

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

AMES, IOWA

OCTOBER 26, 2021

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

**CALL TO ORDER:** The Ames Area Metropolitan Planning Organization (AAMPO) Transportation Policy Committee meeting was called to order by Ames Mayor and voting member John Haila at 6:01 p.m. on the 26<sup>th</sup> day of October, 2021. Other voting members present were: Bronwyn Beatty-Hansen, City of Ames; Gloria Betcher, City of Ames; Amber Corrieri, City of Ames; Tim Gartin, City of Ames; Rachel Junck, City of Ames; Linda Murken, Story County Supervisor; Bill Zinnel, Boone County Supervisor; Jon Popp, Mayor of Gilbert; and Jacob Ludwig, Transit Board. David Martin, City of Ames was brought in electronically.

Mayor Haila mentioned there was a minor change to the Agenda. The Hearing on the Public Participation Plan will be discussed after Consent.

**CONSENT AGENDA:** Moved by Corrieri, seconded by Betcher, to approve the following items on the AAMPO Consent Agenda.

1. Motion approving Roadway Safety Targets
  2. Motion approving Transit Safety Targets
  3. Motion approving Transit Asset Management Targets
- Vote on Motion: 11-0. Motion declared carried unanimously.

**HEARING ON PUBLIC PARTICIPATION PLAN:** Public Works Director John Joiner thanked the Mayor for moving this item up on the Agenda. He explained the reason for doing this was because the Public Participation Plan and the Limited English Proficiency Plan updates were incorporated into the FTA Title VI Program.

Transportation Planner Kyle Thompson said that the Public Participation Plan (PPP) is similar to the draft that the Committee saw on September 8, 2021. The PPP details how the Ames Area Metropolitan Planning Organization (AAMPO) plans to involve the public and stakeholders in its transportation planning efforts and activities. The six sections of the PPP are: 1) Introduction; 2) Regulations; 3) Public Outreach Strategies; 4) Public Input Methods; 5) Planning Documents; and 6) Underserved Populations. One of the changes that was made since the draft was viewed in September was the addition of Appendix C, which breaks down demographic data for underserved population groups. Staff had previously addressed all the minor comments that were received from the Iowa Department of Transportation.

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

Moved by Murken, seconded by Corrieri, to approve the Public Participation Plan.  
Vote on Motion: 11-0. Motion declared carried unanimously.

**LIMITED ENGLISH PROFICIENCY PLAN:** Transportation Planner Kyle Thompson explained that all Metropolitan Planning Organizations (MPOs) are required to have their own Limited English Proficiency Plan (LEP) since they receive federal funding from the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA). The LEP Plan was prepared in accordance with the U.S. Department of Transportation's requirements and the recent guidelines published by the Iowa Department of Transportation. The LEP Plan is to ensure that all individuals who have limited English proficiency have access to the MPOs various planning documents, activities, meetings, etc. Per the U.S. Department of Transportation recommendation, the LEP Plan follows the four-factor analysis methodology. The four analysis factors and sections of the Plan are as follows:

1. The number and proportion of persons with limited English proficiency who are eligible to be served or likely to be encountered by MPO services and programs
2. The frequency with which persons with limited English proficiency encounter MPO services and programs
3. The nature and importance of the MPO's services and programs in people's lives
4. The resources available to the MPO for outreach to persons with limited English proficiency, as well as the costs associated with the outreach

The LEP Plan lists the following language assistance services and resources that the MPO will leverage:

1. Oral Interpretation Services - The Big Word, City Staff, Google Translate
2. Written translation of vital documents to Mandarin Chinese, per the Safe Harbor Provision requirements
3. Bureau of Refugee Services
4. MPO Website - Automatic translation to over 90 different languages
5. Regional Partners - Coordinate with regional agencies and groups such as CyRide and Iowa State University

Moved by Ludwig, seconded by Junck, to approve the Limited English Proficiency Plan.  
Vote on Motion: 11-0. Motion declared carried unanimously.

**FTA TITLE VI PROGRAM FOR SUBMISSION TO THE IOWA DEPARTMENT OF TRANSPORTATION:** Transportation Planner Kyle Thompson mentioned that the FTA Title VI Program is something that all Iowa Metropolitan Planning Organizations' (MPOs) are required to submit every three years. This year, the Iowa Department of Transportation (DOT) is requiring that all MPOs submit their updated Title VI Programs by November 1, 2021. The Title VI Program is the MPO demonstrating and discussing how it adheres to Title VI requirements. The Title VI Program prohibits discrimination based on race, color, or national origin in any program or activity that receives Federal funds or other Federal financial assistance. MPO staff prepared the FTA Title VI Program update in accordance with Federal Transit Agency (FTA) regulation and using the template provided by the Iowa DOT. Mr. Thompson highlighted that staff included some

demographic maps, which show CyRide’s routes, TIP projects, and Long-Range Transportation Plan projects.

Moved by Betcher, seconded by Ludwig, to approve the FTA Title VI Program for Submission to the Iowa Department of Transportation.

Vote on Motion: 11-0. Motion declared carried unanimously.

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

**ADJOURNMENT:** Moved by Corrieri to adjourn the Ames Area Metropolitan Planning Organization Transportation Policy Committee meeting at 6:12 p.m.

**REGULAR MEETING OF THE AMES CITY COUNCIL**

The Regular Meeting of the Ames City Council was called to order by Mayor John Haila at 6:15 p.m. on October 26, 2021, in the City Council Chambers in City Hall, 515 Clark Avenue, pursuant to law. Present were Council Members Gloria Betcher, Bronwyn Beatty-Hansen, Amber Corrieri, Tim Gartin, and Rachel Junck. Council Member David Martin was brought in electronically. *Ex officio* Member Trevor Poundstone was also present.

**PROCLAMATION FOR “LUNG CANCER AWARENESS MONTH,” NOVEMBER 2021:** Mayor Haila declared November 2021 as “Lung Cancer Awareness Month.” He wanted everyone to recognize the need for research on lung cancer affecting women and lung cancer health disparities, and encourage all citizens, to learn about lung cancer and early detection through lung cancer screening. Jon Sulit, member of the American Lung Cancer Screening Initiative was unable to attend the meeting to accept the Proclamation; therefore, the Proclamation will be mailed to him.

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

1. Motion approving payment of claims
2. Motion approving Minutes of Regular City Council Meeting of October 12, 2021
3. Motion approving Report of Change Orders for period October 1 - 15, 2021
4. Motion approving renewal of the following Beer Permits, Wine Permits and Liquor Licenses:
  - a. Class C Liquor License and Sunday Sales - London Underground, 212 Main Street
5. RESOLUTION NO. 21-545 approving Investment Report for Quarter Ending September 30, 2021
6. Medical Dispatch Quality Assurance Software:
  - a. RESOLUTION NO. 21-546 waiving Purchasing Policies and Procedures for competitive bidding of professional services and approving a single-source contract
  - b. RESOLUTION NO. 21-547 authorizing the Ames Police Department to enter into an Agreement with Pro-QA for a five-year, fixed cost service in an amount not to exceed \$129,428

7. RESOLUTION NO. 21-548 authorizing the Mayor to sign Certificate of Consistency with City's 2019-2023 CDBG Consolidated Plan on behalf of Youth & Shelter Services and The Bridge Home for funding under the State of Iowa's Continuum of Care Grant
8. RESOLUTION NO. 21-549 approving Change Order No. 4 in the amount of \$50,000 to Professional Services Agreement with BrownWinick of Des Moines, Iowa, for legal services rendered regarding service territory Ruling from the Iowa Utilities Board
9. RESOLUTION NO. 21-550 approving Change Order No. 3 to Blade Runner Turbomachinery Services, LLC, of Navasota, Texas, for Unit 8 Turbine Generator Overhaul project in the amount of \$181,357.44
10. Campustown Public Improvements (Welch Avenue):
  - a. RESOLUTION NO. 21-551 approving Change Order No. 3 in the amount of (\$91,687.18)
  - b. RESOLUTION NO. 21-552 accepting completion
11. RESOLUTION NO. 21-553 accepting completion of the Tahira and Labh Hira Park Concrete Work

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

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

Richard Deyoe, 505-8th Street, #2, Ames, stated he had brought this up before, but felt he may have to go to the Mary Greeley Medical Center Board of Trustees because he is upset over the way the community has treated him lately. The Mayor reminded Mr. Deyo that public forum was to discuss City business and not personal items. Mr. Deyoe commented that he was part of the City.

Bob Long, 3124 Grove Avenue, Ames, said that his reason for coming tonight was to start the process of making sure that Grove Avenue is never opened for commercial development. He noted that he had sent a letter earlier this year regarding Grove Avenue, and his request was tabled by the Council because he was the only property owner asking to rezone a property that he didn't own. Mr. Long explained that he understood why that was done. Once a year their Neighborhood Association meets, and he had spoken to the group regarding his concerns about the zoning. He asked the Council to pursue the neighborhood's request to review the zoning.

Darrell Reeves, 3108 Northwood Drive, Ames, explained that he wanted to echo what Mr. Long had said. They would really like to keep the neighborhood residential. He stated that they do not want to see the commercial build-out on the other side of Grove turn into a hot-spot of activity. The neighborhood is nice and would like to keep it that way. Mr. Reeves noted that any help the Association could get from the City to rezone the area to retain the neighborhood would be appreciated.

Kyle Krebs, 3109 Northwood Drive, Ames, said that his neighborhood is a nice single-family dwelling area and he would hate it to turn into something else. The traffic going from North Duff Avenue to North Grand Avenue gets some high-speeders and he wouldn't want the traffic to increase

in the neighborhood. He asked to keep the neighborhood as single-family homes for families and children to enjoy.

Mike Lee, 3122 Northwood Drive, Ames, stated he and his wife have lived in the neighborhood since 1985, and it has always been a nice quiet neighborhood. Their kids went to school at Northwood. Mr. Lee said he was concerned about the traffic, especially the truck traffic and extra traffic from any businesses that might come to the area.

Jeani Lee, 3122 Northwood Drive, Ames, mentioned that she and her husband had both grown up in Ames, been business owners since 1985, and raised their kids in the neighborhood. She stated that while they appreciate growth in the community it didn't feel right to have commercial businesses in the area. Ms. Lee commented that they are already close enough to the traffic on Grand Avenue, and when Northern Lights was developed, the traffic increased in their neighborhood. In support of their neighborhood and the community, she felt it would be in the best interest of the City to keep the area residential.

Larry Brandt, 607 River Oak, Ames, explained that he and his wife have been in the area for a while. He had previously lived in Orlando and part of Dallas where he had seen businesses move into residential areas similar to his neighborhood and he doesn't want to see the additional traffic. Mr. Brandt mentioned that he didn't want to see start-ups come in and later become "trashy" strip malls.

Marie Mayer, 607 River Oak Drive, Ames, said the Council was probably aware that everyone speaking tonight is part of the Neighborhood Association. She noted at a recent get-together it was brought to everyone's attention that the previous Mary Kay's was zoned as high-density that allowed commercial. Ms. Mayer stated that there are rumors that there is going to be another business there. A proposal was made within the Neighborhood Association that medium-density would be more appropriate. It would keep the area residential and allow flexibility with the types of housing in the area. She noted that the Neighborhood Association is not just a group, but neighbors who care about each other and take the time to meet each other at gatherings. Ms. Mayer explained that neighborhood associations are an asset to the community as they enable information to be given to residents all at once. As a Neighborhood Association, they would like to keep it a "neighborhood" of people. She loves the house she bought and fell in love with the neighborhood.

Leo Milleman, 3112 Northwood Drive, Ames, pointed out that the area everyone was speaking about is in North Ames by the North Wal-Mart store, from Grand Avenue south to the river. He is the Chief Officer of the Neighborhood Association. They have a nice neighborhood and appreciate the area. During the Neighborhood Association meeting, there were over 35 people present who commented that they wanted the neighborhood to stay the same. Everyone was surprised when they looked at a Zoning Map showing that there was a small area between Grand Avenue and Grove that is zoned high-density. Currently everything along Grove Street is medium-density. They do not want big trucks coming through the neighborhood at all hours of the day. Mr. Milleman asked the Council to refer their request to staff to see if the area could be rezoned to medium-density.

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

The Mayor asked the Council to allow him to take the privilege of moving Disposition of Communication to Council up on the Agenda to discuss the request from Leo Milleman, to rezone the west side of Grove Avenue while there were interested parties present.

**DISPOSITION OF COMMUNICATIONS TO COUNCIL:** The Mayor noted that the letter from Leo Milleman, regarding the neighborhood's request to rezone the west side of Grove Avenue from High-Density Residential to Medium-Density Residential was previously sent to the Council.

Moved by Betcher, seconded by Corrieri, to place the request from Leo Milleman, regarding the possible rezoning of Grove Avenue on a future agenda.

The Mayor asked if there was a time frame of when this item might come back to the Council for discussion. City Manager Steve Schainker mentioned that it would probably be on a City Council Agenda sometime in November.

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

Mr. Schainker explained that the next step would be for the item to be placed on an Agenda, and during that time, the Council will review the Staff Report and any additional information from the Neighborhood Association and will make a decision at that meeting whether to pursue a Rezoning or something else. Council Member Gartin inquired if the next step would require any notice obligation for property owners that might be affected by any change. Planning and Housing Director Kelly Diekmann advised that typically when the Council refers a Report or a Memo to staff, there is not a notice requirement. Depending on what the Council decides after reviewing the information, public notice might be required; it would depend on the Council's direction.

**MOTION APPROVING/DENYING RENEWAL OF CLASS C LIQUOR LICENSE WITH SUNDAY SALES - NORTH GRAND CINEMA, 2801 GRAND AVENUE:** Police Chief Geoff Huff stated that the North Grand Cinema failed two compliance checks. In the past, staff has been consistent when an establishment failed both compliance checks to not recommend a renewal of the liquor license, but he would be in favor of issuing a six-month license. So far, the Police Department has made recommendations to improve the performance of North Grand Cinema, such as asking for customer identification, verifying customer age, and utilizing the Iowa Alcohol Beverages Division (ABD) Age to Purchase mobile application to scan identifications to ensure validity. Additional training was provided on July 16, 2021, and North Grand Cinema is now requiring all staff working the bar area to be I-PACT (Iowa Program for Alcohol Compliance Training) certified. They have also added software to its point-of-sale to scan a customer's identification to verify age and expiration.

Diane Akin, 2918 Northwood Drive, Ames, stated that she and her husband own the Cinema and she was present to answer any questions. She said that the employees who failed the compliance checks are no longer working for the theater.

Moved by Betcher, seconded by Martin, denying the renewal of the 12-month Class C Liquor with Sunday Sales - North Grand Cinema, 2801 Grand Avenue.

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

Moved by Beatty-Hansen, seconded by Junck, to approve a six-month Class C Liquor with Sunday Sales - North Grand Cinema, 2801 Grand Avenue.

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

**AGREEMENT FOR WATER SERVICE OPERATIONS AND TERRITORY TRANSFER WITH XENIA RURAL WATER DISTRICT:** Assistant City Manager Brian Phillips explained for this item staff is proposing that the City Council adopt a unique arrangement. He explained that when the Ames Water Utility was established one, of the certainties about being an Ames resident was that you had access to the Ames Water Utility. For the first 100 years of the Water Utility's existence there has not been an impediment to the Water Utility continuing to grow along with the boundaries of the City. That dynamic changed in the 1990s when rural water providers began to establish themselves outside of the corporate limits of Ames. Rural water is designed to be a substitute for well water and drinking water needs and is not set up to handle firefighting in an urban environment. The law 30 years ago established exclusive service territories for rural water providers. Rural water providers had to ask permission to serve areas within a two-mile fringe of a city. If a city denied the permission to the rural water provider, the city would be obligated to serve the area the rural water provider wanted to serve and would have to have service established within two years. In the 1990s and 2000s, Xenia Rural Water District asked for permission from the City of Ames to serve areas to the north, west, and south of Ames. At that time, it made sense for the City to waive its rights to those areas. Mr. Phillips commented that there are a few areas available that the City can grow into that do not encroach onto a rural water provider's territory. The challenge is that the areas that the City of Ames intends to grow into are primarily Xenia water territory.

Council Member Gartin wanted to clarify if it was in the 1990s when Xenia had requested to serve within Ames territory. Mr. Phillips explained that it was a series of transactions over time and believed the first one was in 1990. Some areas were wholesale areas that Xenia had expressed interest in and some were for specific addresses. Mr. Gartin felt that history was important and wanted to know why prior City Councils gave up the rights to provide water. Mr. Phillips stated that many of the areas Xenia wanted to serve were well outside the areas of where the Land Use Policy Plan Policy indicated that the City of Ames intended to grow. Mr. Gartin asked if there was any compensation for giving up the rights to provide water. Mr. Phillips commented that the City did not receive anything. City Manager Steve Schainker explained that there was a lesson to be learned and it would be hard for any Council to think that far ahead. The Council needs to be able to look longer than 20 years into the future and that is hard to do.

Mr. Phillips noted that the City has no right to provide drinking water to Xenia areas. There may be some areas where Xenia might be willing to transfer to the City of Ames, and even if transferred, there are no parameters for setting the transfer price. Secondly, Xenia has no obligation to provide fire protection service that meets City standards (hydrant spaces, flows) yet. The City has a responsibility to provide firefighting services if within the City limits. Mayor Haila clarified that it takes a much larger main to provide firefighting than it would to have water run to someone's house to drink. The Mayor said that there are a lot of cost implications for whoever was to install the new mains. Mr. Phillips stated that the rural water system is designed to serve much smaller volumes over greater distances. Whereas, the system in Ames is for firefighting, domestic water supply, and industrial uses.

Mr. Phillips explained the potential approaches were: 1) Grow in alternative areas where Xenia will sell its service rights; 2) Grow in alternative areas where Xenia does not control territory; 3) Grow into Xenia territory and allow Xenia to provide drinking water while Ames develops an alternative fire protection model; and 4) Negotiate with Xenia to install the infrastructure for drinking water and fire protection, and to allow certain areas to be transferred to Ames. Mr. Phillips stated that staff had decided to take the fourth approach listed. This will develop the terms that would allow Xenia to come into future corporate limits of Ames. This approach would also allow there to be two water providers (City of Ames and Xenia) for Ames residents in the future.

The Agreement that has been developed with Xenia staff accomplishes a number of things. The Agreement will establish Infrastructure Standards that state that Xenia will install a new infrastructure in the Ames corporate limits to State-Wide Urban Design and Specification (SUDAS) standards, and this will include providing fire protection and potable water that meet Ames' standards. The cost to install the infrastructure will be between Xenia and the developer. Xenia will design new infrastructure in future Ames annexation areas to meet these standards. There will be no obligation for Xenia to upgrade existing infrastructure immediately. Mr. Phillips wanted the Council to know that there had been internal discussions regarding the Agreement with Planning & Housing, City Manager's Office, Public Works, Fire, and Water and Pollution Control to ensure that the City would be able to adequately provide fire service to people who may need it. Per the Agreement the City of Ames would have the ability to operate Xenia's hydrants in Ames at no charge for emergency purposes. Xenia will be responsible for maintaining the hydrants and communicating with Ames when they are out of service, and the City of Ames would not be obligated to fix the repair as it is not the City's infrastructure. Mr. Phillips stated that there are some standards included in the Agreement that indicate what Xenia's responsibilities are for maintaining and repairing water main breaks. It will be Xenia's responsibility to address a water main break as soon as possible and make repairs. Xenia must notify affected residents and the City of Ames so the City can address any inquiries.

Council Member Gartin asked if the City was confident that Xenia would adequately repair any water main breaks in a timely fashion. Mr. Phillips stated that it had been discussed to possibly put in performance standards for Xenia, but this was not able to be agreed upon for the Agreement. He explained as a water provider, if Xenia had a water main break, they would want to fix it quickly as



it could be a loss of revenue and a potential risk to the system. Mr. Phillips expected that Xenia would take any water main breaks seriously. City Manager Steve Schainker mentioned that the City of Ames has a smaller territory to respond to while Xenia has a huge territory, but Xenia noted that it felt confident they could handle any problems. Mr. Phillips pointed out that any customer that has Xenia has the right to vote in Board elections and has the ability to influence Xenia policies.

Mr. Phillips stated that one challenge that the City of Ames has is that it operates multiple utilities (water, wastewater utility, stormwater utility, and electric). There are efficiencies built in that if a customer is an Ames water user, the City can calculate the sewer charges based on water consumption. However, with the new Agreement there will be situations where customers will have Xenia services for water, but will have the City of Ames for its sanitary sewer and storm sewer. What has been agreed to is that Xenia will be the water provider, but per the Agreement, they would not be able to charge higher rates to Ames customers than any other customers in the service area. Xenia would collect sanitary sewer and stormwater charges on Ames' behalf. Xenia would be told what rates to charge and then Xenia would remit those payments to the City of Ames, once a month. Xenia will also be required to provide records for the City to audit to make sure everything is being appropriately collected. The Agreement would permit Xenia to charge its customers \$1.50/mo./bill for the cost associated with billing Ames utilities onto its bill; this amount could increase over time, but may never exceed what is being billed to other communities. The City of Ames would reserve the right to add additional billing responsibilities to Xenia in the future.

Mr. Phillips mentioned that one of the big issues that the City has had over time is the understanding of where the territories lie between Xenia and the City of Ames. The Agreement will settle and clarify where Xenia's territory is, where Ames' territory is, and address ten specific properties that have been affected by different interpretations of the boundaries. The ten properties were requested by Xenia to be added to its territory, but there is a difference in opinion as to if that request was to serve the house or to serve the entire acreage that the house is on. The Agreement also identifies a number of areas within Xenia's territory that aren't readily able to be served by Xenia; if those properties are developed and divided, those areas could potentially be serviced by Ames. It establishes where those areas are and provides some guarantees that if those areas are requested to be transferred, Xenia will not object to the transfer. The area is divided into two sub-areas; there are areas that are well-situated to be served by Ames (right next to Ames), and then there are areas that possibly could be situated to be served by Ames. The advantage to the Agreement is it will settle any discrepancies and provide a new territory map. Xenia would sell the territory of those ten affected properties, and would allow those territories to be bought out and become Ames territory. This would cap the maximum buyout to three acres per property. The negotiable areas are renewable, depending on what has changed in the future, for up to 35 years. If Xenia or Ames decided to not renew another five-year renewal period with each area, a 12-month notice would be required. Mr. Phillips noted that in the Agreement, there is an option for the City of Ames and Xenia to agree on other areas to potentially transfer. If there are areas to transfer, there would be a buyout formula that will be included in the Agreement. Xenia asked for a provision to be added that if for any reason the buyout option was canceled, Xenia and Ames would need to sit down and discuss buying wholesale water from Ames to serve those areas. Mr. Phillips pointed out that there are no guarantees that

Xenia or the City of Ames will agree to the terms, but would be discussed if it got to that point. The buy-out formula would be \$3,000 per net acre (excluding right-of-way), this would increase every five years by standards related to the Consumer Price Index (CPI). The obligations for the buy-out areas and the cost formulas will be in effect for a minimum of five to ten years for a maximum of 35 years. All the terms in the Agreement regarding Xenia serving within the Ames Corporate Limits would last in perpetuity.

Mr. Phillips stressed that since Xenia is a rural water model, its water rates are different from the water rates of Ames customers. The City of Ames charges by cubic foot (cf) while Xenia charges by the gallon. An example was given of a small residential customer that used 100 cf (748 gal) with the City of Ames, the bill would be \$15.72 while with Xenia it would be \$65.20. It was mentioned that Xenia's rates are the same if you are a residential or commercial customer. Xenia has four industrial customers and those have a different rate structure. Mr. Phillips brought up the rate differences as it may come up for some customers that move in one of the areas billed by Xenia.

Mr. Phillips said that the draft Agreement has not been approved by Xenia's Board of Directors. If the City Council approves the proposed Agreement, Xenia's Board of Directors will consider approval of the Agreement. Xenia is also obligated to obtain the consent of the U.S. Department of Agriculture prior to the Agreement becoming effective.

Council Member Beatty-Hansen asked about Central Iowa Water Association's (CIWA) territory. Mr. Phillips noted that currently the City is in the sixth year of a ten-year Agreement with CIWA for the East Industrial Area. He noted that staff might need to come back to the Council as the Agreement reaches its expiration date. City Manager Schainker commented that CIWA had already agreed to sell the area for a certain price. Ms. Beatty-Hansen asked what would happen if the City put in all the infrastructure and no one developed in the area. She mentioned she was referring to the areas that were not the East Industrial Area. Planning and Housing Director Kelly Diekmann stated that staff had a preliminary meeting with CIWA and was told they were willing to negotiate, but no commitment has been made.

Council Member Betcher asked if there were any ongoing efforts to lobby at the Federal level to loosen the grip of the rural water districts. Mr. Schainker noted that staff had gone to Washington D.C., on numerous occasions, gone to the Department of Agriculture, and had talked to Senator. Staff had been told by the Iowa Senator that unless there are other states, of a larger magnitude, that get involved, the system will not change. He noted that some credit had to be given to Xenia as it has been trying to work with the City of Ames. At this time there is no indication of any change being made by the federal government.

Council Member Gartin noted he is always apprehensive about taking over other water territory's infrastructure when areas are annexed. He said that per the Agreement, Xenia is required to install infrastructure according to certain design standards. He wanted to know if that would be equivalent to what the City of Ames does. Director Diekmann mentioned that was a big part of the negotiations to include the correct language to make sure that the City of Ames could fight a fire at a location

served by Xenia. He said that Xenia will be meeting SUDAS standards, which are the same ones that the City of Ames had adopted in its *Municipal Code*, and there are two local Amendments that the City has that Xenia will agree to. Mr. Diekmann said that whenever the infrastructure goes in, it will meet those standards; however, the existing areas are not being upgraded until they need to be replaced. Mr. Phillips pointed out that the way it is phrased in the Agreement is to follow SUDAS standards even when changes are made along with any local Amendments by the City of Ames. Mr. Gartin asked if the Council should be concerned that there are existing areas that have a different standard of infrastructure. Director Diekmann explained that is hard to deal with as the City has annexed properties by doing an 80/20 with no upgrade of infrastructure. Those properties stay with the Xenia service or on a well, and these types of situations are going to happen.

Council Member Gartin mentioned that he is imagining that the Council will be receiving emails from people who purchased a house that is in the Xenia territory, who are upset by the high price of their water bill. These customers may state that they were never notified about the pricing. Mr. Gartin wanted to know how to navigate the disparity in terms of the cost of services. Director Diekmann stated this would not be any different from other utilities as the City does not disclose who the electric provider is, what the school taxes are, and a lot of other things that a person would pay to operate a home. Mr. Schainker explained that there is some responsibility of the potential home owner and hoped that homebuyers would do their due diligence when moving into a new home. He mentioned that the City of Ames can put information on its website where the service territories are, but he is not sure they could educate every home buyer.

Council Member Gartin noted that this situation is not isolated to Ames. He wanted to know if there had been any discussion with other cities that have similar situations. Mr. Schainker commented that the City of Johnston had a lawsuit, but their situation is different from the City of Ames. Mr. Gartin wanted to know if the City of Ames has had conversations with other peer communities. Mr. Schainker said that there have been several over the years. Mr. Diekmann stated that the law is clearly in favor of the rural water providers. Mr. Phillips pointed out that this issue is impacted by two different layers. The first is the state law that provides the rural water territories and the second is the federal law that protects the rural water territories against encroachment into the territories that may jeopardize USDA laws. It is clear that the federal pillar is not going to budge. The state law did change in 2014 to where any rural water provider was to be held to the same standard of providing water to a property that had requested it, and the service would need to be provided within a certain period of time or the rural water company would have to give up the water rights to the City. Mr. Gartin asked if the Agreement before the Council is something that has been done before. Mr. Schainker commented that it has not. This is the first Agreement that is comprehensive by bringing everything into one document. Council Member Betcher pointed out that Beacon lists the fire districts, but not water. It was discussed whether Beacon could add water service territory to its site.

The Mayor asked about Xenia buying water from the City of Ames and wanted to know if the water main was big enough; and if not, how would that happen. Mr. Phillips mentioned that if that happened, it would be in the south part of Ames. If Xenia decided in five years that they would like to have the territory back under their control, it would make more sense for them to buy water from

Ames and bring it south to serve the area as opposed to extending infrastructure from the south to the north. Mr. Phillips mentioned that there had been several discussions about buying wholesale water. The Mayor asked if the buy-out provisions were limited to the ten- and five-year areas or were there other areas that could be bought out. Mr. Phillips noted that is correct at this time, but there is a possibility for changes in the future.

Mayor Haila asked, hypothetically, if Xenia went away what would happen to the customers who need water. Director Diekmann noted that he couldn't imagine 10,000 customers would be left without water. Mr. Gartin stated a receiver would be established and Xenia would be able to continue to provide service under receivership.

Moved by Betcher, seconded by Junck, to adopt RESOLUTION NO. 554 approving the Agreement for Water Service Operations and Territory Transfer with Xenia Rural Water District.

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

**DOWNTOWN FACADE GRANTS:** Moved by Corrieri, seconded by Beatty-Hansen, to adopt RESOLUTION NO. 21-555 approving the Downtown Facade Grant for 317 Main Street.

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

**STAFF REPORT REGARDING REQUEST BY ZONING BOARD OF ADJUSTMENT TO DEFINE "TEMPORARY" IN THE ZONING ORDINANCE:** Planning and Housing Director Kelly Diekmann stated that if the Council wanted to move forward it would be appropriate to address the unique issue of yard waste facilities.

Council Member Betcher questioned if the Council approved Option 1 with the limited Special Use Permit could be used as a model in the future. Director Diekmann stated that it could potentially, as Option 1 is saying "this use is eligible for a permit based on a limited duration" similar to the Temporary Concrete and Asphalt Batch Plants.

Council Member Gartin noted that the City would limit the amount of unintended consequences by going with Option 1.

Moved by Gartin, seconded by Betcher, to approve Option 1, which is to create a defined Special Use Permit (SUP) for "Temporary Waste Processing."

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

Mayor Haila recessed the meeting at 7:55 p.m. and reconvened it at 8:00 p.m.

**AMES 2040 PLAN PUBLIC DRAFT COMMENTS:** Planning and Housing Director Kelly Diekmann mentioned that this is follow-up from two weeks ago. No additional comments were received after the last Staff Report on October 12, 2021. Staff would like the Council's direction on three issues. The first was regarding the public comments that were received and if the Council

wanted to make any adjustments based on those comments. Secondly, there were some staff-proposed edits to the text as well as map changes. Lastly, there is new information in the Staff Report that leads to the crafting of the Implementation Chapter that will go into the Plan before it is adopted. He noted that he will go over what staff is recommending. Staff would like to have Council's feedback on any changes or edits that they would like to make.

Director Diekmann said the first thing he would like to address is in the Land Use Chapter (Chapter 2) that talks about the compatibility matrix (Mixed-Use Planning Process); the question is "What is staff supposed to do with this." As the draft Plan went through the public comment period, it didn't come up as a question, but staff needed to take action to resolve the ambiguity of it. Staff is recommending that the pages where indicated in the Staff Report (pages 68-74) be used as advisory guidelines for future land use/zoning changes, and that they are not to be viewed as project specific requirements with approval of the Plan. When it comes to map designations, there are some suggestions from staff in the Report regarding how the community commercial retail (CCR) is explained and where it is affiliated in the zoning tables. If the Council approved staff's recommendations for the map changes, those will be addressed.

Another inconsistency in the text is University land. Director Diekmann had been in conversations with University officials and University land is shown as "Civic University." He explained that a discussion was had regarding if the City should show a land use for University land in case it was disposed of in the future. Staff had decided to make University land on the map blue and wrote a Text Policy that indicated that University land should default to the RN-3 neighborhood classification in areas that have an overlay for redirection, but the City never made an overlay for redirection so the text was left hanging. In conversations with University officials they preferred the map to show the property as just "University land." The Text Policy can be adjusted to no longer reference an overlay and instead explain how future changes to the University land would be related to the RN-3 neighborhood. City Manager Steve Schainker asked what two areas needed to be changed on the map. Mr. Diekmann indicated that there were two properties that were shown as RN-3 the former site for the Healthy Life Center on Ontario and a property on Mortensen and University (south of Reiman Gardens that is down by the creek). It was indicated that Veenker was discussed and is shown on the map as open space; it will be left that way. Director Diekmann commented that he was not going through each map amendment listed in the Report, but if Council Members wanted to take any action, they needed to make a motion. He noted that, in Attachment B in the Staff Report, there are a number of changes that staff was suggesting to change on the map. The Implementation Chapter is intended to guide administration of the Plan. This chapter would include information providing context to the Policies and Actions as they related to future decision making. Staff had categorized the priorities of the Implementation Chapter as: 1) Infrastructure; 2) Development and Zoning Standards; and 3) Plans and Sub-Areas.

Moved by Betcher, seconded by Beatty-Hansen, to direct staff to make the Mixed-Use Land Use pages advisory, rather than mandatory for project review.

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

Moved by Martin, seconded by Beatty-Hansen, to ask staff to clarify in the Plan that the Natural Area label in the future Land Use map is meant as an informational tool.

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

Moved by Martin, seconded by Junck, to remove CCR zone from the Community Commercial/Retail designation.

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

Moved by Junck, seconded by Betcher, to direct staff to edit Page 64 of the Plan under Development Guidelines (last bullet) in relation to the redirection area text in relation for University Civic Land Use Designation to remove the overlay concept, and make the corresponding map change to the two properties (Ontario and University).

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

Mayor Haila stated that one recommendation was to approve the changes that were on Attachment B. Director Diekmann commented that was correct as Attachment B is all of staff's recommended changes to the Future Land Use Map, and it does not incorporate all the other map comments that were received from the public.

Council Member Martin mentioned that he was looking at Attachment B and wanted to know if the Council approved the recommended changes whether staff would bring the Plan back to Council again before the public hearing. Mr. Diekmann noted that his intent is to go straight to public feedback unless the Council wanted something to come directly back to them first. Mr. Martin stated that on the map there is a box labeled "West of County Line as Core" and asked for clarification. Mr. Diekmann explained that it should say "West of County Line as Core." He mentioned that there was a large compilation of small areas that are Commercial and Mixed Use and it is the recommendation to put a Core designation in that area instead of the Commercial Community Retail. It was also noted that the area could stay NC-MU as that would accomplish the same purposes, but it doesn't indicate how much housing could go there. Mr. Martin then questioned the map box that stated "Intended mix of uses is confusing as represented. Modify to NC-MU and expand RN-3," and asked for further information on that recommendation. Director Diekmann indicated that there are too many layers and the main NC-MU block (darker pink on the map) would stay and the lighter pink would become yellow for RN-3.

The Mayor stated that he had a conversation earlier with Mr. Diekmann and wanted clarification on how it would be handled if more school land was needed in the southeast. Director Diekmann commented that in the past the City has not shown school or potential school ownership options on the Land Use Map. The text mentions that there might need for parks and schools in areas as growth areas build out. In conversations with the School Districts, it is hard for them to respond to something ten years into the future. Mr. Diekmann mentioned that his recommendation, at this time, is to not put a Land Use "blob" down for a school, but to keep in contact with the School District.

Council Member Betcher inquired what would go into the area if “delete RN-5 south of Ioway Creek” was removed, as recommended. Director Diekmann explained it would go back to an open space designation. The question was asked if the comments from the public on Page 2 of the Staff Report were listed on the map. Mr. Diekmann mentioned they were not as the map showed staff’s recommendations, but did not list any recommendations from the public. He wanted the Council to decide if any other changes should be made. Haverkamp Properties West Towne Apartments at 4820 Mortenson is requesting a RN-5 designation rather than Neighborhood Commercial Mixed use (NC-MU). Mr. Diekmann stated that the Haverkamp area should be CCR, not NC-MU, based on the patterns in the area. Council Member Gartin asked if there was a downside to changing the area to RN-5. Director Diekmann commented that it would take a subsequent rezoning step in order for the Haverkamp property to get to its ultimate goal.

Moved by Gartin, seconded by Corrieri, to change the area referenced by Havekerkamp’s letter to be designated at RN-5.

Council Member Martin stated he was opposed to the motion as it is too big of a change and didn’t feel that there was enough deliberation to make that change. Mr. Gartin asked what other information would be needed as the Council has the information on how the property is going to be used. Mr. Martin mentioned that he would rather put the request on an Agenda for discussion than to make a change based on one person’s request. Director Diekmann explained that the request is about later details opposed to the Comprehensive Plan designation. He said his recommendation still stands that either designation allows for mixed use on the property in the future. Council Member Junck noted that the Staff Report said it was the recommendation to change this area to CCR or RN-5. Mr. Diekmann stated that as an Ames 2040 Plan document the request from Haverkamp is beyond the scope of where they are with the Plan tonight and noted if the Council is not comfortable with the specific details then he would recommend putting the request from Haverkamp onto a future Agenda.

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

Council Member Betcher commented that they just left the property hanging and wanted to know if the Council will automatically return to the request as a Plan Amendment. It was noted that the Council would need to give staff further direction.

Moved by Gartin, seconded by Corrieri, to place Mr. Haverkamp’s letter on a future agenda.  
Vote on Motion: 6-0. Motion declared carried unanimously.

Moved by Martin, seconded by Corrieri, to adopt the edits as indicated on the map in the Staff Report (Attachment B).  
Vote on Motion: 6-0. Motion declared carried unanimously.

Director Diekmann explained that if the Council is comfortable with the list as described in the Staff Report for the Implementation Chapter, he would recommend a motion directing staff to move forward with Attachment C in preparation of the Implementation Chapter.

Council Member Martin mentioned on Attachment C under Plans and Sub-areas there is a bulleted item that said, "Initiate new South Lincoln Mixed Use Sub-Area Plan from Cherry Street to Walnut Avenue," and he didn't remember discussing this area previously and wanted a reminder as to what the idea was for that area. Director Diekmann explained that 3<sup>rd</sup> Street runs through the area and goes from Walnut up to Lincoln Way and over. The area is shown on the map as a redirection area and staff is recommending prioritizing this particular redirection area for a new Sub-Area Plan.

Moved by Beatty-Hansen, seconded by Junck, to Adopt Attachment C from the Staff Report.  
Vote on Motion: 6-0. Motion declared carried unanimously.

**PLACEMENT OF AGILITY COURSE EQUIPMENT IN CARR PARK:** Parks and Recreation Director Keith Abraham noted that Parks and Facility Superintendent Joshua Thompson has taken the lead on this project and will be sharing the project information. Mr. Thompson stated that staff has received requests to diversify the parks. A few examples were shown of the different types of equipment that could be used for an agility course. It was mentioned that the City of Davenport has an agility course it has received a lot of positive feedback to the point where it is already planning on installing another one. The Parks and Recreation Commission reviewed the following criteria to be used to review potential sites: Not in a flood plain, visible from the road, fits with parks philosophy, space is available, is a relatively flat space, parking is available, safety, community/park equity, and accessibility. The parks that best fit the criteria were: Brookside Park (east of Ioway Creek), Moore Memorial Park, Carr Park, Northridge Heights Park, Emma McCarthy Lee Park, and Tahira and Labh Hira Park. A table was shown from the Staff Report that compared the potential locations with the identified criteria. Mr. Thompson explained that there were four opportunities for the public to provide feedback. It was brought up that the Carr Pool bathhouse would be demolished as the building is becoming dilapidated. Future plans for Carr Park include adding 14 raised garden beds and a water source for the gardens in FY 2021-22. Additionally, a shelter and restroom building will be constructed in FY 2023-24. The sidewalk along Meadowland Avenue is not continuous and has resulted in a mid-block crossing and ped-ramp in front of a house, which eliminated some on-street parking. As part of the project, staff will install a portion of sidewalk making the sidewalk continuous and eliminate the mid-block crossing and ped-ramp. The Parks and Recreation Commission recommended approval of the placement of the Agility course in Carr Park.

Council Member Gartin asked for more information on parking. Mr. Thompson explained that currently the parking lot has 32 spaces with two accessible spots. It was mentioned that staff will be reviewing the parking lot layout to see if there is a better, more efficient use for the parking space. Staff felt the parking lot was adequate for the amount of traffic that comes to the Park. The trails across East River Valley are very popular along with the cross-country ski trails. Staff will continue to evaluate the parking over time to see what adjustments need to be done. Mr. Gartin stated his only concern was long-term and if the parking is going to be enough. He pointed out that if the trail



farther north is expanded, he feels that the trail is going to be very heavily used. Mr. Gartin was concerned with the trail expansion and if the Council should be concerned about the location of the community gardens. Mr. Thompson mentioned that is something that staff could discuss to see if there is a better location within Carr Park for the gardens, but he would need to talk to Planning and Housing about the possibility of adding additional parking. City Manager Steve Schainker commented that the current parking lot has been grandfathered in and if the Council wanted to expand the parking lot, there would be additional costs. Director Abraham stated that there are other parking options available that are close to the trails. He felt if they could educate the public as to where those areas are located, that it would be beneficial.

Council Member Betcher wanted to know if there was going to be any equipment that would be usable for citizens who are in wheelchairs that want to do upper body workouts. Mr. Thompson mentioned that during the neighborhood input sessions it was asked if there would be any equipment that could be accessed from the ground. He noted they are going to meet with manufacturers to see what can be provided.

Mayor Haila inquired if there would be bike racks. Mr. Thompson indicated that there would be.

Council Member Martin asked if staff felt confident that the revenues that have been established were adequate to maintain the equipment over a long period of time. Mr. Thompson said that the budget is able to maintain all playground equipment. The playground equipment is made and manufactured to hold up for a long period of time. Most of the park equipment is in place for 20 years, and with the warranties on the equipment, any repairs are done easily.

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

Moved by Junck, seconded by Corrieri, to adopt RESOLUTION NO. 21-557 to approve Option 1, which is to approve the placement of the Agility Course Equipment in Carr Park.

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

**HEARING ON VACATING UTILITY EASEMENT ACROSS RED LOBSTER PROPERTY LOCATED AT 1100 BUCKEYE AVENUE:** City Attorney Mark Lambert asked the Council to continue the hearing as staff had not received the signed easement from Red Lobster.

Moved by Beatty-Hansen, seconded by Betcher, to continue the hearing to November 9, 2021.

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

**ORDINANCES:** None.

**DISPOSITION OF COMMUNICATIONS TO COUNCIL:** All items were addressed earlier in the meeting.

**COUNCIL COMMENTS:** *Ex officio* Poundstone mentioned that October 27, 2021, would be the Joint Student Government and City Council meeting. He will be meeting with a Senator regarding a couple project ideas that he will mention at the next meeting.

Council Member Gartin stated a comment had been made by Reiny Friedrich regarding Adams Street. It is a side street that comes off Dawes that has not been paved. He stated that the City currently has a Policy that they expect the adjoining property owners to pay for the paving, but he is concerned about short portions like this one. The cost of the pavement would be excessive for the adjoining property owners; therefore, the area will never get paved.

Moved by Gartin, seconded by Beatty-Hansen, to put the comment from Reiny Friedrich on a future agenda to look into further.

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

Mayor Haila encouraged everyone to go out and Vote on November 2, 2021. He noted that the Climate Action Plan Town Hall Meeting was held on October 25, 2021, and the meeting was very engaging.

**ADJOURNMENT:** Moved by Betcher to adjourn the meeting at 9:02 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