

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

**AMES, IOWA**

**AUGUST 9, 2022**

**REGULAR MEETING OF THE AMES CITY COUNCIL**

The Regular Meeting of the Ames City Council was called to order by Mayor Pro Tem Tim Gartin at 6:00 p.m. on August 9, 2022, in the City Council Chambers in City Hall, 515 Clark Avenue, pursuant to law. Present were Council Members, Tim Gartin, Rachel Junck, and Anita Rollins. Council Member Gloria Betcher was brought into the meeting telephonically. Council Members Bronwyn Beatty-Hansen and Amber Corrieri were absent. *Ex officio* Member Bryce Garman was also absent.

**CONSENT AGENDA:** Mayor Pro Tem Gartin requested to pull Item No. 14: Fall 2022 Commission on the Arts (COTA) Special Grants in order to abstain from voting due to a conflict of interest.

1. Motion approving payment of claims
2. Motion approving Minutes of Regular Meeting held July 26, 2022 and Special Meeting of July 29, 2022
3. Motion approving Report of Change Orders for period July 16 - 31, 2022
4. Motion certifying Civil Service Candidates
5. Motion approving ownership update for Class C Beer Permit with Class B Wine Permit and Sunday Sales - Hy-Vee Gas #5013, 4018 West Lincoln Way
6. Motion approving temporary outdoor service (September 16- September 18) for Class C Liquor License, Sunday Sales and Outdoor Service - Sips and Paddy's Irish Pub 126 Welch Avenue
7. Motion approving the renewal of the following Beer Permits, Wine Permits and Liquor Licenses:
  - a. Class C Beer Permit with Class B Wine Permit and Sunday Sales - Hy-Vee Gas #5013, 4018 West Lincoln Way
  - b. Class C Liquor License with Sunday Sales - Inside Golf, 2801 Grand Ave., #1075
  - c. Class C Liquor License with Catering Privilege, Outdoor Service, and Sunday Sales - Iowa State Center - CY Stephens
  - d. Class E Liquor License with Class B Wine Permit, Class C Beer Permit (carryout beer), and Sunday Sales - Kwik Stop Liquor & Groceries, 125-6<sup>th</sup> Street
8. Hoover Avenue Parking Changes:
  - a. Motion directing the City Attorney to draft an ordinance that prohibits parking at all times on the east side of Hoover Avenue from 24<sup>th</sup> Street to 30<sup>th</sup> Street and from Bloomington Road to Top-O-Hollow Road
9. Motion approving request for Fireworks Permits for display from Jack Trice Stadium for 2022 ISU Home Football Games on the following dates:
  - a. Saturday, September 3
  - b. Saturday, September 17
  - c. Saturday, September 24
  - d. Saturday, October 8

- e. Saturday, October 27
  - f. Saturday, November 5
  - g. Saturday, November 19
10. Request from Ames Chamber of Commerce for Back to School Bash in Campustown on Thursday, September 29, 2022:
    - a. Motion approving blanket Temporary Obstruction Permit
    - b. Motion approving blanket Vending License
    - c. Motion approving 5-day (September 29-Oct 3) Special Class C Liquor License with Outdoor Service for Ames Chamber of Commerce for closed area - Pending Dram Shop Insurance
    - d. RESOLUTION NO. 22-421 approving waiver of Vending License fee
    - e. RESOLUTION NO. 22-422 approving closure of the 200 block of Welch Avenue and Chamberlain Street from Welch Avenue to the exit of Chamberlain Lot Y between noon and 11:00 p.m.
    - f. RESOLUTION NO. 22-423 approving closure of parking spaces in the 200 block of Welch Avenue, on Chamberlain Street between Welch Avenue and the Chamberlain Lot Y exit, Welch Lot T, and Chamberlain Lot Y between noon and 11:00 p.m.
    - g. RESOLUTION NO. 22-424 approving closure of 51 metered parking spaces and waiver of parking meter fees and enforcement
    - h. RESOLUTION NO. 22-425 authorizing access to City-owned electrical outlets and approving a waiver of fees for the electricity used
  11. Requests for ECO Fair on Saturday, October 1, 2022:
    - a. Motion approving blanket Temporary Obstruction Permit
    - b. Motion approving blanket Vending License
    - c. RESOLUTION NO. 22-426 approving closure of 5<sup>th</sup> Street from Pearle Avenue to Clark Avenue from 7:00 a.m. to 2:00 p.m. on Saturday, October 1
    - d. RESOLUTION NO. 22-427 approving closure of 35 metered spaces along 5<sup>th</sup> Street from 7:00 a.m. to 2:00 p.m. on Saturday, October 1
    - e. RESOLUTION NO. 22-428 approving waiver of Vending License fee
    - f. RESOLUTION NO. 22-429 approving waiver of parking meter fees
  12. RESOLUTION NO. 22-430 setting date of Public Hearing for August 23, 2022, regarding Summit Ag Hangar Land Lease
  13. RESOLUTION NO. 22-431 approving Encroachment Permit Agreement for Planter Boxes at 301 Main Street, Suite 105
  14. RESOLUTION NO. 22-434 approving Professional Services Agreement with WHKS & Co., of Ames, Iowa for 2022/23 & 2023/24 Sanitary Sewer Rehabilitation Design in an amount not to exceed \$395,000
  15. RESOLUTION NO. 22-435 approving Professional Services Agreement with WHKS & Co., of Ames, Iowa for 2022/23 Concrete Pavement Improvements (Brookridge Avenue, Ridgewood Avenue, Lee Street, 9<sup>th</sup> Street, Parkway & Alley) in an amount not to exceed \$312,400
  16. RESOLUTION NO. 22-436 approving Professional Services Agreement with WHKS & Co., of Ames, Iowa for 2022/23 Asphalt Pavement Improvements (Oakwood Road) in an amount not to exceed \$122,800
  17. RESOLUTION NO. 22-437 approving Engineering Services with Barr Engineering Co., of Minneapolis, Minnesota, for SAM Pump Station Improvements - Backup Generation in an

amount not to exceed \$37,250, which includes design of the standby generator and a booster pump VFD

18. RESOLUTION NO. 22-438 approving Change Order No. 2 for Prairie View Industrial Center Utility Extension Project (East Industrial Area Utilities), as negotiated, in the amount of \$2,210,255.72
19. RESOLUTION NO. 22-439 awarding contract for Architectural Services to SVPA Architects Inc., of West Des Moines, Iowa, for the WPCF Administration Building Renovation Project in an amount not to exceed \$86,100
20. RESOLUTION NO. 22-440 awarding contract to Milsoft Utility Solutions, of Abilene, Texas, for Outage Management System and Data Conversion for Electric Services in the amount of \$58,826.46 (inclusive of Iowa sales tax)
21. Underground Trenching Contract for Electric Services:
  - a. RESOLUTION NO. 22-441 approving renewal of primary contract with Ames Trenching & Excavating of Ames, Iowa, from July 1, 2022, through June 30, 2023, in an amount not to exceed \$400,000
    - i. RESOLUTION NO. 22-442 approving Performance Bond
  - b. RESOLUTION NO. 22-443 approving renewal of secondary contract with Zoske Electrical Services, Inc., of Des Moines, Iowa, from July 1, 2022, through June 30, 2023, in an amount not to exceed \$100,000
    - i. RESOLUTION NO. 22-444 approving Performance Bond
22. Power Plant SCADA System Software Upgrade:
  - a. RESOLUTION NO. 22-445 Waive the City's Purchasing Policy requirement for formal bidding procedures and award a contract to Open Systems International, Inc., of Medina, Minnesota, for additional software upgrade support in the amount of \$64,610
23. RESOLUTION NO. 22-446 approving contract and bond for 2020/21 Shared Use Path System Expansion - Vet Med Trail (S. 16<sup>th</sup> Street to S. Grand Avenue)
24. RESOLUTION NO. 22-447 approving contract and bond for Water Treatment Plant Five-Year Well Rehabilitation Contract
25. RESOLUTION NO. 22-448 approving contract and bond for Story County Edge of Field Project
26. RESOLUTION NO. 22-449 approving contract and bond for Boiler Tube Spray Coating & Related Services for the Power Plant
27. RESOLUTION NO. 22-450 approving contract and bond for Boiler Maintenance Services Contract for Power Plant
28. RESOLUTION NO. 22-451 approving completion 2020/21 Collector Street Pavement Improvements (East 20<sup>th</sup> Street)
29. RESOLUTION NO. 22-452 approving completion 2020/21 CyRide Route Pavement Improvements (9<sup>th</sup> Street)
30. RESOLUTION NO. 22-453 accepting completion of public improvements and releasing security for Westar Apartments, LLC

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

**FALL 2022 COMMISSION ON THE ARTS (COTA) SPECIAL GRANTS:** Moved by Junck, seconded by Rollins, to adopt RESOLUTION NO. 22-432 approving a contract to Ames Town and

Gown in the amount of \$650.

Roll Call Vote: 3-0-1. Voting Aye: Betcher, Junck, Rollins. Voting Nay: None. Abstaining due to Conflict of Interest: Gartin. Resolution declared adopted, signed by the Mayor, and hereby made a portion of these Minutes.

Moved by Junck, seconded by Rollins, to adopt RESOLUTION NO. 22-433 approving a contract to Story Theater Company in the amount of \$900.

Roll Call Vote: 3-0-1. Voting Aye: Betcher, Junck, Rollins. Voting Nay: None. Abstaining due to Conflict of Interest: Gartin. Resolution declared adopted, signed by the Mayor, and hereby made a portion of these Minutes.

**PUBLIC FORUM:** Mayor Pro Tem Gartin opened Public Forum.

Richard Deyo, 505-8th Street, #2, Ames, mentioned that he went to the Ames Resident Police Advisory Committee and there was not an option for Public Forum, and he was curious as to why. He commented that he was upset over the no trespassing order as he was not able to perform in the Senior Variety Show.

Grant Olson, 3812 Ontario Street, Ames, stated that next week the Council will gather to begin the creation of the Bicycle & Pedestrian Master Plan. He commented that the “why” the Plan is being put together is important. Mr. Grant felt the Bicycle and Pedestrian Master Plan will help the City be more child friendly, will keep the neighborhoods quiet, and will increase diversity of the transportation network. He mentioned that there are many more reasons as to why the Plan is important, but the final reason he wanted to mention was health and joy. He commented that people who participate in active transportation are typically happier and healthier. He noted that a City does not naturally occur, but a City is made by design choices. Mr. Olson said that a wise person once said that “the best way to predict the future is to design it.”

Public Forum was closed by Mayor Pro Tem Gartin when no one else came forward to speak.

**FITCH FAMILY INDOOR AQUATIC CENTER FURTHER DISCUSSION OF INDOOR AQUATIC CENTER SITE:** Mayor Pro Tem Gartin said that there would not be a decision made by the City Council tonight as it is an opportunity for the Council to listen. This item would come back on August 23, 2022, for the Council to deliberate. No public comments will be taken at that time.

Parks and Recreation Director Keith Abraham explained that on July 28, 2022, City staff spoke with representatives from the Department of Natural Resources (DNR) and the Department of Transportation (DOT) regarding potential funding options to offset expenses related to the contamination of the DOT site. The three grant options were: 1) DNR Brownfield Program; 2) Federal Brownfield Program; and 3) Iowa Economic Development Authority (IEDA) Redevelopment Tax Credit Program.

An additional idea that was mentioned by the DNR staff was to consider installing a pump-and-treat

system in the northeast corner of the site (where the contamination is located) and clean the groundwater before it could be drawn into the basin or building. This would result in a substantially smaller volume of water requiring treatment as compared to treating the water that will likely collect in the excavation when construction begins.

City staff also requested the DNR's opinion regarding the likelihood that the geothermal wells would be required by the DNR to be double-cased, given what is currently known about the geothermal well location and the contamination location and characteristics. The DNR indicated that there was not enough information, at this time, to determine what construction requirements would apply. Mr. Abraham indicated that the DNR did give a proposal example for a pump-and-treat system similar to what would likely be used at the DOT site. The proposal indicated a cost range of \$78,572.85 to \$93,834.70 for one year of treatment, monitoring, and reporting.

Council Member Betcher asked how long the pump-and-treat system would need to be monitored and reported. Director Abraham said that he would need to get more information from the DNR, but believed the pump-and-treat system was to be used during construction only.

Mayor Pro Tem Gartin opened public input.

Kat Breitbach, 113 South Maple Avenue, Ames, stated she was present to speak on behalf of her nine and ten year old children. She explained that her kids were excited about the idea of an Indoor Aquatic Center being within walking distance from where they lived, but they would have to pay to get in when they can go to the park for free. Ms. Breitbach said that she had tried to explain to her kids how the DOT site had "dirty soil," and her kids wanted to know why the City wouldn't clean up the "dirty soil" no matter what the outcome was.

Michael Lee, 214 S. Maple Avenue, Ames, stated he wanted to explain how and why the idea to replace O'Neil Park with a pool is a bad idea. He noted that within a few hundred feet of the park are nine apartment buildings and several hundred residents. O'Neil Park is the backyard of several people in the area and the park is used for free by many people to enjoy nature, relax, and recreate. If O'Neil Park is converted into an Indoor Aquatic Center, then the backyard for those people are gone forever. Mr. Lee said that the conversion of O'Neil Park into an Indoor Aquatic Center will increase the carbon footprint because the total green space of the Park will become buildings and pavement. Also, a substitute Park to the west of O'Neil Park will very likely require the removal of several large trees, insertion of concrete, pavement for parking, and clearing ground for equipment. He noted that there had been two recent failed referendums that have involved Indoor Pools and wondered why the City did not do another referendum. He felt this way the City would not have to rely on anecdotal evidence about people telling the City the need for a pool and indoor walking track. He wondered if people have tried walking at the mall. Mr. Lee gave a brief history on the O'Neil family and how the Park was donated to the City. He mentioned that the City should be putting up a statue in O'Neil Park for the family instead of an Indoor Aquatic Center.

Jonathan Bunge, 226 S. Maple Avenue, Ames, said he did not believe the City had conducted a Park usage study. He said he had a unique perspective as he is the only single-family dwelling directly

north of O'Neil Park. Mr. Bunge commented that he could speak to the growing usage of the Park since he moved to the area in 2011. Mr. Bunge stated that while it is not a study, he could attest to the amount of people that use O'Neil Park. He believed that the City should slow down the process and find a location that everyone could feel good about. Mr. Bunge said that \$10 million is a lot of money, but did not believe the money was worth risking the balance of the neighborhood. He wanted to know if staff had visited other towns where there is an Indoor Aquatic Center to see what worked for them. Mr. Bunge noted that it will cost money to get into the Indoor Aquatic Center and there are a lot of low-to middle-income residents in the area who will not be able to enjoy the Indoor Aquatic Center as they will not be able to afford it. He commented that he knows it would be easy to put an Indoor Aquatic Center within O'Neil Park, but it would be for all the wrong reasons. Mr. Bunge said that Director Abraham had mentioned the Park was empty one time when he drove by and if that was the basis on how the City was going to use to determine if a park was viable then there are several other parks that are vacant at times and should be considered for development.

Council Member Amber Corrieri arrived at 6:25 p.m.

Paul Attema, 229 S. Russell Avenue, Ames, said he supports the proposed Indoor Aquatic Center at O'Neil Park. He mentioned that a lot of people that he had spoken to along South Russell and South Riverside also support the Indoor Aquatic Center project. Mr. Attema encouraged those citizens to email the City Council. He believes that the Council can build the Indoor Aquatic Center at O'Neil Park and still be able to address neighborhood concerns.

Eryn Shriver, 202 S. Maple Avenue, Ames, stated she has lived in the neighborhood since 2008. She noted that she agrees with what has been said at the previous meeting and also tonight. Ms. Shriver said she had written a long letter to the City Council. She wanted to address the misunderstanding regarding the comparison between Miracle Park and O'Neil Park. Ms. Shriver explained that when the Miracle Park was completed it opened a much needed space for members of the community. It also retained much of the green space, walking trails, and playground equipment. She said if the Indoor Aquatic Center was built at O'Neil Park then it would take up 100% of the space. She stated she wanted to address the amount of usage and how the usage for O'Neil Park would only be anecdotal and has not been properly quantified. She mentioned that a usage study should be done at O'Neil Park and the Oak Avenue site. She explained that several times it was just her and her kids at different times at Brookside Park, Inis Grove Park, and Emma McCarthy Lee Parks. One or two drive-bys should not be used to quantify a space. Ms. Shriver wanted to go over two safety issues. She said moving the Park to the green space west of its current location would not be a good idea. She reminded the Council that there used to be houses in the area, but due to flooding the houses were torn down. Ms. Shriver said one question that came up was if the public would embrace the DOT site knowing it was contaminated. She said that this was previously done at the Hunziker Sports Complex as the City had to mitigate the radiation leak in the 1950s. She had no doubt that the City would be able to assure the citizens that the Indoor Aquatic Center at the DOT site would be safe as well.

Jamie Dimond, 114 S. Russell Avenue, Ames, said he has lived in the area since 2007. He appreciated the efforts of City staff and understood that staff are working off the direction of Council

to obtain information. He said their neighborhood is asking staff to put in additional hard work to save O'Neil Park. Mr. Dimond mentioned at the last City Council meeting that the annual usage for an Indoor Aquatic Center could be as high as 50,000 people, and was used as evidence that more people use the Pool instead of O'Neil Park. He noted that this may be true, but when asked about Park usage an anecdotal drive-by and a phrase saying, "it is too hard to measure, we do not really know." Mr. Dimond would like staff to find out more information. He commented that the \$2.9 million is the amount that will be saved by destroying O'Neil Park, but staff has never valued what green space is worth in dollars, in a neighborhood, a community, or an ecosystem. Mr. Dimond commented that citizens were told that the DOT would not adjust its price, and asked the City to do its own appraisal and find out more information. He noted that Ames needs an Indoor Aquatic Center and walking track and is in support of that; however, a referendum was shot down. He noted that the neighborhood is not against building an Indoor Aquatic Center, but to build it somewhere else. He urged the Council to use the original site or find a property that does not destroy O'Neil Park.

Jenny Lawrence, 320 S. Hazel Avenue, Ames, explained that she used to live in the apartments by O'Neil Park. When she moved to Ames several years ago, she utilized that Park because she was a single-mom and couldn't afford to go to many places. She noted she has been blessed to live on S. Hazel Avenue for the last 16 years and has taken her children to the park many times. Ms. Lawrence said they never bought a playground for their house because they could walk to O'Neil Park. She felt the Indoor Aquatic Center was a great idea just not at the O'Neil Park location. She felt it would destroy the neighborhood and change the demographic. Ms. Lawrence said putting the Indoor Aquatic Center at the DOT site or somewhere else would be better.

Judith Lemish, 327 S. Maple, Ames, mentioned she is right across the street from the Park. She explained that the definition of revitalization is "to bring back into use or activity," and the definition of investment is "to spend, time, money, or effort to make something more useful." She asked why the reinvestment endeavor was necessary in the first place. Ms. Lemish stated that evidently the City of Ames has determined, as a community, what is considered more valuable and what is not. She said that the City removed businesses that were deemed "not valuable" and wants to reinvest time, money, and effort to gain state funding to revitalize properties. Ms. Lemish mentioned that the City of Ames wants everyone to think that the new properties on "the Linc" site will bring a greater profit and bring activity to the central part of town to enhance and make the Downtown Corridor more useful and desirable. She felt the City was chasing State of Iowa money to get a "twofer" the Lincoln Way Reinvestment Development and the Indoor Aquatic Center. After putting a lot of time and money into a site deemed "too difficult and costly" to develop, the City of Ames wants to continue its search for state funds without giving up "the Linc" project. Ms. Lemish said that in order to accomplish this the City determined an established neighborhood park is the best alternative to the contaminated DOT site. She said that a park by definition is a "public garden," and a concrete box and parking slab did not fit her definition of a public garden. Ms. Lemish noted that the City was reluctant to reconsider the DOT site. She said that mitigation of the site was the most ethical and responsible choice, in her mind. Whether or not public funding is available, she felt the DOT site was the best option to keep up with the reinvestment plan. She stated her previous suggestion of "scrapping" or altering "the Linc" site still stood. She stated that no public park should be considered for complete removal and that is a slippery slope and sets a dangerous precedent. She said the lack

of respect for the O'Neil family's gift is "shameful," and what is equally shameful is the lack of consideration for the public good

Mike Sullivan, 2018 Burnett Avenue, Ames, disclosed that he works for the Iowa DNR, serves on the City of Ames Planning and Zoning Commission, serves on the Department of Human Rights Board, and is a member of Lutheran Church of Hope; however, he is commenting as a citizen, taxpayer, neighbor, husband, and a father. He wanted to make sure that everyone knew that his comments were his personal views and not anyone he represented. Mr. Sullivan commended City staff for the work that they have done. He asked that the Council take everything into account and encouraged them to not delay action much longer. He was supportive of an Indoor Aquatic Center no matter where it goes. He noted that every day construction costs are increasing. Mr. Sullivan noted that there is not a whole lot to do indoors for young kids during the wintertime.

Betty Barton, 815 Onyx Circle, Ames, explained that she had lobbied for and voted for three different bond issues that would have improved the "woefully" lacking public venues for aquatic exercises in the City of Ames, yet they failed. She noted that one of the bonds that failed meant there was no outdoor pool in the summer of 1983. Ms. Barton stated that after the most recent bond failure the Council promised the citizens that there would only be a two year wait for an Indoor Aquatic Center. She wanted to know why the City has not broken ground by now. She noted that the latest news was that the site was contaminated and needed mitigation. Ms. Barton said instead of making plans to do what is needed to be done to the site, the City is entertaining the idea of removing a public park as an alternative site. She felt this was a horrible idea. She stated that the City needs to step it up and fix the site that was originally proposed.

Barrett Randall, 420 S. 17<sup>th</sup> Street, Ames, said he was present on behalf of Randall Corporation. He wanted to propose an alternative site. He was referring to 1325 S. 4<sup>th</sup> Street, which is a lot that is about four blocks west of O'Neil Park. Mr. Randall said it was a large, empty lot that was ready to be used. A proposal was given to staff and he wanted to clarify that the land is in a floodplain and saw the land as viable for the Indoor Aquatic Center or for another park. He wanted to remind the Council that the proposal was still an option.

Sue Ravenscroft, 455 Westwood, Ames, stated she supports the letter writers and others who suggested the City stay with the DOT site. Ms. Ravenscroft wondered if it was ethical to walk away from a problem and leave it for future generations to clean up. She noted that by not doing remediation now would mean another party would have to pay more in the future. Staff have questioned the appraisal and should be encouraged to further investigate the appraisal and also revise the price. She suggested the City reduce the \$30 million Tax Increment Financing (TIF) by any amount of remediation cost. Ms. Ravenscroft felt that the remediation cost was not a consideration when there is a \$30 million TIF that could be bargained with. She also recommended using "the Linc" site as a location for the Indoor Aquatic Center. It was mentioned that there doesn't need to be more apartments. She said that putting the Indoor Aquatic Center in "the Linc" location would enhance the complex considerably by avoiding overbuilding, enhance the attractiveness, make "the Linc," a real destination year-round, a great swimming facility for the hotel and one of the apartment buildings.

Susie Petra, 2011 Duff Avenue, Ames, stated she understood that the site for the Indoor Aquatic Center necessitates financial, environmental, safety, sustainability, and marketing decisions. She felt the DOT site could be environmentally remediated. Ms. Petra said the site was financially feasible with grants and DOT assistance. She did not think it was wise to put a pool along Lincoln Way due to the high amount of traffic. She felt that destroying the green space at O'Neil Park that has been a haven for over 70 years, would be a hasty choice. Ms. Petra noted that the O'Neil site needed to be eliminated from consideration. She commented that this would leave the City with two choices; to find a site within the Reinvestment District or go outside the map. When looking to place a pool within the Reinvestment District Ms. Petra felt there were only two viable options. One was to use the former Water Treatment Plant land. She pointed out that this location is a great anchor as it is near Bandshell Park, within walking distance of cafes, shopping, and the Library. She asked the Council to seriously consider the former Water Treatment Plant site.

Amy Logan, 622 Ridgewood Avenue, Ames, said she wanted to express what an anomaly O'Neil Park is. She mentioned it is surrounded by a big DOT Complex to the east. She pointed out that as a former resident, one of the apartments having the green space available was an oasis for the residents. Ms. Logan pointed out that her family are avid park goers and she sees the parks as an asset. She said it was important to keep what they already have as another green space is not going to become available in the middle of the City again.

Merlin Pfannkuch, 1424 Kellogg Avenue, Ames, stated he did not believe the DOT site was great, but felt the City should move forward with the site before more time is lost. He commented that the City had already lost a month over the City Manager's over concern about the environmental aspects of the site. He said that choosing O'Neil Park as an alternative site was a "dreadful" idea. He felt there was some way to negotiate with the DOT on the sale price of the property knowing there is contamination on the site. Mr. Pfannkuch suggested the City get tougher with the DOT regarding negotiations. He pointed out that in December 2020, the City started with the DOT site. It began with Chuck Winkleblack suggesting an ambitious project for Lincoln Way. He mentioned that two people had told the Council not to link the Indoor Aquatic Center with the Reinvestment District. He is not sure what will happen to the "Linc" project, but thought the outcome would not be good. Mr. Pfannkuch commented that there have been supply issues, fluctuating materials prices, and now interest rates have jumped. He mentioned he was upset over the lack of transparency on the project and wanted to know why the public is not receiving periodic reports on the status of the project. He asked the Council to move forward with the DOT site and add back in the walking track and multi-purpose rooms.

Joy Williams, 1317 N 2<sup>nd</sup> Street, Ames, stated she is a water well driller by trade. She mentioned that she had heard a lot of people say that the contamination issues could be resolved at the DOT site. She noted that she would like to see a lot more information, especially what the contaminants are. Ms. Williams pointed out that when something is cleaned up the water has to go somewhere and wants to know where the contaminated water is going to go. She pointed out that contamination issues can be very costly. She stated that there was a big difference in putting a pool on a contaminated site as the pool could get cracks in the concrete and there might be infiltration into the water opposed to active vegetation at Hunziker Sports Complex. Ms. Williams said that what

worked at the Hunziker Sports Complex might not work at the DOT site. She was worried that someone could develop cancer or an illness and blame the pool and could sue the City. She commented that the City is already having a hard time getting employees for the Furman Aquatic Center and wondered how there is going to be enough staff for an Indoor Aquatic Center. She recommended that the City should lure a YMCA to town and let them build a facility instead of the City.

Marie Logan, 622 Ridgewood Avenue, Ames, said she didn't want O'Neil Park to be turned into an Indoor Aquatic Center.

Caleb Whitehouse, 1003 Lincoln Way, Ames, explained that he lives across the street from the DOT site. He stated he was in favor of having the pool at the DOT site. His main concern was that if the City did not use the DOT what would happen to the lot. He didn't think a private developer would come in and clean up a lot and he would prefer to not live across the street from another gas station.

Mayor Pro Tem Gartin closed public input when no one else came forward to speak. He reiterated that if anyone had additional thoughts or ideas to email the Mayor and Council.

Council Member Junck mentioned that staff has not recommended that the City get a new DOT appraisal and wanted more information as to why that was not recommended. Director Abraham indicated that an additional appraisal would not guarantee that it would be more favorable. With interest rates going up the appraisal could end up coming in higher than the DOT's appraisal and that is a big concern. Ms. Junck pointed out that City staff has asked for help from the DOT on the remediation and there has not been any response to that request. City Manager Steve Schainker stated that staff has urged, on several occasions, that the \$2.9 million be reduced by the cost of the remediation, but the DOT have rejected that request.

Council Member Junck inquired if staff had visited other Indoor Aquatic Centers to see what had been done. Director Abraham explained that they have visited several sites and a lot of ideas have been incorporated into other projects.

Council Member Corrieri asked Director Abraham to mention when reviewing a potential site for use how important is reviewing accessibility. She indicated that there had been some implications that the Council is somehow influenced by the makeup of a neighborhood or the newness of a neighborhood. Director Abraham stated accessibility is important. The first thing staff looks at is how people can get to the site; CyRide routes and bike paths. The other part of accessibility to review is for people with disabilities and how the site is ADA compliant.

Council Member Rollins wanted to clarify that staff has not made any recommendations to Council for a site. Staff have provided information to the Council per the Council's request. Director Abraham said that was correct. He indicated that the DOT site is still the original site and staff has not made any recommendations. Ms. Rollins commented that there has been an overwhelming response for the need for an Indoor Aquatic Center.

Council Member Betcher wanted to know if the boundaries of the Reinvestment District could be redrawn or has it not been pursued. Mr. Schainker stated that it is possible to request it, but can't guarantee it will be approved.

Mayor Pro Tem Gartin mentioned a few people had mentioned the possibility of not being able to afford going to the Indoor Aquatic Center due to the price of admission and wanted to know what programs were available to help. Director Abraham indicated that they try to price what the majority of people can afford, and then find ways to help those that can't afford that price. He commented that there is a Parks and Recreation Scholarship Program. He noted that for youth programs, staff works with MICA to get help for families and if they qualify then they receive a 50% discount to that program. This is also done with family pool passes. Director Abraham noted that there have been times that some families had a hard time paying the 50% and he has worked with the families to make sure they still have access to all of the programs.

Mr. Schainker wanted to emphasize that the site the City is looking at is the DOT site. Staff wanted to do its due diligence and told the Council and the public what was found at the DOT site. Staff has been working on fact finding for the past couple of weeks. Staff did say that the O'Neil site was the best out of the three sites; however, staff has not recommended moving away from the DOT site nor has City Council voted to move away from the DOT site. It is hopeful that the City Council will move forward on August 23, 2022, with a decision. He understands this is a sensitive topic.

**REQUEST FROM AMES CHAMBER OF COMMERCE SMALL BUSINESS SATURDAY ON NOVEMBER 26, 2022:** Assistant City Manager Brian Phillips explained this would normally be on the Consent Agenda, but there is some uniqueness to the request. For many years, the Ames Chamber of Commerce has held a Small Business Saturday event in the Downtown area. The Chamber has now submitted a request to also facilitate Small Business Saturday in Campustown on November 26, 2022. Historically, four special events each year include a request for district-wide free parking. All four events are Main Street events, where one day of waived parking totals \$1,370.25 in lost parking revenue. Rather than require Ames Main Street to directly reimburse the Parking Fund, the City Council has allocated funding in the City Budget to transfer from the Local Option Sales Tax Fund to the Parking fund to make the Parking Fund whole for this lost revenue. Although the City Council allocated funding in the City Budget for those four events, funding was not requested by the Chamber during the budget preparation process for this Campustown Small Business Saturday request. Therefore, to implement the City Council's adopted policy regarding area-wide free parking, the Chamber of Commerce will be required to reimburse the City for the \$1,225 in lost parking revenue. Mr. Phillips stated that Chamber staff had indicated that it would be willing to pay for the lost parking meter revenue, if necessary, to approve the event.

Mayor Pro Tem Gartin opened public input.

Sarah Dvorsky, 304 Main Street, Ames, mentioned she was here representing the Ames Chamber of Commerce. She said that they have met with the Campustown Business District and there is a huge desire from the Campustown Business District to participate in Small Business Saturday similar to what is done in Downtown Ames. She indicated that their Agreement is new with the

Campustown Business District and if the parking fee waiver is not approved this year, they are okay to pay the fee, but will be asking for the additional fee in next year's budget.

Public comment was closed by Mayor Pro Tem Gartin when no one else came forward to speak.

Moved by Corrieri, seconded by Rollins, to approve the Blanket Temporary Obstruction Permit.  
Vote on Motion: 5-0. Motion declared carried unanimously.

Moved by Corrieri, seconded by Rollins, to adopt RESOLUTION NO. 22-454 approving the suspension of parking regulations and enforcement for Campustown Business District from 8:00 a.m. to 8:00 p.m. on Saturday, November 26, 2022.

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

Moved by Corrieri, seconded by Rollins, to deny the request for a waiver of parking meter fees.  
Vote on Motion: 5-0. Motion declared carried unanimously.

**AGREEMENT WITH ISU COMMUNITY AND REGIONAL PLANNING REGARDING COMMUNITY ENGAGEMENT FOR POP-UP PLAYFUL COMMUNITY ENGAGEMENT EVENTS AND AUTHORIZE \$10,000 FROM THE COUNCIL'S CONTINGENCY ACCOUNT TO PAY FOR THE INITIATIVE:** City Manager Steve Schainker highlighted what the Program will entail. He reminded the Council that one of its goals is to develop, test, and evaluate strategies to improve community engagement, particularly as it relates to underrepresented groups in the community. The specific task assigned under this goal is to work with Dr. Alenka Poplin and her Community and Regional Planning classes at ISU to host another "Play Ames" festival. In order to make the research more relevant to the City, the citizen input derived from the play experiences will be designed around the City's effort to implement sustainability programs to reduce the community's carbon footprint. The engagement activities are planned to occur over the Fall and Spring semesters and will cost the City \$10,000.

Public comment was opened and closed by Mayor Pro Tem Gartin when no one came forward to speak.

Moved by Betcher, seconded by Rollins, to adopt RESOLUTION NO. 22-455 approving an Agreement with ISU Community and Regional Planning regarding Community Engagement for pop-up playful community engagement events and authorizing \$10,000 from the Council's Contingency Account to pay for the initiative.

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

**REQUEST FOR WAIVER OF PLATTING AUTHORITY IN THE URBAN FRINGE AT HIDDEN CREEK FARM, LLC IN STORY COUNTY:** City Planner Julie Gould stated that the property in question is located in the northeast corner of West 190<sup>th</sup> Street and Grant Avenue. The property owner, Hidden Creek Farm, LLC, wishes to subdivide the parcel into two parcels, with the

intent of gifting approximately 16 acres to a local church for future development.

Presently, the land north of 190<sup>th</sup> Street is designated as Agricultural & Farm Service and is within the Story County Study area based on the Ames Urban Fringe Plan (AUFPP). The Story County Study Area is land located within two miles of the Gilbert City boundary and within Ames' two-mile jurisdictional area. The AUFPP states that cities shall retain their jurisdictional power and maintain land use, subdivision, and zoning until joint decisions can be made, and that shared and consistent planning objectives need to be identified to manage development in and around communities. Ames Plan 2040 designates this area as Urban Reserve and is considered to be a Tier 3.

Ms. Gould said that the property owner is asking for the City to waive all subdivision authority. Staff briefly reviewed the proposed division and had some concerns about ensuring continuity with future development. Issues that staff believed should be addressed before a conditional use permit process for a future church begins, include access locations, future road extension of McFarland Avenue to the north, right-of-way dedication, and if conservation subdivision requirements and other improvement items that could impact surrounding areas within the City's jurisdiction if subdivision authority is waived.

Ms. Gould noted that staff would recommend denying the applicant's request at this time as staff would like to be able to do a full review. She said that staff was not opposed to the subdivision or the use. She did mention that she spoke with the applicant's representative and they had voiced their concern about the timing as they did not want to delay their project.

Mayor Pro Tem Gartin opened public input and closed it when no one came forward to speak.

Moved by Junck, seconded by Rollins, to deny applicants request to waive the City Subdivision requirements and platting authority at this time.

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

**DISCUSSION ON PROCEDURE TO RENAME THE AMES MUNICIPAL AIRPORT:**

Traffic Engineer Damion Pregitzer stated that staff has reached out to the Federal Aviation Administration (FAA) and asked them about the procedure and cost to rename the Ames Municipal Airport. The FAA indicated that 1) there was no cost from the FAA, they would need a City Council resolution requesting to change the name, 2) an airspace study would be required to assure that no obstructions are being created with the signage change, and 3) the name should include the name of the City so that people who may be unfamiliar with the name still know where the Airport is located.

Staff did solicit estimates from local sign companies to modify the name on the front and back of the Terminal Building and at the monument sign at the Airport's entrance. It was estimated that it would cost around \$7,500 to get all the signage changed. Mr. Pregitzer indicated that the procedure itself would be difficult as a lengthy audit would need to be done to change the name in all systems.

Public input opened and then closed by Mayor Pro Tem Gartin when no one came forward to speak.

Moved by Betcher, seconded by Rollins, to place on a future agenda a discussion on renaming the Ames Municipal Airport after James Herman Banning.

Mayor Pro Tem Gartin stated he has not heard of this gentleman and he is not sure the community has either. He said he was not opposed to naming the airport after Mr. Banning; however, no one in the community knows who Mr. Banning is.

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

**AUTHORIZING THE ENHANCED PENALTIES FOR NUISANCE PARTY VIOLATIONS BEGINNING AT 5:00 P.M., FRIDAY, AUGUST 19, 2022, AND ENDING AT 4:00 A.M. ON SUNDAY, AUGUST 21, 2022:** Police Chief Geoff Huff stated that on July 29, 2022, the City Council approved an ordinance to allow for enhanced penalties for nuisance parties when authorized by City Council resolution. Staff is requesting to approve a resolution authorizing the use of enhanced penalties for nuisance parties beginning at 5:00 p.m. Friday, August 19, 2022, and ending at 4:00 a.m. on Sunday, August 21, 2022. These dates correspond with the weekend before Iowa State University classes begin. Currently, the fine for a first violation of the ordinance is \$100, and \$200 for second and subsequent violations. The new ordinance passed on July 29, 2022 allows for enhanced penalties for nuisance party violations of \$650 for the first offense and \$855 for each repeat offense on dates and times approved by resolution by City Council.

It was asked why the time would end at 4:00 a.m. Chief Huff noted that traditionally a lot starts to happen at 5:00 p.m. and by 4:00 a.m. things are tending to wrap-up.

Mayor Pro Tem Gartin asked how education was being done. Chief Huff noted that staff has already started educating areas that will be tough spots. Staff will take the following steps to notify the public about the new ordinance: 1) The Police Department and ISU staff will inform residents while going door-to-door during the Good Neighbor Campaign in early August; 2) An email outlining the changes to the ordinance will be sent to property managers and owners, with a request to forward the message to tenants. A similar email will be sent to neighborhood associations; and 3) Both the City and the University will publicize the changes in press releases and social media accounts.

Moved by Corrieri, seconded by Rollins, to adopt RESOLUTION NO. 22-456 authorizing the enhanced penalties for nuisance party violations beginning at 5:00 p.m., Friday, August 19, 2022, and ending at 4:00 a.m. on Sunday, August 21, 2022.

Roll Call Vote: 4-1. Voting Aye: Betcher, Corrieri, Gartin, Rollins. Voting Nay: Junck. Resolution declared adopted, signed by the Mayor, and hereby made a portion of these Minutes.

Mayor Pro Tem Gartin asked if a follow-up memo could be provided to the Council after the weekend to let them know how the weekend went. Chief Huff noted he could provide one.

**STATE REVOLVING FUND LOAN AGREEMENT IN THE AMOUNT OF \$3,500,000 TO BE REPAID WITH WATER UTILITY REVENUE:** Finance Director Duane Pitcher stated this is the last step to get approval of the Loan Agreement. The Loan Agreement and the resolutions will

go to the Iowa Finance Authority.

Mayor Pro Tem Gartin opened public input. It was closed when no one came forward to speak.

Moved by Junck, seconded by Corrieri, to adopt RESOLUTION NO. 22-457 approving the State Revolving Fund Loan Agreement in the amount of \$3,500,000 to be repaid with Water Utility Revenue.

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

**HEARING ON PROPOSED 2022-23 CDBG ANNUAL ACTION PLAN PROGRAM PROJECTS AND BUDGET:** Housing Coordinator Vanessa Baker-Latimer stated the Annual Action Plan was presented to the Council in June and July, 2022. City Council then directed staff to proceed with preparing the 2022/23 Proposed Annual Action Plan for the 30-day required public comment period. The Proposed Plan was made available to the public from July 1, 2022, through August 1, 2022. No comments were received during that time. Staff requested that the Council approve the submission of the Plan for approval by HUD on or by August 16, 2022.

Mayor Pro Tem Gartin opened the public hearing and closed it when no one came forward to speak.

Moved by Rollins, seconded by Junck, to adopt RESOLUTION NO. 22-458 approving Projects and Budget and directing staff to submit the Plan for approval by HUD on or by August 16, 2022.

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

**HEARING ON REZONING, WITH MASTER PLAN, 798 NORTH 500<sup>TH</sup> AVENUE FROM “A” (AGRICULTURAL) TO “FS-RL” (FLOATING SUBURBAN RESIDENTIAL LOW DENSITY):** City Planner Justin Moore explained that Hunziker Development Group, the owner of 28.58 acre property located at 798 North 500<sup>th</sup> Avenue, has applied to rezone the property from Agricultural “A” to Floating Suburban Residential Low-Density (FS-RL) with a Master Plan. The site is to the north of the existing Sunset Ridge Subdivision. The property was annexed into the City of Ames in February 2022, and it automatically defaulted to Agricultural zoning.

The developer proposes to construct between 55-65 new single-family detached homes on 13.27 acres. The Contract Rezoning Agreement outlines the terms of the sanitary sewer construction as an “oversizing” Cost Share Agreement. The Agreement states that the developer shall design the sanitary sewer to City specifications at their cost, pay the City for its proportionate share of construction based upon a standard 8" sewer, and the City will bid and construct the project. If the City does not award the contract for construction of the sewer line prior to December 2023, for any reason, the City has no obligation to share in the cost of the installation. If this were to occur, the developer would instead grant the City a 75-foot sewer easement as part of the Rezoning Agreement to FS-RL.

Mr. Moore indicated that American Rescue Plan Act (ARPA) funds have been allocated for the

construction of the 12' sanitary sewer trunk line. In this case, as with other developments involving cost sharing of infrastructure installation, the developer is responsible to pay their portion of the standard size of the trunk sewer line.

Mayor Pro Tem Gartin asked how much federal money will be used towards the infrastructure. Mr. Moore indicated the amount budgeted was \$1,065,000.

Mayor Pro Tem Gartin opened the public hearing and it was closed when no one came forward to speak.

Mayor Pro Tem Gartin inquired if any aspects of the property were in environmentally sensitive areas. Mr. Moore said the only aspect would be the extreme far east where there are some open spaces, as there is a small amount of floodplain.

Moved by Betcher, seconded by Corrieri, to adopt RESOLUTION NO. 22-459 approving the Rezoning Agreement for 798 North 500<sup>th</sup> Avenue.

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

Moved by Corrieri, seconded by Junck, to pass on first reading an ordinance rezoning, with Master Plan, 798 North 500<sup>th</sup> Avenue from "A" (Agricultural) to "FS-RL" (Floating Suburban Residential Low Density).

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

**HEARING ON 2021/22 SHARED USE PATH SYSTEM EXPANSION:** The public hearing was opened by Mayor Pro Tem Gartin and it was closed when no one came forward to speak.

Moved by Rollins, seconded by Corrieri, to adopt RESOLUTION NO. 22-460 approving the final plans and specifications and awarding a contract to Howery Construction, Inc., of Rockwell City, Iowa, in the amount of \$216,405.80.

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

**HEARING ON COOLING TOWER BLOWDOWN SANITARY SEWER MODIFICATIONS:** The public hearing was opened and closed when no one came forward to speak.

Moved by Corrieri, seconded by Junck, to adopt RESOLUTION NO. 22-461 approving the final plans and specifications and awarding a contract to Keller Excavating, Inc., of Boone, Iowa, in the amount of \$354,894.20 (inclusive of Iowa sales tax).

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

**ORDINANCE FOR A ZONING TEXT AMENDMENT, AS AMENDED, TO REDUCE**

**MEDICAL PARKING RATES FOR BUILDINGS FEWER THAN 50,000 SQUARE FEET AND UPDATE MEDICAL OFFICE DEFINITIONS:** Moved by Junck, seconded by Rollins, to pass on second reading and ordinance for a Zoning Text Amendment to reduce Medical Parking rates for buildings fewer than 50,000 square feet and update medical office definitions.

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

**ORDINANCE ADOPTING THE PROPOSED AMENDMENT TO THE CITY'S PLANNING PROJECT REVIEW AND NOTIFICATION PROCESS AND APPROVAL PROCESS RELATED TO CHAPTERS 20 AND 29 OF THE AMES MUNICIPAL CODE:** Moved by Junck, seconded by Rollins, to pass on third reading and adopt ORDINANCE NO. 4475 adopting the proposed amendment to the City's Planning Project Review and Notification Process and Approval process related to Chapters 20 and 29 of the *Ames Municipal Code*.

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

**DISPOSITIONS OF COMMUNICATIONS TO COUNCIL:** The first item was a letter from Lee Grassley, Mediacom Senior Manager, informing the Council of its programming changes and rate adjustments. This was for informational purposes only and no action was taken by the City Council.

The second item was a letter from Chuck Winkleblack, Hunziker & Associates, Inc., requesting to make changes to the Small Lot Industrial Development on North Dayton Avenue.

City Manager Steve Schainker explained that the developer had an approved Site Plan, but as they moved forward with the project they found there was a lot of interest, and the developer would like to change the layout. One change the developer wanted to make was to go from 13 lots to ten lots. Another caveat was that each lot couldn't be bigger than 10 acres and there will be two lots that will be 10.6 acres and 10.4 acres. Mr. Winkleblack was asking for the Council to reconsider the initial Site Plan and allow modifications. Mr. Schainker commented that he spoke with the City Attorney and was told that it was within the Council's legal ability to modify any changes.

Moved by Junck, seconded by Rollins, to place the letter from Mr. Winkleblack on a future agenda for discussion.

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

The third item was an email from Kathie Whattoff, 325 S. Wilmoth, Ames with concerns regarding Recreational Fire Code Compliance.

Mr. Schainker stated that there is a history of dealing with this particular complaint, but staff has not been able, with the current codes, to satisfy the neighbor. He indicated if there were any violations then the City would have to witness them. Staff has gone out on three occasions and there has not been any evidence that the neighbor can be cited.

Mayor Pro Tem Gartin stated that there have been a number of concerns from property owners who are frustrated by their neighbors. The neighbor may be in compliance with City *Code*, but wondered

if the City ever told someone to seek legal counsel to see if there is a private cause of action aside from the enforcement of a City *Code*. City Attorney Mark Lambert confirmed that there have been multiple occasions where that has been done.

Moved by Junck, seconded by Rollins, to have staff to respond to Ms. Whattoff with what has already been done in the past and what to do with any future problems.

The last item was a memo from Keith Abraham, Parks and Recreation Director, informing the City Council of the 2022 end of season hours at Furman Aquatic Center. This was for informational purposes only and no action was taken.

**COUNCIL COMMENTS:** Council Member Rollins stated she had volunteered at Rummage RAMPage and it was a great experience. She noted that National Night Out did great, despite the heat, around 2,000 people came out, and organizers handed out over 700 backpacks.

Council Member Junck said she was looking forward to next week's Workshop on the Bicycle and Pedestrian Master Plan.

**ADJOURNMENT:** Moved by Junck, seconded by Corrieri, to adjourn the meeting at 8:29 p.m.  
Vote on Motion: 5-0. Motion declared carried unanimously.

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Amy L. Colwell, Deputy City Clerk

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John A. Haila, Mayor

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Renee Hall, City Clerk