

**AGENDA**  
**REGULAR MEETING OF THE AMES CITY COUNCIL**  
**COUNCIL CHAMBERS - CITY HALL**  
**JANUARY 11, 2022**

**NOTICE TO THE PUBLIC:** The Mayor and City Council welcome comments from the public during discussion. If you wish to speak, please see the instructions listed above. The normal process on any particular agenda item is that the motion is placed on the floor, input is received from the audience, the Council is given an opportunity to comment on the issue or respond to the audience concerns, and the vote is taken. On ordinances, there is time provided for public input at the time of the first reading.

**CALL TO ORDER:** 6:00 p.m.

**PROCLAMATION:**

1. Proclamation for “Slavery and Human Trafficking Prevention and Awareness Month,” January 2022

**CONSENT AGENDA:** All items listed under the Consent Agenda will be enacted by one motion. There will be no separate discussion of these items unless a request is made prior to the time the Council members vote on the motion.

2. Motion approving payment of claims
3. Motion approving Minutes of Special City Council Meetings held December 21, December 29, 2021, and Regular City Council Meeting on December 14
4. Motion approving Report of Change Orders for period December 1 - 15, 2021
5. Motion approving Report of Change Orders for period December 16 - 31, 2021
6. Motion certifying Civil Service candidates
7. Motion approving new 12-Month Class C Liquor License with Sunday Service - Las Palmas Mexican Restaurant & Grill, Inc., 2601 East 13<sup>th</sup> Street
8. Motion approving ownership change for Class C Liquor License with Catering Privilege and Sunday Sales - Texas Roadhouse, 519 South Duff Avenue
9. Motion approving renewal of the following Beer Permits, Wine Permits and Liquor Licenses:
  - a. Class C Liquor License with Outdoor Service and Sunday Sales - Chipotle Mexican Grill, 435 S Duff Avenue, Pending Dram Shop Insurance
  - b. Class C Liquor License with Sunday Sales - Fuji Japanese Steakhouse, 1614 S Kellogg Avenue, 101
  - c. Class A Liquor License with Sunday Sales - American Legion Post #37, 225 Main Street
  - d. Special Class C Liquor License with Sunday Sales - Springhill Suites, 1810 SE 16<sup>th</sup> St
  - e. Class C Liquor License with Catering Privilege, Outdoor Service and Sunday Sales - West Towne Pub, 4518 Mortensen Road, Suite 101
  - f. Class C Liquor License with Catering Privilege, Outdoor Service and Sunday Sales - Dublin Bay, 320 S 16<sup>th</sup> Street, Pending Dram Shop Insurance
  - g. Class C Liquor License with Sunday Sales - Cactus 2, 2420 Lincoln Way, Ste B, Pending Dram Shop Insurance
  - h. Class E Liquor License with Class B Wine Permit, Class C Beer Permit (Carryout Beer) and Sunday Sales - The Filling Station, 2400 University Boulevard

- i. Special Class C Liquor License (B/W) - Clouds Coffee, 119 Stanton Avenue, Suite 701, Pending Dram Shop Insurance
  - j. Class C Liquor License with Outdoor Service and Sunday Sales - The Angry Irishmen, 119 Main Street, Pending Dram Shop Insurance
  - k. Class C Liquor License with Catering Privilege and Sunday Sales - Hy-Vee Market Café, 3800 Lincoln Way
  - l. Class C Liquor License with Outdoor Service and Sunday Sales - Cy's Roost, 121 Welch Avenue, Pending Dram Shop Insurance
  - m. Class C Liquor License and Sunday Sales - North Grand Seafood, 823 Wheeler Street, Ste 1
10. Requests from Ames Main Street (AMS) for Downtown Dollar Days event on Thursday, January 27 through Sunday, January 30, 2022:
    - a. Motion approving blanket Temporary Obstruction Permit.
    - b. Resolution approving waiver of parking meter fees and enforcement in the Downtown District on Saturday, January 29, 2022
    - c. Resolution approving request from Ames Main Street for Saturday, January 29, to transfer \$1,379.25 from the Local Option Sales Tax Fund to the Parking Fund
  11. Resolution approving and adopting Supplement No. 2022-1 to *Municipal Code*
  12. Resolution approving appointment of Council Member Anita Rollins to the Ames Economic Development Committee (AEDC)
  13. Resolution approving application for Procurement Card for Council Member Anita Rollins; setting the spend limit at \$2,000/transaction, \$3,000/day, and \$5,000/monthly billing cycle
  14. Resolution approving Memorandum of Agreement between the City and Iowa Department of Natural Resources for the South Skunk River Water Trail
  15. Resolution approving preliminary plans and specifications for S. 16<sup>th</sup> Street Improvements; setting February 16, 2022, as bid due date and February 22, 2022, as date of public hearing
  16. Resolution waiving formal bidding requirements and authorizing purchase of Black Box Network Services 12-Month Comprehensive Service Plan in the amount of \$55,107.77
  17. Resolution approving Change Order No. 1 to STI Continuous Emission Monitoring System (CEM) Services, LLC, of Waldron, Arkansas, for monitoring Power Plant emissions to ensure compliance with operating permits in the amount of \$48,483.20 (inclusive of sales taxes)
  18. Resolution approving Change Order No. 1 to VIM Technologies of Glen Burnie, Maryland, for monitoring CEMS data and reporting in the amount of \$24,200
  19. Resolution approving Change Order No. 1 to Northeast Products and Services of Fleetwood, Pennsylvania, for Accessible Kayak Launch project at Ada Hayden Heritage Park in the amount of \$11,681

**PUBLIC FORUM:** This is a time set aside for comments from the public on topics of City business other than those listed on this agenda. Please understand that the Council will not take any action on your comments at this meeting due to requirements of the Open Meetings Law, but may do so at a future meeting. The Mayor and City Council welcome comments from the public; however, at no time is it appropriate to use profane, obscene, or slanderous language. The Mayor may limit each speaker to three minutes.

**PLANNING & HOUSING:**

20. Staff Report regarding Grove Avenue Re-Direction Area

**HEARINGS:**

21. Hearing on rezoning of 23959- 580<sup>th</sup> Avenue from Agricultural “A” to Intensive Industrial “II:”
  - a. First passage of ordinance
22. Hearing on proposal for the City of Ames to lease its right, title, and interest to property locally known as 205 South Walnut, Ames, to Heartland Senior Services for a period of 50 years:
  - a. Motion to continue hearing to January 25, 2022

**WATER & POLLUTION CONTROL:**

23. Story County Saturated Buffer/Bio-Reactor Project:
  - a. Resolution approving 28E Agreement for fiscal agent assistance with Iowa Department of Agriculture and Land Stewardship - Division of Soil Conservation and Water Quality, City of Ames, and Story County Soil & Water Conservation District
  - b. Resolution approving Agreement among Story County, Iowa; Story County Conservation Board; and the City of Ames for funding assistance for water nutrient removal practices

**ELECTRIC:**

24. Resolution waiving formal bidding requirements and authorizing Professional Consulting Services Contract with MCR Performance Solutions, LLC, of Deerfield, Illinois, in the amount of \$94,500 for MISO Transmission Rate Review and Calculation

**ADMINISTRATION:**

25. Staff Report regarding COVID-19 Meeting Policies

**ORDINANCES:**

26. Second passage or ordinance revising the standards for detached garages and accessory buildings and nonconforming structures
27. Second passage of ordinance changing the name of Squaw Creek Drive to Stonehaven Drive
28. Second passage of ordinance amending the parking regulations to incorporate the renaming of Squaw Creek Drive to Stonehaven Drive

**DISPOSITION OF COMMUNICATIONS TO COUNCIL:**

**COUNCIL COMMENTS:**

**ADJOURNMENT:**

**Please note that this agenda may be changed up to 24 hours before the meeting time as provided by Section 21.4(2), *Code of Iowa*.**

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

AMES, IOWA

DECEMBER 21, 2021

The Special Meeting of the Ames City Council was called to order by Mayor John Haila at 6:01 p.m. on the 21<sup>st</sup> day of December 2021, in the City Council Chambers in City Hall, 515 Clark Avenue, pursuant to law. Present were Council Members Gloria Betcher, Bronwyn Beatty-Hansen, Amber Corrieri, Tim Gartin, Rachel Junck, and David Martin. *Ex officio* Member Trevor Poundstone was also present.

**CONSENT AGENDA:** Mayor Haila noted that the one item on Consent: Resolution approving the Restrictive Covenants and Regulations for Single-Family Homes in the Baker Subdivision (321 State) was requested to be pulled by staff due to a few changes that still needed to be done.

**ORDINANCE ADOPTING MAP ESTABLISHING NEW WARDS AND PRECINCTS:** City Attorney Mark Lambert explained that at the last City Council meeting it was decided to go with the County's map. He put the Ordinance together based on the approved map and what the Council received is what the new wards and precincts will be for the next ten years.

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

Moved by Corrieri, seconded by Betcher, to pass on first reading an ordinance adopting the map and establishing new wards and precincts.

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

Moved by Corrieri, seconded by Betcher, to suspend the rules necessary for the adoption of an ordinance.

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

Moved by Betcher, seconded by Corrieri, to pass on second reading an ordinance adopting the map and establishing new wards and precincts.

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

Moved by Beatty-Hansen, seconded by Betcher, to pass on third reading and adopt ORDINANCE NO. 4452 adopting the map and establishing new wards and precincts.

Roll Call Vote: 6-0. Ordinance 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. 21-629 approving the Memorandum of Agreement between the City and Story County regarding the federal census block information.

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

**WORKSHOP ON CLIMATE ACTION PLAN:** Assistant City Manager Deb Schildroth stated the project team has changed with the departure of Kayley Barrios Lain. Ms. Schildroth, Public Relations Officer Susan Gwiasda, and Sustainability Coordinator Merry Rankin will continue leading the project.



Sustainability Solutions Group (SSG) representative Naomi Devine, who joined the meeting electronically, stated that the meeting objectives were to inform the Steering Committee members about target setting by taking a deeper dive on what it means and how it connects to low-carbon action planning, target options developed by SSG, and engagement outputs regarding target setting. Ms. Devine explained the Workshop will be conversational-based, and then provided a brief overview on where SSG was currently and the process going forward.

Target Setting Review: Yule Herbert, SSG representative, joining the meeting electronically, stated that a target does not guarantee success or a pathway forward. He noted that a target is enabled by a common understanding of the target, a pathway to get there, a way to align decision-making with the pathway, allocation of resources, and adaptive mindset and response.

Council Member Gartin asked to what degree the target was binding. He explained that he is struggling with finding an aspirational goal that doesn't bind them to anything and it doesn't matter if they hit it or not or is it going to be a standard by how the City does a process. Mr. Herbert stated that a target is a signal, and it sets where the City of Ames lands, which will have implications as to how people look at the community. The target helps guide the level of ambition that the City should embed in the actions SSG is modeling. The City will need to develop a viable pathway to decarbonize all cars that drive around Ames, businesses, and households. Two key pieces are a signal and a pathway for how to get there. Mr. Gartin is worried that there will be some people who will be very disappointed and feared the community will be disappointed with a lack of commitment.

Council Member Beatty-Hansen stated that whatever target the City Council decides on will help SSG set up the model as to what needs to be done. She noted that SSG will take the goal of the City Council and set up a pathway.

Council Member Martin said the Council should not be concerned with the commitment by the City at this point. He said that target-setting was discussed previously, and it has to come first in order for the consultants to put together the pathway, but it does not commit the City to anything.

SSG Representative Brittany MacLean, who also joined the meeting electronically, explained that it was more of a directive for SSG to move forward and to come back with a road map for more engagement opportunities. She mentioned that when looking as far out as 2050 it is somewhat aspirational, but SSG will provide interim updates. Ms. MacLean asked where Ames wanted to be in 2030, and that SSG would be able to provide some detailed analysis around what it would take to decrease to a certain point by 2030.

Mayor Haila inquired if a target is set, and that target becomes unachievable for the City of Ames, would SSG go back to do additional revisions until the City could reach a target that it can agree on. Ms. MacLean stated there are some iterations that can be done, but they could not provide unlimited iterations because of the timeline. SSG will take directives from this meeting, provide an analysis based on those directives, and present them to the Supplemental Input Committee and Council for feedback.

Ms. Devine went over an example of two low-carbon scenarios that had a target versus no target set (evidence based). She explained that SSG creates low-carbon Climate Action Plans and will look to the City for guidance as to how far and how fast the City wants to go to get there. Ms. Devine noted that any target-setting won't constrain SSG from being successful in putting together a Plan for the City of Ames to get to a low-carbon future.

Council Member Martin inquired what would happen if SSG develops all these results and it turns out there is "not an appetite" to take them all on as originally thought. He noted that it stood to reason that some of the items represented in the wedge diagram would be independently controllable, i.e. passing an ordinance or providing funding. Mr. Martin asked if Council elected to postpone one or two, could SSG estimate the impact that would have on the timeline. Mr. Herbert confirmed SSG would be able to adjust the model to show the impact on the items Council might want to remove or postpone.

Mayor Haila asked SSG in the example that was shown how the community responded to the proposed retrofits and all the investments necessary. Ms. Devine stated the community, in the example shown, wanted an aggressive target and wanted a science-based aligned target. Mayor Haila asked what the overall cost was for that example, Ms. Devine commented that SSG did not have that information available. She deferred to Mr. Herbert for examples of costs with targets similar to Ames. Mr. Herbert mentioned that Holly Hills is similar in size to Ames with approximately 60,000 people, and they are aggressive in their approach with a target of being net-zero by 2030. Council Member Gartin asked if those financials were public record and could be shared. Mr. Herbert confirmed that they were and would provide the information to the Council.

Council Member Betcher wanted to make sure she was looking at the "creating a pathway: low carbon assumption (building)" correctly, as it looks like the older building will need more retrofitting. Ms. Betcher was curious if the community shown had more pre-1980 buildings or post-1980 buildings. She stated that the old communities are going to be hit harder at the beginning of the process because that is more "bang for the buck." Ms. Betcher commented that she can understand SSG point of view, but the low-income communities are the ones that can't afford the retrofit. Ms. Devine mentioned that it would be beneficial to offer an incentivizing program to allow the retrofit to be done, and how those incentives are rolled out is unique to each community.

Engagement Update: Ms. MacLean reviewed the engagement summary and went over the survey results. SSG did analyze the results three times and did not find much variance between the three analyses. It was noted that during the analysis some people were identified as non-residents of Ames, and there were a few IP addresses that were from out of state, but they could be residents of Ames. Ms. MacLean recapped the survey results that Council had received prior to the meeting. There were 902 responses, but it's still not a statically relevant survey. The demographic data that was collected was close to the representation of Ames.

Council Member Betcher noted that given the survey results, it seemed odd that SSG's recommendation was not the science-based target. Ms. MacLean advised that she will go into further detail about why SSG is recommending building from the ground up.

Council Member Martin stated that a lot of people took offense to the questions asking for

demographic information. Ms. MacLean explained that demographic information was asked to make sure that the community was represented by a diverse community. Ms. Devine noted that there was an option to not provide any demographic information. Mr. Martin asked for a statement to be added at the beginning of the survey to explain why demographic information was being asked for.

Supplemental Input Committee Outreach & Workshop: The Supplemental Input Committee was asked to reach out to their sectors and ask specific questions related to the project. Ms. MacLean noted there were some emergent themes that came up. One of the themes was the Plan was greater than the Target and the City should start making progress. She mentioned that the community was really wanting action and were ready to start implementation. The survey also showed citizens were concerned with equity, lower income, and how SSG can create a process to make sure everyone is included. Ms. MacLean then showed some examples of comments that were heard during the Workshop.

Recommended Approach: Ms. MacLean explained that at this point SSG was recommending developing a bottom-up pathway for the City to arrive at a target that reflects local circumstances in Ames and the effort required to address climate change. She noted that while there was support for the science-based option, there were a lot more questions and hesitancy about that process. The bottom-up approach gives the Council the option to move at its own pace.

Council Member Martin stated that SSG mentioned that there had been a lot of hesitancy, and he wanted to know who that information was coming from. He asked if it was the Council, Supplemental Input Committee, or the community. Ms. MacLean noted it was a combination of all of them. Mr. Martin wanted to be clear that the hesitancy was equally distributed from all three groups mentioned earlier.

Council Member Gartin asked Ms. Rankin what her recommendation would be. Ms. Rankin noted that the consultants were brought in for their expertise with putting these types of plans together and would defer to them. She explained that when looking at Climate Action Planning, the City should consider how it can ensure the efficiency of what staff is demanding within the community and infrastructure, so that when those transitions are being done, it will be in the leanest most-efficient manner possible.

Council Member Betcher inquired if the Council were to go with the evidence-based model would it create the perception that the Council was dragging its feet on moving forward with the Plan. Ms. MacLean stated it wouldn't slow down the process at all from SSG's end. She explained evidence-based and science-based models have a very similar process; they could get to the same point in the end. Council Member Martin stated he understood Ms. MacLean, but was hesitant on the message that would be conveyed to the public on how seriously Council was taking this Climate Action Plan.

Mayor Haila asked SSG for help in understanding some of the data in their Report regarding energy consumption and transportation for every building and vehicle within the City. He also wanted to know how to balance areas over which the City has no control. Examples given were the Ames Community School District, Department of Transportation, Animal Disease Lab, and others that have their own vehicle usage. It was asked how SSG had dealt with other communities who had similar situations. Ms. MacLean stated that is a complication of developing a Climate Action Plan because it is a community-based plan. No one entity can implement on its own as it requires participation from every sector; the

City will not have complete control. Ms. Devine said communities that do this well form strong partnerships with the other entities to help with the implementation, and the partners share in the responsibility, but the municipality needs to be the leader.

Mayor Haila wanted to know if SSG had worked with other University communities. Mr. Herbert indicated that there was a community where a CAP roundtable was formed to create dialogue and buy-in from the other entities and employers within that city. He stated Universities can be a powerful partner and the City has a very good relationship with ISU. The Mayor explained that the City had not had any conversations with ISU or the School Districts about setting a Target. Ms. MacLean mentioned that another similar community had developed a Memorandum of Understanding between the City and the University to make sure there were goals for each one entity and outlined any funding. The Mayor asked when the University was brought into that process. Ms. MacLean noted the University was on the initial subcommittee.

Council Member Betcher noted some of the comments were regarding funding for the Climate Action Plan. She noted if the Council went with the evidence-based approach, the City may miss out on the opportunity to apply for funding. Ms. Betcher asked if the City would benefit from having a science-based target. Ms. MacLean stated what SSG had seen was that having a plan was enough for funding. Funders want to see a plan and some type of commitment from communities.

Council Member Beatty-Hansen stated the evidence-based model could possibly get the City to the same place, but there would be a lot of value to taking a stance on a Target as it would be signaling and motivating. She explained that cost would be an issue, but the cost of inaction is significant, and people don't see that. Even though the consultant is recommending an evidence-based approach Ms. Beatty-Hansen felt now is the time for Ames to step-up and declare an ambitious goal. She said it was the City's responsibility not only to the citizens and the global community but for future generations as well.

Moved by Beatty-Hansen, seconded by Junck, to adopt the science-based fair share approach, setting the target at an 83% reduction of Greenhouse Gases by 2030, and net-zero emissions by 2050.

Council Member Corrieri agreed with Council Member Beatty-Hansen, but with any of the Targets there are going to be complications and the Council cannot make everyone happy. Ms. Corrieri was concerned with the message the Council will send to the community, she would like the message to convey where the City wants to go along with realistic expectations. Changes will occur and the timeline might have to be adjusted. She explained that giving people a strong sense of where you want to head while still being realistic and honest with them about the process is the best option.

*Ex Officio* Poundstone noted that the students' most popular choice was the Science-based approach.

Council Member Gartin noted all the Council wants to see a reduced carbon footprint. He is very proud of the City's track record thus far, but stated he liked SSG's recommendation of evidence-based. Mr. Gartin explained that the evidence-based approach gives the Council a chance to evaluate the viability of the suggestions it is given. He stated the science-based approach will lead to cuts in funding to other programs and an increase in taxes. He noted that he therefore, would be voting against the

motion.

Council Member Martin noted the Council was not ignoring the data, but there are no data. He appreciated the concern for disappointment and hopes the citizens of Ames realize what has been adopted and understand Ames is committed to doing its part globally. He hoped the community will provide some leeway on measuring the progress. Mr. Martin emphasized that, if the motion passed, it would not be a commitment by the Council to do anything, but direction for the team to pursue further recommendations.

Council Member Gartin responded that if the Council knew there were significant financial obligations around the corner, it could make financial decisions. He noted that next month budget discussions will start. Mayor Haila clarified the budget has already been set. The timeline is September or October 2022 for the Climate Action Plan to be complete. There will be nothing wrapped into the budget this year.

Council Member Betcher stated by setting a goal that is aspirational is helping move forward, but it is not obtainable. She explained she is conscious of people that say, “the Council is always giving lip service and never puts the money where their mouth is, and a Plan will be done, and nothing will ever be done with it.” She expects that if the Target is going to be set then Council will need to “Put the money where their mouth is.” Ms. Betcher stated the Council will need to figure out a communication plan and education plan that is going to help the community understand the nature of the Target better than what is currently being done. She will support the motion, but only with the understanding that the target can be modified.

Council Member Junck commented that she was in support of the motion. She would like to see the menu of items that will get the City to the target as quickly as possible. Ms. Junck didn't know if the City could meet any of the goals, but they are only goals. The Council can't say if any of the goals are realistic or not because they haven't had the set of actions outlined for them. She explained that the Council shouldn't insinuate that they may need to cut funding or programs when they have no idea what the associated costs would be.

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

**DISPOSITION OF COMMUNICATIONS TO COUNCIL:** None

**COUNCIL COMMENTS:** *Ex Officio* Poundstone stated there is strong support from the student population to go green and support the Plan. He felt the students would be involved in any steps they can make to help reduce emissions.

Council Member Gartin commented that this is Council Member Martin's last meeting, and he felt Mr. Martin has been a model City Council Member. He thanked Mr. Martin for his thoroughness, heart, and brain power that he has brought to the Council. Mr. Gartin noted that Mr. Martin will be missed.

Council Member Betcher mentioned that she will miss Mr. Martin's technological expertise.

Council Member Martin explained that an email was received from Drew and Tammy McConnell about a rental situation. He mentioned that he had forgotten what Council's role was in the process, as to whether they have discretion to make different decisions or not.

Moved by Martin, seconded by Junck, to ask staff for a memo regarding Drew and Tammy McConnell's rental situation from.

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

Mayor Haila stated tonight had been a great example of civil discourse as the Council Members do not always agree, but they were unified and able to move forward. He noted that the Council will be asked to schedule a Special Meeting for the Consent Item that was pulled earlier tonight to review the covenants for the Baker Subdivision.

**ADJOURNMENT:** Moved by Martin to adjourn the meeting at 8:03 p.m.

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Amy L. Colwell, Deputy City Clerk

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John A. Haila, Mayor

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Diane R. Voss, City Clerk

**MINUTES OF THE SPECIAL MEETING OF THE AMES CITY COUNCIL**

**AMES, IOWA**

**DECEMBER 29, 2021**

The Special Meeting of the Ames City Council was called to order by Mayor Pro-Tem Amber Corrieri at 2:05 p.m. on the 29<sup>th</sup> day of December, 2021. As it was impractical for the Council Members to participate in person, Council Members Tim Gartin, Rachel Junck, and David Martin. Mayor Haila and Council Members Gloria Betcher and Bronwyn Beatty-Hansen were absent. *Ex officio* Member Trevor Poundstone was also absent.

**RESTRICTIVE COVENANTS AND REGULATIONS FOR SINGLE-FAMILY HOMES IN BAKER SUBDIVISION (321 STATE):** Moved by Gartin, seconded by Junck, to adopt RESOLUTION NO. 21-629 approving the Restrictive Covenants and Regulations for Single-Family Homes in the Baker Subdivision (321 State).

Roll Call Vote: 4-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

**DISPOSITION OF COMMUNICATIONS TO COUNCIL:** None

**COUNCIL COMMENTS:** Council Member Martin asked if the Council wanted to express any other aspects of negotiations for the Lincoln Way Development would they have the chance at a future meeting. City Manager Steve Schainker stated he would need some direction from the City Council if any specific provisions or negotiations need to be added.

**ADJOURNMENT:** Moved by Martin to adjourn the meeting at 2:08 p.m.

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Amy L. Colwell, Deputy City Clerk

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Amber Corrieri, Mayor Pro-Tem

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Diane R. Voss, City Clerk

**MINUTES OF THE MEETING OF THE AMES AREA  
METROPOLITAN PLANNING ORGANIZATION (AAMPO)  
TRANSPORTATION POLICY COMMITTEE,  
SPECIAL MEETING OF THE AMES CONFERENCE BOARD, AND  
REGULAR MEETING OF THE AMES CITY COUNCIL**

AMES, IOWA

DECEMBER 14, 2021

**AMES AREA METROPOLITAN PLANNING ORGANIZATION (AAMPO)  
TRANSPORTATION POLICY COMMITTEE MEETING**

**CALL TO ORDER:** The Ames Area Metropolitan Planning Organization (AAMPO) Transportation Policy Committee meeting was called to order by Ames Mayor and voting member John Haila at 6:00 p.m. on the 14<sup>th</sup> day of December, 2021. Other voting members present were: Bronwyn Beatty-Hansen, City of Ames; Gloria Betcher, City of Ames; Amber Corrieri, City of Ames; Tim Gartin, City of Ames; Rachel Junck, City of Ames; David Martin, City of Ames; Linda Murken, Story County Supervisor; and Bill Zinnel, Boone County Supervisor. Jacob Ludwig, Transit Board, and Jon Popp, Mayor of Gilbert, were absent

**HEARING REGARDING AMENDMENT TO THE FFY 2022-2025 TRANSPORTATION IMPROVEMENT PROGRAM:** Public Works Director John Joiner mentioned there were two projects that had the project limits slightly modified. This public hearing is a required step by the Iowa Department of Transportation (IDOT). Director Joiner said there were no comments received from the public.

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

Moved by Betcher, seconded by Murken, to approve the Amendment to the FFY 2022-2025 Transportation Improvement Program.

Vote on Motion: 9-0. Motion declared carried unanimously.

**POLICY COMMITTEE COMMENTS:** No comments were made.

**ADJOURNMENT:** Moved by Murken to adjourn the Ames Area Metropolitan Planning Organization Transportation Policy Committee meeting at 6:01 p.m.

**SPECIAL MEETING OF THE AMES CONFERENCE BOARD**

The Regular Meeting of the Ames Conference Board was called to order by Chairman John Haila at 6:05 p.m. on December 14, 2021. Present from the Ames City Council were Bronwyn Beatty-Hansen, Gloria Betcher, Amber Corrieri, Tim Gartin, Rachel Junck, and David Martin. Linda Murken, Lisa Heddens, and Latifah Faisal represented the Story County Board of Supervisors. Other members in attendance were: Kelly Winfrey, Ames Community School Board of Directors. Joe Anderson, Nevada School Board of Directors was brought in via Zoom. Gilbert School Board of Directors and United Community School Board of Directors were not represented.



**APPROVING MINUTES OF CONFERENCE BOARD MEETINGS HELD FEBRUARY 23, MARCH 23, MAY 11, MAY 13, JULY 27, AND OCTOBER 14, 2021:** Moved by Beatty-Hansen, seconded by Heddens, to approve the Minutes of the Conference Board Meetings held on February 23, March 23, May 11, May 13, July 27, and October 14, 2021.

Vote on Motion: 3-0. Motion declared carried unanimously.

**AUTHORIZING THE HUMAN RESOURCES DEPARTMENT TO POST THE CITY ASSESSOR JOB VACANCY TO CLOSE ON JANUARY 28, 2022:** Assistant City Manager Deb Schildroth noted that, in November, the Examining Board was put together to work on getting a registered list of qualified Assessors. The list has been received and there are approximately 207 names on the list, but half of those are retired. There are 21 new names on the list compared to last year's list. Staff will proceed with sending out letters to all the qualified applicants letting them know of the open position and to apply if interested. She stated they will also include in the letter the activities that have taken place over the past year. Authorization from the Conference Board was needed to post the position.

The Mayor asked Ms. Schildroth to speak about what type of communication is going to be done regarding the Report that the Department of Revenue did. Ms. Schildroth noted that the Report is a public document and staff will make sure it is available to anyone who wants to review it. If there are any specific questions about the Report, they will be referred to Julie Roisen with the Department of Review as she prepared the Report.

Moved by Junck, seconded by Heddens, to authorize the Human Resources Department to post the City Assessor job vacancy and to close the posting on January 28, 2022.

Vote on Motion: 3-0. Motion declared carried unanimously.

**APPOINTING A SUBCOMMITTEE FOR CITY ASSESSOR INTERVIEW PROCESS:** Assistant City Manager Deb Schildroth explained that as part of the interviewing process staff is recommending having a subcommittee be a part of the process. She asked that there be an individual from each of the jurisdictions to help with crafting the questions and interviewing the candidates. Ms. Schildroth commented that the Conference Board should be included in the process.

The Mayor noted that the role of the Examining Board is to obtain a list of candidates, and after speaking with the City Attorney, the Conference Board can be included in the interview process with potential candidates. The final decision will come back to the Conference Board. Story County Supervisor Lisa Heddens asked to clarify if the entire Examining Board would be interviewing candidates or just a subcommittee. The Mayor indicated that either the entire Examining Board would do the interview process or a subcommittee could perform those tasks.

Council Member Betcher inquired how a subcommittee would differ from the Mini-Board. The Mayor said he did not have an answer to that question. Ms. Schildroth stated that her understanding is that one of the main duties of the Mini-Board is to review the budget that the Assessor's office

puts together. She commented that at this time they are still trying to figure out who is on the Mini-Board.

Moved by Winfrey, seconded by Anderson, to nominate Dr. Allen Bierbaum from the Ames Community School Board to serve as the representative for the School Boards on the subcommittee.

Moved by Martin, seconded by Betcher, to nominate John Haila to serve as the City Council representative on the subcommittee.

Moved by Murken, seconded by Faisal, to nominate Supervisor Lisa Heddens to serve as the representative for Story County on the subcommittee.

Moved by Gartin, seconded by Murken, to approve the appointment of Dr. Allen Bierbaum, Mayor John Haila, and Supervisor Lisa Heddens to serve as the members of the subcommittee for the City Assessor interview process.

Vote on Motion: 3-0. Motion declared carried unanimously.

**CONFERENCE BOARD COMMENTS:** No comments were made.

**ADJOURNMENT:** Moved by Heddens to adjourn the Ames Conference Board meeting at 6:18 p.m.

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

The Regular Meeting of the Ames City Council was called to order by Mayor John Haila at 6:20 p.m. on December 14, 2021, in the City Council Chambers in City Hall, 515 Clark Avenue, pursuant to law. Present were Council Members Gloria Betcher, Bronwyn Beatty-Hansen, Amber Corrieri, Tim Gartin, Rachel Junck, and David Martin. *Ex officio* Member Trevor Poundstone was also present

**GOVERNMENT FINANCE OFFICERS ASSOCIATION DISTINGUISHED BUDGET PRESENTATION AWARD FOR FY 2020/21 AND FY 2021/22:** Mayor Haila presented the award to Finance Director Duane Pitcher and Nancy Masteller. The 2020/21 and 2021/22 Budget was submitted to the Government Finance Officers Association (GFOA) of the United States and Canada. The Award was reviewed by the GFOA professional staff and by outside reviewers. These are the 35<sup>th</sup> and 36<sup>th</sup> consecutive years that the City of Ames has been honored with the award. Mayor Haila said that approximately 1,500 cities, counties, and school districts in the United States and Canada annually receive this Award. For budgets submitted for 2020/21, ten cities and three counties in Iowa received the Award.

Finance Director Duane Pitcher thanked the Mayor, Council Members, and staff for their support. He explained the Award felt extra earned after going through the derecho, pandemic, and staff turn-overs.

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

1. Motion approving payment of claims
2. Motion approving Report of Change Orders for period November 16 - 30, 2021
3. Motion approving Minutes of Special City Council Meetings held October 28, 2021, November 16, 2021, and December 2, 2021, and Regular City Council Meeting held November 23, 2021
4. Motion setting the following Special City Council meeting dates:
  - a. January 18, 2021, at 5:15 PM for CIP Work Session
  - b. January 28, 2021, at 2:00 PM for Budget Overview
  - c. February 1, 2, 3, and 8, 2021, at 5:15 PM for Budget Hearings and Wrap-Up
5. Motion setting January 25 and February 22, 2022, as Conference Board meeting dates
6. Motion approving renewal of the following Beer Permits, Wine Permits and Liquor Licenses:
  - a. Class C Liquor License with Sunday Sales - 1 Night Stand, 124 Welch
  - b. Class C Liquor License with Sunday Sales - Cyclone Liquors, 626 Lincoln Way
  - c. Class C Liquor License with Outdoor Service and Sunday Sales - Mickey's Irish Pub, 109 Welch Avenue, Pending Dram Shop Insurance
  - d. Class C Liquor License with Outdoor Service and Sunday Sales - Café Beau, 2504 Lincoln Way
  - e. Class B Beer with Outdoor Service and Sunday sales - Torrent Brewing Co., LLC, 504 Burnett Avenue
  - f. Class C Liquor License with Sunday Sales - Time Out, 120 Kellogg Avenue
7. Motion accepting bi-annual Sustainability Coordinator Report regarding FY 2021-22 Activities
8. RESOLUTION NO. 21-600 approving appointment of Michael Zenor to the Zoning Board of Adjustment
9. RESOLUTION NO. 21-601 approving appointment of Kyle Hauswirth to the Public Art Commission
10. RESOLUTION NO. 21-602 setting January 11, 2022, as date of public hearing for approval of a lease for the property at 205 S. Walnut Avenue to Heartland Senior Services
11. RESOLUTION NO. 21-603 approving Commission on The Arts (COTA) Spring 2022 Special Project Grant contracts
12. Ladder Truck 3 Refurbishment:
  - a. RESOLUTION NO. 21-604 waiving Purchasing Policies and approving a sole source contract to Reliant Fire Apparatus, Inc. (Pierce), of Slinger, Wisconsin
  - b. RESOLUTION NO. 21-605 awarding contract to Reliant Fire Apparatus, Inc. (Pierce), of Slinger, Wisconsin, for Ladder Truck Refurbishment in the amount of \$113,686
13. RESOLUTION NO. 21-606 approving preliminary plans and specifications for 2021/22 Pavement Restoration Program (Slurry Seal); setting January 19, 2022, as bid due date and January 25, 2022, as date of public hearing
14. RESOLUTION NO. 21-607 approving preliminary plans and specifications for 2021/22 Asphalt Pavement Improvements - Opal Drive (Jewel Dr to Crystal St), Opal Circle, Harcourt Drive (Garnet Drive to Jewel Drive), Turquoise Cir, and Top-O-Hollow Rd (Bloomington

- Road to Dawes Drive); setting January 19, 2022, as bid due date and January 25, 2022, as date of public hearing
15. RESOLUTION NO. 21-608 approving preliminary plans and specifications for 2021/22 Seal Coat Pavement Improvements & 2021/22 Water System Improvements - Stafford Avenue (E 13<sup>th</sup> Street to South End); setting January 19, 2022, as bid due date and January 25, 2022, as date of public hearing
  16. RESOLUTION NO. 21-609 approving preliminary plans and specifications for 2020/21 City Hall Parking Lot Expansion; setting January 19, 2022, as bid due date and January 25, 2022, as date of public hearing
  17. RESOLUTION NO. 21-610 approving preliminary plans and specifications for 2021/22 Traffic Signal Program (University Blvd & South Fourth Street); setting January 19, 2022, as bid due date and January 25, 2022, as date of public hearing
  18. 2020/21 South Dayton Improvements:
    - a. RESOLUTION NO. 21-611 approving Iowa Department of Transportation (IDOT) Funding Agreement for \$400,000 in U-STEP Grant funds
    - b. RESOLUTION NO. 21-612 approving preliminary plans and specifications; setting January 19, 2022, as bid due date and January 25, 2022, as date of public hearing
  19. Resource Recovery Primary Rotor Replacement:
    - a. RESOLUTION NO. 21-613 waiving Purchasing Policies and approving a sole source contract to Hennen Equipment, Inc. (Komptech USA), of Shakopee, Minnesota
    - b. RESOLUTION NO. 21-614 awarding contract to Hennen Equipment Inc. (Komptech USA), of Shakopee, Minnesota, in the amount of \$59,795.35
  20. RESOLUTION NO. 21-615 awarding contract to Electric Pump of Des Moines, Iowa, for Water Distribution System Monitoring Network in the amount of \$232,375
  21. RESOLUTION NO. 21-616 awarding contract to Safety Vision of Houston, Texas, for CyRide Bus Camera System for an initial purchase price of \$52,381.80, with the option to purchase additional equipment during the contract period with relevant approvals
  22. RESOLUTION NO. 21-617 awarding contract to MHC Kenworth of Des Moines, Iowa, for purchase of four reconditioned engines for CyRide buses in the amount of \$129,343.68
  23. RESOLUTION NO. 21-618 approving reduction in retainage for 2018/19 Sanitary Sewer Rehabilitation (Siphon)
  24. RESOLUTION NO. 21-619 approving reimbursement of \$64,006.10 to IDOT for US Highway 69 Improvements - Lincoln Way (Duff Avenue to Gilchrist Street)
  25. RESOLUTION NO. 21-620 accepting completion of 2020/21 Pavement Restoration Program (Slurry Seal)
  26. RESOLUTION NO. 21-621 accepting completion of 2020/21 Seal Coat Street Improvements (Franklin Avenue)
  27. RESOLUTION NO. 21-622 accepting completion of 2020/21 Power Plant Maintenance Services
  28. RESOLUTION NO. 21-623 accepting partial completion of public improvements and reducing security for Scenic Valley, 6<sup>th</sup> Addition

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

**PUBLIC FORUM:** Mayor Haila opened Public Forum.

Hector Arbuckle, 2503 Bruner Drive, Ames, stated he lives in University Village where many students live. While living in this location, he had noticed that a lot of the students are dependent on the bus lines and many of them do not have cars. He had noticed that on Stange Road, there are three CyRide bus stops, and when anyone has to get on or off the bus, they have to cross Stange Road. There is not a crosswalk or flashing beacon at any of these bus stops. Mr. Arbuckle commented that anyone who has to cross the road is exposed to four lanes of traffic and there is no warning to the cars that pedestrians are crossing the road. He indicated that the nearest crosswalk is about a quarter mile from the bus stop. It was asked to either change the CyRide routes or add some type of crossing so it would be safer for pedestrians to cross the road.

Richard Deyoe, 505-8th Street, #2, Ames, stated he wanted to improve the national motto. He noted that the City of Ames had created a tag line a couple of years ago. He mentioned that he doesn't know who God is and the national motto starts off saying "In God we Trust."

The Mayor closed public forum when no one else came forward to speak.

**HEARING REGARDING ADOPTION OF A NEW LONG-RANGE COMPREHENSIVE PLAN FOR THE CITY OF AMES (KNOWN AS AMES PLAN 2040):** Planning and Housing Director Kelly Diekmann noted it has been almost three years to the day since this process started with RDG at a Workshop meeting. On August 24, 2021, City Council had directed staff to finalize the public draft of the Ames Plan 2040 and seek public feedback during the month of September. In October, City Council reviewed the feedback and suggested changes. The Complete Comprehensive Plan was presented to the Planning and Zoning Commission in November to have a public hearing, and the Commission voted unanimously to approve the Plan.

Director Diekmann let everyone know that for anyone who wants to view the Plan or any of the history of the development of the Plan it is available on the City of Ames website under Planning and Housing. He is looking for City Council approval at this meeting of a Resolution to replace the City's 1997 Plan with Ames Plan 2040. It was noted that there was a second part to the Resolution acknowledging that, in the Fringe Plan, there is an Intergovernmental Agreement with Story County and the City of Gilbert regarding joint administration of the two-mile fringe until August 1, 2022. Staff believed that the City Council should establish that it will follow the 28E Agreement for subdivision procedures within the two-mile fringe during the life of the Agreement.

Staff plans to present a cooperative approach with Story County to City Council in January 2022 about an update to the Fringe Plan. Director Diekmann pointed out that he received correspondence from Story County asking for clarification on the second part of the Resolution. He explained that, per the Agreement, the City can only annex certain areas that are identified cooperatively, and the City will still follow that, but if the City wanted to initiate an annexation process to start studies etc., the City could do so without amending the Fringe Plan. The County requested to change the "will consider" to say "may initiate, but will not approve" any annexation while the current Fringe Plan

is in place. Director Diekmann noted that staff is fine with what the County is recommending as it doesn't change the Plan.

Council Member Gartin asked if the proposed change from Story County would not delay the process of approving the Ames 2040 Plan. Director Diekmann commented that it would not as it would just change a "whereas" in the Resolution.

Council Member Martin stated that on Page 64 of the Plan, it mentions the development guidelines on civic or public land designations. He mentioned the text is about what happens when civic or public land is acquired by someone who wants to use the land for private purposes. The idea of the bullet on Page 64 is to say that if someone purchases land from a civic or public land designation, by default it is okay to use the land for RN-3 with single-family zoning, but if the land is going to be used for any other purpose, an amendment to the Land Use Map will need to be requested. Mr. Martin explained that he brought this up because he was concerned if the language was strong enough to explain that the amendment had to be done or if it was just a suggestion to get the amendment. He felt that if in the Civic and Public Use section of the Plan, and a cross-reference to this point was provided in the other section, it would make it clearer. Director Diekmann explained that on Page 48 of the Plan is where the cross-reference note would appear. Mr. Martin noted that he would suggest adding the cross reference to make it easier to find.

Moved by Martin, seconded by Junck, to add a cross reference on Page 48 of the Plan indicating there is more information on Page 64 regarding civic or public land designations.

Director Diekmann stated that on Page 64 of the Plan, there is a bullet that states "although not mapped, University property may be considered a redirection area," and then under the Development Guidelines it says "civic or public land designations will require a Future Land Use Map Amendment prior to rezoning for any use other than RN-3 with single-family zoning." Mr. Diekmann noted that what is not clear is under the Public and Civic Uses on Page 48 of the Plan is that it doesn't indicate any tie to the redirection page (Page 64), and that is why the cross-reference would be beneficial; otherwise it would be easy to miss.

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

The Mayor opened public input.

Hector Arbuckle, 2503 Bruner Drive, Ames, congratulated the Council on the completion of the Plan. He noted that the Plan is better than the current Land Use Plan, but felt there were still some fundamental drawbacks. Mr. Arbuckle felt the new Plan still embraced the urban planning ideas of the 1920's and 1950's, which are autocentric hierarchical networks and separation of uses and densities. He commented that the Plan forbids diversified walkable communities. Personally, he felt that the City should no longer create exclusive low-density residential districts, exclusive high-density districts, or exclusive commercial districts, but should instead allow all neighborhoods to have diversified development of different uses and densities. Mr. Arbuckle would like to have

businesses and homes near each other so that there can be more integrated communities. He would like to repeal the restrictive minimum parking requirements, minimum lot sizes, minimum setbacks, maximum dwelling unit densities, and minimum frontage requirements. He would also like to see the City relax the restrictions on commercial buildings in residential areas so that all neighborhoods can have access to goods and services within a five-minute walk. Mr. Arbuckle commented that these changes wouldn't necessarily cost the City anything, but it may allow the City to get more tax value out of the same amount of infrastructure. He thought it would be interesting for the City to attempt to calculate the future cost liability of maintaining and replacing all the existing infrastructure over the next 50 years. He noted that it will likely be impossible to know for certain what the values would be, but a former resident of Ames did a rough calculation and it was found that Ames might need to increase its property tax revenue by over 40% in order to pay for the maintenance of the existing streets. Mr. Arbuckle would prefer to see the City do this type of calculation to see the accuracy of the data.

Kim Christiansen, 2985 South Dakota Avenue, Ames, questioned the Tier 2 designation on the south part of Ames. He explained that on Page 40 of the Plan, it defines Tier 2 as "infrastructure is available with extensions of existing lines under ½ mile." The southwest part south of Hwy 30 is included as Tier 2, and it should be Tier 3 based on the definitions. Mr. Christiansen pointed out that on Page 41, under the bullet for "East Development Region" under the second paragraph, it states "for example, the Tier 2 area of the Southwest Growth Region, also contiguous to existing urban development, could experience development during the planning period," it implies that because it is Tier 2, it will be considered part of the planning. He felt there may be an error in the definition between Tier 2 and Tier 3. His concern was that by definition, the southwest south of Hwy 30 should not be Tier 2, but Tier 3 because it is at least a mile and half from infrastructure.

When no else came forward, the Mayor closed the public hearing.

Mayor Haila asked Director Diekmann to answer Mr. Christiansen's question regarding the Tier 2 definition. Director Diekmann commented that some of the scenario work was pulled into that background and the map on Page 39 was a critical decision point to the Plan process. The City Council had looked at scenarios that had the land use patterns for housing, commercial, etc., and they liked the 15,000-person scenario. Staff had asked RDG along with HDR to put some sense of what was readily available and that is when they broke down the different areas into Tiers. The quote Mr. Christiansen had read is in the Plan, but in totality, Tier 2 was viewed as a second step of progression of development; it was not a policy filter that excluded everything. The area that Mr. Christiansen referred to has been shown as a Tier 2 since staff started the Ames 2040 Plan process. The Council didn't pick that area to be a focus of growth for the City so when looking at the Future Land Use Map it doesn't show anything specifically to the south as it does to the north of Highway 30. Director Diekmann stated he didn't view the one quote about the infrastructure segment at a ½ mile as being a directive. There is not a great policy that says anything must happen in the area, but more background information. Mayor Haila stated on Page 42 there is a chart that shows priority growth areas, and it looks as if area "B" on the map is all north of Highway 30. Mr. Diekmann explained

that the chart reflects the Council's choices of what to focus on for the main area of growth for the Plan.

Council Member Betcher inquired if it would be advisable for the Council, given that the Tier 2 description on Page 40 sounds like it is prescriptive, to add the word "typically" so anyone looking at the Plan in the future understands this is not definitive. Director Diekmann stated staff could add that word, but that page in the Plan is a history lesson and not a directive of the Policy. Ms. Betcher worried that future users of the Plan wouldn't view the information as history and may take it as something more policy-oriented for decision-making. She would feel more comfortable if the Council was not as definitive as they currently are, but she is not sure if saying "typically" is accurate. Mr. Diekmann stated he would need to go back over the matrix that identified infrastructure needs for each area, but off the top of his head is not sure at this time.

The Mayor indicated that in the next year or so there may be some minor changes to the Plan, and if the Council was comfortable moving forward with approval, staff could look into adding the word "typically" or not. Director Diekmann explained they could still proceed tonight with the Plan and make any word changes later as the intent doesn't change. Council Member Betcher commented that she is satisfied at this time, but would like it noted to look at her recommended change in the future.

Moved by Gartin, seconded by Junck, to approve Alternative 1a and 1b, but with the modification of 1b to change "will consider" to "may initiate, but not approve."

Council Member Martin said that the Council had received a lot of public input on the Plan, but hadn't discussed the scope of the comments received during City Council meetings. He wanted to say a few comments about his impression of the Plan. He thought the Council had tried to identify and channel the significant forces that the Council foresaw coming to them in the future. The Council has heard a lot of interest from the community about removing housing options in favor of a more future oriented approach with higher densities and few automobiles. Mr. Martin pointed out that the Plan and the map has the Neighborhood Core Mixed-Used (NCMU) areas in new areas to the north and the south. He mentioned that this would be good as this was a special subset of neighborhood core that is associated with walkable urban neighborhoods. As a Council, they have repeatedly expressed their desire for infill and redirection even though it is going to be expensive and controversial. Mr. Martin stated that the Council knows that people are going to want to work and live in Ames. Ultimately, Mr. Martin is unconvinced that, if the City prevented additional low-density housing in Ames, it would reduce greenhouse gas emissions because there are numerous commuters coming in and out of Ames everyday already. It was hard for Mr. Martin to imagine that, if the Council removed housing options that attract people to Ames, it would force people to want housing in high-density areas and they will still commute from nearby communities.

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

Moved by Gartin, seconded by Betcher, to adopt RESOLUTION NO. 21-624 adopting Ames Plan 2040 and recognizing that the Ames Urban Fringe Plan shall remain in effect for administration of



two-mile fringe until August 1, 2022, except that the City will consider annexation requests consistent with the Future Land Use Map of Ames Plan 2040 for the south and west expansion of the City without requiring amendments to the Fringe Plan.

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

**HEARING ON PROPOSED ZONING TEXT AMENDMENT TO THE STANDARDS FOR DETACHED GARAGES AND ACCESSORY BUILDINGS AND NONCONFORMING STRUCTURES:** City Planner Benjamin Campbell mentioned that Grant Thompson of 407 Pearson Avenue had contacted the City Council regarding his inability under *Municipal Code* to demolish and rebuild an existing, nonconforming, detached garage in the same location. The garage is at the rear corner of the lot with a straight driveway leading from the street. The garage is considered nonconforming with regard to its sides and rear-yard setbacks. Mr. Campbell explained that Mr. Thompson had stated that the garage was deteriorating, and he would like to replace it in the same location, but due to the configuration of the house on the lot, complying with the setback for a new garage will mean that the rear yard is mostly occupied by the new structure.

City Council had directed staff to proceed with two text changes in response to the request. The first was to modify the current rear yard accessory building setbacks along the rear lot line with the exception of three feet to apply to any building in the rear yard whether it is wholly behind the primary building or partially behind the primary building. The second was to amend the standards for nonconforming structures to enable existing accessory buildings to be demolished and replaced in the same location with the same dimensions.

The Planning and Zoning Commission met on November 3, 2021, to consider the proposed Text Amendments and voted 3-2 to recommend reducing the rear setbacks for detached garages and accessory buildings, allowing for the reconstruction of accessory structures in the same location as initiated by the City Council. Mr. Campbell indicated that the two Commission Members who voted nay did so in regard to grandfathering the nonconformities, but not in opposition to the reduced setback.

Council Member Gartin asked for clarification that the Text Amendment would not apply to just the Old Town area, but would be the entire City of Ames. Mr. Campbell confirmed that was correct. Mr. Gartin asked for a hypothetical situation where this Text Amendment would come into play. Mr. Campbell showed a couple pictures of houses where it would apply if the homeowner wanted to do something. Planning and Housing Director Kelly Diekmann pointed out that this would be a city-wide ordinance that will give a homeowner more options for side and accessory buildings. This was already a bifurcated standard; in the FS-RL (new suburban zones) zone; some of the homes have already benefitted from this rule while others didn't. By going to the three-foot yard requirement universally, it will ease administration consistency for staff as it will be one rule for everyone in the City.

Council Member Betcher stated that in the south campus area, there have been a number of garages taken down over the years because they couldn't be rebuilt, but the pads are still there. She noted that someone may want to rebuild would not be rebuilding, but building a new garage and wanted to know how this Text Amendment would impact those people. Mr. Campbell explained that the proposed changes for nonconformities would not apply retroactively. Director Diekmann mentioned that the way the *Code* is written for the rebuild option, the property owner would have 18 months from the time the structure was demolished.

Mayor Haila opened public input.

Grant Thompson, 407 Pearson Avenue, Ames, thanked the Council for taking up his request. He noted that, personally Option 2 in the Staff Report would be beneficial for his case, but felt that the three-foot side and three-foot rear addition from Planning and Zoning does give a bit of flexibility. Mr. Thompson said that the Amendment would be in keeping with the City's Goal to keep the City a vibrant place where people want to live, work, and have the ability to responsibly redevelop their properties.

The Mayor closed the public hearing when no one else came forward to speak.

Moved by Beatty-Hansen, seconded by Betcher, to pass on first reading an ordinance on a proposed Zoning Text Amendment to the standards for detached garages and accessory buildings and nonconforming structures to reduce the rear setback for detached accessory buildings and allow for the reconstruction of accessory structures in the same location and allow for reduced side-yard setbacks in the rear yard for single-story accessory buildings.

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

**FUTURE STATUS OF THE SCHOOL RESOURCE OFFICER PROGRAM IN THE AMES COMMUNITY SCHOOL DISTRICT:** City Manager Steve Schainker explained that the School Resource Office (SRO) program began in 1995/96 by the request of the Ames Community School District (ACSD). Originally, the Program included one full-time officer assigned to the Ames High School; however, in May 2019, the ACSD administrators requested a second SRO be assigned to the Ames Middle School. When the second SRO was added, a formalized agreement was approved between the City and the ACSD. Mr. Schainker stated that if anyone looked at the old Council Action Form from 2019, it emphasized that the SRO was not to be security officer for the schools, as that was never the intent of the City. The primary intent for the Program was to develop positive relationships with the youth in the schools. It has been well-documented that since the return of full-time, in-house classes in August 2021, the ACSD has faced many challenges in maintaining a stable and safe environment for all students. As a result, at the request of the ACSD administrators the SROs have spent more time during the recent months helping to restore order and enforcing ACSD rules than interacting with students in a more positive way to create the trusting relationships that were originally sought at the start of the Program. Realizing that this change in focus may not be meeting the needs of both parties, administrators from the City and ACSD have been discussing the future vision for the SRO Program.

Mr. Schainker said that it had become apparent during the discussions that the primary goals for the SRO Program for each party were diverging. The ACSD administrators believe that they have made the necessary changes in staffing and procedures to re-establish a stable learning environment and have reached a point where they would like to try other techniques and resources in lieu of utilizing Police Officers in the schools to serve the emotional and safety needs of the students. Mr. Schainker mentioned that, given the lack of a shared vision for the primary goal of the SRO Program at this time, and an indication that the ACSD officials would like to pursue a different service model, both the ACSD Superintendent and he are in agreement to recommend that the 28E Agreement related to the SRO Program not be renewed after June 30, 2022. He pointed out that the ACSD met and he believed the Board had adopted the Superintendent's recommendation and are giving notice to the City that they would like to discontinue the contract.

Mr. Schainker commented that he has been in contact with the City of Ames Police Chief and Chief Huff is in agreement with the decision that was made. Chief Huff has made progress in hiring more police officers, but once someone is hired, there is internal training and academy training. He noted that even though the Agreement will last until June 30, 2022, the Police Department does not have the workforce to provide two SROs, and the ACSD understood that there will only be one SRO for the remainder of the Agreement. Mr. Schainker didn't want anyone to believe that the City would stop providing safety at the schools. He noted that the officers will be there anytime there is an emergency, help the school with developing safety assessments for all the schools, and help develop emergency plans. It is the hope that the City will be asked to come back to the schools to help educate the students and staff on safety issues. The model is changing, and the City will move on; however, will still be supportive of the schools, students, and parents, but the safety will be done a different way.

Council Member Corrieri noted that she had watched the School Board meeting as she was interested as a Council Member and as a parent with kids in the District. During the first couple hours of the meeting, she saw teachers speaking through tears to describe the conditions that have been negatively impacting both the staff and students. There was a somewhat alarming presentation about the increase of staff absenteeism this year, and a request from the District to the Board to approve shortening the school day effective next semester to help mitigate some of the staffing shortages and to provide teachers with enough time to prepare for the day. Ms. Corrieri said that the Board then moved on to a discussion of ending the SRO program. She noted that the Program was deemed so successful that just two years ago the School District asked for a second officer to be added. Ms. Corrieri said that it seemed that a point, if you paid attention to the school district and some of the articles that have been published in the media, where we are cherry-picking statistics and allowing issues in other communities, and misguided agendas to led to where we have come to last night and tonight. She noted that if there is a motion, she will vote in favor of the City Manager's recommendation, but not because she thought the Program was not successful or necessary for the schools, but because she trusts the City Manager when he says, "the City's goals and the School District goals are not in alignment." As a Council Member, Ms. Corrieri, has a solid understanding of its goals, but she couldn't confidently say, as a parent, that she knows what the School District's goals are in fostering a safe, engaged, and relationship-oriented environment. Ms. Corrieri said, "that

probably the most unfortunate in all of this, in my eight years on City Council, I have routinely felt that we are not playing on the same team.” While the School District is responsible for the children during the school day, the kids are part of the community and the Council and the School Board should be working together to address the needs and priorities of the kids. She said she could safely speak for her colleagues when saying “we are here to help, even though past attempts have not been successful.” She didn’t think any of the Council was interested in running a School District, but they are interested in having meaningful discussion about how they can each use their resources and expertise to benefit the children. Ms. Corrieri didn’t believe that any of the Council Members believe that the SRO program coming to an end is a solution to any of the challenges facing Ames schools and she was confident that the Ames Police Department will continue to work in community policing and partnering with youth serving agencies to build relationships. The City’s goals remain unchanged with regard to how the Police Department views their role with the children and Ms. Corrieri hoped that in moving forward the School District recognizes that they are all on the same team and for the sake of the kids they should do a better job of working together.

Council Member Gartin wanted to add that he has been concerned that the discussions with the School Board have not adequately or fairly portrayed the work of the Ames Police officers and the SROs. He felt that people fail to remember the training that the SROs had received, and they try to engage the students in a positive way. He was proud of the work that the SROs have done and felt the SROs had been mischaracterized in their conduct. Mr. Gartin noted he appreciated Council Member Corrieri’s comments that were made.

Council Member Betcher commented that she agreed with Council Member Corrieri. She noted she is not a parent in the School District and doesn’t have first-hand experience of what is happening, and she appreciated the perspective that Ms. Corrieri brought to the discussion. Ms. Betcher wanted to point out that two years ago, in February 2020, the Council had approved the City Council’s Goals and Values and one of those was to meet with the Ames Community School District by the middle of 2020. Unfortunately, that was not done due to the pandemic, but Ms. Betcher was hopeful that the Council will continue to have the goal to work with the School District regardless of what happens with the SRO Program.

Moved by Beatty-Hansen, seconded by Junck, to approve the recommendation of the City Manager, which was to allow the Agreement for the City to provide School Resource Officers to not be renewed after June 30, 2022.

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

**XENIA WATER SERVICE TERRITORY:** Assistant City Manager Brian Phillips explained that on October 26, 2021, the City Council approved an Agreement with Xenia Rural Water District regarding the transfer of territory and Xenia’s operations within the City of Ames. The approved Agreement was subject to approval by Xenia’s Board of Directors and consent from the United States Department of Agriculture Rural Development (USDA). Mr. Phillips stated that Xenia has requested a couple modifications to the Agreement and the USDA has requested that the City of Ames submit an Assurances Agreement that addresses non-discrimination and related topics. He

noted that if approved by the City then Xenia's Board will approve the revised Agreement later in the week, and the executed Agreement should be available in a couple of weeks.

The Mayor opened public comment. It was closed when no one came forward.

Moved by Beatty-Hansen, seconded by Junck, to adopt RESOLUTION NO. 21-625 approving the revised version of the Agreement for Water Service Operations and Territory Transfer with Xenia Rural Water District.

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

Moved by Betcher, seconded by Corrieri, to adopt RESOLUTION NO. 21-626 approving Form RD-400-4 USDA Assurance Agreement for the Xenia Water Service Territory.

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

**CITY ATTORNEY TO PREPARE DRAFT ORDINANCE ON ESTABLISHING THE MAP OF NEW WARDS AND PRECINCTS:**

City Attorney Mark Lambert explained that present was GIS Coordinator Ben McConville who created the alternative maps. Attorney Lambert stated that Census happens every ten years and the legislature did the redistricting. Governor Kim Reynolds signed the new state legislative and Congressional districts into law on November 4, 2021. Iowa law requires that cities draw new wards and precincts. The precincts have to fit into the state legislative districts. The wards are the areas that the Council Members run from, and each ward has to contain approximately 16,600 residents. Attorney Lambert said that tonight the Council needs to choose a map and then direct him to draft an ordinance. It was noted that the Council started off with a map from the County, and back in October, the Council had wanted to look at the County map first and if they decided to reject the map, the City would create a different map. The City did not receive the map from the County Auditor's office until December 6, 2021, which was later than the City and the County had anticipated. Staff had discussed the options and decided to create a couple alternative maps for the Council to review. A motion would need to be made to consider all three maps and eventually a motion needs to be done to approve one of the maps to move forward. Mr. Lambert commented that the software that the Secretary of State's office purchased and provided to all the cities and counties was amazing. The software has the population in it, the census blocks, and state legislative districts.

Moved by Gartin, seconded by Beatty-Hansen, to move forward with the County map.

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

Council Member Beatty-Hansen stated that if the City can't consider demographics, the first map the City gets from the County is what it is. Attorney Lambert explained that the following items cannot be taken into consideration when drawing ward boundaries: 1) addresses of incumbents, 2) political affiliations of registered voters, 3) past election results, and 4) other demographic information beyond census head counts.

Council Member Gartin asked for clarification as to when the new maps would go into effect. Mr. Lambert stated the new precincts and wards will go into effect, per state law, January 15, 2022. He explained that even though the new maps go into effect on January 15, 2022, no Council Member will lose their seat due to the change. If more than one Council Member is put into the same ward, it will shorten the Council Member's term to two years, instead of four. Mr. Gartin stated his Ward 2 had changed boundaries and to clarify he would be representing new areas of the County as of January 15, 2022. Attorney Lambert commented that would be correct and would be tricky because if there is more than one incumbent in a ward, there are two representatives for one ward, but there is no way to avoid that until after the next election. He mentioned that he will do more research on having more than one incumbent in a ward and when the Council comes back to consider the ordinance, he will have a better answer to how that will be dealt with.

Council Member Gartin said that he is not sure how big of a deal it is going to be to have more than one incumbent in a ward as the Council Members are not focused on just their wards, but think broadly about the community. Each Council Member cares about the entire City.

Attorney Lambert mentioned that per state law the County Auditor's Office has seven to ten days to review the City's ordinance and give any feedback on it. He had spoken with the County Auditor and was told that they should be able to review the ordinance before the City's next Council meeting on December 21, 2021. The Mayor noted that the Council will need to make a motion to suspend the rules to approve the adoption of the Ordinance.

**CITY OF AMES PARTICIPATION IN THE NATIONAL OPIOID SETTLEMENT AND APPROVING THE NATIONAL OPIOID SETTLEMENT AGREEMENTS AND THE AGREEMENT AMONG THE STATE OF IOWA AND LOCAL GOVERNMENT ENTITIES:** City Attorney Mark Lambert stated that a few years ago there was a litigation filed and various lawsuits across the country suing opioid manufacturers and distributors seeking to recover costs by state and local governments in dealing with the opioid abuse epidemic. The federal courts combined all the cases into one case and now there is a big national settlement. The City was not one of the plaintiffs in the lawsuit, but have been invited and encouraged to sign on as a participant. Signing on to participate in the settlement does not guarantee that the City will receive any money. According to the terms of the settlement, the settlement funds will go to the State of Iowa, and then the State will allocate 50% of the funds to Iowa counties. The cities will have the opportunity to negotiate with their counties for a portion of the funds. It was pointed out that Story County had voted to be a participant in the lawsuit at its Board meeting. Both the State of Iowa and the County have asked that any cities over 10,000 people sign-on to participate in the settlement. The more counties that sign-on, the more money the State of Iowa will get. If any funds are received, the use of the funds would be limited to opioid abatement and prevention. His recommendation is to have the Council agree to sign on as a participant as he didn't see any downside to doing so.

Moved by Junck, seconded by Corrieri, to adopt RESOLUTION NO. 21-627 approving the City of Ames participation in the National Opioid Settlement, and approving the National Opioid Settlement Agreements and the Agreement among the state of Iowa and local government entities.

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

**RESTRICTIVE COVENANTS AND REGULATIONS FOR SINGLE-FAMILY HOMES IN BAKER SUBDIVISION (321 STATE):** Housing Coordinator Vanessa Baker-Latimer explained that the approval of the restrictive covenants and regulations for the Baker Subdivision is one of the final steps before homes can start being built. Last year, staff had approved a Plat of Survey, and they are 90% done with infrastructure (including the geothermal wells). The next step before they can start building homes or selling the lots is to develop the Restrictive Covenants and Regulations for the 26 single-family lots. She mentioned that she had been working with the Legal Department and Planning staff to put the covenants together. Ms. Baker-Latimer explained that she had worked with Legal staff on the Covenants and one of the attorneys had to leave to go out of the town and staff got the versions mixed up. The draft Restrictive Covenants and Regulations attached to the Council Action Form was the incorrect version.

Ms. Baker-Latimer clarified the following corrections were done:

1. On Page 2, Number 6, it states, “all lots may have fences in the rear yard only,” and should include the side yard as well. It will state “all lots may have fences in the rear and side yard only”
2. On Page 3, Section i: remove the wording “tonnage exceeds 3.25 tons”
3. On Page 3, Section l: remove the word “street”
4. On Page 4, Section o: remove the word “annoyance”
5. On Page 4, Section p: add the word “cats” to the last sentence
6. On Page 4, Section q: adding the “within six months” to the end of the first sentence
7. On Page 4, Section r: remove “12 months” and change it to “18 months”
8. On Page 5, Section u: remove the word “Christmas” and change it to “Holiday”

Council Member Gartin questioned the change to Page 4, Section “r,” as he thought *the City Code* directed that sidewalks be completed within 18 months. Ms. Baker-Latimer explained that they are trying to allow a little more time for the sidewalks to be put in due to weather. Mr. Gartin asked if the 18 months was the same standard as other Subdivision Covenants. Ms. Baker-Latimer mentioned the 18 months is a couple more months than the standard.

Council Member Junck inquired on Page 4, Section p where dogs and cats must be tied, controlled, or contained within the Lot by an underground, invisible fence, or on a leash at all times. She noted that it only lists an invisible fence, but asked if a regular fence would be okay as well. Ms. Baker-Latimer confirmed it would be.

Council Member Beatty-Hansen stated she had a question regarding chickens. She explained that chickens are allowed elsewhere in the City, and she wanted to know why they wouldn't be allowed in the Baker Subdivision. Council Member Corrieri commented that chickens are not allowed if there are Restrictive Covenants in Subdivisions. Ms. Beatty-Hansen explained that raising chickens is a way for someone to cut food costs and become more self-sufficient. She said this may be something

for the Council to consider adding to the Covenants, not for commercial purposes, but to supplement one's food source; that seems reasonable.

Council Member Corrieri asked if they allowed chickens, would there be a limit. Ms. Beatty-Hansen stated that the Nuisance Law would still be in effect, but if the Council would feel more comfortable with a cap, then she would be fine with that.

Moved by Beatty-Hansen, seconded by Martin, to add that chickens will be allowed on Page 4, under Section p.

Council Member Gartin asked if chickens were considered when staff was drafting the Restrictive Covenants. Ms. Baker-Latimer mentioned they are draft covenants and they had obtained verbiage from other covenants; chickens were not discussed specifically. Council Member Corrieri noted that the draft Restrictive Covenants are exactly like her Homeowner Association's (HOA) Covenants. Ms. Baker-Latimer pointed out that they do not have a HOA for this Subdivision. Ms. Corrieri commented that there was no one to enforce anything. Ms. Baker-Latimer said it would be neighbor-against-neighbor complaint based.

Council Member Gartin stated that there are two things that are true: 1) all new Subdivisions are going to have restrictions that will not allow poultry, and 2) most of Ames allows poultry. There is no state law that restricts poultry in a Subdivision. Mr. Gartin felt that having chickens in a Subdivision may impact marketability of the units. He was worried that they didn't have enough time to get staff's feedback on chickens as it could materially impact the marketing of the units. Ms. Beatty-Hansen felt that it wouldn't be a problem as she didn't think it would be that big of a problem as not everyone is going to want chickens. She stated she would guess that there are some houses that have chickens right next door and currently it is not affecting home values in a significant negative way. Ms. Betcher wanted to know if that is true, because there are some people who do not like chickens. She can see both points of view that chickens can be an additional food source; however, there are people who may not want to live next to someone with chickens.

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

Ms. Baker-Latimer highlighted a few of the Covenants. She mentioned that Lots 1 through 8, 10 through 13, 15, 24, and 25 were designated as Affordable Housing; while Lots 9, 14, 16 through 24, and 26 were designated as Market Rate Housing. Language has been added that included a prohibition against the rental of the homes. Ms. Baker-Latimer notified the Council that in the draft Restrictive Covenants and Regulations under Section 12 there is a provision that states the Covenants can be amended as long as the City owns the lots.

Council Member Gartin asked Ms. Baker-Latimer for more information as to the decision about not having a Homeowners Association. Ms. Baker-Latimer said that staff had discussed the cost for affordable housing and the fee to the homebuyers, and staff didn't want the cost to be passed onto



the affordable housing homeowners. Mr. Gartin pointed out that an HOA doesn't have to have dues, and without an HOA there is not an enforcement mechanism for the Covenants.

Moved by Gartin, seconded by Betcher, to ask the City Attorney and Housing Coordinator Vanessa Baker-Latimer to consider the merits of having a Homeowner's Association (HOA) and bring the information back to the Council with a recommendation.

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

The Mayor asked about the timeline and wanted to know if this item came back on January 11, 2022, would that be adequate. Ms. Baker-Latimer explained that moving it to January 11, 2022, would push her timeframe back as her next step would be working with the Homebuyer Counseling in January to start qualifying buyers, get lenders lined up, and get a Request for Proposals (RFP) sent out. It was asked if this item could be added to the Workshop Agenda on December 21, 2021. The Mayor confirmed that would work.

**INITIATION OF VOLUNTARY ANNEXATION FOR 2105 AND 2421 DAYTON AVENUE:**

Moved by Corrieri, seconded by Beatty-Hansen, to direct staff to initiate the process of annexation for the properties at 2105 and 2421 Dayton Avenue.

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

**BUDGET ISSUES/GUIDELINES:** Finance Director Duane Pitcher explained that tonight was to give the Council a "big picture" look on the upcoming year's budget, including factors that may later impact the Council's budget decisions, share budget-related input and requests that have been received by local citizens and organization, seek the Council's direction on select components of the budget, and to receive any general funding or service level direction that Council wished to incorporate into the budget. Director Pitcher stated that overall economic conditions in the City of Ames remain strong though there has been considerable turbulence over the past several months. He noted that most of the revenues have recovered, but with the recovery comes some level of inflation and scarcity of goods that could impact operations in the Capital Improvement Plan (CIP). The biggest item that needs to be discussed is on the expenditures of the American Rescue Plan (ARP) funds. The ARP funding equates to over \$14 million that the City has received. This grant program is administered by the US Treasury. The City has received half the funds already and anticipate the other half to be given to the City in March 2022. The City Managers had laid out a proposal for the use of these funds. Mr. Pitcher indicated there are restrictions as to what the funds can and cannot be used for and a time limit as to when those funds need to be spent.

American Rescue Plan Act: City Manager Steve Schainker explained there were two categories for the use of the American Rescue Plan Act (ARPA) funds. One of the categories is to use lost revenues, which will need to be calculated. There was approximately \$1.3 million that was lost and could be used for any purpose the City would want. Mr. Schainker recommended not using all the funds on operations as the funds are a one-time fund only. He estimated the additional "lost revenue" for FY 2021/22 and FY 2022/23 would be around \$630,822. Mr. Schainker noted that he is asking the Council to set aside \$450,496.82 for the Downtown Plaza, \$868,681.18 for the Indoor Aquatics

Center, and \$50,000 for the Ames/ISU Ice Arena. He noted that \$900,000 should be committed to fund the water and sewer extensions to 580<sup>th</sup> Street. This would leave \$11,357,623 as a remaining balance that would be available for other CIP Projects. Mr. Schainker mentioned that there were eight projects that he would recommend spending the rest of the \$11.3 million on. One of the projects was for the City Hall Auditorium HVAC Improvements that was previously bid out twice, and each time the bids came in over budget. The other seven projects were related to the implementation of the 2040 Plan.

Council Member Beatty-Hansen asked at what point does the list get approved; she had one of the projects of the eight that were being recommended. She had some concerns about the Sanitary Sewer Extension Project along 13<sup>th</sup> Street across Interstate 35. Ms. Beatty-Hansen had some concerns about this area because of the lack of accessibility for anything besides cars. She had previously been told that adding bike/pedestrian facilities would be very costly. She thought that if using one-time money, the Council should consider using some of the funds to facilitate improving the bike/pedestrian facilities under Interstate 35. Mr. Schainker mentioned that he has not calculated any of the other lost revenue for the future, and the City may not even use the funds planned for the Downtown Plaza or the Indoor Aquatics Center.

Council Member Betcher indicated that in the Report, there were four categories listed for eligible uses of the funds and category C and D were discussed, but she thought A would be a category for funding ASSET at a higher level. Mr. Schainker explained that could be done, but he is only giving the Council the City Manager's recommendation of how to use the funds; the Council does not have to approve it. Ms. Betcher explained that the Council received a request for \$455,846 in ASSET funding, which is 28.48% over the current fiscal year budgeted amount. Council Member Corrieri pointed out that you don't want to use one-time monies to support ongoing operations. Ms. Betcher stated she is unsure if the increased amount is for ongoing operations or due to the pandemic.

Council Member Gartin noted he would like to see connectivity along 13<sup>th</sup> Street across Interstate 30, but felt that what Mr. Schainker is proposing is just the sewer aspect. Ms. Beatty-Hansen commented that either way there is a cost; with the sewer extension there would be utility fees, but for bike/pedestrian infrastructure it would come from property tax money. She would rather see the cost incurred through utility fees opposed to increasing property tax.

Municipal Engineer Tracy Peterson explained that the Iowa Department of Transportation (IDOT) has discussed with the City about the long-term plans of the interchange at 13<sup>th</sup> Street and I35. If the IDOT is planning on redoing the interchange, it may accommodate the bike/pedestrian facilities to go under the bridge at a more reasonable cost. Ms. Peterson stated staff could prepare a cost estimate of how much it would cost to add the bike/pedestrian facilities now opposed to when the IDOT may do it. Ms. Peterson asked if that data could be presented in January during the CIP discussions. It was confirmed that it would work.

Mayor Haila asked Council Member Betcher if she had any thoughts regarding Category "A" to respond to the public health emergency. Ms. Betcher commented that she did not as she was not sure

if category “A” was eligible under the guidelines. She knew in some cases there has to be proof that money was lost due to the pandemic and she was not sure if that applied to Category “A,” and whether Category “A” would encompass some of the ASSET funding or not. Council Member Gartin mentioned that the Council looks to the agencies to articulate what is needed during the application process. It was noted that most of the time the ASSET requests are all operational requests. Council Member Corrieri stated she can’t speak for all agencies, but she knows that there has been a significant amount of money available to nonprofits through the state. Assistant City Manager Deb Schildroth explained that most of the services that fall under Category “A” would be the rent and utility assistance. Ms. Betcher clarified that the requests the Council gets from ASSET are for operational costs that are not being covered by the state funding and the City is looking for one-time expenses. Ms. Schildroth stated that in the ASSET budgets the agencies include all revenue sources, and this would show any state-received funds.

Moved by Beatty-Hansen, seconded by Corrieri, to request that staff investigate the cost of a bike/pedestrian passage under I35 at 13<sup>th</sup> Street and have this ready for CIP budget time.

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

Changes to the Iowa Property Tax System: Director Pitcher indicated he had put a little more information in the Report for this section than previously as the system is changing this year. The biggest area of impact is the rollback change. The rollback on residential properties dropping from 56.4% to 54.13%; this will reduce the taxable value of residential properties. Another big change is the elimination of backfill for the rollback of commercial and industrial properties. For the City of Ames, this will mean a five-year phase out beginning in FY 2022/23 of around \$900,000 in promised funding from the State of Iowa and a shift in cost to the local property taxpayers. The Council had planned for this contingency by reserving an additional amount of General Fund balance. Council can use this contingency amount to extend or soften the phase-out of backfill revenue from the state, or free up the funds for other uses now that the amount and schedule is known. Director Pitcher mentioned that another impact will be the elimination of the property tax funding for mental health. He was unsure how this will impact the property tax bills in total.

General Fund: The General Fund ended FY 2020/21 with a balance of approximately \$15.6 million. This created a beginning balance for FY 2021/22 that was almost \$5.4 million higher than what was anticipated in the adopted budget. Excluding carryovers, a balance of approximately \$540,000 remains and is available for programming into the FY 2021/22 adjusted budget. Additionally, due to open position and better than expected Local Option Tax revenue staff expects there will be substantial funds available at the close of FY 2021/22, and some amount can be programmed for one-time needs.

CyRide: CyRide was hit hard due to reduction of ridership and the reduced enrollment at ISU. The FY 2022/23 budget will include timely and substantial one-time federal support from the Coronavirus Response and Relief Supplemental Act (CRRSAA) and the American Rescue Plan Act (ARPA). These two sources have provided \$1,081,492 and \$6,163,516, respectively, for CyRide,

which will be spent over two budget years. The City's financial support for CyRide is expected to increase by approximately 2% in FY 2022/23.

Council Member Gartin asked if there was any indication from the federal government about decreasing the subsidies for public transit. Director Pitcher commented that he is not aware of anything. Mr. Gartin was concerned that the subsidy that is helping on the operational side would be removed and the City would not be prepared for the shortfall. Council Member Beatty-Hansen said that she felt that mass transit would be safe as it is seen as better for the climate; the government will have to put in more resources to combat climate change and CyRide would see the benefit from it.

Council Member Beatty-Hansen inquired what the current transit levy was along with the max. Director Pitcher indicated that the City was below the max at \$0.61. Ms. Beatty-Hansen noted she had asked CyRide staff to look at the concept of fair-free CyRide and what that might cost and how it could be funded.

Utility Rates: Last year the City had forecasted a rate increase for FY 2022/23 for both water utility at 2% and wastewater utility at 5%. The updated forecast eliminates the water increase, but the wastewater rate increase is expected to remain at 5%. The electric rates are expected to remain flat; however, the cost of commodities and increased power demands across the grid may impact the energy cost adjustment.

Resource Recovery: After several years of flat fees, the Resource Recovery Plant increased tipping fees from \$52.75 per ton to \$55.00 per ton on July 1, 2017, and to \$58.75 per ton on July 1, 2019. The per capita fee charged was increased from \$9.10 to \$10.50 in January 2018. The adjustment in RDF payment does not provide adequate funding for Resource Recovery operational and capital needs over the five-year planning period. To better provide for these needs and to maintain an adequate on-going fund balance, the current tipping fee of \$58.75 per ton is proposed to be increased by \$3.75 per ton to \$62.50 per ton beginning in FY 2022/23.

Storm Water: The last rate increase for the storm water utility was seen in FY 2017/18 to the \$4.95 Equivalent Residential Unit (ERU) fee that is charged on monthly utility bills to finance the maintenance of the storm sewer system. A fee increase to \$5.20 per ERU is proposed for FY 2022/23.

Parking: There are no increases projected at this time. In FY 2021/22, the revenues are trending upwards and are slowly returning to pre-pandemic levels.

Hotel/Motel Tax Fund: The hospitality industry was one of the most impacted by the COVID-19 pandemic. The first quarter was strong in FY 2021/22 and the City is expected to meet its revenue budget. Director Pitcher noted that the City should remain cautious and not recommend any increase to the budgeted revenue for FY 2022/23.

Fire and Police Retirement and IPERS: The City contribution rate to the Municipal Fire and Police Retirement System of Iowa (MFPRSI) will be reduced. The current rate is 26.18% of covered wages and will be 23.90% for FY 2022/23, reducing property taxes to fund this benefit by about \$200,000. Director Pitcher noted that IPERS will remain the same.

Health Insurance: The City of Ames experienced health insurance increases between 5% and 9% per year. For FY 2022/23, staff is planning to increase the self-insured premium rates by 7%. The City expects the fund balance will remain well above the required levels to maintain a self-insured plan and provide an adequate balance to fund possible claim fluctuations.

Local Option Sales Tax: These have shown significant recovery in FY 2021/22, reflecting the national trend of what may have been some delayed demand due to the pandemic. Staff is expecting to end the current year with local option revenue exceeding the adopted budget by around 25%. Much of this was due to the large adjustment distribution received in November of 2021 related to FY 2020/21 retail sales being higher than expected. Director Pitcher is expecting a 10% increase in Local Option Sales Tax.

Council Member Gartin stated that the 10% increase is a high estimate and wanted to know if there was a reason why the City was projecting such a high increase. City Manager Steve Schainker explained that a lot more people are buying items on the internet. He noted that the City is being a little more aggressive, but he still feels comfortable doing that. Director Pitcher explained online shopping is what a lot more people are doing, and the City can now benefit from the sales tax for online sales. Mr. Schainker reminded the Council that of those funds, 60% will be transferred to the General Fund for property tax relief and 40% goes to community betterment.

ASSET Human Services Funding: Assistant City Manager Schildroth stated that ASSET funding requests for FY 2022/23 have been reviewed and the total request for all funders was \$5,745,183. This amount is up about \$1.1 million from the current allocation from all four funders. The City's share is up over 28%, and the total requested was \$2,056,939. Ms. Schildroth commented that she outlined in the Report some of the agency requests that were significant. All Aboard for Kids wants to expand their service to serve kids with a higher level of special needs. The Bridge Home request was up about 190% or \$548,567. The City portion of this request is \$375,000 which is 228% increase over the current fiscal year contracted amount. The Bridge Home is wanting to provide more units of service within the shelter, providing more units of service for transitional living, and assistance with basic needs.

Council Member Gartin inquired if The Bridge Home had provided any documentation substantiating the need for the increased funding. Ms. Schildroth mentioned that there is the ASSET budget and they are continuing to see an increased need for shelter space. She noted that The Bridge Home has limited beds at the shelter, and when they are full, they utilize hotels to house individuals, which adds to the cost.

Council Member Corrieri stated that when she looked at the mid-year reports she noticed the agencies that have not turned away any clients during the first half of the fiscal year, and if that would help justify the needed increases. She also was not sure for multi-county agencies and how the data is separated out, so the City is funding City of Ames services versus outside City/County services. Ms. Schildroth explained that about over half the agencies are considered multi-county agencies and an agency has the option to include the figures from their budget that is just from the County or a percentage of the total budget. The agency's statistics page does list how many of the clients are City of Ames residents, in Story County, and outside Story County. Ms. Corrieri noted that when she served on ASSET, they tried to get concrete data as to why a drastic increase is needed. She explained that one thing that is unique is that the non-profit industry is having a "crisis in staffing," and she is worried that those agencies that are asking for a large increase may not have the capacity to serve those people as they will not be able to hire staff. Ms. Corrieri explained there are a lot of questions, given everything that is going on in the world and the labor market; that makes her ask more questions than she normally would. Ms. Schildroth commented that the questions Ms. Corrieri had brought up will be addressed during the hearings that ASSET will do, and she noted that a few of the agencies had indicated increases to help hire and retain staff.

The Mayor inquired what the Outcome summary in the Report was supposed to show. Ms. Schildroth noted that the Council only has a portion of the story. The Outcome summary used to historically have a column where it indicated whether or not an agency ran out of funds and had to turn people away. With this data not being collected by every agency anymore, the Outcomes comes from Clear Impact Scorecard. It is a snapshot, but would like to get a report from the funders where the Council could see the trends. Ms. Schildroth explained that they have started tracking how much of the ASSET funding makes up an agency's budget. She pointed out that some agencies rely heavily on local funding to provide their programs whereas other programs only use 2% of the funding. It was noted that United Way will meet on Thursday to make its recommendations and Story County is meeting on December 21, 2021.

Council Member Martin explained that the motion for funding is an allocation question and if the Council over-allocates funding, the money would be returned as the City only pays for the services that are delivered.

Moved by Martin, seconded by Corrieri, to approve an 8% increase for ASSET.

Council Member Gartin commented that he was leaning towards a more conservative number, because he would like to see the ASSET funding to be sustainable and consistent.

Council Member Beatty-Hansen stated she liked Council Member Martin's point that if they overallocate the funds if the services aren't provided the funds won't be utilized. Council Member Corrieri pointed out that the ASSET volunteers don't have to allocate all the funding as well.

Council Member Gartin noted that he was concerned as the 8% recommended increase is the highest they have ever done. Council Member Junck pointed out that there was a loss of a joint-funder a

couple years ago. Mr. Gartin explained that the City still has a responsibility to the taxpayers to be prudent. He noted he was intrigued with the Local Option Sales Tax, because the last couple of years it has not been an optimistic prediction. Mr. Gartin stated that they had discussed previously that the Local Option Sales Tax won't be a sustainable option for funding. He noted that he liked the boldness, but would like to stay conservative at 5%.

Council Member Beatty-Hansen mentioned that prices are going up and services are costing more.

Council Member Corrieri noted she has been very vocal about not allocating money to just allocate money, but she was comfortable with the 8% recommended increase. She had full faith that the volunteers will ask the really hard questions, and if the full 8% is not warranted to be allocated, the volunteers won't do it.

Council Member Gartin stated that next year the 8% will be a precedent, and there will be pressure to continue increasing the funding. He pointed out that it will look bad if the funding gets cut back further. He wanted to avoid a "rollercoaster" in the way ASSET funding is handled.

Council Member Betcher inquired what the actual amount of money would be if approved at 8%. Ms. Schildroth explained it would be \$128,087.

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

Commission on the Arts: Assistant City Manager Brian Phillips stated that the Commission on the Arts (COTA) highlighted that the current funding is a little different than what is typically done. The City Council originally authorized a 5% increase from the prior fiscal year, or a total of \$193,093; however, in February 2021, the City Council provided an additional one-time funding authority to COTA in recognition of the hardships faced by arts agencies during COVID-19 pandemic. The additional funding has been distributed to the agencies, but it has been categorized in the Contracts that it is a one-time COVID related supplement funding. Mr. Phillips explained that for FY 2022/23, COTA organizations have requested funding in the amount of \$216,470 (excluding Special Spring and Fall Grants). This is a 12.1% (\$23,377) increase from the FY 2021/22 base appropriation of \$193,093. It was pointed out that there had been some shifting of the agencies that are participating in the process. One agency that had previously applied had not applied, and two agencies that are not in the current year that applied for next year. Mr. Phillips explained that the amount that the Council will authorize to COTA will be fully recommended by COTA through its annual grants, and any funding that is left over will be set aside for the spring/fall Special COTA grants.

Council Member Gartin stated that the requested increase of 12.1% (\$23,377) is not a lot of money.

Moved by Gartin, seconded by Junck, to increase the funding for COTA at 12.1%.

Council Member Martin commented that with COTA the funding will be fully used. Council Member Gartin stated that the representatives for COTA will make sure that the money is being utilized correctly. Mr. Martin asked if COTA has any indication of the requests yet. Mr. Phillips stated that all the applications have been received and COTA has held its hearings, and it appeared that the amounts being requested by about half of the agencies are requesting exactly what their total is plus the one-time supplement. He indicated at this point he didn't have any insight into each request. Mr. Gartin felt that, as a City, they put little funding towards the arts and the City is way behind where they should be.

Council Member Betcher stated she thought the Staff Report showed that the City put a lot of money into the arts, but it is distributed in ways that do not make it obvious that the City is putting money into the arts.

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

Outside Funding requests: Mr. Phillips indicated that for most of the requests the funding will come out of the Local Option Sales Tax Fund, and there is one request from the Ames Economic Development Commission that comes every year that comes out of the Hotel/Motel Tax Fund. This year all the organizations applied for funding for next year. Mr. Phillips stated that it appears that Campustown Action Association has had a transition in leadership and the Ames Chamber is taking on the role of applying for funding on their behalf. The portion of the requests that would be financed from the Local Option Sales Tax Fund totals \$277,659 for FY 2022/23, which is a 20% increase over the amount budgeted in the current year from Local Option funds. Mr. Phillips explained there were two items he wanted to highlight regarding the increased requests. The first was from Hunziker Youth Sports Complex; they requested a substantial increase in FY 2022/23, moving from \$45,000 to \$80,000 in City funds. The other request was from the Farmers' Market, which asked for \$10,000 for FY 2022/23. Last year an application was not made by the Farmers' Market to the Ames Convention and Visitors Bureau (ACVB) Grant program, so they had asked the City for \$7,000 in funding. The City Council had authorized \$7,000 in the budget for the Farmers' Market in FY 2021/22, but as a one-time amount. Mr. Phillips explained that the Farmers' Market did submit a request to ACVB for funding. Therefore, the City Council would have to decide whether to hold the Farmers' Market to the FY 2021/22 pledge that the funding was "one-time," or to entertain requests from the Farmer Market to receive City funds on a regular basis. Mr. Phillips noted there is no policy in this Program that states an explicit requirement that an agency can't receive funding through both programs. There is a requirement that the agency has to indicate if they have applied for other sources of funding. He then indicated that the Ames Main Street request is broken into two separate requests to allow for the parking waivers for Special Events.

Council Member Martin said he didn't mind that an organization applies for funding from more than one grantor as they are not sure who will say "yes" or "no," but wanted to know if there was a way to modify the City's Policy form to clarify the duplication of requests. Mr. Phillips indicated there was an application document that contains some criteria for how funding is done, and if the Council



adopts a prohibition about having duplicate requests, it can be added to the Contracts. Ultimately, the process is highly discretionary on the Council's part.

Council Member Betcher asked if Council Member Junck knew what amount of funding ACVB was going to award to the Farmers' Market. Ms. Junck stated that the Ames Farmers' Market asked ACVB for \$5,000 and they were awarded the full amount.

Council Member Beatty-Hansen mentioned she didn't see on the Farmers' Market application where it lists its revenue sources or a line item that indicated any previous ACVB funding. She was curious as to where that revenue went and where they plan on putting the funding this year.

Moved by Martin, seconded by Betcher, to ask staff to implement a policy about duplicate funding. Vote on Motion: 6-0. Motion declared carried unanimously.

Council Member Martin stated he liked both highlighted projects (Hunziker Youth Sports Complex and Farmers' Market) and recommended supporting both. He felt it was healthy to set the limit a little below the total asking amount.

Moved by Martin, seconded by Beatty-Hansen, to approve \$275,000 in total funding for the Outside Funding Requests.

Council Member Betcher asked why the motion wasn't for the full amount as the total ask, which was \$277,659. Council Member Beatty-Hansen commented that the organizations will "tighten their belt" a little bit. Ms. Betcher stated that amount will not force anyone to "tighten their belt" a lot, and as she recalled from previous years, there have been a lot of disagreements about what organizations are important.

Council Member Martin withdrew his motion.

Moved by Betcher, seconded by Beatty-Hansen, to fund all the funding requests for the Outside Organizations in the amount of \$277,659.

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

Public Art Commission: Assistant City manager Phillips noted that the Public Art Commission will be asking for the same amount as they have the past two years.

Council Member Betcher noted that she was hoping the Council will fund another one-time Small Art Grant Pilot Program, and she will be asking for this in the future.

Road Condition/Road Use Tax Fund: This funds the operations of the street maintenance and some of the Capital Improvement Plan. Census numbers came in late and the allocation of the Road Use Tax is based on Census numbers. Staff is currently forecasting the Road Use Tax revenue of \$8,336,588 for the adjusted FY 2021/22, or about 6.4% over the adopted budget. For the 2022/23

budget, staff is forecasting Road Use Tax revenue of \$8,403,015, a 7.25% increase over the FY 2021/22 adopted budget.

Town Budget Meeting: Mr. Pitcher noted that there were several attachments in the Report. The attachments were: 1) Local Option Sales Tax Fund Summary, 2) Clear Impact Scorecard: Summary of Outcome, 3) Town Budget Meeting Minutes, 4) Town Budget Meeting Letter, and 5) Outside Funding Requests.

Council Member Martin stated that there was a request from Tam Lawrence about asking for more trees. Mr. Schainker noted that a good time to bring it up would be during budget time.

Moved by Martin, seconded by Beatty-Hansen, to ask staff for a recommendation on Tam Lawrence's request regarding trees.

Council Member Gartin asked if staff was still working on the Ash Borer expenditures. He noted that one of the challenges is that the City only has the capacity to work on so many trees, and his understanding is that City staff is already maxed out on what staff can take care of. Council Member Beatty-Hansen questioned if the capacity is an issue of funding. Council Member Betcher stated that the request was for more money and staff to plant trees.

Council Member Betcher indicated that Tam Lawrence's letter also indicated allocating money for the four-inch water mains.

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

Council Member Martin stated he recalled from the Town Budget Meeting that there was a request from Home Allies that was not finalized, but the intention was to ask for City support for an affordable housing project along Duff Avenue. He believed there hasn't been any paperwork yet. Mr. Martin noted that he would like to get more information on this project and hoped that the Council will receive and consider it a new project.

City Manager Schainker indicated there was also a request from Steve Goodhue for additional funding that will need to be considered during budget time as it is a one-time funding.

**ORDINANCE CHANGING THE NAME OF SQUAW CREEK DRIVE TO STONEHAVEN DRIVE:** Mayor Haila opened public input and closed it when no one came forward.

Moved by Beatty-Hansen, seconded by Corrieri, to pass on first reading an ordinance changing the name of Squaw Creek Drive to Stonehaven Drive.

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

**ORDINANCE AMENDING THE PARKING REGULATIONS TO INCORPORATE THE RENAMING OF SQUAW CREEK DRIVE TO STONEHAVEN DRIVE:** Mayor Haila opened public input. It was closed when no one came forward to speak.

Moved by Betcher, seconded by Junck, to pass on first reading an ordinance amending the parking regulations to incorporate the renaming of Squaw Creek Drive to Stonehaven Drive.  
Roll Call Vote: 6-0. Motion declared carried unanimously.

**DISPOSITION OF COMMUNICATIONS TO COUNCIL:** The Mayor stated there were three items for discussion. The first item was a letter from Bob Haug that gave recommendations for an effective Climate Action Plan and ideas on how to implement them. City Manager Steve Schainker noted that Mr. Haug's request fits in with the City's Resource Recovery study. He indicated that the City will take Mr. Haug's letter under advisement. The Council Members felt it would be beneficial to notify Mr. Haug on what the current status is on the study for the Resource Recovery Plant. The Mayor indicated that he will reply to Mr. Haug.

The second item was a Staff Memo from Tracy Peterson, Municipal Engineer, providing the City Council with staff's proposed Outreach Plan for the Erosion Control Project planned for Ioway Creek in Brookside Park. Mr. Schainker noted that sometimes these projects become controversial and this item gave a robust plan to reach out to the public; the project will not be popular with some people.

Council Member Beatty-Hansen inquired if additional people were being brought in to consult on the project. Municipal Engineer Tracy Peterson noted that staff had spoken with ecologists and landscape architects, and the project may come with additional change orders, but they are still working through the process. The Mayor indicated that he has two individual couples come up to him to address their concerns over this project and the additional outreach would be helpful.

Mr. Schainker asked if the proposed Outreach Plan was agreeable to the Council. They confirmed that they agreed it was.

The Mayor asked how the outreach was going to be done. Ms. Peterson indicated that staff will be hand-delivering some letters, *Facebook*, and Press Releases.

The last item was an update from Housing Coordinator Vanessa Baker-Latimer on the status of the Low-Income Housing Tax Credit (LIHTC) application with Prairie Fire Development for the Baker Subdivision. Mr. Schainker stated that no action is required at this time as it was an update.

**COUNCIL COMMENTS:** Council Member Betcher noted that Tam Lawrence had sent a letter back in 2019, and she would like to get a memo from staff on the status of the replacement of four-inch mains.

Moved by Betcher, seconded by Corrieri, to get a memo from staff on the status of the four-inch main installations.

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

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

Moved by Martin, seconded by Junck, to go into Closed Session.

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

The City Council entered into a Closed Session at 9:44 p.m. and reconvened in Regular Session at 9:46 p.m.

Moved by Corrieri, seconded by Gartin, to approve the Settlement with Tyler Culjat in the amount of \$35,000 with payment contingent upon receiving a signed release of all claims.

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

**ADJOURNMENT:** Moved by Corrieri to adjourn the meeting at 9:48 p.m.

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Amy L. Colwell, Deputy City Clerk

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John A. Haila, Mayor

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Diane R. Voss, City Clerk



## REPORT OF CONTRACT CHANGE ORDERS

Period:	<input checked="" type="checkbox"/>	1 <sup>st</sup> – 15 <sup>th</sup>
	<input type="checkbox"/>	16 <sup>th</sup> – End of Month
Month & Year:	December 2021	
For City Council Date:	January 11, 2022	

Department	General Description of Contract	Contract Change No.	Original Contract Amount	Contractor/ Vendor	Total of Prior Change Orders	Amount this Change Order	Change Approved By	Purchasing Contact (Buyer)
Public Works	2020/21 Pavement Restoration (Slurry Seal)	1	\$202,885.40	Fort Dodge Asphalt Co.	\$0.00	\$(4,348.80)	J. Joiner	MA
Public Works	2020/21 Seal Coat Street Improvements (Franklin Avenue)	1	\$946,841.53	Manatts Inc.	\$0.00	\$2,640.00	T. Peterson	MA
Public Works	2020/21 Seal Coat Street Improvements (Franklin Avenue)	2	\$946,841.53	Manatts Inc.	\$2,640.00	\$(19,990.61)	J. Joiner	MA
Water & Pollution Control	Well Rehabilitation Project	1	\$104,923.37	Northway Corp.	\$0.00	\$10,425.00	J. Dunn	MA
Electric Services	Steam Turbine #8 Parts	5	\$144,960.47	Mechanical Dynamics & Analysis	\$42,855.69	\$2,255.55	B Phillips	AM
			\$		\$	\$		



## REPORT OF CONTRACT CHANGE ORDERS

<b>Period:</b>	<input type="checkbox"/>	1 <sup>st</sup> – 15 <sup>th</sup>
	<input checked="" type="checkbox"/>	16 <sup>th</sup> – End of Month
<b>Month &amp; Year:</b>	December 2021	
<b>For City Council Date:</b>	January 14, 2022	

Department	General Description of Contract	Contract Change No.	Original Contract Amount	Contractor/ Vendor	Total of Prior Change Orders	Amount this Change Order	Change Approved By	Purchasing Contact (Buyer)
Fire	Ladder Truck Replacement	1	\$1,152,825.00	Reliant Fire Apparatus, Inc.	\$0.00	\$10,288.00	R. Higgins	MA
Public Works	ISU Research Park Phase IV	8	\$2,823,757.81	Con-Struct, Inc.	\$-(84,818.37)	\$-(8,999.15)	T. Peterson	MA
			\$		\$	\$		
			\$		\$	\$		
			\$		\$	\$		
			\$		\$	\$		

**MINUTES OF THE REGULAR MEETING OF THE  
AMES CIVIL SERVICE COMMISSION**

AMES, IOWA

DECEMBER 16, 2021

The Regular Meeting of the Ames Civil Service Commission was called to order by Chairperson Mike Crum at 8:15 AM on December 16, 2021. As it was impractical for the Commission members to attend in person, Commission Chairperson Mike Crum and Commission Members Kim Linduska and Harold Pike were brought in telephonically. Also participating telephonically was Human Resources Director Bethany Jorgenson.

**APPROVAL OF MINUTES OF NOVEMBER 18, 2021:** Moved by Crum, seconded by Pike, to approve the Minutes of the November 18, 2021, Regular Civil Service Commission meeting.  
Vote on Motion: 3-0. Motion declared carried unanimously.

**CERTIFICATION OF ENTRY-LEVEL APPLICANTS:** Moved by Linduska, seconded by Pike, to certify the following individuals to the Ames City Council as Entry-Level Applicants:

<u>Accountant</u>	Brandon Sommers	78
	Melissa Johannes	77
	Jay Brander	72
	Shannon Andersen	71
<u>Assistant Building Official</u>	Kurt Melville	84
	Scott McCambridge	82
	Geoffrey Starr	82
<u>Police Officer</u>	Daniel Ramirez Villa	89*
	Kevin Blaha-Polson	81*
	Chad Traver	80
	Matt Sander	77
	*Includes preference points	
<u>Procurement Specialist I</u>	John Carmicheal	82
	Quinn Eggink	81
	Jason Adair	71
<u>Utility Accounts Technician</u>	Jay Vannice-Adams	82
	Nancy Beach	81
	Andrew Pries	77

Vote on Motion: 3-0. Motion declared carried unanimously.

**CERTIFICATION OF PROMOTIONAL-LEVEL APPLICANTS:** Moved by Pike, seconded by Crum, to certify the following individuals to the Ames City Council as Promotional-Level Applicants:

<u>Police Lieutenant</u>	Amber Christian	87
	Joel Congdon	87
	Mike Arkovich	83
	Cole Hippen	83
	Derek Grooters	72
	Mark Watson	71

Vote on Motion: 3-0. Motion declared carried unanimously.

**REQUEST TO EXHAUST CERTIFIED LIST FOR ACCOUNTANT:** Moved by Crum, seconded by

Linduska, to approve the request to exhaust the Certified List for Accountant.  
Vote on Motion: 3-0. Motion declared carried unanimously.

**REQUEST TO EXHAUST CERTIFIED LIST FOR MECHANIC ASSISTANT - CYRIDE:** Moved by Pike, seconded by Linduska, to approve the request to exhaust the Certified List for Mechanic Assistant - CyRide.

Vote on Motion: 3-0. Motion declared carried unanimously.

**REQUEST TO REMOVE NAMES FROM CERTIFIED LIST FOR POLICE OFFICER:** Moved by Linduska, seconded by Pike, to approve the request to remove names from the Certified List for Police Officer.

Vote on Motion: 3-0. Motion declared carried unanimously.

**COMMENTS:** Director Jorgenson informed the Commission that the Human Resources Department continues to handle a very large number of recruitments.

The next Regular Meeting of the Ames Civil Service Commission is scheduled for January 27, 2022, at 8:15 AM.

**ADJOURNMENT:** The meeting adjourned at 8:23 AM.

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Michael R. Crum, Chairperson

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Diane R. Voss, City Clerk





# State of Iowa

Alcoholic Beverages Division

## Applicant

NAME OF LEGAL ENTITY	NAME OF BUSINESS(DBA)	BUSINESS	
LAS PALMAS MEXICAN RESTAURANT & GRILL, INC	Las Palmas Mexican Restaurant & Grill	(641) 417-0041	
ADDRESS OF PREMISES	CITY	COUNTY	ZIP
2601 East 13th Street	Ames	Story	50010
MAILING ADDRESS	CITY	STATE	ZIP
2601 East 13th Street	Ames	Iowa	50010

## Contact Person

NAME	PHONE	EMAIL
Carlos	(641) 831-0381	cperezs896@gmail.com

## License Information

LICENSE NUMBER	LICENSE/PERMIT TYPE	TERM	STATUS
	Class C Liquor License	12 Month	Submitted to Local Authority

EFFECTIVE DATE	EXPIRATION DATE	LAST DAY OF BUSINESS

SUB-PERMITS

Class C Liquor License

PRIVILEGES

Sunday Service



# State of Iowa

Alcoholic Beverages Division

## Status of Business

BUSINESS TYPE

Privately Held Corporation

## Ownership

No Ownership information found

## Insurance Company Information

INSURANCE COMPANY

Integrity Insurance

POLICY EFFECTIVE DATE

Dec 15, 2021

POLICY EXPIRATION DATE

Dec 15, 2022

DRAM CANCEL DATE

OUTDOOR SERVICE EFFECTIVE DATE

OUTDOOR SERVICE EXPIRATION DATE

BOND EFFECTIVE DATE

TEMP TRANSFER EFFECTIVE DATE

TEMP TRANSFER EXPIRATION DATE



## Applicant

NAME OF LEGAL ENTITY	NAME OF BUSINESS(DBA)	BUSINESS	
Texas Roadhouse Holdings LLC	Texas Roadhouse	(515) 232-7427	
ADDRESS OF PREMISES	CITY	COUNTY	ZIP
519 South Duff Avenue	Ames	Story	50010
MAILING ADDRESS	CITY	STATE	ZIP
6040 Dutchmans Lane	Louisville	Kentucky	40205

## Contact Person

NAME	PHONE	EMAIL
Laura Young	(502) 638-5469	laura.young@texasroadhouse.com

## License Information

LICENSE NUMBER	LICENSE/PERMIT TYPE	TERM	STATUS
LC0039334	Class C Liquor License	12 Month	Submitted to Local Authority

EFFECTIVE DATE	EXPIRATION DATE	LAST DAY OF BUSINESS
July 2, 2021	July 1, 2022	

### SUB-PERMITS

Class C Liquor License



# State of Iowa

Alcoholic Beverages Division

## PRIVILEGES

Catering, Sunday Service

## Status of Business

### BUSINESS TYPE

Limited Liability Company

## Ownership

NAME	CITY	STATE	ZIP	POSITION	% OF OWNERSHIP	U.S. CITIZEN
Texas Roadhouse, Inc. (Publicly Traded Company)	Louisville	Kentucky	40205	Manager/Owner	100.00	Yes
Gerald Morgan	Sanger	Texas	76266	President	0.00	Yes
Chris Jacobsen	Anchorage	Kentucky	40223	Chief Marketing Officer	0.00	Yes
Chris Colson	Prospect	Kentucky	40059	Corporate Secretary	0.00	Yes
Tonya Robinson	Shelbyville	Kentucky	40065	Chief Financial Officer	0.00	Yes

## Insurance Company Information



# State of Iowa

Alcoholic Beverages Division

INSURANCE COMPANY

POLICY EFFECTIVE DATE

POLICY EXPIRATION DATE

Twin City Fire Insurance Company

DRAM CANCEL DATE

OUTDOOR SERVICE EFFECTIVE DATE

OUTDOOR SERVICE EXPIRATION DATE

BOND EFFECTIVE DATE

TEMP TRANSFER EFFECTIVE DATE

TEMP TRANSFER EXPIRATION DATE

## MEMO



**To:** Mayor John Haila and Ames City Council Members  
**From:** Lieutenant Heath Ropp, Ames Police Department  
**Date:** December 26, 2021  
**Subject:** Beer Permits & Liquor License Renewal Reference City Council Agenda

The Council agenda for January 11, 2022, includes beer permits and liquor license renewals for:

- **Chipotle Mexican Grill** (435 S Duff) - Class C Liquor License with Outdoor Service and Sunday Sales
- **Fuji Japanese Steakhouse** (1614 S Kellogg Ave 101) - Class C Liquor License with Sunday Sales
- **American Legion Post #37** (225 Main) - Class A Liquor License with Sunday Sales
- **Springhill Suites** (1810 SE 16<sup>th</sup> St) - Special Class C Liquor License with Sunday Sales
- **Dublin Bay** (320 S 16<sup>th</sup>) - Class C Liquor License with Catering Privilege, Outdoor Service & Sunday Sales
- **Cactus 2** (2420 Lincoln Way Ste B) - Class C Liquor License with Sunday Sales
- **The Filling Station** (2400 University Blvd) - Class E Liquor License with Class B Wine Permit, Class C Beer Permit (Carry Out) & Sunday Sales
- **Clouds Coffee** (119 Stanton Ave Suite 701) - Special Class C Liquor License (B/W)
- **Hy-Vee Market Café** (3800 Lincoln Way) - Class C Liquor License with Catering Privilege
- **North Grand Seafood** (823 Wheeler St) - Class C Liquor License and Sunday Sales

A review of police records for the past 12 months found no liquor law violations for the above locations. The Ames Police Department recommends the license renewal for the above businesses.

## MEMO



**To:** Mayor John Haila and Ames City Council Members  
**From:** Lieutenant Heath Ropp, Ames Police Department  
**Date:** December 26, 2021  
**Subject:** Beer Permits & Liquor License Renewal Reference City Council Agenda

The Council agenda for January 11th, 2022, includes beer permits and liquor license renewals for:

- **West Towne Pub** (4518 Mortensen Rd Suite 101) - Class C Liquor License with Catering Privilege, Outdoor Service & Sunday Sales

A review of police records for the past 12 months found 1 liquor law violation. 1 individual was cited for being underage on premise. That individual was in possession of a fake ID.

- **The Angry Irishmen** (119 Main St) - Class C Liquor License with Outdoor Service & Sunday Sales

A review of police records for the past 12 months found 1 liquor law violation. During a compliance check on March 26<sup>th</sup>, 2021, an employee sold alcohol to a minor and was cited accordingly. A follow-up compliance check was completed, and no violations were recorded.

The Police Department will continue to monitor the above locations by conducting regular foot patrols, bar checks and by educating the bar staff through training and quarterly meetings. The Ames Police Department recommends license renewal for the above businesses.

## MEMO



**To:** Mayor John Haila and Ames City Council Members  
**From:** Lieutenant Heath Ropp, Ames Police Department  
**Date:** December 26, 2021  
**Subject:** Beer Permits & Liquor License Renewal Reference City Council Agenda

The Council agenda for January 11<sup>th</sup>, 2022, includes beer permits and liquor license renewals for:

- **Cy's Roost** (121 Welch Ave) - Class C Liquor License with Outdoor Service & Sunday Sales

A review of police records for the past 12 months found 20 liquor law violations. 20 individuals were cited for being underage on premise. 15 of those individuals were in possession of a fake ID.

So far, the Police Department has made recommendations to improve their performance such as providing additional staffing and utilizing the Iowa ABD Age to Purchase mobile application to scan identifications to ensure validity. Management acknowledged these recommendations and will put these additional measures in place.

The Police Department would recommend renewal of the 12-month license.

During this 12-month period, The Police Department will continue to monitor the above location by conducting regular foot patrols, bar checks and by educating the bar staff through trainings and quarterly meetings.



**COUNCIL ACTION FORM**

**SUBJECT:**           **REQUESTS FROM AMES MAIN STREET  
FOR JANUARY DOLLAR DAYS**

**BACKGROUND:**

Ames Main Street (AMS) is planning to host its annual dollar days from Thursday, January 27 through Sunday, January 30. To facilitate this event, AMS is requesting a waiver of parking fees and enforcement in the Downtown on Saturday, January 29. Fulfilling this request and providing free parking for 613 metered parking spaces yields a loss of \$1,379.25 to the Parking Fund. Funds from the Local Option Sales Tax Fund have been appropriated in the FY 2021/22 City Budget to reimburse the Parking Fund for this event.

In addition, AMS requests a blanket Temporary Obstruction Permit for January 29. The requests are detailed in the attached letter.

**ALTERNATIVES:**

1. Approve the requests from Ames Main Street for Saturday, January 29, as outlined above, including a transfer of \$1,379.25 from the Local Option Sales Tax Fund to the Parking Fund.
  
2. Do not approve the request.

**CITY MANAGER'S RECOMMENDED ACTION:**

Ames Main Street sidewalk sales have been successful in bringing shoppers to the Downtown area. The City Council previously appropriated sufficient funding to reimburse the Parking Fund for the lost revenue for this free parking request.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1 as described above.



December 29, 2021

Mayor and City Council  
City of Ames  
515 Clark Ave  
Ames, IA 50010

Dear Mayor Haila and Members of the Ames City Council,

Ames Main Street is planning to hold the annual Downtown Dollar Days shopping event from January 27-30, 2022.

Specific information about the event can be found on the included Special Event Application. In addition, we request a blanket Temporary Obstruction permit and a waiver of fees for free parking of city meters throughout Downtown on Saturday, January 29, 2022.

By bringing residents to Downtown Ames for attractions such as this, Ames Main Street is able to fulfill its mission as a Main Street Iowa community and create an economically vibrant downtown with unique living, dining, and entertainment experiences.

Thank you for your consideration of this request and continued support of Ames Main Street. We look forward to seeing you shopping in Downtown Ames!

Sincerely,

A handwritten signature in black ink, appearing to read 'Sarah Dvorsky', written in a cursive style.

Sarah Dvorsky  
Executive Director  
Ames Main Street



# SPECIAL EVENT APPLICATION

Applications received less than thirty (30) days before the event may not be processed by the City in time for the event and will automatically be denied. Each application is viewed as a new event regardless of previous occasions.

Event Name Downtown Dollar Days

Location/Address Downtown Ames

Region (Select one or more)

- Ames Main Street (Downtown)
- Campustown District
- Iowa State University Property
- City Parks
- Other (please explain)

Please note that events occurring in the Downtown, Campustown, in City parks, or on ISU property require prior approvals. A letter of support will be required from CAA if the event occurs in Campustown or from Ames Main Street if the event occurs in Downtown. Please contact the appropriate office well in advance:

Downtown - Ames Main Street: (515) 233-3472 Campustown -  
Campustown Action Association: (515) 450-8771 ISU - Events  
Authorization Committee: (515) 294-1437

director@amesdowntown.org  
director@amescampustown.com  
eventauthorization@iastate.edu

## TIMELINE

Setup Date  Time  M T W R F Sa Su

Event Starts Date 1/27/2022 Time 8:00 am M T W R F Sa Su

Detailed Description of Event Activities (written overview of event and what's going to happen)

Downtown Dollar Days is an annual sale held in Downtown Ames. The event will be held January 27th through January 30th and merchants will host sales and special deals in their stores. The purpose of the sale is to attract people to Downtown Ames and it promotes shopping local in the

Event Ends Date 1/30/2022 Time 8:00 pm M T W R F Sa Su

Teardown Complete Date  Time  M T W R F Sa Su

## Event Category

- Athletic/Recreation
- Exhibits/Misc.
- Festival/Celebration
- Parade/Procession/March
- Concert/Performance
- Farmer/Outdoor Market
- Other (please explain)

Rain Date  Rain Location

Yes  No

Is this an annual event? If yes, how many years?

## For Office Use Only

### Documents Received

Date: 12-29-21

- Completed Application
- Fireworks Application (\$25 fee)
- Insurance Certificate
- Public Safety & Event Management Plan
- Site Plan/Route Map (\$25 fee) (hand filled)
- Vendor List (\$50 fee/each)
- Parking fees

### Special Events Meeting

Date not needed

Time per Brian Phillips 12/30/21

Room

### Documents Sent:

- Alcohol License
- ABD
- Fireworks Permit
- Road Race Permit
- TOP
- Vending Permit
- Other

### Departments Included

- City Manager: Brian Phillips and Tasheik Kerr
- CyRide: Jenny Bethurem or Rob Holm or Kevin Gries
- Electric: Mark Imhoff
- Fire: Jason Ziph or Rich Higgins
- Parks & Rec: Craig Kaufman or Joshua Thompson
- Public Works: Brad Becker or Dave Cole
- Police: Tom Shelton or Mike Arkovich
- Water: Heidi Petersen
- Risk Management: Bill Walton

CAA: Karin Chitty  
AMS: Kim Frey  
ISU: Events  
Authorization Committee

### City Council Meeting

Date 1-11-21

Added to Agenda with CAF Approved  N

Reminder Date

**CONTACTS**

Sponsor/Applicant Name   
Address   
City  State  Zip Code   
Daytime Phone  Cell Phone   
E-mail   
Alternate Contact Name   
Daytime Phone  Cell Phone   
E-mail

**ATTENDANCE**

Anticipated Daily Attendance

Yes No

Is this event open to the public?

Is your event being held in conjunction with another event (e.g. *Farmers' Market, 4th of July*, etc.)? If yes, please list:

**ORGANIZATION STATUS/PROCEEDS**

- For-Profit
- Bona Fide Tax Exempt
- Nonprofit

Yes No

Are patron admission, entry, or participant fees required? If yes, please describe and provide amounts:

Are vendor or other fees required? If yes, please provide amounts:

Percentage of net proceeds going towards fundraising  %

Percentage of net proceeds going towards for-profit entity  %

**SECURITY**

Ames Police Department 24 hour non-emergency phone number: 515-239-5133  
Please complete the course at <https://www.crowdmanagers.com/training> for crowd management training.

Yes No

Have you hired a professional security company to develop and manage your event's security plan? If yes, please fill out the following information:

Security Organization   
Address   
City  State  Zip  Phone   
Email

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION APPROVING AND ADOPTING  
SUPPLEMENT NO. 2022-1 TO THE AMES MUNICIPAL CODE**

BE IT RESOLVED, by the City Council for the City of Ames, Iowa, that in accordance with the provisions of Section 380.8 Code of Iowa, a compilation of ordinances and amendments enacted subsequent to the adoption of the Ames Municipal Code shall be and the same is hereby approved and adopted, under date of January 1, 2022, as Supplement No. 2022-1 to the Ames Municipal Code.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
John A. Haila, Mayor

Attest:

\_\_\_\_\_  
Diane R. Voss, City Clerk

# MEMO



*Caring People • Quality Programs • Exceptional Service*

**TO:** Members of the City Council

**FROM:** John A. Haila, Mayor

**DATE:** Date of City Council Meeting

**SUBJECT:** Council Appointment to Ames Economic Development Commission (AEDC) Board of Directors

David Martin's term of office on the AEDC Board of Directors is not due to expire until December 31, 2022; however, Council Member Martin's term on the City Council ended December 31, 2021.

Therefore, I recommend that the Council approve the appointment of Anita Rollins to complete the term of office on the Ames Economic Development Commission Board of Directors.

JAH/alc

## COUNCIL ACTION FORM

**SUBJECT: PROCUREMENT CARD FOR NEW COUNCIL MEMBER**

**BACKGROUND:**

On February 26, 2002, City Council approved a procurement card (p-card) program to facilitate payment for small purchases and travel expenses. Policies and procedures for the program are part of the City purchasing policies approved by City Council. All cardholders attend training on the related policies and procedures prior to being issued a card.

Procurement card applications for employees are approved by the applicant's department head. Applications for elected City officials are to be approved by City Council. An application for new City Council member Anita Rollins was submitted and she attended the required training session on December 2, 2021. The proposed account will have a single purchase limit of \$2,000, a daily spend limit of \$3,000, and a monthly billing cycle limit of \$5,000.

**ALTERNATIVES:**

1. Approve the application for procurement card for City Council member Rollins and set the spend limit at \$2,000 per transaction, \$3,000 per day, and \$5,000 per monthly billing cycle.
2. Have City Council member Rollins use her personal account rather than procurement card for travel and related expenses, and request reimbursement in accordance with applicable City policies.

**CITY MANAGER'S RECOMMENDED ACTION:**

The procurement card program is intended to facilitate payment for small purchases and travel expenses. The application for new City Council member Rollins was submitted and she attended the required training session.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the application for a procurement card for City Council member Rollins and setting the spend limits as indicated above.

**COUNCIL ACTION FORM**

**SUBJECT: MEMORANDUM OF AGREEMENT WITH THE IOWA DEPARTMENT OF NATURAL RESOURCES FOR THE SOUTH SKUNK RIVER WATER TRAIL**

**BACKGROUND:**

In June 2020, the State of Iowa designated the South Skunk River within Story County as a State Water Trail. Story County Conservation is the Water Trail Sponsor and there are several Water Trail Partners as shown below:

- City of Story City
- City of Ames
- Story County Engineer
- Iowa Department of Transportation

The attached Memorandum of Agreement (MOA) defines the responsibilities of the Iowa Department of Natural Resources (IDNR), the Water Trail Sponsor, and each of the Water Trail Partners. **For the City of Ames, responsibilities are related to the two water trail accesses within the City, 1) the River Valley Park access; and 2) the South 16<sup>th</sup> Street access. Specifically, the following is what the City would be responsible for as well as the frequency for each location:**

<b>Responsibility</b>	<b>River Valley Park</b>	<b>South 16<sup>th</sup> Street</b>
Sediment removal	Within two weeks of a high-water event	Within two weeks of a high-water event
Mow the area	Weekly	Weekly
Trash removal	Weekly	Weekly
Maintain (clean) restrooms	Weekly	N/A
Signage	Install initial and replacement signs provided by the IDNR	Install initial and replacement signs provided by the IDNR

**Additionally, the City would install the initial and replacement signage for the bridges located at East 13<sup>th</sup> Street, Lincoln Way, and South 16<sup>th</sup> Street. These signs are also provided by the Iowa DNR.**

This agreement will begin January 15, 2022 and be in effect through January 15, 2027.

**ALTERNATIVES:**

- 1) Approve the Memorandum of Agreement with the Iowa Department of Natural Resources for the South Skunk River Water Trail.
- 2) Do not approve the Memorandum of Agreement with the Iowa Department of Natural Resources for the South Skunk River Water Trail.



3) Refer this item back to staff.

**MANAGER'S RECOMMENDED ACTION:**

The South Skunk River Water Trail Memorandum of Agreement formalizes the responsibilities of the IDNR, Story County Conservation, and the Water Trail Partners. The responsibilities identified for the City of Ames are items that are already being performed by the City.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative #1, as stated above.

# South Skunk River Water Trail Memorandum of Agreement

This document serves as a Memorandum of Agreement (MOA) among the Iowa Department of Natural Resources, Water Trail Sponsor, and Water Trail Partners for the South Skunk River Water Trail for a period of January 15, 2022 through January 15, 2027. This agreement identifies the responsibilities of each of the parties.

**Water Trail Sponsor:** Story County Conservation

**Water Trail Partners:** Story City, City of Ames, Story County Engineer, Iowa Department of Transportation

## I. GENERAL RESPONSIBILITIES

### A. Water Trail Sponsor

1. Act as the public's direct point of contact for the water trail and respond to concerns and questions that arise in a timely manner.
2. Ensure that law enforcement is briefed in dealing with problem users.
3. Major river-wide obstructions in the channel shall be communicated to the DNR water trails staff within 24 hours of known occurrence on beginner and intermediate level river segments.
4. Alert DNR water trails staff when serious problems arise, such as user conflicts, injuries, drownings, etc. Communicate and collaborate with all water trail land managers, key stakeholders, and user groups to solve any problems that arise.
5. Participate, and encourage participation in, the following programs and campaigns: litter control, river etiquette, safety education, and enforcement.

6. Meet with water trail partners/land managers annually to discuss progress on plan implementation, and identify any issues that need addressed or changes that should be made. Identify what is or isn't working and identify potential solutions and how DNR can help. Submit meeting summary/progress report to the DNR water trails coordinator.
7. Market water trail and offer opportunities for the public to participate in interpretive programming related to the natural resources, history, prehistory, archaeology, and geology within the river corridor.

#### B. Iowa Department of Natural Resources

1. Use information provided by the Sponsor to provide statewide support for the development of interpretive plans and materials (Interpretive panels, brochures, and maps) through GIS services, updates, and contracting with professional service providers.
2. Provide structure and resources for the following programs and campaigns: litter control, river etiquette, safety education, and interpretive programs.
3. Provide statewide communication of the locations of river-wide obstructions or other hazards, such as log jams, temporary dams at bridge construction projects, chemical spills, etc.
4. Offer annual water trail enhancement grants for projects as funding is available.
5. Provide ongoing technical assistance and project support.

## II. WATER TRAIL ACCESS/AREA RESPONSIBILITIES

<b>Area/Access</b>	<b>Management Level</b>	<b>River Segment Skill Level</b>	<b>Agency</b>	<b>Sediment Removal</b>	<b>Mowing/ Trash Removal</b>	<b>Restroom Maintained</b>
Story City Park	Recreational	Intermediate	Story City	Within <b>two weeks</b> of high water event	<b>Weekly</b>	<b>Weekly</b>
Lekwa	Recreational	Intermediate	Story County Conservation	Within <b>two weeks</b> of high water event	<b>Twice per month</b>	<b>N/A</b>
Andersen	Recreational	Intermediate	Story County Conservation	Within <b>two weeks</b> of high water event	<b>Twice per month</b>	<b>N/A</b>
Sopers Mill	Recreational	Intermediate	Story County Conservation	Within <b>two weeks</b> of high water event	<b>Weekly</b>	<b>N/A</b>
North Petersen Park	Recreational	Intermediate	Story County Conservation	Within <b>two weeks</b> of high water event	<b>Weekly</b>	<b>N/A</b>
Sleepy Hollow	Recreational	Intermediate	Story County Conservation	Within <b>two weeks</b> of high water event	<b>Weekly</b>	<b>N/A</b>
River Valley Park	Recreational	Intermediate	City of Ames	Within <b>two weeks</b> of high water event	<b>Weekly</b>	<b>Weekly</b>
South 16 <sup>th</sup> Street	Recreational	Intermediate	City of Ames	Within <b>two weeks</b> of high water event	<b>Weekly</b>	<b>N/A</b>
265 <sup>th</sup> Street	Recreational	Intermediate	Story County Conservation	Within <b>two weeks</b> of high water event	<b>Twice per month</b>	<b>N/A</b>
Askew Bridge	Recreational	Intermediate	Story County Conservation	Within <b>two weeks</b> of high water event	<b>Twice per month</b>	<b>N/A</b>
C.J. Shrek	Recreational	Intermediate	Story County Conservation	Within <b>two weeks</b> of high water event	<b>Twice per month</b>	<b>N/A</b>

### **III. WATER TRAIL SIGNAGE RESPONSIBILITIES**

*(See Addendum A for maps)*

#### **For All Signs:**

1. Iowa DNR
  - a) Purchases all initial and replacements.
  - b) Conducts baseline inventory after initial installation.
2. Story County Conservation Board
  - a) Inspects twice annually to check for missing or damaged.
  - b) Sends inspection reports to Iowa DNR twice annually.
  - c) Ensures brush, tree branches or other items don't impede visibility.

#### **Road and Access Signs:**

Access 246 Signs, Story City Park Access (Addendum A - page 2):

1. Iowa DOT
  - a) Installs initial and replacement large paddler, access number, and large arrow signs with text "2 MI" at two locations on US Highway 69, one set north and one set south of 115<sup>th</sup> St. directing traffic to access.
2. City of Story City
  - a) Installs initial and replacement large paddler, brown access number, and large arrow signs at two locations on Broad St, one east and one west of access entrance, directing traffic to access.
  - b) Installs replacement access signs at access: water trail name, distance to next access, water trail rules, and accessible parking.

Access 242 Signs, Lekwa Access (Addendum A - Page 3):

1. Iowa DOT
  - a) Installs initial and replacement county arrowhead reading "Story County, 2 MILES, Lekwa Access" and large paddler signs at two locations on US Highway 69, one north and one south of 130<sup>th</sup> St. directing traffic to access.
2. Story County Engineer
  - a) Installs initial and replacement large paddler, brown access number, and large brown arrow signs at two locations on 130<sup>th</sup> St., one set east and one set west of the river directing traffic to access.
3. Story County Conservation Board

- a) Installs replacement access signs at access: water trail name, distance to next access, water trail rules, blue access number, and accessible parking.

#### Access 239 Signs, Anderson Access (Addendum A - Page 4):

1. Iowa DOT
  - a) Installs initial and replacement county arrowhead reading “Story County, 3 MILES, Anderson Access” and large paddler signs at two locations on US Highway 69, one set north and one set south of 150<sup>th</sup> St. directing traffic to access.
2. Story County Engineer
  - a) Installs initial and replacement large paddler, brown access number, and large brown arrow signs at two locations on 150<sup>th</sup> St., one set east and one set west of the river directing traffic to access.
3. Story County Conservation Board
  - a) Installs replacement access signs at access: water trail name, distance to next access, water trail rules, blue access number, and accessible parking.

#### Access 235 Signs, Soper’s Mill Access (Addendum A - Page 5)

1. Iowa DOT
  - a) Installs initial and replacement county arrowhead reading “Story County, 3 MILES, Soper’s Mill Access” and large paddler signs at two locations on US Highway 69, one set north and one set south of 170<sup>th</sup> St. directing traffic to access.
2. Story County Conservation Board
  - a) Installs replacement access signs at access: water trail name, distance to next access, water trail rules, blue access number, and accessible parking.
3. Story County Engineer
  - a) Installs initial and replacement large paddler, brown access number, and large brown arrow signs at two locations on 170<sup>th</sup> St., one set east and one set west of the access road directing traffic to access.

#### Access 234 Signs, North Peterson Park (Addendum A - Page 6)

1. Iowa DOT
  - a) Installs initial and replacement county arrowhead reading “Story County, 2 MILES, Peterson Access” and large paddler signs at two locations on US

Highway 69, one set north and one set south of 180<sup>th</sup> St, directing traffic east to access.

2. Story County Engineer
  - a) Installs initial and replacement large paddler, brown access number, and large brown arrow signs at one location on 180<sup>th</sup> St. east of the river directing west bound traffic north to the access.
  - b) Installs initial and replacement large paddler and large arrow signs at one location on 180<sup>th</sup> St., west of Templeton Rd, directing east bound traffic north to the access.
  - c) Installs initial and replacement large paddler, access number and large brown arrow signs at one location on Templeton Rd, just north of the access directing southbound traffic to the access.
3. Story County Conservation Board
  - a) Installs replacement access signs at access: water trail name, distance to next access, water trail rules, blue access number, and accessible parking.

#### Access 230 Signs, Sleepy Hollow Access (Addendum A - Page 7)

1. Iowa DOT
  - a) Installs initial and replacement large paddler and large brown arrow signs at two locations on US Highway 69, one set north and one set south of Riverside Rd. directing traffic east to access.
2. Story County Engineer
  - a) Installs initial and replacement large paddler, brown access number, and large brown arrow signs at two locations on Riverside Rd, one set north and one set south of access road directing traffic to access.
3. Story County Conservation Board
  - a) Installs replacement access signs at access: water trail name, distance to next access, water trail rules, blue access number, and accessible parking.

#### Access 227 Signs, River Valley Park Access (Addendum A - Page 8)

1. City of Ames
  - a) Installs initial and replacement large paddler, brown access number, and large brown arrow signs at two locations on 13<sup>th</sup> St, one set east and one set west of the entrance to River Valley Park directing traffic to access.
  - b) Installs replacement access signs at access: water trail name, distance to next access, water trail rules, blue access number, portage trail, and accessible parking.

## Access 224 Signs, SE 16<sup>th</sup> St. Access (Addendum A - Page 9)

1. City of Ames
  - a) Installs initial and replacement large paddler, brown access number, and large brown arrow signs at two locations on 16<sup>th</sup> St, one set east and one set west of entrance to the access directing traffic to access.
  - b) Installs replacement access signs at access: water trail name, distance to next access, water trail rules, blue access number, and accessible parking.

## Access 220 Signs, 265<sup>th</sup> St. Access (Addendum A - Page 10)

1. Iowa DOT
  - a) Installs initial and replacement large paddler and county arrowhead signs reading "Story County, 2 MILES, 265<sup>th</sup> Street Access" at two locations on US Highway 69, one set north and one set south of 265<sup>th</sup> St directing traffic east to access.
2. Story County Engineer
  - a) Installs initial and replacement large paddler, brown access number, and large brown arrow signs at two locations on 265<sup>th</sup> St, one set east and one set west of the entrance to the access directing traffic to access.
  - b) Installs initial and replacement large paddler and county arrowhead signs reading "Story County, 2 MILES, 265<sup>th</sup> Street Access" at two locations on 580<sup>th</sup> Ave, one set north and one set south of 260<sup>th</sup> St directing traffic west to access.
3. Story County Conservation Board
  - a) Installs replacement access signs at access: water trail name, distance to next access, water trail rules, blue access number, and accessible parking.

## Access 217 Signs, Askew Bridge Access (Addendum A - Page 11)

1. Story County Conservation Board
  - a) Installs initial and replacement access signs at access: water trail name, distance to next access, water trail rules, blue access number, and accessible parking.
2. Story County Engineer
  - a) Installs initial and replacement large paddler, brown access number, and brown arrow signs at two locations on 290<sup>th</sup> St., one set west and one set east of access road directing traffic to access.
  - b) Installs initial and replacement county arrowhead reading, "Story County, Askew Bridge Access," and large paddler signs at two locations on 560<sup>th</sup>



Ave, one set north and one set south of 290<sup>th</sup> St. directing traffic to access.

### Access 212 Signs, C.J. Shreck Access (Addendum A - Page 12)

1. Story County Conservation Board
  - a) Installs replacement access signs at access: water trail name, distance to next access, water trail rules, blue access number, and accessible parking.
2. Iowa DOT
  - a) Installs initial and replacement large paddler, brown access number, and large brown arrow signs at two locations on state highway 210, one set east and one set west of the river directing traffic to access.

### Bridge Signs (Addendum A - Pages 13-15):

1. Story County Engineer
  - a) Installs initial and replacement bridge signs at 130<sup>th</sup> St.
  - b) Installs initial and replacement bridge signs at 150<sup>th</sup> St.
  - c) Installs initial and replacement bridge signs at 170<sup>th</sup> St.
  - d) Installs initial and replacement bridge signs at 180<sup>th</sup> St.
  - e) Installs initial and replacement bridge signs at Riverside Rd.
  - f) Installs initial and replacement bridge signs at 265<sup>th</sup> St.
  - g) Installs initial and replacement bridge signs at 280<sup>th</sup> St.
  - h) Installs initial and replacement bridge signs at 580<sup>th</sup> Ave.
  - i) Installs initial and replacement bridge signs at 595<sup>th</sup> Ave
  - j) Installs initial and replacement bridge signs at 320<sup>th</sup> St
2. City of Ames
  - a) Installs initial and replacement bridge signs at E 13<sup>th</sup> St
  - b) Installs initial and replacement bridge signs at Lincoln Way
  - c) Installs initial and replacement bridge signs at South 16<sup>th</sup> St
3. Iowa DOT
  - d) Installs initial and replacement bridge signs at US Highway 30
  - e) Installs initial and replacement bridge signs at I-35

### Dam and Rapids Warning Signs

1. City of Story City
  - A. Installs replacement rapids warning signs above Story City Rapids
2. Story County Conservation Board
  - A. Installs replacement rapids warning signs above Soper's Mill Rapids

- B. Installs replacement dam warning signs above Hannum's Mill Dam
- 3. City of Ames
  - A. Installs replacement rapids warning signs above River Valley Park

## IV. Signatures

### Iowa Department of Natural Resources

Name: John Wenck Position: Water Trails Coordinator

Signature \_\_\_\_\_ Date: \_\_\_\_\_

**Water Trail Sponsor: Story County Conservation Board**

Name: \_\_\_\_\_ Position: \_\_\_\_\_

Signature \_\_\_\_\_ Date: \_\_\_\_\_

**Water Trail Partner: Story City, Iowa**

Name: \_\_\_\_\_ Position: \_\_\_\_\_

Signature \_\_\_\_\_ Date: \_\_\_\_\_

**Water Trail Partner: Story County, Iowa**

Name: \_\_\_\_\_ Position: \_\_\_\_\_

Signature \_\_\_\_\_ Date: \_\_\_\_\_

**Water Trail Partner: City of Ames**

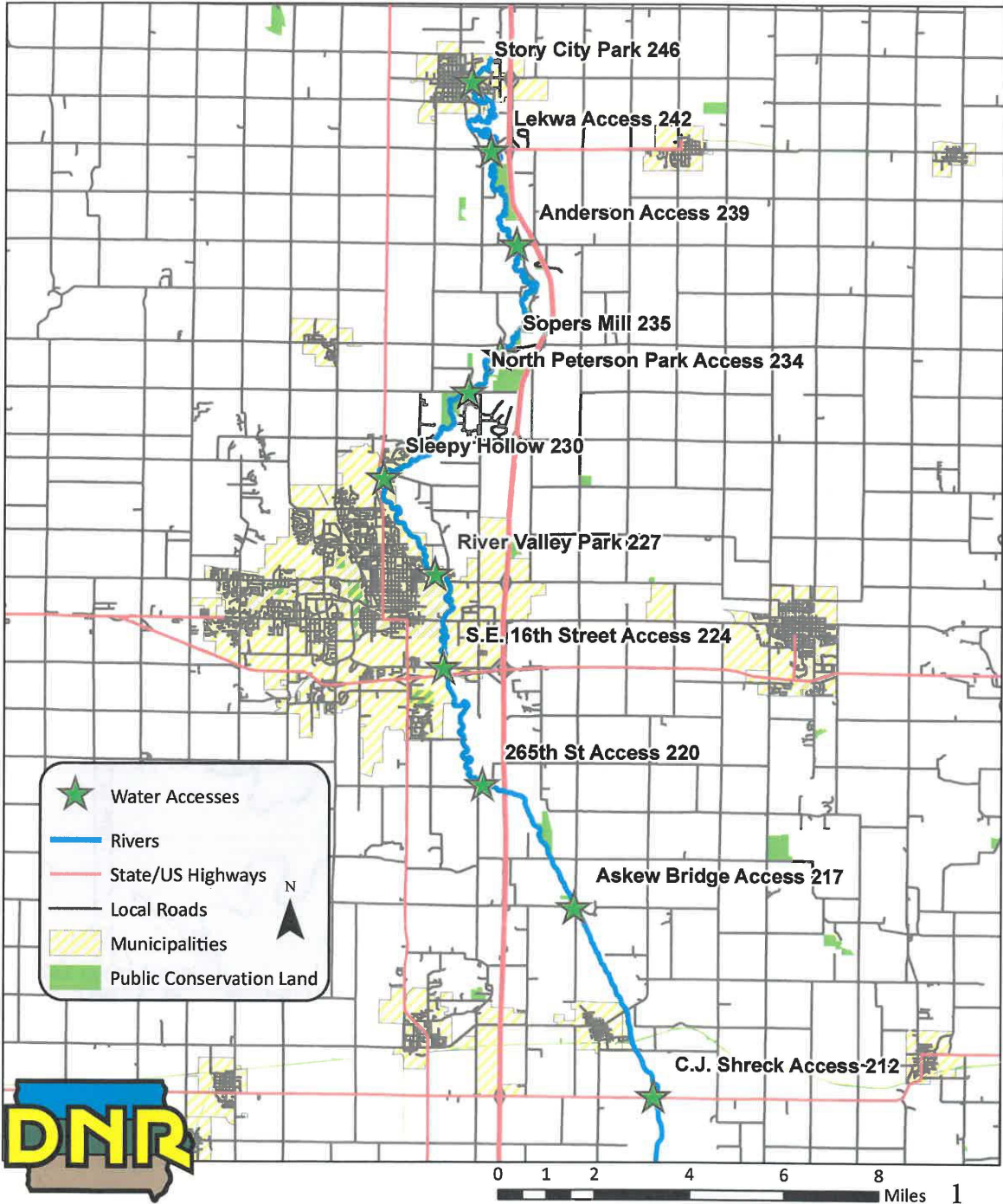
Name: \_\_\_\_\_ Position: \_\_\_\_\_

Signature \_\_\_\_\_ Date: \_\_\_\_\_

# Addendum A

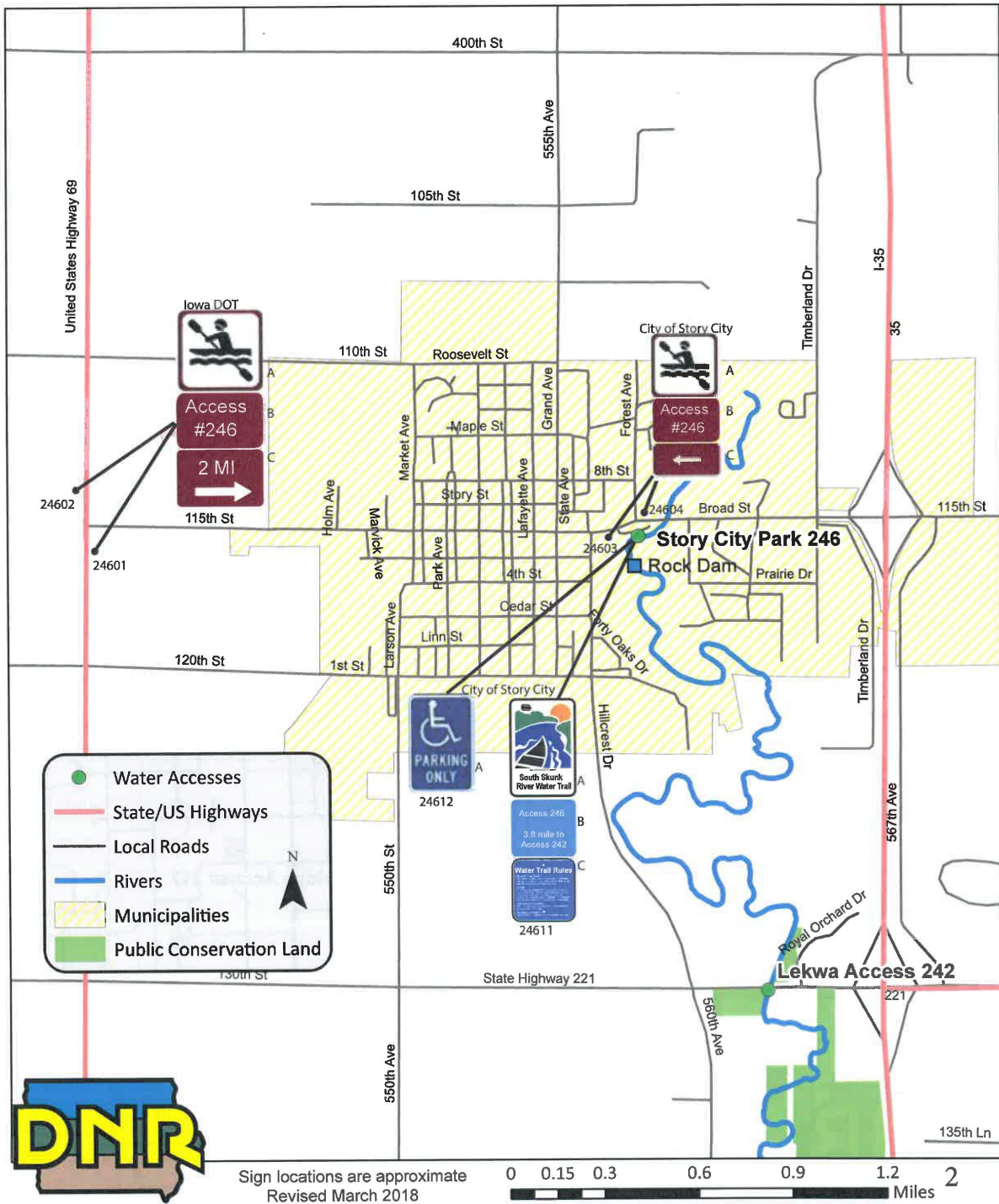
## South Skunk River Water Trail Sign Plan

Story County Revised March 2018



# Story City Park Access #246

## South Skunk Water Trail, Story County



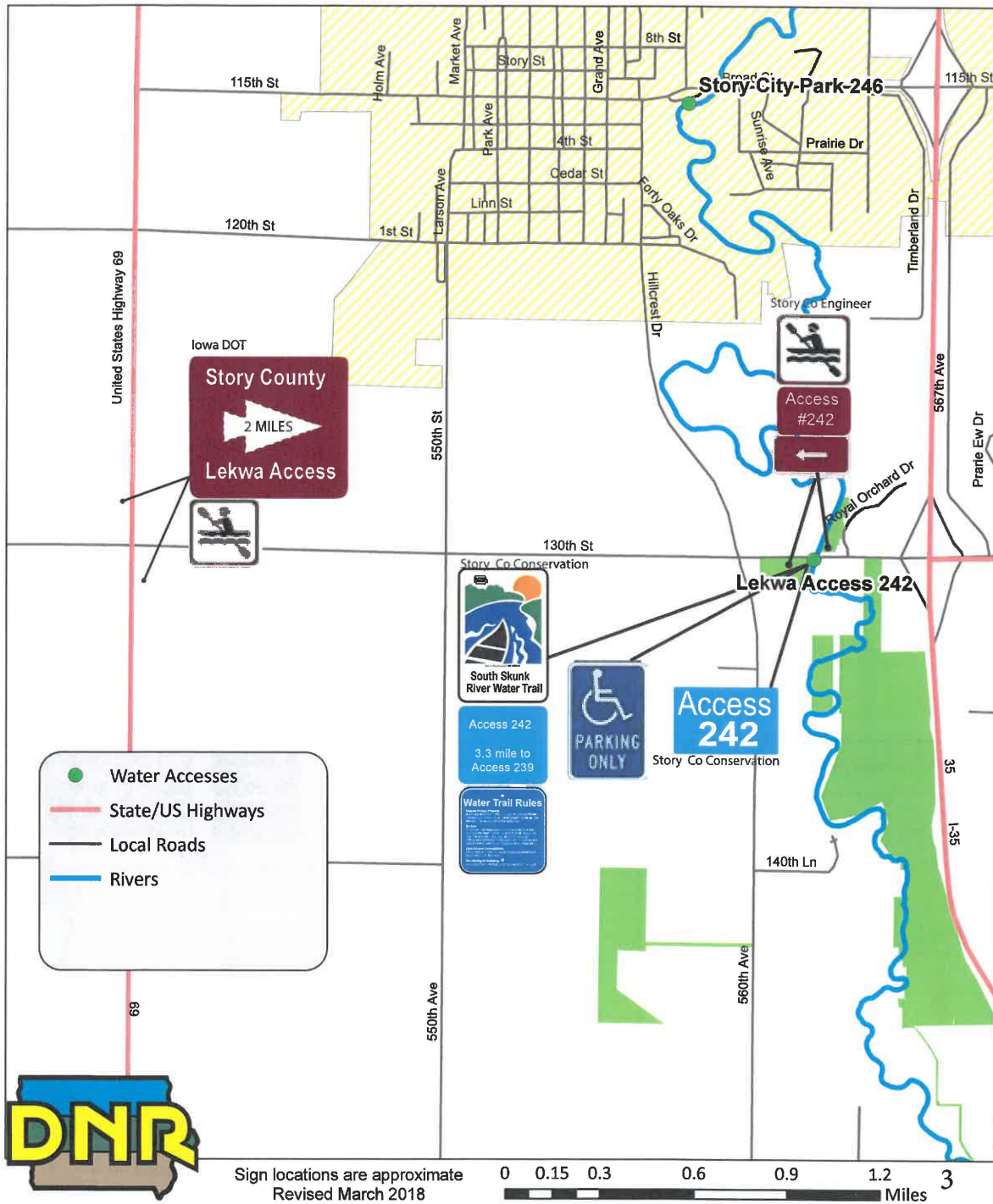
Sign locations are approximate  
Revised March 2018





# Lekwa Access #242

## South Skunk Water Trail, Story County



# Anderson Access #239

South Skunk Water Trail, Story County



# Soper's Mill Access #235

South Skunk Water Trail, Story County



# North Peterson Park #234

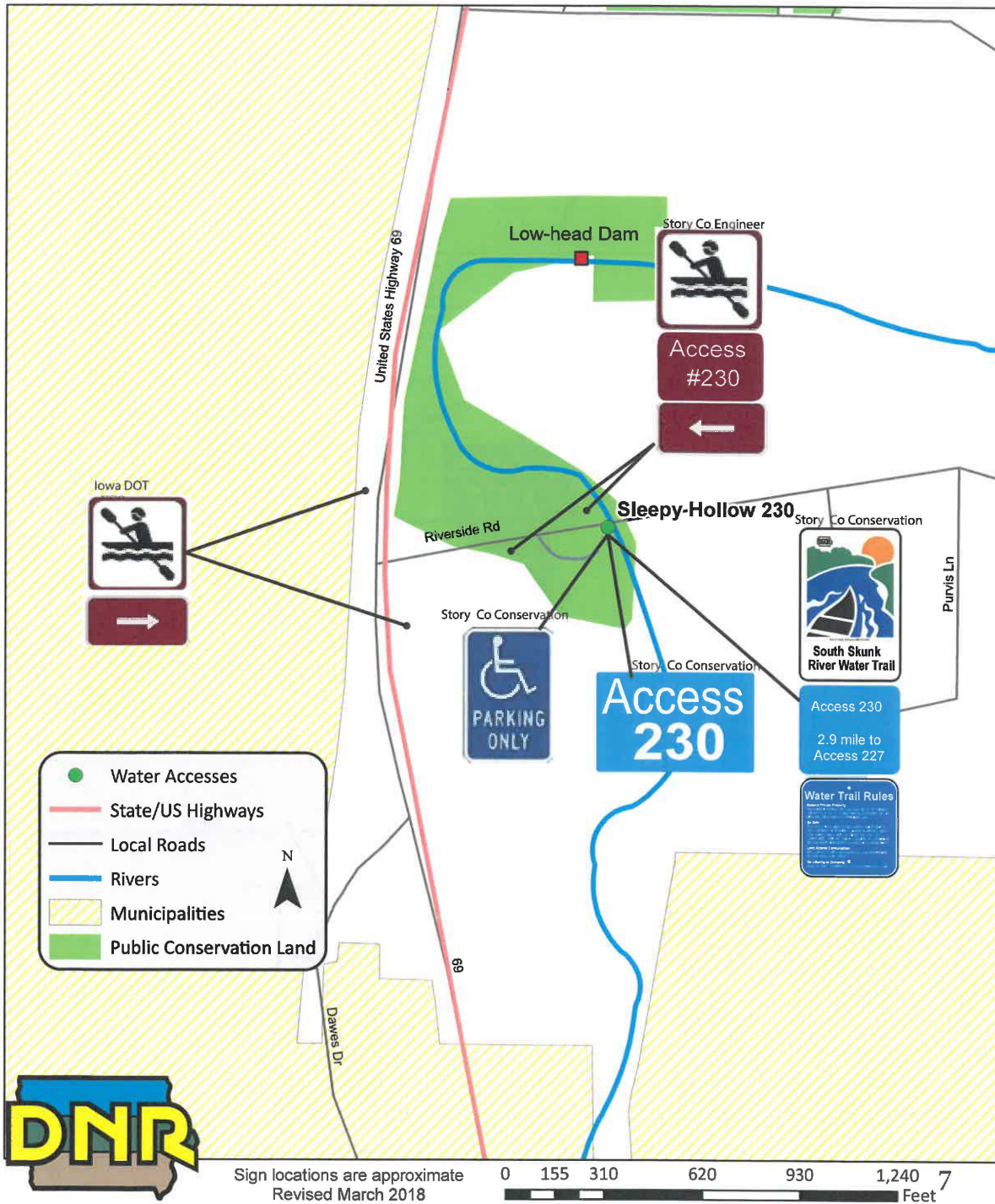
South Skunk Water Trail, Story County





# Sleepy Hollow Access #230

South Skunk Water Trail, Story County



# River Valley Park #227

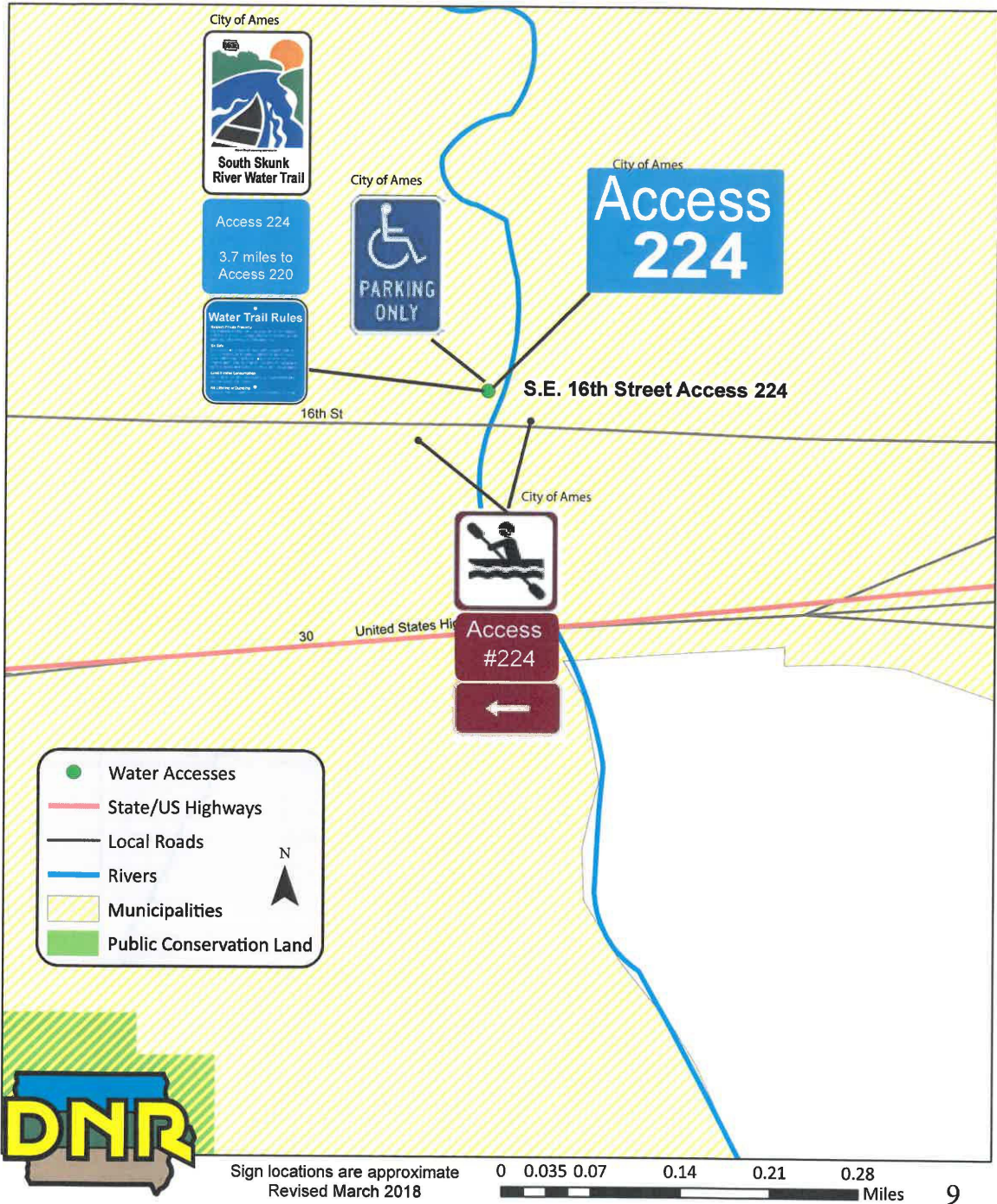
## South Skunk River Trail, Story County





# SE 16th St. Access #224

South Skunk Water Trail, Story County



# 265th St Access #220

## South Skunk Water Trail, Story County





# Askew Bridge Access #217

South Skunk Water Trail, Story County



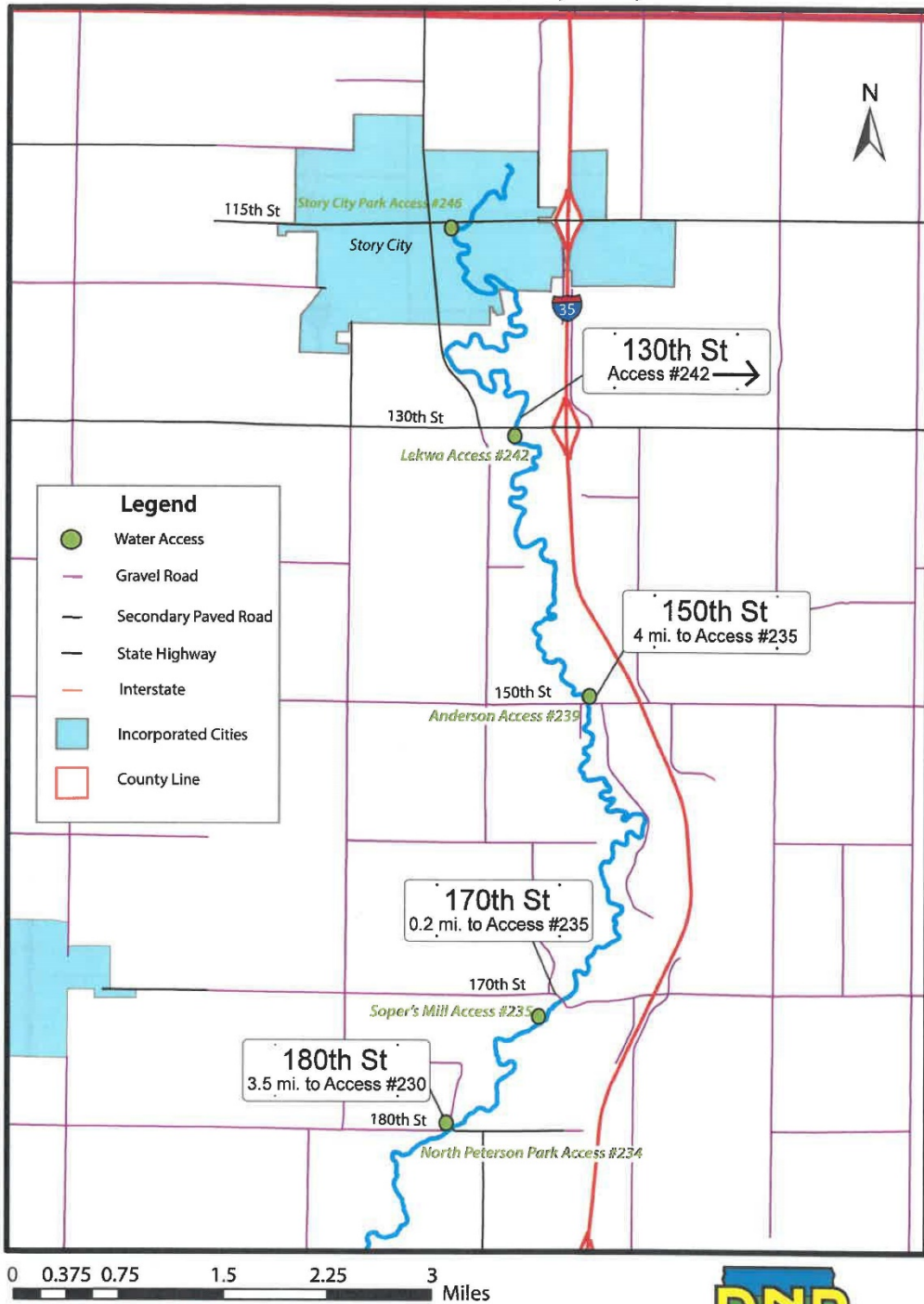
# C.J. Shreck Access #212

## South Skunk Water Trail, Story County



# Bridge Signs

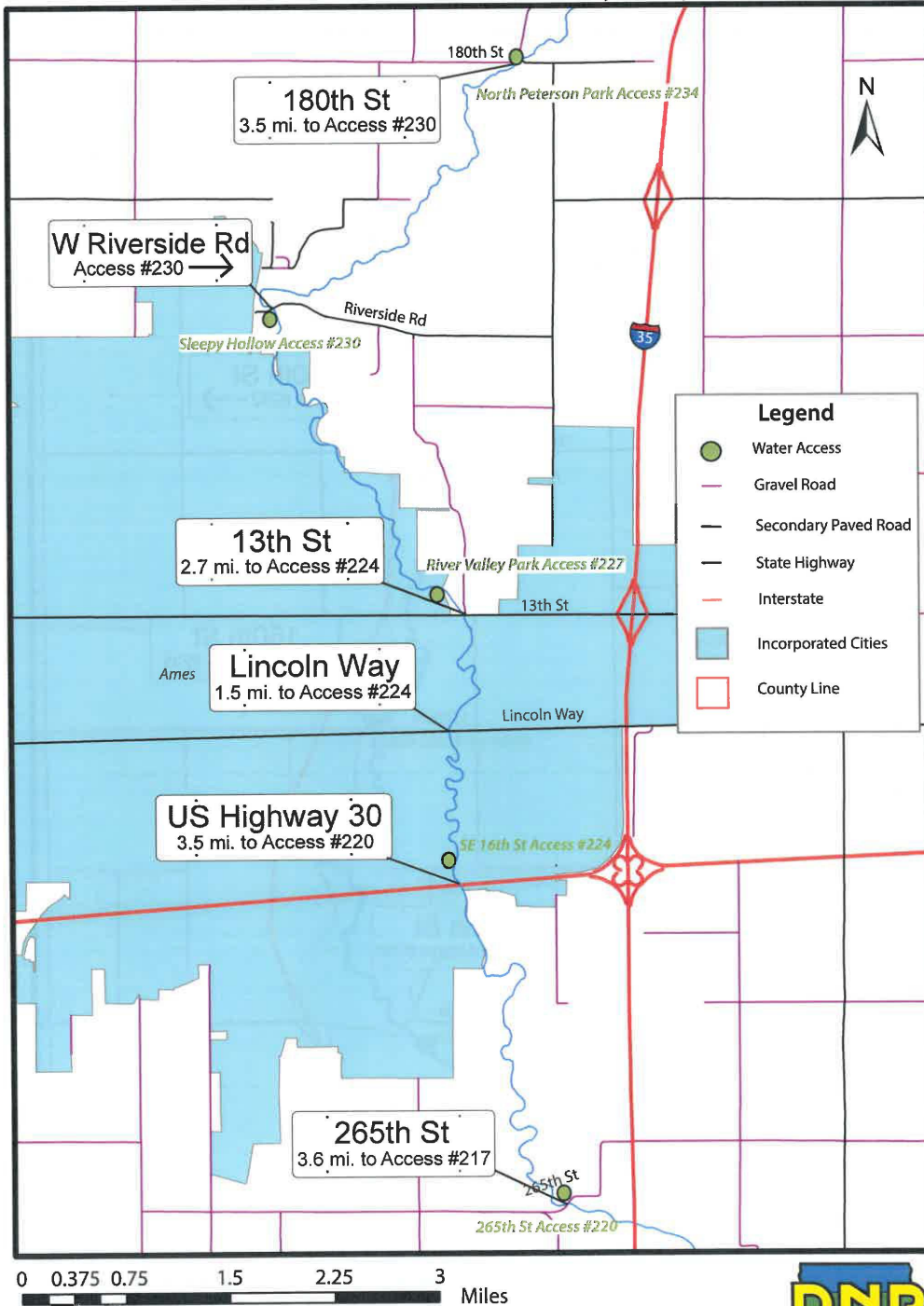
## South Skunk River, Story County



Revised March 2018

# Bridge Signs

## South Skunk River, Story County

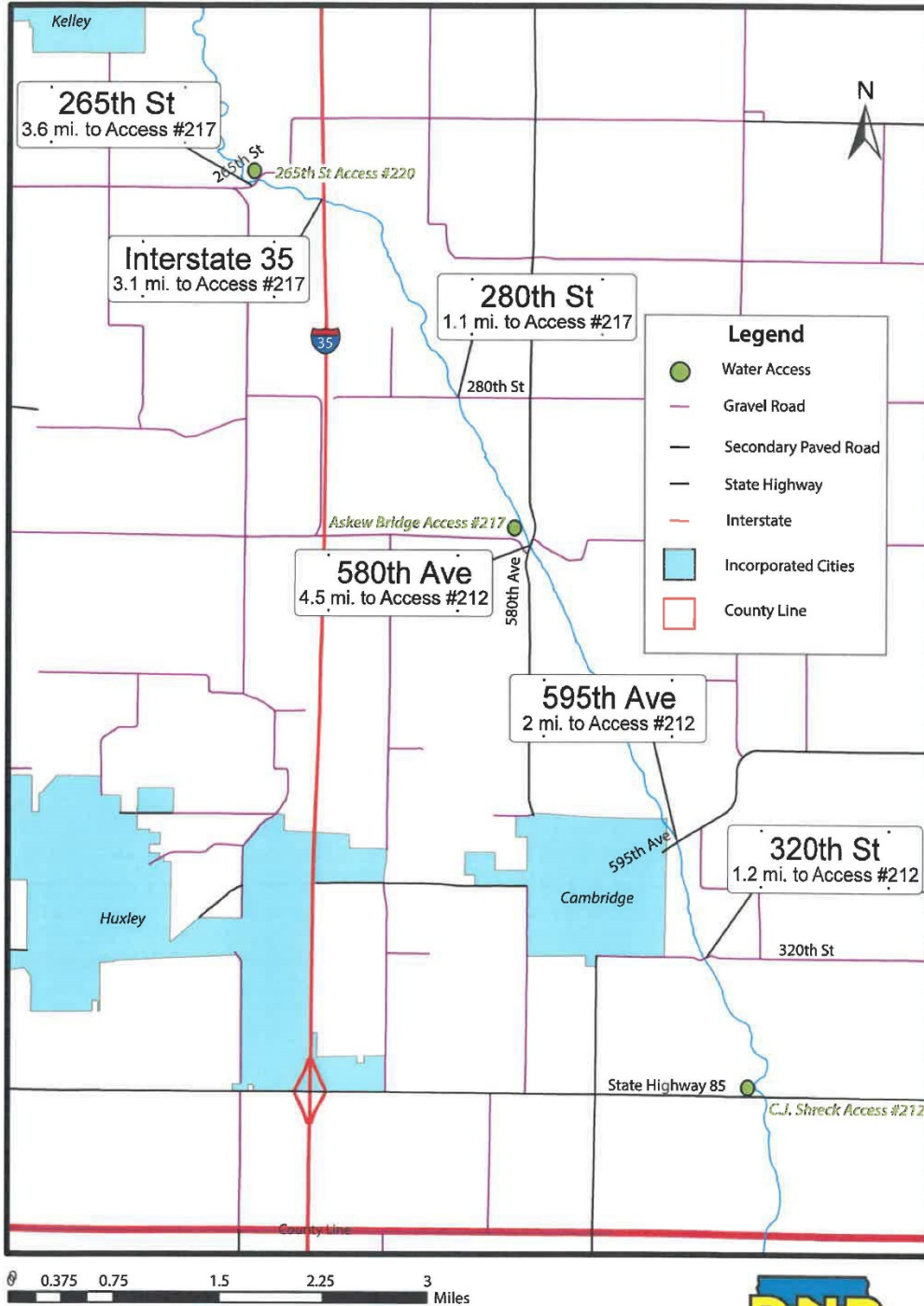


Revised March 2018



# Bridge Signs

## South Skunk River, Story County



**COUNCIL ACTION FORM**

**SUBJECT: SOUTH DUFF AVENUE AND SOUTH 16<sup>TH</sup> STREET IMPROVEMENTS**

**BACKGROUND:**

This project at S. Duff Ave. and S 16<sup>th</sup> St is one of the phases associated the extension of S. Grand Avenue. The projects were broken into three phases to allow for flexibility in timing of construction and funding. The phases are:

- 1) S. 5<sup>th</sup> St. extension and the portion of S Grand Ave from Squaw Creek Drive (the existing dead end) to S 5<sup>th</sup> St. **(Completed)**
- 2) S. Grand Ave. South of S 5<sup>th</sup> Street (this portion includes two bridges to accommodate Squaw Creek under the roadway). **(Substantially Complete)**
- 3) Reconstruction and widening additional turn lanes at S. Duff Ave. and S. 16<sup>th</sup> St. **(This project)**

**Work includes turn lane and traffic signal improvements at S 16<sup>th</sup> Street/S Duff Avenue and infill of sidewalk along the south side of S 16<sup>th</sup> Street from S Grand Ave to just west of Menards.**

Shive-Hattery, Inc. and City staff have completed plans and specifications with estimated construction costs of \$3,835,811.40. Engineering and construction administration costs for this project are estimated at \$383,581, bringing **total estimated costs for this project to \$4,219,392.40**. A summary of funding sources and projected expenses is below.

<b>Activity</b>	<b>Expenses</b>	<b>Funding Source</b>
Engineering (overall total)	\$2,625,350.00	
South 5 <sup>th</sup> Street Project (Completed)	\$3,159,304.15	
S Grand Extension (Substantially Complete)	\$9,368,716.27	
<b>S 16<sup>th</sup> St/S Duff Improvements (Estimated)</b>	<b>\$3,835,811.40</b>	
GO Bonds		\$11,580,000
MPO/STP Funds (\$4,300,000 in CIP)		\$5,500,000
Federal/State Grants (\$4,273,000 in CIP)		\$2,791,485
<b>TOTAL</b>	<b>\$18,989,181.82</b>	<b>\$19,871,485</b>



**ALTERNATIVES:**

1. Approve plans and specifications for the South Duff Avenue and South 16<sup>th</sup> Street Improvements project by establishing February 16, 2022, as the date of letting and February 22, 2022, as the date for report of bids.
2. Do not approve this project.

**CITY MANAGER'S RECOMMENDED ACTION:**

Approval of the plans and specifications is a step forward with a project that will lower street maintenance costs, improve area drainage, and provide a better traffic flow at the intersection of S Duff Ave and S 16<sup>th</sup> St.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, as described above.

**COUNCIL ACTION FORM**

**SUBJECT:**      **REQUEST TO WAIVE FORMAL BIDDING REQUIREMENTS  
AND AUTHORIZE PURCHASE OF BLACK BOX NETWORK  
SERVICES 12-MONTH COMPREHENSIVE SERVICE PLAN**

**BACKGROUND:**

Black Box Network Services (Black Box) is the City's integrated voice applications vendor. The City contracts with Black Box on an annual basis for Unify hardware and software voice maintenance services. Black Box Network Services is the sole provider of maintenance for Unify voice applications in Iowa.

In August 2016, the City purchased its current telephone system, OpenScape 4000, at a cost of \$417,407.67. This system was implemented in November 2016. To maintain the support and maintenance of the system, a service agreement is required. It is important to understand that all service agreements for the phone and voicemail systems are a sole source purchase.

Included in this support and maintenance agreement is 24-hour on site hardware support, software support, remote system monitoring, software upgrades, and phone system changes for the voice, voice messaging, automatic call distribution and automated attendant applications throughout the year.

**Black Box proposed annual support and maintenance agreement for the period of January 1, 2022 to December 31, 2022, in the amount of \$55,107.77, as compared to a cost of \$54,797.20 for the previous year. The approved budget includes \$55,892 for this service.** Approval of this proposal will facilitate the manufacturer's support for both software and hardware for the phone and voicemail systems for the City.

**ALTERNATIVES:**

1. Waive formal bidding requirements and authorize City staff to enter into 12-month hardware and software voice and phone support and maintenance agreement with Norstan Communications, Inc. d/b/a Black Box Network Services, Maple Grove, MN in the amount of \$55,107.77.
2. Deny approval of a 12-month hardware and software voice maintenance agreement with Black Box Network Services and refer back to staff.



**CITY MANAGER’S RECOMMENDED ACTION:**

Black Box Network Services is the sole provider of maintenance for Unify voice applications in Iowa, which is the City’s current system. The agreement includes 24-hour on site hardware support, software support, remote system monitoring, software upgrades, and phone system changes for the voice, voice messaging, automatic call distribution and automated attendant applications throughout the year.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1.

**COUNCIL ACTION FORM**

**SUBJECT: CHANGE ORDER #1 TO STI CEMS SERVICES, LLC**

**BACKGROUND:**

The Power Plant operates two steam-generating boilers, Unit 7 and Unit 8, through a Title V Operating permit issued by the Iowa Department of Natural Resources. The Operating permit requires the two units to be monitored by a Continuous Emission Monitoring System (CEMS), analyzing certain emission gases before they exit either exhaust stack.

Once the data is collected by the CEMS, it is then assembled into reports that must be submitted to the state and federal government at different intervals throughout the year. These processes are typically maintained and performed by the Power Plant Environmental Instrument and Control (I&C) Technician. However, the Environmental I&C Technician position was vacant from June 2021 until December 2021. Therefore, staff contracted with STI CEMS Services LLC to prepare the required reports.

A contract with STI CEMS Services LLC was awarded in June 2021 for \$47,310.00 plus \$1,173.20 tax. STI provided monthly maintenance visits and a 24-hour monitoring service called PASS. The service contract with STI ended in December 2021.

A Power Plant Environmental I&C Technician has been hired, who will ultimately begin producing the monitoring reports. **However, staff desires to extend the contract with STI to allow time for the Environmental I&C Technician to be trained. Therefore, the action being requested is to approve Change Order No. 1 to continue performing monthly maintenance visits and continue the PASS service for an additional six months. As STI performs these services, they will work directly with the Environmental Technician, which will aid in training. This change order will add an additional \$47,310 plus \$1,173.20 tax. This will bring the total contract amount to \$96,966.40.**

The funds budgeted for the maintenance of environmental equipment during the FY 2021/22 budget period have been exhausted. The additional \$48,483.20 will come from the training account in the Power Plant budget, since these services will mostly be used for training the recently hired technician.

**ALTERNATIVES:**

1. Approve contract Change Order No. 1 with STI CEMS Services, LLC, Waldron, Arkansas, for the amount of \$48,483.20 (inclusive of sales tax)
2. Do not approve the change order.

**CITY MANAGER'S RECOMMENDED ACTION:**

Maintaining the CEMS equipment is a requirement of the Power Plant Title V operating permit. Keeping up with the maintenance of equipment and having the expertise to respond quickly and effectively to equipment malfunction is very important

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative #1 as stated above.

**COUNCIL ACTION FORM**

**SUBJECT:** CHANGE ORDER #1 TO VIM TECHNOLOGIES, INC.

**BACKGROUND:**

The Power Plant is allowed to operate both steam generating boilers, Unit 7 and Unit 8, through a Title V Operating permit issued by the Iowa Department of Natural Resources. The Operating permit requires, among other items, the two units to be monitored by a Continuous Emission Monitoring System (CEMS), analyzing certain emission gasses before it exits either exhaust stack. Once the data is collected by the CEMS, it is then used to assemble required reporting due to the state which must be submitted at different intervals throughout the year. These processes are most often maintained and performed by the Power Plant Environmental Instrument and Control (I&C) Technician. The Environmental I&C Technician position was vacant from June 2021 until December 2021 providing the need for support services from VIM Technologies Inc.

A contract with VIM Technologies Inc in the amount of \$43,900 written in June of 2021 was to provide monthly site visits, weekly data review, and the maintenance of the Data Acquisition and Handling System (DAHS). VIM Technologies also provided their COMPAS service package, assembling all environmentally regulated reports required on a quarterly, semi-annual, and annual basis. This contract was complete in December of 2021.

**The action being requested is to approve Change Order No. 1 to extend the VIM Technologies COMPAS support service for an additional 6 months and also provide training sessions for the recently hired Environmental I&C Technician. This change order will add an additional \$24,200. This will bring the total contract amount to \$68,100.**

The FY 2021/22 Power Plant Environmental Equipment Maintenance account had \$78,000 budgeted for these types of services. The additional \$24,200 for this change order will come from this account.

**ALTERNATIVES:**

1. Approve contract Change Order No. 1 with VIM Technologies, Inc., of Glen Burnie, Maryland, for the amount of \$24,200.
2. Do not approve the change order and direct staff to operate the CEMS with limited understanding of the data collection and report submission.

**CITY MANAGER'S RECOMMENDED ACTION:**

Correctly handling the CEMS data and submitting correct and timely reports to the state and federal government is very important and a high priority. Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative #1 as stated above.

**COMMISSION ACTION FORM**

**SUBJECT: ACCESSIBLE KAYAK LAUNCH CHANGE ORDER NO. 1**

**BACKGROUND:**

At the August 24, 2021 Council Meeting, City Council approved the waiver of the City's Purchasing Policies and Procedures as a sole source for the purchase of a BoardSafe Adaptive Kayak Launch to be installed at Ada Hayden Heritage Park. Also approved as part of the project was to award a contract to Northeast Products and Services of Fleetwood, Pennsylvania, to purchase a BoardSafe Accessible Kayak Launch in the amount of \$54,850. The quote included a kayak launch system with a 20-foot-long gangway. The 20-foot length of the gangway is sufficient based on the 20-year average lake level elevation at Ada Hayden Heritage Park and would be compliant with the Americans with Disabilities Act (ADA). **However, due to the lack of rainfall over the last two years, the lake level at Ada Hayden Heritage Park during summer months has dropped to its lowest level since the park opened. For example, if the Adaptive Kayak Launch with a 20-foot-long gangway had been installed prior to this past summer, with the low lake elevations, it would have had to be closed because the slope of the gangway would not be ADA compliant.**

In response to the situation highlighted above, Staff reevaluated the gangway length and is now proposing to purchase a 36-foot-long gangway to ensure individuals will still be able to utilize the Adaptive Kayak Launch and be ADA compliant during seasons of below average lake levels. Staff has also met with representatives of the Access Ada Hayden and they approve of the longer gangway.

The cost of the 36-foot-long gangway is an additional \$16,431 increasing the total cost of the Adaptive Kayak Launch to \$71,281. Staff also made the determination to not utilize the On-Site Installation Supervision (\$4,750) that was part of the original quote, thus reducing the final cost of the launch to \$66,531. Since the final cost of the launch exceeds the 20 percent threshold for staff to approve changes, City Council approval is required for this change order. The project cost estimate is shown below:

<b><u>Estimate:</u></b>	<b><u>Amount</u></b>
Accessible Kayak Launch	\$54,850
Change Order #1 (To increase from 20' to 36' gangway)	\$11,681
Site Work	\$14,920
Contingency (10% of site work)	\$ 1,492
<u>Engineering Services</u>	<u>\$11,500</u>
<b>Total Project Estimate</b>	<b>\$94,443</b>

Total funding available for the project is \$96,164.

### **ALTERNATIVES:**

1. Approve Change Order No. 1 in the amount of \$11,681 to Northeast Products and Services, Fleetwood, Pennsylvania for the Accessible Kayak Launch to be installed at Ada Hayden Heritage Park to allow for the acquisition of a 36' gangway.
2. Do not approve Change Order No. 1 in the amount of \$11,681 to Northeast Products and Services, Fleetwood, Pennsylvania for the Accessible Kayak Launch to be installed at Ada Hayden Heritage Park and move ahead with a 20' gangway.
3. Refer back to staff for further information and review.

### **CITY MANAGER'S RECOMMENDED ACTION:**

The goal of this project is to ensure that all individuals who desire to operate a kayak or canoe on the lake at Ada Hayden Heritage Park can do so with this accessible launch. With the low lake levels over the past two summers, it is important that this system is compliant within ADA regulations. Purchasing a 36 foot-long-gangway accommodates a wider range of lake level elevations that ensures compliance with ADA regulations.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1 as stated above.

## Staff Report

**NEIGHBORHOOD REQUEST TO INITIATE REZONING OF PROPERTIES ON THE WEST SIDE OF GROVE AVE FROM 'RH' TO 'RM'**

January 11, 2022

**BACKGROUND**

City Council received a request from Northwood/Overland Heights Neighborhood Association (see letter date October 18, 2021, *Attachment A*) asking the City Council to consider initiating rezoning of properties along the *west side* of Grove Avenue from 'RH' Residential High-Density Zone to 'RM' Residential Medium Density Zone (see current Zoning Map excerpt, *Attachment B*). Previously a similar request was received from a single homeowner, Robert Long, on April 13, 2021, and an accompanying background memo from staff was prepared at City Councils' request. However, City Council took no action at that time as it was viewed as a singular interest of one property owner. City Council referred the Neighborhood Association request to staff on October 26, 2021, to be put on a future agenda for discussion by the City Council.

The Neighborhood Association believes rezoning to a less intensive zone (from RH to RM) would continue to allow compatible residential uses, such as those currently existing. The Neighborhood Association wishes to prevent commercial redevelopment within this block, believing access internal to the neighborhood (from Northwood, Grove, or Duff) would be harmful to the neighborhood. **The existing RH zoning allows mixed use commercial uses as has occurred at the corner of Northwood and Grand Avenue.** Redevelopment of land into an exclusively commercial use would require a change of land use and rezoning. City Council declined to initiate a request to change to highway oriented commercial in 2018.

An analysis of the block indicates that on the west side of the block that is zoned RH there are 25 dwelling units on 8 individual properties. The uses consist of low to medium residential intensities, including single-family homes, duplexes, and apartment buildings of eight units or less. All of the buildings are no greater in height than 3 stories. Residences on the east side of Grove are zoned R-L and are predominantly single-family homes (see *Attachment C, Aerial of Grove Avenue Area*).

At the time of development (1955 – 1972), the zoning district was 'R-3' Medium-Density Zoning, which appears to have been consistent with the land use designation of the time. The 1997 LUPP changed the area to RH, with the area being rezoned to RH as part of the city-wide rezoning action in 2000, thus aligning with the 1997 LUPP.

All of the current uses of property are permissible within RM zoning compared to RH zoning. Notable differences between RH and RM zoning districts are:



- Use allowance for Commercial Mixed Use in 'RH' (up to 5,000 square feet staff approval, exceed 5,000 square feet requires City Council approval);
- Height allowance for 100 feet or 9 stories in 'RH'. 'RM' allows for 50 feet or 4 stories; and
- Density allowance for up 38.56 dwelling units per net acre in 'RH'. 'RM' allows for up to 22.31 dwelling units per net acre.

There are currently 25 units in this area. The theoretical density for the RH zoned area when totaling up each existing lot's development potential is 88 units compared to a theoretical density of 56 units as RM zoning. These calculations do not account for actual site conditions affecting building setbacks and parking requirements based upon apartment bedroom counts which would likely reduce actual yield.

### **AMES PLAN 2040 REDIRECTION AREA DESIGNATION:**

In the last few years, the Northwood/Overland Heights Neighborhood Association has seen redevelopment interest in this area. A mixed-use commercial use on the north side of Northwood Drive and Grand Avenue, has recently developed at the former Mary Kay's Café and Flower Shop site. In 2018, a commercial use change and rezoning request for a Sherwin Williams store at 3115 & 3125 Grove Avenue was declined to be initiated by City Council.

The recently adopted Ames Plan 2040 Future Land Use Map indicates this block as "Redirection" (see Ames Plan 2040 (excerpt), *Attachment D*). The Redirection designation was assigned to the area based upon the existing conditions of the area as well as the recent redevelopment interest in the area. Staff believes this issue is a good first example for dealing with redirection areas and discussing the various policies that would apply.

Ames Plan 2040 describes Redirection areas are those "areas anticipated to have a change in *use or development pattern* over the next 20 years to increase both the efficiency and quality of Ames' urban environment. Infill development may change the types and intensities of land use and introduce new building forms. In some cases, specific plans or zoning may be applied to provide direction for specific types of changes and to address issues of compatibility and transition."...

Redirection areas require an "assessment of community needs and character of the surrounding area to guide planning and policy decisions on specific changes." [G-3. p.31] "Make smooth transitions in scale and intensity of use from pre-existing context to higher intensity development. Support high-density redevelopment only in planned or targeted land use redirection areas. Use prevailing density as the guide for redevelopment, but allow for building variations to meet infill objectives." [G3-3. p.33]

**It should be noted that the Redirection Area designation as written within Plan 2040 has no direct effect on the current zoning of the property as the designation is designed for study purposes. Changes to land use or zoning is necessary to "redirect" a site from its current zoning.**

## **PREVAILING CHARACTER OF THE AREA:**

Access to the properties from Grand Avenue is not available. Grand Avenue is a restricted access arterial roadway and a state highway subject to IDOT jurisdiction. This means that side street access is required for these properties. The CyRide Brown Route travels on Grand Avenue as well, with a stop at Northwood/Grand Avenue intersection at the north end of the subject area and a stop at Duff/Grand Avenue at the south end of the subject area.

The block itself currently has a slightly higher intensity of use, than the neighborhood. The block includes a mix of low to medium residential intensities, including single-family homes, duplexes, and apartment buildings of eight units or less, with buildings at heights no greater than 3-stories. Buildings line the street with similar setbacks. Parking for more intensive uses are located behind or to the side of buildings. The street frontage along Grove is a primary concern with any redevelopment.

If prevailing density is the guide for redevelopment of this block, then RM could be considered appropriate. However, Action 3 of the Neighborhoods, Housing & Subareas Element states, "Create infill and development standards for compatibility in residential areas and transition areas focused on design over density."

**The primary question for the Redirection Area for this situation is whether the existing higher infill density potential is the higher priority compared to a change for more moderate redevelopment options with the neighborhood's primary goal to limit commercial uses?**

## **OPTIONS:**

### **Option 1- Initiate Rezone to RM Zoning with Owner Meeting**

This option supports the Neighborhood Association's request for the City to proceed with the rezoning process for the Grove Avenue block from RH to RM. Rezoning to RM would not cause any of the existing uses to become non-conforming. Should redevelopment occur, uses would remain similar to current uses. Building height could not exceed 4 stories or 50 feet. However, under a typical rezoning, no other qualities of neighborhood character and compatibility would be required to be addressed that are not part of the City's zoning ordinance standards.

Staff inventoried all of the properties to estimate each existing lots development potential. All property owners, with the exception of the 5-unit apartments at Duff and Grand Avenue, could add, at least, one additional unit if the site was redeveloped subject to complying with development standards. The primary opportunities to gain dwelling units would be the redevelopment of the single-family home properties to apartments. **Overall redevelopment potential for all lots in total is approximately 30 units less than under RH zoning, and no mixed-use commercial is permitted.**

Neither RH or RM zoning have any specific design requirements to architecture or relationship to streets beyond setback standards. The rezoning of the site to RM reduces

potential degree of change, but does not directly ensure compatible design features for the area.

**At this time no property owners of the RH zoned property have been involved in the discussion of the request. An outreach meeting to property owners about their interests would be advisable before progressing to a public hearing on a rezoning with the Planning and Zoning Commission and the City Council.**

The projected timeframe for this option would likely be approximately three to four months to meet with owners and to complete the rezoning public hearing process for a City Council decision on rezoning.

### **Option 2- Retain the RH Zoning**

This option retains the current zoning and makes no changes to current allowances. Although the previous zoning was Medium Density Residential, the existing zoning has been in place for more than 20 years. Under current zoning some redevelopment potential exists for all the property owners, with consolidation of properties more intense redevelopment could occur. Conceivably a limited amount of mixed-use development is also an option.

From the perspective of commercial mixed-use development, the most likely marketable scenario would be the redevelopment of the properties at Northwood and Grand Avenue, across from the former Mary Kay location, due to easier access than the other properties. No access would be permitted from Grand Avenue.

The subject properties may be desirable for acquisition and redevelopment since there is limited to no vacant 'RH' zoned land available in the City. Unfortunately, RH has no specific design standards to guide contextual redevelopment and design and future intensification may not be well received in the area.

### **Option 3- Zoning Text Amendment to RH but limit Mixed Uses**

RH allows for commercial uses within a mixed-use building design. This option has rarely been used, but as seen on the former Mary Kays site, it can be a desirable option on the right site. The allowance for commercial could be modified within the zoning ordinance standards in terms of square footage or permitting process, but leave the other residential uses and development standards as is. This type of change would apply citywide.

Staff believes allowing for mixed use in RH is a reasonable use allowance throughout the City. If a text amendment is initiated then staff believes addressing the permitting and design process for commercial would be a better choice than eliminating the option for mixed use within all RH zoning districts.

This option would likely take a minimal amount of effort to amend the text of the Zoning Ordinance and would not involve public outreach due to the narrow scope of the change.

### **Option 4- Create a Redirection Overlay with Design Standards for the Block**

Due to the newness of Ames Plan 2040, its full implementation in terms of Zoning Ordinance changes has not yet occurred. A point of emphasis within the Plan is for infill and intensification to work well within the community, more attention to design requirements and neighborhood context is desirable compared to current standards.

**Development of Infill and Development Standards for compatibility with the Northwood/Overland Heights neighborhood could be codified as design standards for a new Overlay Zone for the block.** Currently, there are two other examples of small overlay areas in the Zoning Ordinance: 'O-LMU' Lincoln Way Mixed Use Overlay and 'O-SLF' South Lincoln Fringe Overlay. A broader area example is the Single-Family Conservation overlay for RM properties near Downtown.

This option would likely work best with a relatively generic design overlay so it could be used in multiple locations of the city where redevelopment or infill is desirable. If this proves to be unworkable due to different objectives and characteristics across the city, smaller overlay zones could be adopted for areas such as Grove Avenue.

Although the area has seen some interest in redevelopment, it is not clear whether the creation of an Overlay would incentivize redevelopment or hinder it. The overlay could be applied to either RH or RM as a base zone. The overlay could satisfy compliance with the redirection policies of the Ames Plan 2040 and create clarity for both residents and future developers.

Depending on scope as a city-wide tool or a Grove Avenue specific zoning, this option would involve the most time. This option fits within the general outline of Implementation priorities of Ames Plan 2040, but City Council has not yet prioritized which Zoning Ordinance Updates to address first. City Council will consider its work plan priorities for Planning and Housing and Plan 2040 implementation in the next 4-6 weeks.

#### **STAFF COMMENTS:**

**For City Council to select an option related to this area it must first answer the question of its priority in promoting intensification with the current RH zoning or to allow for more moderate intensification options with RM zoning.** The change of zoning to RM also eliminates the potential for commercial on the properties as mixed use development. **For staff, the issue of residential density and design are the primary policy issues for this area rather than supporting commercial use.** Commercial uses are not a specific use targeted for this area and staff has no concerns about limiting commercial use for the area. The issue of RH or RM zoning for intensity of use is really driven by priorities of competing interests of the City as described in relation to Redirection Areas.

The issue of design compatibility would seem to apply regardless of RH or RM zoning. However, RM zoning has less extreme height and density allowances that ameliorate potentially bulk issues of site and building design. Neither zoning district addresses architectural design features. **Overall staff supports the creation of design standards in support of the prevailing neighborhood characteristics of the Grove Avenue block in some manner as outlined as part of Option 4.** Option 4 could be directed by

Council to apply only to this area, or for it to be part of a wider city infill design policy as an implementation measures of Plan 2040. The staff effort to accomplish this option would need to be prioritized in the Department's work plan.

**Attachment A**  
Neighborhood Association's Letter

18 Oct 2021

**Northwood/Overland Heights Neighborhood Association Ames, IA**

**RE: Current zoning of Grove Ave**

To: Mayor and City Council Ames, IA  
City Manager and Staff Ames, IA

We, the association, request that the Ames city manager, staff, mayor, and city council discuss the current zoning of Grove Ave.

The association met for our annual gathering on 10 Oct 2021. During open topics we heard from Robert Long (3124 Grove) regarding his concern about Grove Ave zoning. He explained his concerns with the High Density zoning currently in place on the west side of Grove. He informed us that he had reached out to the city regarding this issue and that it was dismissed. A motion was put forward to formally ask the city to re-zone the west side of Grove Ave from high density residential to medium density residential. The motion passed unanimously.

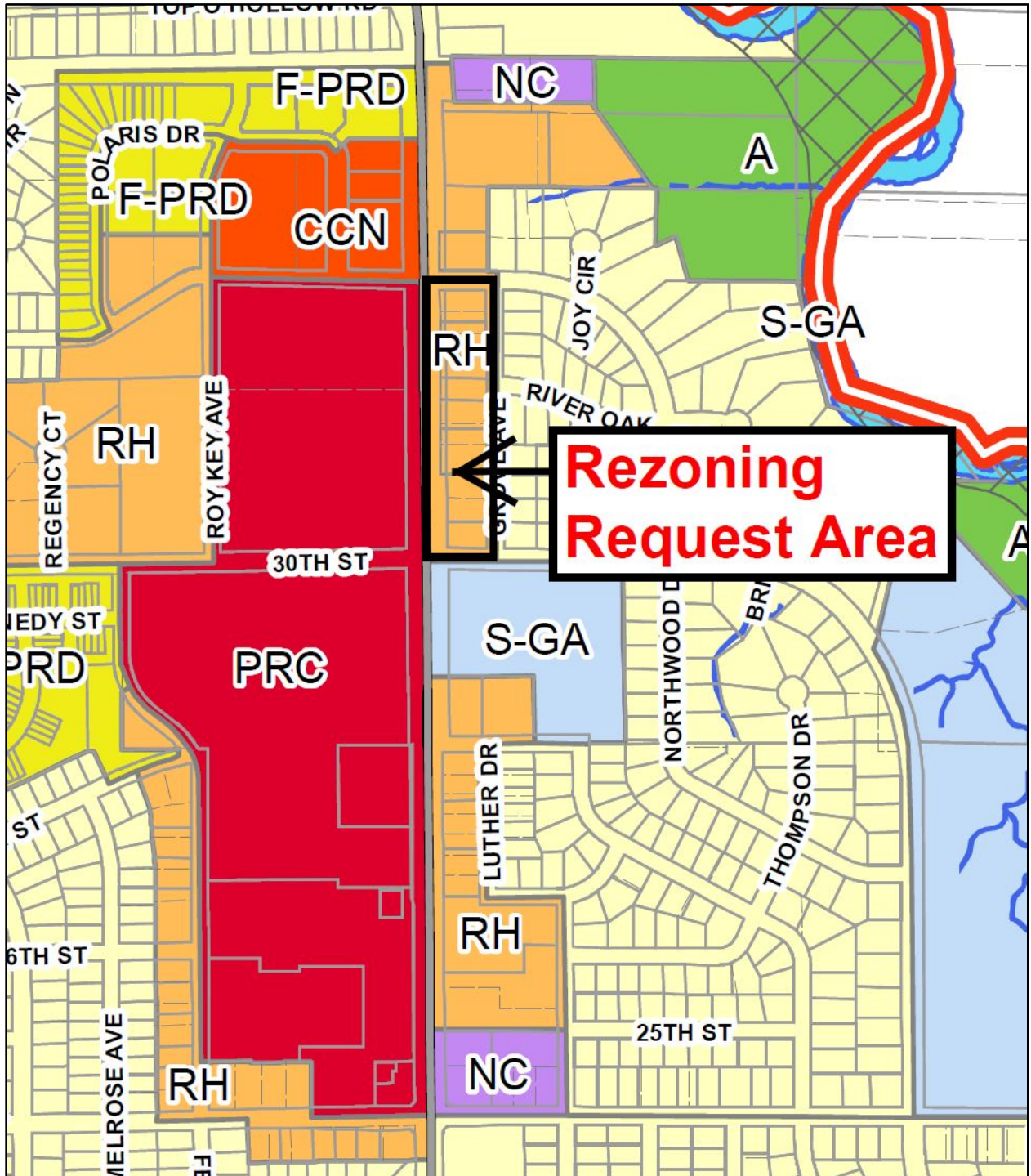
If we understand correctly, the High Density zoning on the west side of Grove Ave. allows for mixed use of commercial and residential. We now have an idea of what that means by the development going up at the former Mary Kay's Café and flower shop. Under this zoning there is no buffer in place between possible high traffic commercial and low density residential that the east side of Grove Ave is zoned.

Our request is to begin the process for the re-zoning of the west side of Grove Ave from high density residential to medium density residential. We believe this change would have NO impact on current property owners and would only prevent future conflicts with how the neighborhood has been built out.

Thank you

Northwood/Overland Heights Neighborhood Association  
Leo Milleman primary contact 3112 Northwood Dr (515-232-2210)  
Judy Strand secondary contact 3132 Northwood Dr  
Bob Long tertiary contact 3124 Grove Ave (515-232-2801)

**Attachment B**  
Current Zoning Map (excerpt)



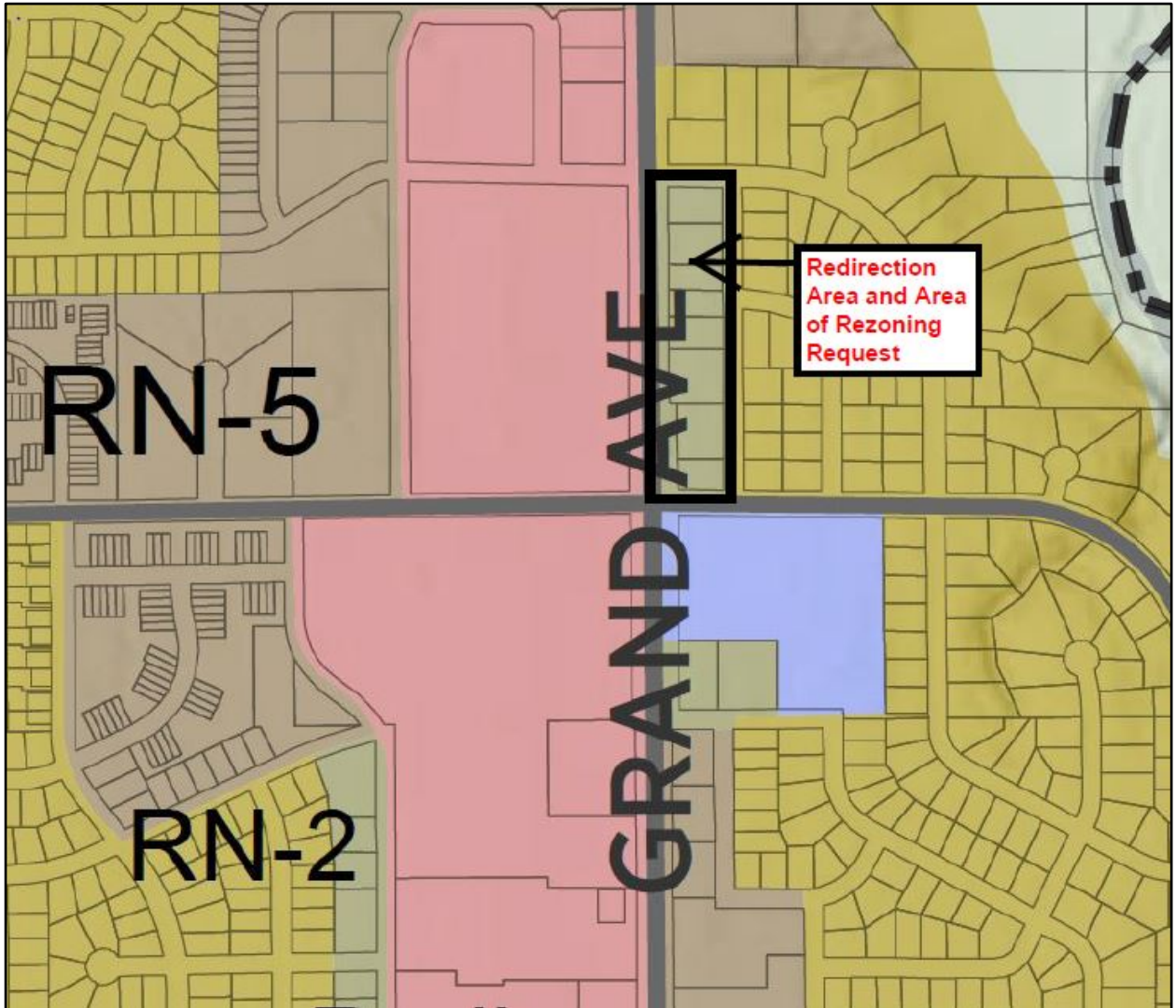


**Attachment C**  
**Aerial of Grove Avenue Area**





**Attachment D**  
Ames Plan 2040 (excerpt)



ITEM #: 21  
DATE: 01-11-22

**COUNCIL ACTION FORM**

**SUBJECT: REZONE OF 23959 580<sup>TH</sup> AVENUE FROM “A” (AGRICULTURAL) TO “II” (INTENSIVE INDUSTRIAL) ZONING DISTRICT**

**BACKGROUND:**

The proposed rezoning includes one parcel, totaling 23.21 acres, addressed as 23959 580<sup>th</sup> Avenue. This property was annexed into the City in the summer of 2021. At the time of annexation, the subject property was assigned an “A” Agricultural zoning classification. The property has retained the “A” Agricultural zoning since that time. The site was previously developed in the county and is commonly referred to as the Caremoli (former) site. A map of the subject property with its zoning and the zoning of adjacent properties is included as *Attachment A*.

When the property was acquired by the current owner, it was located in the county. Through the approval of a Fringe Plan Amendment from Agricultural to Planned Industrial in July of 2020, the property was able to be annexed. (Attachment B-Land Use Designation) Subsequently, Ames Plan 2040 was approved and the designation for this area is “Employment”, which supports industrial zoning districts including the proposed Intensive Industrial “II” zoning district. **Rezoning this property to “II” Intensive Industrial will provide reuse of the property and its existing buildings.**

It should be noted that staff discovered the recently approved Future Land Use Map of Plan 2040 did not include the updated City boundary resulting from the annexation of this property in 2021. The final map should have included the site as being within the City and represented it as Employment as was done with all other Planned Industrial designation in the City. Staff will update the city boundary file for the Plan 2040 future land use map within GIS and include the area as Employment. No action is necessary by the City Council to apply the updated city boundary to the Future Land Use Map as it is a correction to a GIS data layer needed to comply with prior City Council approvals.

This property is currently developed and was formerly used as a food manufacturing facility. No City utilities will immediately serve this site at this time. The existing structures may be used and can continue to be used with rural water service. The site includes an onsite water tank to assist in meeting fire protection requirements. The site is served by an onsite septic system as well.

**It should be emphasized that the use of the site will be subject to full compliance with City building, fire, and zoning code requirements. The property owner will need to rehabilitate the buildings and utility services in order to fully reuse the site.**

The property currently maintains the Story County address. The address will be updated to a City of Ames address on Teller Avenue when new tenant spaces are created and permits are issued in order to set up an appropriate list of unit numbers.

Currently the site is accessed from 580<sup>th</sup> Avenue near the intersection with Highway 30.

Iowa Department of Transportation (IDOT) plans to improve this intersection with a new interchange. The north side of the property will have frontage along a new frontage road constructed by IDOT. The proposed rezoning does not alter any plans for road improvements in this area.

The Planning and Zoning Commission reviewed this request on December 16, 2021 and voted 4-0 to recommend the City Council approve the rezoning located at 23959 580<sup>th</sup> Avenue from “A” Agricultural to “II” Intensive Industrial.

**ALTERNATIVES:**

1. Approve on first reading the rezoning of the property located at 23959 580<sup>th</sup> Avenue from “A” Agricultural to “II” Intensive Industrial.
2. Deny the rezoning of the property located at 23959 580<sup>th</sup> Avenue from “A” Agricultural to “II” Intensive Industrial.
3. Defer action on this rezoning proposal and refer it back to City staff for additional information.

**CITY MANAGER’S RECOMMENDED ACTION:**

The request for rezoning is consistent with Plan 2040 as described in the addendum. Typically, use of a property within the City has full city utility services available to it for development. With the unique situation of it already being a developed site and the property owner’s understanding of the onsite rehabilitation needed for its reuse, staff believes the site is able to meet City codes and allow for industrial uses at this time.

**Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative #1, which is to rezone the property located at 23959 580<sup>th</sup> Avenue from “A” Agricultural to “II” Intensive Industrial.**

## ADDENDUM

### **REZONING BACKGROUND:**

This property is the former Caremoli site, a food manufacturing facility, developed in the County. Properties to the north and west are undeveloped and part of 2021 annexation. At the time of annexation, all of the annexed properties were assigned an “A” Agricultural zoning. The subject property has remained as “A” Agricultural zoning since that time.

When the current owner acquired the property, it was a developed property within the county. When working through the Fringe Plan Amendment and Annexation process with the property, Staff directed them to apply to be rezoned to Intensive Industrial. II, is a newly created Industrial zoning district within the city. Intensive Industrial was created to be used for properties located within the adjacent Prairie View Industrial Center development area.

**AMES PLAN 2040.** The site was designated as Planned Industrial at the time of its annexation in 2021. With Ames Plan 2040, Planned Industrial was modified to Employment as the land use designation, (see page 48 of Plan 2040), which supports industrial zoning districts and this rezoning request to II, Intensive Industrial. Land Use Principle LU5 (page 43) has a goal to provide employment for residents. The re-use of this site and existing buildings provides that possibility to the residents of Ames.

**Proposed Zoning.** The subject properties are currently undeveloped. A request to “II” (Intensive Industrial) is consistent with the proposed re-use of the property and existing buildings. The II zoning district was specifically created in 2021 for the purpose of applying it to land east of I-35 related to the Prairie View Industrial area.

**Existing Uses of Land.** Land uses that occupy the subject property and other surrounding properties are described in the following table:

<b>Direction from Subject Property</b>	<b>Existing Primary Land Uses</b>
Subject Property	Developed
North	Undeveloped; Crop Production
East	Light Commercial, Residential; Crop Production
South	US Highway 30; Crop Production
West	Undeveloped; Crop Production

### **Infrastructure**

Impacts on infrastructure and City services for this parcel are consistent with what is already anticipated for reuse of the property. No public utilities will serve this parcel and will continue to use rural water and septic services. Based on the City’s Capital

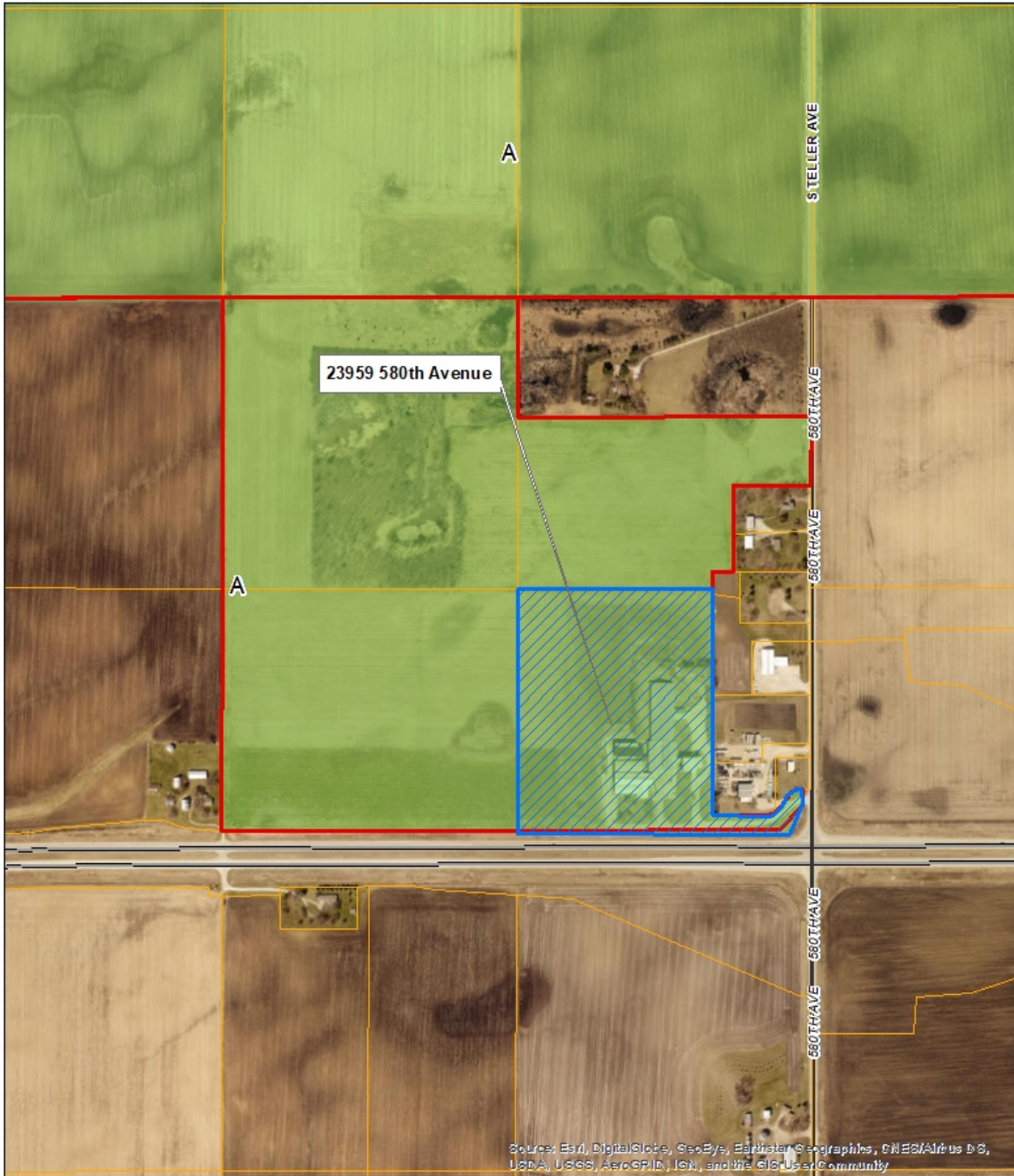
Improvements Plan, there are plans for extension of water main along East Lincoln Way. However, there are no plans to extend utilities down Teller Avenue or for the City to extend utilities to this area in the near future. Any future extension of City utilities that the owner chooses to connect to will be at the property owner's expense.

**Findings of Fact.** Based upon an analysis of the proposed rezoning and laws pertinent to the proposed map amendment, staff makes the following findings of fact:

1. The subject property is owned by Larson Leasing LC. The rezoning request and statement of justification is included as *Attachment C*.
2. Ames Municipal Code Section 29.1507(1) allows the property owner to initiate an amendment to the Official Zoning Map.
3. The subject properties are consistent with the designation of "Employment" identified in the Ames Plan 2040.
4. Development in the II zoning district requires a site plan review process to assure that such development and intensity of use assures a safe, functional, efficient, and environmentally sound operation. Reuse of existing buildings is subject to building and fire codes of the City of Ames.
5. Impacts on infrastructure and City services for this parcel is consistent with what is already anticipated for the area and the near adjacent Prairie View Industrial Center.

**Public Notice.** The City provided mailed notice to all property owners within 200 feet of the subject property prior to the meeting in accordance with the notification requirements of Chapter 29.

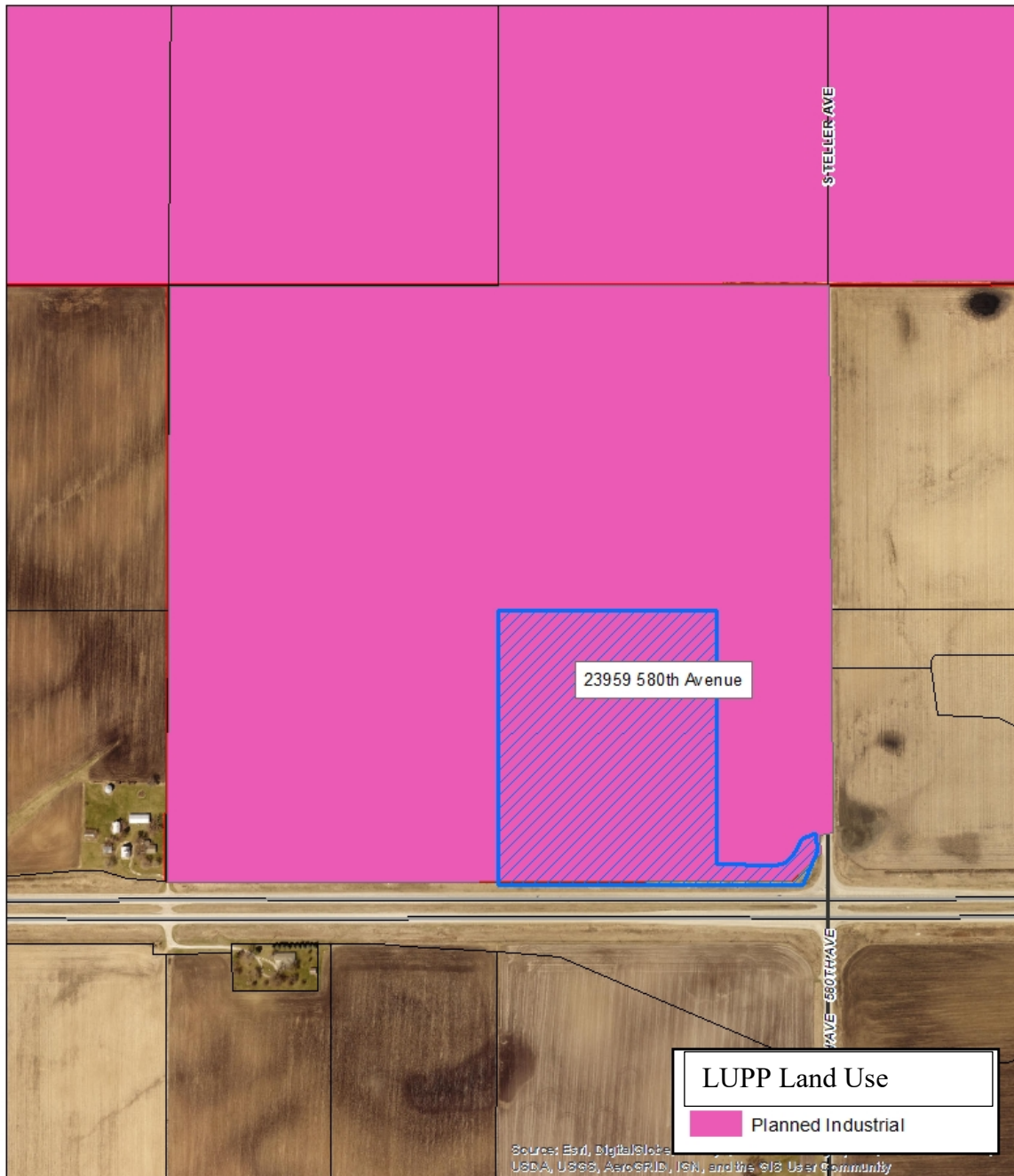
# ATTACHMENT A Location & Zoning Map



## 23959 580th Avenue Rezoning



**ATTACHMENT B  
LUPP Land Use Map**



**23959 580th Ave**

**\*Note that Planned Industrial was mapped as Employment within Plan 2040, but the City boundary of the Plan 2040 map did not reflect this annexation. The GIS city boundary layer will be corrected by staff for the Plan 2040 Future Land Use Map.**

# ATTACHMENT C

RECEIVED

NOV 12 2021

CITY OF AMES IA  
DEPT. OF PLANNING AND HOUSING

## City of Ames Rezoning Application

Larson Leasing, Inc. at 23959 50<sup>th</sup> Avenue, Ames, IA

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**1. Written explanation of the reasons for requesting rezoning.**

The property has recently been annexed in the City of Ames. The previous Story County zoning designation was Agriculture (A-2) and the current City of Ames zoning is Agricultural (A). The previous property owner was the Caremoli USA Inc and was utilized for food processing and warehousing. The property was recently purchased by Larson Leasing, Inc. They desire to rehab the facility and make it in compliance with City of Ames Code. They plan on repurposing the buildings for a multi-tenant lease facility. The applicant requests the property to be rezoned to Intensive Industrial – “II”.

**2. Written explanation of the consistency of this rezoning with the Land Use Policy Plan (LUPP).**

The requested rezoning is consistent with following goals of the LUPP:

- a. **Future Land Use Map.** The property was recently annexed into the City of Ames and the Future Land Use Map shows this area as Ames Urban Fringe.
- b. **Land Use Framework Map.** The property area in this map is designated as “Agricultural/Long-term Industrial Reserve.” This property was an agricultural production facility (Garst Seeds), transitioned into the Caremoli pasta processing facility, and now the new use will be transitioned into General Industrial (Intensive Industrial zoning classification). The proposed use is consistent with the Land Use Framework Map.
- c. **Future Land Use Allocation.** Per the LUPP the City of Ames plans to allocate 14-85 acres for General Industrial. This project will add approximately 23 acres to the proposed desired allocation area.
- d. **General Industrial.** The LUPP states that General Industrial uses shall involve individual facilities sitting in designated areas where the overall use and appearance requirements are less restrictive. The Intensive Industrial Zone purpose is to accommodate large industrial business development in the area east of Interstate 35 and adjacent to highways. This property is east of I-35 and is along HWY 30. Thus the proposed rezoning designation is consistent with the zoning purpose definition.

**3. Current zoning of the subject property.**

The property is currently zoned Agricultural - “A”

**4. Proposed zoning of the subject property.**

The requested rezoning request is Intensive Industrial – “II”



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DO NOT WRITE IN THE SPACE ABOVE THIS LINE, RESERVED FOR RECORDER  
Prepared by: City Clerk's Office, 515 Clark Avenue, Ames, IA 50010 Phone: 515-239-5105  
Return to: Ames City Clerk, P.O. Box 811, Ames, IA 50010

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**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF AMES, IOWA, AS PROVIDED FOR IN SECTION 29.301 OF THE *MUNICIPAL CODE* OF THE CITY OF AMES, IOWA, BY CHANGING THE BOUNDARIES OF THE DISTRICTS ESTABLISHED AND SHOWN ON SAID MAP AS PROVIDED IN SECTION 29.1507 OF THE *MUNICIPAL CODE* OF THE CITY OF AMES, IOWA; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH AND ESTABLISHING AN EFFECTIVE DATE**

**BE IT HEREBY ORDAINED** by the City Council of the City of Ames, Iowa;

Section 1: The Official Zoning Map of the City of Ames, Iowa, as provided for in Section 29.301 of the *Municipal Code* of the City of Ames, Iowa, is amended by changing the boundaries of the districts established and shown on said Map in the manner authorized by Section 29.1507 of the *Municipal Code* of the City of Ames, Iowa, as follows: That the real estate, generally located at 23959 580<sup>th</sup> Avenue, is rezoned from Agricultural "A" to Intensive Industrial "II".

**Real Estate Description:**

LDY, LLC LEGAL – PARCELS 10-08-400-100 AND 10-08-400-220

ALL OF PARCELS 'A' AND 'F' IN THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 8-83-23, WEST OF THE 5TH P.M., STORY COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 8; THENCE S 00° 07' 32" E, A DISTANCE OF 544.59 FEET ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 8, TO THE POINT OF BEGINNING AT THE NORTHEAST CORNER OF SAID PARCEL 'F'; THENCE S 00° 07' 32" E, A DISTANCE OF 313.82 FEET ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 8, AND ALSO ALONG THE EAST LINE OF SAID PARCEL 'F';(THE NEXT 4 CALLS ARE ALONG SOUTHERLY AND EASTERLY LINES OF SAID PARCEL 'F') THENCE S 89° 53' 41" W, A DISTANCE OF 354.38 FEET; THENCE S 00° 07' 11" E, A DISTANCE

OF 394.44 FEET; THENCE S 89° 32' 59" W, A DISTANCE OF 95.65 FEET; THENCE S 00° 18' 30" E, A DISTANCE OF 74.31 FEET; THENCE S 89° 46' 27" W, A DISTANCE OF 2,226.37 FEET ALONG THE SOUTH LINE OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 8, AND ALSO ALONG THE SOUTH LINE OF SAID PARCELS 'F' AND 'A'; THENCE N 00° 11' 18" E, A DISTANCE OF 1,322.86 FEET ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 8, AND ALSO ALONG THE WEST LINE OF SAID PARCEL 'A'; THENCE N 89° 41' 21" E, A DISTANCE OF 1,334.48 FEET ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 8, AND ALSO ALONG THE NORTH LINE OF SAID PARCEL 'A'; THENCE S 00° 01' 17" W, A DISTANCE OF 544.59 FEET ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 8, AND ALSO ALONG THE EAST LINE OF SAID PARCEL 'A'; THENCE N 89° 41' 21" E, A DISTANCE OF 1,335.88 FEET ALONG THE NORTH LINE OF SAID PARCEL 'F' TO THE POINT OF BEGINNING.

Section 2: All other ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: This ordinance is in full force and effect from and after its adoption and publication as provided by law.

ADOPTED THIS \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Diane R. Voss, City Clerk

\_\_\_\_\_  
John A. Haila, Mayor



# MEMO

## Legal Department

**To:** Mayor Haila, Ames City Council

**From:** Mark O. Lambert, City Attorney

**Date:** January 7, 2022

**Subject:** Lease of 205 S. Walnut to Heartland Senior Services

Legal staff is still working to finalize the lease agreement with Heartland Senior Services for Heartland's lease of the City's property at 205 S. Walnut, and also needs additional time for Heartland to review the lease agreement before the Council considers it.

Therefore, staff is requesting that the public hearing be continued until the January 25, 2022 City Council Meeting.

#

**COUNCIL ACTION FORM**

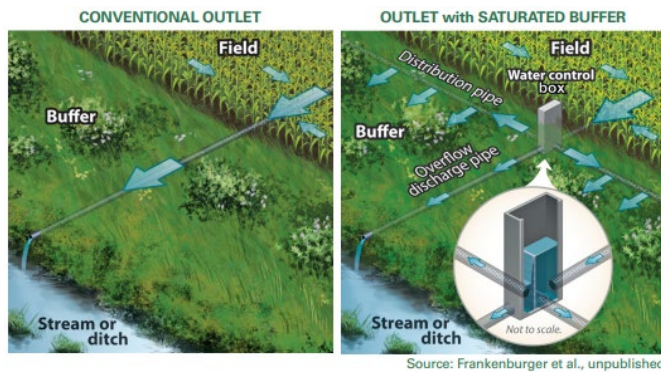
**SUBJECT: FUNDING AGREEMENTS ASSOCIATED WITH STORY COUNTY SATURATED BUFFER/BIOREACTOR PROJECT**

**BACKGROUND:**

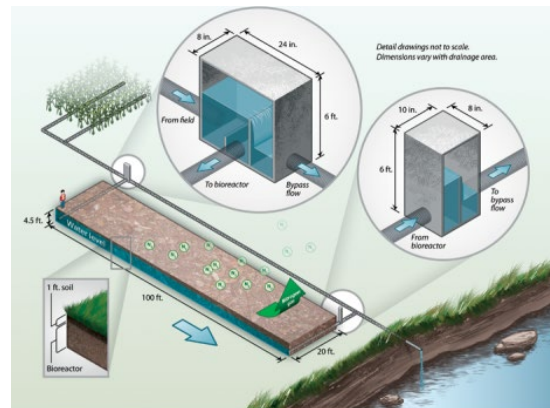
The Water Pollution Control (WPC) Facility is being converted to a nutrient removal treatment technology over a period of 20 years. Separate from the work that will occur inside the treatment plant, watershed-based improvements performed by the City can be “banked” as credit toward any future, more stringent nutrient reduction regulations imposed on the WPC Facility. On February 24, 2021, staff executed a Memorandum of Understanding (MOU) with the Iowa Department of Natural Resources to allow these off-site nutrient reductions to be banked with the Iowa Nutrient Reduction Exchange.

Throughout this past year, staff has been in development of a partnership with multiple entities to bundle together Edge-of-Field (EOF) practices that can be bid as a single bid package. This project will construct 25-30 EOF practices in Story County, consisting of both saturated buffers and bioreactors. These practices allow natural removal of nitrogen from subsurface drainage before it enters a stream or other surface waters. Additional information about these practices is shown below.

**Saturated Buffers**



**Bioreactors**



A saturated buffer is an area of perennial vegetation between agricultural fields and waterways where tile outlets drain. Tile lines connect to a control structure, which distributes water laterally along the buffer. As water drains into the buffer, the living roots of perennial vegetation absorb water and nutrients, like nitrogen. According to the Iowa Nutrient Reduction Strategy, a saturated buffer has the potential to remove 50% of nitrogen from water that is diverted through the buffer.

A bioreactor is a buried trench on the edge of a farm field that is traditionally filled with woodchips. Drainage tiles outlet into the woodchips where bacteria convert nitrogen in tile water into nitrogen gas. According to the Iowa Nutrient Reduction Strategy, a bioreactor, on average, removes 43% of nitrogen from water diverted through it.

**The City of Ames will act as the fiscal agent for the proposed project. This will include receiving funds from the different partners, procuring necessary temporary easements, and then contracting for the work to be performed. The funding for this project will consist of 75% from the Iowa Department of Agricultural and Land Stewardship (IDALS) and 25% split between the City and Story County. The estimated cost for the City's share is \$41,000 which will come from the Watershed Based Nutrient Reduction capital improvements project. The project will involve 20 to 30 installations that will each treat tile drainage from fields that range in size from 20 to 100 acres.**

Two separate agreements have been developed to achieve the sharing of funds and resources: one with IDALS and the Story County Soil & Water Conservation District (SWCD) and a separate agreement with Story County/Story County Conservation. Both IDALS and Story County will provide funding, while Story County SWCD will provide resources to execute the individual maintenance agreements with each landowner. City staff has coordinated with the Legal Department and each entity to review the agreements. Both agreements (attached) have been finalized and are now ready for approval by City Council.

With assistance from various entities, initial property owner meetings have been completed, and final landowner meetings are anticipated to take place in the coming months. Each landowner will be required to sign a 10-year maintenance agreement and allow temporary access to their property during construction, which they will be compensated for. Following landowner meetings, staff intends to bring preliminary plans and specifications to City Council for approval and to issue a Notice to Bidders for construction summer/fall 2022.

**ALTERNATIVES:**

1. A. Approve a 28E agreement for fiscal agent assistance with the Iowa Department of Agricultural and Land Stewardship – Division of Soil Conservation and Water Quality, City of Ames, and Story County Soil & Water Conservation District.  
  
B. Approve an agreement between Story County, Iowa, Story County Conservation Board, and the City of Ames, for funding assistance for water nutrient removal practices.
2. Do not approve either agreement. The City would not be eligible to receive nutrient reduction credits for these specific projects.

**CITY MANAGER'S RECOMMENDED ACTION:**

The Ames Water Pollution Control Facility will be converted to a nutrient removal treatment technology over a period of 20 years. To mitigate future investment beyond what is already planned for, watershed-based projects can be performed, and the

resulting nutrient reduction credits can be banked. Following project completion, the City will register each of these practices and receive annual nutrient reduction credit for the lifespan of each practice.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, as described above.

Preparer: Matt McDonald, Water Quality Initiative Projects Coordinator, PH: (515)-725-1037  
Iowa Department of Agriculture & Land Stewardship  
Henry A. Wallace Bldg., 502 E. 9<sup>th</sup> Street, Des Moines, IA 50319-0050

Return to: Matt McDonald, Iowa Department of Agriculture & Land Stewardship  
Henry A. Wallace Bldg., 502 E. 9<sup>th</sup> Street, Des Moines, IA 50319-0050

**28E AGREEMENT FOR FISCAL AGENT ASSISTANCE BETWEEN IOWA  
DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP – DIVISION OF  
SOIL CONSERVATION AND WATER QUALITY; CITY OF AMES; AND STORY  
COUNTY SOIL AND WATER CONSERVATION DISTRICT  
FOR THE CENTRAL IOWA EDGE OF FIELD PROJECT**

This 28E Agreement by and between the Iowa Department of Agriculture and Land Stewardship – Division of Soil Conservation and Water Quality (hereinafter “DIVISION”) located at 502 East 9<sup>th</sup> Street, Des Moines, Iowa 50319; the City of Ames, Iowa, (hereinafter “CITY”); and Story County Soil and Water Conservation District (hereinafter “STORY SWCD”) located at 510 South 11<sup>th</sup> St., Nevada, IA, with the parties to this Agreement collectively referred to as “Parties” or “the Parties”, becomes fully executed on the date signed by the DIVISION. This Agreement is entered into pursuant to Chapter 28E of the Code of Iowa.

**I. PURPOSE**

This Agreement is entered into between the DIVISION, CITY, and the STORY SWCD for the purpose of providing the terms under which the Parties agree to fund and manage the Story County Edge-of-Field Project (hereinafter “PROJECT”). The PROJECT involves the installation of nutrient reducing Edge of Field Practices (Saturated Buffers and/or Bioreactors) to be constructed on private lands within priority watersheds. The CITY will serve as the fiscal agent of the PROJECT and support a portion of the costs required to facilitate the installation of these practices. The STORY SWCD will secure maintenance agreements with participating landowners and provide technical assistance as specified below. The DIVISION will support funding for eligible costs, as determined by the DIVISION, and described in Article IX. The Parties do not intend to create a separate legal entity under this Agreement.

## **II. TERM**

This Agreement shall begin December 1, 2021, and be in effect until June 30, 2023, unless terminated earlier pursuant to the provisions herein. The Agreement may be extended by the written agreement of the Parties on terms stated therein.

## **III. ADMINISTRATION**

This Agreement shall be administered by the DIVISION. All administrative decisions concerning this Agreement shall be undertaken pursuant to the terms outlined below.

## **IV. HOLDING OF PROPERTY UNDER THIS AGREEMENT**

This Agreement does not allow for any one of these entities to acquire or hold any property relating to the PROJECT.

## **V. POWERS AND DUTIES**

The Parties to this Agreement shall retain all powers and duties conferred by their respective enabling acts but shall assist each other in the exercise of these powers and the performance of these duties.

## **VI. DIVISION RESPONSIBILITIES**

The DIVISION will:

- A. Follow the procedures outlined in Article IX which will be used to determine the actual eligible cost-share amount provided for this PROJECT.
- B. Reimburse the CITY for agreed to project costs associated with a) practice engineering costs and b) applicable construction costs upon receipt of claims for reimbursement. All claims for reimbursement shall have supporting documentation, including designs and construction progress reports, where applicable, in compliance with this Agreement. The reimbursement will be determined by the procedures outlined in Article IX, and will not exceed the as agreed state cost-share fund allocation based on the final estimated costs for each project.
- C. Provide support as necessary to the STORY SWCD to ensure the STORY SWCD secures proper maintenance agreements with participating landowners for the installed practices.
- D. Send CITY reimbursement payments to the City of Ames Water and Pollution Control Department, 1800 E. 13<sup>th</sup> Street, Ames, Iowa 50010.



## **VII. CITY RESPONSIBILITIES**

The CITY will:

- A. Follow the procedures outlined in Article IX which will be used to determine the actual eligible cost-share amount provided for this PROJECT.
- B. Act as the fiscal agent for the PROJECT. The duties of the fiscal agent will be to hire consultant engineer, manage contract with consultant, and provide payments to consultant.
- C. Submit claims for reimbursement of engineering costs to the DIVISION. These claims will be submitted utilizing a form provided by the DIVISION and will be accompanied by engineering costs and supporting documentation as well as engineering progress reports.
- D. Provide the additional funding necessary to cover the total engineering costs and/or any other additional costs associated with construction when used in conjunction with the funding reimbursement provided by the DIVISION.
- E. Coordinate with STORY SWCD of the practice sites prior to the start of construction to execute individual maintenance agreements with the participating landowner(s). Maintenance agreements will use the same format and follow the same procedures of maintenance agreements developed for similar projects.

## **VIII. STORY SWCD RESPONSIBILITIES**

The STORY SWCD with jurisdiction over the particular practice site will:

- A. Execute an individual maintenance agreement with the appropriate landowner(s) prior to the start of construction of the edge of field practice. Execution of individual maintenance agreements between the STORY SWCD and landowner(s) shall be done for each practice site within the STORY SWCD. All maintenance agreements are to be recorded within the appropriate County where the practice is being installed.
- B. Provide technical assistance during the practice design and installation process and technical certification of practice upon completion of the practice in the respective County.

## **IX. COST-SHARE AMOUNT PROCEDURES**

The CITY and DIVISION will follow the following procedures to determine the actual state cost share amount for the completion of the project.

- A. The CITY and DIVISION will proceed with the understanding that the costs of engineering for the PROJECT will be reimbursed by the DIVISION based on the mutually determined eligible costs.
- B. The CITY and DIVISION will proceed with the understanding that the costs of construction for the PROJECT will be reimbursed by the DIVISION up to 75% of the total eligible costs.
- C. The CITY will forward to the DIVISION a copy of the designs completed for each project that shall include the most current cost estimates. The DIVISION will review all estimates and determine at that time if an adjustment of costs and/or scope and can be made based on available funds.
- D. The CITY will forward to the DIVISION a copy of the construction bid tabulation(s) as soon as they are completed. The DIVISION will review the construction bid tabulation and may use other cost information to determine the DIVISION'S approved eligible costs for construction. The approved construction costs will be used by the DIVISION to establish the amount of funding the DIVISION will provide as reimbursement to the CITY for the construction of the edge of field practices. The DIVISION will provide funding to the CITY in an amount as agreed to of the approved eligible construction costs. Should a dispute arise between the CITY and the DIVISION relative to the DIVISION approved eligible construction cost amounts this dispute must be resolved between the CITY and the DIVISION prior to construction being started on any practice.
- E. Revisions to the DIVISION approved eligible cost amounts may be submitted by the CITY if unanticipated conditions are encountered that would influence the cost of the construction or engineering. The COUNTY shall provide the proper documentation supporting this revision in costs to the DIVISION. The DIVISION will provide a written response to the CITY regarding whether they approve the proposed revision of the eligible costs or not. If the DIVISION approves the revision, the DIVISION will then be responsible for providing funding reimbursement to the CITY based on the agreed to revised eligible construction or engineering costs. Should the DIVISION not agree to the revised eligible costs submitted by the CITY, this dispute must be resolved between the CITY and the DIVISION before the construction continues.

**X. FINANCING**

The DIVISION shall pay all costs associated with the administration of this Agreement, except as provided in paragraph VII of this Agreement.

**XI. AMENDMENT**

This Agreement may be amended from time to time by written agreement of the Parties. All amendments shall be in writing, signed by all Parties, and filed in an electronic format with the Secretary of State as required by Iowa Code Section 28E.8(1)(b) (2020).

**XII. TERMINATION**

Any or all parties may terminate this Agreement at any time upon 120 days prior written notice to the other parties. Upon termination of this Agreement, the Parties agree to use their best efforts to wrap up all operations undertaken pursuant to this Agreement. In the event of a conflict as to the distribution of funding associated with the administration of this Agreement, such conflict shall be resolved between the parties by arbitration paid for equally between the disputing parties.

**XIII. NOTICES**

Whenever notices and correspondence are to be given under this Agreement, the notices shall be given by personal delivery to the other parties, or sent by mail, postage prepaid, to the other parties as follows:

To the CITY

City of Ames  
Water & Pollution Control Dept.  
1800 E. 13<sup>th</sup> Street  
Ames, IA 50010

To the DIVISION

Division of Soil Conservation & Water  
Quality - IDALS  
502 E. 9th Street  
Wallace State Office Building  
Des Moines, IA 50319-0050

To the STORY SWCD

Story County Soil and Water Conservation District  
510 South 11<sup>th</sup> Street  
Nevada, IA 50201

**XIV. APPLICABLE LAW**

The laws of the State of Iowa shall govern and determine all matters arising out of or in connection with this Contract without regard to the choice of law provisions of Iowa law.

In the event any proceeding of a quasi-judicial or judicial nature is commenced in connection with this Contract, the exclusive jurisdiction for the proceeding shall be brought in Story County District Court for the State of Iowa, Nevada, Iowa or in the United States District Court for the Southern District of Iowa, Central Division, Des Moines, Iowa, wherever jurisdiction is appropriate.

**XV. FILING AND RECORDING**

It is agreed that the DIVISION will file this Agreement in an electronic format with the Secretary of State as required by Iowa Code section 28E.8(1)(a) (2020).

**IN WITNESS WHEREOF**, and in consideration of the mutual covenants set forth herein and for other good and valuable consideration, the receipt, adequacy, and legal sufficiency of which are hereby acknowledged, the parties have entered into this 28E Agreement and have caused their duly authorized representatives to execute this 28E Agreement.

*[Remainder of page intentionally left blank. Signature pages follow]*

**DIVISION OF SOIL CONSERVATION AND WATER QUALITY**

BY: \_\_\_\_\_

DATE: \_\_\_\_\_

Julie Kenney, Deputy Secretary of Agriculture  
Iowa Department of Agriculture & Land Stewardship

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2022, by Julie Kenney, Deputy Secretary of the Iowa Department of Agriculture & Land Stewardship.

\_\_\_\_\_  
Notary Public in and for the State of Iowa

**CITY OF AMES, IOWA**

IN WITNESS THEREOF, THE CITY OF AMES, IOWA has caused this 28E Agreement to be executed on the \_\_\_\_ day of \_\_\_\_\_, 2022.

By: \_\_\_\_\_  
John A. Haila, Mayor

Attest: \_\_\_\_\_  
Diane Voss, City Clerk

STATE OF IOWA     )  
                                  ) ss:  
COUNTY OF STORY )

On this \_\_\_\_ day of \_\_\_\_\_, 2022, before me, a Notary Public in and for said County, personally appeared John A. Haila and Diane Voss to me personally known, and who being duly sworn, did say that they are the Mayor and City Clerk, respectively of the City of Ames, Iowa, created and existing under the laws of the State of Iowa, and that the seal affixed to the foregoing instrument is the seal of said City, and that said instrument was signed and sealed on behalf of said City by authority and resolution of its City Council as contained in Resolution No. \_\_\_\_\_ adopted on \_\_\_\_\_, 2022, and said Mayor and City Clerk acknowledged said instrument to be the free act and deed of said City by it voluntarily executed.

\_\_\_\_\_  
Notary Public in and for the State of Iowa

**STORY COUNTY IOWA SOIL AND WATER CONSERVATION DISTRICT**

BY: \_\_\_\_\_ DATE: \_\_\_\_\_

Chair  
Story County Soil and Water Conservation District

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2022, by \_\_\_\_\_, Chair of the Story County Iowa Soil and Water Conservation District

\_\_\_\_\_  
Notary Public in and for the State of Iowa

**AGREEMENT BETWEEN STORY COUNTY, IOWA, STORY COUNTY CONSERVATION BOARD, AND THE CITY OF AMES, IOWA FOR FUNDING ASSISTANCE FOR WATER NUTRIENT REMOVAL PRACTICES**

This Agreement is made and entered into by and between Story County, Iowa (County), Story County Conservation Board (Board) and the City of Ames, Iowa (City), collectively (Parties). The Agreement shall become effective upon acceptance by all parties.

**PURPOSE AND NEED**

The treatment of agricultural tile outlets to reduce nutrient runoff is a key priority of the County, Watershed Management Authorities, City, and the Iowa Nutrient Reduction Strategy. In an effort to demonstrate new methods to work with private landowners using economies of scale and scope, the Project has devised new methods to increase landowner adoption rates and improve design, construction and other efficiencies by bundling service delivery for two specific kinds of practices known as a saturated buffer and a bioreactor. Through the Project, funding from the Iowa Department of Agriculture and Land Stewardship (IDALS), STORY SWCD, City, Board, and the County will be pooled to install these tile treatment practices in groupings on private property across Story County. To efficiently achieve the goals of the Project, a single fiscal agent will coordinate funding, publicly bid projects, and manage payment of contractors. The City is fiscal agent for the Project. This Agreement outlines the City's obligations as Fiscal Agent. Furthermore, this Agreement designates the County as a funding agent for the Project. This Agreement covers practices that will be funded and bid in 2022 as part of the Project.

**DUTIES OF THE PARTIES**

**DUTIES OF COUNTY:**

1. County has funding for the implementation of priority projects within the Sugar Creek-South Skunk River, Indian Creek, East Indian Creek, West Indian Creek, Keigley Branch-South Skunk River, and Ioway Creek Watersheds. In exchange for the City acting as the fiscal agent for the Project, County shall provide a portion of that funding to the City for use in this Project. The funding to be dedicated to this Project in 2022 shall be up to \$41,000.00. This amount is payable by County to the City at the time the City completes design and bidding for the Project.

**DUTIES OF THE CITY:**

In exchange for County providing up to \$41,000.00 of funding to the City to be used for the Project in 2022:

1. The City shall act as the fiscal agent for the Project. The duties of the fiscal agent shall be to enter into agreements with eligible property owners to install Edge-of-Field practices (saturated buffers/bioreactors) upon their land, bid and enter into agreements with contactors to design and install the tile system improvements on the subject properties, and manage the various funding sources for the Project.
2. The City shall dedicate the funding provided by the County for the Project to assist with installation costs, temporary construction easements, easement payments and final inspections upon completion of the work.



## GENERAL

**ENTIRE AGREEMENT:** This Agreement contains the sole and entire Agreement between the parties relating to the subject hereof, and any representation, promise, or condition not contained herein, or any amendment hereto, shall not be binding on any party unless set forth in a subsequent written agreement signed by all parties.

**GOVERNING LAW:** This Agreement shall be governed by the laws of the State of Iowa without regard to conflicts of law principles or rules. Venue shall be in the appropriate Story County District Court or the United States District Court for the Southern District of Iowa. Whenever possible, each provision of this Agreement shall be interpreted in such manner as to be effective and valid under applicable law, but if any provision hereof shall be prohibited by or invalid under applicable law, such provision shall be ineffective to the extent of such prohibition or invalidity, without invalidating the remainder of such provision or the remaining provisions of this Agreement. All obligations of the Parties expressed in this Agreement shall be in addition to, and not in limitation of, those provided by applicable law.

**MODIFICATIONS:** This Agreement may be modified or waived only by a separate writing by the Parties expressly so modifying or waiving such.

**TERM OF AGREEMENT:** This Agreement shall be effective upon acceptance by all parties and be in effect until the City accepts the final completion of the practices, unless terminated earlier pursuant to the provisions herein.

**TERMINATION:** Any party may terminate this Agreement upon 60 days written notice to the other party. Upon termination by Board or County, the City shall retain all funds previously received from Board or County for continued use in the Project.

EXECUTION OF AGREEMENT

IN WITNESS THEREOF, City of Ames, Iowa has caused this Agreement to be executed in three (3) separate counterparts, each of which shall be considered an original.

Executed by City of Ames, Iowa

\_\_\_\_\_ day of \_\_\_\_\_, 2022

City of Ames, Iowa

Attest \_\_\_\_\_  
Diane Voss, City Clerk

\_\_\_\_\_  
John A. Haila, Mayor

STATE OF IOWA     )  
                                  ) ss:  
COUNTY OF STORY )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2022, before me, a Notary Public in and for said County, personally appeared \_\_\_\_\_ and \_\_\_\_\_ to me personally known, and who being duly sworn, did say that they are the Mayor and Auditor, respectively of the City of Ames, created and existing under the laws of the State of Iowa, and that the seal affixed to the foregoing instrument is the seal of said City, and that said instrument was signed and sealed on behalf of said City by authority and resolution of its City Council as contained in Resolution No. \_\_\_\_\_ adopted on \_\_\_\_\_, 2022, and said Mayor and City Clerk acknowledged said instrument to be the free act and deed of said City by it voluntarily executed.

\_\_\_\_\_  
Notary Public for Iowa

EXECUTION OF AGREEMENT

IN WITNESS THEREOF, Story County, Iowa has caused this Agreement to be executed in three (3) separate counterparts, each of which shall be considered an original.

Executed by Story County, Iowa

\_\_\_\_\_ day of \_\_\_\_\_, 2022

STORY County, Iowa

Attest \_\_\_\_\_  
Auditor

\_\_\_\_\_  
Chairperson, Board of Supervisors

STATE OF IOWA     )  
                                  ) ss:  
COUNTY OF STORY )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2022, before me, a Notary Public in and for said County, personally appeared \_\_\_\_\_ and \_\_\_\_\_ to me personally known, and who being duly sworn, did say that they are the Chairperson and Auditor, respectively of the Board of Supervisors of Story County, created and existing under the laws of the State of Iowa, and that the seal affixed to the foregoing instrument is the seal of said County, and that said instrument was signed and sealed on behalf of said County by authority and resolution of its Board of Supervisors as contained in Resolution No. \_\_\_\_\_ adopted on \_\_\_\_\_, 2022, and said Chairperson and Auditor acknowledged said instrument to be the free act and deed of said County by it voluntarily executed.

\_\_\_\_\_  
Notary Public for Iowa

EXECUTION OF AGREEMENT

IN WITNESS THEREOF, Story County Conservation Board, Iowa has caused this Agreement to be executed in three (3) separate counterparts, each of which shall be considered an original.

Executed by Story County Conservation Board, Iowa

\_\_\_\_\_ day of \_\_\_\_\_, 2022

Story County Conservation Board

\_\_\_\_\_  
Chairperson

STATE OF IOWA     )  
                                  ) ss:  
COUNTY OF STORY )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2022, before me, a Notary Public in and for said Board, personally appeared \_\_\_\_\_ and \_\_\_\_\_ to me personally known, and who being duly sworn, did say that they are the Chairperson of the Story County Conservation Board, created and existing under the laws of the State of Iowa, and that the seal affixed to the foregoing instrument is the seal of said County, and that said instrument was signed and sealed on behalf of said Board by authority and resolution of its Conservation Board as contained in Resolution No. \_\_\_\_\_ adopted on \_\_\_\_\_, 2022, and said Chairperson acknowledged said instrument to be the free act and deed of said Board by it voluntarily executed.

\_\_\_\_\_  
Notary Public for Iowa

**COUNCIL ACTION FORM**

**SUBJECT:           CONSULTING SERVICES FOR MISO TRANSMISSION  
RATE REVIEW/CALCULATION**

**BACKGROUND**

Ames Electric Services has significant investments in high voltage transmission equipment to serve electric customers. This equipment connects the City's electric system to the regional electric grid. Prior to 2015, the utility had to pay other utilities to use their transmission systems to deliver or "wheel" power from generation sources to the City. In 2015, after the utility built its latest high voltage transmission line to Ankeny substation, Ames Electric Services was able to join the Midcontinent Independent System Operator (MISO) as a Transmission Owner (TO).

This status as a TO is significant because the utility is now able to offset wheeling costs using the value of transmission investments the utility has made over time. However, annual reports determining the book value of the utility's transmission assets must be prepared and adjusted as equipment ages, new equipment is brought into service, and obsolete equipment is removed from service.

At the time the utility became a MISO Transmission Owner, staff made straightforward assumptions regarding which assets should be classified as "transmission". With staffing changes, much of the institutional knowledge regarding asset classification is gone. Therefore, the utility would benefit greatly by hiring an experienced consultant to review the current asset allocations, review the most recent transmission rate filing, train staff in developing future rate templates, and assist in the creation of the FY 2022/23 transmission rate.

Staff believes that the detailed review of the utility's transmission assets provided by a consultant could identify additional assets to count towards the transmission the utility brings to MISO. As the utility's share of transmission assets increases, the utility collects a greater share of transmission revenue from MISO. This revenue benefits Ames Electric customers by reducing the Energy Cost Adjustment on their electric bills.

**Staff contacted several consulting firms and talked to other municipal electric utilities in MISO to identify firms with the unique skill set to perform the work desired. It was determined that this expertise is quite specialized with very few firms having the expertise. MCR Performance Solutions was determined to have the necessary knowledge and could perform the work in the time needed to meet Ames' MISO deadline. Therefore, staff is requesting a waiver of the Purchasing Policy for competitive bids to allow a contract to be awarded to this consultant.**

This Council Action Form is requesting approval of a contract with MCR Performance Solutions, LLC of Deerfield IL, in an amount of \$94,500, to provide the following services:

Phase 1

- MCR will review the City of Ames FY 21/22 MISO Transmission Rate filing (Also known as Attachment O)
  - Cost Integrity – proper recording of costs affecting the Attachment O
  - Revenue Optimization
  - Create a training and education workshop for city staff on Attachment O development

Phase 2

- MCR will develop the FY22/23 Attachment O and working papers
  - Data request
  - Review of costing data
  - Interview staff and follow-up questions
  - Submit Attachment O to MISO by due date

**Funding for this work will be charged to the transmission expense account within the Fuel and Purchased Power division. It is believed that the findings by the consultant, if adopted, will increase transmission revenues to more than offset the study expenses. Estimated payback is less than two years.**

**ALTERNATIVES:**

1. A. Waive the City's purchasing policy requirement for competitive proposals
  - B. Award a contract to MCR Performance Solutions, LLC of Deerfield IL, in an amount of \$94,500, to provide consulting services for MISO transmission rate review and calculation.
2. Reject and direct staff to issue a request for proposal.

**CITY MANAGER'S RECOMMENDED ACTION:**

The use of a consultant with a transmission rate skillset will benefit the City in several ways. First, review of our transmission asset classification should result in increased revenue. Second, education of staff regarding rate development will ensure good rate design moving forward. Third, oversight and development of the City's FY 2022/23 rate template will bridge to education of staff with practical experience.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1 as stated above.

## Staff Report

**COVID-19 MEETING POLICIES**

January 11, 2022

**BACKGROUND:**

In light of increasing COVID-19 case counts both locally and nationally, City staff has begun meeting regularly again with our local institutional and public health partners, including ISU, Mary Greeley Medical Center, McFarland Clinic, and Story County Public Health. These discussions are an opportunity to share information regarding staffing shortages, hospital system capacity, and policy changes.

At the most recent discussion on January 6, significant concerns were raised among these partners about the impacts of the Omicron variant of COVID-19. The Centers for Disease Control and Prevention (CDC) website on January 7 reported 404 COVID-19 cases in Story County and a positivity rate of 16.87%. However, these figures are likely to be undercounted due to the use of self-administered testing kits and the lower efficacy of rapid tests in detecting active Omicron variant infections. Based on this data, the CDC is recommending the wearing of masks in all public, indoor settings in Story County.

**Given the concerns of our partner organizations and our desire to minimize or eliminate the potential for workplace exposure of COVID-19, City staff has taken the step of requiring all employees to wear a mask in settings where six-foot distance cannot be maintained. Staff is additionally encouraging moving staff related meetings to larger spaces to accommodate distancing. This masking/distancing requirement will be in effect the week of January 10, and is expected to be a temporary measure until the local cases become more manageable (this could take place perhaps as early as two months from now).**

Within City facilities, visitors are also expected to comply with this masking requirement, and signage will be placed at the entrances to City facilities to indicate this. Additionally, supplies of masks are available at the front entrances of many City facilities.

**OPTIONS:**

Although staff is implementing these measures for City staff and visitors to the facilities (masking where six-foot distancing cannot be maintained), the City Council has the responsibility for setting any policies pertaining to City Council or Board and Commission meetings. **Therefore, staff is requesting direction as to which of the following options the Council wishes to pursue with regards to City Council and Board/Commission Meetings:**

**Option 1:** **Require masks to be worn at City Council, Boards, and Commission meetings.** It should be noted that it is not possible to maintain six-foot separation at the meetings, and therefore requiring masks is the only way to maintain consistency with the staff's policy.

**Option 2:** **Move City Council, Board, and Commission meetings to 100% virtual via Zoom, effective Monday, January 17.** This option involves the least additional staff and technology resources to implement, and staff is familiar with operating meetings in this format.

**Option 3:** **Implement a hybrid structure, with in-person attendees wearing masks and others participating virtually.** This may require board/commission meetings to be moved into the Council Chambers to utilize the most effective technology for hybrid discussions. Additionally, this option requires more staff to be on hand for the meetings to manage the technology.

**Option 4:** **The City Council could exempt City Council, board, and commission meetings from any masking or distancing policies.**

**STAFF COMMENTS:**

If the City Council chooses option 1, 2, or 3, staff anticipates that, as with the City employee masking/distancing policy, these measures would only be necessary until the current surge in cases subsides (perhaps as soon as two months from now).

Assuming the Council wishes to maintain consistency with the staff and building policy for masking/distancing, and given the challenges with implementing hybrid meetings; it would be City staff's recommendation that the City Council adopt either Option 1 or Option 2.