



MEMO

To: Mayor and City Council
From: Jeramy Neefus, Principal Clerk, City Manager's Office
Date: June 6, 2025
Subject: Packet of Communications to Council

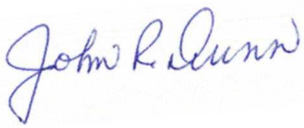
Listed below are the communications to the City Council known to staff as of June 6, 2025:

1. John Dunn, Water and Pollution Control Director – May 27, 2025
RE: Ada Hayden Water Quality Monitoring
2. Max Rothschild, Ames Resident – May 28, 2025
RE: Deer Hunting in Munn Woods
3. Taylor Francis, Wasker, Dorr, Wimmer, & Marcouiller, P.C. – May 30, 2025
RE: Request for Zoning Text Amendment Regarding Common Open Space



Memo

To: Mayor Haila & City Council

From: John Dunn, Director 

Date: May 27, 2025

Subject: **Summary of Ada Hayden Water Quality Monitoring**

On May 9, 2023, the City Council awarded a two-year contract for water quality monitoring of the lakes at Ada Hayden Heritage Park to the State Hygienic Laboratory at the University of Iowa (SHL).

Monitoring of the lakes is included as a part of the Capital Improvements Plan for the Water and Pollution Control Department. The long-range budgeting for that Plan includes a round of monitoring of the lakes at Ada Hayden on five- to seven-year intervals. Each round of monitoring is planned to be conducted over two consecutive summers. The rationale behind this monitoring schedule was that the year-to-year fluctuations in the data can be too significant to be able to draw any long-term conclusions; there is too much “noise” in the data. By averaging the results from two consecutive years and then comparing the results every five to seven years, the year-to-year fluctuations can be dampened, allowing trends to be more easily discerned.

The study found that the overall water quality is as good as, or better than, statewide values published by the Iowa Department of Natural Resources. They also found no significant changes in water quality over the past 24 years.

Attached is a summary of the investigation and conclusions provided by SHL. The full text of the report, including data and trends, is available on the City’s web site at this URL:

<https://www.cityofames.org/My-Government/Departments/Water-Pollution-Control/Ada-Hayden-Water-Quality-Monitoring>

Water Quality Sampling at Ada Hayden Heritage Park Summary of 2023-2024 Results

Water quality monitoring was conducted by the State Hygienic Laboratory Limnology Section staff at Ada Hayden Heritage Park from June 28, 2023, to October 2, 2023, and from March 26, 2024, to October 16, 2024. Samples were collected from the north and south cells of Ada Hayden Lake, the three wetlands that discharge to the lake, and the lake outlet. One hundred and sixty-six samples were collected and analyzed for 28 different parameters.

Samples were collected twice per month at approximately two-week intervals in the north and south cells of the lake, near the deepest point in each cell. Field measurements, depth profiles, and integrated depth samples were collected from each cell during each visit.

Like many lakes in Iowa, sampling demonstrated that Ada Hayden Lake is a mesotrophic to eutrophic lake. Both cells of the lake showed strong thermoclines throughout the entire sampling period and reduced dissolved oxygen concentrations below the thermocline, indicative of a eutrophic lake pattern.

Average concentrations of nitrate + nitrite nitrogen and orthophosphate in lake samples were less than the detection limit during most of the study period, except for nitrate + nitrite nitrogen in the south cell, which was above the detection limit in samples collected during the spring and early summer of 2024. **Average chlorophyll a, E. coli, total Kjeldahl nitrogen, total phosphorus, total suspended solids, and turbidity were less than the current state-wide median values reported by the Iowa DNR (<https://programs.iowadnr.gov/aquia/Programs/Lakes>). The average trophic state indices, an indicator of the level of nutrients and algal productivity, were also less than the current state-wide median. Average Secchi depths, a measure of the transparency of the water, were greater than the state-wide median.**

Measured algal toxins (microcystin, cylindrospermopsin, anatoxin-a, and saxitoxin) were below the detection limit in both cells of the lake during both years, except for samples collected on

October 16, 2024. Samples collected from both cells on that date had results for saxitoxin that were slightly greater than the detection limit.

The three wetlands studied intercepted surface water and storm water runoff before they entered the lake, and were sampled once per month and after significant rainfall events. All three wetlands were found to reduce the amount of nitrate + nitrite nitrogen and total nitrogen entering the lake. Adversely, water flowing from the wetlands showed an increase in the amount of chlorophyll a as water passed through the wetlands.

The lake outlet was sampled once per month, concurrent with lake and wetland tributary sampling. Results from the lake outlet samples were similar to the results from the south cell depth integrated samples, with the exception of *E. coli*. In 2024, the geometric means of *E. coli* concentrations were higher in the lake outlet samples than in the south cell depth integrated samples. The geometric means of *E. coli* concentrations in the lake outlet and south cell were the same in 2023.

For more information, please contact Dustin Albrecht (City of Ames Water & Pollution Control Department) at 515-239-5150 or Jim Luzier (State Hygienic Laboratory) at 515-725-1638.

Hall, Renee

From: Rothschild, Max F [AN S] <mfrothsc@iastate.edu>
Sent: Wednesday, May 28, 2025 12:01 PM
To: City Council and Mayor
Cc: goeff.huff@cityofames.org; Rothschild, Denise J; Maxrothschild18@gmail.com
Subject: Too Many Deer eating our expensive plants
Attachments: 20250515_060001.jpg

[External Email]

Dear City Council Members, the Mayor, City Clerk and Chief of Police.

We are Ames residents for the past 45 years. We live at 511 Oliver Circle and our house backs up to the wooded corridor next to Munn Woods and Emma McCarthy Lee Park. My neighbors and we suffer from the constant over running by herds (yes herds) of deer. Sometimes as many as 20 can be seen together on our front lawns. Please see the attached picture of 7 deer across from my house in the middle of the day after I chased them off my front lawn and garden. Years ago the herd size was much smaller now there are too many and they have no fear of humans. The damage to area landscaping and property value is considerable and some people are putting up ugly fencing that in general does not work. Other deterrents have limited value. Other issues include the likely starving of animals in the winter, possible wasting disease in the herd and frequent near misses by vehicles in our area.

As an animal lover and not a deer hunter I was reluctant to write this letter but enough is enough. While I have discussed this with some of you, I am writing this letter with the purpose of kindly requesting that the City allow supervised hunting in the region of Munn Woods and Emma McCarthy Lee Park. Hunting is allowed in some other parts of the city but it is needed here, too . Please put this issue on the city council's agenda and let's get some action to reduce this extensive problem.

Please feel free to call me (515-451-1362 or my wife Denise (515-451-3672) to discuss. Thank you.

Regards,

Max and Denise Rothschild

Maxrothschild18@iastate.edu

mfrothsc@iastate.edu

cell 515-451-1362

Hall, Renee

From: Moore, Justin
Sent: Monday, June 2, 2025 8:36 AM
To: Hall, Renee
Cc: Diekmann, Kelly
Subject: PUD Text Amendment Request
Attachments: copier@wdwm.net_20250530_155803.pdf

Renee,

Attached is a text amendment request for City Council for the next meeting.

Thanks,
Justin

From: Taylor Francis <tfrancis@wdwm.net>
Sent: Friday, May 30, 2025 4:03 PM
To: Joshua Moulton <moulton.josh@gmail.com>; Moore, Justin <justin.moore@cityofames.org>
Subject: RE: South 4th Update

[External Email]

This is the first stab at it. Expecting revisions to make sure it really accomplishes what you need it to, but this will be the jumping off point. Give it a look, redline if you would like, and/or let me know what changes you want made.

I've currently addressed it from myself and signed it myself, but I can add in more context about this specific development, get Josh's name on it, etc. if we feel that is better. Doesn't matter to me.

Thanks,

Taylor R. Francis

Wasker, Dorr, Wimmer & Marcouiller, P.C.
4201 Westown Parkway - Suite 250
West Des Moines, Iowa 50266
515-283-1801 (office)
515-283-1802 (fax)
<http://www.wdwm.net>

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From: Joshua Moulton <moulton.josh@gmail.com>
Sent: Saturday, May 24, 2025 12:13 PM
To: Taylor Francis <tfrancis@wdwm.net>; Justin Moore <justin.moore@cityofames.org>
Cc: Branden W. Stubbs <branden@stubbs3.com>; Tamijha Wilson <tamijha@stubbs3.com>
Subject: Re: South 4th Update

Justin
Could you set up a quick call with Taylor to draft the PUD letter?

Josh Moulton
Sent from my iPhone

On May 24, 2025, at 11:18 AM, Taylor Francis <tfrancis@wdwm.net> wrote:

Good Morning,

I would be happy to draft one. I may need a bit more context than just what I have in this chain, though.

Thanks,

Taylor Francis
Wasker Law Firm

From: Joshua Moulton <moulton.josh@gmail.com>
Sent: Friday, May 23, 2025 5:16 PM
To: Branden W. Stubbs <branden@stubbs3.com>; Tamijha Wilson <tamijha@stubbs3.com>; Taylor Francis <tfrancis@wdwm.net>
Subject: Re: South 4th Update

Branden, see below, did we address this?

Taylor - Can you draft a letter on my behalf to address Justin Moore's "Kelly and I spoke and we believe that it would be beneficial for you to submit a letter to Council requesting a text amendment to clarify and address PUD sites less than 2 acres with regard to the 10 percent open space being set aside on its own versus incorporated into the other natural open space on site among/between the units (patios, walkout spaces, etc). In order to move the process along it would be best to submit your letter this week."

On Tue, May 20, 2025 at 10:38 AM Joshua Moulton <moulton.josh@gmail.com> wrote:

Tamijha

How should I respond to the south duplex patio question? Are we able to incorporate these in?

And as far as submitting a letter...do we need our attorney to write this?

Josh Moulton

Sent from my iPhone

Begin forwarded message:

From: "Moore, Justin" <justin.moore@cityofames.org>
Date: May 20, 2025 at 10:34:45 AM CDT
To: Joshua Moulton <moulton.josh@gmail.com>
Cc: "Diekmann, Kelly" <kelly.diekmann@cityofames.org>
Subject: RE: South 4th Update

Josh,

Kelly and I spoke and we believe that it would be beneficial for you to submit a letter to Council requesting a text amendment to clarify and address PUD sites less than 2 acres with regard to the 10 percent open space being set aside on its own versus incorporated into the other natural open space on site among/between the units (patios, walkout spaces, etc). In order to move the process along it would be best to submit your letter this week.

Site question,

I notice on the site plan that the south units don't appear to have any walkout/patio space on the south side of the units? Is there a plan to? I noticed the grade does start to change right away. It appears there are sliding door rear accesses based on the floor plans and elevations.

Thanks,
Justin

-----Original Message-----

From: Joshua Moulton <moulton.josh@gmail.com>
Sent: Wednesday, May 14, 2025 11:11 AM
To: Moore, Justin <justin.moore@cityofames.org>
Cc: Diekmann, Kelly <kelly.diekmann@cityofames.org>
Subject: Re: South 4th Update

[External Email]

Ok great

Thanks!

Josh Moulton
Sent from my iPhone

On May 14, 2025, at 11:00 AM, Moore, Justin
<justin.moore@cityofames.org> wrote:

Josh,

They continued the hearing on it which delays decision until the next meeting. The developer is redesigning an item which they will be coming back with at the May 27th meeting. The determination on open space requirement was not made but should be at the next meeting.

In the meantime we are finishing review on the revisions your engineer sent and I should have the remaining comments on that, if any, sent out by end of day today.

Thanks,
Justin

-----Original Message-----

From: Joshua Moulton <moulton.josh@gmail.com>
Sent: Wednesday, May 14, 2025 9:33 AM
To: Moore, Justin <justin.moore@cityofames.org>
Subject: Re: South 4th Update

[External Email]

Hey Justin
Checking to see how the meeting last night?

Josh Moulton
Sent from my iPhone

On May 9, 2025, at 8:31 AM, Moore, Justin
<justin.moore@cityofames.org> wrote:

Josh,

Its Tuesday next week.

Thanks,
Justin

-----Original Message-----

From: Joshua Moulton
<moulton.josh@gmail.com>
Sent: Friday, May 9, 2025 8:19 AM
To: Moore, Justin
<justin.moore@cityofames.org>
Subject: Re: South 4th Update

[External Email]

Was that meeting Tuesday this week or next week?

Josh Moulton
Sent from my iPhone

On May 6, 2025, at
2:46 PM, Moore,
Justin
<justin.moore@cityofames.org> wrote:

Josh,

We will know more after Tuesday night's Council meeting. I will reach out after to discuss.

Thanks,
Justin

-----Original Message-----

From: Joshua Moulton
<moulton.josh@gmail.com>

Sent: Tuesday, May 6, 2025 1:38 PM

To: Moore, Justin
<justin.moore@cityofames.org>

Subject: South 4th Update

[External Email]

Hey Justin

Checking in to see how you were progressing with my project? Were you able to find a path forward for your other deal P&Z denied?

Thanks!

Josh Moulton

Sent from my iPhone

--

Joshua L Moulton

LAW OFFICES

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May 30, 2025

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01/16/27 – 06/05/15

CHARLES F. WASKER
02/04/26 – 12/09/16

REQUEST FOR TEXT AMENDMENT TO AMES MUNICIPAL CODE
CHAPTER 29, ARTICLE 11 (OVERLAY ZONES)

Mayor John Haila & Ames City Council
City Hall
515 Clark Avenue
Ames, IA 50010

Ladies and Gentlemen:

Our office has been asked to put forward a letter requesting a text amendment to Chapter 29, Article 11 of the Ames Municipal Code. Our specific request is for an amendment to the Common Open Space and Amenities requirement shown in Table 29.1114 (5) Planned Unit Development Overlay District (PUD) Supplemental Development Standards, which states that a minimum of 10% of gross area shall be devoted to common open space.

There is a possible interpretation of the existing language that this 10% must be dedicated, set aside, separate open space, independent from open space given to individual residents via walkouts, patios, balconies, etc. This interpretation could be seen to hold true for sites of various sizes, layouts, and purposes, but may not be effective for all of them.

To that end, we are requesting a minor, targeted exception to this rule, stating that, specifically, smaller infill development sites of less than 2 acres, are allowed to count such extra open spaces from walkouts, etc. towards their 10% goal. This exception would not apply to any sites other than infill development sites, and only to

those infill sites that are less than 2 acres, which are the sites which are most in need of flexibility in these requirements to make sure of such spaces.

Per Sec. 29.1114(1), one of the stated goals of The Planned Unit Development (PUD) Overlay zone is to "encourage context-sensitive infill development." We believe that this text amendment would further this policy objective. It would also help "provide for innovative and imaginative development through flexibility in... use of open space."

Further, exceptions like this for infill development have already been made in the Ames zoning code. For example, an exception is already written into the PUD ZONE Area Requirement, which states that the required minimum area of two acres or more for such sites be waived for infill development sites.

In summary, we feel that this small, targeted change to the language of the Municipal Code could provide the chance for more flexible and creative development, allowing for better use of smaller infill spaces.

Respectfully submitted,

WASKER, DORR, WIMMER & MARCOUILLER, P.C.

A handwritten signature in cursive script that reads "Taylor R. Francis".

Taylor R. Francis