

AGENDA
REGULAR MEETING OF THE AMES CITY COUNCIL
COUNCIL CHAMBERS - CITY HALL
JULY 26, 2011

NOTICE TO THE PUBLIC: The Mayor and City Council welcome comments from the public during discussion. If you wish to speak, please complete an orange card and hand it to the City Clerk. When your name is called, please step to the microphone, state your name for the record, and limit the time used to present your remarks in order that others may be given the opportunity to speak. The normal process on any particular agenda item is that the motion is placed on the floor, input is received from the audience, the Council is given an opportunity to comment on the issue or respond to the audience concerns, and the vote is taken. On ordinances, there is time provided for public input at the time of the first reading. **In consideration of all, if you have a cell phone, please turn it off or put it on silent ring.**

CALL TO ORDER: 7:00 p.m.

RECOGNITION:

1. Recognition of Fleet Services for being one of *100 Best Fleets* in North America

CONSENT AGENDA: All items listed under the consent agenda will be enacted by one motion. There will be no separate discussion of these items unless a request is made prior to the time the Council members vote on the motion.

2. Motion approving payment of claims
3. Motion approving Minutes of Regular Meeting of July 12, 2011, and Special Meeting of July 15, 2011
4. Motion approving Report of Contract Change Orders for July 1-15, 2011
5. Motion approving renewal of the following beer permits, wine permits, and liquor licenses:
 - a. Class C Liquor – Applebee’s, 105 Chestnut
 - b. Class C Liquor – Sportsman’s Lounge, 123 Main Street
 - c. Class B Beer – Pizza Ranch of Ames, 1404 Boston Avenue
6. Resolution approving 2011/12 Funding Agreement with Ames Historical Society
7. Resolution approving 2011/12 Funding Agreement with Main Street Cultural District
8. Resolution approving extension of Funding Agreement to December 31, 2011, for shared Sustainability Coordinator
9. Resolution authorizing staff to work with the Office of Energy Independence to amend existing grant contract to fund the projects, using Cool Cities CIP funds as a match source
10. Resolution approving permanent Pedestrian Easement from United States Post Office in connection with 2010/11 Downtown Pavement Improvements project
11. Resolution approving renewal of contract with EMC Risk Services for Third-Party Administration of Worker’s Compensation and Municipal Fire and Police claims
12. Resolution approving preliminary plans and specifications for 2009/10 Concrete Pavement Improvements; setting bid due date for August 17, 2011, and August 23, 2011, as date of public hearing
13. Resolution approving renewal of contract with Fletcher Reinhardt Company of Cedar Rapids, Iowa, in the amount of \$3,434.84 each for Power Quality Socket Type Electric Meters
14. Resolution approving contract and bond for 2011/12 Water System Improvements (Water Main Replacement for Graeber Street/Hughes Avenue)
15. Resolution approving contract and bond for Substation Control Panel Installations

16. Resolution approving Change Order to Weitz Company for not-to-exceed amount of \$45,289 for additional sheet piling as a result of poor soil conditions for Intermodal Facility
17. 519 South Duff Avenue:
 - a. Resolution rescinding approval of former Plat of Survey
 - b. Resolution approving new Plat of Survey
18. Resolution approving Plat of Survey for 2900 and 2910 West Street

PUBLIC FORUM: This is a time set aside for comments from the public on topics of City business other than those listed on this agenda. Please understand that the Council will not take any action on your comments at this meeting due to requirements of the Open Meetings Law, but may do so at a future meeting. The Mayor and City Council welcome comments from the public; however, at no time is it appropriate to use profane, obscene, or slanderous language. **The Mayor may limit the time given to each speaker.**

PERMITS, PETITIONS, AND COMMUNICATIONS:

19. Motion approving new Special Class C Liquor, B Wine, and B Native Wine Permit with Outdoor Service for Wheatsfield Grocery, 413 Northwestern Avenue, Suite 105
20. Motion approving new Class E Liquor, C Beer, and B Wine Permit for AJ's Liquor II, 2515 Chamberlain Street
21. Motion approving encroachment permit for sign at 134 Main Street
22. Staff report on request for water service request for 2121 State Avenue
23. Staff report on request from Mother Lode Enterprises for up to five unrelated persons in the Neighborhood Commercial zone
24. Staff report on request from business owners dated June 11, 2011, requesting another access route to enter businesses at 421 and 431 South Duff Avenue

PUBLIC WORKS:

25. Staff report on 3409 - 3413 South Duff Avenue drainage referral
26. Resolution approving redirection of G.O. Bonds from Grand Avenue Extension in 2011/12 Capital Improvements Plan

PLANNING & HOUSING:

27. Discussion of proposed demolition of former Greek House at 129 Ash Avenue:

WATER & POLLUTION CONTROL:

28. Resolution approving revisions to the non-domestic waste pre-treatment program

ELECTRIC:

29. Resolution approving Change Order to Professional Legal Services Agreement with BrownWinick for 161-kV Tie Line

ADMINISTRATION:

30. Discussion of changes in boundaries for wards and precincts as a result of redistricting

HEARINGS:

31. Hearing on WPC Plant Switchgear Rehabilitation Project:
 - a. Resolution approving final plans and specifications and awarding contract to Ziegler Power Systems of Altoona, Iowa, in the amount of \$31,854.00
32. Hearing on Grand Avenue Extension (from South 16th Street North approximately 400 Feet):

- a. Resolution approving final plans and specifications and awarding contract to Con-Struct of Ames, Iowa, in the amount of \$466,290.49
- 33. Hearing on rezoning of property located at 1820 South Dayton Place to add the Southeast Gateway Overlay District (O-GSE):
 - a. First passage of ordinance
- 34. Hearing on Major Site Development Plan for 2899 Bloomington Road:
 - a. Resolution approving Major Final Plat for Northridge Heights, 14th Addition
 - b. Resolution approving Plan to permit construction of apartment buildings west of Fareway store

ORDINANCES:

- 35. First passage of ordinance correcting scrivener's error regarding Mechanical Unit screening definition
- 36. First passage of ordinance changing name of Cardiff Drive to Grayhawk Avenue
- 37. Third passage and adoption of ORDINANCE NO. 4077 rezoning property at 3409-3413 South Duff Avenue from Agricultural (A) to Highway-Oriented Commercial (HOC)
- 38. Third passage and adoption of ORDINANCE NO. 4078 rezoning property at 516 Kellogg Avenue from Government/Airport (S-GA) to Downtown Service Center (DSC)
- 39. Third passage and adoption of ORDINANCE NO. 4079 rezoning property at 500 Kellogg Avenue from Downtown Service Center (DSC) to Government/Airport (S-GA)

COUNCIL COMMENTS:

ADJOURNMENT:

***Please note that this agenda may be changed up to 24 hours before the meeting time as provided by Section 21.4(2), *Code of Iowa*.**



REPORT OF CONTRACT CHANGE ORDERS

Period:	☒	1st – 15th
	☐	16th – end of month
Month and year:	July 2011	
For City Council date:	July 26, 2011	

Department	General Description of Contract	Contract Change No.	Original Contract Amount	Contractor/ Vendor	Total of Prior Change Orders	Amount this Change Order	Change Approved By	Purchasing Contact Person/Buyer
Electric Services	Specialized Cleaning Services, including Grit Blasting, Hydro Blasting, Detonation Blasting, and Vac Truck Services for the Power Plant Boilers	2	\$201,000.00	W S Industrial Services Inc.	\$0	\$0 (reallocated \$8,000 from #7 boiler cleaning account to #8 boiler cleaning account)	D. Kom	ES
Public Works	2010/11 Arterial Street Pavement Improvements (6 th St/ Northwestern - Grand)	2	\$396,314.60	Con-Struct, Inc.	\$3,505.26	\$4,680.00	T. Warner	MA
Electric Services	Obtaining Electric Transmission Line Franchise	3	\$100,000	Brown Winnick Attorneys at Law	\$50,000	\$10,000	D. Kom	CB
Electric Services	161-kV Transmission Line Routing Selection Study	2	\$117,250	Burns and McDonnell Engineering, Inc.	\$24,900	\$20,472.28	D. Kom	CB
Transit	Ames Intermodal Facility	1	\$7,115,000.00	The Weitz Company, LLC	\$0.00	\$3,089.00	S. Kyras	MA

Transit	Ames Intermodal Facility	2	\$7,115,000.00	The Weitz Company, LLC	\$3,089.00	\$0 (Voided by Contract Administrator)	S. Kyras	MA
Transit	Ames Intermodal Facility	3	\$7,115,000.00	The Weitz Company, LLC	\$3,089.00	\$2,581.00	S. Kyras	MA
Transit	Ames Intermodal Facility	4	\$7,115,000.00	The Weitz Company, LLC	\$5,670.00	\$0 (Sanitary Structure Location Change)	S. Kyras	MA



Memo

Police Department

5a-c

TO: Mayor Ann Campbell and Ames City Council Members

FROM: Commander Geoff Huff – Ames Police Department

DATE: July 1, 2011

SUBJECT: Beer Permits & Liquor License Renewal Reference City Council Agenda
July 26, 2011

The Council agenda for July 26, 2011, includes beer permits and liquor license renewals for:

- Class C Liquor – Applebee's, 105 Chestnut
- Class C Liquor – Sportsman's Lounge, 123 Main Street
- Class B Beer – Pizza Ranch of Ames, 1404 Boston Avenue

A review of the Ames Police Department's records found no violations for Applebee's or Pizza Ranch during the past twelve months.

A review of the Ames Police Department's records for Sportsman's Lounge found that one individual was cited for on the premises under age in the past twelve months.

The Police Department would recommend renewal of all three establishments.

AMES HISTORICAL SOCIETY AGREEMENT

THIS AGREEMENT, made and entered into this 1st day of July, 2011, by and between the CITY OF AMES, IOWA (hereinafter called "City"); and AMES HISTORICAL SOCIETY, an Iowa nonprofit corporation (hereinafter called "AHS"),

WITNESSETH THAT:

The parties hereto have agreed and do hereby agree that:

I PURPOSE

The purpose of this Agreement is to state the nature, limits, and procedure for operational financial support by the City to AHS during the fiscal year ending June 30, 2012.

II SCOPE OF SUPPORT

In Fiscal Year 2011/12, the City shall make payments to AHS in the amount of \$16,000 to be used by AHS to pay for the expenses of rent, mortgage, and related occupancy costs necessary to provide the facilities to house historical material, archives and artifacts; and \$2,000 to be used to accomplish "The Mayors' Recognition Project."

The said payment shall be as "matching funds" for an equal or greater amount obtained by AHS from annual membership revenue.

III METHOD OF PAYMENT

Disbursement of funds appropriated by Section II above shall occur as follows:

a. Requests for reimbursement shall be made in writing and include an itemization of the expenditures for which reimbursement is requested, broken down in the categories provided in Section II above. The request shall also include copies of invoices, cancelled checks or other evidence of payment, and receipt for goods or services provided in Section II above.

b. The maximum total amount payable by the City under this Agreement is \$18,000, as detailed in Section II above, and no greater amount shall be paid.

c. AHS shall repay to the City any disbursed funds for which required documentation of actual expenses is not provided when requested by City.

IV
DURATION

This Agreement shall be in full force and effect from and after July 1, 2011, until June 30, 2012. No disbursements shall be made under this Agreement after June 30, 2012.

V
SUMMARY REPORT

AHS further agrees to provide the City of Ames an annual written report no later than August 31, 2012, summarizing the accomplishments of its activities.

IN WITNESS WHEREOF, the parties hereto have, by their authorized representatives, set their hand and seal as of the date first above written.

CITY OF AMES, IOWA

AMES HISTORICAL SOCIETY

By: _____
Ann H. Campbell, Mayor

By: _____
Peggy Baer, President

Attest: _____
Diane R. Voss, City Clerk

By: _____
Ken Cameron, Treasurer

MAIN STREET CULTURAL DISTRICT AGREEMENT

THIS AGREEMENT, made and entered into effective the 1st day of July, 2011, by and between the CITY OF AMES, IOWA, a municipal corporation organized and existing pursuant to the laws of the State of Iowa (hereinafter called "City") and AMES CHAMBER OF COMMERCE, an Iowa non-profit corporation d/b/a AMES MAIN STREET CULTURAL DISTRICT (hereinafter called "District");

W I T N E S S E S T H A T :

WHEREAS, the City has determined that certain services that can be provided to the City by the District, as hereinafter described and set out, should be purchased by the City from the District in accordance with the terms hereinafter stated; and,

WHEREAS, the parties hereto desire to make a contract and agreement for the purchase of services as aforesaid;

NOW, THEREFORE, the parties hereto have agreed and do agree as follows:

I.

PURPOSE

The purpose of this Agreement is to secure the services of an agency that will plan and coordinate public events on and in the vicinity of Main Street, Ames, Iowa for the economic and cultural enhancement of the community of Ames.

II.

SCOPE OF SERVICES

District shall provide the services that were stated in its proposal to the City; and by way of specification, but not limitation:

A. Employ a person who shall be fully engaged in performing the work and tasks reasonably related to achieving the purpose of this Agreement.

B. Provide a one-stop source of information for Cultural District activities, promote Cultural District events, implement coordinated district-wide marketing campaign, and generate more media exposure of the Cultural District.

III.

METHOD OF PAYMENT

A. The City shall make one lump sum payment of Thirty Thousand Dollars (\$30,000) to the District within thirty (30) days of the execution of this Agreement.

B. The said payment shall be used by District in the amount of \$25,000 for operating expenditures and \$5,000 of plantings and other beautification items.

IV.

FINANCIAL ACCOUNTING

A. All money disbursed by the City under this Agreement shall be accounted for.

B. All expenditures by the District of money paid to the District by the City under this Agreement shall be supported by properly prepared payroll documents, time records, contracts, leases, invoices, or other documents showing in proper detail, that such expenditures are in accordance with the terms of this Agreement.

C. Any expenditure of funds under this Agreement that is contrary to the terms of this Agreement shall be grounds for the City to immediately terminate the Agreement and to recover from the District the amount of any and all such expenditures.

V.

PROHIBITED USE OF FUNDS

The funds disbursed by City to District shall not be used to further the election or defeat of any candidate for public office; or, for the passage or defeat of any ballot issue.

VI.

DISCRIMINATION PROHIBITED

No person shall be excluded from participation in, or denied the benefits of, or be subjected to discrimination, on the basis of race, color, national origin, physical handicap, age, sex or sexual orientation, with respect to any program or activity that has received support by virtue of this Agreement.

VII.

DURATION

This Agreement shall be in full force and effect from and after July 1, 2011, through and including June 30, 2012. Any money disbursed by the City to the District and unencumbered or unspent as of the effective date of termination of this Agreement shall be repaid by the District to the City immediately.

VIII.

SUMMARY REPORT

The District further agrees to provide the City of Ames an annual written report no later than August 31, 2012, summarizing the accomplishments of its activities.

IN WITNESS WHEREOF, the parties hereto have, by their authorized representatives, caused this instrument to be executed.

AMES MAIN STREET CULTURAL DISTRICT

THE CITY OF AMES

By: _____
_____, President

By: _____
Ann H. Campbell, Mayor

Ames Chamber of Commerce

By: _____
_____, President
Main Street Cultural District

Attest by: _____
Diane Voss, City Clerk



Memo

City Manager's Office

8

TO: Mayor and Ames City Council Members

FROM: Steven L. Schainker, City Manager

DATE: July 21, 2011

SUBJECT: Extension of Sustainability Advisory Services Contract With ISU

On July 1, 2011, the City entered into a contract with Iowa State University to utilize the services of their full-time Director of Sustainability. According to the contract, the City will contribute to the University \$2,083.33 per month, or \$25,000 annually, towards the total cost of this position. This arrangement represents another example of how the City and University have partnered to benefit of both entities.

As you will recall, the initial assignment from the City Council for the Director of Sustainability was to work with a community task force to develop a plan to reduce electric consumption in non-city government operations throughout the community. To date, I have been very pleased with the value received from the work of Merry Rankin and her leadership role with the Sustainability Task Force. While the task force members have worked very hard to complete their assignment by the end of the fiscal year, the final report to the Council is now scheduled for mid-August. If the City Council hopes to obtain results from this initial task, then the existing contract should be extended. **Not knowing how long it will take for the Council to ultimately approve the final report or how much additional effort might be expected of the task force in regards to this assignment, I would suggest extending the existing contract through the end of 2011.**

It is important to note that once this assignment is complete, the City Council will have to decide what the next assignment, if any, should be given to the Director of Sustainability. The assignment could be as focused as the first and request, for example, the development of a plan to reduce water/sewer/gas consumption, or it could be much broader calling for a comprehensive City-wide Sustainability Plan. Once the Council decides on the future direction, the existing agreement will have to be amended to reflect this new scope of work.

COUNCIL ACTION FORM

SUBJECT: APPROVING REAPPROPRIATION OF IOWA EECBG FUNDING

BACKGROUND:

In 2009, the City of Ames applied for and received \$63,000 in grant funding from the Iowa Office of Energy Independence (OEI) for installation of LED traffic signals, a pilot LED streetlight project, a pilot LED parking lot lighting project, and energy efficiency improvements to the Animal Shelter. This grant funding was matched 1:1 with City funds.

The LED lighting projects have been completed with all expenses paid and appropriate reimbursements made by OEI. These projects were completed under budget. In June, the City received only one bid for an amount above the budget for the Animal Shelter project. Re-bidding the project will take longer than the grant timeline will allow, so staff contacted OEI to determine possible alternative uses of our grant award.

The unused portion of the Animal Shelter project funds and the cost savings from the other three projects leaves the City with \$25,815 in unused grant funds. Staff has met with OEI and identified projects that would be an acceptable use of these funds from the list developed during Alliant Energy's 2010 energy audit of City facilities. These projects were originally to be funded using the Cool Cities CIP. The following projects were deemed acceptable by OEI and staff believes they can be accomplished under the conditions of the grant:

Building	Project	Est. Cost	Payback (yrs.)
Ice Arena	Replace metal halide lights	\$18,000	8.7
Fire 3	Retro-commission temperature controls	\$24,000	3.7
Parks Maint.	Convert T12 lights to T8	\$4,100	10.8
City Hall	Replace gym lights and install occupancy sensors	\$3,900	4.2
Parks Office	Convert T12 lights to T8	\$3,300	9.7
TOTAL		\$53,300	7.4

The funds in the Cool Cities CIP can be used as a matching source. Therefore, \$25,815 would come from grant funds and \$27,485 would come from the Cool Cities CIP to fund these projects. This would allow needed improvements to occur to City facilities and will fully utilize the remainder of our grant award. Additionally, any energy rebates that these projects would be eligible for would return to the Cool Cities CIP fund, helping to fund additional projects.

ALTERNATIVES:

1. Authorize staff to work with the Office of Energy Independence to amend our existing grant contract to fund the projects listed above, using Cool Cities CIP funds as a match source.
2. Do not authorize the contract change, forfeiting the \$25,815 remaining in our grant award.

MANAGER'S RECOMMENDED ACTION:

The projects in the Cool Cities CIP are needed improvements to City facilities. Authorizing the use of these funds as a matching source will allow more projects to be completed than originally planned, saving the City money and reducing our use of energy. Choosing to not authorize this action would forfeit the remainder of the grant award already made to the City. Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby authorizing staff to work with the Office of Energy Independence to amend our existing grant contract to fund the projects listed above, using Cool Cities CIP funds as a match source.

COUNCIL ACTION FORM

SUBJECT: APPROVAL OF EASEMENTS FOR THE 2010/11 DOWNTOWN STREET PAVEMENT IMPROVEMENTS PROJECT (KELLOGG AVENUE – MAIN STREET TO 7TH STREET, AND MAIN STREET – ALLAN DRIVE TO CLARK AVENUE)

BACKGROUND:

The annual Downtown Street Pavement Improvements program is for rehabilitation/reconstruction of streets within the downtown area. The 2010/11 program locations are Kellogg Avenue (Main Street to 7th Street) and Main Street (Allan Drive to Clark Avenue). On April 12, 2011, Council awarded the contract to Con-Struct, Inc. of Ames, Iowa, in the amount of \$1,446,369.00.

The Kellogg Avenue portion includes new angled parking at the United States Post Office (USPS) to increase capacity from six spaces to nine. In order to accommodate the construction of these new angled spaces, it has been found that a temporary construction easement is needed to perform the necessary construction. Additionally, due to the new configuration of parking in front of the USPS, a permanent Pedestrian Easement is also required to allow public pedestrians to use the newly constructed sidewalk on USPS property. These easements are being granted to the City at no cost and the subject area is shown on the attached sheet.

ALTERNATIVES:

1. Approve the easement agreements with the USPS.
2. Reject the easement agreements.

MANAGER'S RECOMMENDED ACTION:

By approving the easement, construction on the project in the area will continue to remain on schedule for completion. On-street parking will increase in front of the United States Post Office and public pedestrian access will continue.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the easement agreements with the USPS.

Please return to:
City of Ames
515 Clark Avenue
Ames, Iowa 50010

2010-2011 Downtown Street Ames, Iowa Downtown Street

PUBLIC USE AND TEMPORARY CONSTRUCTION EASEMENT

THIS PERMANENT NON EXCLUSIVE PUBLIC USE EASEMENT TEMPORARY CONSTRUCTION EASEMENT, together referred to as (the Easement" is dated as of 21st day of July, 2011, by and between the United States Postal Service, an independent establishment of the Executive Branch of the United States Government (39 U.S.C. § 201), whose mailing address is 7500 E. 53rd Place Room 1104, Denver, CO 80226 ("Grantor or Owner"), and The City of **AMES**, an Iowa municipality whose address is 515 Clark Avenue, Ames, Iowa, 50010, ("Grantee or Municipality").

RECITALS

A. Grantor is the sole fee simple owner of certain real property (the "Grantor's Parcel") commonly known as the Ames, Iowa Main Office and legally described as Ames Post Office as legally described in Exhibit A attached hereto and incorporated herein.

B. Grantee desires to enter Grantor's parcel to reconfigure street parking and perform sidewalk construction for certain improvements and other construction work relating to an improvements project. Grantee has requested the Owner to provide a permanent easement for the purpose of allowing pedestrians to utilize the walkway along the Post Office frontage.

C. The portion of Grantor's Parcel that are the subject of this Easement ("Easement Areas") is also legally described as a portion of Ames Post Office Subdivision, Lot 3, plat number 2003-84, on file in the office of the Ames District Recorder, A, State of Iowa, said portion being more particularly described as follows:

Beginning at the northeast corner of said Lot 1, thence South 1°01'29" East along the ease line of said Lot 1, A distance of 22.89 feet to the point of beginning; Thence South 1°01'29" East Along the East lines of said Lots 1,2 and 3; A distance of 127.52 feet; Thence North 46° 01'29" W,

6.36 feet; Thence N 1°01'29" West, 118.52 Feet; Thence North 43° 58'31" East, 6.36 Feet to the point of Beginning and containing 0.01 Acres (554 sq. ft.).

Said Public Use Easement contains approximately 554 square feet.

See Exhibit B – Easement Plat which is attached hereto and incorporated herein.

Parcel

Parcel 1 is the permanent easement and parcel 2 is the temporary construction easement

C. Grantor and Grantee desire to set forth below their respective rights and obligations for an Easement on Grantor's Parcel.

AGREEMENTS

For the mutual benefit of both parties, and the mutual agreements that follow, Grantor and Grantee agree as follows:

1. Grantor hereby grants and conveys to Grantee, its successors, and assigns, a perpetual non exclusive public use Easement over, under, along, across, and through the Easement Area, for the purpose of use as a public walkway, with the right to license, permit or otherwise agree to the exercise of these rights by any other person, or entity. .

2. The Grantor also Grants to Grantee, its successors and assigns a temporary construction easement over and across the property described as Parcel 2 on Exhibit C attached hereto by this reference made a part hereof for completion of sidewalk construction and a reconfiguration of the street parking that accommodates diagonal parking which includes but is not limited to: (i)scaffolding, (ii)replace/repair the sidewalk surface (iii) storing and operating equipment thereon, (iv) storing supplies and materials in connection with construction of the Project, and (v) other related uses and purposes as defined herein. It is also agreed that the temporary easement rights herein granted shall terminate one (1) year from the date hereof or upon completion of the above mentioned construction project, whichever is sooner.

3. Construction on USPS Property. Grantor will perform construction for the USPS in accordance with the attached drawing that All improvements are the property of the USPS.

4. Grantor further conveys to Grantee with the Easement the right of ingress and egress to and from the Easement Area during construction. Grantee shall restore for Grantor any damage to the Property caused by the exercise of such right of access by Grantee.

5. Grantee shall provide Grantor with a copy of the insurance policy of the independent contractors performing work for the Grantee demonstrating adequate insurance for personal injury and property damage that may occur on Owner's premises with the Grantee and Grantor named as an additional insured.

6. The Parties agree that Grantee, its successors and assigns shall be responsible for maintenance and repair of the Easement Areas and any and all costs related thereto. Such maintenance and repairs shall include but are not limited to repair, grading, paving and removal of all trash and debris caused by Grantee's exercise of its rights under this Easement. .

7. The Parties agree that the Grantee shall not use the Easement in a manner that unreasonably interferes with use by the Postal Service.

8. The Grantee, by acceptance of this Easement, agrees for and on behalf of itself, its agents, servants, employees, invitees, and contractors who may at anytime use, occupy, visit, or maintain said Easement herein created that the Grantor, its successors and assigns, shall not be responsible for damage or loss to property, injuries, or death which may arise from or be incident to the use and occupation of the Easement as granted herein to Grantee, its agents, servants, employees, invitees, and contractors.

9. The Grantee, by acceptance of this Easement, agrees to defend, indemnify and hold the Grantor, its successors, and assigns harmless against any and all claims, demands, damages, costs, expenses, and legal fees for any loss, injury, death, or damage to persons or property which at any time is suffered or sustained by Grantor, its employees, the public, or by any person whosoever may at any time be using, occupying, visiting, or maintaining the property that is the subject of said Easement, or be on or about the property that is the subject of said Easement, when such loss, injury, death, or damage is asserted to have been caused by any negligent act or omission or intentional misconduct of the Grantee or its agents, servants, employees, invitees, or contractors. In case of any action or proceeding brought against the Grantor, by reason of such a claim, upon notice from the Grantor, Grantee covenants to defend such action or proceeding. The Grantor shall not be liable and the Grantee waives and releases the Grantor from all claims for damage to persons or property sustained by the Grantee or its employees, agents, servants, invitees, contractors, or customers resulting by reason of the use of the Easement.

10. Grantor reserves the right to use the Easement Area for any purpose not inconsistent with the rights herein granted. Grantee agrees throughout the duration of this Easement to provide the Grantor, its employees, customers, and the public with continual and uninterrupted access to the Postal Facility. In the event Grantee fails to provide continual and uninterrupted access to the Postal Facility, the Grantor has the option of terminating this Easement by providing written notice to the Grantee that the Easement is terminated at no cost to the Grantor. Upon receipt of said notice, Grantee has two (2) business days to remedy the situation. In the event Grantee fails to provide access to the Postal Facility within the 2 days, said notice of termination shall become final and the Easement is terminated. Upon termination of the Easement, Grantee shall restore any affected portion of the property as good or better condition that it existed prior to Grantee's access.

11. APPLICABLE LAWS. Any claim, controversy or dispute arising out of this Agreement and the construction of the Project shall be governed in accordance with the Contract Disputes Act, 42 U.S.C § 601 et seq. and applicable federal law.

12. The Grantor does not warranty that the Easement areas are suitable for the purpose of installation of said public walkway.

13. Notices shall be in writing to the following addresses:

GRANTOR

Contracting Officer
United States Postal Service
Western Facilities Service Office
7500 East 53rd Place RM 1108
Denver, CO 80266-9918

GRANTEE

City of Ames
515 Clark Avenue
Ames, Iowa 50010

IN WITNESS WHEREOF, the parties hereto have executed this Easement
of the day and year first above written.

Grantor:

United States Postal Service

By: Candace S. Hine

Contracting Officer

STATE OF Colorado

)

) ss

COUNTY OF Denver

)

On this 21 day of July, 2011, personally appeared before me
Candace S. Hine, Contracting Officer who being by me duly sworn, did
say that he/she represents the United States Postal Service, and acknowledged to me
that, acting under a delegation of authority duly given and evidenced by law and
presently in effect, he/she executed said instrument as the act and deed of the United
States Postal Service for the purposes therein mentioned.

CYNTHIA J. ORTIZ
NOTARY PUBLIC
STATE OF COLORADO

SEAL

My Commission Expires 12-17-2011

Cynthia J. Ortiz
NOTARY PUBLIC

My commission expires: _____

CERTIFICATE OF ACCEPTANCE

Public Use Easement
Proj. #2011 Downtown Street improvements

THIS IS TO CERTIFY that the Municipality of Ames, Project Management & Engineering Department, Grantee herein, acting by and through its Acting Director, hereby accepts for public purposes the real property, or interest therein, described in this instrument and consents to the recordation thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 20____.

CITY OF AMES

By: _____
Its: _____ Date: _____

STATE OF IOWA)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 20____.

Notary Public in and for Iowa
My Commission Expires: _____

EXHIBIT 'A'

POST OFFICE\
ORIGINAL DEEDS

DEEDS TO THE UNITED STATES OF AMERICA

BOOK 63, PAGE 353

LOT TWO (2) IN BLOCK NINE (9) IN THE ORIGINAL TOWN OF AMES,
IOWA.

BOOK 63, PAGE 354

LOT ONE IN BLOCK NINE, IN THE ORIGINAL TOWN OF AMES, IOWA.

BOOK 63, PAGE 355

LOT THREE (3) IN BLOCK NINE (9) IN THE ORIGINAL TOWN OF AMES,
IOWA.

DEED TO THE CITY OF AMES

BOOK 121, PAGE 342

THE SOUTH TWELVE (12) FEET OF LOT THREE (3), BLOCK NINE (9)
ORIGINAL TOWN SITE OF AMES, STORY COUNTY, IOWA.

EXHIBIT 'A'

* See microfilm (with platel, 2nd of 100)

AMES

Storg Co Iowa



Sept 20, 1865
 Marked lines shown as set at front corner of lot 9 & 10 block 4
 request of Geo. D. Binn. Was received from original owner
 J. P. Binn. Deputy Recorder

Filed for Record Jan. 18 1865
 at 12 O'clock P.M.
 Geo. D. Binn. Paid

EXHIBIT B - PARCEL 1

RETURN TO: CIVIL DESIGN ADVANTAGE, 3405 SE CROSSROADS DRIVE, SUITE G, GRIMES, IA. 50111, PH: 369-4400 FAX: 369-4410

EASEMENT PLAT

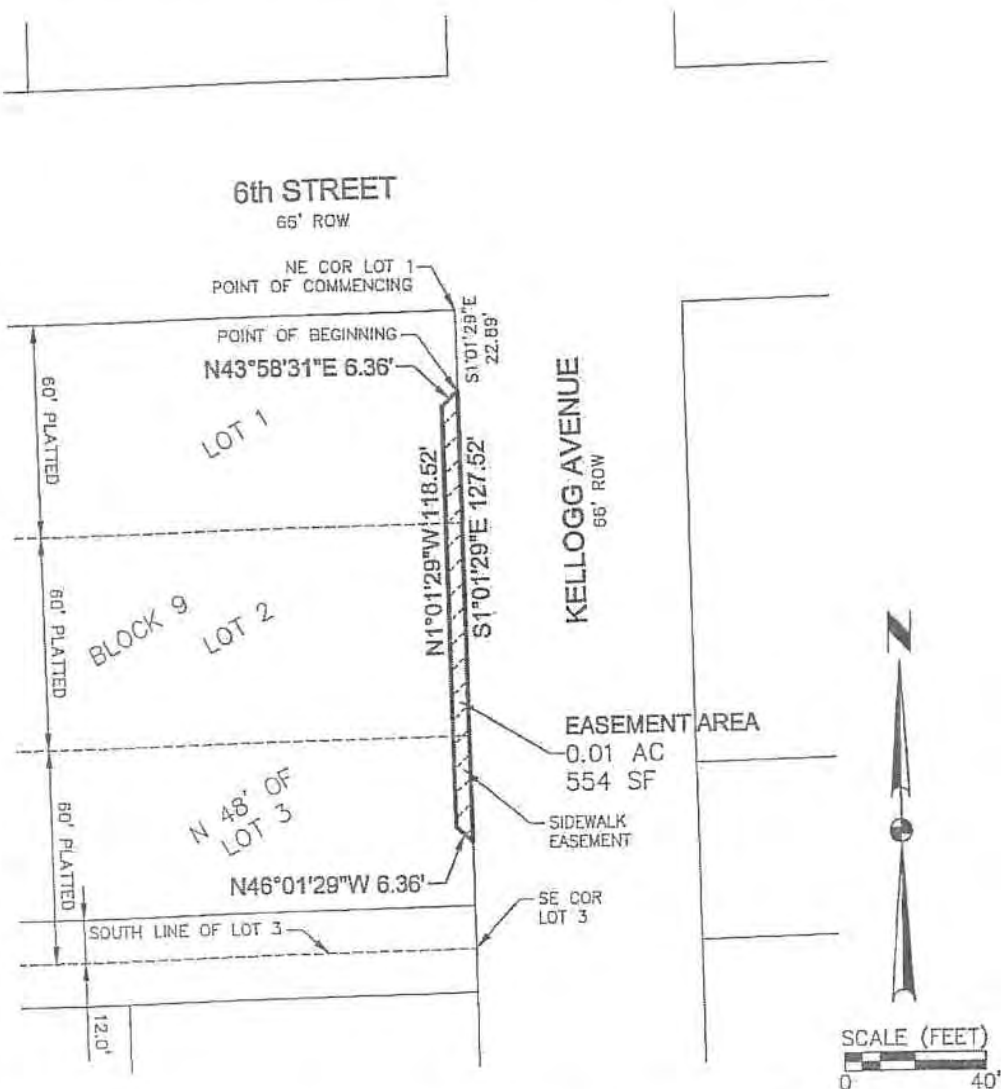
OWNER

UNITED STATES OF AMERICA

SIDEWALK EASEMENT DESCRIPTION:

A PART OF LOTS 1, 2 AND 3, OF BLOCK 9, IN THE ORIGINAL TOWN OF AMES IOWA, AN OFFICIAL PLAT IN THE CITY OF AMES, STORY COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 1; THENCE SOUTH 1°01'29" EAST ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 22.89 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 1°01'29" EAST ALONG THE EAST LINES OF SAID LOTS 1, 2 AND 3, A DISTANCE OF 127.52 FEET; THENCE NORTH 46°01'29" WEST, 6.36 FEET; THENCE NORTH 1°01'29" WEST, 118.52 FEET; THENCE NORTH 43°58'31" EAST, 6.36 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.01 ACRES (554 SQUARE FEET).



1/1
1010295

2010-11 DOWNTOWN STREET
PAVEMENT IMPROVEMENTS
EASEMENT PLAT

AMES, IOWA



CIVIL DESIGN ADVANTAGE

3405 SE CROSSROADS DRIVE, SUITE G
GRIMES, IOWA 50111
PH: (515) 369-4400 Fax: (515) 369-4410

ENGINEER:

TECH:

EXHIBIT B- PARCEL 2

RETURN TO: CIVIL DESIGN ADVANTAGE, 3405 SE CROSSROADS DRIVE, SUITE G, GRIMES, IA, 50111, PH: 369-4400 FAX: 369-4410

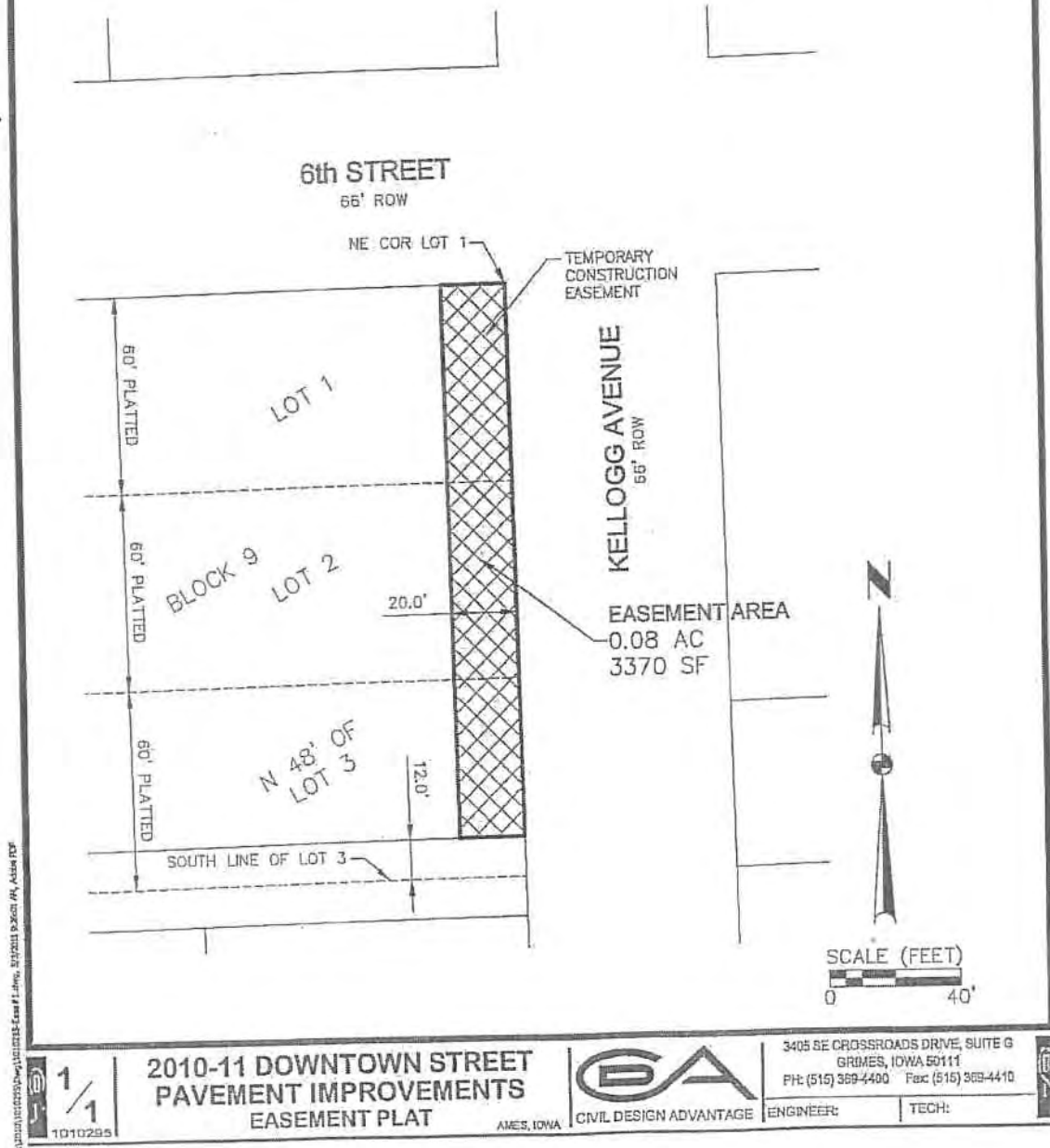
EASEMENT PLAT

OWNER

UNITED STATES OF AMERICA

TEMPORARY CONSTRUCTION EASEMENT DESCRIPTION:

THE EAST 20 FEET OF LOTS 1, 2 AND 3, IN BLOCK 9, IN THE ORIGINAL TOWN OF AMES, STORY COUNTY, IOWA; EXCEPT THE SOUTH 12 FEET OF SAID LOT 3.



1010295

1/1

2010-11 DOWNTOWN STREET
PAVEMENT IMPROVEMENTS
EASEMENT PLAT

AMES, IOWA



CIVIL DESIGN ADVANTAGE

3405 SE CROSSROADS DRIVE, SUITE G
GRIMES, IOWA 50111
PH: (515) 369-4400 Fax: (515) 369-4410

ENGINEER:

TECH:

COUNCIL ACTION FORM

**SUBJECT: RENEWAL OF CONTRACT FOR WORKERS COMPENSATION AND
FOR MUNICIPAL FIRE AND POLICE SYSTEM CLAIMS
ADMINISTRATION**

BACKGROUND:

On July 27, 2010, City Council awarded a contract to EMC Risk Services, LLC, of Des Moines, Iowa, for third party administration (TPA) of Workers' Compensation and Municipal Fire and Police system claims for the period from August 1, 2010, through July 31, 2011. The award was based on a competitive proposal process. The contract included a renewal option for up to four additional one-year periods through July 31, 2014.

The scope of services provided by EMC includes claims administration, medical management, loss fund management, temporary disability claims assistance, and representing the City's financial interests by controlling Workers' Compensation costs. EMC also performs administrative services including preparation and filing of Federal, State, and local filings, applications for the City's continued qualification as a self-insurer, statistical information required by rating bureaus, representation at Workers' Compensation hearings and mediations as requested, and data reporting. These services require specialized knowledge of Workers' Compensation laws. Therefore, these services would be difficult and costly to administer using Ames Human Resources staff.

The approved FY 2011/2012 budget for Workers Comp administration includes \$55,000 for these services, and the proposed renewal contract includes a not-to-exceed total of that same amount. Fees under the contract are based on unit prices for claims administration and medical bill review with a percentage fee for bill reduction. There is also an annual lump-sum reporting and auditing fee. Active access to the provider's Internet-based system is on a per-user basis, with view-only access available at no charge. Additional services are compensated on a per-hour basis. Actual costs are charged to departmental budgets as applicable.

In 2009/10, \$55,000 was budgeted for the first year of TPA services and \$25,000 was spent. In FY 2010/11, the budget was reduced to \$40,000, of which \$34,327.95 was spent. The 2011/12 budgeted amount was increased back to the original amount of \$55,000. While the cost per claim has not increased under the contract, there has been an increasing trend in the number of claims processed, and particularly an increase in the number of claims that are of a type more expensive to process under the contract.

ALTERNATIVES:

1. Approve the renewal contract with EMC Risk Services, LLC, Des Moines, Iowa, to provide third party administration of the City's Workers' Compensation and Municipal Fire and Police Retirement System for the period from August 1, 2011, through July 31, 2012, at a cost not to exceed \$55,000.
2. Reject the renewal option and revert to performance of these services by Human Resources staff and outside consultants hired on an as-needed basis.

MANAGER'S RECOMMENDED ACTION:

Third party administration of Works Compensation and Municipal Fire and Police System provides responsive services to injured employees and helps reduce overall City expenses. EMC Risk Services, LLC, provides trained professionals who administer Workers' Compensation claims and, just as importantly, assist injured employees in returning to productive work as quickly as possible.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the renewal contract with EMC Risk Services, LLC, Des Moines, Iowa, for third party administration Workers' Compensation and Municipal Fire and Police Retirement System for the period from August 1, 2011, through July 31, 2012, at a cost not to exceed \$55,000.

COUNCIL ACTION FORM

SUBJECT: 2009/2010 CONCRETE PAVEMENT IMPROVEMENTS (SOUTH HYLAND –ARBOR STREET TO LINCOLN WAY, EDISON STREET – WHITNEY AVENUE TO DAYTON AVENUE, ALEXANDER AVENUE – LINCOLN WAY TO 350' SOUTH AND STANTON AVENUE – KNAPP STREET TO STORM STREET)

BACKGROUND:

This annual program is to remove and replace concrete street sections that have deteriorated. Removal and replacement of concrete street sections provide enhanced rideability to residents and visitors.

The 2009/2010 project locations are South Hyland Avenue (Arbor Street to Lincoln Way), Edison Street (Whitney to Dayton Avenue), Alexander Avenue (Lincoln Way to 350' South) and Stanton Avenue (Knapp Street to Storm Street). Work will consist of concrete pavement reconstruction, storm sewer intake replacement, sanitary sewer manhole replacement, sanitary sewer main repairs, and restoration of the affected areas with sod.

The contract will require South Hyland to be constructed during Iowa State University's summer session to minimize the impact to the students living in the area. Dependent on the contractor's schedule, the remaining streets could be constructed this fall.

Plans and specifications for this project were completed by Howard R. Green with estimated construction costs of \$1,366,113. Engineering and construction administration are estimated at \$200,000, for a total estimated cost of \$1,566,113. This project was approved budget in the 2009/10 budget with financing in the amount of \$1,625,000 from General Obligation Bonds. In addition, unutilized funds from the Sanitary Sewer Programs in the amount of \$90,000 will also be used, for total project funding of \$1,715,000.

ALTERNATIVES:

1. Approve the 2009/2010 Concrete Pavement Improvements South Hyland Avenue (Arbor Street to Lincoln Way), Edison Street (Whitney to Dayton Avenue), Alexander Avenue (Lincoln Way to 350' South) and Stanton Avenue (Knapp Street to Storm Street) by establishing August 17, 2011, as the date of letting and August 23, 2011, as the date for report of bids.
2. Direct staff to revise the project.

MANAGER'S RECOMMENDED ACTION:

By approving plans and specifications and setting the date of letting, it will be possible to move forward with the reconstruction of these streets and allow for at least one of them to be constructed this season.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the 2009/2010 Concrete Pavement Improvements South Hyland Avenue (Arbor Street to Lincoln Way), Edison Street (Whitney to Dayton Avenue), Alexander Avenue (Lincoln Way to 350' South) and Stanton Avenue (Knapp Street to Storm Street) by establishing August 17, 2011, as the date of letting and August 23, 2011, as the date for report of bids.

COUNCIL ACTION FORM

**SUBJECT: AWARD OF CONTRACT RENEWAL FOR POWER QUALITY
ELECTRIC METERS FOR ELECTRIC SERVICES**

BACKGROUND:

This contract renewal is for the purchase of residential power quality meters to meet the annual needs of the Electric Services Department. The term of this contract will be from August 1, 2011 through July 31, 2012. This is the final renewal option for this contract.

These meters are standard Electric Services Department Technical Services Division items. The approved FY 2011/2012 budget includes \$183,738 for the purchase of electric meters.

Twelve bids were sent out and only one response for power quality meters was received on July 9, 2009. For evaluation purposes, the bid received was calculated using estimated needs for the coming fiscal year, however the actual cost will be based on quantities received and unit prices bid, but will not exceed available funding. This is the second renewal of the contract for power quality meters and Fletcher Reinhardt's original bid included a 5% increase for the 2011/2012 renewal period.

The Technical Services Supervisor has reviewed the bids and determined that the bids submitted by Fletcher Reinhardt Company meet the needs of the Electrical Services Department.

ALTERNATIVES:

1. The City Council can award a contract for the purchase of power quality socket type electric meters to Fletcher Reinhardt Company, Cedar Rapids, Iowa in accordance with unit prices bid, not to exceed \$183,738. Actual costs incurred under the contract will depend upon number of units purchased at the per unit price of \$3,434.84.
2. Reject all bids and purchase meters on an as needed basis.

MANAGER'S RECOMMENDED ACTION:

This purchase will provide for the annual needs of the Electric Services Department for power quality socket type electric meters. The City will be billed only for meters actually purchased.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the award of contract to Fletcher Reinhardt, Cedar Rapids, Iowa in accordance with unit prices bid, plus applicable sales taxes, at a cost not to exceed \$183,738.

Contract 2009-244
Fletcher Reinhardt Company
For the period August 1, 2011 – July 31, 2012

Item	EST QTY	UNIT	DESCRIPTION	UNIT PRICE
1	6	EA	Power Quality Socket Type Electric Meter • Form 9S 60 Hz • AC line, 85 to 330 Vac; Starting amps 0.004 amps or less, Internal Meter Diagnostics, LCD operational from –20 to +70 C° • Must be able to display KWh, KW and PF (at max KW), Preferably on one screen • Minimum 4 input pulses and 4 output pulses (8 total) • Programmable Transformer and Line Loss compensation • Harmonic distortion • High Speed DSP Data except on pulse inputs • Accuracy 0.1% or greater • (2) RS232 ports; (2) RS232/RS485 software configurable ports, IRIG-B port. • Current loop port, optical port, modems, Ethernet port, under glass. • Call originate capability from internal modem, minimum 56K baud • DNP 3.0 level 2 and modbus protocols on board. • Communication Ports assignable via software. • 255 Standard Sag & Swell; Waveform, RMS & harmonic capture (Voltage and Current) • Multi-level sags and swells, & Sag & Swell Analysis • IEEE-519 Harmonic Monitoring with reporting by exception • (3) Levels of voltages with current CBEMA/ITIC reporting; • SEMI-47 - Harmonics Analysis; IEEE-519 Harmonic Monitoring with reporting by exception • Waveform sample rate minimum of 255 samples per cycle per voltage phase and current phase. • Programming and analytical software to be supplied • Mating cables not required Manufacturer: Landis & Gyr Cat # 8A0027B1-0000	\$ 3,434.84
			Warranty: 1 yr from date of shipment Delivery Time: 9-10 weeks	



Memo

City Clerk's Office

TO: Mayor and Members of the City Council

FROM: City Clerk's Office

DATE: July 22, 2011

SUBJECT: Contract and Bond Approval

There are no Council Action Forms for Item Nos. **14** and **15**. Council approval of the contract and bond for these projects is simply fulfilling a *State Code* requirement.

/jlr

COUNCIL ACTION FORM

SUBJECT: RESOLUTION APPROVING CHANGE ORDER TO WEITZ COMPANY FOR A NOT-TO-EXCEED AMOUNT OF \$45,289 FOR ADDITIONAL SHEET PILING AS A RESULT OF POOR SOIL CONDITIONS FOR INTERMODAL FACILITY

BACKGROUND: The Intermodal Facility construction project began in March 2011 and is progressing on-schedule to-date. Since beginning construction, change orders approved for unanticipated modifications are as follows:

Change Order #	Description	Amt.
1	Add Storm Sewer Manhole at 3L/C-101	\$3,089
2	VOID	
3	Water Main Connection, 8" Valve	\$2,581
4	Sanitary Structure SA01 Location	\$0
5	Additional Rubble Removal	\$1,502
	Approved Change Orders	\$7,172

Due to poor soil conditions where the large retaining wall is being built near College Creek, additional height is required for the sheet piling included in the original project scope. The not-to-exceed amount for this work (change order #11) is \$45,289, which combined with the previously approved change orders of \$7,172, provides a cumulative total of \$52,461. Under City of Ames Procurement Policies, change orders that exceed \$50,000 cumulatively, require City Council approval. The Intermodal Facility budget includes a construction contingency for change orders of \$483,300. The remaining balance, if change order #11 is approved, would be \$430,839.

Change orders 6 through 10 are still in process, and will be relatively minor in scope. These will be administratively approved as they are completed.

The contract Change Order #11, in the amount of \$45,289, was approved by the Transit Board of Trustees on July 20, 2011.

ALTERNATIVES:

1. Approve change order #11 to Weitz Company for a not-to-exceed amount of \$45,289 for additional sheet piling as a result of poor soil conditions.
2. Do not approve change order #11 for additional sheet piling.

MANAGER'S RECOMMENDED ACTION:

Expeditious approval of this contract change order will allow the Intermodal Facility project to move forward within its tight timeframes, and ensure the integrity of College Creek and the surrounding Intermodal Facility infrastructure. Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving Change Order #11, in a not-to-exceed amount of \$45,289, to Weitz Company for additional costs due to unanticipated soil conditions.

ITEM #: 17a&b
DATE: 07-26-11

COUNCIL ACTION FORM

SUBJECT: PLAT OF SURVEY – 519 SOUTH DUFF AVENUE

BACKGROUND:

Application for a proposed plat of survey has been submitted for:

- ☐ Conveyance parcel (per Section 23.307)
- ☒ Boundary line adjustment (per Section 23.308)
- ☐ Re-plat to correct error (per Section 23.310)
- ☐ Auditor's plat (per *Code of Iowa* Section 354.15)

The subject site is located at:

Street Address: 519 South Duff Avenue

Assessor's Parcel #'s: 0911176035, 0911176040, 0911176050, 0911176060

Legal Description: Attached on proposed plat of survey

Owners: Floyd Penkhus, Mark Penkhus, Stephen Penkhus

This is a revised version of a plat of survey that Council approved on May 24, 2011. The May 24th plat was not recorded. The applicant now proposes to plat a smaller area, which does not extend all the way to South 5th Street. Both plats complied with zoning and subdivision codes. However the applicant requests approval of the attached plat as a replacement of the May 24th approval. Council action will first revoke the approval on the earlier plat and then approve the new plat.

***Municipal Code* Section 23.305 allows the City Council to revoke approved plats that have not been recorded within 30 days of approval. There are some minor typographical errors to the owner names that will need to be corrected prior to recordation of the plat.**

Pursuant to Section 23.307(4)(c), a preliminary decision of approval for the proposed plat or survey has been rendered by the Planning & Housing Director, subject to the following conditions:

1. The spelling of the owner's names shall be corrected to match Auditor records.
2. Approval of the previously proposed plat under Resolution 11-249 is rescinded by this approval.

The preliminary decision of approval requires all public improvements associated with and required for the proposed plat of survey be:

- ☐ Installed prior to creation and recordation of the official plat of survey and prior to issuance of zoning or building permits.
- ☐ Delayed, subject to an improvement guarantee as described in Section 23.409.
- ☒ Not Applicable.

Under Section 23.307(5), the Council shall render by resolution a final decision of approval if the Council agrees with the Planning & Housing Director's preliminary decision.

ALTERNATIVES:

1. The City Council can adopt the resolution approving the proposed plat of survey if the Council agrees with the Planning & Housing Director's preliminary decision. This action would rescind Resolution 11-249 and approve a new resolution for the new plat.
2. The City Council can deny the proposed plat of survey if the City Council finds that the requirements for plats of survey as described in Section 23.307 have not been satisfied.
3. The City Council can refer this back to staff and/or the owner for additional information.

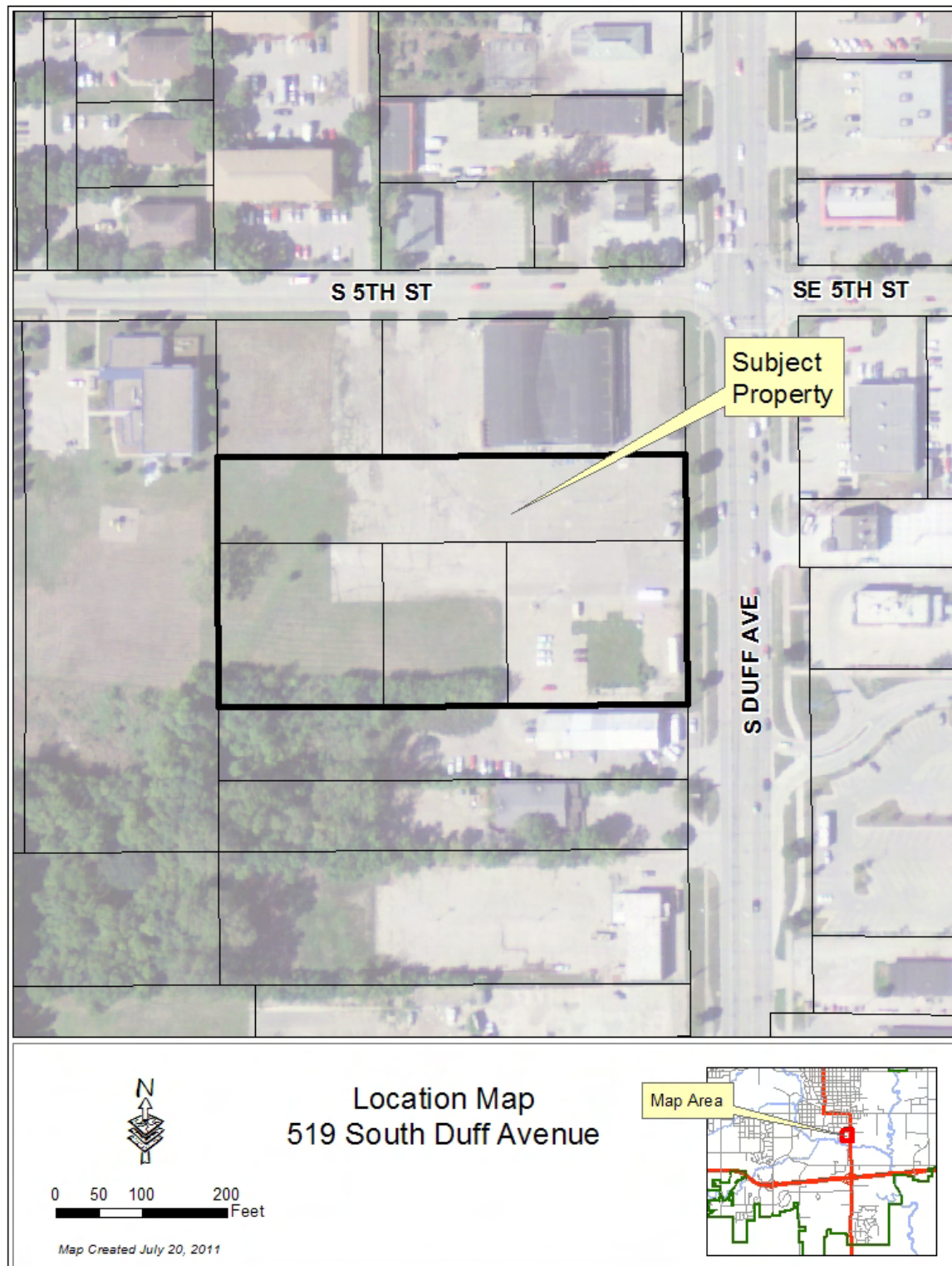
MANAGER'S RECOMMENDED ACTION:

The Planning & Housing Director has determined that the proposed plat of survey satisfies all code requirements, and has accordingly rendered a preliminary decision to approve the proposed plat of survey based on the above conditions.

Therefore, it is the recommendation of the City Manager that the City Council act in accordance with Alternative #1, which is to adopt the resolution approving the proposed plat of survey. This action would rescind Resolution 11-249 and approve a new resolution for the new plat. Approval of the resolution will allow the applicant to prepare the official plat of survey incorporating all conditions of approval specified in the resolution. It will further allow the prepared plat of survey to be reviewed and signed by the Planning & Housing Director confirming that it fully conforms to all conditions of approval. Once signed by the Planning & Housing Director, the prepared plat of survey may then be signed by the surveyor, making it the official plat of survey, which may then be recorded in the office of the County Recorder.

It should be noted that according to Section 23.307(10), the official plat of survey shall not be recognized as a binding plat of survey for permitting purposes until a copy of the signed and recorded plat of survey is filed with the Ames City Clerk's office, and a digital image in Adobe PDF format has been submitted to the Planning & Housing Department.

Attachment A: Location Map / Existing Conditions



RETURN TO: CIVIL DESIGN ADVANTAGE, 3405 SE CROSSROADS DRIVE, SUITE G, GRIMES, IA 50111, PH. 389-4400 FAX: 389-4410

PLAT OF SURVEY

OWNERS:
CONTRACT: NANCY S. BUNDY
DEED: MARK PENKUS 1/4
STEPHEN PENKUS 1/4
TRUST 1/2
FLOYD PENKUS REVOCABLE
AMES, IOWA 50010
EXISTING PARCEL DESCRIPTION, PARCEL 'AW':
INSTRUMENT # 2003-04237

REAL ESTATE LOCATED IN AMES, STORY COUNTY, IOWA, LEGALLY DESCRIBED AS:
LOTS 15, 16 AND 17 IN CAYLER'S SECOND ADDITION TO AMES, IOWA, AND THE TRACT OF LAND DESCRIBED AS BEGINNING AT THE NORTHWEST CORNER OF LOT 18 IN CAYLER'S SECOND ADDITION TO AMES, IOWA, THENCE SOUTH 89°54'40" EAST IN CAYLER'S SECOND ADDITION TO AMES, IOWA, THENCE SOUTH 89°54'40" EAST OF LOT 17; THENCE NORTH ALONG THE WEST LINE OF LOTS 17, 16, 15 AND 14, 461.1 FEET, TO THE NORTHWEST CORNER OF LOT 14; THENCE NORTH 89°47'30" WEST, ALONG THE SOUTH LINE OF SOUTH FIFTH STREET PRODUCED FROM THE EAST, A DISTANCE OF 193.8 FEET; THENCE SOUTH 461.6 FEET TO THE POINT OF BEGINNING.

EXCEPT DEED IN INSTRUMENT #02-19546
THE NORTH 161.2 FEET OF THE REAL ESTATE DESCRIBED AS: BEGINNING AT THE NORTHWEST (NW) CORNER OF LOT EIGHTEEN (18), CAYLER'S SECOND ADDITION TO THE CITY OF AMES, IOWA, THENCE S 89°54'40" EAST ALONG THE NORTH LINE OF SAID LOT EIGHTEEN (18) A DISTANCE OF 193.8 FEET TO THE SOUTHWEST (SW) CORNER OF LOT SEVENTEEN (17) OF SAID ADDITION, THENCE NORTH ALONG THE WEST LINE OF LOTS SEVENTEEN (17), SIXTEEN (16), AND FIFTEEN (15), TO THE NORTHWEST CORNER OF LOT FOURTEEN (14) OF SAID ADDITION, THENCE N 89°47'30" WEST ALONG THE SOUTH LINE OF SOUTH FIFTH STREET PRODUCED FROM THE EAST A DISTANCE OF 193.8 FEET, THENCE SOUTH 461.6 FEET TO THE POINT OF BEGINNING.

SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
PARCEL 'AW' DESCRIPTION ALSO KNOWN AS:
ALL OF LOTS 15, 16 AND 17, CAYLER'S SECOND ADDITION, AN OFFICIAL PLAT, AND PART OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 83 NORTH, RANGE 24 WEST OF THE FIFTH PRINCIPAL MERIDIAN, IN THE CITY OF AMES, STORY COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHWEST CORNER OF LOT 18, CAYLER'S SECOND ADDITION, AN OFFICIAL PLAT; THENCE NORTH 00°27'27" WEST, 299.90 FEET; THENCE NORTH 89°38'15" EAST, 193.80 FEET TO THE WEST LINE OF SAID CAYLER'S SECOND ADDITION; THENCE NORTH 00°27'27" WEST ALONG SAID WEST LINE, 0.48 FEET TO THE NORTHWEST CORNER OF SAID LOT 15; THENCE NORTH 89°33'29" EAST, 353.19 FEET TO THE NORTHEAST CORNER OF SAID LOT 15; THENCE SOUTH 00°30'44" EAST, 300.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 17; THENCE SOUTH 89°38'15" WEST, 160.72 FEET TO THE POINT OF BEGINNING AND CONTAINING 3.77 ACRES (164,104 SQUARE FEET).
PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

LEGEND:
SECTION CORNER AS NOTED (ALSO OTHERS NOTED) $\blacktriangle$ $\triangle$
RESERVED RIGHTS $\circ$
PLATTED BEARING & DISTANCE $\bullet$
MEASURED BEARING & DISTANCE $\circ$
RECORDED BEARING & DISTANCE $\circ$
DEEDED BEARING & DISTANCE $\circ$
CENTERLINE $---$
SECTION LINE $---$
EASEMENT LINE $---$

THE AMES CITY COUNCIL APPROVED THIS PLAT OF SURVEY ON 2011, WITH RESOLUTION NUMBER $---$ I CERTIFY THAT IT CONFORMS TO ALL CONDITIONS OF APPROVAL.
PLANNING & HOUSING DIRECTOR
DATE OF SURVEY: FEBRUARY, 2011

ITEM #: 18
DATE: 07-26-11

COUNCIL ACTION FORM

SUBJECT: PLAT OF SURVEY – 2900 & 2910 WEST STREET

BACKGROUND:

Application for a proposed plat of survey has been submitted for:

- ☐ Conveyance parcel (per Section 23.307)
- ☒ Boundary line adjustment (per Section 23.308)
- ☐ Re-plat to correct error (per Section 23.310)
- ☐ Auditor's plat (per *Code of Iowa* Section 354.15)

The subject site is located at:

Street Address: 2900 and 2910 West Street

Assessor's Parcel #'s: 0904351040 and 0904351050

Legal Description: A Part of Lot 8 in the Woodland Park Addition and a part of Lot 8 in Athletic Park Addition.

Owner: Mother Lode Enterprises Inc.

A copy of the proposed plat of survey is attached for Council consideration. The proposed plat moves the dividing property line eight feet to the east in order to accommodate on-site tenant parking for the rental house on proposed Parcel B. There is a minor typographical error in the spelling of the owner name.

Pursuant to Section 23.307(4)(c), a preliminary decision of approval for the proposed plat or survey has been rendered by the Planning & Housing Director, subject to the following conditions:

1. The spelling of the owner name shall be corrected to match Auditor records

The preliminary decision of approval requires all public improvements associated with and required for the proposed plat of survey be:

- ☐ Installed prior to creation and recordation of the official plat of survey and prior to issuance of zoning or building permits.

- ☐ Delayed, subject to an improvement guarantee as described in Section 23.409.
- ☒ Not Applicable.

Under Section 23.307(5), the Council shall render by resolution a final decision of approval if the Council agrees with the Planning & Housing Director's preliminary decision.

ALTERNATIVES:

1. The City Council can adopt the resolution approving the proposed plat of survey if the Council agrees with the Planning & Housing Director's preliminary decision.
2. The City Council can deny the proposed plat of survey if the City Council finds that the requirements for plats of survey as described in Section 23.307 have not been satisfied.
3. The City Council can refer this back to staff and/or the owner for additional information.

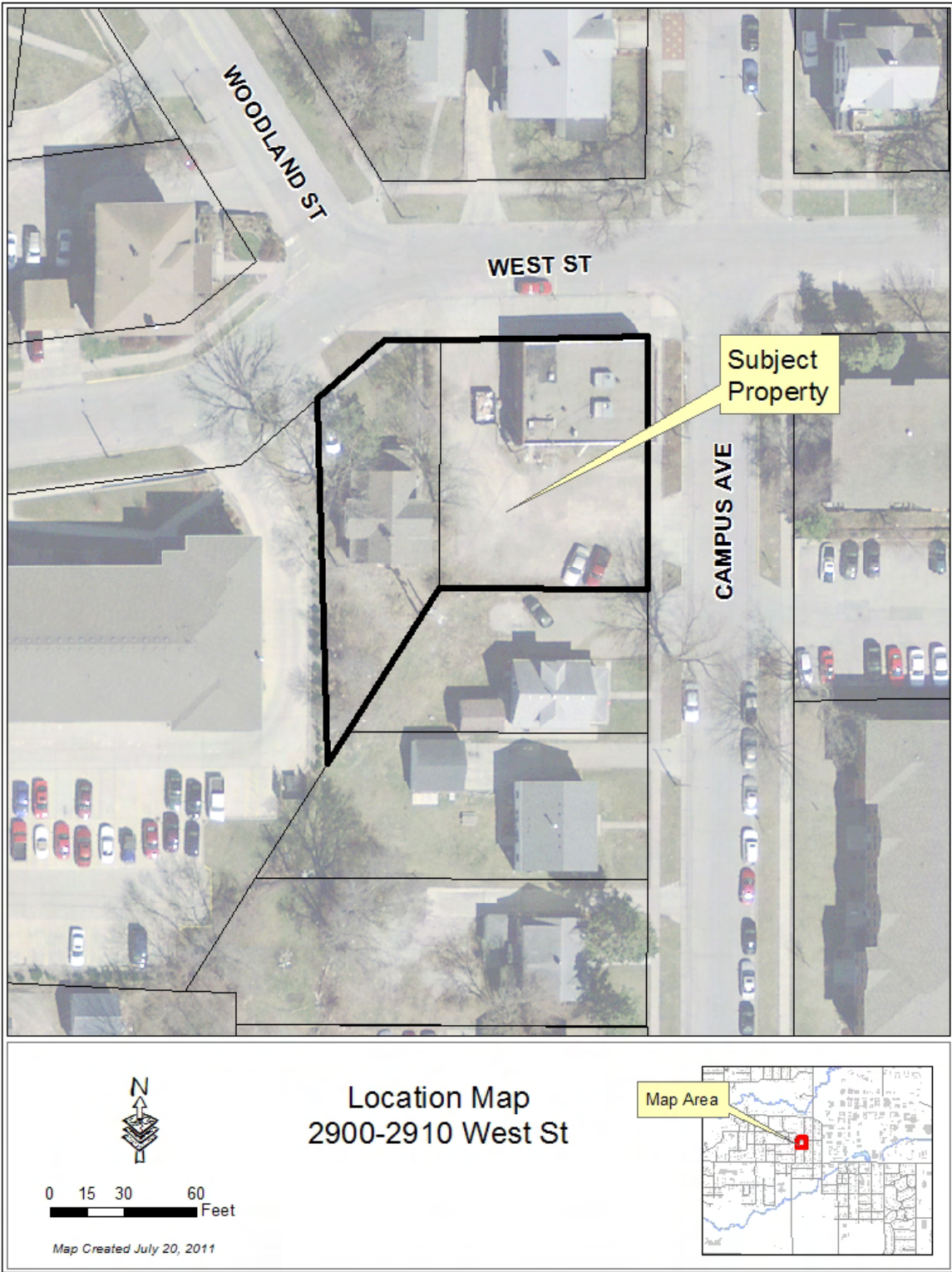
MANAGER'S RECOMMENDED ACTION:

The Planning & Housing Director has determined that the proposed plat of survey satisfies all code requirements, and has accordingly rendered a preliminary decision to approve the proposed plat of survey.

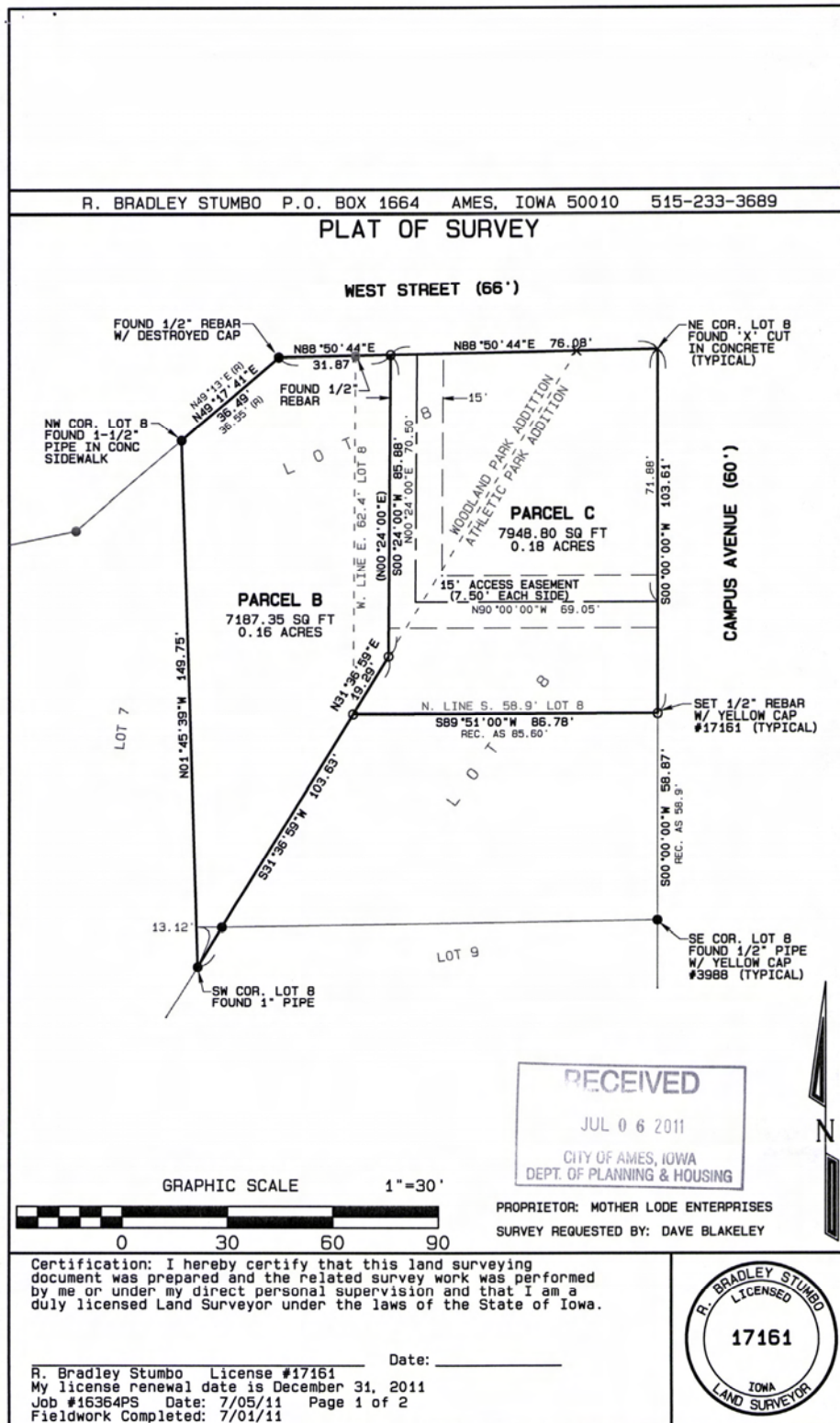
Therefore, it is the recommendation of the City Manager that the City Council act in accordance with Alternative #1, which is to adopt the resolution approving the proposed plat of survey. Approval of the resolution will allow the applicant to prepare the official plat of survey incorporating all conditions of approval specified in the resolution. It will further allow the prepared plat of survey to be reviewed and signed by the Planning & Housing Director confirming that it fully conforms to all conditions of approval. Once signed by the Planning & Housing Director, the prepared plat of survey may then be signed by the surveyor, making it the official plat of survey, which may then be recorded in the office of the County Recorder.

It should be noted that according to Section 23.307(10), the official plat of survey shall not be recognized as a binding plat of survey for permitting purposes until a copy of the signed and recorded plat of survey is filed with the Ames City Clerk's office, and a digital image in Adobe PDF format has been submitted to the Planning & Housing Department.

Attachment A: Location Map / Existing Layout



Attachment B: Proposed Plat of Survey



Applicant

Name of Applicant: Linda Johnson

Name of Business (DBA): Wheatsfield Cooperative

Address of Premises: 413 Northwestern

City: Ames County: Story Zip: 50010

Business Phone: (515) 232-4094

Mailing Address: 413 Northwestern

City: Ames State: IA Zip: 50010

Contact Person

Name: Linda Johnson

Phone: (515) 360-4697 Email Address: linda_j@wheatsfield.coop

Classification: Special Class C Liquor License (BW) (Beer/Wine)

Term: 12 months

Effective Date: 08/01/2011

Expiration Date: 07/31/2012

Privileges:

Class B Native Wine Permit
Class B Wine Permit (Carryout Wine)
Outdoor Service
Special Class C Liquor License (BW) (Beer/Wine)
Sunday Sales

Status of Business

BusinessType: Privately Held Corporation

Corporate ID Number: 301555 Federal Employer ID # 42-1655940

Ownership

Linda Johnson

First Name: Linda

Last Name: Johnson

City: Ames

State: Iowa

Zip: 50010

Position General Manager

% of Ownership 0.00 %

U.S. Citizen

Insurance Company Information

Insurance Company: Travelers Casualty Insurance Company of America

Policy Effective Date:

Policy Expiration Date:

Bond Effective Continuously:

Dram Cancel Date:

Outdoor Service Effective Date:

Outdoor Service Expiration Date:

Temp Transfer Effective Date:

Temp Transfer Expiration Date:

Applicant

Name of Applicant: Natalya LLC

Name of Business (DBA): AJ's Liquor II

Address of Premises: 2515 Chamberlain

City: Ames County: Story Zip: 50010

Business Phone: (515) 268-1722

Mailing Address: 2515 Chamberlain

City: Ames State: IA Zip: 50010

Contact Person

Name: Ravinder Singh

Phone: (515) 290-4657 Email Address:

Classification: Class E Liquor License (LE)

Term: 12 months

Effective Date: 08/10/2011

Expiration Date: 08/09/2012

Privileges:

Class B Wine Permit (Carryout Wine)
Class C Beer Permit (Carryout Beer)
Class E Liquor License (LE)
Sunday Sales

Status of Business

BusinessType: Limited Liability Company

Corporate ID Number: 397398 Federal Employer ID # 27-2485379

Ownership**Andrea Singh**

First Name: Andrea Last Name: Singh

City: Ames State: Iowa Zip: 50010

Position Member

% of Ownership 50.00 % U.S. Citizen

Ravinder Singh

First Name: Ravinder Last Name: Singh

City: Ames State: Iowa Zip: 50010

Position Member

% of Ownership 50.00 % U.S. Citizen

Insurance Company Information

Insurance Company: IMT Insurance Co

Policy Effective Date:

Policy Expiration Date:

Bond Effective Continuously:

Dram Cancel Date:

Outdoor Service Effective Date:

Outdoor Service Expiration Date:

Temp Transfer Effective Date:

Temp Transfer Expiration Date:

COUNCIL ACTION FORM

SUBJECT: ENCROACHMENT PERMIT FOR A SIGN AT 134 MAIN STREET

BACKGROUND:

The tenant in the building at 134 Main Street, Whiskey River, has requested an encroachment permit for a new sign which will encroach over the City sidewalk.

The proposed sign will be a projecting sign fixed to the front of the building. The sign will extend not more than five feet over the sidewalk, and will not infringe upon the use of the sidewalk by the public.

The requirements of Section 22.3 of the Municipal Code have been met with the submittal of a hold-harmless agreement signed by the property owner and the applicant, and a certificate of liability insurance coverage which protects the City in case of an accident. The fee for this permit was calculated at \$49, and the full amount has been received by the City Clerk's Office.

ALTERNATIVES:

1. Approve the request.
2. Deny the request.

MANAGER'S RECOMMENDED ACTION:

It is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby granting the encroachment permit for this sign.

COUNCIL ACTION FORM

SUBJECT: WATER SERVICE REQUEST FOR 2121 STATE AVENUE

BACKGROUND:

The City Council recently referred a letter to staff from John Wiley & Sons, Inc. (formerly ISU Press and hereinafter referred to as Wiley-Blackwell) regarding water service to 2121 State Avenue. The letter requested that the City allow the company to connect to City water service with an agreement that the owners would seek annexation at the City's request. The letter is included as Attachment 1. The property is contiguous to the City limits and is eligible for annexation. A location map is included as Attachment 2. It is zoned I-1 Industrial by the County.

It has been long-standing City policy to provide municipal services only to those properties that have been incorporated into the City limits. There have been recent cases where requests have been made for the City to allow services to be provided by rural water districts, such as Xenia. Some of these requests have been denied by the City due to these locations being within planned growth areas. In those cases, the *Code of Iowa* requires that the municipality provide water service within four years of the request by a rural water district and subsequent denial by the City. In response to these circumstances, the Ames *Municipal Code* was modified in 2009 to establish procedures to provide water service to rural customers prior to the property being incorporated into the city limits. **It should be noted that the rural water district has not requested to serve this area. Therefore, the City has no obligation to serve water outside of the corporate boundaries in this area.**

In this instance, the subject property is contiguous to the city limits, is located within an allowable growth area, and, therefore, is eligible for annexation. The applicant indicated that they seek to have access to City water rather immediately. The source of their water, a well, is on a separate tract of land known as the Curtiss farm and is owned by Iowa State University. Wiley-Blackwell's concern is that the timing of an annexation may delay their access to City water services.

The tract of land, as noted above, is within an area identified in the Land Use Policy Plan as an allowable growth area. In addition, the Ames Urban Fringe Plan designates this as Urban Residential. The existing use on the site is a publishing company which would be considered an industrial use, although, depending on the actual activities that take place, it may, alternatively, be classified as a commercial use. However, by local ordinance, any newly-annexed land is designated as A-Agriculture. Any subsequent rezoning would need to be consistent with the Land Use Policy Plan, which in this instance would be either a rezoning to Suburban Residential or Village Residential. The existing use of this as light industrial or commercial would be incompatible with either zoning designation.

In an instance earlier this year, a property across the street, 2126 State Avenue, made a similar request to receive City water and to agree to annex upon request of the City. That property, unlike the Wiley-Blackwell property, was not contiguous to the City limits and was not eligible to be annexed. The City Council approved a resolution allowing 2126 State Avenue to connect to City water once an agreement had been signed. The agreement allowed the property to connect to City water provided the “owner agree to voluntary annexation either when it becomes contiguous or at a later date, at the discretion of the Council.” A further condition prohibited the property from being further subdivided. The owner of that property has not yet availed itself of the resolution by signing an agreement. However, the property is on the market and staff has been asked by the realtor what a future owner would need to do to connect to City water. This request for water may yet come forward.

ALTERNATIVES:

1. **The City Council can direct staff to negotiate a pre-annexation agreement with Wiley-Blackwell, allowing for subsequent annexation and the provision of water services as desired by the property owner.** The agreement would need to be approved by the City Council prior to annexation. Connection to the water service would be allowed following annexation subject to the terms of the agreement.

This alternative can allow the City and Wiley-Blackwell to address the issue of annexing the incompatible use through contract rezoning—placing restrictions on the types of uses that could occur on the site. The agreement could also place requirements for site improvements that would reduce the impacts of the incompatible use on the adjacent areas that are, or are intended to become, residential developments.

The pre-annexation agreement would identify what actions by the City and Wiley-Blackwell would be necessary prior to annexation, what actions would be necessary prior to connection to the City water service, and what actions would be necessary to mitigate the incompatible use through contract zoning.

This option would be supported if the Council recognizes that current use of the structures on the property will continue and, therefore, it is unlikely that the property, once annexed into the City, will be developed residentially as envisioned in the LUPP. Placing this property under City regulations through annexation and subject to provisions in a pre-annexation agreement will allow the City to better protect the surrounding residential areas.

2. **The City Council can approve a resolution to grant 2121 State Avenue the ability to connect to City water services provided they sign an agreement that indicates that they will petition for annexation when the City Council requests it.** This is the alternative that was requested by the property owner and was approved previously for the owner of the property at 2126 State Avenue.

This alternative allows for Wiley-Blackwell to connect to the City water service once the agreement is signed. They would need to hire a contractor, make a connection

to City water services in accordance with the City's plumbing code, install a backflow prevention device, and otherwise comply with the requirements of the *Municipal Code*.

This alternative would leave the property under the jurisdiction of Story County zoning regulations. It would allow time for the City to investigate what an appropriate City zoning designation may be and seek any necessary Plan changes and/or rezoning with use limitations that may be necessary prior to annexation.

This option would be supported if the City Council's priority is to satisfy the property owner's request for water as soon as possible.

3. **The City Council can direct the applicant to apply for annexation, after which they could have access to the City water service.** This option is similar to Alternative #1, but would not require a pre-annexation agreement.

Once annexed, the property would be zoned as A-Agriculture, which would make the existing property a non-conforming use. There would be no immediate impact but they would be subject to the limitations of the *Municipal Code* regarding non-conforming uses. Any request to rezone to an industrial designation would need to comply with the Land Use Policy Plan, which is problematic since the Plan currently anticipates this area for residential development.

Connection to the City water service would occur after annexation and inspection by the City to ensure the well water system has been properly isolated from the domestic water system to ensure no cross contamination is possible.

This option would be supported if the Council wants to protect the surrounding residential area by bringing the property under City regulations through annexation and assumes that by making the current structures non-conforming, and thereby unable to expand significantly, it will be more likely that the property will be redeveloped as residential in the future.

4. **The City Council can indicate that it does not wish to provide water service to Wiley-Blackwell outside the City limits and nor does it wish to ask them to annex.** Since no rural water district has requested to provide service to this area, the City has no obligation to the property owner.

Under this option, Wiley-Press would remain outside the City limits and be subject to County zoning and regulations. In addition, the property owner will have to secure rights from ISU to use its existing well, construct a new well, or seek an alternative water source such as from Xenia.

This option would be supported if the Council sees no reason to support the property owner and is not concerned how the property is allowed to develop outside of the City limits.

MANAGER'S RECOMMENDED ACTION:

The Wiley-Blackwell site is intended by the Land Use Policy Plan and the Ames Urban Fringe Plan to be annexed. However, the Fringe Plan foresees this property and the adjacent properties as residential. While the annexation is consistent with these Plans, the current use of the property is not. It is currently developed with larger industrial-grade structures, and is used for commercial and/or business purposes. It is unlikely that the existing use will soon disappear and new residential uses introduced on the property. In fact, the existing development of the site reflects substantial investment and appears to be well maintained. Moreover, the current zoning of the site under Story County is Industrial, which would allow the property to be used for more intense uses than currently exist on the site, which could exacerbate the problem of incompatibility with the surrounding residential development and land uses.

If the City chooses to not annex the property, it will continue under the regulations of the County, leaving the City with little opportunity to affect the future use and development of the site. If the site is more intensely developed under current County zoning, it could undermine the City's long range plans for the site as specified in the Land Use Policy Plan.

In this unique situation it seems preferable for the City to pursue an annexation alternative subject to a contract between the City and property owner that will ameliorate the impacts of the existing use on current abutting residential uses and on the residential uses that are expected to develop under the City's Land Use Policy Plan.

Such measures might include limitations on future uses and/or design and buffering standards. If we wait until after annexation and extension of water service, regardless of which order these two actions occur, the City will have very little leverage to ask the property owner to limit its uses or to install mitigation measures. While such leveraging could occur during any subsequent rezoning—Wiley-Blackwell is not obligated to seek a rezoning if they choose to live within the confines of being a non-conforming use in an A-Agriculture zoning district. Only if they sought a rezoning would the City be able to impose use limitations or mitigation measures.

A pre-annexation agreement will allow the annexation to move forward and Wiley-Blackwell to have access to City water services. It will also specify what will trigger a rezoning and what use limitations and mitigation measures will be included as part of a contract rezoning.

Therefore, it is the recommendation of the City Manager that the City Council approve Alternative #1. Approval of this alternative will direct staff to negotiate a pre-annexation agreement with the property owner which, if approved by the City and Wiley-Blackwell, will specify under what conditions the City would agree to annexation and subsequent connection to the City water system.

ATTACHMENT 1

John Wiley & Sons, Inc.
Publishers Since 1807

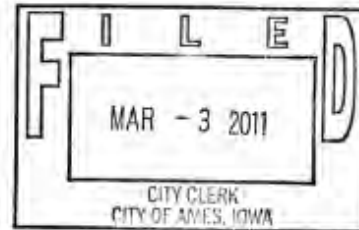


111 River Street
Hoboken, NJ 07030-5774
www.wiley.com
TEL 201.748.6000
FAX 201.748.6088

*Pkts. 3-4-1
copy: Joh*

March 2, 2011

Diane Voss
City Clerk
City of Ames
515 Clark Ave
Ames, IA 50010



Re: Request for Water Connection to 2121 State Avenue, Ames, Iowa

Dear Ms Voss:

REQUEST

The purpose of this letter is to request that the City of Ames approve a connection for this property to City Water at the earliest possible date and to express our interest in having the property annexed by the City at such later date that may be practical for the City and Wiley. We recently explored this idea with the City Planning Department staff and they suggested that we would have to make this formal request.

BACKGROUND AND RATIONALE

Our property in Ames, Story County is a 3.77 acre site and the home of Wiley-Blackwell (formerly Iowa State University Press) and a brand of John Wiley and Sons, Inc. We have two buildings on the site: an 18,000 square foot warehouse and a 9,000 square foot office building where we employ anywhere from 20-30 colleagues depending on business volume. Our colleagues perform editorial, marketing, finance activities supporting the publishing of books. The warehouse is used for storage at the present time.

Our site is located about 1,200 feet south of the intersection of State Avenue and U.S. Route 30. Our current water is supplied by a well on the University Curtiss Farm.

At this time, we wish to abandon the water well tie-in and instead tie-in to the City of Ames Water system and believe the City water main runs southward adjacent to our property. We believe this is a higher quality, longer-term solution for our needs.

We are amenable to City annexation but understand that such a process may be lengthy depending on the City's criteria and schedule for such consideration. Accordingly, we do not wish to delay our water tie-in request pending annexation but would agree to future annexation.

At this time we are not requesting a tie-in to the City sewer system but would assume this would align with annexation.

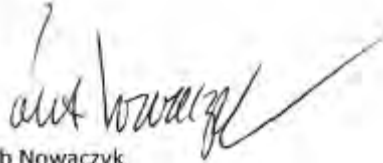
We understand that there may be some precedent with allowing for City water tie-in in anticipation of future annexation and hope that our property would qualify for such consideration. Please let us know if this request will be considered by the City, if we need to attend any meetings or provide any additional information.

Thanks you for your help and consideration.

Sincerely,



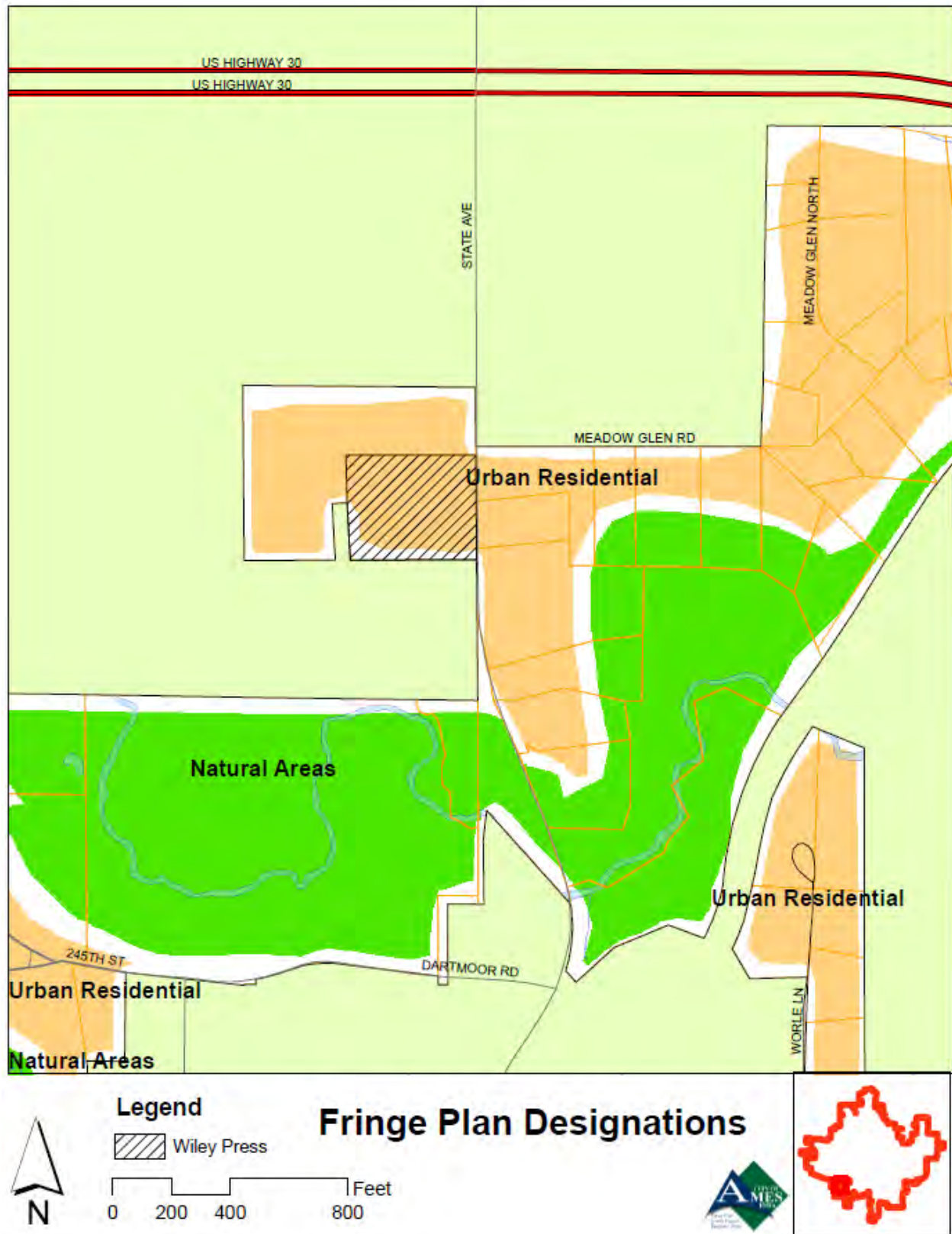
P.P. Brenda O'Neill-Smith, CPA
Senior Commercial Support Manager
515-292-0140 x627
boneall@wiley.com



Bob Nowaczyk
Director of Corporate Real Estate & Services
201-748-6726
bnowaczyk@wiley.com

cc: Steve Osguthorpe, AICP
Tracy Warner, PE

ATTACHMENT 2



Staff Report

**REQUEST FROM MOTHER LODE ENTERPRISES
FOR UP TO FIVE UNRELATED PERSONS IN THE
NEIGHBORHOOD COMMERCIAL ZONE**

July 26, 2011

BACKGROUND:

David Blakeley and Joel Paulson, of Mother Lode Enterprises submitted a letter to City Council that was referred to staff on June 14, 2011. Mother Lode owns property at 2900 and 2910 West Street. The letter stated that they were in the process of renovating a single family home with five bedrooms at 2910 West Street. They further stated that the Neighborhood Commercial Zoning District (NC) only allowed up to three unrelated persons (a “family”) to occupy one dwelling unit. They requested relief from the definition of family to accommodate five unrelated persons in their rental home through some type of zoning text amendment. This would allow them to rent all five bedrooms in the home. They requested to focus the amendment on just the West University Impacted Overlay. On June 14, 2011, the City Council referred the request to staff for a background report.

“Three unrelated people” is one subcategory of the definition of “family” found in Section 29.201(62)(b). There are four other subcategories, but they are not applicable to the applicant’s intended use of the house. Modifying the definition of family only for the NC Zone could be complicated because definitions are typically not zone-specific. Furthermore, this definition of family that the City utilizes has been carefully considered and has been upheld by the Iowa Supreme Court.

Prior to requesting this text amendment, Mother Lode Enterprises submitted an application to rezone this property to Residential High Density (RH). Through that process they learned that there are two nonconformities that would be created as a result of the rezoning. One is front yard parking, the other is side setback. They have requested that staff place that rezone application on hold pending the outcome of the requested zoning text amendment.

POSSIBLE SOLUTIONS:

Option 1: Dwelling House Text Amendment. An alternative solution from modifying the definition of family could be to add “Dwelling House” to the list of permitted uses in the Neighborhood Commercial Zone. A dwelling house is defined as:

“ . . . any building in an “RM” or “RH” district consisting of no more than one dwelling unit designed for and occupied exclusively by a single family, or by not more than one more person than the number of bedrooms, up to five people . . . ”

The definition of dwelling house could be modified to include the NC zone in the list of zones in the definition. There are four NC zones in the City. One is just west of Iowa State

University, one is just north of Downtown between 6th and 7th streets, one is just west of the railroad tracks at North Dakota Avenue, and the fourth is vacant land on South 16th Street in front of the manufactured home parks.

Dwelling houses were added to the zoning code in 2003 because it was found that there was a supply of large homes mixed in with newer apartment buildings. Higher density living was becoming the norm in those areas where traditional single families were less likely to locate.

It is not yet clear what impact this change would have. Staff is not currently aware exactly how many single-dwelling-unit homes exist in the NC zoning districts nor how many bedrooms these homes contain. However, the relative land area of the NC zones is small when compared to the RM and RH zones, which make up the bulk of rental property in Ames. Furthermore, the NC zones also include commercial buildings, which would likely not be directly impacted by the requested change. **It should be noted that although this request originated because of a specific property, a text amendment for the NC zone would have effect city-wide.** One solution to this could be to limit the area to just the West University Impacted Overlay Zone, as Mother Lode has suggested.

Option 2 Change To Family Definition. The definition of family could be changed as requested by the applicant. **However, that could have implications city-wide and would likely go beyond what is needed to resolve the issue on this one site.**

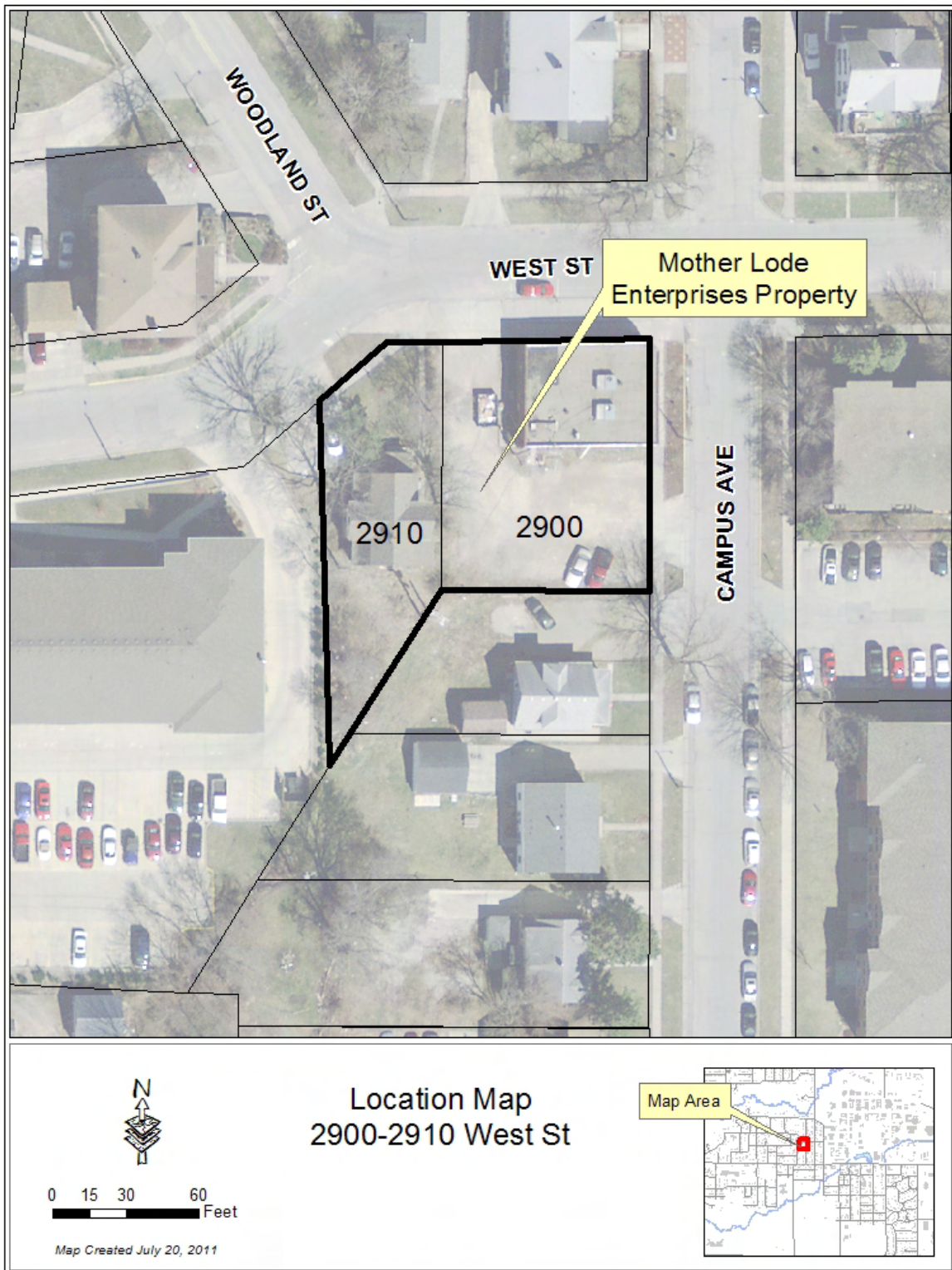
Option 3 Rezoning Property to RH. If the Council did not refer this request to start the text amendment process, Mother Lode Enterprises would likely go back to their rezoning application (which has not yet gone to Planning & Zoning Commission). The RH zone already allows the dwelling house use. This entire area is designated Residential High Density on the City's Future Land Use Map, which would support the rezone. However, the City still has the discretion to weigh the impacts of the loss of Neighborhood Commercial zoned land. There are growing trends in many communities to place retail services within walking distance of residents, which may be a viewpoint opposed to the rezone. An alternative view in support of the rezone could be based on the positive aspects of renovating and re-using existing buildings. Some of those positives may be: 1) maintaining community character and 2) renovating existing buildings is more "green" than new construction / building material demand. This option will create some non-conformities that may limit expansion opportunities.

Option 4 Granting A Variance. A variance from the Zoning Board of Adjustment to exceed the limit of number of unrelated people would be another option. **However, the likelihood of success is very low because of the strict criteria which come from the State.**

NEXT STEPS:

It should be noted that this is just an initial reaction from Planning staff. This is not a full analysis of the merits of all possible options. There may also be other options not yet identified. The Council will need to determine which of the above options, if any, it might support and refer to staff accordingly.

It should be noted that the Mr. Blakely and Mr. Paulson have submitted an application for a rezone that has been placed on hold pending the outcome of the Council's consideration of a text amendment.



Staff Report

Referral from 429 and 431 South Duff Avenue

July 26, 2011

Background

On June 21, the City Council referred a letter to staff from three businesses—Car-X Auto Service, Story Medical Natural Health, and Serenity Pet Spa. The letter sought City help in acquiring a second access from their property at 429 and 431 South Duff Avenue to South 5th Street. The letter is included as Attachment 1.

Staff spoke with representatives of the three businesses that wrote the letter and understands that they are concerned about northbound traffic on Duff Avenue being unable to access their property. This is because there is often southbound traffic backed up at the intersection with South 5th, especially in the center/left turn lane. This turning movement is shown on the map on Attachment 2 and is identified as “A”. **Another concern expressed by the three businesses is that it is difficult for cars to exit Car-X onto northbound Duff Avenue.** This movement is shown on the attached map and identified as “B”. **The business owners hoped that by providing an access across the corner lot at 435 South Duff Avenue, northbound traffic could turn left on South 5th and turn right into a driveway that would lead to their businesses.**

A vacant lot, formerly the Fox II and Sprint store, lies between the Car-X and South 5th Street and is owned by 435 South Duff, LLC (a corporation headquartered at the Hunziker Realty address). A site plan for a two-tenant building (of which one tenant is proposed as a Chipotle restaurant) has been submitted for that property, addressed as 435 South Duff. An excerpt from the proposed site plan is included as Attachment 3.

During conversations with the businesses that wrote the letter, staff showed them a copy of the proposed site plan for the two-tenant building but, since the driveway around the south side of the restaurant is a one-way drive, it would not provide an alternate entrance drive to the Car-X property. However, it could provide an exit lane for drivers wishing to exit Car-X onto South 5th. The cars could then make a left turn to become northbound on Duff Avenue. This movement is shown as “C” on the map on Attachment 2.

Staff asked all three business owners if they had approached the owner of the vacant lot at 435 South Duff to see if, through their design of the site, they could be provided the access they want. Staff learned from the three businesses that they had not. **Staff explained that the City cannot require such an access. However, while the City has no authority to compel the owner to provide an alternative access for the Car-X property, staff would certainly work with the owner to accommodate such an access if the owner so desired it.**

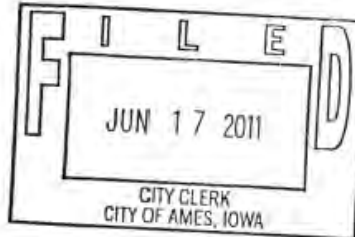
Since the City doesn't have any authority to require access easements across 435 South Duff Avenue to accommodate the wishes of the businesses at 429 and 431 South Duff Avenue, it doesn't appear any further City action is possible.

ATTACHMENT 1: LETTER FROM 429 AND 431 SOUTH DUFF AVENUE BUSINESSES

*Photo. 6-17-11
copy: John Joiner
Steve O.*

June 11, 2011

The Mayor
City Council
Public Works --Engineering
515 Clark Ave.
Ames, IA 50010



We would like to bring to your attention the need for another access route to enter the businesses at 421 and 431 S. Duff Ave. Particularly since the lot at the NW corner of 5th and S. Duff will be re-built eventually, there is a need to plan for an entrance and exit that could serve our locations as well.

At this time, the only entrance or exit to our businesses is the driveway through the Car-X lot. A significant amount of traffic goes through this driveway and it has become more difficult to enter or exit due to the increasing amount of traffic on south Duff Ave. It also brings up some safety concerns for the customers walking across the Car-X lot.

Since the southbound traffic going to Wal-Mart is using the turn lane at the 5th St. and S. Duff intersection, quite a few cars can be lined up and therefore blocking the lanes for traffic from the south to enter the driveway. That also makes it difficult for customers to leave the Car-X driveway wanting to go north.

We would like you to assess the situation and determine if some alternative entrance can be included in the future building plans for the corner lot that is presently vacant but may soon be sold.

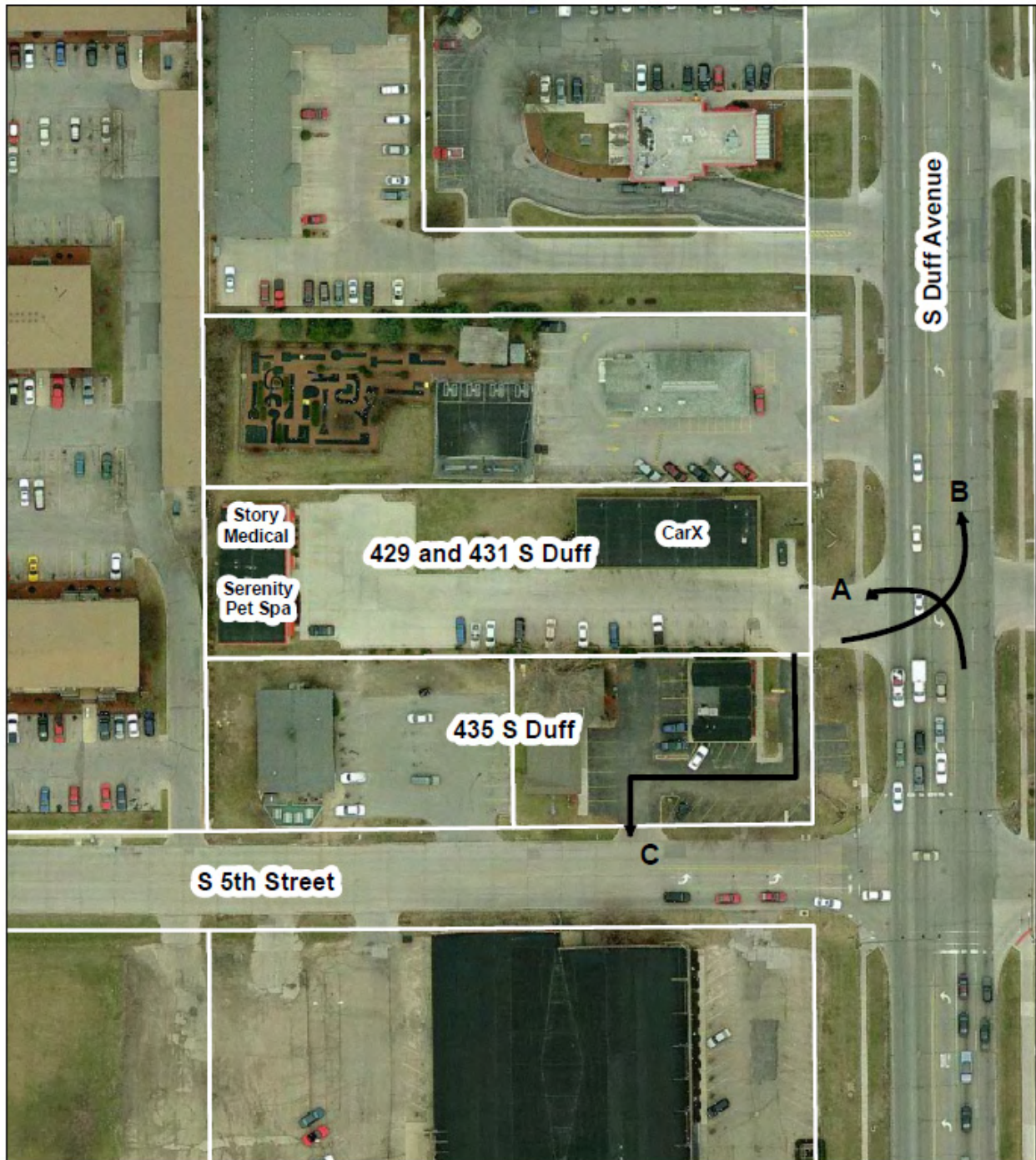
The businesses presently using the Car-X driveway are:

Car-X
Story Medical Natural Health
Christine Shimkus Massage Therapy
Sunstone Massage
Serenity Pet Spa

MGR CARX John Blanche
Mrs. Albert Smith
Owner Serenity Pet Spa

Valerie Schallbaum
Story Medical Natural Health

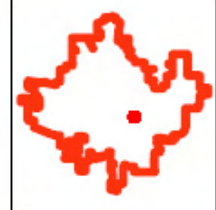
ATTACHMENT 2: MAP OF TURNING MOVEMENTS AT 429 AND 431 SOUTH DUFF AVENUE



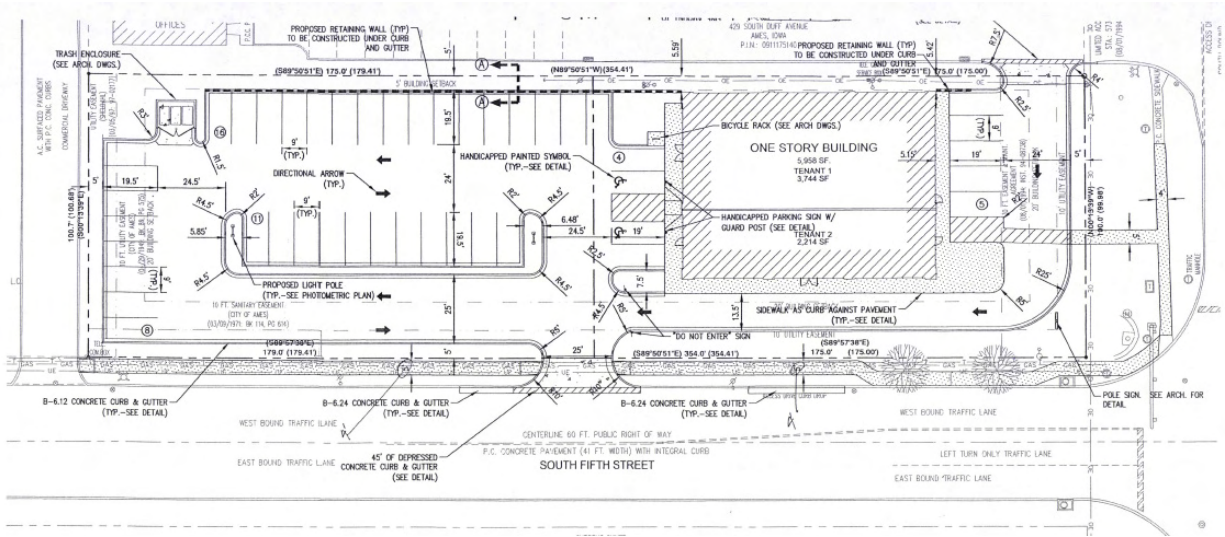
**Turning Movements at
429-431 South Duff Avenue**



0 37.5 75 150 Feet



ATTACHMENT 3: PROPOSED SITE PLAN FOR 435 SOUTH DUFF AVENUE



Staff Report

3409-3413 SOUTH DUFF AVENUE DRAINAGE REFERRAL

July 26, 2011

Background:

On June 28, 2011 in response to a rezoning request from the property owner at 3409-3413 South Duff Avenue, the City Council directed staff to report back regarding the cost estimate, the funding source, and the time frame to complete a comprehensive analysis regarding storm water runoff as it relates to the Teagarden/Southdale/Airport area.

The properties located at 3409 and 3413 have varying topography, which divides the area into two sub-watersheds. The northern area drains northerly through the property owned by Rueter Farms Inc. then east along Crystal Street. The remaining property area drains along the south boundary line of this property then east under U.S. Highway 69. The sub-watershed areas are currently planned in the CIP for FY 2013/14 to be combined to look at a more comprehensive analysis.

In 1984, a comprehensive report was completed by BP Donohue for the entire watershed. Most of the recommendations within this report appear to have been implemented. (See Attachment I) In summary, five detention basins were recommended and built on the airport grounds. Additionally, a low-flow cunette was constructed in 1985 from Jewel Drive south past Garnet Drive. In 1986/87 channel improvements were made along the middle and south branch culverts each at Emerald Drive.

In 2000, another study was conducted by Snyder and Associates with focus on prevention of the overtopping of U.S. Highway 69 and sizing of a culvert under Jewel Drive. A portion of the recommendations within this study were implemented. This study focused on the N. Branch of the watershed only (See attached Attachment II). In general, eight alternatives looked at how to accommodate flow from U.S. Highway 69/Crystal Street east and south to Jewel Drive. In 2001, a 72-inch storm sewer was installed along Crystal Street, south and east through the Schill property, and then along Opal Drive to the existing three 48-inch pipes at Jewel Drive.

Scope of the Analysis:

Feedback received by the consulting firm that serves as the Airport engineer and also has local watershed management experience, indicates that a comprehensive analysis of the entire watershed would best address the neighborhood concerns. This comprehensive approach would offer an opportunity to analyze specific complaint or problem areas in the context of regional surface water interaction. In addition, since the rezoned properties straddle the north and middle branches and the Drainage District

#59 boundary, it is believed that analysis of the impact of the subject properties is best addressed under a comprehensive review.

Cost and Time Frame Estimate:

A proposed schedule could look as outlined below:

Aug 2011	- Kickoff Meeting with Public Works staff
Sept 2011	- Data gathering/Field Data Collection
Oct 2011	- Public Meeting #1
Dec 2011	-Engineering Analysis
Jan 2012	-Draft report of findings-Public Meeting #2
Feb 2012	-Engineering Report
April 2012	-City Council Presentation

Using the outlined schedule above, the engineering evaluation is estimated to cost between \$40,000 and \$60,000.

Funding Options:

Staff explored the possibility of securing FAA, Drainage District, IDOT, and IDNR funding, but determined that none of these outside sources are feasible.

In reviewing the status of the Storm Water Utility Fund it was determined that an adequate fund balance is available this time to shift the planning for this project from FY 13/14 to FY 11/12. In order to advance this planning study, the \$125,000 Low Point Drainage Improvements Project reflected the CIP should be amended accordingly.

It should be emphasized that the projected balance in the Storm Sewer Utility assumes federal FEMA mitigation monies will be available to accomplish other needed improvements in various neighborhoods. If these federal funds are not forthcoming, then this balance might be needed to accomplish other priority storm water improvements.

Structural alternatives evaluated included detention storage and channel improvements. Construction cost estimates were provided for all feasible alternatives.

Recommendations

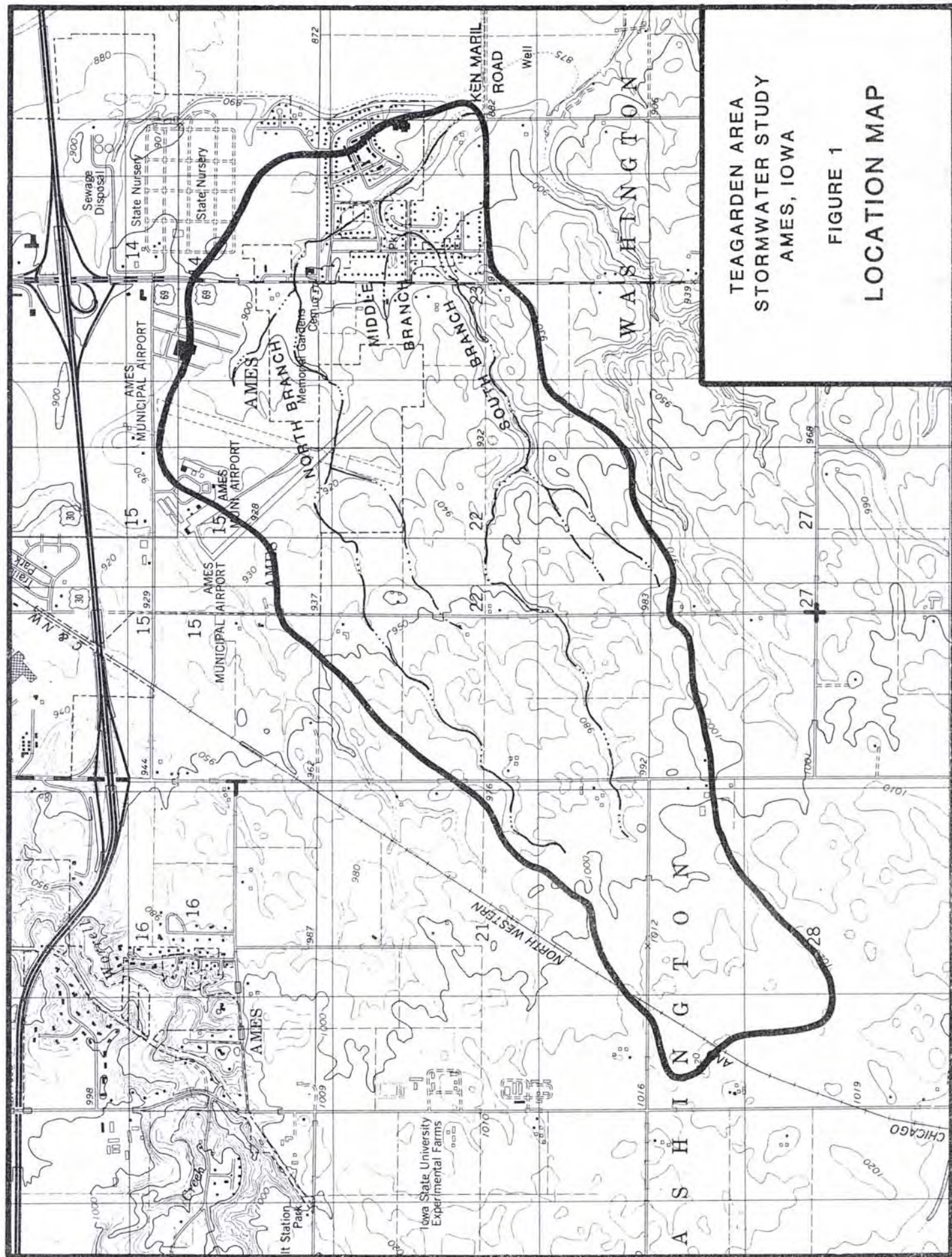
To alleviate the drainage and flooding problems within the Teagarden area, channel and culvert improvements and five floodwater detention basins are recommended. The following recommendations are made with regard to the drainage and flooding problems and according to the following construction schedule:

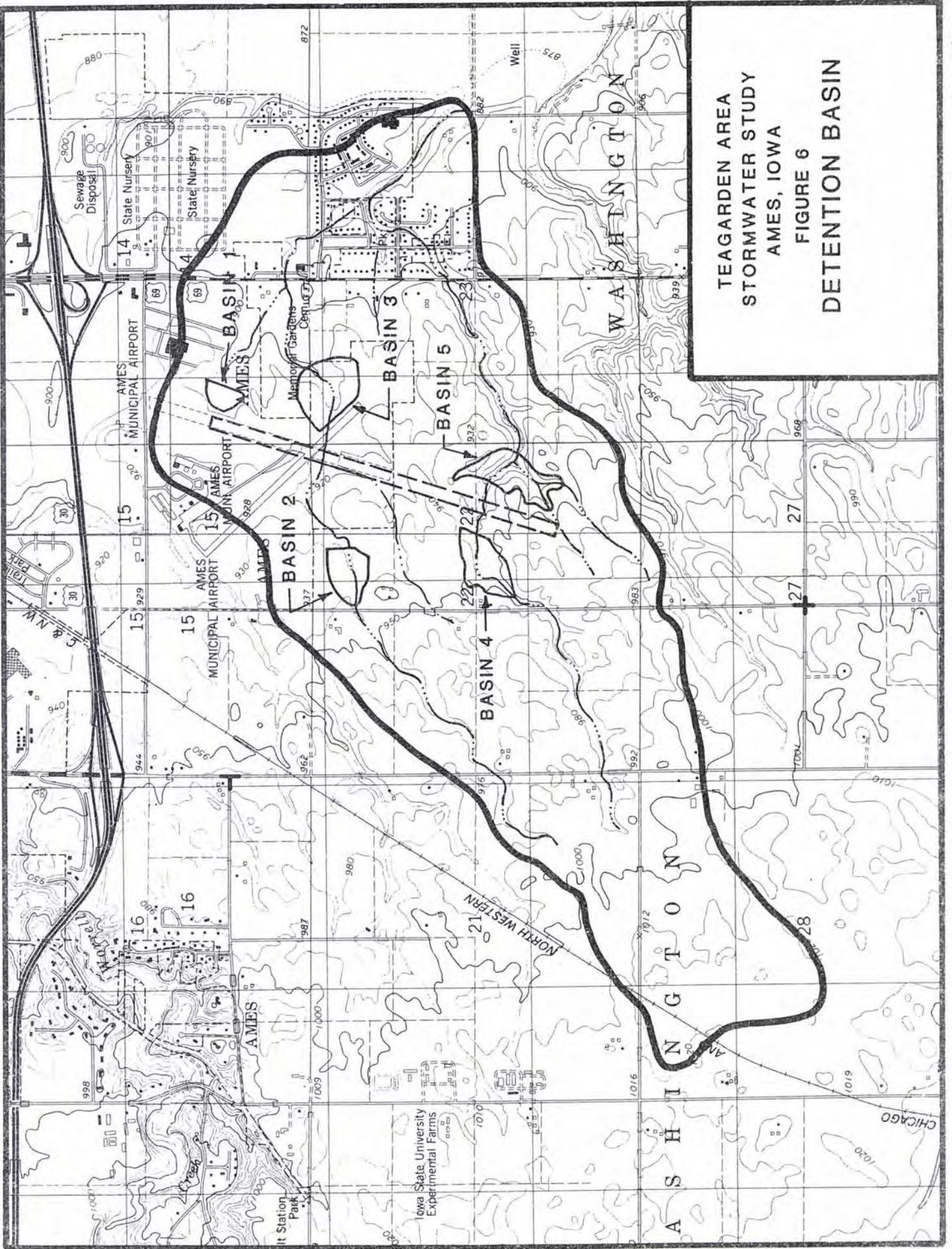
✓ = completed

<u>Year</u>		<u>Cost</u>
1984-85	°Low-flow cunette, subdrain and subdrain collector pipe from Jewell Drive to below Garnet Drive.	\$253,200.00 ✓
1985-86	°Construction of a floodwater detention basin (Site 1) located on the north branch east of the airport terminal.	\$136,000.00* ✓
1985-86	°Construction of a floodwater detention basin (Site 2) on the north branch east of South Riverside Drive.	\$865,000.00* ✓
1985-86	°Construction of a floodwater detention basin (Site 4) on the south branch west of Runway 1-19.	\$509,000.00* ✓
1985-86	°Construction of a floodwater detention basin (Site 5) on the south branch east of Runway 1-19.	\$365,000.00* ✓
1986-87	°Channel improvement on the north branch from U.S. Highway 69 to Jewell Drive. Channel bank protection on the south branch from U.S. Highway 69 to below Garden Road and at south branch mouth. Middle branch culvert improvements at Emerald Drive.	\$106,300.00 ✓
1994-2003	°Construction of a floodwater detention basin (Site 3) located on the north branch east of the runway intersection.	\$523,000.00* ✓
1994-2003	°Replacement of the existing culvert at U.S. Highway 69 on the north branch with twin 6-foot horizontal by 5-foot vertical box culverts.	\$199,000.00**

*Construction costs may qualify for Federal Aviation Administration funding in conjunction with the Ames airport expansion and development.

**Construction of culvert improvement to be coordinated with U.S. Highway 69 improvements and may qualify for Iowa Department of Transportation funding.





TEAGARDEN AREA
STORMWATER STUDY
AMES, IOWA
FIGURE 6
DETENTION BASIN

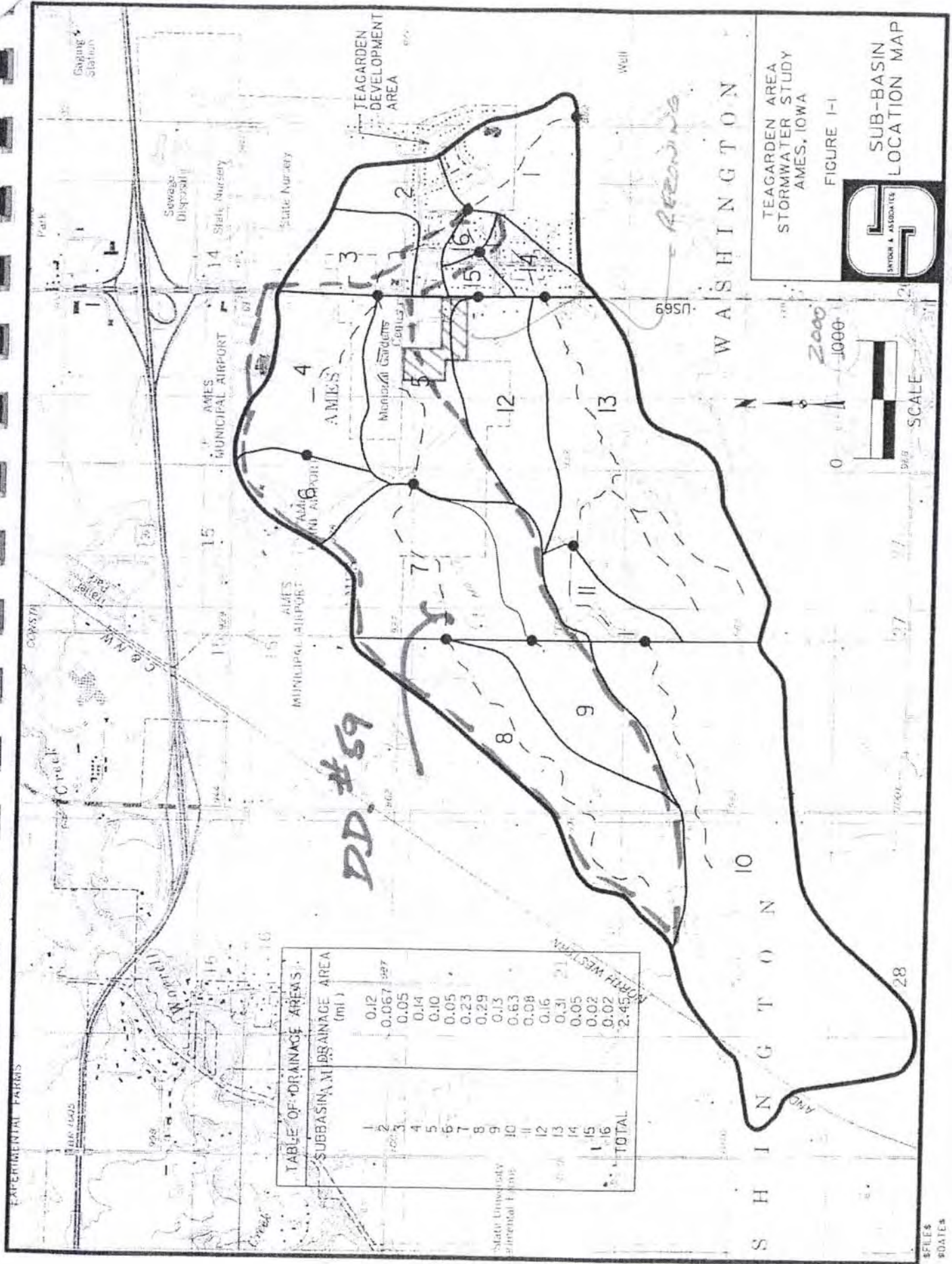
TABLE 4-3
ENGINEER'S PRELIMINARY OPINION
OF PROBABLE CONSTRUCTION COSTS
TEAGARDEN STORM WATER STUDY
SUMMARY OF ALTERNATIVE COSTS*
CITY OF AMES, IOWA
July 1999

✓ = completed

Alternative	Estimated Project Cost
Alternative #1 - 3-48" RCP at ACI Parking Lot, 72" RCP at driveway, and 60" RCP under U.S. 69	\$249,136
Alternative #2 - 3-48" RCP at ACI Parking Lot, remove driveway culvert, improve open ditch, and 54" RCP at U.S. 69	\$262,534
Alternative #3 - 7'x5' RCB from U.S. 69 through ACI Parking Lot	\$514,533
Alternative #4 - 6'x5' RCB from U.S. 69 through Jewel Dr.	\$641,884
Alternative #5 - Detention pond upstream of U.S. 69	\$1,299,328
Alternative #6 - Detention pond upstream of U.S. 69 and 72" RCP at driveway	\$397,383
Alternative #7 - Detention pond upstream of U.S. 69, 72" RCP at driveway, and 3-48" RCP at ACI	\$571,205
Alternative #8 - Detention pond upstream of U.S. 69 and 72" RCP storm sewer from U.S. 69 through ACI Parking Lot * See attached aerial of alignment along Opal Drive	\$581,066 ✓

* Detailed cost estimates for each alternative are found in Appendix A

Note: all construction costs are based on 1999 prices.



DD #69

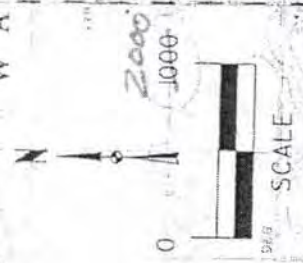
SUBBASIN	DRAINAGE AREA (mi ²)
1	0.12
2	0.067
3	0.05
4	0.10
5	0.05
6	0.23
7	0.29
8	0.13
9	0.63
10	0.08
11	0.16
12	0.31
13	0.05
14	0.02
15	0.02
16	2.45
TOTAL	2.45

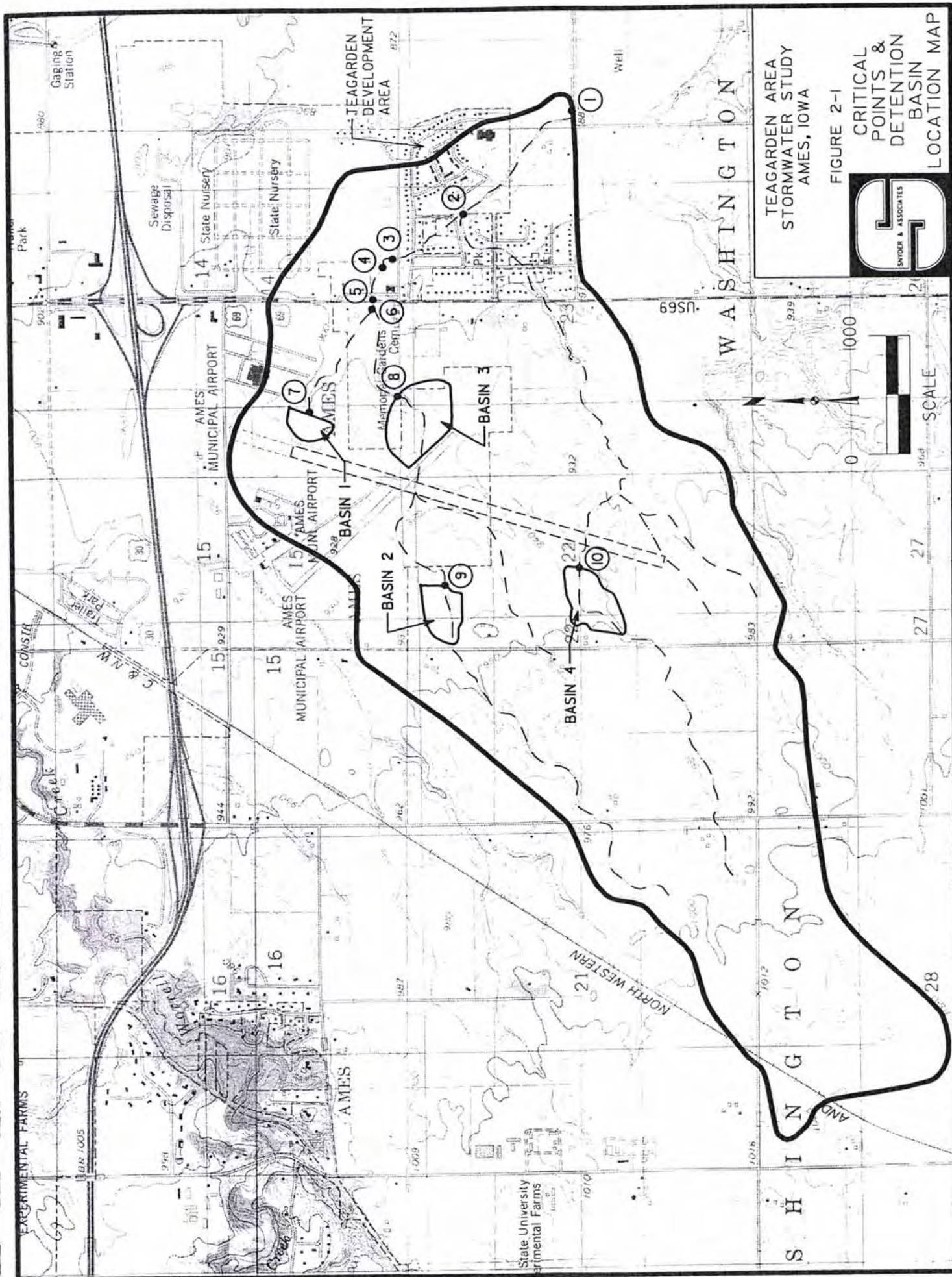
TEAGARDEN AREA
STORMWATER STUDY
AMES, IOWA

FIGURE 1-1

SUB-BASIN
LOCATION MAP

SHAW & ASSOCIATES



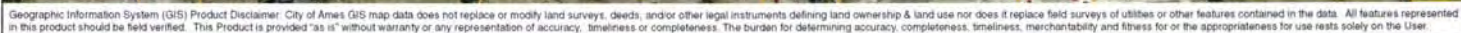


TEAGARDEN AREA
STORMWATER STUDY
AMES, IOWA

FIGURE 2-1

CRITICAL
POINTS &
DETENTION
BASIN
LOCATION MAP





Date: 7/21/2011

COUNCIL ACTION FORM

SUBJECT: REDIRECTING GENERAL OBLIGATION BONDS FROM GRAND AVENUE EXTENSION IN 2011/12 CAPITAL IMPROVEMENTS PLAN

BACKGROUND:

The Grand Avenue Extension project is included in the approved 2011-2016 Capital Improvements Plan (CIP) with planning and land acquisition from Squaw Creek Drive to South 16th Street scheduled for 2011/12. These planning and land acquisition costs are programmed to have \$300,000 from General Obligation Bonds (G.O. Bonds) and \$1,200,000 from Congressionally Directed Funds. Since City Council approved the CIP, staff has been notified by our Congressional delegation that we should not expect to receive any Congressionally Directed Funds (Earmarks) in the near future. As a result of the lack of federal funding, staff does not recommend pursuing this major project at this time. However, as an alternative, the City Council could chose to redirect the \$300,000 in G.O. Bonds to fund other work in accordance with priorities recommended by our Pavement Management System.

Recently, staff has received several complaints about the pavement condition on the frontage road south of SE 16th Street adjacent to S. Duff Avenue and businesses such as Re/Max Real Estate Center, Sherwin-Williams, and Golf USA. This existing asphalt roadway is a City street that provides access management from U.S. Highway 69 to the area businesses. The pavement management data shows this section of roadway being in the category of worst condition with a pavement condition index of 20 or lower. This indicates that a full reconstruction is likely the most feasible solution. A preliminary cost estimate to reconstruct the roadway pavement (including engineering) is \$165,000.

Another roadway in need of rehabilitation is Hickory Drive from Lincoln Way to Westbrook Drive, which is located at a traffic signal controlled intersection. This roadway connects the Woodland Street area to Lincoln Way. Maintenance crew input and an inspection of this section show it to be greatly deteriorated. A preliminary cost estimate to rehabilitate the roadway pavement (including engineering) is \$135,000.

ALTERNATIVES:

1. Approve the redirection of G.O. Bonds in the amount of \$300,000 to be used to reconstruct the S. Duff Avenue/SE 16th Street frontage road and Hickory Drive (Lincoln Way to Westbrook Drive). These bonds are projected to be sold this fall.
2. Direct staff to redirect the G.O. Bonds in the the amount of \$300,000 to a different eligible project.

3. The City Council can decide to reduce the proposed fall bond sale by \$300,000.

Since the 2011/12 budget assumed that this \$300,000 of G.O. Bonds would be sold, the current tax rate will generate revenues to recoup from our property tax payers the annual principle and interest payments for this debt. If the Council opts for this alternative, the excess tax revenue generated will be placed in the Debt Service Fund and made available to reduce future tax levies.

MANAGER'S RECOMMENDED ACTION:

Since the City has been informed by our federal delegation not to expect any earmarks in the near future, the City Council must decide whether or not to still sell the \$300,000 that have been levied.

By redirecting the \$300,000, it will be possible to advance the rehabilitation of two street sections that continue to deteriorate. Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the redirection of G.O. Bonds in the amount of \$300,000 to be used to reconstruct the S. Duff Avenue/SE 16th Street frontage road and Hickory Drive (Lincoln Way to Westbrook Drive). If this alternative is approved, improvements will not be made until the Spring of 2012.

ITEM #: 27
DATE: 07-26-11

COUNCIL ACTION FORM

SUBJECT: DEMOLITION OF FORMER GREEK HOUSE AT 129 ASH AVENUE

BACKGROUND:

St. Thomas Aquinas Church owns property at 129 Ash Avenue in the Greek house neighborhood south across Lincoln Way from the Iowa State University (ISU) campus, on the west side of Ash Avenue (See Attachment A). To the north, south, southwest, and northwest of the property are fraternities and sororities. To the west is a surface parking lot also owned by St. Thomas Aquinas Church. Across Ash Avenue to the east is Buchanan Hall, which is a student residence hall owned by ISU.

On the property is a nine-unit apartment building, which was built around 1913 and housed the Pi Beta Phi sorority until at least 1936. In the survey of potentially historic properties conducted for the City, Will Page identified this residence as architecturally and historically compatible as an example of a wood frame Greek chapter house, noting that it calls attention to the relocation of Greek houses from west of the ISU campus to this area. Since siding has covered the original exterior material and details, it is difficult to determine its historic integrity.

St. Thomas Aquinas Church has owned the property since 1973 to provide housing for pastors and staff. The Church proposes to demolish the existing building, combine the subject property with the properties containing the church and the existing parking lot to the west, and construct a parking deck that extends from Ash Avenue through to Lynn Avenue.

This property is within the Residential High Density (RH) zoning district and the East University Impacted Area (O-UIE) overlay zoning district. Ames *Municipal Code* Section 29.1110(2) (Attachment B) requires City Council approval for demolition of an existing or former Greek house in the East University Impacted Area. The purpose of the strict demolition standards in this district is to assure

. . . architectural compatibility with the valued characteristics of existing structures and landscapes, such as location, height, materials and the appearance of variety of forms and of architectural styles . . .

Therefore, demolition of existing (Greek) structures is prohibited unless

[t]he structure cannot be used for the original intended purpose and/or no alternative reasonable use can be identified and the property owner can show evidence that an economic hardship will be created if the structure cannot be removed.

This standard establishes that at least one of the following two criteria must be met:

- that the building cannot be used as a Greek house
- that the building cannot be used for an alternative reasonable use allowed in the zoning code, in this case, other residential uses and several institutional uses,

This standard also requires that it be demonstrated that leaving the existing building in place will create an economic hardship.

To determine economic hardship, the City Council is to determine if prohibiting demolition:

will deprive the owner of the property of reasonable use of, or economic return on, the property. After reviewing the evidence, the Council may deny the application, may approve demolition, or may table the application for a Demolition Permit for a period of time not to exceed 30 days. The 30-day period will permit an opportunity for other alternatives to be evaluated.

Generally, this applicant states that it meets these standards because:

- the current building can no longer be used as a Greek residence,
- it operates at a loss as an apartment building,
- the Church does not own the property in order to make an economic return,
- and that parking is a reasonable use for the property, which would be prohibited if Council denies the demolition request (See Attachments C and D).

This request is different from the recent request from the Sigma Chi Alumni Board for demolition of the Greek house at 2136 Lincoln Way in several respects. The building at 2136 Lincoln Way was being used as a Greek house at the time the request was made and after demolition the chapter will build a new Greek house for that use to continue. The building at 129 Ash Avenue has not been used as a Greek residence for over 70 years, and, after demolition the use will be parking to support the church, which is also an allowed use.

Also, the Sigma Chi alumni board based its request for 2136 Lincoln Way on economic hardship if the structure was not removed. Supporting information showed that the cost to convert the existing house to meet the needs of current and future students is not sustainable, but that by building a new Greek house, that use is sustainable. Since the Sigma Chi chapter intends to continue its use of the building as a Greek residence, alternative uses were not explored. It is important to note that demolition of the Greek house at 2136 Lincoln Way is only permitted once the funding is in place to building the new Greek house. The house cannot be demolished to make way for any other use. That would require a new request to the City Council.

Similar to the Sigma Chi case, the basis of the St. Thomas Aquinas Church demolition request is the criterion in the Zoning Ordinance that “[t]he structure cannot be used for the original intended purpose.” Supporting information in the letter from RDG Planning and Design (Attachment D) states that the building does not provide any of the living conditions, amenities, or aesthetics to which current and future students are accustomed. It does not provide for the flexibility in the use of space needed for living/learning environments, group educational and social activities or community

building. Fund-raising for Greek renovation is very difficult, there are no Greek alumni of this building as a Greek house, there is no current Greek chapter interested in this building, and the current appearance of the building does not offer much potential for fund-raising. Especially important is that 40 to 50 residents are needed to sustain a Greek chapter house and this house would need to be almost doubled in size to accommodate that many students. The property does not have sufficient space for such an addition and the parking required for expanding the capacity of the residence.

To demonstrate economic hardship the Church has provided the following information:

- Apartment rents are from \$130 per month to \$500 per month.
- Rents are discounted because some of the renters are staff of the Church.
- The total annual income from the apartments was \$33,540.
- Total annual expenses were \$34,195. Expenses include insurance, taxes, utilities, maintenance, management and cost for some major improvements, such as replacing the roof and windows.

This information was compiled several years ago for another purpose and was not prepared for this application. It is based on the Church owning the property. If the analysis was made to determine if the apartment use can be sustained long-term it may be appropriate to include updated market rate rents, perhaps \$400 to \$700 per month, and the annualized cost of the property and building. The property is currently assessed at \$615,000, which may be lower than the market value due to the tax exemption for religious uses. The Church does not have a financial purpose for the property and thus has not presented any type of profit/loss analysis to determine financial viability of the apartment use.

If demolition is approved, it is important that the City has confidence that a minor site development plan and architectural drawings for the new development of the site can be approved as meeting the requirements of the Zoning Overlay District and all other applicable standards of the City of Ames. Architectural schematic drawings for the proposed new parking structure have been submitted (See Attachment E). The Church is still working with its architect and contractor on plans for the project and staff has not yet determined if the building and site plans meet the design standards of the East University Impacted Overlay Zoning District. **Therefore, approval of demolition should be conditional on an approved Minor Site Development Plan and submittal of complete plans for a building permit application consistent with the architectural schematic drawings in Attachment E and with any applicable design standards.**

Although it is unlikely that the Church would find itself unable to build the new structure once the Greek house were demolished, the City Council may also want to consider a condition that would reduce the likelihood of this scenario. **Submittal to staff of proof of financing for the new parking structure could also be required before the Demolition Permit is approved.** (This was a condition of approval for demolition of the Sigma Chi House.)

ALTERNATIVES:

1. The City Council can approve demolition of the Greek residence at 129 Ash Avenue provided the following conditions are met before the Demolition Permit is issued:
 - a. A Minor Site Development Plan is approved by the Planning and Housing Department.
 - b. Submittal of complete plans for a building permit application consistent with the architectural schematic drawings in Attachment E and with any applicable design standards.
 - c. Proof of financing for the building as reflected on Attachment E is approved by the City Attorney.
2. The City Council can approve demolition of the Greek residence at 129 Ash Avenue **without conditions**.
3. The City Council can **deny** demolition of the Greek residence at 129 Ash Avenue if it finds that compliance with the criteria in *Ames Municipal Code* Section 29.1110(2) has not been met.
4. The City Council can **table** the application for a Demolition Permit for a period of time not to exceed 30 days and direct that, if no suitable alternative is presented to the City Council during that period, the Demolition Permit shall be issued.
5. The City Council can **defer action** regarding this request to allow the applicant time to provide to the City Council additional information justifying the stated “economic hardship”.

MANAGER’S RECOMMENDED ACTION:

This is an important decision for the community, because how the criteria for demolition are interpreted in this case could well be expected in future requests. Although the appearance of this building is much different than the other larger, more stylized, masonry Greek houses, the same standards apply to the demolition of each. If other Greek houses can no longer be used for that purpose, it is important that the buildings be adapted for other types of residential, education, religion, museum, community use or other permitted uses. Past trends would indicate that demolition of these buildings will most likely be followed by new apartment buildings.

This is also an important decision for the St. Thomas Aquinas Church and Catholic Student Center. Through significant capital investment, the Church has committed to remaining at its present location near Iowa State University for a long time. It has the opportunity to build a parking structure that will increase on-site parking and make it easier and safer for people to participate in its programs. It is the Church’s intention to start that project with demolition at the beginning of August.

The building has not been a Greek residence for over 70 years. In fact, at the time that the current demolition standard was adopted it was not included in a list of current and former Greek houses provided by the ISU Office of Greek Affairs. The applicant has provided evidence that it is no longer possible for this building to be a residence for Greek students. The Church also maintains that the building is not sustainable as an apartment building. It proposes a parking structure that would be an accessory use to the Church and states that this is a reasonable use that the owner would be deprived of if the demolition permit were denied.

If the City Council concludes that the criteria for demolition have been met, then the City Council should adopt Alternative #1, thereby **approving** demolition of the Greek residence at 129 Ash Avenue provided the following conditions are met before the Demolition Permit is issued:

- a. A Minor Site Development Plan is approved by the Planning and Housing Department.
- b. Submittal of complete plans for a building permit application consistent with the architectural schematic drawings in Attachment E and with any applicable design standards.
- c. Proof of financing for the building as reflected on Attachment E is approved by the City Attorney.

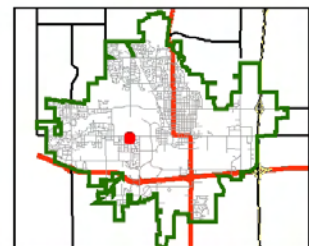
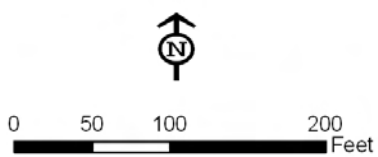
If the City Council would like more information from the Church in order to determine if an economic hardship exists, then Alternative #5 should be supported, thereby **deferring** this matter.

If, however, the City Council concludes that the existing building can provide economic return as an apartment building or some other use allowed in the RH zoning district, whether owned by the Church or some other owner, or otherwise concludes that the criteria for demolition have not been met, then the City Council should adopt Alternative #3, **denying** demolition of the Greek residence at 129 Ash Avenue.

Attachment A



Location Map
129 Ash



Attachment B

Sec. 29.1110. "O-UIE" EAST UNIVERSITY IMPACTED DISTRICT

(1) **Purpose.** The purpose of the East University Impacted District is to include areas where the majority of the facilities were developed by "Greek" organizations as housing for students, in order to maintain housing opportunities and housing density, to the extent that base zoning would allow, while assuring the provision of such requirements as adequate parking and architectural compatibility with the valued characteristics of existing structures and landscapes, such as location, height, materials and the appearance of variety of forms and of architectural styles, by creating regulatory standards for commercial and high density residential uses, but not impacting single or two family uses.

(2) **Demolition.** Demolition of existing structures shall be strictly prohibited except in the instance of meeting either subsection (a) or (b) below:

(a) The owner can provide evidence that the structure was never used by "Greek" organizations as housing for students.

(b) The structure cannot be used for the original intended purpose and/or no alternative reasonable use can be identified and the property owner can show evidence that an economic hardship will be created if the structure cannot be removed. To prove economic hardship, the applicant shall submit where appropriate to the applicant's proposal, the following information to be considered.

(i) Estimate of the cost of the proposed demolition,

(ii) Estimate of any additional cost that would be incurred to rehabilitate the building for the intended use.

(iii) A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of the structure or structures on the property and their suitability for rehabilitation. (This shall be required only when the applicant's proposal is based on an argument of structural soundness.)

(iv) Estimated market value of the property in its current condition; after completion of demolition; after any changes recommended by the City Council; and after renovation of the existing property for continued use.

(v) An estimate from an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property.

(vi) Amount paid for the property, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between the seller and buyer.

(vii) If the property is income-producing, the annual gross income from the property for the previous two years; itemized operating and maintenance expenses for the previous two years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period.

(viii) Remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, for the previous two years.

(ix) All appraisals obtained within the previous two years by the owner or applicant in connection with the purchase, financing, or ownership of the property.

(x) Any listing of the property for sale or rent, price asked and offers received, if any, within the previous two years.

(xi) Assessed value of the property according to the most recent assessments.

(xii) Real estate taxes for the previous two years.

(xiii) Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture, or other.

(xiii) Approval of a minor site development plan and architectural drawings as meeting the requirements of subsection (3) through (6) below and all other applicable standards of the City of Ames.

(c) **Determination of Economic Hardship.** The City Council shall review all the evidence and information required of an applicant and make a determination whether the denial of a demolition permit has deprived, or will deprive, the owner of the property of reasonable use of, or economic return on, the property. After reviewing the evidence, the Council may deny the application, may approve demolition, or may table the application for a Demolition Permit for a period of time not to exceed 30 days. The 30-day period will permit an opportunity for other alternatives to be evaluated. If a suitable alternative is not presented to the Council within the 30-day period, the Demolition Permit shall be issued.

...

Attachment C



St. Thomas Aquinas Church
& Catholic Student Center at Iowa State University

2210 Lincoln Way

Ames, Iowa 50014

(515) 292-3810

July 5, 2011

Honorable Anne Campbell, Mayor, and Members of the Ames City Council,

St. Thomas Aquinas Parish and Catholic Student Center has undertaken the construction of a motor vehicle parking structure over its current parking lot and also on the site of a nine-unit apartment building at 129 Ash that the parish acquired in 1973 as housing for its pastors and staff.

This apartment building was the Pi Beta Phi sorority from about 1917 until at least 1936. In that year the Ames phone book still showed the address of Pi Beta Phi as 129 Ash. By 1940, however, the Polk's Directory showed 129 Ash as the Hillcrest Apartments and listed the occupants of the nine apartments.

Although 129 Ash has been an apartment building for over 70 years, its prior use as a sorority house triggers Section 29.1110 (2) of the Municipal Code which prohibits its demolition unless the Council determines that such prohibition will deny a "reasonable use" of the property. The Code section requires that an applicant for a permit to demolish a former "Greek House" submit to the Council those informational items listed in subsection 29.1110 (2) (b) that are "appropriate to the applicant's proposal." In that regard, based on consultation with the City Planning staff, the Parish submits the following:

1. The assessed value of the building to be demolished is \$315,000.00.
2. Real estate taxes for the past two years have been: 2010/11 - \$10,280.00; 2009/10 - \$9,982.00.
3. The attached site development plan and architectural drawings that meet the "Development Standards", "Architectural Design Standards", and "Landscaping and Fences Standards" of the East University Impacted District, and all other applicable standards of the City of Ames.

From the materials submitted it is hoped that you will find that the proposed parking structure is a "reasonable use" of the site that will demonstrate "architectural compatibility with the valued characteristics of existing structures".

Respectfully Submitted,

Fr. Jon Seda, Pastor
St. Thomas Aquinas Church and Catholic
Student Center



Attachment D



July 15, 2011

Jeffrey D. Benson
Planner, Department of Planning and Housing
City of Ames
515 Clark Avenue
Ames, IA 50010

Dear Mr. Benson:

This letter is in reference to St. Thomas Aquinas Parish and Catholic Student Center and the proposed Motor Vehicle Parking Structure project. As part of the preliminary design for this project, it is proposed that the apartment building at 129 Ash will be demolished to allow for parking expansion on this site.

History

This building was originally used as the Pi Beta Phi sorority from about 1917 until at least 1936. Our research has not uncovered floor plans of the existing building; however a photo of the original exterior is included below. By 1940 the building was converted into nine separate apartment units which were called the Hillcrest Apartments. In 1973, the St. Thomas Aquinas Parish purchased the building to utilize it as housing for its pastors and staff.

Current Usage

Currently, the building is still being utilized as apartments. The building is arranged as follows with square footages noted obtained from the City Assessors property record card.

- Basement Level: Total area of 2,369 square feet. A common laundry room of approximately 674 square feet occupies space on this level. The remaining space is non-habitable mechanical space.
- First Floor: Total area of 3,003 square feet. This level is divided into three separate apartments. Two of these have direct access from the exterior and one is accessed from a shared entry at the northeast corner of the building.
- Second Floor: Total area of 2,585 square feet. This level is divided into three separate apartments, all of which are accessed from a shared entry/stair/corridor at the northeast corner of the building.
- Third Floor: Total area of 1,792 square feet. This level is divided into three separate apartments, all of which are accessed from a shared entry/stair/corridor system at the northeast corner of the building.

No substantial improvements to the building have been made during the time period that St. Thomas Aquinas has owned the building. St. Thomas Aquinas does not have current floor plans of the building, but an image of the current building exterior is shown below.



1918 Original Exterior Image



Current Exterior Image



Evaluation

We have reviewed the existing building to ascertain if it could be returned to use as a new "Greek" house. In developing new, modern "Greek" housing, the following trends and issues are key factors for this type of facility on a major university campus, like Iowa State University, in recruiting and maintaining students and alumni membership in today's market.

1. Students entering college today have increased expectations of their living conditions. They typically come from homes where they have never shared a bedroom and seek out housing that provides amenities and aesthetics consistent with the conditions they came from. These include:
 - a. Upscale space amenities including access to the internet, video, privacy, recreation and storage space.
 - b. Dining options that allow for on the go and off hour access.
 - c. Exterior living and recreation opportunities in close proximity.
2. These housing environments need for provide flexibility of spaces.
 - a. Living/learning environments are now combined as students are in a multi-tasking mode.
 - b. Group/individual areas are needed for meeting and studying to support and encourage community building activities
 - c. Providing space for informal socializing and small-group studying is critical.
3. Restrictions on funds are becoming an ever increasing issue for the houses.
 - a. Funding raising abilities are very difficult in the current economy and it appears this will be the course for quite some time.
 - b. The cost of operating expenses has to be considered as a key factor in the ongoing viability of the houses.
 - i. Efficient energy usage is critical and has a major economic impact.
 - ii. Lower maintenance costs related to construction materials and finishes have an impact on the long term operations.
4. A house size to accommodate approximately 40–50 people (beds) living on site is desired to keep the group viable and competitive with other fraternities or sororities. This is related to the revenue needed to maintain the services provided in Greek housing, as well as the participation level expected in community activities.

Following is some information showing the comparison of a couple of other existing Greek Houses at Iowa State University who have occupancy numbers in the 40–50 beds range as noted above.

Delta Upsilon accommodates 44–46 beds. This house is currently being remodeled.

Sleeping/Study/Bath Areas: 6,517 square feet

Living/Dining/Service/Storage Areas: 6,218 square feet

Total Area: 12,735 square feet = +/-280 square feet/person

Alpha Chi Omega accommodates +/- 50 beds.

Sleeping/Study/Bath Areas: 6,630 square feet

Living/Dining/Service/Storage Areas: 6,688 square feet

Total Area: 13,518 square feet = +/-270 square feet/person

129 Ash Usage

129 Ash, known as the Cardinal House by the St. Thomas Aquinas Parish, currently exists as a 3.1/2 story, 7,680 square foot apartment building consisting of nine rental units. If the square feet/person noted above for the Delta Upsilon and Alpha Chi Omega houses are use for comparison, the existing Cardinal House shell would accommodate 27 people if developed for Greek housing to current comparable standards. To accommodate 50 people as noted earlier, the current structure would need to be expanded by approximately 6,320 square feet, an 83% increase. The site area available for expansion would be to the west. This would result in no on-site parking for the house further compounding the existing street parking problems.

As shown by the above images, the original exterior shell of the building has been modified significantly from when the building was used as the Pi Beta Phi House. These changes have not respected the architectural character of the original building or the other Iowa State University Greek Houses in this area. These changes have resulted in an unappealing appearance to the building. To return the exterior back to some of this original character and provide an exterior appearance that would be appealing for the recruitment membership today, the majority of the exterior envelop would need to be changed and modified. This would essentially results in the demolition of the existing building to reconstruct a new structure with the



appropriate visual character. Unfortunately, the site area available at the 129 Ash property is not of sufficient size to accommodate the square footage of building and site amenities needed for a viable, new modern Greek House.

The concept for the development of this site as part of the St. Thomas Aquinas parking structure is shown on the attached images. I feel that the demolition of the existing Cardinal House apartment building at 129 Ash will remove a structure that is out of character with the Greek Houses that exist in this neighborhood. The proposed design provides visual linkage to the existing St. Thomas Aquinas building and provides an aesthetic image that is not overbearing and is a good neighbor to the Greek Houses in this neighborhood. The expansion of parking in this location will also help to ease the demand for street parking in the neighborhood, helping to provide a safer environment.

Sincerely,



H. Scott Sankey, AIA
Partner / Studio Director
RDG Planning & Design



Attachment E



Overall Site Image looking Northeast



Looking Northwest from Ash Avenue





Looking Southeast from Lynn Avenue

COUNCIL ACTION FORM

SUBJECT: REVISIONS TO AMES MUNICIPAL CODE RELATING TO THE NON-DOMESTIC WASTE PRETREATMENT PROGRAM

BACKGROUND:

On October 14, 2005, revisions were published to the Code of Federal Regulations 40 CFR Part 403. These revisions adopted the U.S. Environmental Protection Agency (EPA) Pretreatment Streamlining Rule which is designed to reduce the overall regulatory burden of the program on both industrial users and control authorities (i.e. utilities) without adversely affecting environmental protection. The streamlining rule is composed of both required and optional regulatory changes. The rule also provides the City of Ames with the ability to focus resources on industries that have a greater potential to affect the Water Pollution Control Facility and allows for reduced regulatory burden for industrial users that pose little or no threat to the treatment facility.

On September 1, 2010, the Water Pollution Control Facility received a new National Pollutant Discharge Elimination System (NPDES) permit. As part of the new permit requirements, the City is required to review the pretreatment streamlining rules and make revisions to its local code no later than September 1, 2011, adopting the required portions of the rule and any optional portions of the rule the City feels are necessary. Staff has completed that review and is recommending Council adopt the attached modifications to the *Ames Municipal Code*.

While many of the required components of the streamlining rule have already been put into practice, they must be officially adopted into local code. In addition to adopting all required rule changes, adopting all optional rule changes allows the greatest flexibility in administering the pretreatment program and allows the program to be easily adapted to new industries and program changes. Staff has shared details of the proposed revisions with utility customers who are currently covered by the program.

First reading is requested at this Council meeting, with the second and third reading and final adoption planned for the August City Council meetings. This schedule will allow staff time to certify the adoption of the federal pretreatment streamlining rule to the Iowa Department of Natural Resources (IDNR) by September 1, 2011.

ALTERNATIVES:

1. Approve implementation of all components of the EPA Pretreatment Program Streamlining Rule and perform the first reading to modify the *Ames Municipal Code* to adopt all EPA Pretreatment Program Streamlining Rule regulations.

2. Approve implementation of required components only of the EPA Pretreatment Program Streamlining Rule and perform the first reading to modify the *Ames Municipal Code* to adopt only the required EPA Pretreatment Program Streamlining Rule regulations.
3. Do not approve any of the EPA Pretreatment Program Streamlining Rule changes at this time. Failure to adopt the required elements of these rule changes by September 1, 2011 would place the City of Ames in violation of its NPDES permit for the Water Pollution Control Facility.

MANAGER'S RECOMMENDED ACTION:

Adoption of the required components of the EPA Pretreatment Program Streamlining Rule into local code is required by September 1, 2011 in order for the City of Ames to maintain compliance with the Water Pollution Control Facility's NPDES permit. Adoption of the optional components of the pretreatment streamlining rule will allow the City flexibility in administering the Non-Domestic Wastewater Pretreatment Program and will reduce the regulatory burden on local industry without adversely affecting environmental protection. **A summary of the proposed rule changes are highlighted below.**

Therefore, it is the recommendation of the City Manager to adopt Alternative No. 1, thereby approving implementation of all components of EPA's Pretreatment Program Streamlining Rule and carrying out the first reading to modify the *Ames Municipal Code* to adopt all EPA Pretreatment Program Streamlining Rule regulations.

WATER AND POLLUTION CONTROL DEPARTMENT

Non-Domestic Waste Pretreatment Program Streamlining Rule Changes and Effects on Non-Domestic Users

1. Rule Change: Waiver of Sampling for Pollutants Not Present

In the previous version of the code, Categorical Pretreatment Standards required sampling for certain pollutants even if sources of the pollutants did not exist at a facility. This rule change provides a method for the City to waive sampling for pollutants not present at a categorical facility. This change may reduce the sampling and analysis required by categorical industries, given an industry can prove such pollutants are not present in their wastewater discharges. **Adoption of this provision is optional.** *CFR cite(s): 403.8(f)(2)(v), 403.12(e)(2)*

2. Rule Change: Use of General Control Mechanisms

Previous versions of the code required that each non-domestic user have an individual pretreatment permit. This code revision allows the City to use general control mechanism (i.e. general permits) to apply similar local limits and pretreatment requirements to non-domestic users with similar processes. As a result, it provides the City with a consistent means of issuing permits and enforcing pretreatment regulations for similar non-domestic users. This rule change has no affect on non-domestic users currently subject to the pretreatment program. **Adoption of this provision is optional.** *CFR cite(s): 403.8(f)(1)(iii)*

3. Rule Change: Use of Best Management Practices (BMPs) as Local Limits

Prior to the code revisions, specific numeric discharge limits had to be applied to non-domestic users. This code revision allows the City to specify treatment techniques, disposal practices, and other non-analytical controls within a non-domestic users permit in lieu of specific parameter discharge limits. The inclusion of BMPs as local limits would be allowed by the City on a case-specific basis.

Since BMPs are not currently part of non-domestic user permits, adoption of this provision will have minimal impact on existing users. However, the ability to include BMPs in non-domestic user permits may provide alternative methods for users to meet pretreatment requirements. **Adoption of this provision is optional.** *CFR cite(s): 403.5, 403.8(f), 403.12(b), (e), (h)*

4. Rule Change: Modifications to Slug Control Plan Requirements

Previously, the rules required the City to evaluate a non-domestic user's need for a Slug Control Plan at least every two years. This code revision reduces this requirement to allow the City to evaluate the need for a Slug Control Plan at least once or when major changes occur at a facility.

This revision also requires that Slug Control Plans be made part of the non-domestic user's pretreatment permit. The City already includes the Slug Control Plan requirements, if the need exists, in non-domestic user permits. The City also continues to evaluate the need for Slug Control Plans as part of periodic facility inspections. Therefore, non-domestic users on the pretreatment program will see no change when

this revision is adopted. The City of Ames is required to adopt these rule changes.
CFR cite(s): 403.8(f)(1)(iii)(B)(6), 403.8(f)(2)(vi)

5. Rule Change: Use of Equivalent Concentration Limits

Previously, the rules did not allow the City to translate categorical mass limits to equivalent concentration limits. This code revision allows this to happen. However, categorical mass limits do not currently apply to any industry on the City of Ames Non-Domestic Waste Pretreatment Program, so no impacts to current non-domestic users will result from the adoption of this code revision. **Adoption of this provision is optional.** *CFR cite(s): 403.6(c)(6)*

6. Rule Change: Use of Grab/Composite Sampling Protocols

Previously, the rules required that samples be collected using flow-proportional methods unless using such method was not possible. This code revision allows the City to exercise greater flexibility in what type of collection methods are used for periodic compliance monitoring as long as the sample method used produces a representative sample of non-domestic user discharges.

This rule change also requires that sampling methods outlined in 40 CFR Part 403.12 be followed for all pretreatment monitoring. Previously, this requirement only applied to 90-day compliance reports and baseline monitoring reports. Analysis by the City already complies with these requirements. This provision may impact non-domestic users who currently perform self-monitoring. **The City is required to adopt these code revisions.** *CFR cite(s): 403.12(b), (d), (e), (g), (h)*

7. Rule Change: Significant Non-Compliance (SNC) Publication Requirements

The previous rule required that SNC publications be made in the largest daily newspaper published in the City. Now the requirement is for SNC publications to be made in the paper of general circulation within the jurisdiction that provides meaningful public notice. This will have no impact on pretreatment facilities. **Adoption of this provision is optional.** *CFR cite(s): 403.8(f)(2)(viii)*

8. Rule Change: Significant Non-Compliance (SNC) Application to Significant Industrial Users Only

Previously, EPA interpreted the rules regarding SNC as applying to all industrial users, both Minor and Significant, on a pretreatment program. This rule change clarifies that SNC applies only to Significant Industrial Users unless a minor industrial user causes pass-through or interference with the city's treatment plant, causes the City to exercise emergency authority to halt or prevent a discharge, endangers the health and welfare of sanitary sewer workers or the environment, or adversely affects the pretreatment program. This provision reduces the likelihood of a minor industry meeting the SNC criteria. **Adoption of this provision is optional.** *CFR cite(s): 403.8(f)(2)(viii)*

9. Rule Change: Definition of Significant Non-Compliance (SNC) Expanded

The previous rule limited the types of standards and requirements that are to be considered when determining if an industry's violations meet the SNC criteria. This revision expands the types of requirements that can cause a facility to be in SNC to include pretreatment standards or requirements, including instantaneous limits, daily averages, daily maximum, or narrative standards such as best management practices.

This rule change could increase the likelihood of an industry meeting the SNC criteria.
The City is required to adopt this code revision. *CFR cite(s): 403.8(f)(2)(viii)(A), (B), (C)*

10. Rule Change: Significant Non-Compliance (SNC) for Late Reports

Previously a facility was in SNC if a compliance report was more than 30 days late. The new rule extends that to 45 days. Adoption of this rule change allows industrial users more time to submit compliance reports. **Adoption of this provision is optional.** *CFR cite(s): 403.8(f)(2)(viii)(F)*

11. Rule Change: Removal Credits and Effects of Overflows

The Removal Credits provisions allow cities to adjust a Categorical Industrial User's (CIUs) categorical pretreatment limits based on the city's ability to remove the pollutants at its treatment plant. This allows CIUs to discharge higher concentrations of pollutants if the city is able to treat them to the appropriate limits. This rule change updates the references relating to the Removal Credits requirements to comply with combined sewer overflow rules. However, the City has not issued permits with removal credits; and, therefore, adoption of this rule change will have no impact on CIUs. **Adoption of this provision is optional.** *CFR cite(s): 403.7*

12. Rule Change: Signatory Requirements for Industrial User Reports

This rule change updates who is allowed to sign reports for industrial users. The person signing a report must have the ability to authorize funds and personnel needed to ensure compliance with pretreatment standards or to correct issues of non-compliance. This ensures that the person signing the reports is able to take action to immediately correct instances of non-compliance and prevent harm to the environment and the city's treatment plant. **The City of Ames is required to adopt this section.** This rule change is expected to have a very minimal affect to industrial users as most are already following this requirement. *CFR cite(s): 403.12(l)*

13. Rule Change: Signatory Requirements for Publicly Owned Treatment Works (POTW) Reports

Previously, only an elected official or the person in charge of the POTW was allowed to sign the annual POTW pretreatment program report. This rule change allows pretreatment coordinators, who are not necessarily the POTW managers, to sign the pretreatment reports. This rule change applies only to the City. **The City is required to adopt this provision.** *CFR cite(s): 403.12(m)*

14. Rule Change: Update of the Use of Net/Gross Calculations

This rule change updates the requirements for the use of net/gross calculations. The net/gross calculations regulations give the City the option of issuing Categorical Industrial Users a "credit" on their categorical limits for pollutants that are present in their intake waters. Currently, no industry on the Non-Domestic Waste Pretreatment Program contains net/gross calculations in their discharge limits; and, therefore, adoption of this rule change will have minimal affect on industrial users. **The City is required to adopt this code change.** *CFR cite(s): 403.15*

15. Rule Change: Requirement to Report all Monitoring Data

The previous rule only required categorical facilities to report all wastewater monitoring data. This rule change now requires that all non-domestic users subject to the

pretreatment program submit all monitoring data. All non-domestic users will now be required to submit all wastewater monitoring data to the City. **The City is required to adopt this provision.** *CFR cite(s): 403.12(g)(6)*

16. Rule Change: Notification by Industrial Users of Changed Discharge

This rule change clarifies who has to be given notification by non-domestic users of a changed discharge. Non-domestic users are now required to notify the City and the pretreatment program control authority if the control authority is not also the City. Since the City of Ames is the pretreatment control authority and owner of the city's wastewater treatment plant, adoption of the rule change has no affect on non-domestic customers. **The City is required to adopt this code revision.** *CFR cite(s): 403.12(j)*

17. Rule Change: Equivalent Mass Limits in Lieu of Concentration-based Limits

The rule change allows Categorical Industrial Uses to request, and the City the discretion to approve, the conversion of concentration-based categorical standards to equivalent mass limits. Use of equivalent mass limits will require more documentation of discharges and continuous wastewater flow monitoring to verify the mass limits are being met. However, this rule change benefits industries that have implemented water conservation measures that would have otherwise caused the facility to violate a concentration based limit. Adoption of this rule change is expected to have no negative impact on any industrial user on the pretreatment program. **Adoption of this provision is optional.** *CFR cite(s): 403.6(c)(5)*

18. Rule Change: Additional Classifications for Categorical Industrial Users

Previously, the pretreatment regulations classified industries falling under the categorical pretreatment standards as simply Categorical Industrial Users (CIU). All categorical facilities, no matter how large or small of operation they had, were required to meet the requirements outlined in the federal code. This rule revision creates two additional classifications for CIUs; namely, Non-Significant CIUs and Middle Tier CIUs.

A. Non-Significant Categorical Industrial Users (CIU)

Categorical industries which consistently comply with applicable pretreatment standards, consistently discharge less than 100 gallons per day of categorical wastewater, and never discharge any untreated concentrated wastewater may be classified as a Non-Significant CIU. Classification as a Non-Significant CIU reduces the monitoring requirements for an industry and does not require that the facility have a pretreatment program permit. However, Non-Significant CIUs must continue to comply with applicable pretreatment standards and requirements and provide annual certification that this requirement is being met.

B. Middle Tier Categorical Industrial users CIUs

Middle Tier CIUs are facilities whose discharges are:

- ◆ <0.01% of Publicly Owned Treatment Works' (POTW) design dry-weather hydraulic capacity (<860 gpd) or 5,000 gpd, whichever is smaller (measured by continuous effluent flow monitoring unless CIU is batch discharger) AND
- ◆ <0.01% of POTW's design dry-weather treatment capacity; AND

- ◆ <0.01% of Maximum Allowable Headworks Loading (MAHL) for any local limit developed by the POTW and approved by the approval authority

To be eligible for classification as a Middle Tier CIU,

- ◆ CIUs must not have been in Significant Non-Compliance (SNC) for any time in past two years, and
- ◆ CIUs daily flow rates, production levels, or pollutant levels cannot vary significantly where reduced reporting would be non-representative of operating conditions.

Adoption of these additional classifications allows for reduced monitoring requirements and, consequently, a reduced regulatory burden for CIUs with very low flows and potential to impact the POTW. Adoption of this rule change is not likely to affect any industry currently on the city's Non-Domestic Waste Pretreatment Program. However, they may be applicable to new industries or existing industries that meet these requirements in the future. **Adoption of this provision is optional.** *CFR cite(s): 403.3(v)(2); 403.8(f)(2)(v), (6); 403.12(e)(3), (i)*

COUNCIL ACTION FORM

**SUBJECT: CHANGE ORDER TO PROFESSIONAL LEGAL SERVICES PURCHASE
ORDER WITH BROWWINICK ON 161kV TIE LINE FRANCHISE**

BACKGROUND:

The FY2008/09 Capital Improvements Plan includes a project to install a 161kV interconnection with MidAmerican Energy Company. In order to improve electric service reliability for our customers, there is the need for an additional transmission line to connect to the regional electric transmission grid. Following years of system impact studies, a route study, and substation and transmission line design work, the City determined that the best route for an additional transmission line extends from Ames to Ankeny. The project has been underway since 2004.

On July 2, 2008, the Iowa Utilities Board (IUB) issued a final ruling, effectively denying the City's petition for a franchise to construct its 161kV transmission line outside the City limits to northeast Ankeny. In its final decision, the IUB acknowledged the need for the line and did not contest the route specifically, but rather took issue with evidence of compliance with Iowa Code requirements as the basis for the initial route planning. On August 7, 2008, proposals were solicited for professional services to conduct a routing selection study conforming to Iowa Code and franchising requirements. On September 9, 2008, the City Council approved a contract with Burns & McDonnell to conduct a routing study as we again began a process for obtaining a franchise.

Members of the City staff interviewed representatives from two law firms that specialize in franchise representation. On September 3, 2008, City Council approved a retainer agreement for legal services with the BrownWinick law firm of Des Moines. At that time staff anticipated the cost of these services to be between \$60,000 and \$100,000. A purchase order was issued in the amount of \$50,000 to begin the work. Hourly rates for BrownWinick staff involved in this work have varied between \$160 and \$275 per hour. The agreement with BrownWinick provides that the City may be charged separately for items such as computer time, courier costs, copy/printing, document retrieval and related services as they are incurred.

In September 2009 (after the second routing study had been submitted to the IUB staff) legal counsel advised that the City should proceed with the process of preparing for public hearings and an appearance before the Administrative Law Judge (ALJ). At that time, \$61,000 had been spent and it was estimated that the total would be within the \$100,000 originally estimated for the contract. On September 22, 2009, City Council approved Purchase Order Change Order #1, increasing the amount of the purchase order to \$100,000.

Due to continued delays in receiving a decision from the Iowa Utilities Board, on March 23, 2010, City Council approved Change Order #2, increasing the amount of the purchase order to \$150,000. Staff has recently approved Change Order #3 to the purchase order, in the amount of \$10,000.

Almost all of the \$150,000 which the City Council has authorized has now been spent for services provided by BrownWinick. A revised petition has been submitted and while staff had hoped to avoid public hearings, it now appears the hearings will be required. There still are five objectors to the route, and one property owner has not agreed to an easement and will require a subsequent condemnation hearing.

The principal attorney who has been heading the City's legal team, Mr. Philip Stoffregen, has years of experience in guiding franchise proposals successfully through the IUB process, and has been doing an outstanding job for the City. Mr. Stoffregen has provided an estimate of \$85,000 to provide additional services through the public hearings and our appearance before the Administrative Law Judge. Staff is requesting that Council approve Change Order #4, in the amount of \$85,000, and increase the purchase order amount to \$235,000. This will allow for legal services necessary to obtain the electric transmission franchise for the City to continue.

ALTERNATIVES:

1. Approve a change order to the professional services agreement with BrownWinick of Des Moines, Iowa, increasing the amount of the purchase order to \$235,000. The City will continue to be billed on an hourly services for services incurred in accordance with the agreement
2. Do not approve the proposed change order and ask staff for further information.

MANAGER'S RECOMMENDED ACTION:

It is in the best interest of both the City and of our electric customers to keep this interconnection project moving forward as quickly as possible. Customer reliability is in danger of being compromised by the limitations in import being placed on our current 69-kV southbound interconnection. The firm of BrownWinick has provided excellent service to the Electric Utility in the current franchise process. Seeking other legal counsel at this point could seriously impair the timely completion of this line.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, approving a change order to the professional services agreement with BrownWinick of Des Moines, Iowa, increasing the total authorized amount to \$235,000.



Memo

Legal Department

TO: Honorable Ann C. Campbell, Mayor
And Members of the City Council

FROM: Doug Marek, City Attorney

DATE: July 22, 2011

SUBJECT: Maps of Proposed Wards and Precincts

At the meeting of the City Council on June 28, Story County Auditor Lucy Martin presented a map illustrating the new legislative districts and her proposal for new ward boundaries. At that time, Ms. Martin noted that the proposed ward boundaries were subject to revision and that precinct boundaries had not yet been determined by her office.

Since then, Auditor Martin and Story County GIS Coordinator Matt Boeck have finalized the proposed ward and precinct boundaries as illustrated on the attached maps. Earlier this week City Clerk Diane Voss and I met with Ms. Martin and Mr. Boeck to review the maps and to assign specific precinct numbers within each ward.

I have compared the maps of the proposed wards and precincts with statutory requirements for reconfiguration following each decennial census and the subsequent redrawing of legislative boundaries. The maps satisfy the standards set out in the Iowa Code. Additionally, City GIS Coordinator Ben McConville used the redistricting tool in the GIS system to verify that the population numbers from the census blocks for each ward are within allowable deviation.

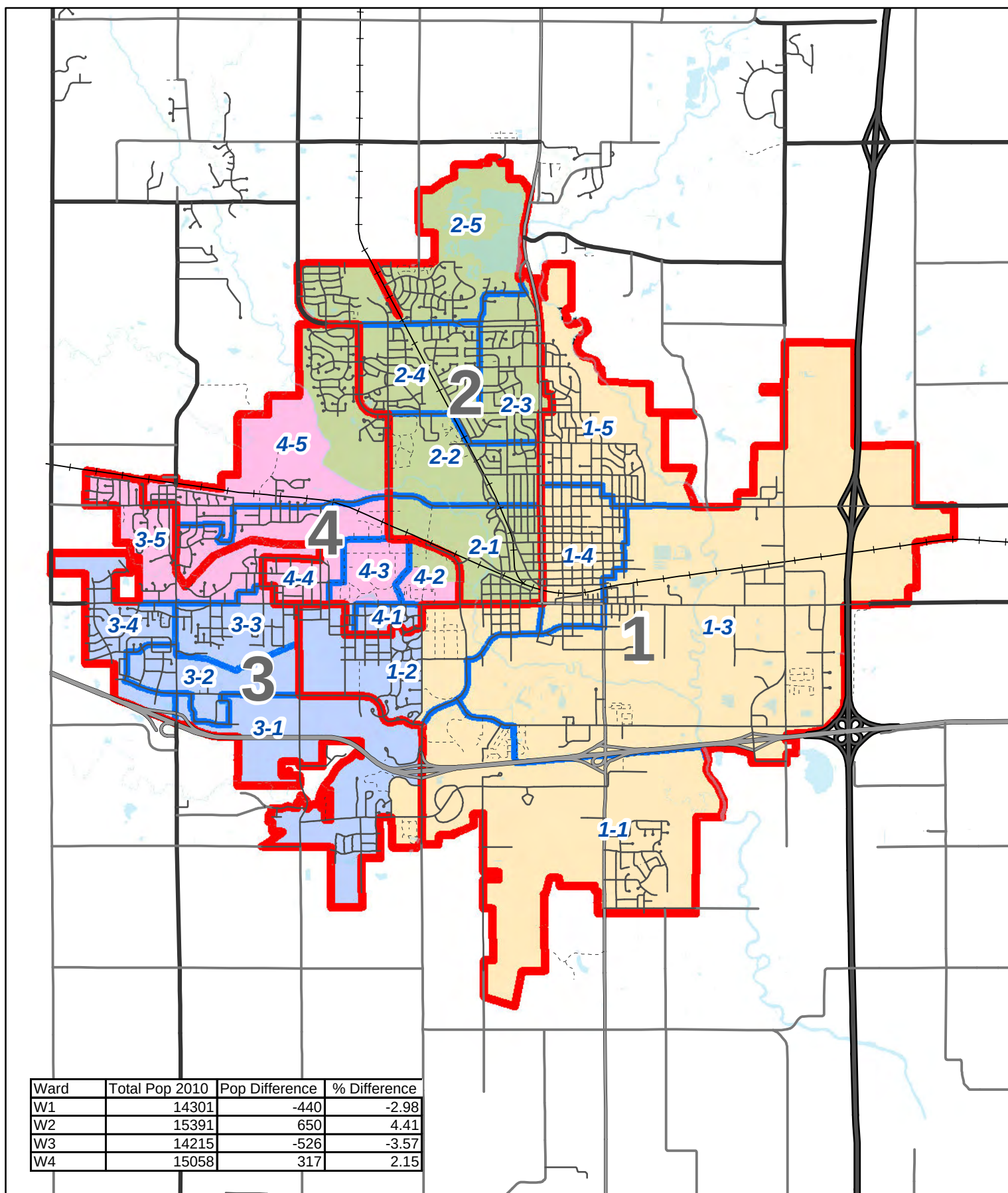
The Iowa Code requires that the City Council complete changes in wards and precincts by the adoption of an ordinance describing the election precinct boundaries. Prior to final adoption, the ordinance is subject to final review by the County Auditor. The ordinance must be adopted no later than September 1st of this year, but the new precinct boundaries will not become effective until January 15, 2012.

I recommend that the City Council approve the establishment of wards and precincts as illustrated in the attached maps, and direct that an ordinance describing the boundaries of each ward and precinct be drafted for consideration at a public hearing at the Council meeting scheduled for August 9.

Attachments: Ward and Precinct Maps

Cc: Diane Voss, Lucy Martin

City of Ames 2011 Proposed Wards & Precincts



Proposed Ward

Proposed Precincts

Existing Ward

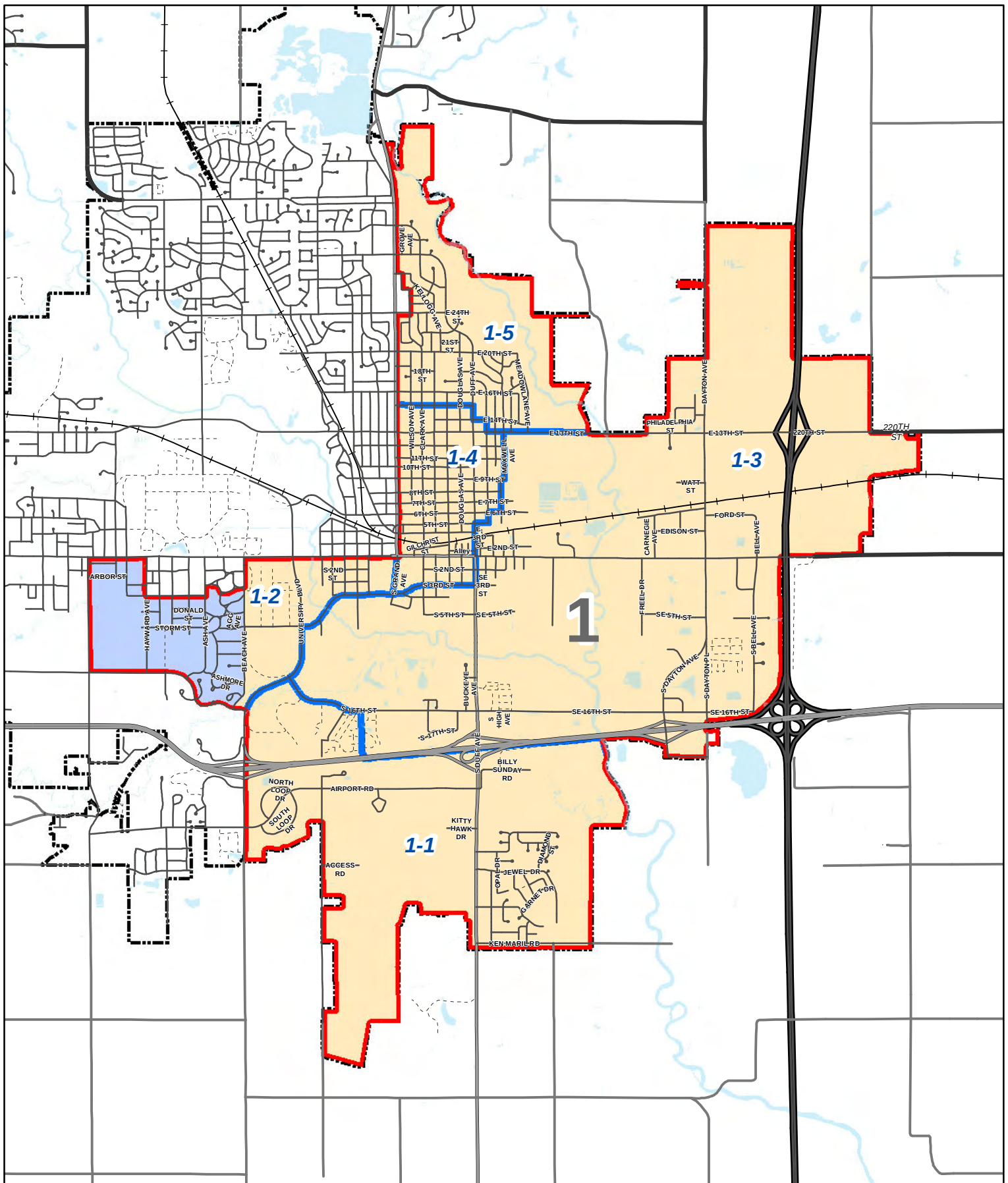
Ward 1
Ward 2

Ward 3

Ward 4

Target Pop: 14,741

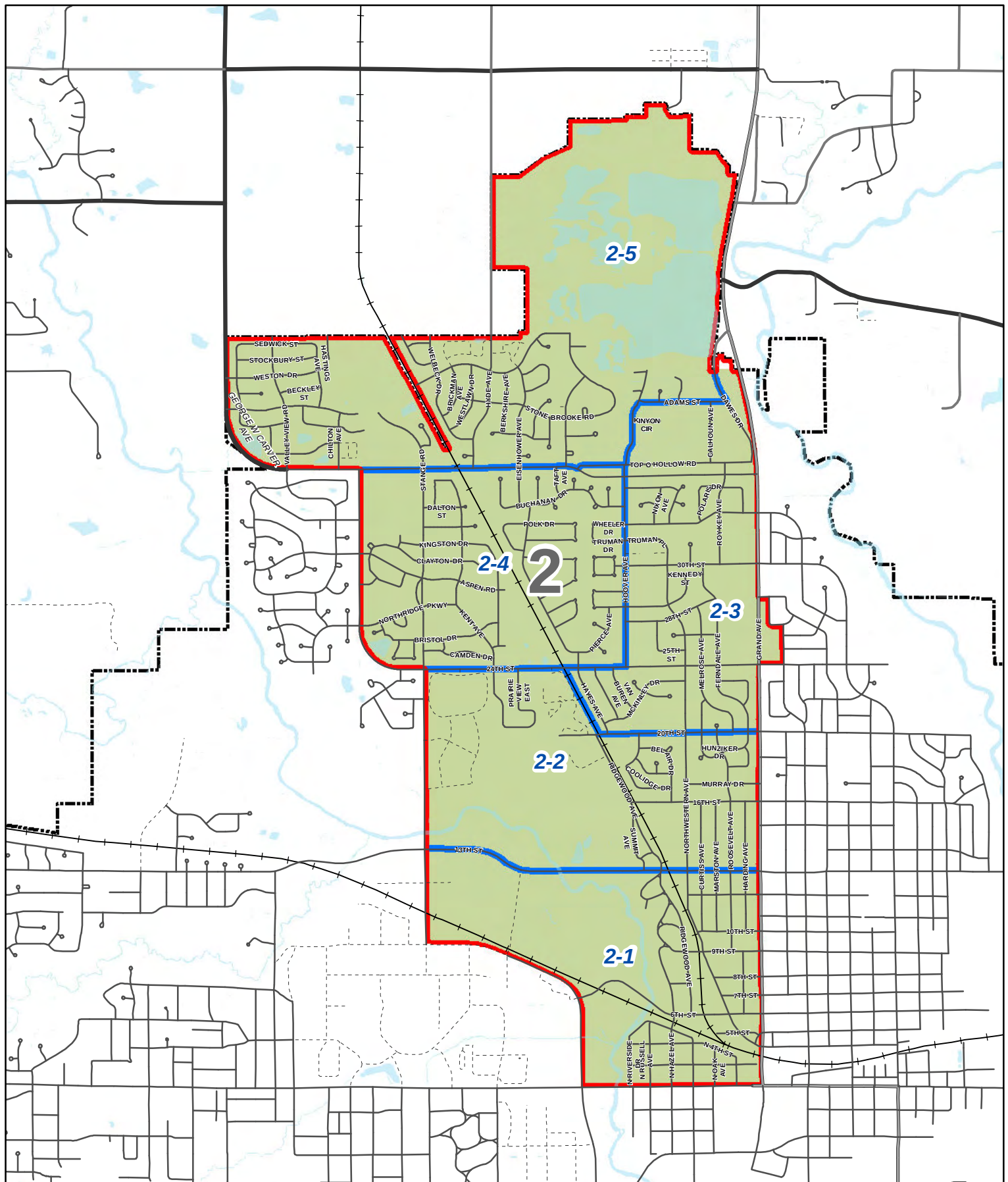
City of Ames 2011 Proposed Wards & Precincts



- | | | |
|--|--|--|
| ■ Proposed Ward | Existing Ward | ■ Ward 3 |
| ■ Proposed Precincts | ■ Ward 1 | ■ Ward 4 |
| | ■ Ward 2 | |

Proposed Ward: 1

City of Ames 2011 Proposed Wards & Precincts



Proposed Ward

Proposed Precincts

Existing Ward

Ward 1

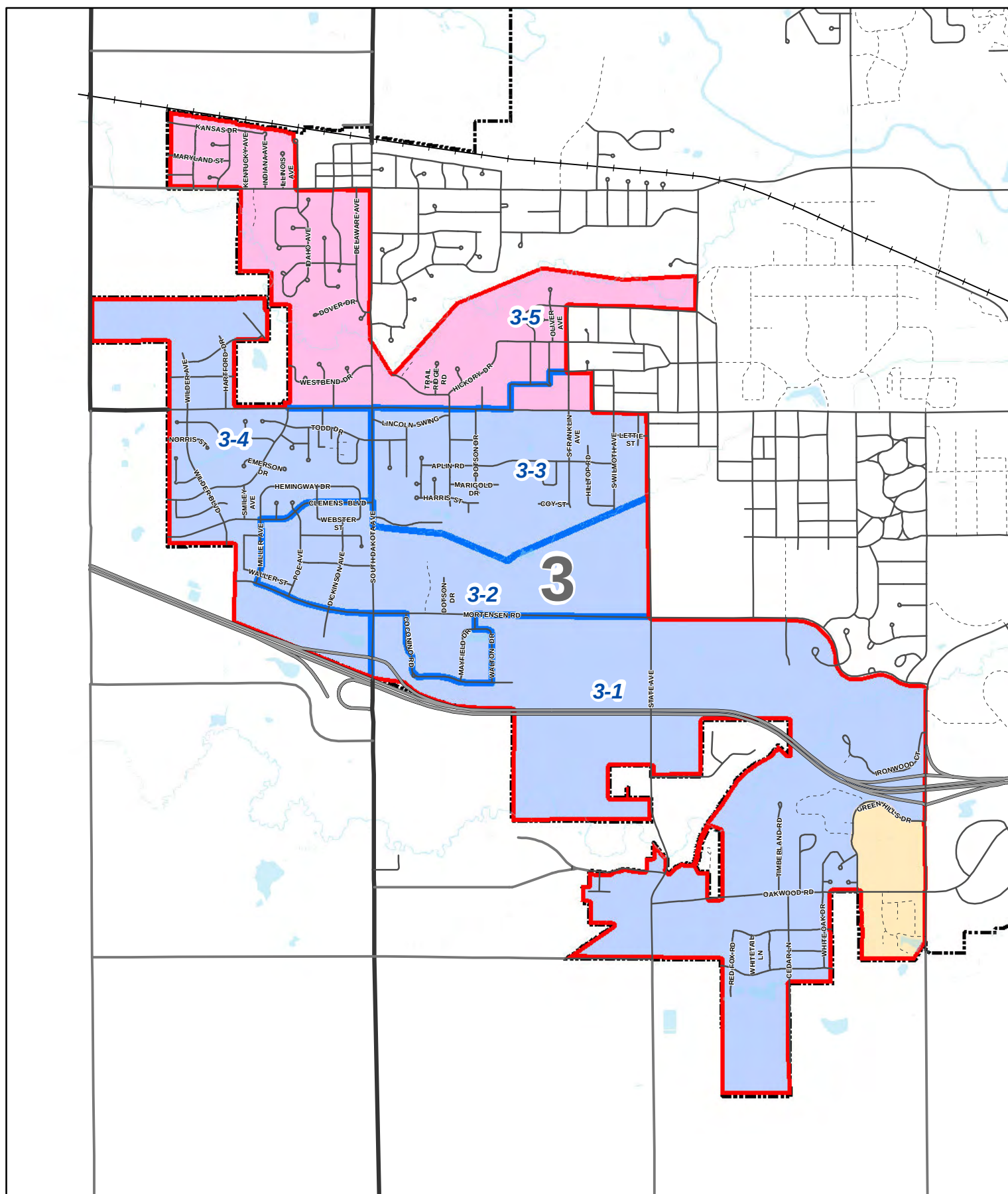
Ward 2

Ward 3

Ward 4

Proposed Ward: 2

City of Ames 2011 Proposed Wards & Precincts



Proposed Ward

Proposed Precincts

Existing Ward

Ward 1

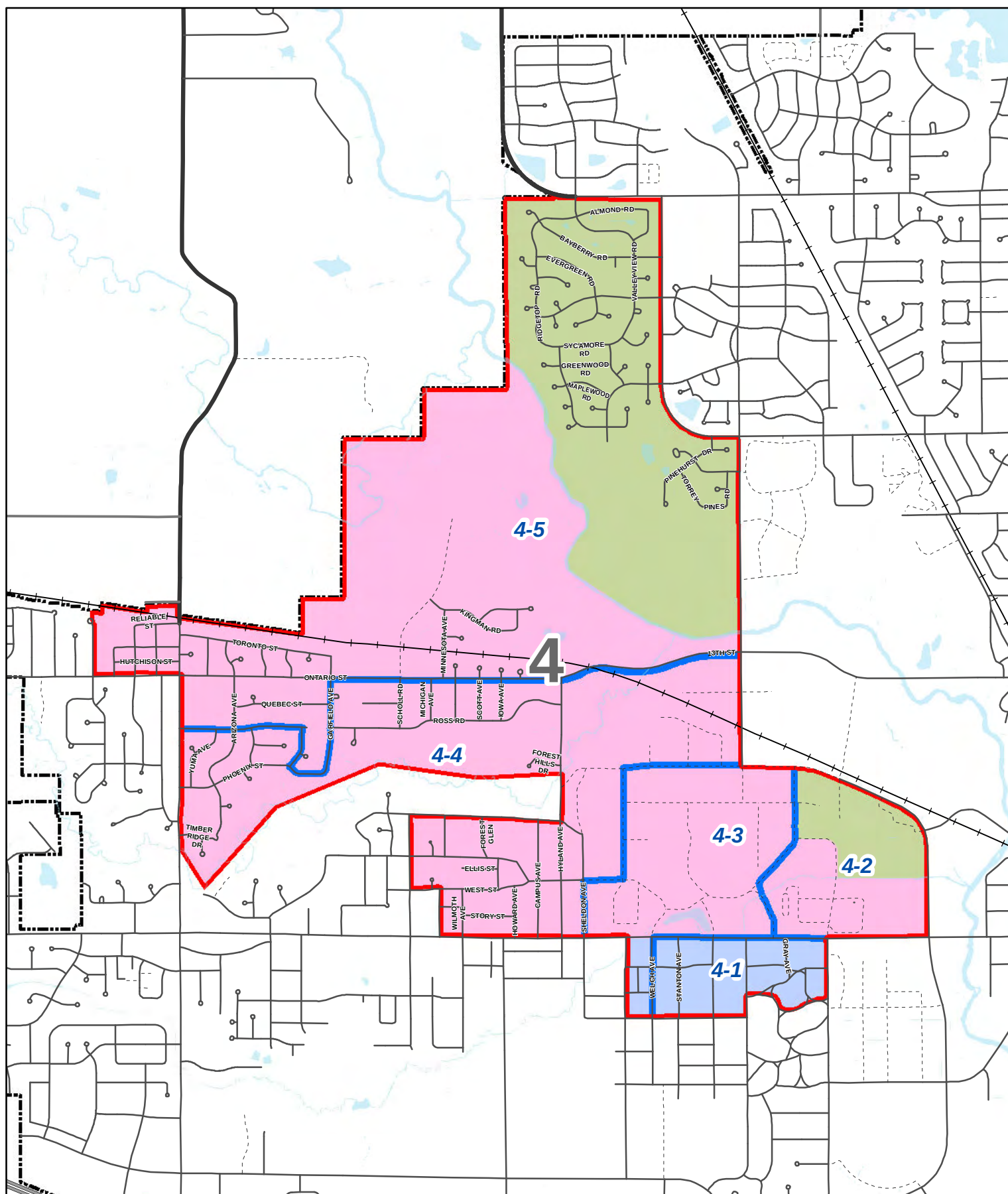
Ward 2

Ward 3

Ward 4

Proposed Ward: 3

City of Ames 2011 Proposed Wards & Precincts



Proposed Ward

Proposed Precincts

Existing Ward

Ward 1

Ward 2

Ward 3

Ward 4

Proposed Ward: 4

COUNCIL ACTION FORM

**SUBJECT: AWARD OF CONTRACT FOR WATER POLLUTION CONTROL (WPC)
FACILITY ELECTRICAL SWITCHGEAR REHABILITATION PROJECT**

BACKGROUND:

On June 14, 2011, the Ames City Council granted approval to issue a Notice to Bidders for the WPC Facility Electrical Switchgear Rehabilitation Project.

On July 15, 2011, the City of Ames received bids to provide all labor, equipment, materials, and other components necessary to complete the above-mentioned project according to City of Ames specifications.

A summary of all bids is as follows:

	Lump Sum Bid
Ziegler Power Systems, Altoona, IA	\$ 31,854
NAI Electrical Contractors, Ames, IA	\$ 57,750

The department budget for the project is \$100,000. The engineering consultant's contract was awarded at \$15,000. The engineer's estimate for rehabilitation is \$85,000.

ALTERNATIVES:

1. Accept the low lump sum bid of \$31,854 from Ziegler Power Systems of Altoona, Iowa to provide all labor, equipment, materials, and other components necessary to complete the WPC Facility Electrical Switchgear Rehabilitation Project.
2. Do not accept bids at this time for the above-mentioned project.

MANAGER'S RECOMMENDED ACTION:

The electrical switchgear is an integral and vital component of the Water Pollution Control Facility, assuring uninterrupted operation of the plant. It is in the city's best interest to maintain this unit in a high degree of reliability. Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby accepting the low lump sum bid of \$31,854 from Ziegler Power Systems of Altoona, Iowa.

COUNCIL ACTION FORM

SUBJECT: GRAND AVENUE EXTENSION (S. 16TH STREET NORTH 400 FT)

BACKGROUND:

The Ames Area Metropolitan Planning Organization's Long Range Transportation Plan identifies the need to extend Grand Avenue from Lincoln Way to South 16th Street. The first two phases of this extension were previously completed from Lincoln Way to Squaw Creek Drive. **This next phase involves construction of South Grand Avenue north of South 16th Street to provide access to The Grove apartments and to Coldwater Golf Links.**

On May 10, 2011, the City Council approved an agreement with the Iowa Department of Transportation (Iowa DOT) to utilize left-over federally earmarked funds for the construction of this phase, in an amount up to \$510,292. Due to the availability of these federal funds, only 20 percent of the construction cost will be required from unobligated General Obligation Bonds (G.O. Bonds). Engineering and construction administration costs are estimated in an amount of \$96,600 to be covered by G.O. Bonds, which brings total estimated project costs in an amount of \$562,890.49.

Because project funding includes federal funds, the contract must follow Iowa DOT schedules and letting. This schedule will require a contractor to begin construction in August 2011 with final completion in mid-November 2011. On Tuesday, July 19, 2011, bids were received by the Iowa DOT as follows:

<u>Bidder</u>	<u>Amount</u>
Engineer's Estimate	\$457,344.50
Con-Struct, Inc.	\$466,290.49
Peterson Contractors, Inc.	\$537,759.25
Concrete Technologies, Inc.	\$548,758.93

ALTERNATIVES:

- 1a. Accept the report of bids for the Grand Avenue Extension (S. 16th Street north 400 ft.).
- b. Approve the final plans and specifications for the Grand Avenue Extension (S. 16th Street north 400 ft.).
- c. Award the Grand Avenue Extension (S. 16th Street north 400 ft.) to Con-Struct, Inc. of Ames, Iowa, in the amount of \$466,290.49, contingent upon receipt of Iowa DOT concurrence.

2. Reject the project.

MANAGER'S RECOMMENDED ACTION:

City Council has previously agreed to facilitate the opening of a large new apartment complex that will be served by this extension. By accepting the report of bids, approving the final plans and specifications, and awarding the project, it will be possible to move forward with the Grand Avenue Extension (S. 16th Street north 400 ft) during the 2011 construction season. Delay of approval could delay the construction by at least one year.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby accepting the report of bids, approving the final plans and specifications, and awarding the Grand Avenue Extension (S. 16th Street north 400 ft.) to Con-Struct, Inc. of Ames, Iowa, in the amount of \$466,290.49, contingent upon receipt of Iowa DOT concurrence.

In summary to accomplish this project, 80 percent of the construction costs estimated in an amount of \$373,032 will be covered by the left-over federal earmark funds. The remaining project costs including 20 percent of the construction as well as the engineering/construction administration will be covered by unobligated G.O. Bonds in an estimated amount of \$189,858. Prior to identifying these earmarked funds, the Council was prepared to finance the total cost of this project from unobligated balances.

COUNCIL ACTION FORM

**SUBJECT:REZONING OF PROPERTY LOCATED AT 1820 SOUTH DAYTON PLACE
TO ADD THE SOUTHEAST GATEWAY OVERLAY DISTRICT (O-GSE)**

BACKGROUND:

On June 28, 2011 the City Council rezoned to Highway-Oriented Commercial the five-acre property at 1820 South Dayton Place owned by Jeffrey James and Judy James. It also found that applying the Southeast Gateway Overlay District (O-GSE) to the property at 1820 South Dayton Place is consistent with the land use policies of the City of Ames and Story County. Therefore, the City Council initiated the proposed amendment to the Official Zoning Map, as provided for in Ames *Municipal Code* Section 29.1507(1). (See Attachment B Rezoning Map and Attachment D Existing Zoning Map)

The Ames Land Use Policy Plan (LUPP) designates this property as Highway-Oriented Commercial and the Ames Urban Fringe Plan designates it as Natural Area and Gateway Protection Area. (See Attachment C Land Use Plan Map) The LUPP also identifies as community entries the interchange of Interstate 35 and U.S. Highway 30 and the interchange of U.S. Highway 30 and Dayton Road. In order to enhance arrival in Ames and direct traffic in accessing major areas and activity centers, the LUPP calls for these entries to be well identified and designed to be distinctive, especially with respect to signs, lighting, landscaping, building placement, site access, and parking location.

To implement this policy for the two entries near the subject property, the City of Ames, Iowa Department of Transportation and property owners have cooperated to establish and fund a conceptual plan for the Ames Southeast Gateway. They have implemented the first phase (landscaping and public improvements) and are in design for the second phase (sculptural light columns). The City Council has also established the Southeast Gateway Overlay zoning district with some use restrictions and design standards for development of properties. (See Attachment E Southeast Gateway Overlay Zoning District Regulations) Therefore, subject properties will be developed for uses consistent with the HOC base zoning district, generally all uses, except residential, industrial, or schools, and excluding the following uses:

Recreation vehicle parks	Commercial parking	Adult entertainment facilities
Recreation vehicle and boat sales	Cemeteries	Stables
Recycling centers	Passenger terminals	Detention facilities
Agricultural, industrial or construction machinery sales	Radio & TV broadcast facilities	Sales of manufactured housing
Vehicle storage facilities		

Based upon the above information, staff concludes that the proposed Southeast Gateway Overlay District (O-GSE) rezoning is consistent with the Land Use Policy Plan (LUPP). When the City Council rezoned the subject property to HOC, it concluded that the existing infrastructure and City services are adequate for the intended uses.

Recommendation of the Planning & Zoning Commission. At its meeting of July 6, 2011, with a vote of 5-0, the Planning and Zoning Commission recommended approval of the rezoning to add the Southeast Gateway Overlay Zoning designation to the property. At that meeting, the representative for the property owners said that the property owner has no objection to the placement of this overlay onto the property.

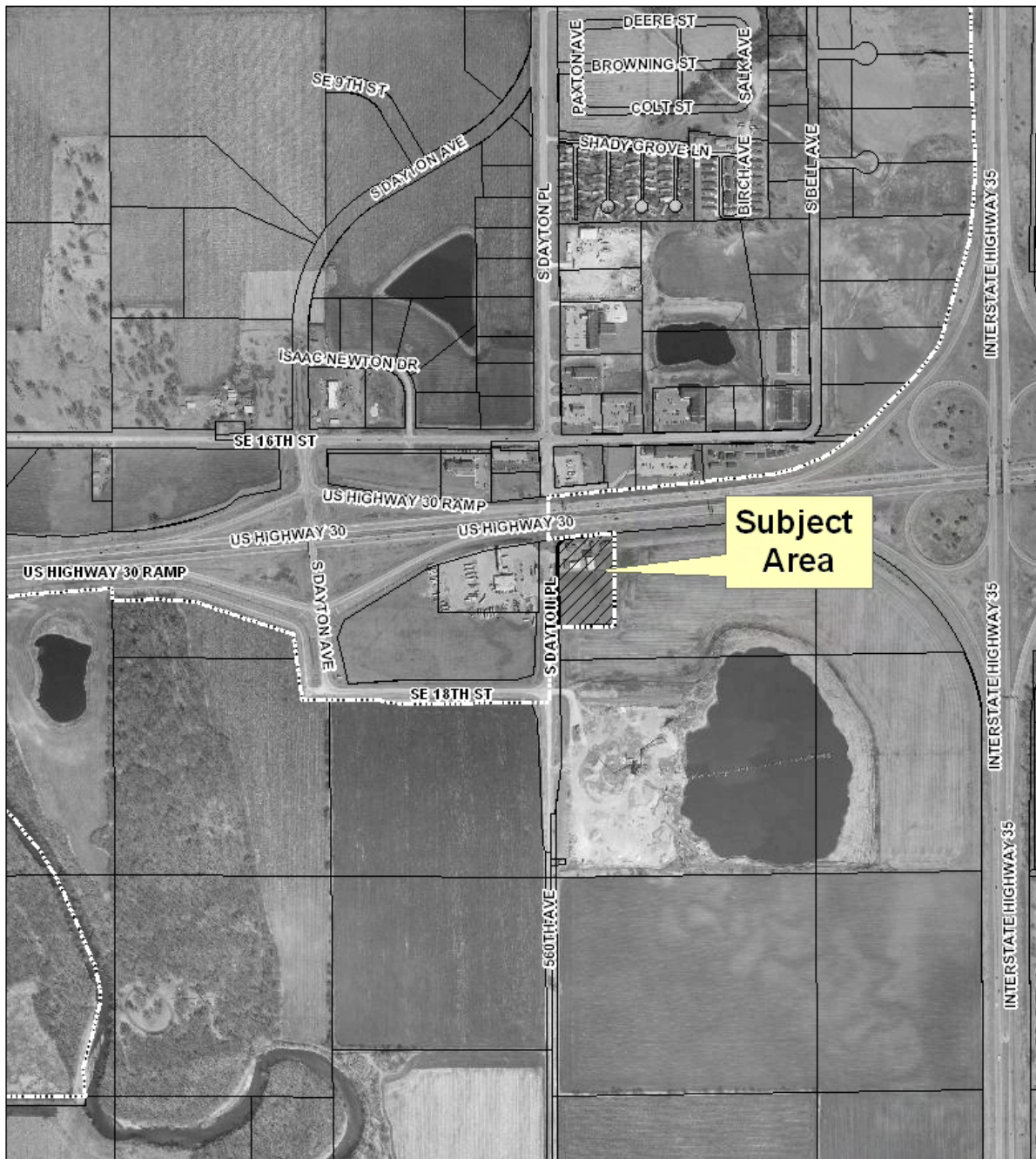
ALTERNATIVES:

1. The City Council can approve the rezoning to add the Southeast Gateway Overlay Zoning District to the property located at 1820 South Dayton Place.
2. The City Council can deny the rezoning to add the Southeast Gateway Overlay Zoning District to the property located at 1820 South Dayton Place.
3. The City Council can defer action on this request and refer it back to City staff for additional information.

MANAGER'S RECOMMENDED ACTION:

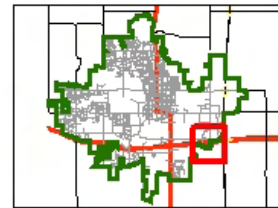
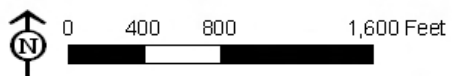
Staff finds that rezoning of this property to add the Southeast Gateway Overlay Zoning District is consistent with the land use policies of the City of Ames and Story County. Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative #1, thereby approving the rezoning to add the Southeast Gateway Overlay Zoning District to the property located at 1820 South Dayton Place.

Attachment A



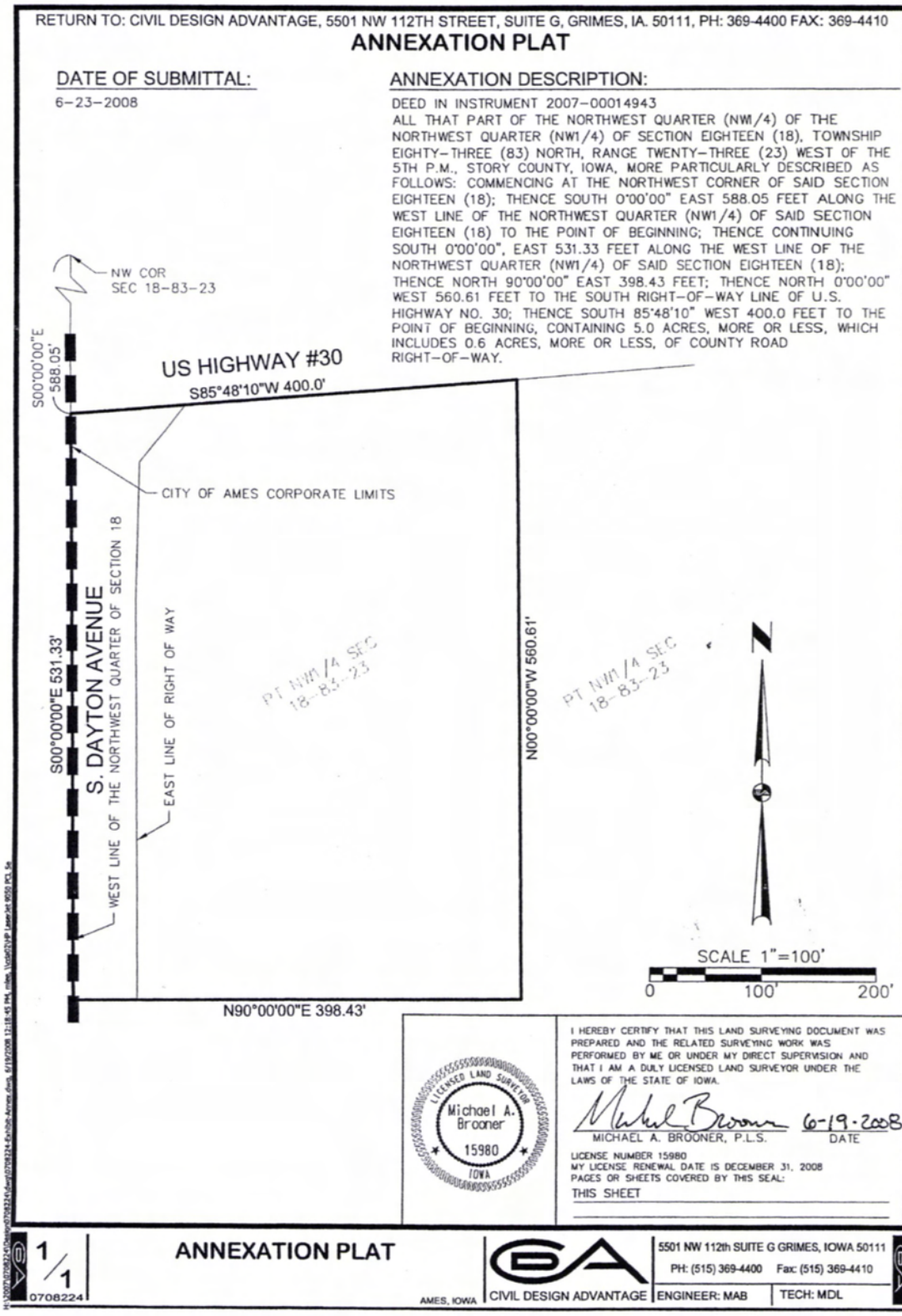
Location Map

1820 S. Dayton Place

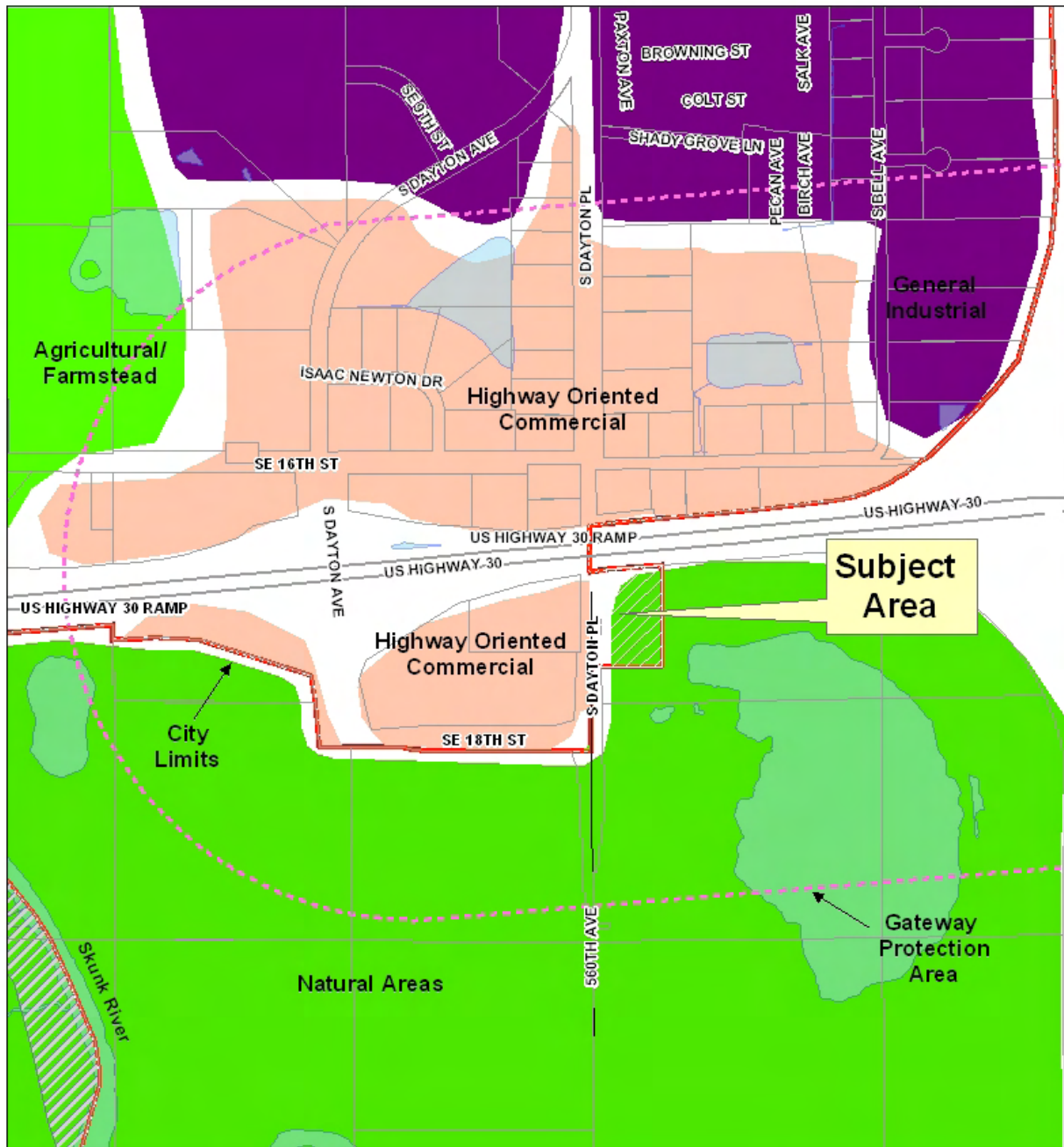


Attachment B

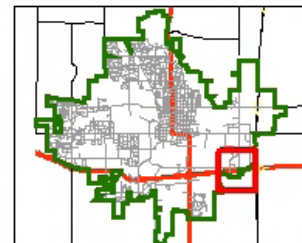
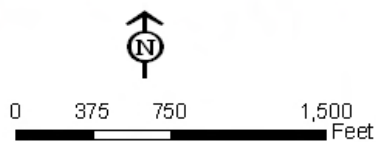
The area proposed to be rezoned is the same area that the City Council approved for annexation by Resolution 08-477 on October 28, 2008, as shown:



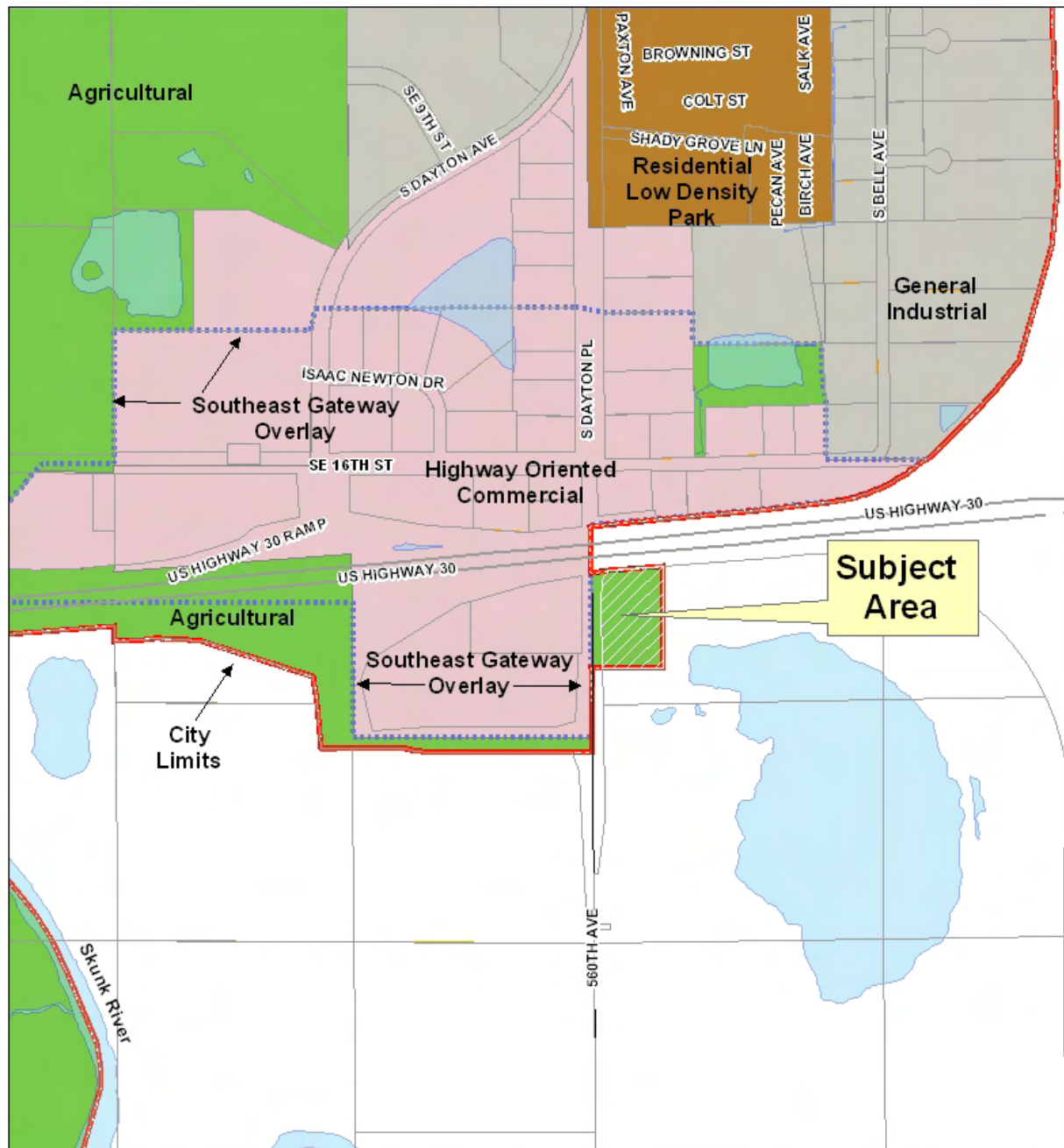
Attachment C



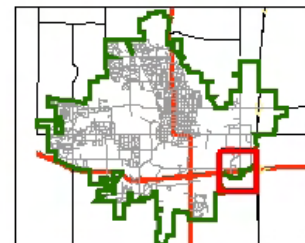
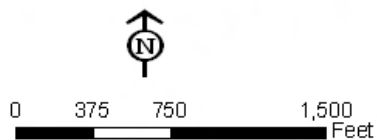
**Land Use Plan Map
1820 S. Dayton Place**



Attachment D



Existing Zoning 1820 S. Dayton Place



Attachment E
Southeast Entryway Overlay Zoning District Regulations

Sec. 29.1107 “O-GSE” SOUTHEAST ENTRYWAY GATEWAY OVERLAY DISTRICT

(1) **Purpose.** The purpose of the Southeast Entryway Overlay District is to provide a distinctive entry to Ames and to major destinations in this area. This includes areas adjacent to the I-35/Highway 30 interchange, which is a primary gateway to the City of Ames, and the Dayton Avenue/Highway 30 interchange, which is a secondary entryway to the nearby commercial area and the industrial areas beyond.

The following provisions are intended to provide for land uses and site and building design characteristics that enhance the appearance of this relatively small but highly visible entry area. They are not intended to establish specific architectural styles or building designs, but it is intended that each building have a unified design character using architectural grade products and materials. The regulations are specifically intended to prohibit pre-engineered, vertical ribbed, shallow roofed, all-metal buildings typically found in agricultural or industrial applications similar to the hangar buildings located at the Ames Municipal Airport or to the building at 925 Airport Road. However, the regulations are intended to allow exterior metal designs similar to buildings located at 2321 North Loop Dr. and 2711 and 2901 South Loop Drive.

(2) **Applicability.** The O-GSE District shall be designated by ordinance amending the official zoning map.

(3) **Permitted Uses.** The underlying, base zoning establishes permitted uses. However, the following uses are prohibited in the O-GSE District;

Recreation vehicle parks	Commercial parking	Adult entertainment facilities
Recreation vehicle and boat sales	Cemeteries	Stables
Recycling centers	Passenger terminals	Detention facilities
Agricultural, industrial or construction machinery sales	Radio & TV broadcast facilities	Sales of manufactured housing
Vehicle storage facilities		

(4) **Landscaping Standards.**

(a) All parking areas shall be set back and screened pursuant to Section 29.403 of this Ordinance, except that native prairie wildflower and prairie grasses from the list of plant materials for the Southeast Entryway as prepared by City staff, shall be substituted for the required shrubs and trees. The plantings shall be sufficient to form a continuous screen to meet the intent of Section 29.403. In addition, native tree species from the list of plant materials for the Southeast Entryway as approved by City staff, shall be planted in small groupings to compliment the wildflowers and prairie grasses and to provide shade within the parking areas.

(b) Landscape screening is required along all arterial streets.
(i) Landscape screening shall consist of a minimum of five (5) feet on private property and, as space permits, within the public right-of-way.

(ii) The required plant materials shall be chosen from the list of plant materials for the Southeast Entryway as approved by City staff.

(5) **Design Standard.** The following guidelines involve exterior building materials, minimum roof slopes, entrances and signs.

(a) No pre-existing building shall be permitted to be moved onto a lot nor shall any trailer, mobile home or similar structure be placed upon any lot except those used on a temporary basis by a contractor during construction.

(b) No pre-engineered, all-metal buildings of the type prohibited in paragraph 1 of this ordinance are permitted. No painted wood shall be permitted as an exterior building surface. Concrete pre-cast panels shall only be architectural grade pre-cast concrete wall panels with geometric detail pattern and texture. Exterior masonry walls shall also have geometric detail pattern and texture.

(c) All primary (street-facing) building facades shall be comprised of a minimum of 15% window or glazing system.

(d) The primary pedestrian entry of the building shall face or be no more than 90 degrees from facing a street and shall be identified, defined and reinforced by significant architectural elements of mass, such as building recesses, canopies or porticos supported by columns or protrusions in the front facade, or if the entrance faces the street, significant variations in the roof or parapet. This entry shall be connected to the pedestrian sidewalks on the street with landscaped walkways separated from vehicle paving.

(e) Overhead doors for loading shall be located on the rear facade, defined as the side parallel to, but opposite of, the street face of the building, or in the case that a rear facade is a street-facing facade, shall be located on a non-street facing facade.

(f) Roofs.

(i) Roof pitches shall be a minimum of 4:12. No ribbed or corrugated sheet metal or fiberglass panel products shall be permitted as a roofing material on any pitched roof.

(ii) Flat or low-pitched roofs with level parapets that hide the slope of the roof on three sides including all sides that are street-facing are permitted.

(g) Garbage Collection areas shall be screened pursuant to Section 29.408(3) and (4) of this ordinance, except that trash receptacles for use by customers are exempt.

(i) Trash receptacles for use by customers are exempt.

(Ord. 4048, 10-26-10)

(6) **Design Review Process.** City staff shall conduct pre-design conferences as requested by any applicant to clarify the provisions of this ordinance. Applicants are encouraged to request such conferences.

(Ord. No. 3783, 08-10-04)

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF AMES, IOWA, AS PROVIDED FOR IN SECTION 29.301 OF THE *MUNICIPAL CODE* OF THE CITY OF AMES, IOWA, BY CHANGING THE BOUNDARIES OF THE DISTRICTS ESTABLISHED AND SHOWN ON SAID MAP AS PROVIDED IN SECTION 29.1507 OF THE *MUNICIPAL CODE* OF THE CITY OF AMES, IOWA; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH AND ESTABLISHING AN EFFECTIVE DATE

BE IT HEREBY ORDAINED by the City Council of the City of Ames, Iowa;

Section 1: The Official Zoning Map of the City of Ames, Iowa, as provided for in Section 29.301 of the *Municipal Code* of the City of Ames, Iowa, is amended by changing the boundaries of the districts established and shown on said Map in the manner authorized by Section 29.1507 of the *Municipal Code* of the City of Ames, Iowa, as follows: That the real estate, generally located at 1820 South Dayton Place, is rezoned to add the Southeast Gateway Overlay District (O-GSE).

Real Estate Description: All that part of the Northwest Quarter (NW1/4) of the Northwest Quarter (NW1/4) of Section 18, Township 83 North, Range 23 West of the 5th P.M., Story County, Iowa, more particularly described as follows: Commencing at the Northwest Corner of said Section 18; thence South 0°00'00" East 588.05 feet along the West line of the Northwest Quarter (NW1/4) of said Section 18 to the point of beginning; thence continuing South 0°00'00" East 531.33 feet along the West line of the Northwest Quarter (NW1/4) of said Section 18; thence North 90°00'00" East 398.43 feet; thence North 0°00'00" West 560.61 feet to the South right-of-way line of U.S. Highway No. 30; thence South 85°48'10" West 400.0 feet to the point of beginning, containing 5.0 acres, more or less, which includes 0.6 acres, more or less, of county road right-of-way.

Section 2: All other ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: This ordinance is in full force and effect from and after its adoption and publication as provided by law.

ADOPTED THIS _____ day of _____, 2011.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor

COUNCIL ACTION FORM

SUBJECT: MAJOR FINAL PLAT FOR NORTHRIDGE HEIGHTS SUBDIVISION 14TH ADDITION

BACKGROUND:

In 2000, the City Council approved the first Preliminary Plat for Northridge Heights Subdivision and the approved most recent revised Preliminary Plat on June 28, 2011. Owner Uthe Development Company is requesting approval of a Final Plat for the Northridge Heights Subdivision 14th Addition. The proposed subdivision is west of and adjacent to the commercial node at Bloomington and Stange and consists of one lot (see Attachment A). The Final Plat includes public utility, pedestrian walk, and shared use path easements being granted to the City of Ames. Also presented separately at this time for City Council approval is a Major Site Development Plan for ten 12-unit residential buildings on this proposed parcel.

The following documents have been submitted with the Final Plat:

- Resolution Accepting the Plat of Northridge Heights, 14th Addition
- Consent to Platting
- Treasurer's Certificate
- Attorney's Title Opinion
- Agreement for Sidewalk and Street Trees
- Development Agreement
- Letter of Credit
- Easements (Public utility, pedestrian walks, shared use paths)

The proposed Final Plat complies with the approved Preliminary Plat and all conditions of approval, including the public sidewalk easement. Required public improvements are water and sewer mains within the lot to serve buildings and hydrants, for which a sufficient Public Improvement Agreement and letter of credit have been submitted. This plat does not include and is not adjacent to the land that the developer will be dedicating for a future public park. The original development agreement for Northridge Heights provides for dedication of that land when 375 new residences have been constructed in Northridge Heights, a condition that will be met as the units within this plat are constructed. The developer has initiated preparation of the plat for the proposed park land and an extension of Harrison Road to Stange Road, along with several associated lots. This fall, when this platting is completed, the park parcel will be dedicated to the City.

It could therefore be determined that the proposed subdivision complies with all relevant and applicable design and improvement standards of the Subdivision Regulations, to the City's Land Use Policy Plan, to other adopted City plans, ordinances and standards, and to the City's Zoning Ordinance.

ALTERNATIVES:

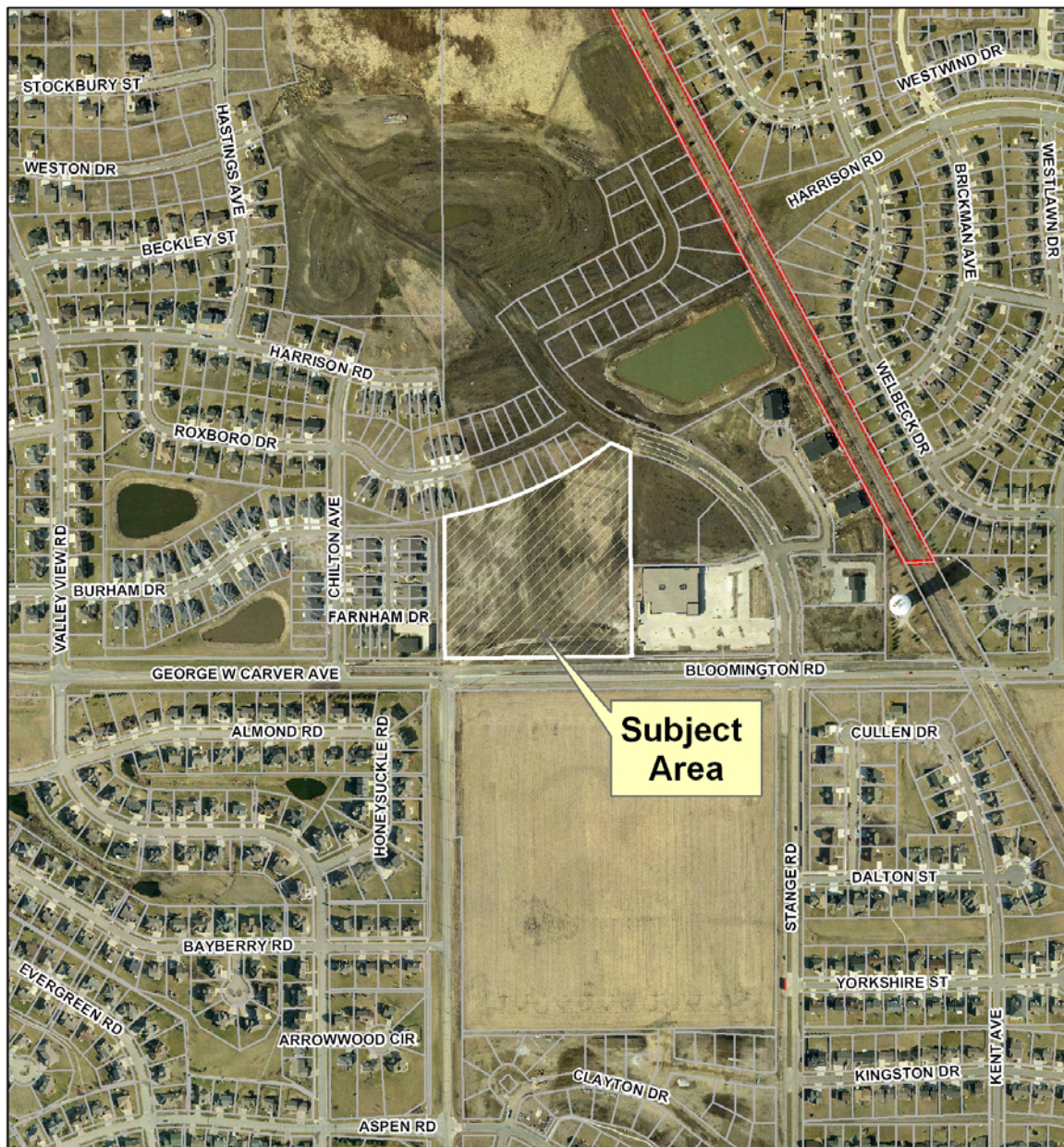
1. The City Council can approve the Final Plat for Northridge Heights 14th Addition by finding that all requirements of *Municipal Code* §23.302(10) (b) are met.
2. The City Council can deny the Final Plat for Northridge Heights 14th Addition if it finds that the development creates a burden on existing public improvements or creates a need for new public improvements that have not yet been installed.
3. The City Council can refer this request back to staff or the applicant for additional information.

MANAGER'S RECOMMENDED ACTION:

City staff has evaluated the proposed final subdivision plat and determined that the proposal is consistent with the Preliminary Plat approved by the City Council and that the plat conforms to the adopted ordinances and policies of the City of Ames as required by Code.

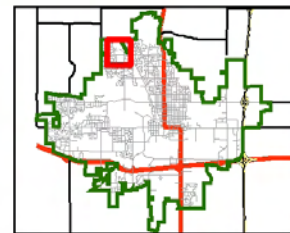
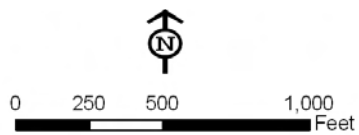
Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative #1 approving the Final Plat for Northridge Heights 14th Addition.

Attachment A



Location Map

Northridge Heights 14TH Addition



Attachment B

Applicable Laws and Policies Pertaining to Final Plat Approval

Adopted laws and policies applicable to this case file include, but are not limited to, the following:

Ames Municipal Code Section 23.302

(10) City Council Action on Final Plat for Major Subdivision:

(a) All proposed subdivision plats shall be submitted to the City Council for review and approval. Upon receipt of any Final Plat forwarded to it for review and approval, the City Council shall examine the Application Form, the Final Plat, any comments, recommendations or reports examined or made by the Department of Planning and Housing, and such other information as it deems necessary or reasonable to consider.

(b) Based upon such examination, the City Council shall ascertain whether the Final Plat conforms to relevant and applicable design and improvement standards in these Regulations, to other City ordinances and standards, to the City's Land Use Policy Plan and to the City's other duly adopted plans.

(c) The City Council may:

(i) deny any subdivision where the reasonably anticipated impact of such subdivision will create such a burden on existing public improvements or such a need for new public improvements that the area of the City affected by such impact will be unable to conform to level of service standards set forth in the Land Use Policy Plan or other capital project or growth management plan of the City until such time that the City upgrades such public improvements in accordance with schedules set forth in such plans; or,

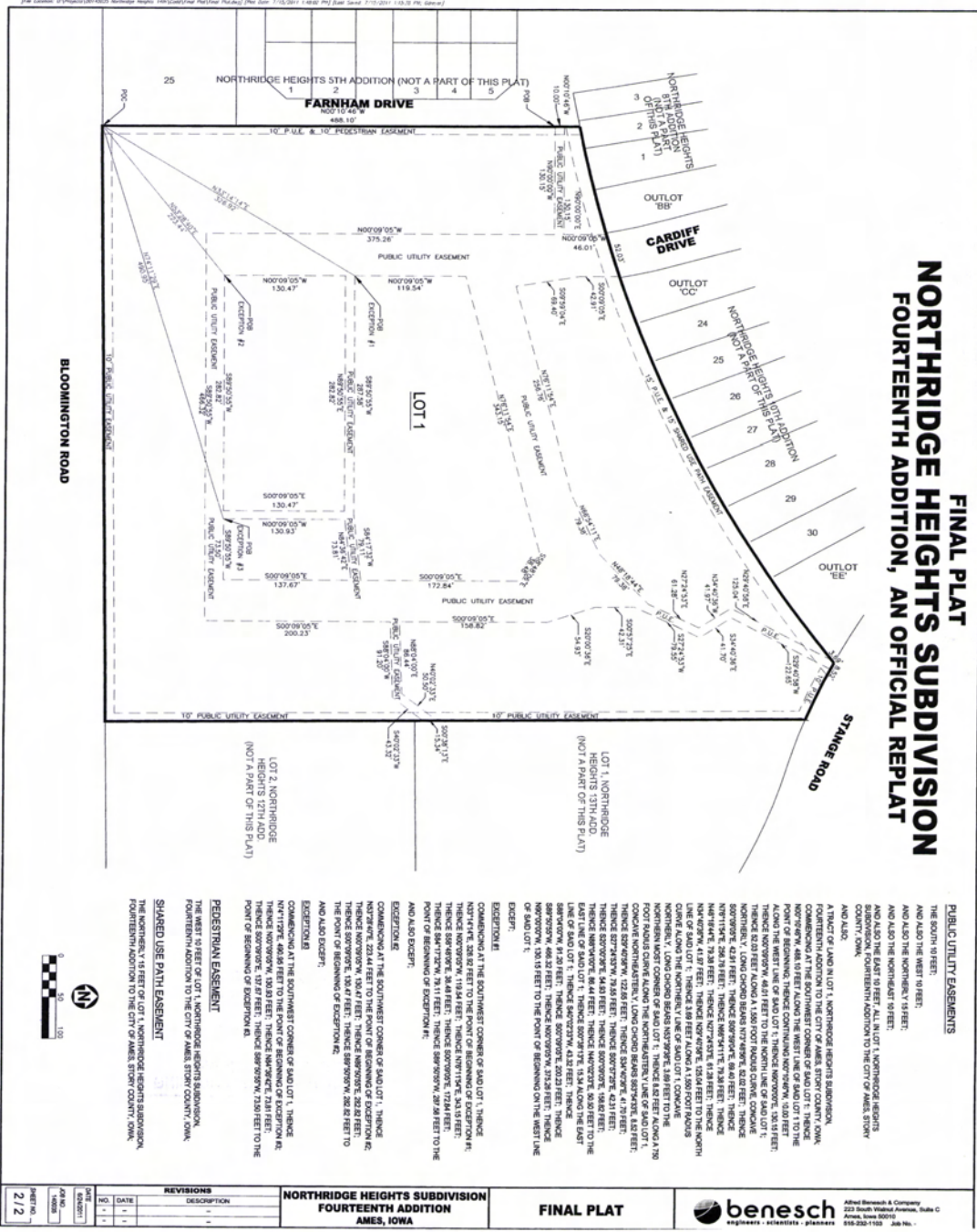
(ii) approve any subdivision subject to the condition that the Applicant contribute to so much of such upgrade of public improvements as the need for such upgrade is directly and proportionately attributable to such impact as determined at the sole discretion of the City. The terms, conditions and amortization schedule for such contribution may be incorporated within an Improvement Agreement as set forth in Section 23.304 of the Regulations.

(d) Prior to granting approval of a major subdivision Final Plat, the City Council may permit the plat to be divided into two or more sections and may impose such conditions upon approval of each section as it deems necessary to assure orderly development of the subdivision.

(e) Following such examination, and within 60 days of the Applicant's filing of the complete Application for Final Plat Approval of a Major Subdivision with the Department of Planning and Housing, the City Council shall approve, approve subject to conditions, or disapprove the Application for Final Plat Approval of a Major Subdivision. The City Council shall set forth its reasons for disapproving any Application or for conditioning its approval of any Application in its official records and shall provide a written copy of such reasons to the developer. The City Council shall pass a resolution accepting the Final Plat for any Application that it approves.

(Ord. No. 3524, 5-25-99)

ATTACHMENT C



COUNCIL ACTION FORM

**SUBJECT: MAJOR SITE DEVELOPMENT PLAN FOR PROPERTY LOCATED AT 2899
BLOOMINGTON ROAD**

BACKGROUND:

On June 28, 2011, the Ames City Council approved the revised Preliminary Plat and Master Plan for the Northridge Heights Subdivision consolidating several lots into one 10.4-acre lot. To create this as a single lot, City Council is separately considering at this meeting approval of a Final Plat for in Northridge Heights 14th Addition. This will facilitate the proposal under this application, which is approval of a Major Site Development Plan for ten proposed apartment buildings on this site. The property is generally located north of Bloomington Road, east of Farnham Drive, south of Roxboro Drive, and west of Stange Road. (See Location Map, Attachment A of Council Action form on Final Plat for Northridge Heights 14th Addition).

Two building types are proposed (See attached Architectural Elevations):

- Four of the buildings will each have ten one-bedroom apartments and two two-bedroom apartments (Building Type A)
- Six of the buildings will each have two one-bedroom apartments, eight 2-bedroom apartments, and two three-bedroom apartments (Building Type B)

Each building will also have attached garages.

The zoning of the subject property is Suburban Medium Density Residential (FS-RM). The use of the proposed buildings is consistent with the permitted uses listed in the use table in the Zoning Ordinance (AMC Table 29.1202(4)-2). This use table requires City Council approval of a Major Site Development Plan for apartments in the FS-RM zoning districts. The Major Site Development Plan is attached. The proposed buildings comply with the setbacks and heights listed in the development standards table in the Zoning Ordinance (AMC Table 29.1202(5)-2). See Sheets 2 and 3 of the attached Major Site Development Plan.

Suburban Residential Zoning also establishes minimum standards for residential net density, open space, and landscape buffers. Of the 10.43-acre project site, 4.44 acres is designated as common open space and designated for active or passive recreation, as required by the Zoning Ordinance. The common open space constitutes 43% of the total gross area of the site, meeting the 10% required minimum common open space. Deducting the common open space from the total gross area leaves 120 dwelling units to be located on 6 net acres for a net density of 20 dwelling units per acre, meeting the minimum required 10 units per acre.

A ten-foot wide landscape buffer, consisting of several varieties of Lilac shrubs and Maple trees, is proposed along the north property boundary, where the adjacent lots are zoned Suburban Low Density Residential (FS-RL). (See Sheets 4 and 5 of the attached Major Site Development Plan.) The proposed plan meets the Suburban Regulations for this zoning district.

The project will be implemented in phases. The first phase will consist of the two westernmost buildings and the associated parking, access drives, and landscaping. The extent of this site work in the first phase will be sufficient for this portion of the project to function properly and comply with the *Municipal Code* on its own. The public sidewalks connecting Roxboro Road and Bloomington Road, shown along the west property line, and the entire sidewalk along Bloomington Road, will also be completed in the first phase, which was a condition of platting. The phased implementation of the rest of the project will depend on market conditions. City staff will review site plans for each phase to determine if it is consistent with this Major Site Development Plan as approved by City Council and if the extent of the work is sufficient for each portion of the project to function properly and comply with the *Municipal Code* on its own. The City Council must approve any changes to the Plan. There is no expiration date for approval of a Major Site Development Plan.

The criteria and standards for review of all Major Site Development Plans are found in Ames *Municipal Code* Section 29.1502(4)(d) and are included as Attachment A along with staff conclusions for each criterion.

The Development Review Committee has reviewed the Major Site Development Plan and found that it complies with the other requirements of the Ames *Municipal Code*.

Staff has analyzed the applicant's request, reviewed the supporting material, and conducted an on-site inspection. Based upon the above facts and analysis, staff concludes that the proposed apartment buildings and site meet the criteria and standards for approval of a Major Site Development Plan.

Recommendation of the Planning & Zoning Commission. At its meeting of July 6, 2011, with a vote of 5-0, the Planning and Zoning Commission recommended approval of the Major Site Development Plan for the apartments located at 2899 Bloomington Road. John Belcher spoke in opposition to the Major Site Plan for himself and two of his neighbors because they believe the project will adversely affect their property values. Staff received two phone calls from neighboring property owners that live on Roxboro Drive (Jeff Jutting and Mark Becker) expressing concern that the project will create additional traffic in their neighborhood. Mr. Jutting strongly favors the proposed driveway on Stange Road and doesn't want to see it removed at some future time. Staff reported that in the phone conversation staff assured Mr. Jutting that if this site plan is approved, to eliminate the driveway would require City Council approval. Mr. Jutting suggested that the driveway be built in the first phase to help alleviate any traffic concerns. Mark Becker also expressed the same concern and also would like to improve access by a median break on Stange Road to allow full access here or else have direct access at Bloomington Road.

In the discussion, some Commissioners expressed concerns about safety and the impact of the traffic on residents on Roxboro.

ALTERNATIVES:

1. The City Council can approve the Major Site Development Plan for the apartments located at 2899 Bloomington Road.
2. The City Council can deny the Major Site Development Plan for the apartments located at 2899 Bloomington Road if it finds that the proposal is not consistent with City's criteria, codes, and standards.
3. The City Council can defer action on this request and request further information from City staff and/or the applicant.

MANAGER'S RECOMMENDED ACTION:

Sine the Major Site Development Plan for the apartments located at 2899 Bloomington Road conforms to relevant and applicable design standards, it is the recommendation of the City Manager that the City Council approve Alternative #1, which is to approve the Major Site Development Plan for the apartments located at 2899 Bloomington Road.

Attachment A

Criteria and standards for Major Site Development Plans **Ames Municipal Code Section 29.1502(4)(d)**

When acting upon an application for a Major Site Development Plan approval, the Planning and Zoning Commission and the City Council shall rely upon generally accepted site planning criteria and design standards. These criteria and standards are necessary to fulfill the intent of the Zoning Ordinance, the Land Use Policy Plan, and are the minimum necessary to safeguard the public health, safety, aesthetics, and general welfare.

- 1. The design of the proposed development shall make adequate provisions for surface and subsurface drainage to limit the rate of increased runoff of surface water to adjacent and down stream property.*
 - The Public Works Department has found the proposed plan complies with the approved Stormwater Management Plan for Northridge Heights Subdivision.
- 2. The design of the proposed development shall make adequate provision for connection to water, sanitary sewer, electrical, and other utility lines within the capacity limits of those utility lines.*
 - The water, sanitary sewer, and electrical lines have or are being installed in accordance with the approved preliminary plat and infrastructure plans submitted to and approved by the City. The private service lines proposed to serve the buildings have been sized for the intended demand for these services.
- 3. The design of the proposed development shall make adequate provision for fire protection through building placement, acceptable location of flammable materials, and other measures to ensure fire safety.*
 - The City Fire Inspector has reviewed and approved the proposed Major Site Development Plan for compliance with the City's Fire Code. Adequate provisions have been made by the owner to meet the minimum requirements.
- 4. The design of the proposed development shall not increase the danger of erosion, flooding, landslide, or other endangerment to adjoining and surrounding property.*
 - The proposed development is not located in a floodplain nor on or near steep slopes. There is no indication that this development presents any endangerment to adjoining and surrounding property.

5. *Natural topographic and landscape features of the site shall be incorporated into the development design.*
 - The site was previously used as agricultural cropland. There is very little topographic relief on this site. What natural topographic features there are will be slightly altered by necessary grading. The drainage pattern will direct the storm water into approved collection systems.
6. *The design of the interior vehicle and pedestrian circulation shall provide for convenient flow of vehicles and movement of pedestrians and shall prevent hazards to adjacent streets or property.*
 - Access is on the north side of the site, from Roxboro Drive, and also a drive on Stange Road where an existing median allows only right turns into or out of the site. The proposed internal private drives will provide circulation between both of these access points and each of the parking areas and garages. Public sidewalks will be constructed on the north side of Bloomington Road and along the west side of the site and a shared use path will be constructed along the north property line. Internal, private walks will also provide access between the buildings and public sidewalks.
7. *The design of outdoor parking areas, storage yards, trash and dumpster areas, and other exterior features shall be adequately landscaped or screened to minimize potential nuisance and impairment to the use of adjoining property.*
 - The Plan shows that all of these areas are to be screened from adjoining properties and streets by buildings or landscaping.
8. *The proposed development shall limit entrances and exits upon adjacent streets in order to prevent congestion on adjacent and surrounding streets and in order to provide for safe and orderly vehicle movement.*
 - Access is limited to two locations, as described above under #6.
9. *Exterior lighting shall relate to the scale and location of the development in order to maintain adequate security, while preventing a nuisance or hardship to adjacent property or streets.*
 - Technical information has been provided that demonstrates that the proposed lighting meets this standards. Notes #8 and 9 on sheet 2 of the Plan requires compliance if any substitutions are made during implementation.
10. *The proposed development shall ensure that dust and other forms of air pollution, noise disturbances, odor, glare, and other nuisances will be limited to acceptable levels as prescribed in other applicable State and City regulations.*
 - Similar uses at other locations in the project and the community have not resulted in these impacts.

11. *Site coverage, building scale, setbacks, and open spaces shall be in proportion with the development property and with existing and planned development and structures, in adjacent and surrounding property.*

- The proposed Plan meets the requirements of the Ames *Municipal Code* for site coverage, building scale, setbacks, and open spaces, which are similar to the Tiverton Court apartments within the eastern portion of the Northridge Heights subdivision.

Building "A"

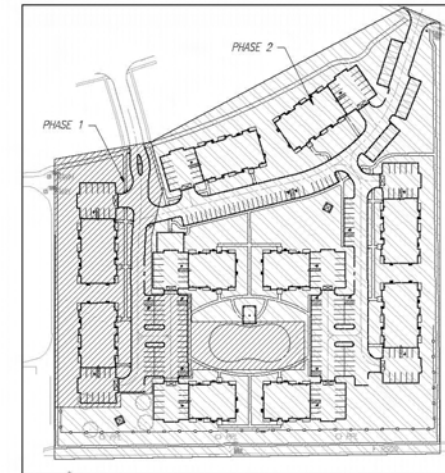
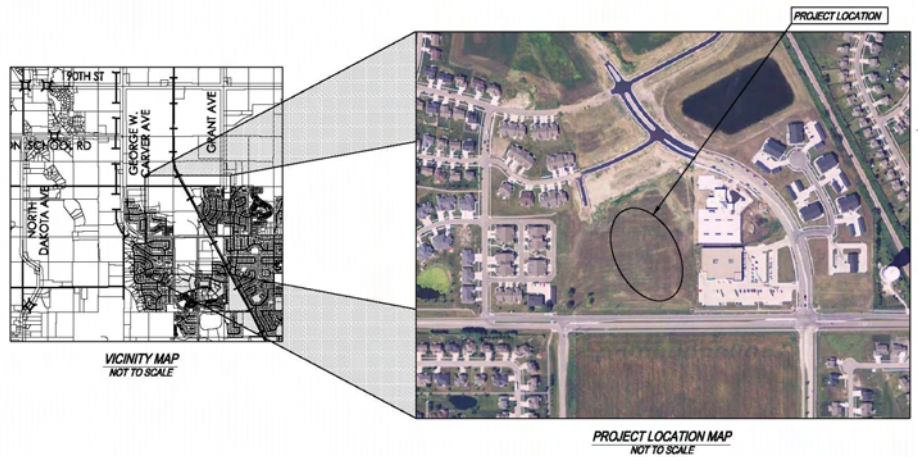


Attachment B Architectural Elevations



Major Site Development Plan - Sheet 1 of 5

GRAYHAWK MAJOR SITE DEVELOPMENT PLAN



OWNER
UTHE DEVELOPMENT COMPANY LLC
106 S. 16TH ST.
AMES, IA 50010

APPLICANT
DAYTON PARK LLC
C/O HUNZIKER & ASSOCIATES
106 S. 16TH ST.
AMES, IA 50010

PREPARED BY
ALFRED BENESCH & COMPANY
223 S. WALNUT AVENUE, SUITE C
AMES, IA 50010

PROPERTY ADDRESSES
2899 BLOOMINGTON ROAD
AMES, IA 50010

3700 FARNHAM DRIVE
AMES, IA 50010

LEGAL DESCRIPTION
THE PERIMETER BOUNDARY OF THIS
SUBDIVISION IS DESCRIBED BY A SURVEY
OF RECORD DATED AUGUST 2, 2010,
FILED AS INSTRUMENT NUMBERS 00-0824
AND 00-0825 IN THE OFFICE OF THE
STORY COUNTY RECORDER.

LOT AREA: 10.437 ACRES

ZONING DESIGNATION
SUBURBAN RESIDENTIAL MEDIUM DENSITY
(FS-RM)

PROPOSED LAND USE
HOUSEHOLD LIVING - APARTMENT
BUILDING

STORM WATER MANAGEMENT
STORM WATER MANAGEMENT FOR THIS
SITE IS PROVIDED FOR UNDER THE
STORM WATER MANAGEMENT PLAN FOR
NORTHBRIDGE HEIGHTS SUBDIVISION AS
APPROVED BY THE CITY OF AMES



I hereby certify that this engineering document was prepared by me or under my direct personal supervision and that I am a duly licensed Professional Engineer under the laws of the State of Iowa.

Scott A. Williams, P.E.
License Number 13310
My license renewal date is December 31, 2012
Printed on sheets covered by this seal

Date: 6/13/2011
Job No.: 20140036
Sheet No.: 1 of 5

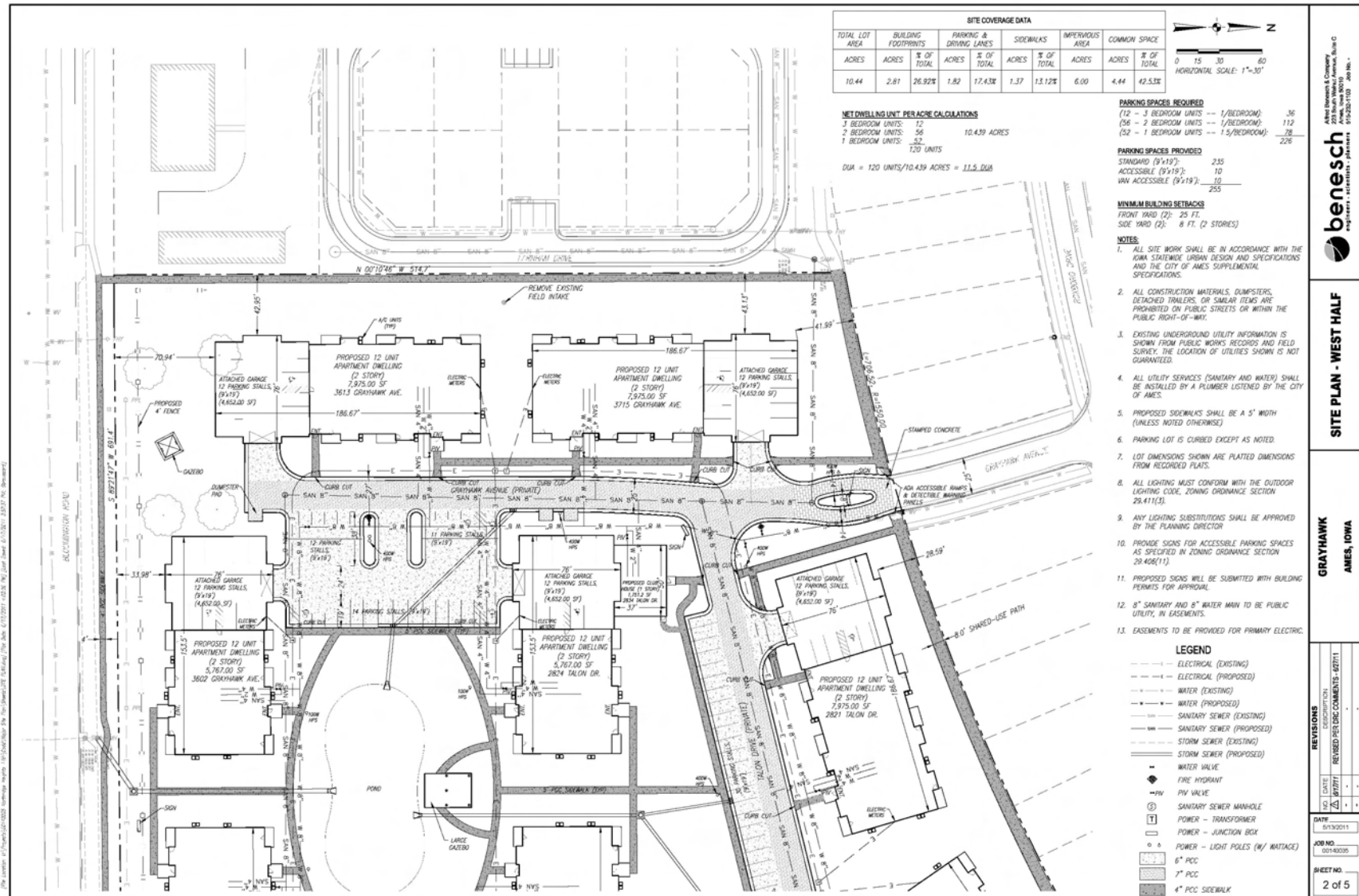
benesch
ENGINEERS & ARCHITECTS
P.C.
223 S. WALNUT AVENUE, SUITE C
AMES, IOWA 50010
515.261.1100 FAX 515.261.1101

COVER SHEET

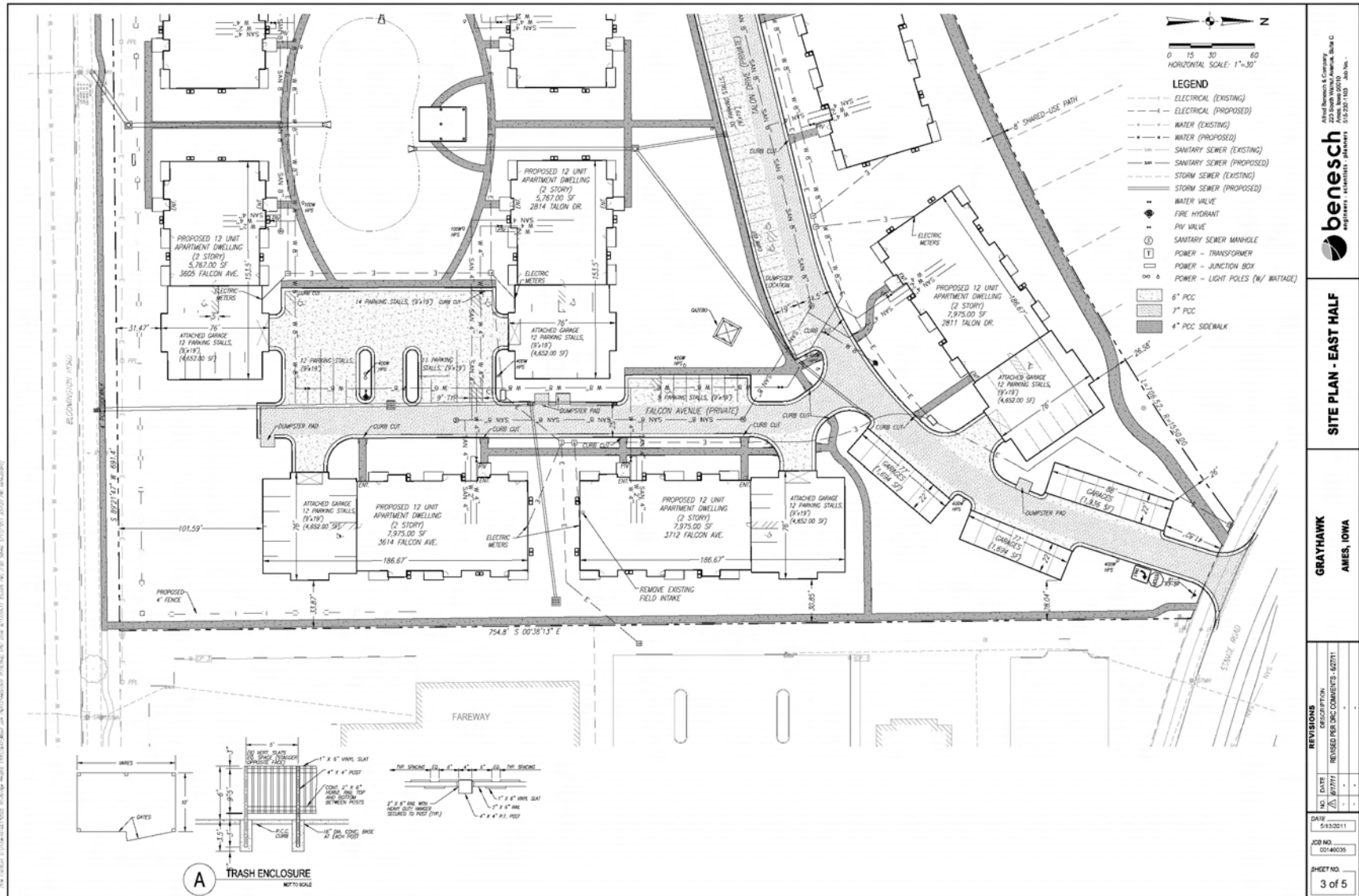
GRAYHAWK
AMES, IOWA

REVISIONS	
NO.	DATE
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2	6/13/2011
3	6/13/2011
4	6/13/2011
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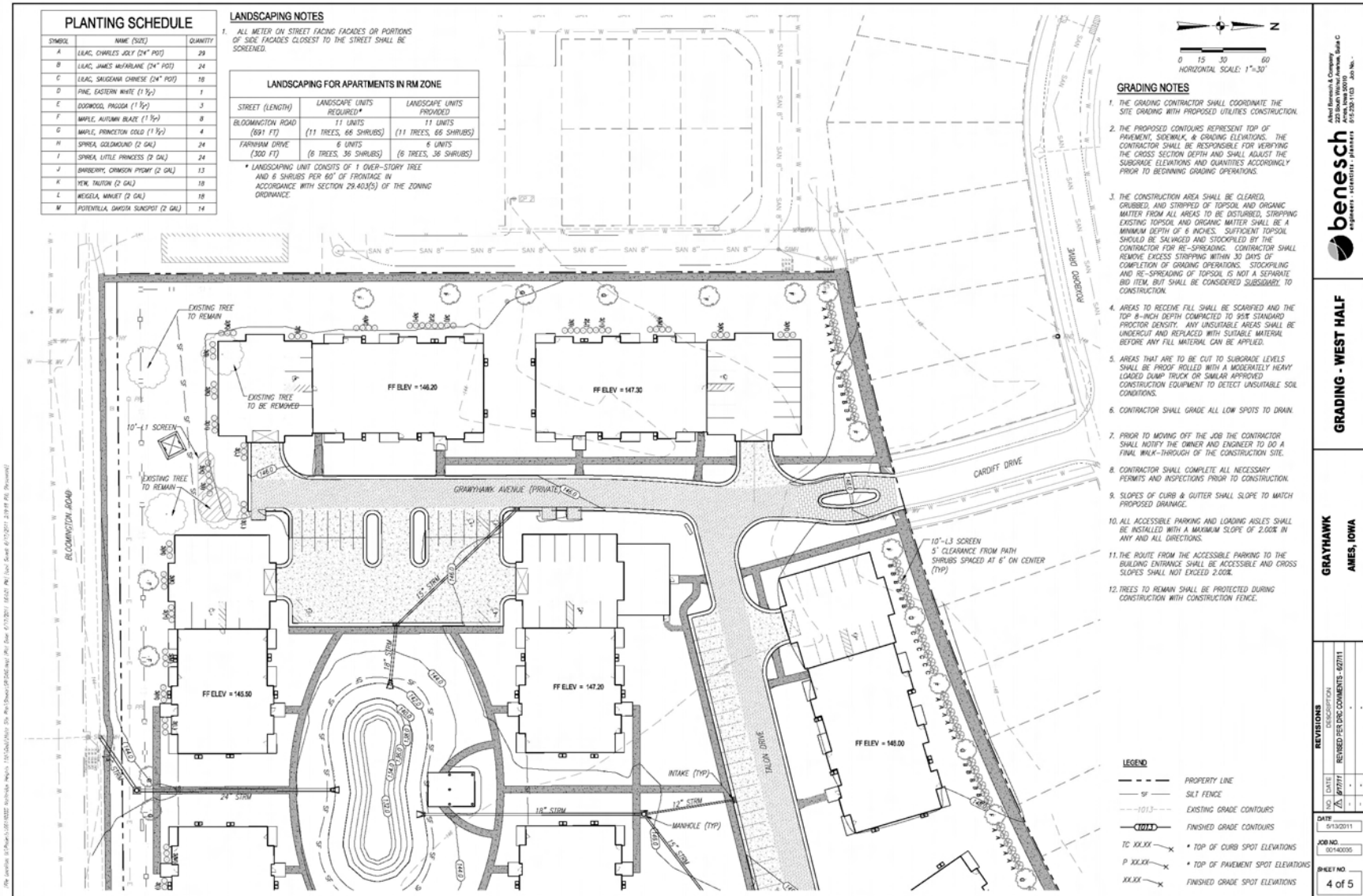
Major Site Development Plan - Sheet 2 of 5



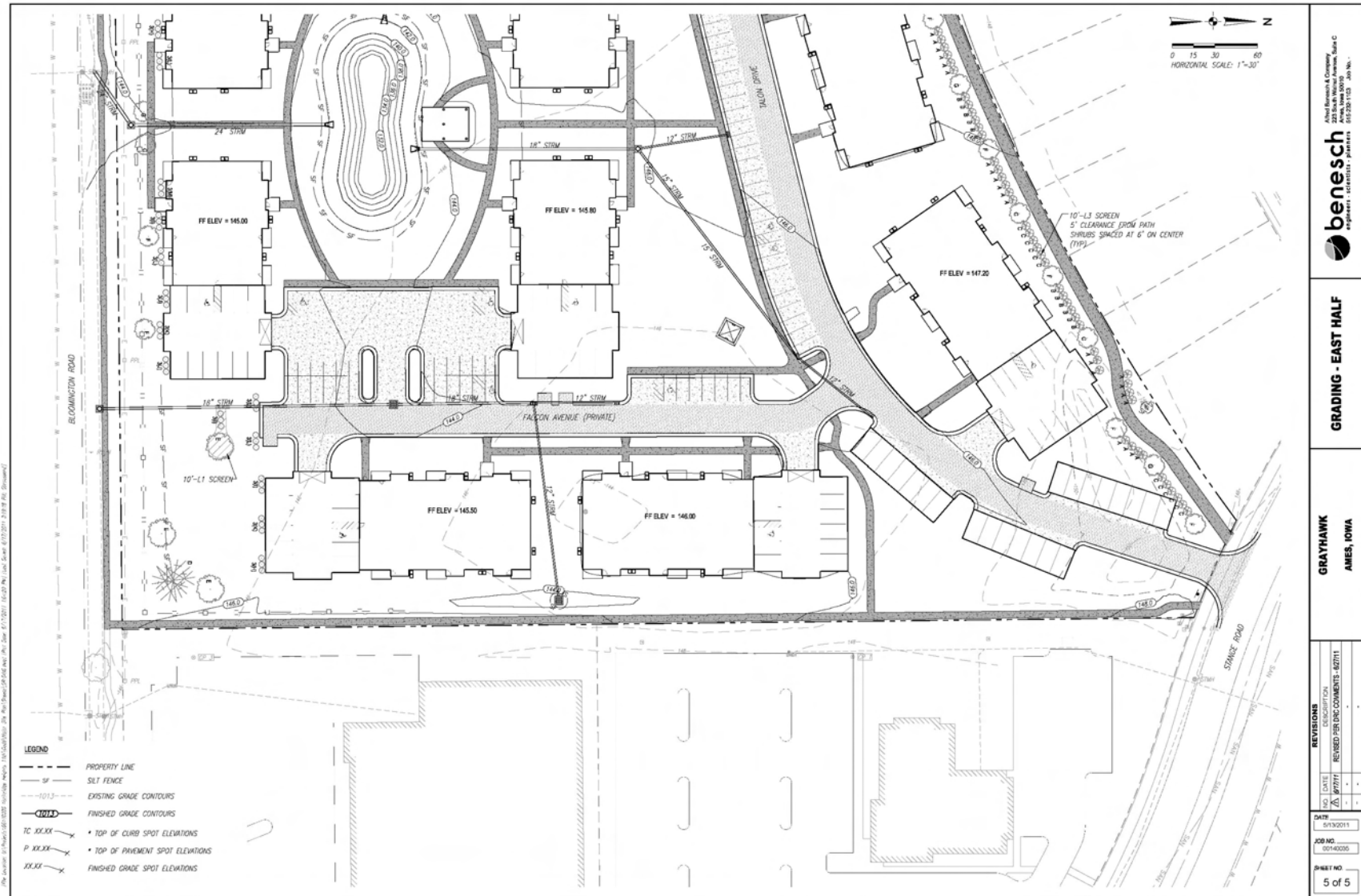
Major Site Development Plan - Sheet 3 of 5



Major Site Development Plan - Sheet 4 of 5



Major Site Development Plan - Sheet 5 of 5





Legal Department

515 Clark Avenue, P.O. Box 811
Ames, IA 50010
Phone: 515-239-5146
Fax: 515-239-5142

July 11, 2011

The Honorable Ann Campbell, Mayor,
And Members of the City Council
of the City of Ames, Iowa

Re: Corrective amendment to Zoning Code definition of "Mechanical Unit"

Dear Mayor and City Council:

Late last summer, the Zoning ordinance was revised to add provisions for wind energy systems. At that time, it was proposed to revise the definition of "mechanical unit" in that chapter to clarify that wind energy systems are not mechanical units.

After the wind energy provisions had undergone first passage and were in the later stages of the adoption process of three readings and publication, another zoning provision, that related to screening of mechanical units began undergoing revision. This revision was to make it easier and less expensive for developers to comply with the screening requirements. This latter proposed revision first went to Planning and Zoning for a recommendation before a first reading for adoption. At that time, since the adoption of the revised definition of "mechanical unit" including wind energy systems was not fully through the adoption process, the proposed mechanical screening revisions used the then-current definition of "mechanical unit" which did not omit wind energy systems. Unfortunately, when the wind energy provisions were finally adopted, the mechanical unit revisions failed to incorporate the newly adopted definition of mechanical unit. Therefore, when the screening provisions were finally adopted, they contained the mechanical unit definition without reference to wind systems. In effect, the later-adopted mechanical screening revisions undid the definitional change that the earlier wind energy adoption had just accomplished. This error came about because the second revision was commenced before the first ordinance adoption was complete and it was not apparent to staff until the code supplements for the quarter were published.

The amendment before you is simply to correct this error that occurred. It adopts the definition that was originally proposed with the wind energy provisions which excludes wind energy systems from being defined as "mechanical units".

Your favorable consideration of this ordinance is asked. I would be happy to provide any additional information you may need.

Sincerely,

Judy K. Parks
Assistant City Attorney

ORDINANCE NO.

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY REPEALING SECTION 29.201(116) AND ENACTING A NEW SECTION 29.201 (116) THEREOF, FOR THE PURPOSE OF REVISING THE DEFINITION OF MECHANICAL UNIT; REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ENACTED, by the City Council for the City of Ames, Iowa, that:

Section One. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by repealing Section 29.201(116) and enacting a new Section 29.201(116) as follows:

"Sec. 29.201 DEFINITIONS.

(116) Mechanical Unit means a climate control device and/or a piece of hardware used for the delivery or measurement of utilities, not including solar or wind energy systems as defined in Section 29.1309 and Section 29.1310."

Section Two. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent of such conflict, if any.

Section Three. This ordinance shall be in full force and effect from and after its passage and publication as required by law.

Passed this _____ day of _____, _____.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor



Memo

Legal Department

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TO: Honorable Ann C. Campbell, Mayor
And Members of the City Council

FROM: Doug Marek, City Attorney

DATE: July 20, 2011

SUBJECT: Renaming Cardiff Drive to Grayhawk Avenue

Attached is an ordinance to change the name of Cardiff Drive, as designated in the final plat of Northridge Heights Subdivision 10th Addition, to Grayhawk Drive. The City Council directed the preparation of the ordinance at the regular meeting of July 12, 2011, upon the request of the developer.

Cc: Diane Voss
Steve Schainker
John Joiner

DO NOT WRITE IN THE SPACE ABOVE THIS LINE, RESERVED FOR RECORDER

Prepared by: Douglas R. Marek, City of Ames Legal Department, 515 Clark Avenue, Ames, Iowa 50010 (Phone: 515-239-5146)

Address Tax Statement To: City of Ames, Iowa, 515 Clark Avenue, Ames, Iowa 50010

Return to Ames City Clerk, Box 811, Ames, IA 50010

ORDINANCE NO. _____

**AN ORDINANCE TO CHANGE THE NAME OF CARDIFF DRIVE AS
DESIGNATED IN THE FINAL PLAT OF NORTHRIDGE HEIGHTS
SUBDIVISION 10TH ADDITION TO GRAYHAWK DRIVE; AND
ESTABLISHING AN EFFECTIVE DATE.**

BE IT ENACTED, BY THE CITY COUNCIL FOR THE CITY OF AMES, IOWA:

Section 1. The name of Cardiff Drive running approximately 135 feet south from Roxboro Drive providing access to Outlot VV is changed to Grayhawk Avenue.

Section 2. The name of the official plat affected by the above-stated street is Northridge Heights Subdivision Tenth Addition.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. This ordinance shall be in full force and effect from and after its passage and publication as required by law.

Passed this _____ day of _____, 20____.

Diane R. Voss, City Clerk

Ann Campbell, Mayor