

**MINUTES OF THE SPECIAL JOINT MEETING OF
THE PARKS AND RECREATION COMMISSION
AND THE AMES CITY COUNCIL**

AMES, IOWA

FEBRUARY 21, 2023

The Joint Meeting of the Ames City Council and the Parks and Recreation Commission was called to order by Mayor John Haila and Parks and Recreation Chair Sarah Cady at 6:00 p.m. on the 21st day of February, 2023, in the City Council Chambers in City Hall, 515 Clark Avenue, pursuant to law. In addition to the Mayor, City Council Members Bronwyn Beatty-Hansen, Gloria Betcher, Amber Corrieri, Tim Gartin, Rachel Junck, and Anita Rollins were present. Representing the Parks and Recreation Commission were Jeremy Bristow, Sarah Cady, Rachel Cramer, Jacob Ludwig, Duane Reeves, and Nathan Shimanek.

PRESENTATION ON AMERICANS WITH DISABILITIES ACT ACCESS AUDIT & TRANSITION PLAN OF CITY PARKS AND RECREATIONAL FACILITIES: Parks and Recreation Director Keith Abraham expressed the commitment of the Parks and Recreation Department to accessibility and desire to remain in compliance with the Americans with Disabilities Act (ADA), which had initiated the need for outside evaluation. He prefaced the analysis by explaining the audit looked at facilities such as the cemetery and parks but did not look at program access. Director Abraham noted staff wanted to see where deficiencies were, and this audit gave staff the needed information and options for implementation as well as costs associated with each change. Additionally, he clarified for the City Council that the Department and Commission were not looking for action at this time. The workshop was to provide an update, and staff would be prioritizing tasks and action steps that were already included in the future Capital Improvement Plan (CIP). He then introduced John McGovern with WT Group (WTG), who would be presenting the audit findings from WTG.

Mr. McGovern shared that his presentation would examine the topic of ADA Compliance as a high-level overview including requirements for 51 existing sites, project scope, the WTG process, common issues, transition plan requirements, and smart practices. He also noted part of the audit was working with Mainstream Living for the community engagement portion of the study to identify any access preferences and priorities. Mr. McGovern commended staff for their commitment to accessibility and noted it was apparent throughout the audit that ADA compliance was a priority for staff.

While sharing a background history of the ADA, Mr. McGovern reminded the City Council that governments are held to a different standard than private businesses. For the purposes of the audit, the WTG strove to have one of three sites in each category made compliant, as not every existing site is required to be made accessible retroactively. New construction is required to be ADA compliant, so as the CIP is implemented, accessibility will increase in facilities. He noted that unique facilities were usually given a higher level of priority to be made compliant, as they are the only ones providing that service to the community.

Mr. McGovern outlined the three factors of accessibility: design, construction, and maintenance. He further explained that maintenance was the factor the City has the most control over. For the audit Mr. Govern shared the standards used were the 2010 Standards for Accessible Design, Iowa's more stringent compliance rules, and smart practices as WTG evaluated facilities and park assets.

Conversation from Council Member Betcher, Director Abraham, and Mr. McGovern thoroughly explored accessibility routes at Bandshell Park. Mr. McGovern shared that under Title II of the ADA, public right-of-way that serves city, county, and state, school districts, and local government is listed as the number one priority.

Implementation of the recommended changes were scheduled for a range of nine to 16 years for barrier removal and to allow time to align with the CIP. Mr. McGovern stated having a plan for implementation was considered to be acting in good faith, a requirement set forth by the Department of Justice. He urged staff to remain proactive, as this was the best way to stay in front of any litigation, as well as being the right thing to do. Mr. McGovern explained the thoroughness of the audit, noting that though they used simple tools in the evaluation, they utilized extensive checklists to ensure nothing is missed. As an example, he noted that in a bathroom there were 21 different components that were evaluated.

Director Abraham commented for the City Council that Mr. McGovern has said the Miracle Park is one of the top five playgrounds he has ever seen. This has led to referral visits and opportunities for staff to share what was done at Miracle Park with those around the country. Director Abraham recognized the good in City parks which the community could celebrate.

Mr. McGovern shared some common issues found by the audit such as parking. He noted parking is hard to get right and suggested using concrete instead of asphalt for accessible spots. Grass and dirt never qualify as accessible routes, and Mr. McGovern reminded the City Council that maintenance of poured routes was an important aspect of accessibility. Grab bars and objects protruding into access routes were common issues for compliance. He also noted that one out of five picnic tables must be accessible.

The Federal government expects transition plans to do four main things: identify every barrier, recommend solution for each, name responsible person, and note the date by which barrier removal occurs. Mr. McGovern noted the date for removal was addressed by three different “phases” in the transitional plan provided by WTG. He clarified that Phase One has three categories: low hanging fruit, unique sites, and work at recent sites that is not compliant. This phase was projected to take six to nine years and almost \$3,000,000.00. Phase Two encompasses areas new to the 2010 Standards, such as sports field and courts, playground surfaces and components, and other park assets such as golf courses and pools. The projected timeline is two to five years, and a little over \$1,000,000.00. Phase Three would address elements that do not yet have a final federal standard such as trails, and elements where correction is complex or costly. This phase would take one to two years and cost almost \$760,000.00.

When looking ahead, Mr. McGovern encouraged the City Council and City staff to continue to be proactive, not reactive. Staying informed on changes in assistive devices and treatments will play a key role in continuing to improve accessibility. He reiterated the control the City has over maintenance of facilities, which is important to accessibility. He also shared that keeping changing demographics in mind would be crucial, as by 2030 there will be more Americans 65 and up than under 18. The 65 and over age group has a disability rate of three times the rest of the population, so meeting these needs will be a priority. Mr. McGovern also encouraged staff to continue outreach

and communication with Ames residents dealing with health conditions and disabilities to ensure City policies are meeting their needs.

Mayor Haila questioned if more detail was available to City staff than the overview in the report. Mr. McGovern responded in the affirmative, noting each site had its own report that details the deficiency and the action step that is needed to bring issues into compliance. These reports were all shared with Parks and Recreation staff but had not been included in the Council packet as staff didn't want to overwhelm the City Council with information. This information also went into the transition plan summary and broke down each category of deficiency for each area. Director Abraham also shared with the Mayor and City Council that there was more than enough information included to help schedule the transition plan into the CIP, as the spreadsheet given to staff broke down costs for each site and deficiency. He also shared that there were funds set aside in the budget for ADA compliance. He explained that staff needed time to review the report and numbers, but that when staff came back to the City Council, they hoped to have those updated numbers ready for review. Director Abraham shared that the Department's priorities were parking, accessible routes, and restrooms. City Manager Steve Schainker noted that maintenance issues didn't require issuing bonds to address, and criteria would be developed to help prioritize the implementation of the transition plan. He stated that safety items would be top priority.

Mr. McGovern answered Council Member Gartin's inquiry about a grade for the City in terms of current ADA compliance by saying that if the City achieved the one in three facilities being accessible goal and maintained the rest of City facilities to current standards, the City would earn a B+. He noted this was very good when compared to other municipalities. Mr. McGovern noted that accessibility will improve with projects moving forward, as complying with ADA standards is now required and design firms and contractors are aware of that. Parks and Recreation Superintendent Joshua Thompson noted that a lot of the deficiencies found were at facilities that were designed and constructed before the 2010 Standards for Accessible Design went into effect. Director Abraham noted some deficits were items like moving trash cans from accessible routes that can be easily addressed.

Mr. McGovern shared with the City Council and Commissioners that there is a Parks and Recreation accreditation program that requires a new transitional plan every 10 years, so a full audit would not be necessary in the future. Commissioner Cady noted that part of what the Commission considers and budgets for is ongoing maintenance and making sure what the City has is working as intended. Council Member Betcher clarified that if the City is to adopt the recommendation to pursue the ADA Coordinator credential, that position would lead to a more continual evaluation of the facilities and programs run through the City. City Manager Schainker noted that will be part of the Diversity, Equity, and Inclusion (DEI) Coordinator position as that position will be the ADA Coordinator. Director Abraham shared that the Department would remain a resource for the City but would look to the DEI Coordinator to be the main touchpoint for the City.

Commissioner Cady noted the balance of staying on top of things and at the same time not having this priority become a massive staff burden. Director Abraham spoke to these concerns, stating that some of the Friends groups would be good resources, and that training for maintenance and program staff would be able to identify potential deficiencies in the future. Council Member

Rollins questioned what training schedules had been considered to make sure that with turnover staff were still able to continue identifying and improving access to City facilities. Mr. McGovern provided a recap of training resources he had shared with staff during initial trainings that could be utilized in an ongoing manner. Commissioner Cady shared how empowering it can be for staff, when they are trained correctly to be able to identify these issues themselves. Mr. McGovern noted empowerment is a great benefit to accessibility many people do not think of.

Mayor Haila questioned if Mr. McGovern and WTG do plan review, stating that for the Fitch Family Indoor Aquatic Center the City wants to be sure it is done correctly the first time. Director Abraham noted that the facility has been designed in compliance with the ADA, and staff were having conversations with the contractors to emphasize the importance of building being done correctly. He noted that he has already had conversations with Mr. McGovern about plan review once the Fitch Family Indoor Aquatic Center gets to that stage. Mayor Haila expressed his confidence in the design firm and contractor but noted for a project this important the City wanted to be sure no groups were overlooked.

Council Member Betcher stated that getting out ahead of compliance makes sense because it is the right thing to do, but also allows the City to get ahead of lawsuits before they happen. Mr. McGovern noted that in the case of other Iowa communities a transitional plan had not been developed prior to investigation by the Department of Justice, which set Ames apart as taking the right proactive steps.

Director Abraham shared that the cost of some changes may lead to equipment being removed or simplified to invest in other areas. He stated this would be evaluated as a part of the plan to see what made the most sense for the City moving forward. Council Member Gartin expressed concern at the thought of taking facilities out, but Director Abraham stated that was not the intention of the Department. Commissioner Cady presented that programming can take place in an accessibility cluster while being mindful of how things can be done to address multiple aspects in a holistic approach. Director Abraham shared the hope of the Department to have a plan to present by July 1, 2023, so the plan and funding would start with the fiscal year. City Manager Schainker noted that if it was a safety issue, staff would move to correct the problem right away.

Mayor Haila thanked the Parks and Recreation Commission for their time and work in ensuring that City parks were a source of pride.

The Parks and Recreation Commission adjourned at 7:18 p.m.

DISPOSITION OF COMMUNICATIONS TO COUNCIL: Mayor Haila noted there were two items to consider.

The first item was an email from Robert Summerfelt regarding restrictions on backyard camping during RAGBRAI. Council Member Betcher shared she had mentioned this issue at a Discover Ames meeting, and that Discover Ames would be messaging those who volunteered their yards for people to camp in about the need to provide facilities. Council Member Beatty-Hansen stated she had spoken with Mr. Summerfelt, shared that she appreciated the concern and feedback, but that this issue was probably not enforceable. No action was taken.

The second item was a memo from Planning and Housing Director Kelly Diekmann regarding Electric Charging Stations.

Moved by Gartin, seconded by Junck, to place on a future agenda.

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

COUNCIL COMMENTS: None.

ADJOURNMENT: Moved by Gartin, seconded by Junck, to adjourn the meeting at 7:20 p.m.

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

Grace A. Bandstra, Deputy City Clerk

John A. Haila, Mayor

Renee Hall, City Clerk