

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

AMES, IOWA

OCTOBER 11, 2022

The regular meeting of the Ames City Council was called to order by Mayor John Haila at 6:01 p.m. on the 11<sup>th</sup> day of October, 2022, in the City Council Chambers in City Hall, 515 Clark Avenue, pursuant to law. Present were Council Members Bronwyn Beatty-Hansen, Amber Corrieri, Tim Gartin, Rachel Junck, and Anita Rollins. *Ex officio* Member Bryce Garman was also present. Council Member Gloria Betcher was absent.

**PROCLAMATION FOR “FIRE PREVENTION WEEK:** Mayor Haila proclaimed the week of October 9-15, 2022, as Fire Prevention week. Deputy Fire Chief Karen Tapper accepted the proclamation alongside Shift Commander Nick Lucchesi, Firefighter Chris Osborne, Firefighter Dan Thie, Firefighter Adam Wuebker, and Firefighter Ashley Culp. Deputy Chief Tapper announced that the Fire Station #1, 1300 Burnett Avenue, Open House would be held on Saturday, October 15, 2022 from 9:00 a.m. until noon and encouraged everyone to attend the event.

**CONSENT AGENDA:** Mayor Haila pulled Item No. 15 per staff request and Council Member Gartin pulled Item No. 19 for staff to provide a report.

Moved by Beatty-Hansen, seconded by Gartin, to approve the consent agenda less Item No. 15 and Item No. 19.

2. Motion approving payment of claims and revenues
3. Motion approving Minutes of Regular Meeting on September 27, 2022
4. Motion approving Report of Change Order for period September 16-30, 2022
5. Motion approving new 5-Day (November 3-7, 2022) Class C Liquor License – Christiani’s Events, L.L.C., 2601 East 13<sup>th</sup> Street, Pending Dram Shop Insurance
6. Motion approving new 5-Day (October 20-24, 2022) Special Class C Liquor License – The Ames Foundation, 123 Airport Road
7. Motion approving new 5-Day (November 5-9, 2022) Class C Liquor License – Gateway Hotel & Conference Center, 1800 Christensen Drive, Pending Dram Shop Insurance
8. Motion approving the renewal of the following Beer Permits, Wine Permits and Liquor Licenses
  - a. Class E Liquor License with Sunday Sales – Target Store T-1170, 320 S. Duff Avenue
9. RESOLUTION NO. 22-531 approving the Sponsored Research Agreement between Iowa State University and the City of Ames, Amendment #1 Revised, in the amount of \$29,232
10. RESOLUTION NO. 22-532 authorizing staff to sign a Memorandum of Agreement with the Iowa Department of Homeland Security and Emergency Management and accept a sub-award in partnership with Iowa State University Environmental Health and Safety for the purchase of radiological testing equipment and training
11. RESOLUTION NO. 22-533 approving Change Order No. 1 to Metro Waste Authority, Des Moines, Iowa, in the amount of \$145,000 for tipping fees for ash disposal for Power Plant

12. RESOLUTION NO. 22-534 approving Change Order No. 2 to Black & Veatch Corporation, Overland Park, Kansas, in the amount not-to-exceed \$46,200 for additional Engineering Services for Unit 8 Precipitator Insulation & Lagging
13. RESOLUTION NO. 22-535 approving Change Order No. 9 to SCS Engineers of Clive, Iowa, in the amount of \$63,720 to provide engineering and related services necessary to comply with U.S. EPA's CCR regulation's annual and periodic five-year requirements pertaining to the City of Ames Steam Electric Plant's ash site
14. RESOLUTION NO. 22-536 awarding contract to Rural Electric Supply (RESCO) of Ankeny, Iowa, for the one-time purchase of Electric Services Transformers based on unit prices and quantities ordered in the amount of \$133,097.09, inclusive of applicable sales taxes
- ~~15. Computerized Maintenance Management Software
 
  - a. ~~Motion waiving Purchasing Policies and Procedures requirement for competitive bids~~
  - b. ~~Resolution awarding 3 Year contract to Limble Solutions, LLC, Lehi, Utah in the amount of \$88,200~~~~
16. RESOLUTION NO. 22-537 awarding contract to Sunbelt Rentals, Inc., Bloomfield, Colorado, for GT1 Blackstart Load Bank Testing Project in the amount of \$76,911.87
17. RESOLUTION NO. 22-538 awarding contract to Motion Industries, Ankeny, Iowa, for Tapered Bushing Reducer for Electric Services in the amount of \$59,468.47 (inclusive of Iowa Sales Tax)
18. RESOLUTION NO. 22-539 approving contract and bond for 2021/22 Water System Improvements Program (US Highway 69: S Duff-Grand Avenue)
- ~~19. 2021/22 Shared Use Path System Expansion (Ioway Creek):
 
  - a. ~~RESOLUTION NO. 22-540 approving final plans and specifications~~
  - b. ~~Motion rejecting all bids and directing staff to re-bid~~~~
20. 2021/22 Sanitary Sewer Rehabilitation (Ames High School and Veenker Golf):
  - a. Motion accepting report of bids
  - b. RESOLUTION NO. 22-541 approving final plans and specifications
  - c. RESOLUTION NO. 22-542 awarding contract to Municipal Pipe Tool Co. LLC of Hudson, Iowa, in the amount of \$3,791,558.69
21. RESOLUTION NO. 22-543 approving Final Plat for 2108 E Lincoln Way (Fedeler Subdivision)
22. RESOLUTION NO. 22-544 accepting final completion of the Water Treatment Plant Remote Site Radio and PLC Upgrades
23. RESOLUTION NO. 22-545 accepting final completion of the contract for the Transmission Modifications at SE 16<sup>th</sup> Street and S. Duff Avenue Intersection by IES Commercial, Holdredge, Nebraska

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

**2021/22 SHARED USE PATH SYSTEM EXPANSION (IOWAY CREEK):** Council Member Gartin stated that this item is a great project that deserves attention and asked Public Works Director John Joiner to provide a report. Director Joiner noted that the project is funded by a program through the Iowa Department of Transportation (IDOT) that sets a Disadvantaged

Business Enterprise (DBE) Goal. The low bidder had a DBE commitment of 1% while the IDOT's goal for the project was 3%. After review, the low bid was determined non-responsive and the IDOT plans to re-bid the project in the future.

Director Joiner noted that the shared use path system is planned to connect on the north side of Ioway Creek near the wellfield access road and runs west following Ioway Creek, under Duff to Walnut Avenue and South Fifth Street. He clarified that the shared use path will be paved.

Council Member Gartin asked if the re-bid would delay the project timeline. Director Joiner replied in the negative, noting that the project is planned for spring construction.

Moved by Gartin, seconded by Junck, to adopt RESOLUTION NO. 22-540 approving the final plans and specifications for this project and rejecting the 2021/22 Shared Use Path System Expansion for Ioway Creek bids, directing staff to re-bid the project through a future Iowa Department of Transportation bid letting.

Roll Call Vote: 5-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

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

**PRESENTATION OF 2022 RESIDENT SATISFACTION SURVEY RESULTS:** Susan Gwiasda, Public Relations Officer, presented the findings of the 2022 Resident Satisfaction Survey. She highlighted that this is the 40<sup>th</sup> year of the survey and that the results help guide the budgeting process, which kicks off on November 1<sup>st</sup>, 2022 with the Town Budget Meeting. She emphasized that the survey is a snapshot in time, though it is statistically significant.

Ms. Gwiasda shared that the results of the survey were consistent with prior years; however, one concerning element was the survey responses regarding community engagement, which were significantly lower. She explained that there is a challenge in doing outreach and education, but staff continually looks at tools for reaching people.

Council Member Gartin asked if the survey information based on longitudinal data had ever been measured against peer communities. Ms. Gwiasda replied that staff had not but would be happy to explore it further.

Council Member Junck inquired about the non-student versus student categories and potential overlap in the data. Ms. Gwiasda noted that there is demographic data collected in the survey that clarifies if respondents are full-time students, and that data is investigated as part of the analysis, as there is overlap.

The certainty of response was questioned by Mayor Haila, who asked for further explanation. Ms. Gwiasda reviewed that there is a 95% confidence level with a +/- 4.52% margin of error. This

means that staff is 95% confident that the questions are within +/- 4.52% of the results if all residents participated in the study. She emphasized that the survey is statically significant and that the statisticians with Iowa State University Institute for Design Research and Outreach complete the analysis of the survey, which is then reviewed by City staff for the overall themes and ideas.

Mayor Haila expressed his concern in seeing the precipitous drop in terms of people being informed or concerns about issues in the community. He noted that education and communication are recurring issues and wondered if that is simply due to declining interest. Ms. Gwiasda agreed that community engagement was a surprising statistic and noted that it would be monitored by staff.

**STAFF REPORT REGARDING THE LINC DEVELOPMENT PROJECT:** Planning and Housing Director Kelly Diekmann presented the outline of the development agreement for the mixed-use project now known as the Linc with Planner Julie Gould. The City of Ames has identified the area along Lincoln Way between Clark and Kellogg (300 and 400 Blocks) as a priority area for redevelopment as part of the Downtown Gateway Focus Area within the Lincoln Way Corridor Plan. Director Diekmann emphasized that the Linc is a key component of the City's Downtown Reinvestment District application that was submitted to the state in February of 2022. The proposed project would generate sales and hotel/motel tax receipts rebated by the state to the City of Ames, in amounts up to \$10 million over 20 years as part of the Reinvestment District. Director Diekmann clarified that the agreement does not use the Reinvestment District funds for the developer's benefit, but the funds would rather support the construction of other projects including the Downtown Plaza and the Fitch Family Indoor Aquatic Center.

The concept drawing was presented by Director Diekmann. The proposed Linc project includes a hotel and conference center, plaza, structured parking, commercial uses on the ground level of mixed-use buildings, office uses, and apartments. He noted that other key elements of the development included a parking structure to the north as well as a pedestrian bridge, which would be off-site elements. He reviewed the phases of development, highlighting that Phase 1 includes:

- Boutique Hotel with a 15,000 square foot conference center
- Hotel Restaurant
- South Parking Structure
- Outdoor Plaza
- Mixed Use Building (Building A)
- Frontage and Utility Improvements
- Abandonment of City Well on Gilchrist
- Vacation of Public Alley right-of-way adjacent to Kellogg

Director Diekmann emphasized that in Phase 1, the intent would be to complete improvements on Lincoln Way and Kellogg Avenue where the travel lanes are widened on Lincoln Way to allow for parallel parking in addition to wider sidewalks. The goal would be to make a commercially viable street frontage with access for customers as well as improving the bicycle and pedestrian environment by limiting curb cuts.

Phase 2 of the project completes the on-site portion of the development. The Phase includes:

- Office Building (Building C)
- Outdoor Plaza Extension
- Mixed Use Residential Building (Building B)
- Additional Parking
- Frontage and Utility Improvements as needed

Director Diekmann explained the off-site elements, which include the north parking structure and pedestrian bridge, cannot be committed to at this time, which is why they are not included in the Development Agreement. He emphasized that both City staff and the Developer desire the off-site elements to realize the overall vision of the proposed project, but those will have to come back to the City Council after construction has begun.

The agreement as it is presented to the City Council uses the fundamentals of the valuation of the buildings, which are predicated on the amount of square footage or units, to presume the terms of the agreement. Director Diekmann explained that the approval of the plan will occur in the future when staff has more precise information, for which the City Council will be the review authority.

Director Diekmann reviewed the terms of the agreement regarding sales tax generating uses and Tax Increment Financing (TIF), noting that there are performance deadlines for the Developer based on the Reinvestment District standards. He explained the construction of the hotel conference center will establish the commencement date for generating hotel/motel and sales tax receipts that will be returned to the City from the State, as the 20-year time limit to receive the Reinvestment District funds begins with the completion of the hotel, regardless of what other construction is completed for the project. It is proposed in the agreement for construction to begin no later than January 1, 2024 and is completed by October 1, 2025. Director Diekmann stated the key phrase in the agreement states that not only is construction complete, but the hotel is operating by October 1, 2025.

Each of the buildings in the proposed development are required to have a minimum assessment agreement, which serve as the foundation for the projected additional tax increment that could be generated by the project over 20 years. Director Diekmann noted that if the valuations are greater, that would mean that the increment is generated quicker, and the amount is paid off faster. He reviewed the TIF is capped at the total value amount or 20 years, whichever occurs first.

Another key goal of the development is to create a mixed-use commercial space that is viable and active, explained Director Diekmann. In the agreement, it is required that at least 70% of the commercial space is filled with a sales tax generating use. Performance of this requirement is necessary to continue to receive the requested TIF incentive. The proposed agreement also includes construction of the North Parking Ramp as a public improvement financed with TIF. The agreement specifies that the City's need for TIF will supersede the developer rebate.

Director Diekmann discussed the features of the north parking structure and pedestrian ramp, discussing the different factors that play into funding and construction. He emphasized the north parking structure is estimated to have fewer total spaces than anticipated and a higher cost due to

typical outcomes of public bidding projects, though it would be a feature of the project managed and financed by the City of Ames. He clarified construction of Phase 2 of the project would not be withheld if construction of the north parking structure and pedestrian bridge was unable to move forward.

The utility issues were addressed by Director Diekmann. He noted that the City of Ames has a well on Gilchrist Street for which the Developer would reimburse the City for the cost of abandoning the water well, demolishing the well building, and acquiring of vacated alley right-of-way. He furthered that the Developer would reimburse Ames Electric Services for all expenses related to the relocation of underground of transmission lines along Gilchrist Street that would be needed to support the development of the project. He discussed the alley on the south side of Gilchrist Street, noting that the alley would need to be vacated and the City will transfer ownership to the Developer subject to limitations of Iowa Code. Director Diekmann emphasized that the City is not taking on any additional utility costs as part of this project.

Director Diekmann discussed the miscellaneous terms of the agreement. He presented the terms relating to sustainability, noting that there were two available options. The first option is to design all buildings in Phase 1 at 20% more efficient than the current energy code and Phase 2 at 25% more efficient. The Developer could choose as an alternative to design the Hotel building in Phase 1 to a LEED Gold level and the Office Building in Phase 2 to a LEED Gold Level. LEED is a nationally recognized sustainable building program administered by the US Green Building Council that is a whole systems approach to reducing environmental impacts related to energy, water, materials, etc. The Developer has agreed to design buildings to meet these standards and perform commissioning of the completed buildings for verification, but they will not be formally registered with the U.S. Green Building Council (USGBC). As an addition, City staff proposed to limit the use of natural gas in an effort to support a Net Zero Ready building design. The Developer supports use of electric in residential units but has not fully committed to no natural gas in relation to heating and cooling as they evaluate the feasibility to do so. The Developer notes the feasibility of geothermal is unknown due to the project's location above the aquifer and their experience of an electric only service for buildings of this size.

Relating to affordable housing, Director Diekmann shared that City affordable housing efforts are focused on 60% Average Median Income (AMI) or lower household incomes to fill needs the market does not typically address. Although the applicant would consider these lower income levels, the pro forma estimates for the apartment units do not financially support 60% AMI without additional TIF. At this time there is no additional TIF available to further subsidize rents to the 60% AMI level based on the other priorities identified for the project. The Developer has agreed to include a provision for a 10% set aside serving 70% AMI households. At 70% of AMI, the rents would be somewhat lower than fair market value, but not to the levels of low-income limits.

Director Diekmann discussed the billboards on the property and the need for relocation. The agreement outlines that the Developer is obligated to relocate those billboards. The operator of the

billboards, Lamar Advertising, has indicated that if a suitable location and allowance for a digital billboard were available in the City, it would consent to early termination of the lease on this site. City Manager Steven Schainker stressed that staff is not looking for the City Council to provide direction on this item at the meeting tonight. He stated that this is the most significant project the City has partnered on with the largest incentive ever offered. He said that he wants to make sure staff is being transparent to the public and answer any questions before asking the City Council to provide direction at the October 25<sup>th</sup>, 2022, meeting. Director Diekmann also noted an amendment to the Urban Renewal Plan would be needed in the case of this agreement to increase the TIF allowance to cover all the identified uses of TIF, though the amendment would not change any of the authorities within the plan.

Council Member Beatty-Hansen asked for an explanation of the street frontage as there were many residents that were not supportive of the Union project in Campustown, and she is concerned with the bicycle and pedestrian offerings. Director Diekmann explained the Lincoln Way Corridor plan emphasizes bicycle and pedestrian improvements because Lincoln Way does not have a conducive environment for those activities as it currently stands. He discussed the importance of available parking in front of the commercial spaces at the Linc while still limiting the amount of driveway access off Lincoln Way. He reviewed that the design of the development does not change the lanes but replaces the existing sidewalk with parallel parking and adds a 10-foot sidewalk to the front of the buildings. Director Diekmann shared that through this design, staff and the Developer believe the Linc will be an appealing commercial destination.

Council Member Gartin asked if there was a possibility of using rooftop solar on the parking structures or other buildings. Director Diekmann replied that it is unknown as of now, though it is conceptually possible and could be evaluated in the future when financing is better understood. Council Member Gartin asked about what it means for the buildings to be net-zero ready and wondered if the mechanics to add solar would already be incorporated. Director Diekmann noted that it would be something for staff and the Developer to investigate and discuss; however, it has not been evaluated at this point.

Council Member Gartin asked clarifying questions regarding the north parking structure. Director Diekmann explained staff estimates approximately 200 spaces total for the ground level and one elevated level of a deck. The structure would be designed to support two additional levels to expand capacity to 400+ parking spaces. Council Member Gartin shared his concern for the expense. City Manager Schainker clarified that the off-site project would be better outlined after construction for Phase 2 of the project began, as there are a lot of discussions that must take place to understand what type of parking is needed to support the development.

Council Member Gartin discussed the details of the Outdoor Plaza and wondered what events are proposed for the space. Director Diekmann explained the Outdoor Plaza will be designed with green spaces to succeed with any type of entertainment-related activity, but noted that it would be under purview of the Developer as to what types of events they choose to host. Council Member

Gartin asked about how the stormwater would be addressed in this project. Director Diekmann explained that the level of design pertaining to stormwater had not been discussed yet.

Council Member Beatty-Hansen asked when the feasibility of geothermal will be known. Director Diekmann clarified that the feasibility will be known by the time that the major site development plan would be submitted.

Mayor Haila opened the Public Input.

Chuck Winkleblack, Hunziker and Associates, 105 South 16<sup>th</sup> Street, Ames, shared the history of the Linc Development, noting that in 2016, Hunziker and Associates sent out the first letters of intent and began acquiring the parcels of land that would make up the development. During this time the company helped relocate over twenty businesses. In 2018, Hunziker and Associates worked with the City of Ames on the Lincoln Way Corridor Plan and the rezoning that followed. He mentioned that in 2019, they assisted with another rezoning for the relocation of Starbucks before progress came to a halt due to the COVID-19 pandemic. Post pandemic, Hunziker and Associates reengaged with the project through market research and contacting stakeholders that had expressed interest. Mr. Winkleblack noted the last year and a half of the project had been dedicated to working with the Ames Main Street District and the Ames Economic Development Commission. All these events led to this point, where the company is ready to discuss what they believe to be a catalytic and transformational project for the Ames community. He shared that Hunziker and Associates have been in contact with hoteliers, office users, retailers, and restaurateurs who have all expressed an encouraging level of interest in the project. Mr. Winkleblack stated that with the approval of the conceptual agreement, Hunziker and Associates will move forward with contracts for the actual spaces within the development. He discussed the magnitude of the project and the approximate project timeline, while also highlighting ways the company could investigate sustainability in each phase of the project. He also reviewed the details of the parking structures as well as the tax revenue that would be generated and the benefit it will have to the City of Ames. He emphasized that the City Council would not be asked to budget any part of the Capital Improvements Project budget to the development of the Linc, highlighting the use of minimum assessment agreements. He furthered that the Linc will provide an opportunity to retain residents and create a vibrant community for young people, noting that the proximity to downtown is crucial to the project. Mr. Winkleblack concluded the Linc will be an asset to the community that will provide additional attraction to the community.

Dylan Klein, Ames Economic Development Commission, 304 Main Street, Ames, stated that the Linc is a fantastic project and voiced the Commission's enthusiastic support. He expressed this opportunity provides local benefits that will increase business attraction. He shared that business attraction is his primary role with the Commission and the proposed project has already paid dividends as a marketing tool for attraction of businesses to Ames of all different sizes. He expressed the added housing downtown is integral in attracting businesses and will be something that the people of Ames will be very excited about. Mr. Klein noted that the project is a once-in-a-generation opportunity that will change the landscape of downtown literally and figuratively



while providing amenities that will continue to attract people and businesses to the Ames area. He also noted how important it is that people will have the opportunity to spend their dollars in Ames, which will be a tremendous economic impact that he believes should be held in perspective.

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

City Manager Schainker noted that the City Council will be asked to make a motion on how to proceed at the October 25, 2022, meeting. He stated that over the next few weeks, City staff and the Developer will move expeditiously through the process to finalize the agreement. He furthered that staff also wants the public to be aware of the project and encouraged anyone with questions or concerns to contact the City Manager's Office or the Planning and Housing Department. To conclude, Mr. Schainker shared this project will accomplish a unified mixed-use development that will be catalytic for the downtown area and is in line with the direction of the Lincoln Way Corridor Plan.

**NORTH DAYTON INDUSTRIAL PARK:** Planner Justin Moore presented the preliminary plat for the North Dayton Industrial Park, 2105 and 2421 North Dayton Avenue. Mr. Moore provided an orientation for the site, explaining that the 72.99 acres of land will include ten lots planned for industrial development with five lots below three acres in size and the other five below eleven acres in size. The Preliminary Plat includes two outlots which include Outlot A (6.27 acres) and Outlot B (11.78 acres) for the treatment and detention of stormwater and wetland protection. The access to these lots will be directly from Bailey Avenue, which will have access off North Dayton Avenue at two points. Lots 10 and 11 are proposed to be 'through lots' located between Dayton Avenue and Bailey Avenue. Utilities will be extended into the subdivision including water, sanitary sewer, and electrical lines. Water and Sanitary Sewer will serve all lots from along Bailey Avenue.

The stormwater plan for the development was reviewed by Planner Moore and he noted that the majority of the site will have runoff diverted to a large detention pond located at the southwest corner of the site before it is released to the west. Water quality and quantity controls are included primarily within the ponds. Mr. Moore discussed that representatives of the Izaak Walton League expressed concerns regarding the release location of stormwater and how it would affect their property to the west. Staff has worked with the Developer's engineer to design a system that allows a release of water towards the Izaak Walton League site marsh for 1-year storm event rainfalls, approximately 2.5 inches of rain. Larger storm events are controlled by the stormwater system and routed to the treatment pond. Council Member Gartin noted people are often surprised that development improves surface water flow and asked about what improvements this stormwater plan would create for the surrounding area. Municipal Engineer Tracy Peterson explained the existing water quality and directions of water flow. She discussed ways in which the Developer has altered the site plan to minimize negative impacts to the natural resources to Izaak Walton League's property.

Planner Moore continued with an explanation of the conditions of the Preliminary Plat, highlighting the layout of the proposed subdivision does not include a final extension of sanitary sewer to the north, approximately 300 feet of pipe length. The initial proposal considered a waiver request of the subdivision standards due to the use of TIF for financing the infrastructure and limited utility of the extension based upon the existing use to the north and no further planned expansion. Mr. Moore discussed that City staff conditioned the Preliminary Plat includes an extension of the Sanitary Sewer line to the north with public improvement plans. He noted that the other condition requires to update the final stormwater management plan to reflect the approved stormwater design and obtain Army Corps of Engineers wetland fill permit prior to approval by the City for grading.

Mayor Haila noted that Lot 2 and Lot 3 show disturbed wetland along the west property line and asked staff to identify the adjacent property owner's concern of the water at those locations. Engineer Peterson explained the information she has received had been regarding the natural resources and waterways that are going through the adjacent property owner's land. The adjacent property owner has great care for their water quality, and they do not want to be impacted by a change of water quality, explained Ms. Peterson. She discussed the concern with the original design of the development, highlighting the efforts of the Developer to keep the drainage patterns and ensure stormwater is cleaned. She went on to review extreme flood events with relation to limiting erosion to waterway, detailing the need for a storm water basin where the water can be controlled and detained to maintain regular water flow to the west. Mayor Haila asked if a successful resolution has been achieved to accomplish everyone's objectives. Engineer Peterson replied in the negative, but highlighted that as presented, the stormwater management plan is approvable through the City of Ames Stormwater Management Ordinance, though the Army Corps of Engineers permit may come back with additional conditions that would be address as part of the Final Plat.

The City Council and Mayor discussed stormwater management and addressed the concerns of the adjacent property owner with staff before Mayor Haila opened the Public Input.

Paul Reedhead, 1200 Ridgewood Avenue, Ames, Ames Chapter of the Izaak Walton League Board of Directors, referenced the letter sent to the City Council by Gene Nosco, who is also a member of the Izaak Walton League, which detailed the concerns the League has. He highlighted the issues of water quality and water flow were addressed by staff through a report by Bolton and Menk. He stated the report did not contain information that was particularly valuable to the League, nor did it directly address their concerns. Mr. Reedhead elaborated that for water quality their concerns were the north and south drainage areas with the third drainage area though the middle of the development. He noted that the third drainage point ran diagonally the detention basin that holds approximately six-acre feet of water. He stated that the League does not want too much or too little water on their property, as they have their own lake. Mr. Reedhead furthered that the excessive runoff from the property when it was agricultural land had been mitigated; however, the League is concerned about oil, salt, and particulate matter in the water. He discussed the vortex trap that was proposed to clean the water and shared his unconvinced opinion on the idea. He

shared there is nothing else the development can do to mitigate the elements in the central waterway, noting that the League is going to disagree with how the development is proposed. Engineer Peterson discussed the discharge points that Mr. Reedhead mentioned and walked through the details of the hydrodynamic separator, highlighting to the City Council the efforts of the Developer to mitigate any potential issues.

Steve Buck, 217 26<sup>th</sup> Street, Ames, mentioned that he is a member of the Izaak Walton League and presented the history of the conservation efforts on their land. He shared that eliminating the use of the farmland will greatly reduce nitrogen phosphates and silt, which has been a major problem for the League over the decades. He said that his concern with the adjoining property is that water was previously able to flow onto their site from multiple access points that is proposed to be cut down to two. Mr. Buck discussed the effects of the major rain events in 2015 and the factors that the League considered when cleaning up the damage. He said that with the proposed development, the League has a lot to be concerned about, considering what water is coming on to their land and how fast.

Mayor Haila asked if Mr. Buck was pleased that the nitrogen phosphates and silt were being eliminated. Mr. Buck replied in the affirmative, noting that the water quality and drainage were of concern to the League. Mayor Haila asked if the water to the lake on the property all came from surface level. Mr. Buck replied in the affirmative.

Chuck Winkleblack, Hunziker and Associates, 105 South 16<sup>th</sup> Street, Ames, shared the company has a good history of working with neighbors to try to resolve problems that come up with a solution that works for everyone. He discussed their efforts to find a resolution in this situation, highlighting that the Preliminary Plat is compliant with City code and contingent on the Army Corps of Engineers permit to delineate the wetlands.

Greg Broussard, Bolton and Menk, 1519 Baltimore Drive, Ames, noted that he is the engineer on the project for Hunziker and Associates. He discussed the technical background of the engineering of the site to maintain the water to the adjacent property, highlighted that there are four points where water flows off the site with Outlot B and three drainage channels, which will keep the Izaak Walton League facilities the same as they are today. He dove into more detail surrounding the hydrodynamic separators, noting that though they are cost prohibitive, they work efficiently in pulling particulate matter from the water.

Council Member Beatty-Hansen asked how often the hydrodynamic separators need cleaning and who would be responsible for it. Mr. Broussard replied that the cleaning of the separators really depends on the amount and type of debris coming from the property. Mr. Winkleblack explained that the Developer is establishing a Property Owners Association that will pay dues to maintain the costs of the water quality. Engineer Peterson added the Developer will receive annual reminders from the City staff to do maintenance.

Mr. Broussard discussed the pond sizing and release rate in a further explanation of the stormwater management design. He confirmed the pond is large enough to hold off all the necessary water so the release rate to the adjacent property is equal to that of a prairie. Mr. Broussard reviewed the water discharge points and where controlled releases will be located to manage large storms.

Mayor Haila asked Mr. Broussard to comment on dissolved salts. Mr. Broussard noted that it would be something the engineers would have to investigate when evaluating hydrodynamic separators.

The City Council and Mayor discussed the concerns expressed with staff, evaluating the responsibility of the City Council when considering approval of the Preliminary Plat. City staff affirmed that the plat is compliant with the Stormwater Management Ordinance and was approvable as presented with the conditions outlined.

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

Moved by Gartin, seconded by Corrieri, to adopt RESOLUTION NO. 22-546 approving Preliminary Plat for North Dayton Industrial Park, 2105 & 2421 Dayton Avenue, with the conditions: A) To include an extension of the Sanitary Sewer line to the north with public improvement plans and the final plat; and B) To update the final stormwater management plan to reflect the Approved Stormwater design and obtain Army Corps of Engineers wetland fill permit prior to approval by the City for grading and final plat.

Roll Call Vote: 5-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

Director Diekmann presented the Tax Increment Financing Agreement for the North Dayton Industrial Park, 2105 and 2421 North Dayton Avenue. The TIF agreement rebates the Developer for the costs of installing public infrastructure to provide for a subdivision that will have half of its lots designed for small industrial businesses on lots less than three acres in size and a commitment to build speculative industrial buildings.

The Developer has agreed to install all water, sanitary sewer, public storm sewer, street paving and associated improvements to City standards within the next year along with obtaining approval of a final plat. The Developer will provide five small lots and five large lots and agrees to the design standards for all buildings in the subdivision included with the TIF Development Agreement. The public improvements to be financed with the TIF rebate do not include any costs related to potential connection fees for the existing 12-inch water main. Director Diekmann noted that staff is recommending approval of the agreement.

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

Moved by Gartin, seconded by Corrieri, to adopt RESOLUTION NO. 22-547 approving Tax Increment Financing (TIF) Development Agreement with Dayton Avenue Development LLC for North Dayton Industrial Park, 2105 & 2421 Dayton Avenue.

Roll Call Vote: 5-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

**STAFF REPORT REGARDING ZONING TEXT AMENDMENT TO THE WHOLESALE TRADE AND DISPLAY STORE PARKING RATE:** Planner Justin Moore presented the staff report, noting that FOX Strand requested a Zoning Text Amendment on behalf of a regional furniture client to reduce the current parking requirement for a Furniture Store from one space per 500 square feet of floor area to one space per 625 square feet. He highlighted that staff found two options to address this request.

Option 1 would reduce the required parking rate for Display Stores by 20%. Display stores can have large areas with lower customer counts compared to typical personal goods retailers such as Target or J.C. Penney. The current rate of one space per 500 square feet reflects this expectation compared to general retail at one space per 300 square feet. Reducing the Display Store rate by 20% would likely be at the lower end of typical ranges for such a use, but if a store desires more parking, it would be allowed to construct additional parking.

Option 2 would create a new generally applicable reduction for uses exceeding 100 or more parking spaces. Under this option staff, proposed creating a possible reduction for all commercial or industrial uses that exceed 100 parking stalls. The reduction would allow for the Planning Director to waive up to 20% of the total required parking stalls, but not less than 100 spaces. Planner Moore noted that one of the benefits to this option is that it reduces impervious space and is a more comprehensive approach, which is why staff recommends Option 2.

Council Member Junck asked if there would be any situations in which the Planning Director would not want to wave the 20% or if this would be applied as a standard. Director Diekmann shared that it has not been written out or pieced into the code at this point, but the intent would not be to have criteria; rather, the request would be granted unless there is something that staff needs to safeguard against. Council Member Rollins asked for clarification on the amendment applying only to non-residential properties. Director Diekmann replied in the affirmative.

Mayor Haila opened the Public Input.

Chuck Winkleblack, Hunziker and Associates, 105 South 16<sup>th</sup> Street, Ames, discussed that as a developer the only request he receives more often than Olive Garden is a furniture store and shared how the parking change will positively impact the development. He shared that the community has been without a furniture store for almost 25 years and urged the City Council to approve the Text Amendment to remove the barrier for development.

Council Member Gartin asked Mr. Winkleblack for his professional opinion as a developer on the two options presented to the City Council, as he has noticed that there are many parking areas in Ames that are underutilized. Mr. Winkleblack noted that many developments in town have a sea of parking that is only filled a few days each calendar year. He shared his support for Option 2, as he believes it is better for our community to utilize what could be green space in parking sites and trusts the discretion of the Planning Director. He also shared that he would hope the Text Amendment would allow for more efficient use of parking sites for larger properties. Director Diekmann agreed with Mr. Winkleblack's statement, noting that the density of employees for industrial developments varies greatly and this amendment would benefit industrial users as well.

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

Moved by Beatty-Hansen, seconded by Corrieri, to approve Option 2: Create a new generally applicable reduction for uses exceeding 100 or more parking spaces.

Vote on Motion: 5-0. Motion declared carried unanimously.

**STAFF REPORT REGARDING ZONING TEXT AMENDMENT HOME OCCUPATION:**

Planner Benjamin Campbell presented the staff report, highlighting that earlier this year, Governor Reynolds signed into law House File 2431, which pertains "to the regulation of home-based businesses." The Ames Zoning Ordinance refers to home-based businesses as home occupations, which are otherwise the same. The new regulations preempt certain local laws and limit how a city can regulate home-based businesses, principally regarding "no-impact" businesses. In order to continue to apply standards to home based occupations, the City must modify its zoning standards to comply with state law.

The new state law does not allow cities to regulate home-based businesses by use, with some exceptions, but does allow them to regulate by intensity of use and potential impacts to a neighborhood, including parking on the street and any noise, odor, or pollution emanating from the property in question. The state law defines a "no-impact home-based business" as one that, essentially, is operated within a building or in a yard out of view from surroundings and does not create any negative impacts on the surrounding neighborhood or surrounding properties. If a business is classified as no-impact home-based business, the City of Ames may not require any permit or other review. If the City receives complaints about the no-impact home-based business, staff can investigate to see if the use is complying with the state criteria pertaining to impacts and intensity of use. Under the new law, cities may still require permits for home occupations that are not no-impact home-based businesses.

After consultation with the City Attorney and the Inspections Division, staff believes that adjustments to our approach can be made to continue to apply regulations to home occupations. New standards would have to address the state law requirements and provide performance thresholds to assess impacts to a neighborhood, but many of the criteria could carry over.

Mayor Haila opened the Public Input.

Richard Deyo, 505-8<sup>th</sup> Street, #2, Ames, discussed his own informal home-based business where he takes donations for t-shirts and buttons. He expressed his concern for shopping at large retailers where it does not seem as though the companies care to have him as a customer.

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

Council Member Gartin stated that the State of Iowa, which believes the best and most responsive government is the closest one, does not apply that philosophy to City governments. He noted that he is astounded by the boldness of the state legislature to continue to interfere with home rule. Council Member Beatty-Hansen asked what the motivation was for the state to move forward with this legislation. Director Diekmann stated that he was unaware of the exact reasoning, but his research indicated that the intent was to not allow the government to restrict a person's ability to use their home to generate a secondary income, as many people have started to work from home.

Moved by Beatty-Hansen, seconded by Gartin, to approve Option 1: Allow Home Occupations by Right Subject to Performance Criteria.

Vote on Motion: 5-0. Motion declared carried unanimously.

**HEARING ON POWER PLANT RENOVATIONS PROJECT:** Electric Services Director Don Kom was present for questions.

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

Moved by Beatty-Hansen, seconded by Junck, to receive the Report of Bids and reject all bids.

Vote on Motion: 5-0. Motion declared carried unanimously.

**DISPOSITION OF COMMUNICATIONS TO COUNCIL:** Mayor Haila noted that there were two items for consideration by the City Council. The first was an email from Sondra Wilson requesting a policy regarding gardening spaces for renters. Council Member Gartin noted that he replied to Ms. Wilson's email informing her of the available options and he believes that she already applied for a garden plot through the Parks and Recreation Department.

The second item was a memo from Planning and Housing Director Kelly Diekmann regarding a Text Amendment for solar energy systems.

Moved by Beatty-Hansen, seconded by Corrieri, to place on a future agenda.

Vote on Motion: 5-0. Motion declared carried unanimously.

**COUNCIL COMMENTS:** *Ex officio* Garman noted that he is excited to meet with the Mayor and Iowa State Student Government President next week to set the agenda for the joint meeting on October 26<sup>th</sup>, 2022.

Council Member Rollins announced that the Iowa League of Cities will meet next year in Cedar Rapids from September 20-22, 2023. She noted the event this year was wonderful, and she is excited for next year.

Council Member Gartin introduced Mayor Haila as the President for Iowa League of Cities. He noted that the Mayor is showing tremendous leadership statewide, and he is proud of the Mayor for taking the role. He continued that EcoFair was a successful event and thanked staff for their time and effort to make it possible.

Mayor Haila mentioned the first Community Conversation had been hosted on October 4<sup>th</sup>, 2022 and asked Assistant City Manager Deb Schildroth to provide a brief report. Assistant City Manager Schildroth announced that there were over 50 people attending the event as well as the panelists presenting and City staff. She noted many powerful personal stories were shared at the event and local agencies also had the opportunity to discuss the services they provide. She stated the event was well received, highlighting that the next event would be hosted on Thursday, November 3<sup>rd</sup>, 2022 at the Ames Water Treatment Plant, 1800 E. 13<sup>th</sup> Street, from 6:30 to 8:30 p.m. Ms. Schildroth discussed promoting the event and involving more students from the community. Mayor Haila walked through some of the stories shared and encouraged everyone to attend the future conversations.

**ADJOURNMENT:** Moved by Gartin, seconded by Rollins, to adjourn the meeting at 9:04 p.m.  
Vote on Motion: 5-0. Motion declared carried unanimously.

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Carly M. Watson, Deputy City Clerk

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John A. Haila, Mayor

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Renee Hall, City Clerk