

COUNCIL ACTION FORM

SUBJECT: **EXTENSION OF MUNICIPAL POOL JOINT USE
AGREEMENT WITH THE AMES COMMUNITY SCHOOL
DISTRICT**

BACKGROUND:

In May 2015, the City and Ames Community School District (ACSD) extended the existing agreement to manage and finance the Municipal Pool, which is a city-owned building situated on Ames School District property. This unique intergovernmental partnership has served the citizens of Ames and the students of the school district for over 50 years.

Since the agreement is set to expire on June 30, 2020, it will need to be extended. The ACSD is currently building a new high school which includes a new pool. In order to complete the final stages of construction in 2022, the Municipal Pool will need to be demolished in March 2022. Therefore, the agreement extension is through February 28, 2022. Please note that the Ames community will be without an indoor pool for several months until the high school pool is opened.

On June 15, 2020, the ACSD Board approved the second amendment to the existing agreement as proposed by City staff with no changes to the existing agreement except the expiration date.

ALTERNATIVES:

1. The City Council can decide to approve the attached Second Amendment to the Municipal Pool Joint Use Agreement with the Ames Community School District which extends the existing terms and conditions until February 28, 2022.
2. The City Council can decide to not approve the attached Second Amendment to the Municipal Pool Joint Use Agreement with the Ames Community School District and thereby not extend the existing agreement.

Support of this alternative would raise the question regarding how to proceed until the current pool is demolished. Lacking permission to enter onto school property to occupy the Municipal Pool, the City could close the facility or turn the facility over to the ACSD. Either option would require more in-depth legal analysis before any final action is taken.

CITY MANAGER’S RECOMMENDED ACTION:

The partnership with the Ames School District regarding the operation of the City’s indoor pool which is situated on school district property is one of many cooperative intergovernmental ventures that benefit the citizens of Ames. Since the City and the ACSD don’t have a viable alternative for the near term, it would seem preferable to maintain the status quo. Therefore, it is the recommendation of the City Manager that the City Council approve the attached Second Amendment and extend the existing Municipal Pool agreement with the Ames Community School District until February 28, 2022.

SECOND AMENDMENT TO THE MUNICIPAL POOL JOINT USE AGREEMENT

On May 1, 2015, the City of Ames and Ames Community School District entered into a Joint Use Agreement regarding the Municipal Pool. On July 25, 2017, the City of Ames and the Ames Community School District approved an amendment to the Joint Use Agreement regarding Municipal Pool. The amendment states the Agreement shall remain in full force and effect until June 30, 2020.

Realizing that this facility has reached the end of its useful life, the Ames Community School District is including a pool in the new high school currently under construction, while the City is still exploring options to replace this structure. In order for the Ames Community School District to complete construction of the new high school, the Municipal Pool will need to be demolished in March 2022. Therefore, the parties agree to amend the original Agreement as follows:

1. Strike in the first paragraph of Section 9 (as amended by the first Amendment), under the heading "Duration," the following sentence: "This agreement shall be in full force and effect until June 30, 2020" and replace with "This agreement shall be in full force and effect until February 28, 2022."
2. Except as specifically modified by this Amendment, the remaining provisions of the Agreement shall remain in full force and effect.

Dated this _____ day of _____, 2020.

AMES COMMUNITY SCHOOL DISTRICT

CITY OF AMES

Board President

Mayor

ATTEST:

City Clerk