that electric vehicle chargers and the cabinets are not considered a mechanical unit and are not subject to screening, which has been clarified in the proposed Ordinance. Mayor Haila asked if there were any new definitions written for the proposed Ordinance and if there was a need present. Director Diekmann replied in the negative.

The Public Hearing was opened and closed by Mayor Haila when no one came forward to speak.

Moved by Gartin, seconded by Beatty-Hansen, to pass on first reading an ordinance regarding Zoning Text Amendment on Electric Vehicle Charging Station Setbacks.

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

HEARING ON ZONING TEXT AMENDMENT ON AFFORDABLE HOUSING PARKING REQUIREMENTS: Mayor Haila opened and close the Public Forum when no one came forward to speak.

Moved by Beatty-Hansen, seconded by Junck, to pass on first reading an ordinance regarding Zoning Text Amendment on Affordable Housing Parking Requirements.

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

HEARING ON 2022/23 AIRPORT IMPROVEMENTS PROGRAM (SOUTH APRON REHAB): The Public Hearing was opened and closed by Mayor Haila when no one came forward to speak.

Moved by Beatty-Hansen, seconded by Betcher, to accept the Report of Bids.

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

Moved by Beatty-Hansen, seconded by Betcher, to adopt RESOLUTION NO. 23-249 approving final plans and specification and awarding Division 1 and its Alternate A, and Division 2 and its Alternate B, of the 2022/23 Airport Improvements Program (South Apron Rehab) to Con-Struct of Ames, Iowa, in the amount of \$1,251,705, contingent upon the receipt and execution of the agreements for 1) Federal Bipartisan Infrastructure Law, 2) Federal Entitlement, and 3) State Airport Improvement Program grants in amounts necessary to finance the project expenditures.

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

FIRST READING OF ORDINANCE TO INCREASE WATER RATES BY 8% EFFECTIVE FOR BILLS MAILED ON OR AFTER JULY 1, 2023: Water and Pollution Control Director John Dunn presented the water rate adjustment for fiscal year 2023/24, before reviewing the national and state trends. He emphasized that Ames is at the 26th percentile based on 2022 rates for Cities with population >10,000 with lime softening, 600 cubic feet per month, for water rates and the 21st percentile, based on 2022 rates for Cities with populations >10,000, 600 cubic feet per month, for sewer rates. He then discussed the forces driving drinking water capital expenses, including new and replacement well capacity, infrastructure renewal and replacement, and recent jumps in commodity prices, especially chemicals.

The Water Fund Rate Model with no adjustments was reviewed before Mr. Dunn discussed the approach to rates, which encompassed meeting debt coverage requirements, meeting operating reserve target, and smaller percentage increases on a more frequent basis. He then dove into detail regarding the Water Fund Rate Model as proposed and engaged the City Council members in thorough discussion regarding the capital need, highlighting the need for flexibility. City Manager Schainker discussed the effect of economic development and industry, including cost benefit and sustainability issues.

Director Dunn focused on the cost realized by the customer, reviewing a sample bill with the proposed increases highlighted. He noted that the recommendation from staff is to approve on first reading an ordinance to increase water rates by 8% effective for bills mailed on or after July 1, 2023, with second and third reading to follow on April 25, 2023, and May 9, 2023, respectively.

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

Moved by Gartin, seconded by Junck, to adopt on first reading an ordinance to increase water rates by 8% effective for bills mailed on or after July 1, 2023.

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

THIRD READING AND ADOPTION OF ORDINANCE NO. 4499 TO AMEND THE AMES MUNICIPAL CODE SECTIONS 18.31(32) AND (343) REGULATING PARKING ON BRISTOL DRIVE AND HAMPTON STREET: Moved by Betcher, seconded by Junck, to pass on third reading and adopt ORDINANCE NO. 4499.

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

DISPOSITION OF COMMUNICATIONS TO COUNCIL: Mayor Haila noted there were seven items to consider. Items one and two were from Building Official Sara Van Meeteren regarding homeowner permits and fireblocking code requirements. City Manager Schainker noted that the items were for information only.

Items numbers three, four, and five all related to housing development.

Moved by Beatty-Hansen, seconded by Betcher, to request a memo from staff.

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

An email from Jay Vannice-Adams regarding traffic improvements in Campustown and West Ames was the sixth item.

Moved by Rollins, seconded by Junck, to request a memo from staff.

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

The seventh item was an email from Sandy Swanson, Overflow Thrift Store Managing Director, regarding parking code requirements.

Moved by Beatty-Hansen, seconded by Betcher, to request a memo from staff.

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

COUNCIL COMMENTS: Mayor Haila took the privilege of commending City Manager Schainker, who received the Dwight Ink Award in recognition of dedication to Public Service. He stated that those who know Mr. Schainker know that public service is his highest passion. Mayor Haila shared his congratulations, noting that the award is well deserved.

Council Member Betcher shared her congratulations to City Manager Schainker as well. She also noted that the City Council heard during the Public Forum about the challenges that are being faced by some residents because of the construction at S Duff Avenue and SE 16th Street. She stated that she believed this to be an issue worthy of investigation by the Public Works Department to determine if there is a viable solution to improve the situation. Council Member Beatty-Hansen shared her agreement and the City Council members engaged in robust consideration of the issue. Council Member Gartin shared his belief that staff in the Public Works Department has already thoroughly evaluated this issue prior to beginning the project.

Moved by Junck, seconded by Betcher, to request staff to research bicycle and pedestrian detours for the construction at S Duff Avenue and SE 16th Street to improve accessibility.

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

Council Member Gartin announced that Stash the Trash would be taking place on Saturday, April 29, 2023. He encouraged everyone to help clean-up the community, noting that his running group would be participating in plogging (Swedish for jogging and picking-up litter).

Council Member Rollins noted that also on Saturday, April 29, 2023, the City would be hosting the first No-Charge Yard Waste Day of the year. She stated that there would be student groups available to assist and shared appreciation for their efforts.

Council Member Junck added to the events on Saturday, April 29, 2023, by noting that the Ribbon Cutting Ceremony for the new Battery Electric Buses at CyRide. Rides are available in the new buses from City Hall to the CyRide facility from 11:00 a.m. to 12:30 p.m. with the ceremony taking place at noon.

ISU Student Government Vice President Roberts thanked the City Council for having her at the meeting and noted that *ex officio* Etten should be back at the next meeting. She also shared that Student Government is beginning planning operations for Cyclone Welcome Weekend and encouraged the City Council to reach out if any members had questions.

ADJOURNMENT: Moved by Betcher, seconded by Rollins, to adjourn the meeting at 9:18 p.m.
Vote on Motion: 6-0. Motion declared carried unanimously.

Carly M. Watson, Deputy City Clerk

John A. Haila, Mayor

Renee Hall, City Clerk