

MINUTES OF THE MEETING OF THE AMES AREA METROPOLITAN PLANNING ORGANIZATION (AAMPO) TRANSPORTATION POLICY COMMITTEE AND REGULAR MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

JANUARY 23, 2024

The Ames Area Metropolitan Planning Organization (AAMPO) Transportation Policy Committee meeting was called to order by Ames Mayor and voting member John Haila at 6:01 p.m. on the 23rd day of January, 2024. Other voting members present were: Bronwyn Beatty-Hansen, City of Ames; Amber Corrieri, City of Ames, Tim Gartin, City of Ames; Rachel Junck, City of Ames; Anita Rollins, City of Ames; Jeff Clark, Ames Transit Agency Representative; Linda Murken, Story County Board of Supervisors, and Shawn Bryant, Boone County Board of Supervisors. Gloria Betcher, City of Ames, joined the meeting telephonically.

CONSENT AGENDA: Committee Member Murken requested to pull Item No. 1.

Moved by Bryant, seconded by Junck, to approve the consent agenda less Item No. 1.

1. Motion approving Annual Self-Certification for FY 2025
2. RESOLUTION NO. 24-048 approving designation of AAMPO representatives to the Central Iowa Regional Transportation Planning Alliance (CIRTPA)
3. Motion supporting the Iowa Department of Transportation's Roadway Safety Targets
4. Motion approving Transit Asset Management Targets

Roll Call Vote: 10-0. Motions/Resolutions declared carried/adopted, signed by the Mayor, and hereby made a portion of these Minutes.

ANNUAL SELF-CERTIFICATION FOR FY 2025: Committee Member Murken asked when the last Ames Area Metropolitan Planning Organization process review by the Federal Transit Administration and Federal Highway Administration was done. Transportation Planner Kyle Thompson stated that the last federal review was in 2020, as reviews used to be scheduled every five years, but he believed the federal government was moving away from that process to self-certification.

Moved by Murken, seconded by Rollins, to approve Annual Self-certification for FY 2025.

Vote on Motion: 10-0. Motion declared carried unanimously.

UPDATED METROPOLITAN PLANNING AREA BOUNDARY FOR THE AAMPO:

Planner Thompson explained The AAMPO Metropolitan Planning Area (MPA) boundary defines the extent for which the AAMPO is responsible for conducting planning activities and developing transportation planning documents such as the Metropolitan Transportation Plan (MTP) and Transportation Improvement Program (TIP). He furthered that the new boundary, with slight edits

from the previous boundary, encompassed anticipated growth in the next 20 years and better aligns with the current and future roadway network.

Moved by Corrieri, seconded by Murken, to adopt RESOLUTION NO. 24-049 adopting updated Metropolitan Planning Area Boundary for the AAMPO.

Roll Call Vote: 10-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

TRANSPORTATION POLICY COMMITTEE BYLAWS: Planner Thompson explained the bylaws establish the voting representation, committee officers, and establish the meeting rules and voting procedures. He stated the existing bylaws were adopted on March 26, 2013, coinciding with the last update to the AAMPO MPA Boundary after the 2010 Census. He continued that since the AAMPO is currently undergoing the process to update its MPA Boundary after the 2020 Census, now is an appropriate time to conduct a review of the bylaws and make any appropriate updates. He reviewed the proposed changes and stated that the purpose of these changes was primarily to improve clarity and better define various functions and processes, with no major functional changes being proposed. Furthermore, the proposed amendments to the Transportation Policy Committee (TPC) Bylaws will improve the structure and readability of the bylaws as well as better define the various functions of the TPC and its processes.

Moved by Bryant, seconded by Junck, to approve an amendment to the Transportation Policy Committee Bylaws.

Vote on Motion: 10-0. Motion declared carried unanimously.

AMENDMENT TO THE AAMPO'S ARTICLES OF AGREEMENT: Planner Thompson explained this amendment would fully update the MPO's Articles of Agreement (28E Agreement) which were established in 2003. Planner Thompson further explained that these amendments would simplify the process for an entity to formally join the MPO and also clarify staffing responsibilities. He stated should the proposed amendment to the MPO's 28E Agreement be approved by the Transportation Policy Committee, all AAMPO member agencies would be required to formally adopt the amendment within 60 calendar days of the approval of the new amendments, or by March 23, 2024. He elaborated that signature pages would be prepared by the MPO and shared with each member agency as a part of this process. Once all measures of approval and signature sheets were received from the member agencies, the amended Articles of Agreement would be submitted to the Secretary of State as an amendment to the existing 28E Agreement.

Moved by Beatty-Hansen, seconded by Rollins, to adopt RESOLUTION NO. 24-050 approving amendment to the AAMPO's Articles of Agreement.

Roll Call Vote: 10-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

POLICY COMMITTEE COMMENTS: None.

ADJOURNMENT: Moved by Murken, seconded by Bryant, to adjourn the meeting at 6:18 p.m.
Vote on Motion: 10-0. Motion declared carried unanimously.

****REGULAR MEETING OF THE AMES CITY COUNCIL****

The Regular Meeting of the Ames City Council was called to order by Mayor John Haila at 6:24 p.m. on the 23rd day of January, 2024, in the City Council Chambers in City Hall, 515 Clark Avenue, pursuant to law. Present were Council Members Bronwyn Beatty-Hansen, Amber Corrieri, Tim Gartin, Rachel Junck, and Anita Rollins. *Ex officio* Jeff Clark was also present. Council Member Gloria Betcher joined the meeting telephonically.

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

1. Motion approving payment of claims
2. Motion approving Summary of Minutes of Special Meeting on January 6, 2024 and Regular Meeting on January 9, 2024
3. Motion approving Report of Change Orders for period January 1-15, 2024
4. Motion approving Premise Update for Class E Retail Alcohol License - Caseys #4314, 1118 South Duff Avenue
5. Motion approving Premise Update for Class E Retail Alcohol License - Caseys #4315, 3218 Orion Drive
6. Motion approving the renewal of the following Beer Permits, Wine Permits, and Liquor Licenses:
 - a. Fareway Stores, Inc. #093, 3619 Stange Road, Class E Retail Alcohol License
 - b. Fareway Stores, Inc. #386, 619 Burnett Avenue, Class E Retail Alcohol License
 - c. Dog Eared Books, 203 Main St, Class C Retail Alcohol License
 - d. Blaze Pizza, 2320 Lincoln Way, Special Class C Liquor License with Outdoor Service
 - e. El Azteca, 2727 Stange Rd, Class C Retail Alcohol License with Outdoor Service, Pending Dramshop Status
 - f. Ge' Angelo's (M2S2 Enterprises LLC) 823 Wheeler St #9, Class C Retail Alcohol License with Catering Privilege
 - g. Fuji Japanese Steakhouse, 1614 South Kellogg Avenue, Class C Retail Alcohol License
 - h. Chipotle, 435 South Duff Avenue, Class C Retail Alcohol License, Pending Dramshop Review
7. RESOLUTION NO. 24-010 approving Quarterly Investment Report for Quarter Ending December 31, 2023

8. RESOLUTION NO. 24-011 approving appointment to Campus and Community Commission
9. RESOLUTION NO. 24-012 to adopt business and market changes to City of Ames Depository
10. RESOLUTION NO. 24-013 approving Amendment to Iowa DOT Iowa Clean Air Attainment Program agreement for the Intelligent Transportation Systems Program (Phase 3)
11. RESOLUTION NO. 24-014 awarding a contract for software licensing and support for Microsoft Office 365 with Insight Public Sector, Dallas, Texas, in the amount not to exceed \$215,351.80
12. RESOLUTION NO. 24-015 awarding contract to DGR Engineering, Rock Rapids, Iowa, for Engineering Services for 69kV Transmission Line Reconstruction, in the amount not-to-exceed \$612,756
13. RESOLUTION NO. 24-016 awarding contract to Core & Main of Grimes, Iowa for the purchase of water utility supplies in the amount of \$75,508
14. RESOLUTION NO. 24-017 approving preliminary plans and specifications for the 2021/22 Storm Water Erosion Control (Bloomington Waterway Channel and Bank Stabilization) and 2021/22 Stormwater Quality Improvements project, setting February 21, 2024, as the bid due date and February 27, 2024, as the date of Public Hearing
15. RESOLUTION NO. 24-018 approving preliminary plans and specifications for the 2023/24 Pavement Restoration – Slurry Seal Program setting February 21, 2024, as the bid due date and February 27, 2024, as the date of Public Hearing
16. RESOLUTION NO. 24-019 approving preliminary plans and specifications for the 2023/24 Campustown Public Improvements – (Welch Avenue and Chamberlain Place) project, setting February 21, 2024, as the bid due date and February 27, 2024, as the date of Public Hearing
17. RESOLUTION NO. 24-020 approving preliminary plans and specifications for the 2023/24 Collector Street Pavement Improvements – (6th Street) project, setting February 21, 2024, as the bid due date and February 27, 2024, as the date of Public Hearing
18. 2021/22 Water System Improvements Program (US Highway 69: S Duff Avenue, Grand Avenue)
 - a. RESOLUTION NO. 24-021 approving Change Order No. 2, the balancing change order, an increase in the amount of \$40,351.71
 - b. RESOLUTION NO. 24-022 accepting the 2021/22 Water System Improvements Program (US Highway 69: S Duff Avenue, Grand Avenue) project as completed by Synergy Contracting LLC, of Des Moines, Iowa in the amount of \$2,347,765.51
19. RESOLUTION NO. 24-023 accepting the 2022/23 Seal Coat Street Pavement Improvements and Neighborhood Curb Program – (Murray Dr – Northwestern Ave to

Grand Ave) project as completed by Manatt's Inc. of Ames, Iowa in the amount of \$714,728.49.

20. RESOLUTION NO. 24-024 accepting the 2022/23 Shared Use Path Maintenance Program as completed by Mid Iowa Enterprises, LLC of Story City, Iowa in the amount of \$109,046

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 the Public Forum.

Richard Deyo, 505 8th Street #102, Ames, requested that the City Council consider limiting political figures' access to the City of Ames.

Shawn Kenny, 2012 Prairie View East, Ames, requested reimbursement for sidewalk repairs he had made to his property and asked for clarification to the legal standing of the Sidewalk Safety Program.

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

STAFF REPORT ON SIDEWALK SAFETY PROGRAM: Public Works Director John Joiner and Public Works Operations Manager Justin Clausen presented the Council Action Form (CAF). Operations Manager Clausen explained the current complaint driven process, the standards used to provide guidance to the current program from the Public Right-of-Way Accessibility Guidelines (PROWAG), and past practices. Another factor that was examined was the narrow-focused repair options currently offered to remediate sidewalk deficiencies. He also highlighted changes that were made in October 2023 to the PROWAG standards that impact how this policy may be carried out, as the updated standards stated the guidelines did not address existing pedestrian facilities.

Operations Manager Clausen stated that there has been a dramatic increase in repair requests on the Ames On The Go app, mostly anonymously. In the fall of 2023, Public Works staff postponed new inspections of complaints to be certain staff were acting within the new guidelines of PROWAG and in accordance with the City Council's direction. Staff recommended the process remain complaint driven; however, the City would still reserve the right to address emergency needs and safety concerns without a complaint being filed. He shared comparisons of peer community standards for defects and repair options, and how the new proposed guidelines would move the City closer to peer cities' standards. Operations Manager Clausen also clarified that a goal of this review process was to compile all the standards and procedures into one document that could be referred to.

Defect categories were listed to be vertical displacement, cracks/broken sidewalk requiring complete panel replacement, cracks/broken sidewalk that can be patched, spalling, horizontal displacement, ponding water/debris, and broken corners. Operations Manager Clausen reviewed each category, the current standard, the new proposed standard, and potential repair options for each defect.

Council Member Beatty-Hansen asked Operations Manager Clausen to speak to the impact that placing sidewalks on an inspection schedule rotation would have on staff time and labor. Operations Manager Clausen stated it would be a challenge to fit into staff's work plan, and that there is concern about if there is enough availability in the labor market for contractors to be able to complete projects. He furthered that tracking the reports was not the source of most of staff's time, however, the inspection was the main source of labor. The work cycle of Public Works was also reviewed, with Operations Manager Clausen noting that it may be a challenge to address complaints in a timely manner during seasons where the department is focused on streets and shared use paths.

Regarding liability, Director Joiner explained that if staff was examining a property, and saw severe damage nearby, staff would have the responsibility to address that safety concern. Council Member Betcher inquired if it would be more manageable to inspect a predetermined number of miles a year and include the complaints received into that total number, instead of being primarily complaint based. Operations Manager Clausen expressed his belief that it would be better to give guidance on how many miles to investigate per year as growth in the City will lead to greater square footage. City Manager Schainker noted that situations could change quickly in non-designated areas, and the City wants to maintain the ability to act upon those quickly. He furthered that City Attorney Mark Lambert would do more research on liability issues, however, the City would still respond to complaints. Operations Manager Clausen stated that an overwhelming majority of sidewalk complaints reported did need repair upon inspection. He also noted that when looking at the existing letters served to residents who were out of compliance with the current sidewalk standards, 48 would still need to complete repairs under the current standard as well. In response to *ex-officio* Clark, Operations Manager Clausen clarified that the proposed policy would be for City right-of-way sidewalks only, not institutional sidewalks.

Mayor Haila opened the Public Input.

Grant Olsen, 3812 Ontario Street, Ames, explained how sidewalks connect the transit system and have an impact on accessibility in the City. He urged the City Council to consider the equity aspect of the Sidewalk Safety Program when deciding how to proceed with changes. Mr. Olsen also encouraged the City Council to consider a program that facilitated subsidies to help defray costs for residents.

Shawn Kenny, 2012 Prairie View East, Ames, shared his support for the City's requirements coming in line with other peer communities. He urged the City to think through the liability of making any changes to the program with a less strict standard. Mr. Kenny also noted that if the City were to adopt an inspection schedule for sidewalks, there would be additional thoroughness of knowing that all sidewalks would be examined on a preventative basis.

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

Council Member Betcher questioned the feasibility of evaluating a set number of miles each year. Operations Manager Clausen stated that he would be able to report back and provide more information.

Moved by Betcher, seconded by Beatty-Hansen, that Public Works return with parameters of how many miles of sidewalks the Public Works Department would be able to inspect per year if the City Council were to pursue that option.

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

Council Member Gartin responded to Mr. Olsen's comments on equity and stated his belief that the City Council should factor that into their conversations. He asked Operations Manager Clausen if he would be able to provide more information on the average repair costs for public sidewalks. Operations Manager Clausen replied in the affirmative. He furthered that other communities bid local contractors to complete the work on behalf of the resident and City. Council Member Gartin expressed his concerns about the costs of homeownership in Ames and how he views this as an avenue to reduce costs across the community.

Moved by Gartin to ask staff to develop an estimate on the cost to the City for facilitating anticipated sidewalk repairs and come back to the City Council with more information on having a contractor providing that service.

Seconded by Beatty-Hansen after Gartin accepted a friendly amendment to add "and report on subsidies" to the end of the motion.

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

Mayor Haila suggested placing the item on a future agenda to give more opportunity for the public to submit their thoughts.

Moved by Beatty-Hansen, seconded by Rollins, to place the item on an agenda in March to allow for Public Input to be collected.

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

2024-2029 CAPITAL IMPROVEMENTS PLAN: Director of Finance Corey Goodenow and Budget Manager Nancy Mastellar presented the CAF, highlighting that the CIP was presented in its entirety at the January 16, 2024, City Council meeting.

Mayor Haila opened the Public Input.

Kevin Bourke, 3618 Fletcher Circle, Ames, requested that the City Council consider making the indoor recreation complex a CIP priority. He spoke to his experiences with examining how other cities and entities have funded these projects and shared the economic impact of not having this facility as an option to attract individuals to Ames.

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

PARKING TICKET AND ACCOUNTS RECEIVABLE COLLECTIONS: Director Goodenow and Utility Accounts Supervisor John Odenweller presented the CAF. Director Goodenow stated that historically, the City used two agencies with relative success and high fees, which led to staff evaluating other solutions based on peer communities. Supervisor Odenweller noted for the City Council that parking ticket information is all derived from plate numbers, so the only available information is on the vehicle. Director Goodenow further explained that in a comprehensive review of parking citation collections, staff identified an opportunity to collaborate with the Story County Treasurer and the Iowa Department of Transportation to enhance the collection of unpaid parking citations, where the County Treasurer agreed to withhold the issuance and renewal of vehicle registration until outstanding tickets are paid. The Story County Treasurer had expressed its willingness to provide this service at no cost to the City, pending approval of a 28E agreement. Director Goodenow stated that this 28E agreement would be in place in perpetuity unless the City decided to pursue another agreement.

Council Member Gartin expressed concern over the law of unintended consequences and stated his desire to be sure the process does not cause more harm to those for whom money is tight. Mayor Haila questioned if the current collection agency contracts would continue as well. Director Goodenow replied in the affirmative, noting that the first method would be State agencies. Staff would continue to migrate the utilization of enforcement to State agencies.

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

Moved by Junck, seconded by Beatty-Hansen, to adopt RESOLUTION NO. 24-025 to approve Agreements with the State of Iowa and Story County for Parking Ticket and Accounts Receivable collections.

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

After further discussion around the potential unintended consequences of the 28E agreement, the City Council determined a course of action to proceed with.

Moved by Rollins, seconded by Junck, to request staff come back to the City Council with recommendations for a minimum payment threshold for those who may be at-risk in the community.

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

CAMPUSTOWN SHOWDOWN: Mayor Haila noted that the City Council was working from an amended agenda with the addition of approving RESOLUTION NO. 24-026, and Assistant City Manager Brian Phillips presented the CAF.

Mayor Haila opened the Public Input.

Christian Calliham, 5100 Zeandale Road, Manhattan, Kansas, Founder and Executive Officer of The Grand Drives, LCC, explained how event organizers had worked with the Ames Chamber of Commerce and Discover Ames to coordinate efforts to put on the Campustown Showdown, a national cattle show. Mr. Calliham also spoke to the economic impact the event can have. He gave an overview of the event and notification efforts to businesses in the affected area.

Grant Olsen, 3812 Ontario Street, Ames, expressed his concerns over the clean-up aspect of the event.

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

Moved by Rollins, seconded by Junck, to adopt RESOLUTION NO. 24-026 approving closure of Welch Avenue from approximately 100 feet south of Chamberlain Street to Knapp Street, and Hunt Street from Chamberlain Place to Welch Avenue, between 11 a.m. and 11:45 p.m. on April 20, 2024.

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

CACTUS, 223 WELCH AVENUE: Chief of Police Geoff Huff presented the CAF and noted that the owner of the establishment previously operated another restaurant in town, doing business as Cactus 2, 2420 Lincoln Way, Ames. He stated that the previous restaurant operated under the 50/50 Rule, permitted by Section 17.16 of the *Municipal Code*. After multiple violations were issued at the previous establishment, the Police Department worked with management of the restaurant to develop a better set of practices to monitor minors in the establishment. At the new location, Chief Huff stated that the restaurant had decided not to sell alcohol after 10:00 p.m. In

addition, the restaurant passed three of four compliance checks conducted in 2023. Due to the improved performance of Cactus staff as well as increased participation in training opportunities, Chief Huff recommended approval of the license.

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

Moved by Gartin, seconded by Corrieri, to approve a new 12-month Class C Retail License - Cactus at 223 Welch Avenue, Pending Dram Shop review.

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

PURCHASE OF TWO FORD POLICE INTERCEPTOR UTILITIES: Director of Fleet Services Corey Mellies presented the CAF. He explained the factors impacting the decision to recommend waiving the City's purchasing policy, such as the current age of patrol vehicles, low availability, need to replace a vehicle taken out of service, difficulty getting parts, and long lead times for new orders of hybrid Police vehicles. Director Mellies stated that these two vehicles would not be hybrids, which staff anticipated ordering in February. However, there is no way for staff to guarantee when those vehicles will be delivered, and the Police Department has an immediate need for reliable patrol vehicles. With these factors in mind, staff recommended the purchase of the two units.

Moved by Gartin, seconded by Corrieri, to adopt RESOLUTION NO. 24-027 waiving formal bidding requirements and awarding the purchase of 2 Ford Police Interceptor Utilities, to Stiver's Ford of Waukeg, IA, in the amount of \$90,068.

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

HISTORIC PRESERVATION COMMISSION (HPC) 2023 ACCOMPLISHMENTS AND WORK PLAN 2024: Planner Eloise Sahlstrom and HPC Member Scott Huffman presented the CAF.

Moved by Betcher, seconded by Gartin, to adopt RESOLUTION NO. 24-028 approving the 2023 accomplishments of the Historic Preservation Commission (HPC) and the Work Plan for 2024 as described in the 2023 Certified Local Government (CLG) Report.

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

Mayor Haila thanked the HPC for all their hard work and for attending the meeting to be available for questions.

HEARING ON PREAPPROVAL OF INDUSTRIAL TAX ABATEMENT FOR A R&D BUILDING AT 300 SOUTH BELL AVENUE: Council Member Junck stated she would be abstaining from this item due to conflict of interest.

Director Diekmann stated that industrial tax abatement is normally administratively approved, however, in this case, the applicant requested preapproval of the project so the applicant would be eligible for the abatement of the full cost of new construction. He stated that the use was consistent with City Zoning Standards and the intent of the City's industrial tax abatement program, as well as *Iowa Code* requirements.

Mayor Haila opened the Public Hearing.

Grant Olsen, 3812 Ontario Street, expressed his concerns with the equity of giving large corporations tax abatement as a subsidy.

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

Director Diekmann spoke to Mr. Olsen's concerns, stating that under State law, the use of the property, not the company or its size, is what qualifies for the abatement program. He furthered that by approving the ordinance, the City Council was setting the value the applicant could recover from the project as the full value of the new construction, rather than a partial value. Therefore, the action undertaken by the City Council was for a small portion of the larger picture. City Manager Steve Schainker added a note of clarification that the City could not pick and choose who to give abatement to. If the City were to participate in the program, under State Law it must be offered to all who meet the use criteria.

Moved by Gartin, seconded by Corrieri, to pass on first reading an ordinance on Preapproval of Industrial Tax Abatement for a R&D Building at 300 South Bell Avenue.

Vote on Motion: 5-0-1, Junck abstaining. Motion declared carried unanimously.

HEARING ON FITCH FAMILY INDOOR AQUATIC CENTER (FFIAC): Parks and Recreation Director Keith Abraham presented the CAF. On behalf of RDG Planning and Design Services, the architect on the project, Al Oberlander and Brad Rodenburg were present. Troy Turner of Story Construction was also available for questions from the City Council.

Director Abraham shared that 79 bids were received for the 14 bid packages that the City developed for the FFIAC, and the total bid cost came in \$3.3 million under the estimated cost of the project. Due to this, and the City's favorable position on the FFIAC budget, staff recommended that all alternates be done for the project. He furthered that of the 14 bid packages, 12 had no issues. On package 32-1, Paving and Sidewalk Work, the low bid contractor, Jordison

Construction, Inc., requested to withdraw their bid. Mr. Turner stated that the contractor submitted a letter requesting to withdraw their bid due to a mathematical error. He stated that Jordison Construction Inc. provided prompt notification of the error and that the mistake was financially significant to their business.

Director Abraham explained that Alternative #1 recommended accepting the withdrawal request from Jordison Construction Inc. and to award the contract to Lakeside Contractors LLC. He stated that the cost difference was roughly \$72,000. Director Abraham asked Mr. Turner to speak to the City's options on keeping the bid bond from Jordison Construction Inc., which was worth about \$14,000. Director Abraham stated that the general practice for the City has been to not keep bid bonds received in circumstances like this, which do not occur very often.

Mr. Turner stated that the City had three options. Allow the withdrawal and return the bid bond; allow the withdrawal, award to the next lowest bidder and attempt to place a claim on the bid bond; or reject all bids. He reiterated that it was rare to make a claim on a bid bond, and he had not seen it done in his career. This act of goodwill was a part of a long-term strategy to make sure contractors look favorably upon the City.

Director Abraham reiterated Alternative #1, and asked for questions. Mayor Haila asked Mr. Turner to speak to the purpose of bid bonds under the Master Builders of Iowa's (MBI) guidelines, considering the case that they often go unclaimed. Mayor Haila stated that MBI seeks to promote competitive bidding and the integrity of the bidding process, and asked Mr. Turner to provide any additional insight. Mr. Turner stated that bid bond was in place to have surety behind the bidder guaranteeing the bidder will enter that contract for the scope of the plans and specifications. He stated that if the City held a bid bond, and the contractor refused to sign the contract, the contractor would be considered not negotiating in good faith, and the City could go after the bid bond. Mr. Turner stated that Jordison Construction, Inc. had notified Story Construction on bid day that they would like to withdraw their bid. He stated that there were serious conversations held with the company, and Story Construction provided coaching on how to navigate the process. Mayor Haila reiterated that timeliness of response is critical in nature, and the letter to the City was not dated until several days later. Mr. Turner explained the contractor notified Story Construction via email right away on January 11, 2024, had a meeting with the City the next day, January 12, 2024, and then submitted their letter to the City. Mayor Haila questioned if Story Construction felt it would be inappropriate to request a copy of the bid documents. Mr. Turner stated that he could ask for it, with Council Member Gartin expressing his belief that the City Council should defer to Story Construction.

Director Abraham stated the next bid package that needed to be discussed was 03-3, Precast Concrete and Structural Steel Work. He explained this bid package needed to reject all bids and be rebid, with the bid due date being February 15, 2024, and the award of contract taking place

during the Special Meeting of the Ames City Council workshop on February 20, 2024. Mr. Oberlander stated that the successful low bidder for that project used a subcontractor that was not approved for the project. He stated that the list of approved subcontractors could only be modified by an addendum, and there was never an addendum issued to include that contractor. Mr. Oberlander elaborated that RDG Planning and Design received a late notice on January 3, 2024, which was not within the 10 days before the bid date deadline. Due to this, the low bidders had unapproved contractors in place, and RDG Planning and Design was not sure who the other bidders had included as a contractor. Mr. Turner stated that although Story Construction does not know which bidders used which contractors, they believe that four of the five of the contractors included the unapproved contractor.

Mayor Haila questioned how quorum came to a decision to use an unapproved contractor, as it seemed to be uncommon. Mr. Oberlander stated that the specifications indicate in three places that only approved contractors may be used. He stated that the burden of proof is on the bidder, per the specifications. Mayor Haila questioned why four of the five bidders used an unapproved contractor, when there were several approved contractors to work with. He furthered his concerns, stating that the City was trying to be timely, bids have currently been received that give the City hard numbers, and there was no way to know what the bids will be if the project is rebid. Mayor Haila noted that it would make sense to speak with the next lowest bidders to ask why the bidder chose to utilize that contractor, as it is odd the bidders were all on the same page and but are clearly in violation of the plans and specifications, making their bids nonresponsive. Mr. Turner stated that the unapproved manufacturer was not listed in an addendum; however, there was an email that indicated the contractor had been approved to participate in the bid, which Story Construction could only speculate went out to bidders. He stated that it was not asked on the bid form to list the subcontractors. Mayor Haila stated that it was clearly a nonresponsive bid by using an unapproved manufacturer. He asked why the other bids in this package could not be investigated to see if the next lowest bidder had used the same contractor, so it could be awarded to that company and move on. He furthered that it seemed there were presumptions and assumptions being made, however, this process could save some time and it would be fair to contractors who had potentially put in good efforts, to evaluate their bids further, unless it was known ahead of time who other contractors had utilized.

Mayor Haila also questioned how rebidding this package was not in violation of MBI's parameters to rebid. Mr. Turner stated that it was common to have packages that need to be rebid on projects, and that this was standard practice as the entire project was not being rebid. Mr. Turner outlined the options he had detailed for the City Council in the CAF, discussing the pros and cons. He stated that from the research he had done, there was a significant difference in price between the approved manufacturers and the unapproved manufacturer. Mr. Turner furthered that rejecting all bids and rebidding the project provided the best opportunity for the City to avoid legal action, although it would result in a short delay. He stated it would be an easy rebid for the contractors. Director

Abraham explained that addendum five would be issued, with Mr. Turner furthering that the Notice to Bidders and the bid form would be updated to allow the unapproved manufacturer to bid the project legitimately. Director Abraham went through the proposed timeline for the rebid again, and Story County's recommendation to accept the bids and award contracts for the other 13 bid packages, excluding 03-3, Precast Concrete and Structural Steel Work.

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

Moved by Corrieri, seconded by Rollins, to accept report of bids.

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

Moved by Gartin, seconded by Corrieri, to reject all bids for bid package 03-3 Precast Concrete & Structural Steel and direct staff to rebid.

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

Moved by Beatty-Hansen, seconded by Corrieri, to adopt RESOLUTION NO. 24-029 approving preliminary Plans and Specifications for the Fitch Family Indoor Aquatic Center Project, Bid Package, 03-3 Precast Concrete & Structural Steel, setting February 15, 2024, as the bid due date, and February 20, 2024, as the date of Public Hearing and award of contract.

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 Rollins, to adopt RESOLUTION NO. 24-030 approving final plans and specifications and awarding bid package 03-1 Building Concrete Work contract to All Star Concrete, LLC of Johnston, IA, in the amount of \$671,500.

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 Gartin, to adopt RESOLUTION NO. 24-031 approving final plans and specifications and awarding bid package 04-1 Unit Masonry Work contract to Forrest & Associate of Des Moines, IA, in the amount of \$84,275.

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

Moved by Gartin, seconded by Beatty-Hansen, to adopt RESOLUTION NO. 24-032 approving final plans and specifications and awarding bid package 06-1 General Carpentry Work contract to Lansink Construction, Inc. of Johnston, IA, in the amount of \$1,016,000.

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. 24-033 approving final plans and specifications and awarding bid package 07-3 Membrane Roofing & Sheet Metal Flashing Work contract to Central States Roofing of Ames, IA, in the amount of \$806,300.

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

Moved by Gartin, seconded by Rollins, to adopt RESOLUTION NO. 24-034 approving final plans and specifications and awarding bid package 08-1 Entrance, Storefront, Curtainwall & Glazing Work contract to Orning Glass Company of Ames, IA, in the amount of \$726,526.

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

Moved by Gartin, seconded by Rollins, to adopt RESOLUTION NO. 24-035 approving final plans and specifications and awarding bid package 09-1 Gypsum Board Assembly, Acoustical Ceiling, Paint & Coating Work contract to Hilsabeck Schacht of West Des Moines, IA, in the amount of \$519,250.

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

Moved by Gartin, seconded by Beatty-Hansen, to adopt RESOLUTION NO. 24-036 approving final plans and specifications and awarding bid package 13-1 Swimming Pool Work contract to Sande Construction & Supply Co. of Humboldt, IA, in the amount of \$4,326,187.

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 Beatty-Hansen, to adopt RESOLUTION NO. 24-037 approving final plans and specifications and awarding bid package 21-1 Fire Suppression System Work contract to Midwest Automatic Fire Sprinkler Company of Des Moines, IA, in the amount of \$130,100.

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

Moved by Rollins, seconded by Beatty-Hansen, to adopt RESOLUTION NO. 24-038 approving final plans and specifications and awarding bid package 22-1 Plumbing & HVAC Work contract to Brockway Mechanical & Roofing Co., Inc. of Des Moines, IA, in the amount of \$4,184,363.

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

Moved by Rollins, seconded by Beatty-Hansen, to adopt RESOLUTION NO. 24-039 approving final plans and specifications and awarding bid package 26-1 Electrical, Communications,

Electronic Safety & Security Work contract to Van Maanen Electric, Inc. of Newton, IA, in the amount of \$1,477,436.

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 Rollins, to adopt RESOLUTION NO. 24-040 approving final plans and specifications and awarding bid package 31-1 Demolition & Earthwork contract to Con-Struct, Inc. of Ames, IA, in the amount of \$532,975.

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 Rollins, to accept letter of withdrawal on bid package 32-1 from low bidder Jordison Construction, Inc. dated January 16, 2024.

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

Moved by Beatty-Hansen, seconded by Betcher, to adopt RESOLUTION NO. 24-041 approving final plans and specifications and awarding bid package 32-1 Paving & Sidewalk Work contract to Lakeside Contractors LLC of Ames, IA, in the amount of \$351,588.

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

Moved by Rollins, seconded by Corrieri, to adopt RESOLUTION NO. 24-042 approving final plans and specifications and awarding bid package 33-1 Site Utility Work contract to Iowa Pipe & Grading, LLC of Ames, IA, in the amount of \$385,700.

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

Council Member Gartin expressed that as the bids came in lower than expected, in past projects, the City Council has used those funds to address additional projects that could be built in to improve the overall project. Director Abraham noted that one of the options that could be evaluated is to add solar power capacity to the building to help with operational costs. He stated that further options would need to be evaluated by staff.

Moved by Gartin, seconded by Beatty-Hansen, to request that staff come back to the City Council with possible additional improvements that could be made to the Fitch Family Indoor Aquatic Center with the projected construction savings.

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

HEARING ON CYRIDE SECURITY SYSTEM UPGRADE PHASE II: Mayor Haila opened and closed the Public Hearing when no one came forward to speak.

Moved by Gartin, seconded by Corrieri, to adopt RESOLUTION NO. 24-043 approving final plans and specifications and awarding contract to Commonwealth Electric of the Midwest of Des Moines, Iowa, for the base bid plus bid alternates #1, #2, #3, and #4, for a total cost of \$179,361. Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

HEARING ON 2022/23 CYRIDE ROUTE PAVEMENT IMPROVEMENTS (LINCOLN WAY): Mayor Haila opened and closed the Public Hearing when no one came forward to speak.

Moved by Gartin, seconded by Rollins, to accept report of bids.
Vote on Motion: 6-0. Motion declared carried unanimously.

Moved by Betcher, seconded by Junck, to adopt RESOLUTION NO. 24-044 approving final plans and specifications and awarding contract to Con-Struct, Inc., of Ames, Iowa, in the amount of \$2,584,689.20.

HEARING ON 2023/24 SEAL COAT STREET PAVEMENT IMPROVEMENTS: Mayor Haila opened and closed the Public Hearing when no one came forward to speak.

Moved by Rollins, seconded by Corrieri, to accept report of bids.
Vote on Motion: 6-0. Motion declared carried unanimously.

Moved by Corrieri, seconded by Gartin, to adopt RESOLUTION NO. 24-045 approving final plans and specifications and awarding contract to Manatt's, Inc., of Ames, IA, in the amount of \$1,828,001.36.
Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

HEARING ON 2023/24 ASPHALT STREET PAVEMENT IMPROVEMENTS PROGRAM #1: Mayor Haila opened and closed the Public Hearing when no one came forward to speak.

Moved by Corrieri, seconded by Rollins, to accept report of bids.
Vote on Motion: 6-0. Motion declared carried unanimously.

Moved by Corrieri, seconded by Gartin, to adopt RESOLUTION NO. 24-046 approving final plans and specification and awarding contract to Manatt's, Inc., of Ames, IA, in the amount of \$1,764,990.07, including base bid and alternate.
Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

HEARING ON 2023/24 ASPHALT STREET PAVEMENT IMPROVEMENTS PROGRAM

#2: Mayor Haila opened and closed the Public Hearing when no one came forward to speak.

Moved by Gartin, seconded by Corrieri, to accept report of bids.

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

Moved by Gartin, seconded by Corrieri, to adopt RESOLUTION NO. 24-047 approving final plans and specifications and awarding contract to Con-Struct, Inc., of Ames, IA, in the amount of \$706,554.20, including base bid and alternate.

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

THIRD READING AND ADOPTION OF ORDINANCE NO. 4517 ON TEXT AMENDMENT FOR PUBLIC NUISANCE "PROPERTY MAINTENANCE" RELATED TO CHANGES TO THE AMES MUNICIPAL CODE: Moved by Rollins, seconded by Gartin, to pass on third reading and adopt ORDINANCE NO. 4517 on Text Amendment for Public Nuisance "Property Maintenance" related to changes to the Ames *Municipal Code*.

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

THIRD READING AND ADOPTION OF ORDINANCE NO. 4518 ON ZONING TEXT AMENDMENT TO PAVING STANDARDS FOR BASIC UTILITY USES AND OTHER SIMILAR USES: Moved by Rollins, seconded by Beatty-Hansen, to pass on third reading and adopt ORDINANCE NO. 4518 on Zoning Text Amendment to Paving Standards for Basic Utility Uses and other similar uses.

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

DISPOSITION OF COMMUNICATIONS TO COUNCIL: Mayor Haila noted that there were five items for City Council consideration. The first was a request for repairs at North Grand Mall from Katelyn Hart.

Moved by Gartin, seconded by Rollins, to refer to Public Works staff to respond to Ms. Hart.

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

The next two items were from Rick Sanders, with requests for a land use map amendment and a Zoning Text Amendment.

Moved by Gartin, seconded by Rollins, to refer to Director Diekmann for a memo.

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

An email detailing concerns about snow removal for pedestrians from Kyle Poorman was the next item to be considered.

Moved by Gartin, seconded by Junck, to refer to Operations Manager Clausen to respond to Mr. Poorman.

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

A memo from Director Diekmann about Denny Elwell Companies' request for Zoning Amendment was the final item to be evaluated.

Moved by Corrieri, seconded by Gartin, to place the topic on an agenda in March with the Planning and Housing Department Work Plan.

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

COUNCIL COMMENTS: Council Member Gartin expressed his desire to act on Mr. Kenny's request from Public Forum.

Moved by Gartin, seconded by Beatty-Hansen, to request City Attorney Mark Lambert to reply to Mr. Kenny regarding the legal standing of the Sidewalk Safety Program.

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

Ex-officio Clark stated it was great to be back in person with the rest of the City Council. He shared that the next morning, January 24th, would be Clubfest for university students, and that the first multicultural club fest would take place the following week.

Mayor Haila congratulated Cleo Westin, reporter from the Iowa State Daily, on being the recipient of the Hugh S. Sidey Scholarship in Journalism. Ms. Westin shared she won an essay contest based on restoring social responsibility in presidential coverage and would be attending the White House Correspondence Dinner in April 2024. Mayor Haila again extended his congratulations and shared that the City Council was proud to be covered by Ms. Westin.

ADJOURNMENT: Moved by Corrieri, seconded by Rollins, to adjourn at 8:45 p.m.

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

Grace Bandstra, Deputy City Clerk

John A. Haila, Mayor

Renee Hall, City Clerk