

**MINUTES OF THE REGULAR MEETING OF THE  
AMES CONFERENCE BOARD AND  
REGULAR MEETING OF THE AMES CITY COUNCIL**

**AMES, IOWA**

**JANUARY 26, 2021**

**REGULAR MEETING OF THE AMES CONFERENCE BOARD**

Mayor Haila announced that it was impractical to hold an in-person Council meeting due to the Governor of Iowa declaring a public health emergency because of the COVID-19 pandemic. Therefore, limits have been placed on public gatherings, and this meeting was being held as an electronic meeting as allowed by Section 21.8 of the *Iowa Code*. The Mayor then provided how the public could participate in the meeting via internet or by phone.

The Regular Meeting of the Ames Conference Board was called to order by Chairman John Haila at 6:00 p.m. on January 26, 2021. Present from the Ames City Council were Bronwyn Beatty-Hansen, Gloria Betcher, Amber Corrieri, Tim Gartin, Rachel Junck, and David Martin. Linda Murken, Lisa Heddens, and Latifah Faisal represented the Story County Board of Supervisors. Other members in attendance were as follows: Joe Anderson, Nevada School Board of Directors; and Jennifer Britt, United Community School Board of Directors. Gilbert School Board of Directors and Ames School Board of Directors were not represented.

**MINUTES OF FEBRUARY 25, 2020:** Moved by Murken, seconded by Betcher, to approve the Minutes of the February 25, 2020, meeting of the Ames Conference Board.

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

**DISCUSSION OF CITY ASSESSOR'S BUDGET PROPOSALS:** Acting City Assessor Brenda Swaim reviewed the City Assessor's 2021-2022 Annual Report. Ms. Swaim pointed out that there are two vacancies on the Board of Review as one term concluded at the end of 2020 and another member decided to retire at the end of 2020. One of the vacancies must be filled with a real estate or construction expert per *Iowa Code*. It was noted that since the City Assessor retired, the Examining Board met and requested the Register from the Department of Revenue.

Ms. Swaim mentioned that updated tables were emailed earlier today, and she asked the Conference Board to focus on Tables 1 and 3 as those tables were correct. Table 1 showed that the assessed values were up by 3.2% and table 3 showed that the taxable values were up 4.7%.

Council Member Betcher inquired as to what accounted for the lower percentage from what the Board had for Table 2 as opposed to what they now see in Table 3. Ms. Swaim explained that Table 2 had last year's information in it as the old information was brought forward and not updated. The Mayor wanted to know if new tables would be sent out. Ms. Swaim mentioned that she would have to get that information together and could send it out if the Conference Board wanted them. Mayor Haila stated it would be helpful to have the updated information. If for any reason she is unable to obtain the data to send out, he asked that she send a note to the Board to that effect.

It was noted that the Ames City Assessor's Office has two vacancies. Ms. Swaim noted it was her

hope that the hiring of a new Ames City Assessor would be swift. She pointed out that on Attachment C of the Report, it showed the Residential Sales Quarterly Report; and when looking at new construction sales, the quantity decreased, but the price per square foot remained steady (the median was up by 2.8%). Existing house sales were very active with the quantity up by over 9%. Ms. Swaim pointed out that the price per square foot as well as the median price were also up from last year.

Page 6 of the Report was a summary of the Assessment notices that were mailed out for 2020. Page 7 showed the number of Informal Hearings along with Board of Review Hearings. Ms. Swaim explained that a question had come up from the Mini Board wanting to know the actual number of Board of Review cases; and it was noted that of the 183 residential cases, 144 were two condominium regimes held by a single owner. Ms. Swaim pointed out that, on Page 8 of the Report, there was a list of appeals that were pursued beyond the Board of Review, either in District Court or the Property Assessment Appeal Board (PAAB). Some of the cases have been settled, but many are still active as the District Court and PAAB systems are backed up due to COVID-19.

The Mayor questioned if the 183 residential appeals was an average number of appeals that are received each year. Ms. Swaim answered that the number was very low compared to other years. Mayor Haila then wanted to know if the number of cases going to the District Court and PAAB was comparative to previous years. It was pointed out that, while there are multiple cases, some of them are related to one project.

Story County Board of Supervisor Lisa Heddens wanted to clarify the Board of Review cases that show “number upheld,” and if that meant the homeowner won or the Board did. Ms. Swaim noted that cases where the appeal was upheld (meant that the petition of the property owner was granted).

Ms. Swaim explained that she had found a few errors on the Budget Proposal and had made the corrections. When Ms. Swaim was completing the Report for the Department of Management, she had noticed that no money had been allocated for the vacancies in the Office for the remainder of the fiscal year. Ms. Swaim had to increase the projected expenses for the Assessor and Staff line items. In FY 20-21, it was originally budgeted for a 5% increase and that is what the corrected amount is, but what was in the Report was modified. It was noted that the City Assessor’s Office tries to mirror what the City of Ames does for increases, when possible. When the City only got 4% those were the numbers shown. She wanted to make sure the Board knew that even though they had expenses available for 5%, staff was able to stay below the 4% budget amount. The Mini-Board was also able to help Ms. Swaim trim a few line items in the Report. It was pointed out that the total percentage of change between the proposed and current budget is only 2%.

Mayor Haila asked if the expected budget included the vacancy of the position. Ms. Swaim explained that she did take that into consideration along with the accrual pay out to the previous City Assessor. The Mayor wanted to know if the Assessor’s office is actively searching for an Administrative Assistant. Ms. Swaim mentioned that she is not sure, but knows that a few other items need to be taken care of before they can hire anyone.

Supervisor Linda Murken questioned when the last time was the Board of Review's salaries were increased. Ms. Swaim explained that it had been a long time; maybe over 15 years. The Mayor mentioned that in the budget proposal it is being recommended that the Board of Review salary change from \$17.50 per hour to \$35.00, and wanted to know if staff had checked with other municipalities to see if the \$35.00 was a common rate. Ms. Swaim mentioned it was discussed briefly during the Mini Board as there was a salary survey done from other cities and; that was the basis used for determining salaries for the Board of Review. Staff wanted to increase the salary with the hope of attracting and maintaining qualified members.

Moved by Gartin, seconded by Murken, to approve the recommendations of the City Assessor's Report.

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

Moved by Heddens, seconded by Corrieri, to receive the proposed budget.

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

Moved by Faisal, seconded by Betcher, to set 6:00 p.m. on February 23, 2021, as the date of public hearing on the proposed FY 2021/22 City Assessor's budget (adoption of budget will occur after hearing is held).

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

**CONFERENCE BOARD COMMENTS:** Council Member Martin asked, when the Conference Board moves into the next phase with a new City Assessor, would the Conference Board want to change any of the structure. He gave an example of adding more structure to the Mini Board or establish a procedure for formal evaluation of the City Assessor. He inquired as to how to move forward with those things if the Conference Board was interested.

Moved by Martin, seconded by Corrieri, to place the topics of the Mini Board structure (chair, vice-chair, and secretary) and the question of how the Conference Board would evaluate the Assessor's performance after the appointment of a long-term Assessor on the next Conference Board Agenda.

Council Member Gartin explained that he is supportive of the motion, but wanted to know if they could ask the City of Ames staff to come up with some proposals for the Conference Board to consider. He mentioned that he was nervous about having a "blank slate" and wanted to know if Council Member Martin would be in favor of adding that to his motion. Council Member Martin stated that is a great consideration as he is unaware of how to evaluate the City Assessor. Mayor Haila mentioned that would be a great idea and they could ask the City Manager who on staff would be able to help come up with some proposals for the Conference Board. The Mayor stated that it would be the understanding of the Conference Board that this would be included in the original motion and a new motion would not be needed.

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

The Mayor asked Council Member Corrieri to give an update on the process for hiring a new City Assessor. Ms. Corrieri mentioned that the Examining Board met a few weeks ago to establish the formality of the Examining Board, and she will be serving as Chair of the Board. The Board had officially requested the registry of names from the Department of Revenue. The registry list had been received and there were approximately 160 names on the list, but of those, 60 were retired. The City of Ames Human Resources Department is going to be assisting with the initial application and vetting process. Bethany Jorgensen, Human Resources Director, and Brian Phillips, Assistant City Manager, will be putting together a formal job description and will have the position posted to the City of Ames website in the next couple of weeks. A formal letter will then be sent to the names on the registry that the recruitment is open and invite them to apply. Ms. Corrieri explained that they are looking at having the position open indefinitely because the last recruitment only had one applicant and they are not sure how many people will apply. Supervisor Heddens inquired, process-wise, if the Examining Board would meet after the City has vetted the list. Ms. Corrieri explained that it would depend on how many people there are on the list, if there are a lot, the City of Ames will vet out some of the candidates, but if there are only a few then those will go directly to the Examining Board. Once the Examining Board reviews the applications, they will invite the finalists for a full-day interview process to meet with everyone and end on a public presentation. The Examining Board will make a final recommendation to the Conference Board for appointment.

Supervisor Linda Murken stated that she understood that the 2005 Report was going to be updated. She wanted to remind the Mayor and City Administrator if the City would be willing to take over the payroll for the City Assessor's office. Ms. Murken commented that the payroll is currently being done by Story County. Everyone already thinks of the City Assessor's office as City employees as staff is on the City benefit plans, deferred compensation, and for Human Resources, and that it doesn't make sense for Story County to do the payroll and just wanted to remind everyone that this issue had been brought up. Mayor Haila mentioned that he will follow-up with City Manager Steve Schinker to get that question answered, and if needed, will bring it back to the Conference Board.

**ADJOURNMENT:** Moved by Heddens to adjourn the Ames Conference Board at 6:29 p.m.

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

**CALL TO ORDER:** Mayor John Haila called the Regular Meeting of the Ames City Council, which was being held electronically, to order at 6:31 p.m. with the following Council members participating: Bronwyn Beatty-Hansen, Gloria Betcher, Amber Corrieri, Tim Gartin, Rachel Junck, and David Martin. *Ex officio* Member Nicole Whitlock was also present.

Mayor Haila stated that it was impractical to hold an in-person Council meeting due to the Governor of Iowa declaring a public health emergency because of the COVID-19 pandemic. Therefore, limits have been placed on public gatherings, and this meeting was being held as an electronic meeting as allowed by Section 21.8 of the *Iowa Code*. The Mayor then provided how the public could participate in the meeting via internet or by phone.

**RECOGNITION:** Fire Chief Rich Higgins recognized Nathaniel Ward, Robert Dean, and Obai Elmustafa for their heroic actions on December 9, 2020. Chief Higgins explained that around 4 p.m. on December 9, 2020, passersby noticed smoke and flames coming from a two-story apartment complex at 220 South Dakota Avenue. Multiple people called 911 to report the fire; however, the three individuals being recognized tonight decided to stop and make sure everyone was out of the building. With heavy smoke and flames coming from the front of the structure obstructing the only way out of the house for the occupants, Nathaniel, Robert, and Obai started knocking on windows and yelling for the residents to get out. Once they realized the only way out for the second-story apartment occupants was through a window, the men found a ladder and devised a plan to get the two trapped people out safely. One occupant was able to jump to the waiting arms of the rescuers. The second occupant was rescued by using a step ladder to get on top of a nearby garage roof, and then used it again to access the second-story window. Chief Higgins stated that the selfless acts of Robert, Nathaniel, and Obai are heroic in every sense, and it was with great pleasure that he recognized them during this meeting and publicly for their actions. A video of the event recorded by Ames Police Officer Celena Rohland's body camera was shown. Fire Chief Higgins thanked Officer Rohland for her actions that day that helped aid in the rescue.

The Mayor and Council thanked the three gentlemen for stopping to help and let them know that they help make Ames a great place. Mr. Dean stated that he and Nathaniel were driving by and couldn't help but turn around and help. He explained that it was just a small fire and by the time they turned around the front was fully engulfed in flames. Mr. Dean commented that it was a testament to what anyone can do when they work together as a community. He reminded everyone to check their smoke alarms. Mr. Ward echoed what Mr. Dean had mentioned and said he was glad that no one was hurt and they were able to help anyway they could. Mr. Elmustafa stated he was just glad he was in the right place at the right time to help.

Chief Higgins wanted to remind residents to always know two ways out. Whether it's a home, place of work, or a hotel, knowing two ways out will double any person's chance of getting out safely during an emergency when every second counts.

**PROCLAMATION IN OBSERVANCE OF AMES ROTARY CLUB'S 100<sup>TH</sup> ANNIVERSARY:** The Mayor congratulated the Rotary Club of Ames on its 100<sup>th</sup> Anniversary and commended it for its community service by declaring March 1, 2021, as Rotary Club of Ames Day.

Accepting the Proclamation was Chad Copley, Rotary President. Mr. Copley mentioned they were thankful for the Proclamation and appreciated the Mayor declaring March 1, 2021, as Rotary Club of Ames Day. He noted that the Rotary has 180 members who are observing the Rotary motto, "Service Above Self." The Rotary is continuing to look for ways to serve globally with water delivery systems in Tanzania Africa and the PolioPlus program to eradicate polio. Locally the Rotary supported the Ames Miracle Field Park, tree planting and care at Tedesco Environmental Learning Corridor, and providing local community grants. They are hoping in the fall to get together in person. He reminded everyone that there are openings in the Rotary Club of Ames if anyone is interested.

**CONSENT AGENDA:** Mayor Haila mentioned that staff had requested to pull Item No. 26, Resolution approving contract and bond for 2020/21 Pavement Restoration - Slurry Seal Program from the Agenda as the items have not been received yet. Council Member Betcher requested to pull Item No. 13, Requests from Ames Main Street (AMS) for Music Walk on Thursday, April 29, 2021; Item No. 14, Requests from Ames Main Street (AMS) for Art Walk on Thursday, June 3, 2021, and Item No. 15, Requests from Ames Main Street for 4<sup>th</sup> of July activities on July 4, 2021 for further discussion.

Moved by Gartin, seconded by Corrieri, to approve the following items on the Consent Agenda.

1. Motion approving payment of claims
2. Motion approving Minutes of Regular City Council Meeting held January 12, 2021
3. Motion approving Report of Change Orders for period January 1 - 15, 2021
4. Motion approving New 12-month Class C Liquor License with Sunday Sales: Springhill Suites, 1810 SE 16<sup>th</sup> Street, **Pending Food Establishment License**
5. Motion approving New 12-month Class C Liquor License with Sunday Sales: Cactus 2, 2420 Lincoln Way Ste B, **Pending Food Establishment License and DRAM**
6. Motion approval renewal of the following Beer Permits, Wine Permits, and Liquor Licenses:
  - a. Special Class C Liquor License (B/W) Outdoor Service and Sunday Sales - Blaze Pizza (2320 Lincoln Way #109) **Pending DRAM**
  - b. Class C Liquor License, Outdoor Service & Sunday Sales - El Azteca (2727 Stange Road)
  - c. Class C Liquor License Sunday Sales & Catering - Ge'Angelo's (823 Wheeler St #9)
  - d. Class C Beer Permit, Class B Wine Permit, Class E Liquor License - Fareway Store #386 (619 Burnett Ave)
  - e. Class C Beer Permit, Class B Wine Permit Class E Liquor License - Fareway Store #093 (3619 Stange Road)
  - f. Special Class C Liquor License (B/W) - Clouds Coffee LLC (119 Stanton Ave)
7. RESOLUTION NO. 21-023 adopting revised Employee Recognition Programs Policy
8. RESOLUTION NO. 21-024 approving Quarterly Investment Report for the Period Ending 12/31/2020
9. Requests from Ames Town and Gown to amend scope and time frame of 2021 COTA Spring Special Project Grant Contract:
  - a. RESOLUTION NO. 21-025 approving contract amendment
  - b. RESOLUTION NO. 21-026 approving carry-over of \$570 from FY 2020/21 to FY 2021/22
10. RESOLUTION NO. 21-027 modifying FY 2020/21 ASSET Contract with Heartland Senior Services due to COVID-19
11. RESOLUTION NO. 21-037 approving Encroachment Permit Agreement for sign at 203 Main Street.
12. RESOLUTION NO. 21-038 approving the Surface Transportation Block Grant (STBG) Federal-Aid Swap Funding Agreement with the Iowa Department of Transportation for E. 13<sup>th</sup> Street Reconstruction project in the amount of \$1,600,000
13. RESOLUTION NO. 21-039 approving Surface Transportation Block Grant (STBG) Federal-

- Aid Swap Funding Agreement with the Iowa Department of Transportation for the Cherry Avenue Extension in the amount of \$1,890,000
14. RESOLUTION NO. 21-040 approving Professional Services Agreement with WHKS & Co., of Ames, Iowa, for 2019/20 Storm Water Erosion Control (Squaw Creek) in an amount not to exceed \$58,820
  15. RESOLUTION NO. 21-041 awarding contract to NOVA Bus of Plattsburgh, New York for two CyRide Battery Electric Buses and Charging Equipment in an amount not to exceed \$1,888,000
  16. RESOLUTION NO. 21-042 approving Change Orders 3-5 with Story Construction Company of Ames, Iowa, for CyRide Interior Improvement Project in the amount of \$32,594
  17. RESOLUTION NO. 21-043 approving Change Order No. 2 with Tri-City Electric Company of Iowa, Davenport, Iowa, for Electrical Maintenance Services for Power Plant in an amount not to exceed \$68,000
  18. DCS Software and Hardware Upgrade for Electric Services:
    - a. RESOLUTION NO. 21-044 approving waiver of Purchasing Policies requirement for formal bidding allowing for a single-source purchasing arrangement with the current DCS software and hardware supplier
    - b. RESOLUTION NO. 21-045 awarding contract to Emerson Process Management of Pittsburgh, Pennsylvania, for DCS Software and Hardware Upgrade for Electric Services in the amount of \$420,803, with the City paying applicable sales taxes directly to the State of Iowa
  19. RESOLUTION NO. 21-046 approving contract and bond for Maintenance Facility Fabric Storage Barn
  20. RESOLUTION NO. 21-047 approving contract and bond for Water Plant Dehumidification Project
  21. RESOLUTION NO. 21-049 approving reduction in project retainage for the 2019/20 Sanitary Sewer Rehabilitation project (Munn Woods)
  22. RESOLUTION NO. 21-050 accepting completion of Electric Services Replacement at University Apartments (111 Lynn Avenue)
  23. RESOLUTION NO. 21-051 accepting completion of North River Valley Park Low-Head Dam Improvements Project
  24. RESOLUTION NO. 21-052 approving Plat of Survey for 1018 and 1022 North Second Street

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

**REQUESTS FROM AMES MAIN STREET:** Council Member Betcher explained that she pulled the Ames Main Street Special Events items to make sure that the Council was operating under the understanding that if COVID-19 precautions are in place at the time of the events, the Council still has the ability to cancel the events based on City recommendations from CDC guidelines. Any approval tonight would be contingent upon the health conditions at the time the three events occur:

1. Requests from Ames Main Street (AMS) for Music Walk on Thursday, April 29, 2021:

- a. Motion approving blanket Temporary Obstruction Permit and blanket Vending License in Central Business District
  - b. RESOLUTION NO. 21-028 approving closure of 10 metered parking spaces for food trucks and musicians from 3:00 p.m. to 9:00 p.m.
  - c. RESOLUTION NO. 21-029 approving waiver of parking meter fees and enforcement, usage and waiver of electrical fees, and waiver of fee for blanket Vending License for Ames Main Street from 3:00 p.m. to 9:00 p.m.
2. Requests from Ames Main Street (AMS) for Art Walk on Thursday, June 3, 2021:
- a. Motion approving blanket Temporary Obstruction Permit and blanket Vending License in Central Business District
  - b. RESOLUTION NO. 21-030 approving closure of 10 metered parking spaces for vendors from 1:00 p.m. to 9:00 p.m.
  - c. RESOLUTION NO. 21-031 approving waiver of parking meter fees and enforcement, usage and waiver of electrical fees, and waiver of fee for blanket Vending license for Ames Main Street from 5:00 p.m. to 8:00 p.m.
  - d. RESOLUTION NO. 21-032 approving closure of Kellogg Avenue, from Main Street to Fifth Street from 3:00 p.m. to 8:30 p.m.
  - e. RESOLUTION NO. 21-033 approving usage of Tom Evans Plaza
3. Requests from Ames Main Street for 4<sup>th</sup> of July activities on July 4, 2021:
- a. Motion approving blanket Temporary Obstruction Permit and blanket Vending License in Central Business District
  - b. RESOLUTION NO. 21-034 approving usage and waiver of electrical fees and waiver of fee for blanket Vending License
  - c. RESOLUTION NO. 21-035 approving closure of portions of Main Street, Northwestern Avenue, Fifth Street, Douglas Avenue, Burnett Avenue, Kellogg Avenue, Clark Avenue, Allan Drive, and Pearle Avenue from 6:00 a.m. until end of parade
  - d. RESOLUTION NO. 21-036 approving closure of Parking Lot MM, south portion of Lot M, Depot Lots V and TT from 6:00 a.m. to 2:00 p.m.

John Hall, Ames Chamber of Commerce Vice President, stated that the Chamber understands the concerns from Council Member Betcher, and their intention is to operate with precaution. He noted that they were able to host the Art Walk in the fall of 2020. The Chamber will host the Art Walk and Music Walk with the same precautions. Mr. Hall mentioned that they are not sure about the 4<sup>th</sup> of July parade and are hopeful that they will be able to host the parade, but as they get closer to the day of the event they will be exploring alternative options that may not entirely cancel the event. The event may happen virtually or some other way to offer the event to the City. The Chamber will continue to communicate with staff regarding the events and if they need to come back to the Council with changes, they would be happy to do so. Ms. Betcher mentioned that she appreciated what Mr. Hall had said, but she believed any previously approved events were approved by Council with the contingency that the Council could cancel the event at any time. She is hopeful that things will get better and the events will proceed as planned, but she wanted to avoid the event having to come back to Council for its approval to have the event or cancel. The Mayor stated that the way the



Council Action Form and the Agenda are written there is no provision in the recommendations that the approval would be contingent upon health care provisions and asked Assistant City Manager Brian Phillips what his recommendation would be. Mr. Phillips stated that the Council could approve the request with the condition that the Chamber has to comply with whatever public health measures are in effect at the time or the Council could wait to approve the items later.

Council Member Betcher stated she would prefer these requests not come back to Council, but would like to approve the requests contingent upon whatever public health measures are in place at the time of the event. The Mayor asked Mr. Hall if the Council approved the request with the conditions stated by Ms. Betcher; would the Chamber be able to work with those. Mr. Hall mentioned that all its events will have contingency plans in the event that there are tighter or complete restrictions. The Chamber will be prepared to change dates, plans, or cancel the events if needed. He pointed out that they would appreciate the approval tonight so they can start marketing the events.

Moved by Betcher, seconded by Gartin, to approve the Ames Main Street events as listed above with the added note that the approval is contingent upon the public health advisory and regulations that are in position at the time the events occur.

Council Member Gartin stated he appreciated the motion, but he thought all the events were subject to the Governor's Proclamation. Ms. Betcher stated she is not sure as she has seen some events that are not compliant, and she wants to make sure that anything on City property is being followed.

Council Member Martin asked if the motion also included any policy that the City Council had adopted as well. Ms. Betcher confirmed that would be true.

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

**PUBLIC FORUM:** Mayor Haila opened Public Forum. No one requested to speak, so he closed Public Forum.

**UPDATE ON INDOOR AQUATIC CENTER:** Parks and Recreation Director Keith Abraham showed a couple concepts for a new Indoor Aquatic Center. He noted that a couple representatives from RDG Planning and Design were online to answer any questions. Director Abraham mentioned that they wanted to utilize the intersection at Lincoln Way and North Elm as it is a controlled intersection and would help minimize traffic on North Oak.

Mr. Abraham noted that there were two options put together by RDG. It was pointed out that in both options the building is situated on the southwest portion of the property with parking to the north and 140 parking spots. Option 1 was for a single-level aquatic center. The building would be 31,300 square feet with approximately 30% of the site being green space. The indoor pool would have a six-lane lap pool, a zero-depth entry pool with a current channel, a wellness/therapy pool, a large enclosed slide that begins and ends inside the building, but also goes outside, a smaller slide for

younger children, locker rooms (men's, women's, and eight universal/family changing rooms), two gender neutral restrooms, some office space, and support spaces (storage, equipment room, etc.). Option 1 comes with a price tag of about \$22.8 million. There are opportunities for future expansion to the east of the building or by building over the parking lot to the north. He noted that if there is expansion then parking will become an issue as there will not be enough parking, which was a concern of the neighborhood. The second option would have 32,100 square feet on the first level and 11,600 square feet on the second level. The first level has the same features as Option 1 with the addition of stairs and an elevator. The second level features a multi-purpose room, a walking area, a social area, storage, and two gender neutral restrooms. This option would cost about \$27.5 million. Director Abraham explained that the cost estimates included the construction, storm water storage under the parking lot, land acquisition, demolition of buildings and parking, design fees, other costs (soils, survey, testing), and a 15% contingency. Director Abraham explained that there were some alternates offered if the Council was interested. One Alternate under Option 1 would be to size the buildings structural steel and footings to accommodate expanding the single-level building into two-levels but would cost an additional \$500,000. Under Option 2 there was an alternate to shorten the walking track on the second level which would decrease the cost by \$1.5 million. Any feedback came from the neighborhood; traffic, parking, and stormwater were their main concerns.

Council Member Gartin asked Mr. Abraham to point out the slide features. Mr. Abraham noted that there is a stairway that has a tube slide that will go outside and then run back inside. There will also be a youth slide; currently there are three different slides being considered.

The Mayor asked for City Manager Steve Schainker to explain the process the City is going through for the Indoor Aquatic Center. Mr. Schainker explained that the City is trying to take advantage of the major development along Lincoln Way, between Clark and Kellogg, to take part in a state program. It is the Iowa Reinvestment District Program that allows the City to capture the state tax on hotels and retail sales to be used for certain projects that better the community. The City is putting together an application that is due February 22, which would allow the City to collect the hotel and retail tax for the proposed development on Lincoln Way and use the funds to pay for the Indoor Aquatic Center. The goal is to use that revenue plus donations along with the Winakor Donation Fund money to help finance the facility. He pointed out that the option the Council chooses will set the bar for the amount of revenue that needs to be collected either from donations or the development. Once an option is chosen, an economic analysis will need to be done. Mr. Schainker stated that the City will have to up-front the general obligation bonds for this facility. He explained that an indoor aquatic center is a priority for City Council and that what is presented in Option 1. Staff is not certain at this time if the level of tax rebate funding generated from the Reinvestment District projects and the amount of donations secured will cover the cost of either option. It was the recommendation of the City Manager that the City Council adopt Option 1.

Council Member Beatty-Hansen stated that one of the additions to Option 1 was the \$500,000 to add the footings for a potential second story later. She wanted to know if those would be strong enough to possibly add a third story to the building. Al Oberlander, Consultant with RDG Planning and Design, explained that the structure as designed was for two stories only and the price would go up

if the City wanted to include a third story. Mr. Schainker stated that a big concern with expanding further would be the loss of parking - the bigger the building the more parking would be needed; it will expand into the neighborhood, which is what they don't want to do. Ms. Beatty-Hansen mentioned she liked having the potential to expand the building if needed. She asked if any thought was given to using the existing building. Director Abraham mentioned that there was not a lot of conversation regarding using the current building. The building currently on the lot is not set up to allow the parking and the building is older and would cost more to make improvements.

The Mayor wanted to know if the Council decided to go with Option 1 and in the future wanted to add a second floor how much of a disruption there would be while adding that second level. Mr. Oberlander stated if a second floor was added over the locker room and offices, they would have to knock holes in the floor to add the new footing to support the new columns. Some areas would need to have the roof taken off to convert to a floor structure instead of a roof. The pool would need to be shut down to strengthen the trusses to build the walking track. There would be numerous interruptions to the day-to-day operations. City Manager Schainker pointed out that if they did the underground stormwater then they would have all the green space to the east for expansion. Mr. Oberlander stated that would be correct as they would have 15,000 square feet of space for expansion.

Council Member Gartin stated that including a walking path would significantly increase the number of people who would benefit from the building. He pointed out that Ada Hayden is packed when the weather is nice. Currently, there is nowhere for anyone to go walking when the weather is bad besides the mall. He noted that he is leaning towards having a second floor for the walking path and the cost is going to keep getting more expensive as they move on. He appreciated that RDG would be eliminating a curb cut on the west side; this would make things nicer for the neighborhood. Mr. Gartin reminded everyone that they are going to be seeing major changes along the Lincoln Way Corridor within the next few years.

The Mayor stated that it was noted in the Staff Report that the DOT may not want to vacate its premises right away and wanted to know if the aquatic center could be built while the DOT is still operating. Mr. Oberlander stated the potential new indoor aquatic center building is positioned on the site where the existing two buildings could remain, but half of the parking lot would be taken out during construction.

Council Member Betcher inquired if the City submitted the plan for the two-story aquatic center with the Iowa Reinvestment District and then it was voted down by a referendum; would the project be null and void or could they revert back to a one-story plan. City Manager Schainker stated if the City had to submit an application that is contingent upon passing a bond issue he was not sure if the City will get all the points needed. He pointed out that whatever the Council decides they are setting the expenditure side up and at the February 9, 2021, meeting he is going to show the revenues side; he is not even sure what the gap is yet.

Council Member Corrieri explained that in her experience working with the Iowa Department of

Economic Development, when they like a project the committee is willing to work with communities. She mentioned that she has seen other applications submitted where there have been bond referendums that have influenced the project. She thought the Council needed to continue to be excited and advocate for the project as much as they can rather than looking at the potential downfalls may be. Ms. Corrieri commented that there isn't anything to not like about this project and believes the state will love this project and will want the City of Ames to succeed. Mr. Schainker stated that the challenge is not going to be the state, but whatever amount is put up for a referendum if it doesn't pass then there is not going to be a project as the City does not have the money to fill the gap.

The Mayor opened public comment.

Adib Amini, 1018 N. 2<sup>nd</sup> Street, Ames, mentioned that he was at the neighborhood meeting as his family lives on 2<sup>nd</sup> Street. Mr. Amini wanted to share that his family would love to have the pool in the neighborhood. He understands it is a complex project and the issues that go with it. He is not sure if it is possible to go with the second-story facility and if the bond referendum fails then go back to the single-story option. Mr. Amini stated it would be great to have a walking path and the additional features, but overall would love to see this project succeed.

Mayor Haila closed public comment when no one else came forward.

City Manager Schainker mentioned that the Council could wait until the February 9, 2021, meeting to give direction once the Council has seen the revenue section. The application has to be submitted by February 22, 2021. Mr. Schainker felt the Council should see both sides of the equation before making a decision. He stated that he is expecting a gap even with Option 1, but not sure how big of a gap it is going to be. Council Member Gartin asked what the downside would be to making a decision tonight versus in a couple weeks. Mr. Schainker stated that the next meeting will show the entire picture and how large the gap may be. He felt knowing how much the bond issue may be would help the Council decide if they wanted to proceed with a single-or two-story aquatic center. Mayor Haila pointed out that this is the first time the public has seen the project information and maybe it would be beneficial to wait to see the entire picture. The Mayor mentioned that these decisions are just for what kind of information the City will be submitting in its application to the Iowa Economic Development Authority.

Council Member Gartin wanted to know what kind of outreach had been done for this project. Director Abraham stated that there was a neighborhood meeting. Over 500 letters were sent out to the Oak/Riverside Neighborhood and 15 people attended the meeting. Last week the Parks and Recreation Commission met, and the meeting information was posted on Facebook and the information was sent out to over 6,000 email addresses that are in the Parks and Recreation database. The information that was sent was for the Aquatic Center and the Downtown Plaza. The Parks and Recreation Commission had about five people show up. He pointed out that a lot of notices have been sent out, but have not received a lot of responses.

Moved by Gartin, seconded by Corrieri, to approve Option 2 for a two-level Aquatic Center with additional features.

Council Member Betcher stated she is concerned with the motion as she would like to see the total picture before making a decision. She doesn't think she can support the motion right now and would prefer to table the discussion.

Council Member Martin mentioned that he would also prefer to wait. He would prefer to have the two-story building as they want to serve everyone in the community. He noted that this decision will get harder the longer they wait. Mr. Martin mentioned that there are a lot of moving pieces and if they have an opportunity to see how the revenues stack up against the expenses and what sort of bond measure they would be looking at, the Council should have that information in hand before moving forward.

Council Member Gartin stated that this is a good project and will have a higher basis of support if they increase the desirability of the building.

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

**UPDATE ON DOWNTOWN PLAZA:** Planning and Housing Director Kelly Diekmann presented the contextual location map for the Downtown Plaza across from City Hall. He noted the number one goal of the project is to enhance Downtown, to have a connection to Main Street, and to be an amenity to everyone who comes Downtown. The focus was on the long-term evolution of Downtown using 5<sup>th</sup> Street and Burnett as a corridor that could be improved over time for both City improvements and potential redevelopment in the area. The fundamental approach to the layout of the Plaza was to treat 5<sup>th</sup> Street as the primary entrance and connection to Downtown with the affiliation to City Hall as a secondary point of emphasis. Director Diekmann pointed out to the northwest of City Hall on 6<sup>th</sup> Street there is a site that staff is going to recommend that City Council look at acquiring. The City currently owns the lot through the CDBG program and as part of the Annual Action Plan the three lots (519,525, and 601 6<sup>th</sup> Street) are currently being planned to be sold at market value. The revenue from the sale is intended to be used to finance a portion of the development costs for affordable housing at 321 State Avenue. In lieu of selling the properties to a third party, it will be the staff's recommendation that the City purchase these properties at the appraised value of \$198,000 to reimburse the CDBG program and convert the property to a public parking lot.

Confluence had prepared a conceptual design for the site that incorporates a substantial number of ideas initially identified for the site. The focal points for the project include running water features in the north that flow through the plaza as a "runnel" connecting to spray water features at the south. This large space at the south end of the site would also be the location of a skating facility. The skating facility is a ribbon design to emphasize the social and recreational aspect of the use and to make it unique from other skating facilities. If the ribbon design is not viable, the same space can

be used for a more traditional open ice-skating area. The design also incorporates bike parking along the south edge, opportunities for food trucks or pop-up retail along 5<sup>th</sup> Street, swinging seats, a support building with restrooms, a signature public art piece, a small built-in platform for performances, and various seating areas with a substantial amount of green space.

As a result of constructing the plaza, all 86 parking stalls in Parking Lot N would be removed. In its place, staff has directed Confluence to show the addition of new angled parking along the west side of Clark Avenue to provide “front door” customer parking for City Hall. This change would total approximately 18 parking spaces. Angled parking with meters will be retained along 5<sup>th</sup> Street frontage with one adjustment to the current configuration to test back-in angled parking. Back-in angled parking is new to Ames, but present in other urban environments, such as Des Moines.

There was a public meeting held via Zoom on January 21, 2021, with approximately 90 people participated. Mr. Diekmann noted that the feedback received were concerns about the loss of parking, cost of the facility, other priorities for funding, and the location away from Main Street. The positive feedback staff received is the idea of the ice-skating facility and the green space. Director Diekmann mentioned that a quick poll and additional comment opportunities are available online at [www.cityofames.org/downtownplaza](http://www.cityofames.org/downtownplaza). He pointed out that in the five days since the link has been active staff had already received 158 comments. Director Diekmann explained that there are a lot of details that will still need to be decided, but there is a rush to get a conceptual design completed to submit it to the Iowa Reinvestment District Program.

Council Member Betcher wanted to know about the potential to have technology charging solar stations in tables so anyone can take their laptops and use them. Mr. Diekmann stated that level of detail is not in the plan yet and could be added later. Ms. Betcher wanted to know if there was going to be any seating available for parents in case they wanted to watch their kid’s skate. Director Diekmann mentioned they had not talked about that yet, but did not envision any bleachers being put in.

Council Member Beatty-Hansen wanted to know if a bicycle fix-it-station could be added to the design, but understands that level of detail may come later. Director Diekmann stated those levels of details were not in the plan yet, but could be added later.

Director Diekmann stated the Downtown Plaza is a current project within the Capital Improvement Plan (CIP) with a budget of \$2.7 million over a two-year period. The current design concept includes several features with highly variable costs, such as the public art, ice skating facility, water features, and support building. The working estimate for this concept ranges from \$3 million to \$4 million. Confluence will provide a more precise cost estimate for the project as part of the final refinements at the February 9, 2021, City Council meeting.

Mayor Haila opened public comment.

Adib Amini, 1018 West 2<sup>nd</sup> Street, Ames, mentioned that the design was beautiful. He noted that he

has kids and would love to see kid friendly features and there is plenty of room to add items later when funding is available. He wouldn't want to see those types of items hold up the project.

The public comment was closed.

Director Diekmann stated that staff is providing an update and no action is needed at this time unless there is something that the Council wanted to add.

Moved by Betcher, seconded by Martin, to approve Alternative 1: to accept the update on the preparation of the Downtown Plaza concept and proceed with preparation of the final concept design and cost estimates for the City Council to review on February 9<sup>th</sup>, and to proceed with planning for parking changes to Clark Avenue, 5<sup>th</sup> Street, and the site on 6<sup>th</sup> Street.

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

The Mayor recessed at 8:03 p.m. and reconvened at 8:09 p.m.

**DISCUSSION OF PRAIRIE FIRE DEVELOPERS CONCEPT PLAN FOR 321 STATE AVENUE:** Planning and Housing Director Kelly Diekmann mentioned that staff had partnered with Prairie Fire Developers for the Low Income Housing Tax Credit (LIHTC) application, which is to be submitted by March 12, 2021. Staff had provided feedback to Prairie Fire and its architecture firm, Odimo, about the layout of the site and appearance of the main apartment building presented in the original design. City Council had previously noted that it seemed bulky and the appearance of a flat roof did not work well together with the townhome design that was also a part of the project. The site plan has been modified to move the apartment building to the east near the driveway accessing the site. The townhomes are now divided into three groupings of buildings rather than two. The primary open space remains along the west boundary of the site with parking situated along the east side. With the adjustments to the townhomes, the number of apartments can be increased from the original 36 units to 37 units by adding one additional 3-bedroom townhome apartment. Staff supports the updated site plan. The architectural changes for the apartment building were significant. Odimo proposed changing the building to break the building up into three small connected buildings with varying roof forms. The design concept allows for a final design detail of allowing the stairwell to be located on the inside of the building.

The Mayor noted that on the prospective drawing there is a tall wall on the right side of the development (west side of the development) and wanted to know if this is due to grading. Director Diekmann stated he would need to follow up on that as that is not showing up on the Site Plan.

Council Member Betcher mentioned that the change to the apartment building was a good improvement in her perspective.

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

Moved by Betcher, seconded by Corrieri, to approve Alternative 1 that is to accept the update regarding the Prairie Fire Development Concept and proceed with preparation of the final LIHTC application.

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

**INITIATING VOLUNTARY ANNEXATION FOR 23959-580TH AND ADJACENT PARCELS, SUBJECT TO RECEIPT OF A WAIVER TO WITHDRAW FROM ANNEXATION FOR ALL PROPERTIES:**

Planning and Housing Director Diekmann stated that the City had received annexation petitions from three property owners representing 115.19 acres of land east of the Ames corporate limits, located at the northwest corner of Highway 30 and 580<sup>th</sup> Avenue. Staff had requested that the property owners submit waivers of the right to withdraw from annexation prior to proceeding with the process. Waivers had been received from the two property owners originally authorized by Council for annexation: Larson Leasing and LDY, LLC. Staff is asking for the City Council to affirm moving forward with the annexation. Mr. Diekmann noted that to the west of 23959 580<sup>th</sup> Avenue (formerly Caremoli) a vacant property owned by Bankers Trust Company had petitioned to be part of the annexation. Staff found it logical to include the Bankers Trust property into the annexation at this time. Director Diekmann mentioned that staff did not believe an 80/20 annexation was necessary at this time. No City utilities will immediately serve the sites. The existing structures will continue with rural water service for the immediate future. The first step for annexation is for the City Council to accept the petitions and refer them to the Planning and Zoning Commission for recommendation.

Council Member Gartin stated his perspective on the annexations that if the City has the opportunity to do an 80/20 then they should. Mr. Gartin wanted to know if there was a potential downside, in the future, with the way the land is configured to come in. Director Diekmann stated there wouldn't be a downside to the City except the City would be taking over the substantial maintenance of 580<sup>th</sup> Street, even though the City does not have any rationale for wanting to maintain the extra half mile of road. He noted in this case the City is not preventing themselves from annexations of large developable spaces in the future.

Mayor Haila opened public comment and it was closed when no one came forward.

Mayor Haila stated as the annexation moved forward, he wanted to make sure that the property owners understood that there would be no City water or sewer in the area and may not be available for some time. The Mayor wanted to know if that will be in writing somewhere for the property owners. Director Diekmann stated that the owner of the Caremoli property is aware and the other properties are aware of the circumstances as well.

Moved by Betcher, seconded by Gartin, to approve Alternative 1, to initiate the voluntary annexation of the four properties totaling 115.19 acres as a 100% voluntary annexation, subject to the receipt of a waiver to withdraw from annexation for all properties.



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

**2021-2026 CAPITAL IMPROVEMENTS PLAN:** Finance Director Duane Pitcher explained that he is available for any questions as this item is for public input only. City Manager Steve Schainker stated staff is not asking the Council to take any action on this item as this is an opportunity for the public to respond and provide any input. It was noted that the public can still provide comments at any time until February 9, 2021.

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

City Manager Schainker mentioned that if anyone had any comments, they could send them to any Council Member, the City Manager's Office, or the Director of Finance.

**HEARING ON 2019-20 CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER):** Housing Coordinator Vanessa Baker-Latimer stated that the Community Development Block Grant (CDBG) regulations require that, within 90 days from the end of its fiscal year, the City must prepare a Consolidated Annual Performance and Evaluation Report (CAPER), which is required to be submitted to the Department of Housing and Urban Development (HUD) on or before September 29 each year. However, due to COVID-19, HUD changed the due date to December 31, 2020. Additionally, staff requested and received an extension to submit the Report on or by January 31, 2021. Ms. Baker-Latimer explained the Report covers the time period for fiscal year July 1, 2019, through June 30, 2020. The major activity implemented in 2019-20 was on the public infrastructure improvements at Baker Subdivision.

The Mayor opened the public hearing and closed it after there was no one wishing to speak.

Moved by Beatty-Hansen, seconded by Corrieri, to adopt RESOLUTION NO. 21-053 approving the 2019-20 Consolidated Annual Performance and Evaluation Report (CAPER).

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

**HEARING ON 3<sup>RD</sup> SUBSTANTIAL AMENDMENT TO THE 2019-20 ANNUAL ACTION PLAN AND CITIZEN PARTICIPATION PLAN:** Housing Coordinator Vanessa Baker-Latimer stated that on September 11, 2020, the U.S. Department of Housing and Urban Development (HUD) notified the City that it will receive a third special allocation round of Community Development Block Grant (CDBG-CV) funds in the amount of \$356,455 authorized by the CARES Act to again be used to prevent, prepare for, and respond to COVID-19. She noted that the City was eligible for three rounds of funding. Staff is in the process of finishing round one that was directly funded by HUD. Round two is being administered through the State of Iowa. The third round will be funded through HUD again. Staff is proposing to continue implementation of the Rent, Mortgage, and Utilities Relief Assistance with the third round of CDBG CARES funding from HUD. To date, round one funds have assisted approximately 104 households with almost all the funds spent, and there is still a waiting list of applications to process. Due to the Rent, Mortgage, and Utilities Relief

Assistance being funded during the 2019-20-year, HUD requires the City to Amend the Annual Action Plan.

Council Member Betcher asked Ms. Baker-Latimer if the administration of the funds was easy or if there were challenges. Ms. Baker-Latimer explained that there have been some challenges. One of the challenging parts has been the duplication of benefits. Staff had to adjust the program as initially HUD allowed them to help people for up to three months and then that was changed to six months. She noted that they are seeing a different level of applications this time around for COVID, and staff will need to look at changing some guidelines to accommodate those changes. Ms. Baker-Latimer explained that the other challenge is that the moratorium was going to end December 31, 2020, and now that has been changed to January 31, 2021, which has caused a lot of people to start panicking about the possibility of getting evicted. Staff is trying to work with landlords to cover the gaps and that has also been challenging.

The Mayor opened the public hearing. There was no one wishing to speak, and the hearing was closed.

Moved by Junck, seconded by Beatty-Hansen, to adopt RESOLUTION NO. 21-054 approving the 3<sup>rd</sup> Substantial Amendment to the 2019-20 Annual Action Plan and Citizen Participation Plan. Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

**HEARING ON ENTERING INTO AN AMENDED SEWER REVENUE LOAN AND DISBURSEMENT AGREEMENT AND TO BORROW MONEY THEREUNDER IN A PRINCIPAL AMOUNT NOT TO EXCEED \$6,075,000:** Municipal Engineer Tracy Peterson stated this item is to have a hearing to enter into a modified loan agreement. She noted the City had used State Revolving Fund (SRF) funding for sanitary sewer projects. She explained that with the rehabilitation, the City has the opportunity to get water quality funding with a grant application. The SRF loan program allows for the interest scheduled to be paid on sewer loans to be granted back to the loan originator (the City) to fund stormwater quality improvement projects. The City of Ames is amending the existing loan agreement to allow interest due for the sewer SRF loan to be granted back to the City to fund the City Hall Parking Lot Reconstruction as a sponsored project in the amount of \$375,000. Because this project has been completed and the City Council has approved final acceptance, the \$375,000 will serve as a reimbursement into the Stormwater Utility Fund.

The public hearing was opened by the Mayor. He closed the hearing after no one asked to speak.

Moved by Corrieri, seconded by Gartin, to adopt RESOLUTION NO. 21-055 approving entering into an Amended Sewer Revenue Loan and Disbursement Agreement. Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

**HEARING TO AUTHORIZE THE POTENTIAL USE OF EMINENT DOMAIN AUTHORITY, IF NECESSARY, TO OBTAIN EASEMENTS AND ACQUIRE LAND FOR FLOOD MITIGATION - RIVER FLOODING PROJECT:** Municipal Engineer Tracy Peterson explained that they are continuing to meet with landowners in the flood mitigation area. There was one landowner that asked for a copy of the plans and staff is working on getting that information to the landowner. She pointed out that a few property owners have expressed their interest in the City purchasing the property versus an easement and staff has started working with appraisers.

Mayor Haila wanted to clarify if the City will be obtaining easements instead of purchasing the property. Ms. Peterson mentioned that there will be a combination, some will be easements, acquisitions, or partial acquisitions. The hearing tonight is a federal requirement of FEMA due to the project using FEMA funding.

The Mayor opened the public hearing.

Piper Wall, 912 Clark Avenue, Ames, stated she is the spouse of James Howe who owns Howe's Welding & Metal Fabrication business at 811 S. Duff Avenue. She mentioned this project goes back to the 2016 plan referred to as full channel shaping. Ms. Wall explained they have an email from Council Member Martin indicating that Ms. Peterson's office would be doing outreach. She noted that part of the outreach was the opportunity to address problems with the specific plans, and it is now 2021 and there still have not been any specific plans. Ms. Wall noted that the City is talking about the use of eminent domain and she is not in favor of it. She mentioned that it is her understanding that the use of eminent domain is to be used for public good not as a way for the government to be able to take private properties to benefit a set of businesses. Ms. Wall stated when the plans do become available and if they are not convincing the property owners to sell then she believes it is not right for the government to say they will short-cut the processes and take the property from the property owners. Ms. Wall mentioned that she is not against anything the staff is doing, but doesn't see how they can move forward without any plans to view.

James Howe, 912 Clark Avenue, Ames, owner of Howe's Welding & Metal Fabrication, stated he had a couple of concerns. He is concerned that they keep building up the area since the 1993 flood, but now the City wants to solve the problem by widening the area. He noted the City needs to quit building in the floodplain if trying to mitigate flood problems. Mr. Howe mentioned the City has added more fill since the 2010 flood than before. There have been hundreds upon hundreds of loads of dirt being brought in. He explained that when his business was built, he had to meet the 100-year flood so he built the building up so he did not affect his neighbors. He noted that anyone downstream should be concerned as the water will be heading their way. Mr. Howe pointed out the Highway 30 bridge to be built in 2022 will be dumping onto Cambridge which is not fair to them. Mr. Howe explained that when the bridge was being modified to make it wider to incorporate a bike path he had asked if 2/3 could be dug out on the sandbars and he was told before that the DNR was against

that and is not sure what has changed that is going to be allowed now.

Gary Schweiger, Cedar Rapids, owner of RL Enterprises LLC, that owns the property that is leased to Red Lobster (1100 Buckeye Avenue) thanked Tracy Peterson and RDG as they have been very responsive to his inquiries regarding the site plans. Mr. Schweiger mentioned that he understands the reason for the mitigation project and doesn't have any questions about that. He is concerned about how he will be compensated for the loss of his property or part of the property. It was noted that he will lose property to the equivalent of 16 parking spaces. Mr. Schweiger was also concerned about the effect it would have on his tenant with disruption of the business while work is being done. He noted that these are important concerns and hopes they get resolved.

Mayor Haila declared the public hearing to be closed.

Ms. Peterson stated that she met with Mr. Schweiger and appreciated that he traveled from Cedar Rapids to review the site with staff. She noted that the northernmost 16 parking spaces and the timing and loss of parking spaces will all be considered during the appraisals. A parking revision layout was sent to Mr. Schweiger to have parking added to the south side of the business that would replace 15 of the 16 parking spaces. The timing of the construction was discussed, and it was mentioned that the new parking lot could be built before work on the creek began. Ms. Peterson explained that there will be a massive retaining wall and that is why there will be loss of the 16 parking spaces. All of Mr. Schweiger's concerns will be addressed during the appraiser's evaluation.

Ms. Peterson mentioned in regard to Ms. Wall's concern about the plans not being completed yet. Staff is close to having them completed, and they are currently working on fine tuning the hydraulic model, the retaining wall, and grading. It is anticipated that the plans will be available in the next few weeks. She noted that staff had provided grading plans and also showed the impacts the project will have to all the landowners. Ms. Peterson stated that Ms. Wall has more knowledge of the project and requested the entire set of plans. Staff's intent is for voluntary settlement and once an offer is given, staff is not allowed to contact the homeowners for ten days. Ms. Peterson mentioned that staff had met with Mr. Howe and his parents (the parents are the landowners). Mr. Howe's property is one where the staff asked the property owner if they preferred a permanent easement or land acquisition. It was noted that the landowner preferred land acquisition. Ms. Peterson was unable to answer Mr. Howe's question about the bridge. The downstream effects to Cambridge was discussed previously and staff will continue working through the Capital Improvement Program to reduce the flows.

Council Member Gartin mentioned that he had pulled up the Google map satellite image and it was helpful as the diagram that was in the Staff Report mentioned Hyland Heights Apartments and he didn't remember any apartments being there, but now understands that the apartments are no longer there and it is now a parking lot. He mentioned that the portion of the property from the Howes may not involve any of the land. He wanted to know if a line was going to be drawn in a way that would

impact the functionality of Howes welding. Ms. Peterson stated that the surveyor had gone out to put stakes in the land and it was her understanding that anything in the area would be movable and would not impact the drive or the circulation around the property. It was mentioned that Mr. Howe had asked for some planting/screens to be placed as part of the project to screen the Red Lobster view, which was agreed to. There was some discussion about access to his property during construction and long-term impacts. Council Member Gartin stated that Ms. Wall asked about eminent domain and wanted the City Attorney's opinion about eminent domain. Attorney Lambert explained that the legal basis for eminent domain is the government has the right to acquire property, to take property, and pay for the property for public purpose and this project is very much for public purpose.

Moved by Gartin, seconded by Corrieri, to adopt RESOLUTION NO. 21-048 authorizing the use of eminent domain authority, if necessary.

Roll Call Vote: 5-1. Voting Aye: Beatty-Hansen, Corrieri, Gartin, Junck, Martin. Voting Nay: Betcher. Resolution declared adopted, signed by the Mayor, and hereby made a portion of these Minutes.

Council Member Gartin inquired where Ms. Peterson was finding 15 parking spots south of Red Lobster as it currently looks as it is a parking lot. Ms. Peterson mentioned staff had turned the lot around where the parking would be east/west opposed to north/south. It was a creative solution from the design consultant.

**ORDINANCE ESTABLISHING A NEW INDUSTRIAL ZONING DISTRICT TO BE KNOWN AS THE INTENSIVE INDUSTRIAL ZONE IN CHAPTER 29, ARTICLE 9, OF THE *AMES MUNICIPAL CODE*:** Moved by Beatty-Hansen, seconded by Corrieri, to adopt ORDINANCE NO. 4430 establishing a new industrial zoning district to be known as the Intensive Industrial zone in Chapter 29, Article 9, of the *Ames Municipal Code*.

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

**DISPOSITION OF COMMUNICATIONS TO COUNCIL:** Mayor Haila mentioned that there were four items to discuss. The first item was a memo from Corey Mellies, Fleet and Facilities Director giving information and a response about having an Auditorium marquee. Council Member Martin stated he likes the idea of having a sign of some kind advertising the activities that are going on in the Auditorium and would be a benefit to the City. Mr. Martin explained that it was not important to him to have a marquee style sign, but wanted to know how to proceed with coming up with a design that would serve the communication needs. City Manager Steve Schainker recommended waiting to discuss this project during budget hearings the first week of February.

The second item was an email from Keith Arneson requesting a plaza to be in Campustown. Council

Member Betcher asked if the City is currently monitoring the properties in Campustown and what is happening in the area. Mr. Schainker wanted to know if there was a particular property Ms. Betcher was referring to. Ms. Betcher noted that she believed that Kum & Go is potentially selling. Mr. Schainker stated that staff is always aware of what is going on in the City. Ms. Betcher commented that she doesn't think anything needs to be done and to just thank Mr. Arneson for sending the email. The Mayor stated he will send an email back to Mr. Arneson acknowledging his email.

The Mayor mentioned the third item was an email from Luke Jensen, RES Group, Inc., requesting to add housing on 6<sup>th</sup> Street north of City Hall. City Manager Schainker recommended having the Mayor write a letter to Mr. Jensen letting him know that the City's plans on using the property as an additional parking lot. Council Member Gartin stated he liked the concepts of housing at the time it was made, but with the Plaza concept he felt the Council should leave the area as parking.

Moved by Betcher, seconded by Gartin, to have the Mayor send a letter to Luke Jensen expressing Council's desire to use the property as parking.

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

The last item was a letter from Homer Gartz giving input on vacant lots on Lincoln Way and Kellogg and Lincoln Way across from Finley Hall. The Mayor mentioned that he would respond back to Mr. Gartz and give him an update as to what is happening in those areas.

**COUNCIL COMMENTS:** Council Member Martin stated regarding the Aquatic Center he is happy with the way it turned out. He was happy to see the enthusiasm for the two-story building, but was hoping to spend a little more effort to get that decision. Mr. Martin noted it is good to aim for the things you want and hopes the finances will work out.

Council Member Betcher agreed with Council Member Martin and the Oak/Riverside neighborhood seems to be enthusiastic and that is a good thing. She wanted to acknowledge the sad loss of a sorority sister and wanted to send condolences and sympathy to the family, the Greek community, and friends of the young lady.

Council Member Gartin voiced his appreciation to all the snow crews for working hard and having the arterial streets open for the morning commute.

Council Member Corrieri wanted to give a shout out to the Ames School Board Leadership and Teachers as they have had to deal with a lot of challenges the last several months and they have dealt with the situation with a lot of thoughtfulness. She commended them for all their hard work over the last year.

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

Moved by Gartin, seconded by Corrieri, to go into Closed Session under Section 21.5(1)c, *Code of Iowa*, to discuss matters presently in or threatened to be in litigation.

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

The Council entered Closed Session at 9:10 p.m. and reconvened in Regular Session at 10:01 p.m.

Moved by Corrieri, seconded by Betcher, to ask staff to proceed with the action that was discussed during Closed Session.

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

**ADJOURNMENT:** Moved by Corrieri adjourn the meeting at 10:03 p.m.

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Amy L. Colwell, Deputy City Clerk

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John A. Haila, Mayor

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Diane R. Voss, City Clerk