

AGENDA
REGULAR MEETING OF THE AMES CONFERENCE BOARD AND
REGULAR MEETING OF THE AMES CITY COUNCIL
COUNCIL CHAMBERS - CITY HALL
FEBRUARY 26, 2013

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.

CONFERENCE BOARD MEETING

CALL TO ORDER: 6:30 p.m.

1. Roll Call
2. Motion approving minutes of the January 22, 2013, Regular Meeting
3. Resolution approving reappointment of Judy Albright to Board of Review
4. Public hearing on proposed FY 2013/14 budget for Ames City Assessor's Office:
 - a. Motion to adopt budget

BOARD COMMENTS:

ADJOURNMENT:

REGULAR MEETING OF AMES CITY COUNCIL*

*The City Council's Regular Meeting will immediately follow the Conference Board Meeting.

CONSULTATION FOR ANNEXATION:

1. Consultation with Story County Board of Supervisors and Franklin Township Trustees on annexation of property (Athen and Quarry Estates)

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 February 12, 2013, and Special Meeting of February 19, 2013
4. Motion approving Report of Contract Change Orders for February 1-15, 2013
5. Motion approving renewal of the following beer permits, wine permits, and liquor licenses:
 - a. Class C Beer – Almost Always Open, 419 Lincoln Way
 - b. Class C Beer & B Native Wine – Casey's General Store #2905, 3612 Stange Road
6. Resolution approving Iowa Clean Air Attainment Program (ICAAP) Grant application for

Mortensen Road Improvements

7. Resolution approving CyRide Memorandum of Agreement with Iowa State University Intermodal Facility Construction for additional construction at the Ames Intermodal Facility not to exceed \$74,300
8. Resolution approving preliminary plans and specifications for 2012/13 Shared Use Path Maintenance project; setting March 20, 2013, as bid due date and March 26, 2013, as date of public hearing
9. Resolution approving up to four two-month fuel contracts at a total price not to exceed \$619,500 and accept fixed rate and mark-up/deduct for remainder of CyRide's fuel purchases
10. Resolution awarding contract to Stivers Ford Lincoln of Waukee, Iowa, for four 2013 Ford Taurus Interceptor sedans for a total cost of \$100,380
11. Resolution awarding contract to Titan Machinery of Des Moines, Iowa, for Wheel Loader and Clam Bucket for \$156,360 with buyback guarantee
12. Resolution awarding contract to O'Halloran International of Altoona, Iowa, for the purchase of medium-duty truck chassis in the amount of \$84,465
13. Resolution awarding contract to Bobcat of Ames of Ames, Iowa, for one 2013 Bobcat VH417 Material Handler with attachments in the amount of \$62,002
14. Resolution approving contract and bond for 2009/10 Low-Point Drainage (Crystal Street)
15. Resolution approving Plat of Survey for 3621 Lincoln Way

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 each speaker to five minutes.**

PERMITS, PETITIONS, & COMMUNICATIONS:

16. Motion approving 5-Day licenses for Olde Main Brewing Company:
 - a. Special Class C Liquor (Feb. 26 - Mar. 2) at ISU Alumni Center, 420 Beach Avenue
 - b. Special Class C Liquor (Mar. 1 - 5) at Reiman Gardens, 1407 University Boulevard
 - c. Special Class C Liquor (Mar. 11 - 15) at Reiman Gardens, 1407 University Boulevard
17. Requests for Hope Run on June 15, 2013:
 - a. Resolution approving closure of portion of Mortensen Road from 7:00 a.m. to approximately 8:15 a.m. and portion of State Avenue from 7:45 a.m. to approximately 9:00 a.m.
 - b. Resolution approving waiver of Road Race permit fee
18. Requests from Main Street Cultural District (MSCD) for summer events:
 - a. Main Street Farmers' Market, Saturdays from May 4 to September 28:
 - i. Resolution approving closure of street and parking spaces in 400 block of Main Street; closure of Burnett Avenue, from Main Street north to the alley; and eight parking spaces in 300 block of Main Street, from 6:00 a.m. to 1:00 p.m.
 - ii. Motion approving blanket Temporary Obstruction Permit and blanket Vending Permit for entire Central Business District from 8:00 a.m. to 6:00 p.m.
 - iii. Resolution approving waiver of fee for blanket Vending Permit
 - b. Art Walk on Friday, June 7:
 - i. Resolution approving waiver of parking meter fees and enforcement for MSCD from 3:00 p.m. to 6:00 p.m.

- ii. Motion approving blanket Temporary Obstruction Permit for MSCD sidewalks from 3:00 p.m. to 8:00 p.m.
- iii. Motion approving blanket Vending Permit for MSCD from 8:00 a.m. to 8:00 p.m.
- iv. Resolution approving waiver of fee for Blanket Vending Permit

- v. Resolution closing six parking spaces near intersection of Main Street and Kellogg Avenue for food vendors
- c. 4th of July Parade and Festival on Thursday, July 4:
 - i. Resolution approving closure of Clark Avenue between 5th Street and 6th Street from 6:00 p.m. on Wednesday, July 3, until conclusion of parade on July 4 for City Council Community Pancake Breakfast
 - ii. Resolution approving closure of portions of Main Street, Northwestern Avenue, Fifth Street, Douglas Avenue, Burnett Avenue, Kellogg Avenue, Clark Avenue, Allan Drive, and Pearle Avenue from 6:00 a.m. to approximately 3:00 p.m. for parade
 - iii. Resolution approving waiver of parking meter enforcement for the entire Central Business District on July 4
 - iv. Resolution approving closure of Parking Lot MM, Parking Lot N, Parking Lot Q, Depot Lots V and TT, and south half of Parking Lot M from 6:00 a.m. to 3:00 p.m.
 - v. Motion approving blanket Temporary Obstruction Permit and blanket Vending Permit for MSCD from 8:00 a.m. to 6:00 p.m.
 - vi. Resolution approving waiver of utility fees for use of outlets and water in Tom Evans Plaza and waiver of Vending Permit fee
- d. July Sidewalk Sales, July 25 - 27:
 - i. Resolution approving suspension of parking regulations in CBD from 8:00 a.m. to 6:00 p.m, July 25 - 27
 - ii. Motion approving blanket Temporary Obstruction Permit and blanket Vending Permit
 - iii. Resolution approving waiver of fee for Blanket Vending License

PLANNING & HOUSING:

- 19. Request for Tax Abatement for 127 Stanton Avenue:
 - a. Resolution approving Supplemental Agreement for Urban Revitalization Tax Exemption
 - b. Resolution approving Agreement for Maintenance and Management
 - c. Resolution approving tax exemption and directing staff to forward to the City Assessor
- 20. Resolution approving Land Use Policy Plan Amendment pertaining to zoning designations of annexed land (Appendix C)
- 21. Urban Revitalization Area for 205 Southeast 5th Street:
 - a. Motion approving/denying application
 - b. Motion directing City staff to prepare Urban Revitalization Plan
 - c. Resolution setting date of public hearing for April 9, 2013

HEARINGS:

- 22. Hearing on issuance of General Obligation Bonds in an amount not to exceed \$10,000,000:
 - a. Resolution authorizing Loan Agreement and providing for the levying of taxes
- 23. Hearing on 2012/13 Asphalt Street Reconstruction/Seal Coat Reconstruction and 2012/13 Water Main Replacement:
 - a. Resolution approving final plans and specifications and awarding contract to Manatt's,

- Inc., of Ames, Iowa, in the amount of \$957,521.70
24. Hearing on 2012/13 Ames Municipal Cemetery Paving Improvements:
 - a. Report of bids
 - b. Motion rejecting bid
 25. Hearing on Hickory Drive Improvements (Lincoln Way to Westbrook Drive):
 - a. Resolution approving final plans and specifications and awarding contract to Manatt's, Inc., of Ames, Iowa, in the amount of \$167,500.48
 26. Hearing on Toronto Area Water Main Replacement:
 - a. Resolution approving final plans and specifications and awarding contract to J&K Contracting, LLC, of Ames, Iowa, in the amount of \$298,735.47
 27. Hearing on 2013 Underground Trenching for Electric Services:
 - a. Resolution approving final plans and specifications
 - b. Resolution awarding Primary Contract to Ames Trenching & Excavating, Inc., of Ames, Iowa, in an amount not to exceed \$136,500.00
 - c. Resolution awarding Back-Up Contract to Communication Technologies of Des Moines, Iowa, in an amount not to exceed \$58,500

ORDINANCES:

28. First reading of ordinance making modifications to *Municipal Code* Chapter 21 (Sign Code) [Tabled from January 8, 2013]
29. First reading of ordinance making modifications to *Municipal Code* Appendix N relating to the titles of Chapters 5 and 21 [Tabled from January 8, 2013]
30. Third passage of ORDINANCE NO. 4140 striking references to Board of Health in *Municipal Code* Chapter 11 (Health and Sanitation)
31. Third passage of ORDINANCE NO. 4141 striking reference to Board of Health in the index of *Municipal Code*

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*.**

**MINUTES OF THE REGULAR MEETING OF THE
AMES CONFERENCE BOARD**

AMES, IOWA

JANUARY 22, 2013

REGULAR MEETING OF THE AMES CONFERENCE BOARD

The regular meeting of the Ames Conference Board was called to order by Chairperson Ann Campbell at 6:30 p.m. on January 22, 2013. Present from the Ames City Council were Jeremy Davis, Matthew Goodman, Jami Larson, Peter Orazem, Victoria Szopinski, and Tom Wacha. Story County Board of Supervisors present were Wayne Clinton and Rick Sanders. Representing the Ames School Board were Teresa Simpson and Bill Talbot. Gilbert School District was represented by Marcia Dezonias. United School District was not represented.

MINUTES OF THE JULY 10, 2012, SPECIAL MEETING OF THE CONFERENCE BOARD: Moved by Clinton, seconded by Goodman, to approve the minutes of the Special Meeting of the Conference Board held July 10, 2012.

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

ASSESSOR'S BUDGET PROPOSALS: Ames City Assessor Greg Lynch highlighted information from the City Assessor's 2013/14 Annual Report. He specifically explained Taxable Valuations by Class at 100% Assessed Value and at Rolled Back or Taxable Values. The percentage of change between the 2011 and 2012 values was noted. The 2012 rollback factor was 52.8166%. According to Mr. Lynch, the increase in the rollback is the primary driver of the net 5.4% change in taxable value from 2011 to 2012.

Department activities were reviewed by Mr. Lynch. Residential properties are starting to rebound from problems experienced in past years. He brought the Council's attention to Attachment D contained within the Report, which shows the quarterly sales activity. The overall sales volume for new homes decreased 30% from 2010 to 2011, but in 2012, it increased back up to 43. The sale price for new homes also increased. There were 575 sales in 2012 compared to 492 in 2011. The overall sales volume for existing homes increased by 16.87%, and the average sales price per square foot increased 2.05%. The median sales price showed a slight increase of 1.49% from \$161,500 in 2011 to \$163,000 in 2012. According to Mr. Lynch, that, coupled with a median sales ratio of 99.3% for sales that are believed to be included in the Iowa Department of Revenue's sales ratio analysis for equalization, leads to the conclusion that residential revaluation for January 2013 would not be required. He also stated that since the Assessor's Office current software that is used to generate values is no longer supported, they have developed a new model and are currently calibrating it. It will be used to revalue residential properties.

In regards to commercial properties, based on information provided by the Iowa Department of Revenue through October of 2012 and on other sales that have occurred since then, Mr. Lynch estimated the median sales ratio to be 98%. This is down from a year ago when it was 100.7%. The 98% range is well within the range of 95% to 105%, which excludes it from equalization by the Department of Revenue; based on that, no city-wide commercial revaluation is warranted.

Department accomplishments for 2012 were highlighted by Mr. Lynch.

Assessor Lynch reported on staff changes within the office. Brenda Swaim, who has been with the Assessor's Office since 1996 was appointed as Deputy Assessor in 2012. The former Deputy

Assessor, Paul Overton, had been appointed the Boone County Assessor. Matt Emerson was hired on July 1, 2012, as the Database Manager/IS Administrator.

Mr. Lynch detailed the City Assessor's budget proposal for 2013/14. Pertaining to salaries, he is asking for a 2.0% cost-of-living increase and a 1.00% merit pool, for a total of 3.00%, for the Assessor and all other staff. The Health Insurance line item was increased by 8%. Mileage reimbursement increased by \$.01/mile; it is paid at the current IRS rate. Mr. Lynch reminded the Conference Board that the Assessor's Office now uses the City's Information Technology Division for all of its needs.

The Board of Review line item was reviewed by Mr. Lynch, and a summary of the cases that had come before the Property Assessment Appeal Board was given. For 2012, 15 cases were filed; ten of those cases involved parcels held in a cooperative form of ownership.

Regarding the GIS and Mapping portion of the Assessor's Budget, Mr. Lynch advised that they had contracted with Pictometry for new aerial imagery. The flight occurred in March 2012, but because of early foliage, the photography was not acceptable. The company gave the Assessor's Office those images at no cost and re-flew the City in November 2012. They are hoping to be on a three-year cycle for aerial photography.

An explanation of the funds and balances uses and proposed was given by City Assessor Lynch. He noted that the projected ending balance is about 30% of the annual budget; it is felt that that amount of reserves is adequate.

The annual survey, as required by the Conference Board, was summarized by Mr. Lynch. Of the 100 forms mailed, 37 were returned. The Board's attention was brought to the comments that were contained within the Report.

Mr. Lynch pointed out that the percentage of change between the Proposed and Current Budget shows a decrease except for Assessment Appeals/Court Costs. The total percentage increase in the Assessor's Budget is 1.9%, which is the least amount of increase during Mr. Lynch's tenure.

Moved by Sanders, seconded by Szopinski, to approve the proposed City Assessor's 2013/14 budget, as above-discussed.

Roll Call Vote: 3-0. Motion declared carried unanimously.

Moved by Sanders, seconded by Szopinski, to receive the proposed budget (adoption of the budget will occur after the hearing is held).

Roll Call Vote: 3.0. Motion declared carried unanimously.

Moved by Sanders, seconded by Szopinski, to set 6:30 p.m. on February 26, 2013, as the date of public hearing on the proposed FY 2013/14 City Assessor's budget.

Roll Call Vote: 3-0. Motion declared carried unanimously.

COMMENTS: Council Member Larson added that the *Iowa Code* mandates that the City Attorney represent the Conference Board and states that the city may be reimbursed for its expenses. As part of an evaluation of the duties of the City Attorney in connection with the City's recruitment for that position, Acting City Attorney Judy Parks had done an analysis of the costs incurred over the past two years by the City Attorney's Office to provide the services to the City Assessor's Office. That analysis revealed that, depending on the number of appeals, the costs came out

between \$5,000 and \$10,000/year, which was at the rate that other City departments are charged for the City Attorney's services. It was noted that those fees were much less than using the services of a private attorney. Mr. Larson said that City Assessor Lynch had agreed to add that reimbursement to the City for the services of the City Attorney in the future. For 2013/14, that amount will be \$10,000.

ADJOURNMENT: Moved by Sanders, seconded by Davis, to adjourn the Ames Conference Board at 7:00 p.m.

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

Ann H. Campbell, Chair

Diane R. Voss, City Clerk

Gregory Lynch, City Assessor



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MEMO

CB3

To: Conference Board Members

From: Ann H. Campbell, Chair

Date: February 22, 2013

Subject: Reappointment to Board of Review

Judy Albright's term of office on the Board of Review expired December 31, 2012. Therefore, it will be necessary for the Conference Board to make an appointment to this position. Judy has indicated that she would be willing to serve another term.

It is my recommendation that the Conference Board reappoint Judy to serve another term on the Board of Review.



Memo

Department of Planning & Housing

1

TO: Honorable Mayor and City Council, Franklin Township Trustees, & Story County Supervisors

FROM: Charlie Kuester, Planner

DATE: February 22, 2013

SUBJECT: Annexation Consultation for Territories North of Ames

Even though a significant issue still remains regarding how to provide adequate water service to the properties in question, in order to avoid any further delays in handling these annexation requests, on February 12th the City Council voted to move forward with the proposed annexation of two territories on the north side of Ames. By taking this action, the City Council members hope that this rural water issue will be resolved prior to making any final decisions regarding these annexations during April 2013.

As a first step in that process and in accord with state law, the Council is hosting a consultation with the Franklin Township Board of Trustees and the Story County Board of Supervisors on February 26th. The purpose of this consultation is to identify any issues that those bodies may raise concerning the proposed annexation. Within seven business days following the consultation, the Supervisors and Trustees may then make written recommendations for modification to the proposed annexation. Within 30 days of the consultation, the Supervisors are also to pass a resolution stating whether or not they support the application or whether they take no position in support of or against the application.

The first territory contains two parcels owned by the Phyllis Athen Revocable Trust, the James Athen Revocable Trust, and Ricky Madson, collectively known as the Athen properties. These lie west of George Washington Carver Avenue in Sections 20 and 29 of Franklin Township. The total area of this territory is 121.02 acres.

Annexation of the second territory was initiated by Quarry Estates, LLC. In order to avoid creating an island, the City is also including three non-consenting properties, as allowed under Code of Iowa Section 368.7(a). These additional properties are owned by Harold and Bette Frame, Harold and Bette Frame on contract to Brian and Jamie Frame, and Hunziker Land Development, LLC. These lie along 190th Street and Grant Avenue in Section 22 of Franklin Township, and total 105.12 gross acres.

Attached is a copy of the February 12th Council Action Form giving further background, as well as descriptions and maps of the properties involved in each of these territories. Although Hunziker Land Development, LLC is listed as non-consenting, they actually were awaiting resolution of rural water issues before filing annexation petitions for their two properties along Grant Avenue. **It is critical that, prior to the actual annexation of these territories, the rural water issue be worked out and pre-annexation agreements be signed for the Athen properties and Quarry Estates, as well as for the two Hunziker properties.**

ATHEN VOLUNTARY ANNEXATION

121.02 Gross Acres

Consenting: 100%

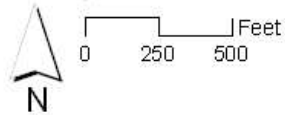
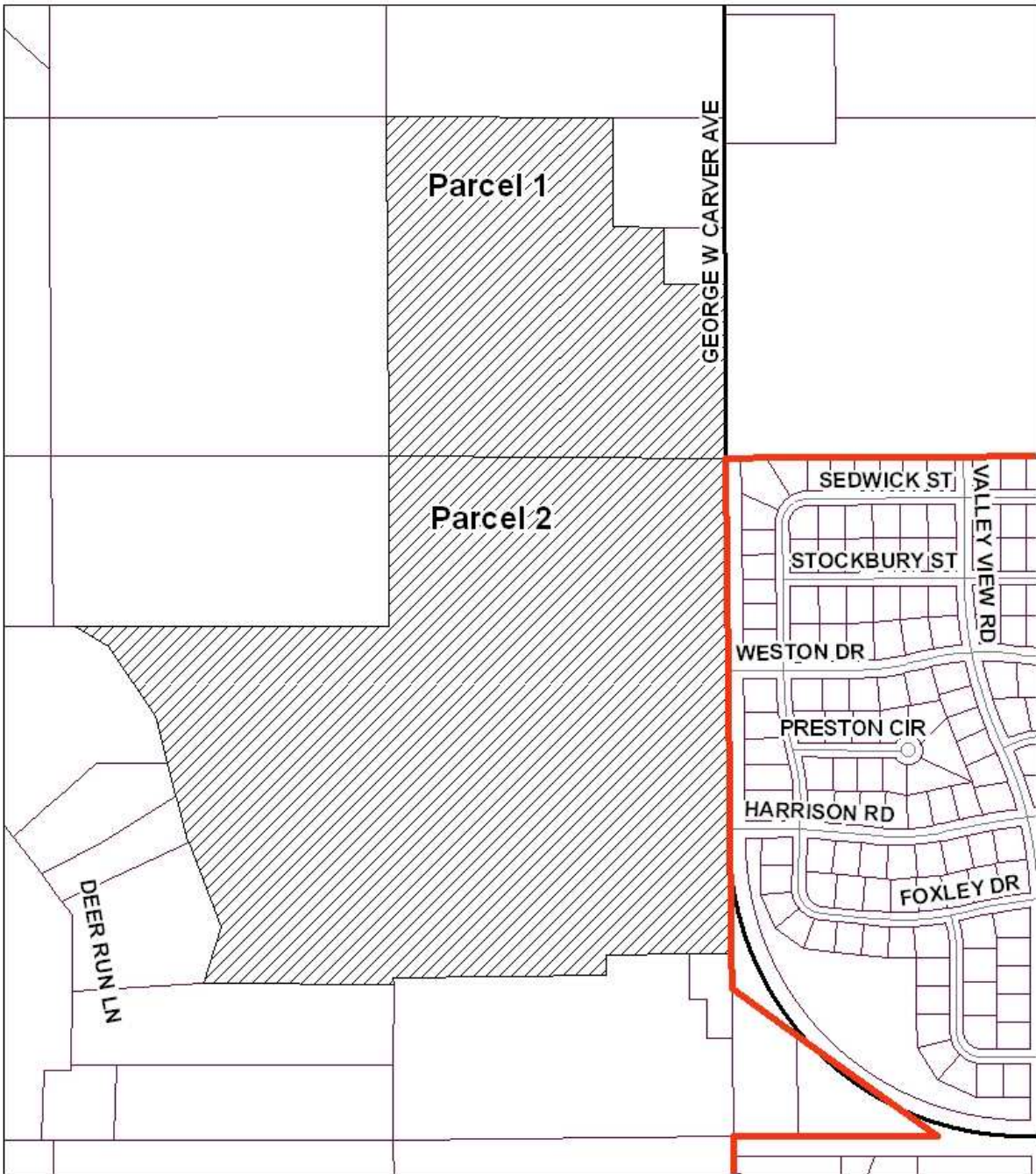
Consenting:

Parcel 1

Owner: Phyllis Athen Revocable Trust 1/4, James Athen Revocable Trust 1/4, Ricky Dean Madson 1/2, c/o Phyllis Athen. 3601 George W. Carver Avenue, Ames, IA 50014
Legal: Parcel 'U' in the Southeast Quarter (SE ¼) of the Southeast Quarter (SE ¼) of Section 20, Township 84 North, Range 24 West of the 5th P.M., Story County, Iowa; as shown on the Plat of Survey filed in the office of the Recorder of Story County, Iowa, on December 23, 1999, as Instrument # 99-16786. Contains 34.34 gross acres.



Parcel 2:

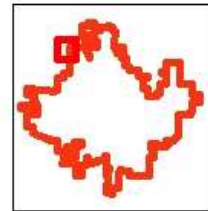
Owner: Phyllis Athen Revocable Trust 1/4, James Athen Revocable Trust 1/4, Ricky Dean Madson 1/2, c/o Phyllis Athen. 3601 George W. Carver Avenue, Ames, IA 50014
Legal: Parcel 'F' in the Northeast Quarter (NE ¼) of Section 29, Township 84 North, Range 24 West of the 5th P.M., Story County, Iowa; as shown on the Plat of Survey filed in the office of the Recorder of Story County, Iowa, on May 4, 2012, as Instrument # 2012-00004713. Contains 86.68 gross acres.



Proposed Annexation

Legend

-  Ames City Boundary
-  Proposed Annexation



QUARRY ESTATES VOLUNTARY ANNEXATION

105.12 Gross Acres

Consenting: 81.29%

Consenting:

Parcel 1

Owner: Quarry Estates, LLC c/o Kurt Friedrich, 100 6th Street, Ames, IA 50010
Legal: Parcel 'L' in the North Half (N ½) of Section 22, Township 84 North, Range 24 West of the 5th P.M., Story County, Iowa; as shown on the Plat of Survey filed in the office of the Recorder of Story County, Iowa on January 17, 2012, and recorded as Instrument # 2012-00000476. Contains 85.45 gross acres.

Non-Consenting:

Parcel 2

Owner: Harold Frame and Bette A. Frame, 5442 Grant Avenue, Ames, IA 50010
Legal: Parcel 'B' in the Northwest Quarter (NW ¼) of Section 22, Township 84 North, Range 24 West of the 5th P.M., Story County, Iowa; as shown on the Plat of Survey filed in the office of the Recorder of Story County, Iowa, on February 6th, 1998, and recorded as Instrument # 98-01464 in C&FN Book 15 at Page 110. Contains 4.84 gross acres.

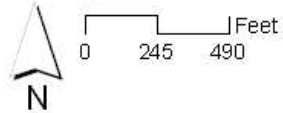
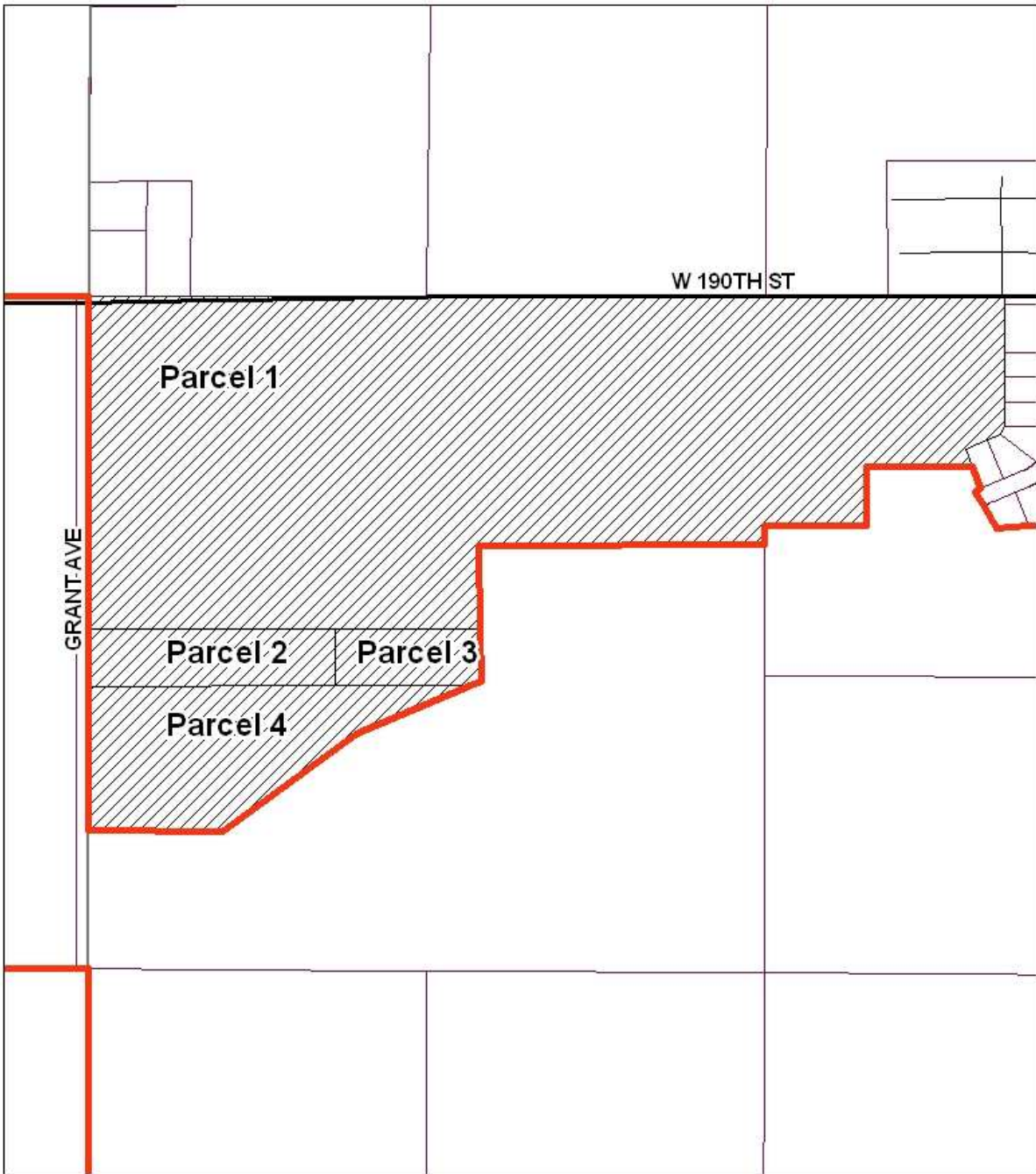
Parcel 3

Owner: Harold Frame and Bette A. Frame, 5442 Grant Avenue, Ames, IA 50010 (deed holder); Brian A. Frame and Jamie R. Frame, 5440 Grant Avenue, Ames, IA 50010 (contract buyer)

Legal: Parcel 'C' in the Northwest Quarter (NW ¼) of Section 22, Township 84 North, Range 24 West of the 5th P.M., Story County, Iowa; as shown on the Plat of Survey filed in the office of the Recorder of Story County, Iowa, on February 6th, 1998, and recorded as Instrument # 98-01464 in C&FN Book 15 at Page 110. Contains 2.83 gross acres.



Parcel 4

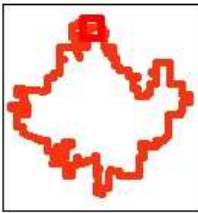
Owner: Hunziker Land Development Co. LLC, 105 S. 16th Street, Ames, IA 50010
Legal: Parcel 'K' in the Northwest Quarter (NW ¼) of Section 22, Township 84 North, Range 24 West of the 5th P.M., Story County, Iowa as shown on the Plat of Survey filed in the office of the Recorder of Story County on June 8, 2011, on Slide 407, Page 5, and as Instrument # 11-05323. Contains 12.00 gross acres.



Proposed Annexation

Legend

-  Ames City Boundary
-  Proposed Annexation



COUNCIL ACTION FORM

SUBJECT: REFERRAL OF ANNEXATION PETITIONS FOR ATHEN PROPERTIES, QUARRY ESTATES, AND HUNZIKER PROPERTIES

BACKGROUND:

By Monday, February 11th, the City will have received annexation petitions from several property owners in the North Growth Area. These property owners are:

- Phyllis Athen Trust; James Athen Trust; and Ricky Madson for two parcels on George Washington Carver
- Quarry Estates for a single parcel on 190th Street
- Erben and Margaret Hunziker Apartments on Grant Avenue (“Hunziker North”)
- Hunziker Land Development on Grant Avenue (“Hunziker South”)

A map of this area is included as Attachment 1, and a list of property owners is included as Attachment 2.

These properties are all contiguous to the City but are not contiguous to each other. Therefore, they must be treated as three distinct territories for the purpose of annexation. Accordingly, the Athen property is a single annexation comprising 100 percent of consenting ownership. The Quarry Estates and Hunziker North areas make up another annexation comprising 92.70 percent of consenting ownership (including properties owned by B. Frame and H. Frame in order to avoid creating an island). The Hunziker South area comprises an area of 54.01 percent of consenting owners (including land owned by Sturges, Eness, Eness, Eness/Taylor, Gregg/Scwhery, Hamblin, and Fidelity Bank).

The Code of Iowa allows voluntary annexation to contain up to 20 percent of land of non-consenting owners to be included. Therefore, the Athen property and the Quarry Estates/Hunziker North requests meet the threshold of voluntary annexation. The Hunziker South request does not meet the statutory requirements for a lawful annexation.

At the December 11, 2012 City Council meeting, during the public hearing for the request by Athen to designate his property as Urban Residential, the City Council directed staff to secure annexation agreements from the Grant Avenue properties proposed for development (Quarry Estates and the two Hunziker properties) prior to proceeding with annexation of the Athen property. Those agreements provide the mechanism by which the costs of sanitary sewer, water and street construction will be recovered.

Following submittal of the Athen annexation request in December, 2012, Council considered the Athen and Quarry Estates annexation petitions at its January 8, 2013 meeting. At that time, Council agreed to defer action at that time, and directed staff to accomplish the following:

1. Meet with the City Development Board to determine whether the option of considering all three properties as a single territory for annexation (and thus meeting the 80/20 requirement) is an acceptable alternative.
2. Meet with the other property owners along Grant Avenue to discuss their interest in annexation at this point in time.
3. Work with Hunziker and request that they apply for annexation of both properties.

In response to those directives, the following actions occurred:

1. Staff met with the City Development Board and staff of the Economic Development Authority on January 9. The position of the Board was that the three annexation areas as proposed by the City must be treated as three separate territories when determining the 80/20 ratio.
2. Staff met with the owners of land along Grant Avenue on January 21. To date, none of those owners have expressed a desire to seek annexation into the City. Attachment 3 contains comments developed by this group following that meeting.
3. By February 11th, Hunziker Land Development and Hunziker Apartments will have submitted petitions for annexation as requested by the City Council.

In addition, annexation agreements are being completed with representatives from the Athen properties, Quarry Estates and the two Hunziker properties as directed by the Council at the December 11th meeting.

Based on the annexation applications expected to be filed by Tuesday's meeting, only the Athen properties and the Quarry Estates/Hunziker North properties are eligible for annexation. Should the City Council chose to move forward with these two requests, the City would begin the State's mandated process by inviting the Franklin Township trustees and the Story County Supervisors to a consultation on the annexation at the February 26 City Council meeting. The following schedule of steps noted would be followed:

February 12..... City Council refers applications to Planning & Zoning Commission

February 26..... Consultation with County Supervisors and Township Trustees

March 6Planning & Zoning Commission considers applications

March 7Last Day for Supervisors and Trustees to make written recommendations for modification to the proposed annexation

April 9City Council Public Hearing and action on annexations

Following these steps, the State of Iowa’s City Development Board would also need to review and approve the Quarry Estates/Hunziker annexation, since it is not 100 percent consenting and because it lies within two miles of the Gilbert city limits.

A way forward for annexation of the Hunziker South property has also been identified. The annexation agreement provides a deadline of February 19 for the developer and City staff to either have annexation requests that meet the requirements of the Code of Iowa (by finding other abutting owners who consent to annexation so as to fulfill the 80/20 requirements), or else initiate a two-lot subdivision in order to create a “flag lot” that will allow the non-consenting owners to remain in an unincorporated area and not be an island.

ALTERNATIVES:

In accordance with previous Council direction, the Council should consider these alternatives only if the City Council is satisfied with and has approved the respective development agreements.

1. The City Council can accept the petitions for annexation for the Athen properties as one territory, and the Quarry Estates and Hunziker North property as another territory, and begin the annexation process by referring these petitions to the Planning and Zoning Commission.

The City Council should not accept the petition for annexation from Hunziker Apartments at this time, since it does not constitute a legal request and approval would create an unacceptable island. The annexation agreement identifies two ways forward for this property to be annexed. The agreement provides until February 19 for one of these avenues to be pursued.

2. The City Council can refuse the petitions for annexation for any or all of these properties.
3. The City Council can refer this request back to staff and/or the applicants for additional information.

MANAGER'S RECOMMENDED ACTION:

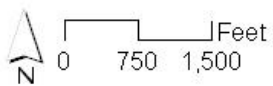
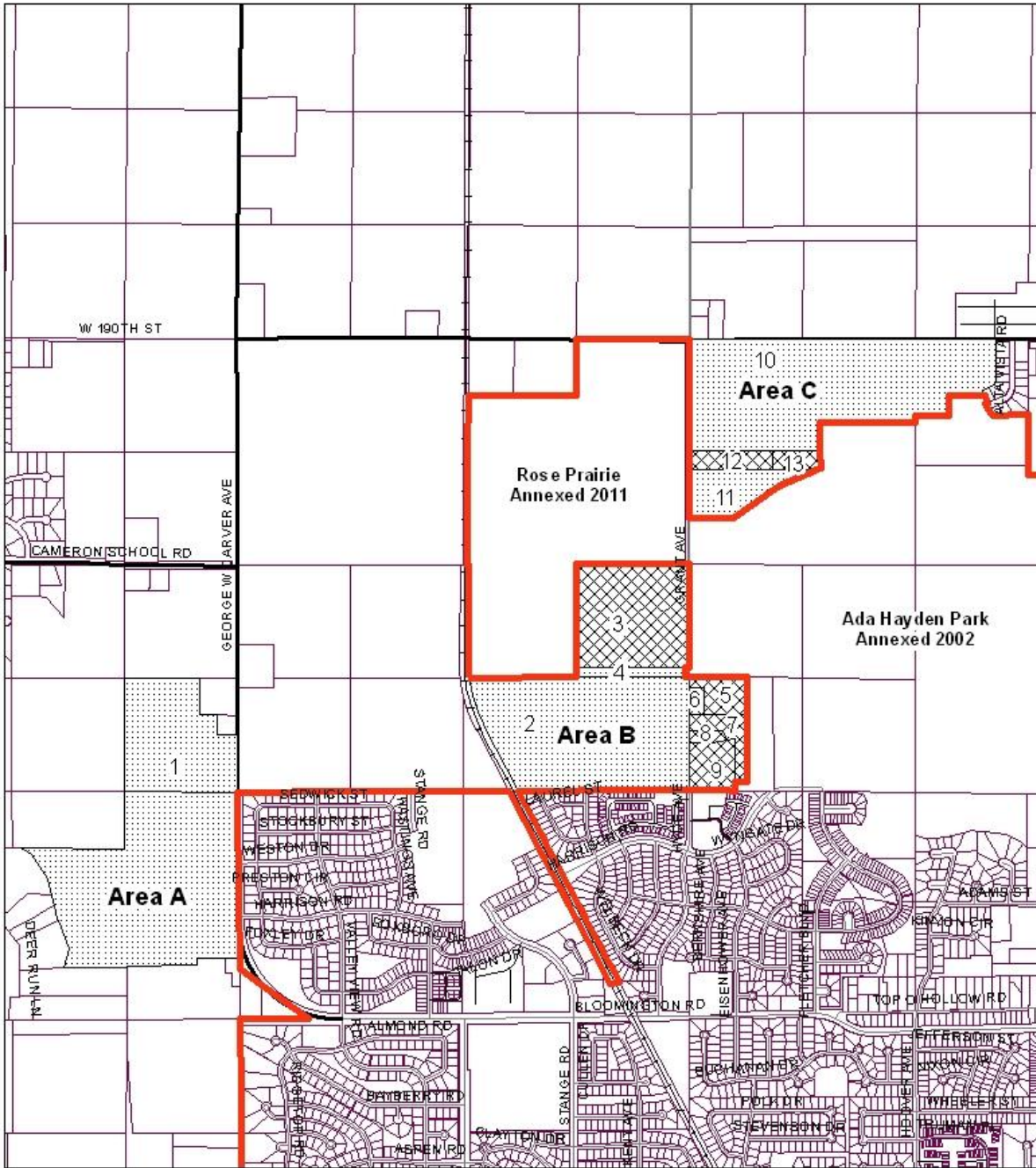
The proposed annexations are consistent with the Allowable Growth Areas of the Land Use Policy Plan and the Ames Urban Fringe Plan. The development agreements ensure that the costs that will be borne by the City for road improvements, sanitary sewer, and water will be shared by the developers as development occurs or in ten

years. This, too, is consistent with the Capital Investment Strategy of the Land Use Policy Plan. Furthermore, the annexation agreement with Athen meets the conditions imposed with the Land Use Policy Plan change that was approved by the Council.

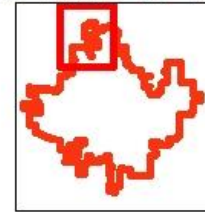
City staff and the City Council have heard from developers, home builders, and realtors that the stock of buildable residential lots in the community is dwindling and that new lots need to be made available soon. The proposed annexation of 355 acres would likely satisfy normal housing demand in Ames for a number of years.

Therefore, it is the recommendation of the City Manager that the City Council approve Alternative #1. This alternative will accept the petitions for annexation for the Athen properties, the Quarry Estates property and the Hunziker North property and begin the annexation process by referring these requests to the Planning and Zoning Commission.

ATTACHMENT 1



- Legend**
- Ames City Boundary
 - Non-consenting
 - Consenting



ATTACHMENT 2

This table identifies the owners of land within the three areas proposed for annexation. Column 1 is the number corresponding to the map on the previous page. Columns 2 and 3 are the owners and total acres of their land. Column 4 is the total acres seeking annexation. Column 5 is the percent of consenting owners within each area and overall.

Map Index	Name	Gross Acres	Consent?	Percent Consent
Area A				
1	Athen	121.02	Y	
	Total	121.02	121.02	100.00
Area B				
2	Hunziker Apartments	69.80	Y	
3	Sturges	36.12		
4	Fidelity Bank	3.42		
5	Eness	5.43		
6	Eness/Taylor	1.24		
7	Eness	5.10		
8	Gregg/Schwery	1.17		
9	Hamblin	6.99		
	Total	129.27	69.80	53.01
Area C				
10	Quarry Estates	85.45	Y	
11	Hunziker Land Development	12.00	Y	
12	Frame	4.84		
13	Frame	2.83		
	Total	105.12	97.45	92.70

Area A and Area C, each, have a high enough percentage of consenting owners of land to proceed with annexation. Area B does not.

ATTACHMENT 3

Comments from the Grant Avenue owners

The residents of Grant Avenue, who will be affected by the city of Ames annexation, would like to voice our cumulative concerns regarding the plans that have been presented to us.

We are grateful to Bob Kindred, Charles Kuester and others on the city management team who have conscientiously kept us abreast of the annexation plans.

We understand that plans to pave our road and begin sewage and water hook-ups are underway. The city has been clear that we most likely have no financial obligation for assessment fees for the road development. We have been presented with the pros and cons of annexation. Our concerns, nevertheless, are plentiful. We must make it clear to you that we have chosen a rural life. We have little to no desire to be city dwellers. We want solitude, free of light pollution and city taxes. We are comfortable with county law and fire protection (two of the "pros" presented to us were that we would have benefits of city police and fire). We are satisfied with our present sewage, gas and water services. Some of us are happily still using well water.

Although we have been told that we are not required to immediately hook up to city sewage and water we would be encouraged to do so. The cost to connect to city water and sewage ranges from \$5,000 to \$130,000 for individual residents. Charging us by acreage when we have no plans or means to develop is unfair. We can't afford to be charged by acreage that would force many of us to sell and relocate. Maybe that is what the city wants.

Connection fees for individual landowners should not exceed a standard municipal connection fee.

We feel that 1) We are being asked to pay for something which will be used to profit others and 2) We are being pressured to relocate. Some of us have lived here for 4 generations.

We do not want to voluntarily request annexation. If this is destined to happen then we would like to request that it is at NO expense to us. We strongly feel that the City of Ames and the developers that want annexation should find a way to cover costs for these individual residents to not only prevent them from paying for road construction but also prevent them from paying anything for sewage and water hook ups.

If that can be offered to us we would be less likely to refuse voluntary annexation. If this cannot be offered to us we must choose to fight annexation if we are at risk of losing our homes otherwise.

We understand that the developers of Ames are powerful machines but there is a human aspect to this issue that should be regarded.

Here are two examples of potential costs to landowners:

Roger and Lori Hamblin's potential initial expenses

- | | |
|---------------------------|-------------|
| 1. Water main | \$11,611.00 |
| 2. Water connect to house | \$3,500.00 |
| 3. Sewer main | \$13,896.00 |
| 4. Sewer connect to house | \$2,500.00 |

5. Remove septic tank	\$1,000.00
6. Buy out Xenia contract	\$200.00
7. Easement costs	\$?????
TOTAL	\$32,707.00

Hamblin's long term costs

1. Increase in property and city taxes of 25% (MINIMUM)= \$2500-\$4000 annual increase.

Julie Schwery and Clayton Gregg's potential expenses

1. Water main	\$2,200.00
2. Water connect to house	\$3,500.00
3. Sewer main	\$2,326.00
4. Sewer to house	\$2,500.00
5. Remove septic tank	\$1,000.00
6. Natural gas	\$1,050.00
7. Convert water heater to gas	\$100.00
8. Buy out Xenia contract	\$200.00

TOTAL \$12,876.00

Schwery/Gregg long term costs

Increase in property and city taxes of 25% (compared to present tax fees)=\$700.00 - \$1000.00 annual increase

Sincerely,

Roger and Lori Hamblin
 Clayton Gregg and Julie Schwery
 Mark Taylor and Allison Eness
 Paul and Margot Eness
 Leroy and Sue Sturges
 Harold and Betty Frame
 Brian and Jamie Frame

**MINUTES OF THE
SPECIAL MEETING OF THE AMES CITY COUNCIL
AND REGULAR MEETING
OF THE AMES CITY COUNCIL**

AMES, IOWA

FEBRUARY 12, 2013

SPECIAL MEETING OF THE AMES CITY COUNCIL

The Ames City Council met in Special Session for the budget wrap-up at 5:21 p.m., followed by its Regular Meeting, on the 12th day of February, 2013, in the City Council Chambers in City Hall, 515 Clark Avenue, pursuant to law with Mayor Ann Campbell presiding and the following Council members present: Jeremy Davis, Matthew Goodman, Jami Larson, Peter Orazem, and Victoria Szopinski. Council Member Tom Wacha was brought into the meeting telephonically. *Ex officio* Member Sawyer Baker was also present.

ARTS FUNDING (COTA): Fred Lewis, Chairperson of the Commission On The Arts (COTA), introduced Commission Member Andy Zeer, who was also in attendance. Assistant City Manager Melissa Mundt presented the 2013/14 budget recommendation from the COTA. Included in the recommendation was \$137,367.60 for annual grants to 15 different performing arts groups and \$3,511.40 for mini-grants that are allocated in the spring and fall. It was noted by Ms. Mundt that two new groups applied for funding: Stars Over VEISHEA and India Cultural Association. According to Ms. Mundt, increased costs to use the City Auditorium was reported by many organizations as a hardship.

It was noted that the Council had previously approved funding for 2013/14 in the amount of \$140,879 (an increase of 2% over 2012/13).

HUMAN SERVICES FUNDING (ASSET): Assistant City Manager Mundt introduced Amber Corrieri, one of the City's representatives on ASSET. Ms. Mundt noted that the ASSET volunteers had been given the priorities adopted by the City Council: meeting basic needs of low- and moderate-income families, crisis intervention, prevention, and transportation, and those criteria were used to make the funding recommendations.

It was reported by Ms. Mundt that the recommended allocation for 2013/14 for the overall ASSET budget equaled \$3,273,976 to be funded by Story County, United Way of Story County, the Government of the Student Body, and the City of Ames. That number represents an increase of 4.40% over 2012/13. Ms. Mundt noted that the City Council had approved a 3.0% increase over the current allocation. However, the City's share of the 2013/14 allocation is being lowered by 7.13% (\$82,958) from the current 2012/13 allocation. That is primarily due to the recommendation by ASSET volunteers to no longer fund substance abuse services through the Community and Family Resources (CFR), a reduction in mental health services funding request to the City from Eyerly Ball, its new mental health provider; the departure of Big Brothers/Big Sisters from Story County, and a reduction in the allocation to Red Cross due a lack of its presence in the community.

A new service provider, the Salvation Army, was being recommended to receive funding. ASSET volunteers had determined that there was a need for their services. Ms. Corrieri noted that the Salvation Army does not represent a duplication of services based on the needs of the community and the niche market it serves. Council Member Larson asked for more information because the role of ASSET is to fund services and not agencies. The services that they applied

for from ASSET were for disaster assistance, food pantry, and rental assistance. It was also noted by Ms. Corrieri that there are different limitations for each food pantry in Ames, so the volunteers did not have any issues with funding another food pantry.

According to Ms. Mundt, HIRTA is now providing transportation (transferred from Heartland to HIRTA in 2012). Therefore, there was a decrease in the allocation to Heartland, but HIRTA was added. There is an overall increase (approximately \$11,500), which represents additional costs for meals provided by Heartland.

Ms. Mundt reiterated that the City's portion of the ASSET's budget is down by approximately 7.13%. The amount being recommended for funding is 10.91% or \$116,566 less than authorized by the Council. However, if you pull out the substance abuse and mental health changes, overall it is up approximately 6.29%. Approximately \$24,500 was for the new Salvation Army services, all of Youth and Shelter Services' (YSS) requests are up slightly, Homeward is also increased due to the cost of meals being provided, Legal Aid requested a larger increase in funds, and NAMI requested an additional \$1,000 for its mental health wellness center.

Council Member Orazem asked if there would be a greater demand placed on the big brother/big sister-type services being offered by YSS now that the Big Brothers and Big Sisters organization is pulling out, and if so, was that incorporated into the planning. Ms. Mundt advised that during the ASSET process, YSS increased its request. Since it was just learned that Big Brothers and Big Sisters was phasing out its services, the demand for the services from YSS is not yet known. Ms. Corrieri added that, due to the way Big Brothers and Big Sisters operates (now out of its regional office), not all "matches" will automatically move to YSS.

Council Member Larson pointed out that the City's funding recommendation is down almost 10% from what the Council had allocated. He noted that the problems – both in mental health and substance abuse – are still there. It was questioned by Mr. Larson as to whether the City has the ability to set aside some of the funding that was originally allocated towards human services to a specific program so that as ASSET studies the needs over the next few months, there would be funding available. He acknowledged that Eyerly Ball was so new to the community, it was difficult to know yet how that will work out. Eyerly Ball has indicated that it has grants and other forms of aid and funds to take care of what the City thought it would have to pay for, so if there are other services that they or other agencies could provide to help with the mental health issues that are occurring in the community, those set-aside funds could be used.

Council Member Szopinski said there are a lot of unknowns because the state is regionalizing services for domestic violence shelters. She thought that the City might need some funding for that, and it is not known if additional monies will be needed for mental health services. Ms. Szopinski pointed out that the Council allocated a 3% increase in November 2012, which would equate to approximately \$1,184,000. If everything recommended by the volunteers was funded, it would still leave approximately \$116,500 that could be put aside in a fund for the unknowns that might come in at a future date.

Council Member Goodman noted that it had been determined at the Council's Goal-Setting Session that the Council would be meeting next year with the ASSET volunteers much earlier in the process. He was unsure if the funds needed to be kept in the ASSET fund now as long as that amount in the Local Option Sales Tax fund is accessible. Mr. Goodman pointed out that money is normally not set aside for ASSET because funds are allocated based on services to be

received; in this case, the services are yet unknown.

Ms. Mundt identified three “challenges” that she requested the Council keep in mind. The first was that the ACCESS Shelter is in the middle of changes at the state level for funding of its services. Staff has been asked to monitor those changes and keep the funders up to date on emergency shelter services in Story County. The Executive Director of ACCESS was requesting an additional \$16,758 in funding for next fiscal year to help keep the Shelter open in Ames. Story County and United Way had also been asked for additional funding as had Boone and Greene Counties. At this time, it is unknown if those other governmental agencies will provide monetary support. The 2013/14 funding recommendation does not include dollars to support the Shelter beyond what the City is currently allocating in 2012/13. Ms. Mundt said that the Council will need to consider any additional support for 2013/14 outside of the ASSET process. She noted that if the Council was interested in setting aside funding, that would be a need that fits in with the priority areas.

Concerning substance abuse and mental health services areas, Ms. Mundt advised that there are a few participants that qualify under the IDPH grant, Medicaid, or private insurance. She also stated that CFR receives an IDPH block grant for substance abuse services and coordinates for service with YSS for the portion of the IDPH grant to cover up to 18 years of age. Because the volunteers decided not to fund CFR, it has been recommended that ASSET Administrative Team review the additional funding that was set aside for those same services to YSS. The 2013/14 recommendation includes funding should it be determined to be providing services above and beyond the IDPH requirements.

It was noted that the \$52,051 that was set aside by the City in 2012/13 had not been drawn down for mental health services. Eyerly Ball has requested funds from the City for 2013/14 and volunteers have recommended \$12,875 for crisis outpatient services, which is significantly less than what had been provided to The Richmond Center, the County’s former mental health provider. The 2013/14 recommendation reflects the \$39,176 decreased request to the City for mental health services. Other organizations did not substantially draw down all of their City funding during 2011/12 and several have not drawn down any funds year to date. Those organizations were American Red Cross and CFR.

In summary, Ms. Mundt noted that the services meeting City priorities and serving Ames residents generally received increases, while others were held flat.

City Manager Schainker explained options that would be possible; however, recommended that the funds be allocated directly to the human services agencies and kept within the ASSET process, not set aside in the Local Option Sales Tax fund.

PUBLIC ART COMMISSION (PAC): Greg Fuqua, Chairperson of PAC, and Commission Member Allison Sheridan presented a funding request in the amount of \$33,500 for FY 2013/14.

Mr. Fuqua highlighted the accomplishments of the PAC for 2012/13. He announced that the Art Around the Corner program has now officially transitioned its name to the Ames Annual Outdoor Sculpture Exhibition.

City Manager Schainker noted that the 2012/13 and 2013/14 Budgets already have a built-in allocation of \$33,500/year.

OUTSIDE FUNDING REQUESTS: Brian Phillips, Management Analyst, said that this is the second year that the outside funding request evaluation process has been used. This year, eight applications for funding were received; two were student-related event and those went through the Student Affairs Commission to be evaluated, and the remainder were general community applications. The team of staff and residents had met and discussed the general community grants. Four of the requests for funding: Ames International Partner Cities, Campustown Action Association, ISU Homecoming, and VEISHEA were in the same amount as in the current year. Hunziker Youth Sports Complex and Main Street Cultural District (MSCD) requested funding in an amount higher than last year's request. According to Mr. Phillips, the funding panel recommended that those two entities receive an additional \$1,000/year each over the current year. A new organization, the Ames Chamber of Commerce, made application this year for funding towards designing signage on Interstate 35. The Ames Historical Society submitted two different applications for funding: one was its usual request for operations funding, which included a slight increase; and the second was for funding of a part-time curator to help manage the collection. The funding panel recommended that the Council fund the curator position and benefits for a total increase of \$8,000 of what was allocated in the current year.

Council Member Davis expressed his concern about the funding request for the VEISHEA pancake feed. When the event began in approximately 2004, he noted that the intent was to provide an alcohol-free event during VEISHEA. However, now, they are requesting funding for the cost of renting tents, tables, and chairs, which is different than the original purpose. Mr. Davis said that he had found out that VEISHEA is charging students \$4.00/person, but their cost is approximately \$3.25/person; therefore, it appears that they are making money on the pancakes.

Mr. Phillips reported that when VEISHEA submitted its request for a draw-down, the City asked for records to support that payment; that included the invoice from the pancake vendor and rental of all accessories required to host the event. Since the rentals are used for the entire week of VEISHEA, the amount charged was broken down to a daily basis. According to Mr. Phillips, the \$8,000 being requested from the City does not cover the total expenses of the pancake feed. Even with charging \$4/person, there still is a deficit. *Ex officio* Member Baker advised that the rentals are only going to be used this year for the two pancake feeds; therefore, the funding would not be subsidizing equipment for any other events during VEISHEA.

Council Member Larson said that initially the City partnered with the Chamber of Commerce and the Convention & Visitors Bureau, and staff from those entities served the pancakes. That presented not only a good opportunity to meet students, but also showed the partnerships among entities; however, now the City is just a funding source.

Council Member Davis said he is supportive of VEISHEA; however, organizers need to understand that the City's funding needs to go towards the serving of pancakes and providing an alcohol-free event, not necessarily making money to support other events at VEISHEA. Council Member Wacha recalled that another reason the pancake feed originated was to draw people away from Campustown at one or two in the morning. He would rather increase the City's funding if it meant a lower cost to students. Council Member Goodman said a good compromise would be for the City Council to ask that the money be used to buy-down the cost of the pancakes and they should look for funding elsewhere if there are other needs.

Management Analyst Phillips said that he will meet with VEISHEA representatives and pass

along that information. When the contract is prepared, it will be included. He also reminded Council that what was just decided will be for 2013/14, not this spring.

Mr. Phillips shared that the attendance in 2012 at this event was 2,405 and in 2011, 2,594. The Student Affairs Commission did not have a quorum on the night this was discussed, but those present had recommended funding in the amount of \$8,000.

In summary, Mr. Phillips reported that, overall, this represents an increase of \$13,200 compared to FY 2012/13, which includes adding a new organization to the list.

Additional Requests for the FY 2013/14 Budget: Management Analyst Phillips noted the request from Ames Historical Society pertaining to the Ames Sesquicentennial. He noted that staff had discussed the request with the Historical Society. Representatives noted that they were making the request on behalf of the community, not necessarily from the Ames Historical Society.

City Manager Schainker noted that the following requests could be funded from Special Allocations: request pertaining to fireworks: \$10,000; Buxton (sharing with AEDC): \$7,500, and request for the Sesquicentennial: \$3,000-\$5,000. He pointed out that the AHS letter asked for two years' support pertaining to the Sesquicentennial; however, the City only allocates for one year at a time.

COMMUNITY AND STUDENT GRANT REQUESTS: Mayor Campbell asked if there was anyone who wished to speak regarding community and student grant requests.

Ames Historical Society. Mary Atherly, 2150 Ashmore Court, Ames, and Sharon Wirth, 803 Burnett, Ames, were present. Ms. Atherly informed the Council that, since the Historical Society had submitted the request, participation commitments had been received from the Ames Convention & Visitors Bureau (ACVB), Chamber of Commerce, Main Street Cultural District, *Ames Tribune*, and the Jaycees; however, monetary contributions had not yet been determined. She advised that the two-year budget had been proposed because some entities are on a calendar-year budget while the City is on a fiscal year; they hope to get some things done by January 2014 in order to be ready for Summer 2014. Ms. Atherly noted the amount being requested for 2013/14 is \$5,000 and \$5,000 for 2014/15.

City Manager Schainker asked which group would be taking the lead for this event as the City would need to enter into a contract with an entity if the Council decides to fund the event. Ms. Atherly advised that the Ames Historical Society (AHS) is taking the lead.

Ames Historic Preservation Commission. As the Chairperson of the Ames Historic Preservation Commission (HPC), Ms. Wirth brought the Council's attention to the HPC's request of \$2,000 - \$5,000 for educational activities (community-wide workshops and publications/grant match). She noted that that request had not been included in the Community and Student Grant Requests. Ms. Wirth said there should be three requests: (1) \$2,000, which is folded into the Planning and Housing Department budget; (2) \$2,000 - \$5,000 for additional community-wide education; and (3) \$7,000 from the Ames Historic Preservation Commission budget to go to the Ames Historical Society for the part-time curator.

Mr. Schainker said that \$2,000 for the HPC had already been built into the budget. However, the \$2,000 - 5,000 for community-wide education and \$7,000 for the AHS curator position had not been built in. Assistant City Manager Bob Kindred clarified that the \$2,000 for operational funds was for mandated training and educational activities.

PUBLIC INPUT ON CAPITAL IMPROVEMENTS PLAN (CIP): Pertaining to the request of Ames Community Pre-School (ACPC) for a playground structure at its new location (Willson-Beardshear), Sue Wuhs, Director of ACPC, said she had been told that there were questions about the amount that should be paid by ACPC. Ms. Wuhs noted that the questions had centered around the fact that, unlike elementary schools, the ACPC was open year-round from morning until 6:00 p.m.; therefore, it would not be available to the general public during those times. City Manager Schainker said that it would be different than the funding share agreement with Ames public schools. Ms. Wuhs said she could not totally commit to a monetary amount to be contributed by ACPC. She suggested that the ACPC pay one-third, but that it not need to be collected under after January, 2014. She is hoping that the playground could be completed in this fiscal year. Mr. Schainker advised that he had recommended \$30,000 be allocated for this purpose. He clarified that the City would not purchase the structure or be responsible for liability. The way it is envisioned to work would be similar to the arrangement with the School District. It would not be a City park. The City's contribution would be made to ACPC, and ACPC would purchase and install the playground equipment.

Council Member Orazem verified that the playground would be located on ACPC's property, but would be made available to the City after hours. City Manager Schainker said right now, the funds would just be allocated, and the details worked out later.

Council Member Goodman asked if ACPC would invest in playground equipment if it had not made the request to the Council. Ms. Wuhs advised that the one structure they do have is too old to move. The swing set could be moved. She said that they would have to make the investment, but it would be years out. According to Ms. Wuhs, the neighborhood had approached her asking for a piece of the land just purchased by ACPC to be donated for use as a park. She said they were not in a position to be giving away land, but the sharing of the playground could be a good compromise.

Council Member Goodman pointed out that the five additional requests (Sesquicentennial, Buxton, I-35 signage, fireworks, and AHS community education) had missed the deadline for the grant process. It was noted that the funding panel had been brought back together to evaluate those four.

SALARIES FOR COUNCIL APPOINTEES: Council Member Davis reported on the evaluation process for City Council appointee Steve Schainker, City Manager. Mayor Campbell noted that the other Council appointee position, the City Attorney, was currently vacant.

Mr. Davis stated that he and Council Member Orazem had comprised the evaluation team; but they had received feedback from the Mayor and other Council members. On behalf of the Mayor and City Council, Mr. Davis commended City Manager Schainker for the excellent job he has done during the past years.

Moved by Davis, seconded by Larson, to set the following appointee's salary for FY 2013/14:

Base Pay for City Manager: \$188,358.40

and follow his contract pertaining to benefits.

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

AMENDMENTS TO 2013/18 CAPITAL IMPROVEMENTS PLAN (CIP): Moved by Goodman, seconded by Davis, to add a new Roosevelt Neighborhood Park Development CIP page with funding in the amount of \$80,000 from the Local Option Sales Tax.

Council Member Wacha said he would support adding this item to the CIP, but noted his concern that, for this particular neighborhood, the City had already spent \$300,000 on renovating the tennis courts at Brookside, and now \$80,000 was going to be spent for a new park in the same neighborhood. In addition, there has been discussion about potentially installing lights on the tennis courts, and there is a possibility that additional monies will be requested for a stage at Roosevelt. He acknowledged that these things are benefits for the City, as a whole, but believed, at some point, the Council needed to start thinking about equity among the neighborhoods. Council Member Goodman added that he viewed the tennis courts in Brookside Park as a very community-wide asset. It is his opinion that what is being requested to be funded in this case is a neighborhood "magnet" to bring neighbors together. He noted that strengthening neighborhoods is a priority of the City Council.

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

Moved by Davis to show a \$10,000 revenue source as ACPC had committed to paying one-third of \$30,000 or whatever the cost would be. Motion died for lack of a second.

City Manager Schainker advised that it was better to show the \$30,000 now. A separate agreement would be entered into before the money was spent that will show how much of a contribution was to be made by ACPC and by when. Council Member Larson cited his preference to do it that way because he would like to explore other options, i.e., perhaps a couple pieces of equipment that would be located outside of the fenced-in area of ACPC.

Moved by Davis, seconded by Larson, to amend the Playground/Park Equipment Improvements project CIP page to add \$30,000 from Local Option Sales Tax in 2013/14 for play equipment at Ames Community Preschool Center.

Noting that there are many private preschools in Ames and others have done fund-raisers for playground equipment, Council Member Goodman said he preferred a 50/50 share, especially in light of the fact that there would be restricted access during most of the day. He also believes that ACPC would make its own investment in playground equipment eventually. Mr. Goodman relayed that he would be supporting the dollars, but hoped for further conversation on this item to see what the City receives in exchange for its investment. Mayor Campbell noted that the difference was that ACPC would actually be located on a former school property and the City has a partnership with schools for playground equipment.

Vote on Motion: 5-0-1. Voting aye: Davis, Goodman, Larson, Orazem, Szopinski. Voting nay: None. Abstaining due to a lack of interest: Wacha. Motion declared carried.

Moved by Larson, seconded by Orazem, to amend the Resource Recovery Primary Shredder Replacement project CIP page to change the source of funding in FY 2013/14 (\$1,000,000) from the Resource Recovery Fund to G.O. Bonds abated by Resource Recovery revenues.

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

Moved by Davis, seconded by Szopinski, to amend the PDS Cyclone [sprinkler replacement] CIP page to change Phase I and II to now show \$205,370 in the first year and \$300,000 in the second year and change the funding source from the Resource Recovery Fund to G.O. Bonds abated by Resource Recovery revenues.

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

Moved by Szopinski, seconded by Goodman, to amend the Resource Recovery System Improvements CIP page to change the funding source for the first year (\$150,000) to G. O. Bonds abated by Resource Recovery revenues.

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

Moved by Davis, seconded by Larson, to amend the Transit Building Expansion and Modernization CIP page to reduce the Federal Transit Administration funding from \$2,049,581 to \$2,020,781 for FY 2013/14.

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

APPROVAL OF 2013/18 CIP, AS AMENDED: Moved by Davis, seconded by Wacha, to approve the Capital Improvements Plan for 2013/18, as amended.

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

AMENDMENTS TO FY 2012/13 BUDGET: Purchasing Director Duane Pitcher advised that all of the amendments were included in the draft Budget and reviewed at each department's hearing. There were no recommended changes.

APPROVAL OF BUDGET FOR FY 2012/13, AS AMENDED: Moved by Larson, seconded by Goodman, to approve the FY 2012/13 budget, as amended.

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

SET PUBLIC HEARING DATE ON BUDGET AMENDMENTS FOR FY 2012/13:

Moved by Davis, seconded by Wacha, to set March 5, 2013, as the date of public hearing on the proposed budget amendments for FY 2012/13.

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

AMENDMENTS TO PROPOSED FY 2013/14 BUDGET: Moved by Goodman, seconded by Orazem, to approve funding to the Commission on The Arts (COTA) in the amount of \$140,879.

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

Moved by Szopinski, seconded by Goodman, to approve funding to ASSET in the amount of \$1,184,786, with the understanding that \$116,000 be held in reserve for unforeseen costs.

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

Moved by Goodman, seconded by Orazem, to approve funding to the Public Art Commission in the amount of \$33,500.

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

Moved by Goodman, seconded by Orazem, to approve outside funding requests in the total amount of \$123,200 out of Special Allocations from Local Option Sales Tax.

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

Moved by Davis, seconded by Wacha, to approve the funding request of the Historical Society Sesquicentennial Committee in the amount of \$5,000 out of Local Option Sales Tax.

Council Member Larson said he was concerned that none of the “other players” had committed to any dollar amount.

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

Council Member Goodman shared his opinion that the requesting agencies that come in after the deadline for the outside funding requests go through a less rigorous process than those who comply with the deadline.

Moved by Goodman, seconded by Davis, to approve the request of the Ames Convention & Visitors Bureau in the amount of \$10,000 for 4th of July Fireworks out of 2013/14 Council Contingency.

It was noted by several Council members that this was expected to be a one-time funding allocation. In this case, the normal coordinating agency, the Jaycees, indicated that it would no longer be involved in the funding.

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

Moved by Larson, seconded by Davis, to allocate \$7,500, with a match from the Ames Economic Development Commission, for funding the annual subscription for retail modeling data from Buxton, to be allocated from the Hotel/Motel Tax Fund.

Council Member Szopinski said that she did not have enough information to feel comfortable recommending funding. She said she really needed some sense of how much this retail modeling had been used in Ames. Council Member Goodman indicated his opposition to allocating this funding as he felt that large retailers already have their own data. Council Member Wacha agreed with that statement, but said small retailers would not have the data and would ask for it. Council Member Larson said that if it was found to be utilized after one year and the City got good results, it would be money well-spent. He noted however, that the City had shared the initial up-front costs with the Chamber/AEDC in the amount of \$17,500. Council Member Davis noted that he did not want to lose the \$17,500 initial investment by ending the subscription now.

Vote on Motion: 4-2. Voting aye: Davis, Larson, Orazem, Wacha. Voting nay: Goodman, Szopinski. Motion declared carried.

Moved by Larson, seconded by Davis, to allocate \$3,000 towards the community education program for the Ames Historic Preservation Commission, to be allocated from Special

Allocations for Local Options Sales Tax.

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

APPROVAL OF PROPOSED BUDGET FOR FY 2013/14, AS AMENDED: Moved by Orazem, seconded by Szopinski, to approve the proposed 2013/14 Budget, as amended.

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

SET PUBLIC HEARING DATE ON PROPOSED BUDGET FOR FY 2013/14: Moved by Davis, seconded by Orazem, to set March 5, 2013, as the date of public hearing on the proposed budget for FY 2013/14.

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

The meeting recessed at 7:40 p.m. and reconvened at 7:53 p.m.

REGULAR MEETING OF THE AMES CITY COUNCIL

Due to a conflict of interest, Council Member Larson requested to pull Item No. 8, the 2013 Urban Revitalization tax abatement requests. Council Member Wacha asked to pull Item No. 19 due to a conflict of interest. That item pertained to the Plat of Survey for 2826, 2904, 2912 South Loop Drive and 2900 University Boulevard, which is WebFilings. Council Member Szopinski requested that Item No. 20, approval of the Final Minor Plat for Ames Middle School Subdivision, Plat 2, be discussed separately.

CONSENT AGENDA: Moved by Davis, seconded by Goodman, to approve the following items on the Consent Agenda:

1. Motion approving payment of claims
2. Motion approving Minutes of Special Meetings of January 19, February 1, 5, 6, and 7, 2013, and Regular Meeting of January 22, 2013
3. Motion approving certification of civil service applicants
4. Motion approving Report of Contract Change Orders for January 16-31, 2013
5. Motion approving renewal of the following beer permits, wine permits, and liquor licenses:
 - a. Class E Liquor, C Beer, and B Wine – Fareway Store #386, 619 Burnett Avenue
 - b. Class E Liquor, C Beer, and B Wine – Fareway Store #093, 3619 Stange Road
 - c. Class C Liquor – El Azteca, 2727 Stange Road
 - d. Class B Liquor – Holiday Inn Ames, 2609 University Boulevard
 - e. Class C Beer and B Wine – Gateway Expresse, 2400 University Boulevard
 - f. Class E Liquor, C Beer, and B Wine – Wal-Mart Supercenter #4256, 534 South Duff Avenue
 - g. Class C Liquor & Outdoor Service – Buffalo Wild Wings, 400 South Duff Avenue
 - h. Special Class C Liquor w/ Outdoor Service – Stomping Grounds, 303 Welch Avenue, #101
6. Motion approving submission of application for 2013/14 Governor’s Traffic Safety Bureau 405c Grant, and if awarded, authorizing participation by Police Department
7. Motion approving the 2012 Resource Recovery Annual Report
8. RESOLUTION NO. 13-040 approving Traffic Safety Improvement Program (TSIP) Agreement with Iowa DOT for 2012/13 Traffic Signal Program (Lincoln Way and Hayward Avenue)
9. RESOLUTION NO. 13-041 setting date of public hearing for February 26, 2012, on General Obligation (G.O.) Corporate Purpose Loan Agreement in an amount not to exceed \$10,000,000 for the purpose of paying the cost of constructing improvements to streets and solid waste disposal facilities and of refunding the outstanding balances of the City’s G.O. Corporate Purpose Bonds, Series 2004; and G.O. Corporate Purpose and Refunding Bonds, Series 2005A
10. RESOLUTION NO. 13-042 approving preliminary plans and specifications for Asbestos Maintenance Services for Power Plant; setting March 13, 2013, as bid due date and March 26,

- 2013, as date of public hearing
11. RESOLUTION NO. 13-043 approving preliminary plans and specifications for 2012/13 Low-Point Drainage Program (Oliver Circle); setting March 20, 2013, as bid due date and March 26, 2013, as date of public hearing
 12. RESOLUTION NO. 13-044 approving preliminary plans and specifications for 2012/13 Asphalt Street Reconstruction Program (Pierce Court/Westbend Drive/Southbend Drive); setting March 20, 2013, as bid due date and March 26, 2013, as date of public hearing
 13. RESOLUTION NO. 13-045 awarding a contract for engineering design services to Renewable Resource Consultants of Maple Grove, Minnesota, in an amount not to exceed \$99,400.00 for Phase 1 Resource Recovery Primary Shredder Replacement
 14. RESOLUTION NO. 13-046 waiving purchasing policy requirement for Request for Proposals and awarding a contract for time and materials in an amount not to exceed \$256,870.00 to General Electric International, Inc., of Omaha, Nebraska, for providing technical direction for Steam Turbine No. 8 Overhaul
 15. RESOLUTION NO. 13-046 awarding a contract to Wesco Distribution of Des Moines, Iowa, at an estimated total cost of \$65,640 for Compact Copper Cable and to RESCO Distribution of Ankeny, Iowa, at an estimated total cost of \$11,000.10 for Copper Wire for Electric Services
 16. RESOLUTION NO. 13-047 awarding a contract to Mitsubishi Electric of Warrendale, Pennsylvania, in the amount of \$52,873.01 for 69-kV Breaker Replacement
 17. RESOLUTION NO. 13-048 approving a contract and bond for Steam Turbine No. 8 Overhaul
Roll Call Vote: 6-0. Resolutions declared adopted unanimously, signed by the Mayor, and hereby made a portion of the Minutes.

2013 URBAN REVITALIZATION TAX ABATEMENT REQUESTS: Council Member Larson noted that he requested to pull this item due to a conflict of interest.

Moved by Davis, seconded by Wacha, to adopt RESOLUTION NO. 13-039 approving the 2013 Urban Revitalization tax abatement requests.

Roll Call Vote: 5-0-1. Voting aye: Davis, Goodman, Orazem, Szopinski, Wacha. Voting nay: None. Abstaining due to a conflict of interest: Larson. Resolution declared adopted, signed by the Mayor, and hereby made a portion of these Minutes.

PLAT OF SURVEY FOR 2826, 2904, 2912 SOUTH LOOP DRIVE AND 2900 UNIVERSITY BOULEVARD: Moved by Larson, seconded by Orazem, to adopt RESOLUTION NO. 13-049 approving the Plat of Survey for 2826, 2904, and 2912 South Loop Drive and 2900 University Boulevard

Vote on Motion: 5-0-1. Voting aye: Davis, Goodman, Larson, Orazem, Wacha. Voting nay: None. Abstaining: Wacha. Resolution declared adopted, signed by the Mayor, and hereby made a portion of these Minutes.

MINOR FINAL PLAT FOR AMES MIDDLE SCHOOL SUBDIVISION, PLAT 2: Council Member Szopinski said that she had attended heard the concerns of a number of residents of the neighborhood around the former Middle School property. She asked for an explanation of what action was being requested at this meeting and the next steps in the process.

Planner Benson advised that when the new Middle School was built, there was a strip of 25 acres extending from Mortensen Road to State Street. The School has decided to sell a part of that land. In order to do that, the land has to be subdivided. Once the Minor Final Plat is recorded, that separated parcel will be sold to Breckinridge Development, Incorporated, along with the portion of the property that the former Middle School sits on and the piece of property on

Lincoln Way that is called the “practice field.” The property would all be zoned Government-Airport, and once a private party owns it, it would have to be rezoned. That process would include an application to the City, and depending on what zoning was requested, it could be brought back to the Council for determination of whether it wanted a Master Plan created to be considered along with the rezoning request. From there, it would be acted on by the Planning & Zoning Commission for recommendation and then back to the City Council for action on the rezoning.

Ms. Szopinski clarified that the Council could ask for a Master Plan, which would provide a plan for the property’s use before proceeding with the rezoning.

Moved by Szopinski, seconded by Larson, to adopt RESOLUTION NO. 13-050 approving the Minor Final Plat for the Ames Middle School, Plat 2.

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

PUBLIC FORUM: No one spoke during this time.

BEER PERMIT & OUTDOOR SERVICE FOR HOMEWOOD GOLF COURSE: Moved by Davis, seconded by Orazem, to approve the Class B Beer Permit & Outdoor Service for Homewood Golf Course, 401 East 20th Street.

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

LIQUOR LICENSE & OUTDOOR SERVICE FOR CAZADOR: Moved by Davis, seconded by Goodman, to approve a Class C Liquor License & Outdoor Service for Cazador, 3605 Lincoln Way.

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

LIQUOR LICENSE & OUTDOOR SERVICE FOR CY’S ROOST: Moved by Goodman, seconded by Larson, to approve a Class C Liquor License & Outdoor Service for Cy’s Roost, 121 Welch Avenue.

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

WAIVER OF SUBDIVISION REGULATIONS FOR 3491 CAMERON SCHOOL ROAD:

Planner Charlie Kuester advised that Jim Clark is the owner of the property in question. He is proposing to sell the land to a developer, who is looking at a 19-lot subdivision that would include 16 residential lots and three outlots for stormwater management. The property is located in the Rural Transitional Area of the Urban Fringe Plan. The Urban Fringe Plan and the 28-E Agreement indicate that the area could possibly be annexed to the City of Ames during the lifetime of the Plan. Mr. Kuester also noted that subdivision waivers may be approved on a case-by-case basis.

According to Planner Kuester, in the past, staff had recommended, and Council had approved, the waiver of all design and improvement standards of the Subdivision Ordinance in the Rural Transitional Area, which means that the development must meet the County’s standards. In this case, because there is already dense development on Cameron School Road and it is located closer to the growth areas of the City of Ames, staff is suggesting that some, but not all, of the design and improvement standards be waived. Certain standards pertaining to street widths, street rights-of-way, through-streets, cul-de-sacs, should be retained to provide sanitary sewer access in the future and also contain control over any street lights that might be installed in the area. The intent is that it will be a rural subdivision on rural water and septic systems; however, the three

Covenants have been signed pertaining to disconnecting from rural water, seeking annexation, and paying their share of any assessment for future utilities.

Council Member Szopinski stated her desire for staff to look at storm water management, soil erosion, and concerns for the watershed; she believes that those should not be waived. Tracy Warner, Civil Engineer, noted that the property owner would still have to have a soil erosion plan. Subdivisions in the County do not have to follow Ames' standards, but have to meet the standards of the Department of Natural Resources general permit. At the inquiry of Council Member Szopinski, Ms. Warner advised that the City may not regulate phosphorous; that is state-regulated.

Moved by Goodman, seconded by Orazem, to adopt RESOLUTION NO. 13-051 approving a waiver for those portions of Division IV Design and Improvement Standards of the Ames Subdivision Regulations for the subdivision proposed by the Bella Holdings, LLC, located at 3491 Cameron School Road, as follows:

1. Section 23.402 Residential Subdivision Landscaping Standards
2. Section 23.403 Streets, but retain compliance with requirements for street width, street right-of-way, through streets, and cul-de-sacs lengths
3. Section 23.404 Water Supply
4. Section 23.405 Sanitary Sewer, but retain a requirement that a sanitary sewer easement is identified and noted for a possible future line to connect the homes to Cameron School Road
5. Section 23.406 Electric Distribution and Street Lighting Standards, but retain International Dark-Sky Association fixture or equivalent
6. Section 23.407 Storm Water Management
7. Section 23.408 Soil Erosion and Sedimentation Control
8. Section 23.409 Improvement Guarantees

with the additional requirement that the application for the Preliminary Plat be submitted to the City within six months.

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

TAX ABATEMENT FOR 127 STANTON: City Planner Jeff Benson gave the background of the tax abatement request for 127 Stanton; that address lies within the Campustown Urban Revitalization Area (URA). He noted that each property must qualify for tax exemption under the matrix adopted by the City Council for that URA. Owners who have improved property within the City's URAs in the previous year may apply for tax exemption on the incremental added value of their properties. The project in question is located at 127 Stanton Avenue (The Resort). It lies south of the Legacy Tower next to a building that has 92 residential units.

Attorney Vicki Feilmeyer, 1416 Buckeye Avenue, Suite 200, Ames, reported that the applicant has to file its application for tax abatement by February 1 so that it can be forwarded to the Assessor by March 1, 2013. By April 15, the Assessor then has to make a determination as to how much value has been added. According to Ms. Feilmeyer, her client has added value (improvements) of \$1.6 million to the building, which had been determined to be in a slum or blighted area. She alleged that delaying the tax abatement for one year is a major issue to her client.

Ms. Feilmeyer told the Council that she agreed with the staff report up to the point where it states that the screens must be installed on 119 Stanton in order to qualify for the abatement.

She pointed out that the property seeking abatement is located at 127 Stanton; thus it has nothing to do with 119 Stanton. The installation of screens at 119 Stanton was a promise that was extracted from her client last May. It was alleged by Ms. Feilmeyer that there is nothing in the previous staff report, in the City's Resolution No. 12-272, in the state statute, or in any planning document that actually imposes a deadline for the installation of screens on 119 Stanton or even the equivalent criteria. Ms. Feilmeyer believes that her client has done everything that, by Resolution No. 12-272, was required. She noted that two conditions were imposed in the Resolution: (1) construction of the building at 127 Stanton pursuant to the Minor Site Development Plan, which has been done; and (2) that a covenant be executed that promises that the screens would be installed at 119 Stanton; it has been signed. According to Ms. Feilmeyer, the covenant could have imposed some sort of a deadline, but it didn't. The City Attorney had prepared the covenant and presented it to her client.

The Council was informed that all materials for the screens have been ordered and labor to install them has been arranged. The Building Permit has been applied for; however, not yet approved. Considerable amounts of money was expended designing the appropriate screening for 119 Stanton. The improvements to 119 Stanton will equate to a six-figure dollar amount as well. Ms. Feilmeyer reported that her client is not asking to be excused from the requirement. She said that they were simply asking the Council to take action to extend the deadline imposed by the Planning Department. It is Ms. Feilmeyer's contention that the project conforms to the requirements of the Campustown URA Plan. She acknowledged that the URA Plan allows the Council to impose equivalent criteria and that the screening requirement was one of those criteria, but neither the Plan nor the previous actions of the Council impose any deadline on the installation of the screens. It was Ms. Feilmeyer's contention that there was no reason for the equivalent criteria to be tied to a February 1 date. She stated that the one and only reason that state law refers to that deadline is to enable the Assessor to determine whether the improvements added value to the property. Quoting *Iowa Code* 404 pertaining to urban revitalization, it was alleged by Ms. Feilmeyer that the law never contemplated that there would be equivalent criteria. She said that there was no question that the qualifying real estate in this case is the property at 127 Stanton.

According to Ms. Feilmeyer, her client was not advised as to a January 31 deadline until an email was written in November 2012.

Ms. Feilmeyer asked that the City Council recognized that her client had acted in good faith and in reliance on the City Council's action under Resolution No. 12-272. It is her belief that the City is fully protected under the covenant and guaranteed that the screens at 119 Stanton will be installed, and there is no legal reason for the City to hold up the abatement. It was the further request of Ms. Feilmeyer that the Council forward the approved applications to the Assessor by March 1, 2013, regardless of whether the screens have been installed at 119 Stanton.

Council Member Wacha stated his concern about ensuring that the screens are actually installed. He wanted to have assurance that the project will be completed as originally agreed to if the abatement is approved at this meeting. Ms. Feilmeyer said that the covenant ensures that it will happen; it is a binding agreement.

Council Member Goodman said he believed that the basic intent of the Council's action to require the screens on 119 Stanton was to make the space safe. He suggested that the City and

the developer enter into some type of agreement to install the screens to make the property safe by a certain date; if that didn't occur, the developer would have to pay the abatement back.

Council Member Larson asked what was keeping the screens from being installed on 119 Stanton simultaneously with the construction of 127 Stanton. Ms. Feilmeyer stated that her client had worked very hard to design screens that would satisfy the Planning and Housing Department. Mr. Larson pointed out that the developer would still get the full tax abatement, just not for 2013. He noted that much discussion had been held on this matter and felt that the abatement would be approved conditioned on having the screening in place. That, to him, means that the abatement should not begin until the project is finished, including the screens on 119 Stanton.

After being asked by Council Member Davis what recourse the City had if the screens did not get installed on 119 Stanton, Ms. Feilmeyer replied that the City could always sue the developer. Citing the City's fiduciary responsibility of spending taxpayers' money judiciously, Council Member Davis took offense to that answer.

Acting City Attorney Judy Parks stated that an application for tax abatement needs to be made by a certain deadline (February 1) and the Council then must act within a month to certify it to the Assessor. The City has no proof that the screens are on order; however, it would not be objectionable to see what gets done by the developer prior to March 1. Perhaps if there was proof that the screens had been ordered, the City would be in a better position to believe that they would be installed by March 31, which is the date that Ms. Feilmeyer said the screens would be installed.

Council Member Larson stated that he could approve the abatement and allow an extension of time for installation of the screens if it could be determined that the City was somehow holding up the process of getting the screens being installed. He believed that the developer knew from the beginning what the requirements were and it just didn't get done. Mr. Larson contended that the developer should be made to live by the agreement and the intent of the agreement.

Council Member Goodman again stated that the intent was that safety concerns do not arise. He noted that if abatement was not granted for this year, the developer could postpone the installation of the screens. The buildings would be occupied, and something bad could happen this year. The common good is not served if the City doesn't use its leverage, which is the value of the abatement, to achieve the goal of the Council; that is safety on the property. Council Member Orazem concurred with Mr. Goodman.

Council Member Wacha stated his disappointment that Ms. Feilmeyer threatened a lawsuit in trying to convince the Council and get what she wanted.

Moved by Goodman, seconded by Szopinski, to ask staff to work with the owners of the property to come up with an agreement that approves the abatement, but in the agreement there would be a clawback so if the safety measures are not implemented before the property is opened, the City would be reimbursed for the amount of the abatement.

Upon being questioned, Planner Benson noted that the Occupancy Permits for both 119 and 127 Stanton had been granted. Council Member Szopinski said that she did not want the facility to open without the screens in place. Ms. Feilmeyer advised that she is unsure when the indoor

portion of the amenity building would be open. She said that her client is working very hard to get the screens installed before the Council's meeting on February 26, 2013. It was acknowledged by Ms. Feilmeyer that in order to get into the Council's meeting packet, it would really mean the prior Friday. She contended that the hard deadline is March 1 to get the information to the Assessor.

Noting the staff vacancies in departments that would be involved in this, Council Member Goodman implored Ms. Feilmeyer and the owners of 127 Stanton to be cooperative and approve an agreement that protects everyone's interest, not "haggle over tiny things," or take a lot of staff time.

Moved by Larson, seconded by Szopinski, to amend the motion to require that the agreement described above be brought back to the Council on February 26, 2013, so that the abatement could be addressed.

Roll Call Vote on Amendment: 6-0.

Roll Call Vote on Motion, as Amended: 6-0.

NORTHERN GROWTH ANNEXATION: Assistant City Manager Kindred said that at issue are the annexation requests for the Athen property and Quarry Estates property. He advised that there are two other pending annexation petitions for two Hunziker properties on Grant Avenue. Since Council last discussed this issue, staff, the developers, and many of the neighbors in the area had worked to develop Annexation Agreements with the Athen land owners, Quarry Estates land owners, and the owners of the two Hunziker parcels and ultimately be able to refer the petitions on to the Planning & Zoning Commission. Unfortunately, Annexation Agreements have not been finalized and signed for any of the four properties; more time is needed.

Mr. Kindred provided the background on the Annexation Agreement that is being negotiated for the Hunziker South Parcel (69 acres that is located between Rose Prairie and the northern city limits on the west side of Grant Avenue. Recognizing that it was the Council's direction to secure agreements that would confirm the developers' willingness to pay for their respective shares of the Grant Avenue paving as a prerequisite for approving the Athen annexation, the northern developers on Grand Avenue were, in general, willing to enter into those types of agreements. Their desire is that when the agreements are approved, they could count on being annexation into the City. This is especially crucial for the Hunziker South Parcel, since on its own, it is not large enough to bring about an 80/20 annexation under the state's annexation laws.

Mr. Kindred noted that the Council had previously instructed staff to meet with the neighbors in the area and to ascertain their interest in being voluntarily annexed. That meeting was held, with all eight neighbors present. In general, they do not want to be annexed because they value their country lifestyle. However, if it happens, they felt that the proposed allocation of water and sewer connection fees to their properties imposed a very heavy financial burden. The Council was advised that, late today, the City had received a letter from Leroy and Sue Sturges, who own the largest piece of property in question. The City's Land Use Policy Plan shows that about 80% of their property should be reserved for a natural environmental reserve and not developed. The Sturgeses allege that the water and sewer connection fees should, therefore, not be based on a per-acre basis, as it makes it very cost prohibitive for them. In summary, the Sturgeses would ask for voluntary annexation into the City if the City Council would allow them and the neighbors in that area to connect to City water and sewer for approximately the same amount as a property within the city limits would pay. For an 80-foot lot in the City, it would equate to

approximately \$1,500 for a water and \$1,500 for sewer connection. Fidelity Bank (Rose Prairie) has indicated a general willingness to annex the strip of land between the Sturges and Hunziker properties. Mr. Kindred further advised that none of the developers are interested in subsidizing the connection fees for the other land owners, as they are incurring a large expense to pave Grant Avenue.

City Manager Schainker asked Public Works Director John Joiner how much expense would be borne by the City if the property owners were allowed to connect to water and sewer for the same fees as a residence in the city limits. Mr. Joiner said that the amount that would be covered by the City for the sanitary sewer would be a little less than \$140,000 and the water would be a little over \$90,000; combined it equates to approximately \$230,000.

Mr. Kindred advised that staff learned today of a major issue. He recalled that, in 1996, the City had signed an agreement with Xenia to allow them to serve rural water customers outside the city limits. Today, in talking with the representatives of Xenia rural District, Xenia indicated a change in philosophy and now wants to talk to the City about how they can provide water service to the properties in question. That meeting will not occur until March 5 or 6, which will give the City time to learn its legal rights on this issue. Mr. Kindred noted that he will be meeting with Representative Dave Deyoe tomorrow. Representative Deyoe has sponsored House Study Bill 111 at the request of a number of cities, to attempt some reasonable way for water associations to interface with cities. There will be a subcommittee meeting held tomorrow morning. Water and Pollution Control Director John Dunn and Mr. Kindred will be present to represent the City.

Clayton Gregg, 4196 Grant Avenue, Ames, stated that he had purchased his property ten years ago. At that time, the Land Use Policy Plan did not support the City growing north; however, the City had since made a 180-degree turn. He said they like the rural life and do not want to pay an extra \$1,000/year in property tax. Mr. Gregg asked that the affected property owners not be overburdened with fees for all the services that are being installed to serve additional development.

Allison Ennis, 4366 Grant Avenue, Ames, said she lives on the same property that she grew up on; her daughter is the fourth generation to live on the property. She and her neighbors feel that the developers are going to profit and the City will be benefitting from increased service property; however, they would be paying for something that they have had their whole lives. If the City would offset their costs, there might be more willingness on the part of the affected landowners to annex.

Roger Hamblin, 4158 Grant Avenue, Ames, stated that his primary concern is the cost. They are currently self-sustaining and do not see any benefit to annexing.

Chuck Winkleblack, 105 South 16th Street, Ames, said that the project was still evolving as late as 3:00 or 4:00 p.m.; therefore, there are no agreements ready to be signed. He suggested that the City move forward with the Athen property annexation, contingent on working out the issue with Xenia Water District, as time is running out for the Certificate of Need for that project.

Kurt Friedrich, 100 Sixth Street, Ames, stated that there are not many issues pertaining to Quarry Estates, and he would like to stay on track; the only issue deals with the rural water.

Joe Metzger, 3708 Columbine Circle, Ames, spoke. He noted that the City has standards for ingress and egress for new developments; however, there appears to have been no serious thought

to the lack of east/west roads. He requested that the City consider paving Grant Avenue now, without triggers that call for the paving in five or ten years. According to Mr. Metzger, several students have driven off the loose-gravel road during the past year as they are traveling from Ames to Gilbert School.

Moved by Goodman, seconded by Orazem, to table Item No. 26 until resolution of the rural water issue.

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

Moved by Goodman, seconded by Orazem, to ask staff to talk to the property owners opposed to annexation about getting them in a cooperative agreement with the City to voluntarily annex with the cost share for them that is more attuned with what it would be in the City, with staff to figure out the different resources to fund the difference.

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

Moved by Larson, seconded by Orazem, to accept the Petitions for Annexation for the Athen properties as one territory and Quarry Estates as another territory and refer the Petitions to the Planning and Zoning Commission.

Vote on Motion: 4-2. Voting aye: Davis, Larson, Orazem, Wacha. Voting nay: Goodman, Szopinski. Motion declared carried.

The meeting recessed at 9:44 p.m. and reconvened at 9:50 p.m.

CLOSURE OF LOT S FOR STAGING CONSTRUCTION MATERIALS FOR LIBRARY

RENOVATION PROJECT: Assistant City Manager Mundt advised that City Parking Lot S was approved in the contract to be used for staging of construction materials for the Library Renovation Project. She reported that parking along Douglas Avenue and 5th Street will also experience closures as the Library project moves forward. City staff is requesting that the Council formally close Lot S for the Library staging area. Ms. Mundt said that City staff had spoken with representatives of the area businesses that would be impacted by the alternative proposed, which was to close Douglas Avenue between 5th and 6th Street. She further stated that representatives of the First United Methodist Church (FUMC), who had asked for an alternative to closing Lot S, has now sent an e-mail message stating that it understands what impact the closure of Douglas Avenue would have on traffic flow and the adjacent businesses.

Dale VanderSchaaf, 2602 Tyler, Ames, currently serving as the chair of the Project Steering Committee on behalf of the FUMC and General Coordinator of the project, advised that the Church is nearing completion of its project. He told the Council that having lost access to the entire Lot S was somewhat of a surprise to the Church. They anticipated that they would lose partial access due to the Library project commencing, but not the entire lot. Mr. VanderSchaaf advised that, for the past two and one-half years, the Church had been working side-by-side with City staff because of the co-locations of the properties. Closing of Lot S will cause additional difficulties for the Church. He emphasized that for FUMC's new addition to function as it is intended to have a fully handicapped-accessible entrance, the alley needs to remain open; that serves as the main drive to access the new south entrance. Mr. VanderSchaaf said that the Church understands that there will be times when it has to be closed due to the Library project, but asked that the Church be given enough lead time. He also requested that the on-site staff of

the Church have access to some reserved spaces in Lot Q during the times when the alley has to be closed.

Lee Huey, 800 Phoenix Circle, Ames, said that he was not speaking for the Church, but as a member of the Church. He pointed out that the south entrance (facing Lot S) is the Church's front door. He advised that \$4 million had been invested in the renovation, and now the Church will be faced with at least 15 months and possibly up to a year and one-half by the parking lot closure; this is very disappointing to members of the Church. He asked that the Council take that into consideration while deliberating this issue.

Council Member Orazem asked if there was any way for Lot S to be open on the weekends. Municipal Engineer Warner said it is fenced-off and being used for the project's staging area. She advised that there needs to be direct access to the Library, so that is why Lot S was used. Also, there are a lot of parking space rentals in Lot Q, and the contractors would have to cross 6th Street with the materials.

Council Member Szopinski said she wanted to ensure that adequate notice be given to the Church when the alley would be closed. Project Manager Brad Heemstra stated that the contract provisions called for the contractor to keep access through the alley to the new drop-off canopy of the Church at all times as much as practical until next summer. The City will coordinate with the Church on when the utility work gets done. He also pointed out that the entire alley and the Bookmobile area will also be re-paved.

Council Member Larson said he was disappointed that there was such a lack of communication between the City and the Church. This could have occurred due to the discussions between the Church and the former director Art Weeks. He noted his appreciation to the FUMC for its willingness to concede for the sake of its relationship with the City and Library.

Moved by Davis, seconded by Goodman, to adopt RESOLUTION NO.13-053 to authorize the closing of Lot S to serve as a staging area for construction materials and equipment related to the Library expansion project; to direct the contractor to provide screening materials to the fenced area in Lot S; and, offer six free temporary hooded parking spaces in Lot Q during alleyway closures.

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

2012/13 FUNDING REQUEST FROM COMMUNITY AND FAMILY RESOURCES (CFR):

Assistant City Attorney Mundt gave the history of the City's connection with the CFR.

Pam Barkley, 1615 South High, Ames, stated that CFR has had several administrative changes in the past three months. They continue to work on better communication. Ms. Barkley alleged that there was erroneous information contained in the Council Action Form, specifically that students are not being referred to CFR.

It was noted by Ms. Mundt that the City's ASSET volunteers and the County have recommended denial of a contract to CFR for FY 2012/13 due to the concerns raised by ASSET volunteers and noted in the its funding for FY 2013/14.

Moved by Larson, seconded by Orazem, to decide not to award a contract to Community and Family Resources for FY 2012/13 due to the concerns raised by ASSET volunteers and noted in its denial of funding for FY 2013/14.

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

FLEET REPLACEMENT: Chief Cychosz advised that the Police Department had been notified several years ago that Ford would discontinue production of the Crown Victoria, which has served as the standard for the patrol car fleet in recent years. He reported that the Police Department and Fleet Services had been studying alternatives to identify a vehicle that could be expected to perform well in the police patrol environment. Police officers drove and reviewed a newly designed 2013 Ford Police Interceptor, which met all expectations. Chief Cychosz described the configuration of the Interceptor that made it the vehicle of choice. He asked the Council to grant permission for the City to proceed with the purchase of Ford Interceptors in the all-wheel-drive configuration for the replacement of police patrol vehicles coming out of service. City Manager Schainker emphasized that that action would allow the staff to seek bids only from dealers who sell the Ford Interceptor.

Moved by Davis, seconded by Larson, to adopt RESOLUTION NO. 13-054 authorizing the solicitation of bids, through the City's normal purchasing policies, for the purchase of Ford Interceptor all-wheel-drive police sedans.

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

SOLUM, INC.: Moved by Goodman, seconded by Davis, to adopt RESOLUTION ON. 13-055 approving a Contract for Economic Development Financial Assistance with Iowa Economic Development Authority and Solum, Inc., and Agreement for local match in the form of a forgivable loan.

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

HEARING ON CYRIDE BUS FACILITY EXPANSION PROJECT: Mayor Campbell opened the public hearing. No one came forward to speak, and the hearing was closed.

Moved by Orazem, seconded by Szopinski, to adopt RESOLUTION NO. 13-056 approving final plans and specifications and awarding a contract to Henkel Construction Company of Mason City, Iowa, in the amount of \$4,489,000.00.

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

HEARING ON 2009/10 LOW-POINT DRAINAGE (CRYSTAL STREET): The public hearing was opened by the Mayor. She closed same after no one requested to speak.

Moved by Davis, seconded by Wacha, to adopt RESOLUTION NO. 13-057 approving final plans and specifications and awarding a contract to Con-Struct, Inc., of Ames, Iowa, in the amount of \$61,335.00.

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

HEARING ON 2012/13 WEST LINCOLN WAY INTERSECTION IMPROVEMENTS (LINCOLN WAY AND DOTSON DRIVE): The Mayor opened the public hearing. After no one came forward to speak, the hearing was closed.

Moved by Davis, seconded by Goodman, to adopt RESOLUTION NO. 13-058 approving final plans and specifications and awarding a contract to Manatt's, Inc., of Ames, Iowa, in the amount of \$549,699.00.

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

ORDINANCE STRIKING REFERENCES TO BOARD OF HEALTH IN *MUNICIPAL CODE* CHAPTER 11 (HEALTH AND SANITATION): Moved by Davis, seconded by Szopinski, to pass on second reading an ordinance striking references to Board of Health in *Municipal Code* Chapter 11 (Health and Sanitation)

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

ORDINANCE STRIKING REFERENCE TO BOARD OF HEALTH IN THE INDEX OF THE *MUNICIPAL CODE*: Moved by Davis, seconded by Orazem, to pass on second reading an ordinance striking references to Board of Health in the index of the *Municipal Code*.

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

ORDINANCE REZONING PROPERTY LOCATED AT 2008-24TH STREET FROM RESIDENTIAL LOW-DENSITY (RL) TO RESIDENTIAL HIGH-DENSITY (RH): Moved by Davis, seconded by Szopinski, to pass on third reading and adopt ORDINANCE NO. 4139 rezoning property located at 2008-24th Street from Residential Low-Density (RL) to Residential High-Density (RH).

Roll Call Vote: 5-0-1. Voting aye: Goodman, Davis, Larson, Orazem, Szopinski, Voting nay: None. Abstaining due to a conflict of interest: Wacha. Ordinance declared adopted, signed by the Mayor, and hereby made a portion of these Minutes.

COUNCIL COMMENTS: Moved by Larson, seconded by Orazem, to refer to staff the letter submitted by Brad Larson of Stumbo and Associates, on behalf of Bud Ely, requesting a waiver of Major Subdivision requirements for 1817 E. Lincoln Way.

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

CLOSED SESSION: Moved by Davis, seconded by Larson, to hold a Closed Session as provided by Section 21.5(1)[a] *Code of Iowa*.

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

The Regular Meeting convened at 10:47 p.m.

ELECTRIC: Moved by Orazem, seconded by Davis, to adopt RESOLUTION NO. 13-059 waiving the Purchasing Policy requirement to solicit bids for coal.

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

Moved by Davis, seconded by Szopinski, to adopt RESOLUTION NO. 13-060 approving an amendment to the original Agreement with Peabody Coal Sales, LLC to supply coal for the City of Ames Steam Electric Plant for the period January 1, 2013, through December 31, 2015, with coal from Peabody's North Antelope Rochelle Mine located in Campbell County, Wyoming.

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

ADJOURNMENT: Moved by Davis to adjourn the meeting at 10:45 p.m.

Diane Voss, City Clerk

Ann H. Campbell, Mayor

**MINUTES OF THE SPECIAL MEETING
OF THE AMES CITY COUNCIL**

AMES, IOWA

FEBRUARY 19, 2013

The Ames City Council met in special session at 10:19 a.m. on the 19th day of February, 2013, in the City Council Chambers in City Hall, 515 Clark Avenue, pursuant to law with Mayor Ann Campbell presiding and Council Member Jami Larson present. Since it was impractical for all Council members to attend in person, Council Members Jeremy Davis, Matthew Goodman, Peter Orazem, and Tom Wacha were brought in telephonically. The telephonic connection was lost with Council Member Orazem at 10:30 a.m. Council Member Victoria Szopinski and *Ex officio* Member Sawyer Baker were absent.

2013 CITY HALL RENOVATION: City Manager Steve Schainker recalled that bids had been received and rejected twice on the initial project, which included renovation of the entire Police Department and the basement in City Hall. The scope of the project was then reduced and new plans are ready for approval. The project now includes the Emergency Operations Center (EOC), Police Dispatch, Police Records, evidence storage, and several offices in the Police Department.

Mr. Schainker brought the attention of the Council to the penalty clause now contained in the plans and specifications. He noted that the addition of liquidated damages was recommended by the architect to protect the City from a possible reduction in grant funding. The project must be completed by October 29, 2013, or liquidated damages would be assessed. Mr. Schainker further explained that the project must be completed by 2013; if it is not, grant funds will not pay for the items not yet completed. Fleet Services Director Paul Hinderaker noted that liquidated damages of \$1,000/day after October 29, 2013, would be assessed to the contractor. City Manager Schainker also noted that it was possible that the amount of liquidated damages that to be assessed would not cover all the loss in federal grant funds should the project not be completed by the October 29, 2013, deadline.

Council Member Larson said he would recommend removing the liquidated damages portion of the plans and specifications. He believes that it may detract good companies from bidding the project.

Moved by Larson, seconded by Davis, to direct that the penalty clause be stricken from the plans and specifications..

Vote on Motion: 4-0. Motion declared carried unanimously.

Moved by Wacha, seconded by Larson, to adopt RESOLUTION NO. 13-061 approving the preliminary plans and specifications for the 2013 City Hall Renovation project; setting March 20, 2013, as the bid due date and March 26, 2013, as the date of public hearing and award of contract. Roll Call Vote: 4-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

ADJOURNMENT: Moved by Larson to adjourn the meeting at 10:28 p.m.



REPORT OF CONTRACT CHANGE ORDERS

Period:	<input checked="" type="checkbox"/>	1 st – 15 th
	<input type="checkbox"/>	16 th – end of month
Month and year:	February 2013	
For City Council date:	February 26, 2013	

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
Ames Public Library	APL Renovation & Expansion - Abatement Work	1	\$49,659.00	Abatement Specialties, LLC	\$0.00	\$7,678.00	L. Carey	MA
			\$		\$	\$		
			\$		\$	\$		
			\$		\$	\$		
			\$		\$	\$		
			\$		\$	\$		



MEMO

*Caring People
Quality Programs
Exceptional Service*

5a&b

TO: Mayor Ann Campbell and Ames City Council Members

FROM: Lieutenant Jeff Brinkley – Ames Police Department

DATE: February 17, 2013

SUBJECT: Beer Permits & Liquor License Renewal Reference City Council Agenda
February 26, 2013

The Council agenda for February 26, 2013, includes beer permits and liquor license renewals for:

- Class C Beer – Almost Always Open, 419 Lincoln Way
- Class C Beer & B Native Wine – Casey's #2905, 3612 Stange Road

A routine check of police records found no violations for Almost Always Open. There was one citation written to Casey's on a police compliance check in November 2012. Casey's passed the follow-up compliance check.

The Police Department would recommend renewal of both licenses.

COUNCIL ACTION FORM

**SUBJECT: IOWA CLEAN AIR ATTAINMENT PROGRAM (ICAAP)
GRANT APPLICATION FOR MORTENSEN ROAD IMPROVEMENTS**

BACKGROUND:

This project, as shown in the 2013/14 Capital Improvements Plan (CIP) for Mortensen Road Improvements, includes the widening of Mortensen Road between South Dakota Avenue and Dotson Drive into a three-lane roadway section. This widening project is also included in the Long Range Transportation Plan. This section of roadway has experienced more consistent traffic congestion due to on-street Cy-Ride stops in the area. Congestion will continue to worsen as Dotson Drive is eventually extended northward to Lincoln Way. A development agreement for South Fork subdivision specifies that the Dotson Drive extension will be completed by the Ames Community School District within two years after the South Fork section of Dotson is constructed.

The Iowa Department of Transportation (Iowa DOT) administers grants through the Iowa Clean Air Attainment Program (ICAAP) program that provides \$4 million annually to fund projects with the highest potential for reducing transportation-related congestion and air pollution. The application deadline is March 1st for the next application cycle. There is a minimum requirement of 20% in local matching funds, which for this project would be approximately \$60,000, leaving \$300,000 to be requested from the Iowa DOT.

There are other requirements for this grant. First, an official certification from the governing body (in this case the City Council) is needed to commit the necessary local matching funding for project implementation and, upon project completion, to assume responsibility for adequately maintaining the project for public use during the project's useful life. Secondly, an end-of-project report on emissions benefits will also be required.

ALTERNATIVES:

1. Authorize the ICAAP application for the Mortensen Road Improvements project up to the maximum amount equaling 80% of the total estimated eligible project costs, and provide official certification in the form of a resolution to commit the necessary local matching funds for the project and to assume responsibility to maintain the facility for public use during the project's useful life.
2. Do not authorize this grant application.

MANAGER'S RECOMMENDED ACTION:

ICAAP grant funding is available to help fund this project, which will help relieve traffic congestion between South Dakota Avenue and the Ames Middle School.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative #1, thereby authorizing the ICAAP application for the Mortensen Road Improvements up to the maximum amount equaling 80% of the total estimated eligible project costs, and providing official certification in the form of a resolution to commit the necessary local matching funds for the project and to assume responsibility to maintain the facility for public use during the project's useful life.

COUNCIL ACTION FORM

SUBJECT: CYRIDE MEMORANDUM OF AGREEMENT WITH ISU REGARDING INTERMODAL FACILITY CONSTRUCTION

BACKGROUND:

With the Intermodal Facility nearing completion and funds remaining in the federal grant for its purpose, additional enhancements to the facility (referred to as fiber project) have been identified. The major component of the fiber project would connect the Intermodal facility to Iowa State University's fiber optic network and incorporate access control features. This construction would be coordinated through Iowa State University and would specifically include the following:

- Installation of Iowa State fiber to the site
- Access control on restroom and shower doors
- Access control installed on 5 additional doors
- Fire alarm connected to Iowa State Fiber
- Prepay machines connected to Iowa State Fiber
- Elevator alarm connected to Iowa State Fiber
- Water meter for bus garage

The above features will improve the safety of the facility and ease of its operation. Installing the fiber so that all doors can be automatically opened or closed at predetermined times will help ensure that customers are safe within the facility. Connection of the fire and elevator alarms, as well as prepay machines, will allow the ISU offices directly responsible for these functions to be able to access data and information more quickly and within their normal operating procedures. The water meter will separate the Executive Express garage's water usage from the remainder of the facility to provide accurate cost allocation of this utility to the carrier.

Iowa State University employees will oversee the project's construction, which is anticipated to be completed by June 30, 2013 prior to the grant's expiration on September 30, 2013.

The total estimated cost for the above activities is \$74,300. The chart on the next page indicates the remaining grant funding, project commitments (including the fiber project), and remaining dollars. In summary, the grant balance is estimated to be \$39,531.77 after completion of the fiber project and other project commitments.

Activity	Balance To Pay
Beginning Balance as of Pay Application #19	\$442,788.00
Sales Tax Refund (estimate)	+\$155,000.00
Weitz Contract (Retainage and Remaining Expenses)	-\$397,840.53
Neumann Monson Fee (Architect)	-\$12,889.70
ISU Fee (Project/Construction Management)	-\$7,226.00
CyRide Project Management Reimbursement	-\$60,000.00
Intermodal Equipment (Snow and Leaf Blowers, etc.)	-\$6,000.00
ISU Fiber Project	-\$74,300.00
Balance Available	\$39,531.77

A Memorandum of Agreement between CyRide and Iowa State University has been developed to document the fiber enhancement project and its cost. The Transit Board of Trustees reviewed this document and approved its terms on February 22, 2013.

ALTERNATIVES:

1. Approve the Memorandum of Agreement between CyRide and Iowa State University for additional construction at the Ames Intermodal Facility not to exceed \$74,300.
2. Do not approve the Memorandum of Agreement for additional services at the Ames Intermodal Facility.

MANAGER’S RECOMMENDED ACTION:

The inclusion of the fiber connection, including access control for security and ease of operation, will provide a significant benefit to the facility and the community. Additionally, the water meter will accurately document water usage between tenants and will provide for more accurate accounting of tenant expenses. The grant has sufficient funding to provide this enhancement.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the Memorandum of Agreement with Iowa State University for the construction and extension of a fiber optic line, access control enhancements and water meter for a not-to-exceed amount of \$74,300.

COUNCIL ACTION FORM

SUBJECT: 2012/13 SHARED USE PATH MAINTENANCE

BACKGROUND:

The City's shared use path transportation system has continued to expand throughout the community. These shared use paths have typically been constructed with five inches of asphalt or concrete pavement. Structural failure, drainage problems, and vegetation infringement are several of the causes for the need to improve these pavements. This annual program provides for those improvements.

This specific project involves reconstruction of the shared use path on Bloomington Road from Hoover Avenue to Taft Avenue. This section was identified during a survey of shared use path pavement conditions. This information will also be used to identify future projects for shared use path improvements.

Staff has completed plans and specifications with estimated construction costs of \$69,000. Engineering and construction administration costs are estimated at \$12,000, bringing total estimated project costs to \$81,000. Budget funding includes \$50,000 from the Local Option Sales Tax in the 2012/13 Capital Improvements Plan, and \$91,220 of Local Option Sales Tax carried over from previous years' allocations for shared use path maintenance. Any funds unspent after this project will be used for future projects.

ALTERNATIVES:

1. Approve the 2012/13 Shared Use Path Maintenance Project by establishing March 20, 2013, as the date of letting and March 26, 2013, as the date for report of bids.
2. Do not proceed with this project

MANAGER'S RECOMMENDED ACTION:

By approving plans and specifications and setting the letting date, it will be possible to move forward with the shared use path reconstruction in this area during the summer of 2013. This will improve the safety and usability of this shared use path.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the 2012/13 Shared Use Path Maintenance Project by establishing March 20, 2013, as the date of letting and March 26, 2013, as the date for report of bids.

COUNCIL ACTION FORM

SUBJECT: CYRIDE FUEL CONTRACT

BACKGROUND:

For the past four years, CyRide has purchased a portion of its fuel under contracts in an effort to stabilize and possibly gain financial benefits from this type of fuel purchasing method. The decision to switch to this type of purchasing arrangement was a direct response to the volatile fuel market in 2007-08 when prices increased from \$2.00 to \$4.00 per gallon in a short span of time. After several experiences, CyRide staff has identified April-May and August-March as the best months for contracting, based on the quantity of fuel purchased and the volatility of fuel during these months. One of the prime times to enter into fuel contracts to gain the best price is in February/March, just prior to the farming season, which utilizes large amounts of fuel.

CyRide is currently purchasing fuel off of a contract that will expire in March 2013. To date, the transit system has averaged \$3.44 per gallon for the 2012/13 budget year. Additionally, CyRide staff monitors the contract versus market rate and has realized \$18,670.45 in savings over the four contracts. It is staff's belief that CyRide has gained substantial benefits from fuel contracting, meeting its goals of stabilizing the budget for fuel and of realizing overall budget savings.

With current contracts expiring in March and the best months for entering into a contract approaching, CyRide will need to decide if it will enter into a new contract. The following explanation details how the program has worked in the past and how it would work under a new contract.

CyRide staff and the Transit Board of Trustees establish a guideline for fuel contracting that commits no more than 70% of CyRide's total fuel usage (210,000 of the 320,000 total gallons) to purchases under a contracting method. The remainder of approximately 30% is purchased as a fixed price + mark-up/deduct on the market rate, which is also bid at the time contract bids are received.

The process used to purchase fuel under a contract method is slightly different than normal purchases, since decisions need to be made immediately upon receipt of bids. This does not provide time to gain purchase approval from the Transit Board or City Council. Staff has worked with the City's Purchasing Division to develop a method to procure fuel that does not violate city or state purchasing requirements. Specifically, the process would be as follows:

- Gain approval from the Transit Board and City Council for a total fuel contract price **not to exceed** of \$619,500 for four, two-month contracts for up to 168,000 gallons of fuel.
- In conjunction with the City's Purchasing Division, prepare a Request for Proposal for fuel contracts due to the City in March/April 2013.
- At the time bids are received, award up to four, two-month contracts to the lowest bidder that does not exceed the approved total amount and that it is believed will benefit CyRide.

The not-to-exceed amount for the fuel contracts bid is calculated based on 168,000 gallons multiplied by the 2013/14 budgeted price per gallon of \$3.75.

The Transit Board of Trustees approved a not-to-exceed amount of \$619,500 for fuel purchases at their January 17, 2013 meeting.

ALTERNATIVES:

1. Approve up to four, two-month fuel contracts at a total price not-to-exceed \$619,500 and accept fixed rate + mark-up/deduct for the remainder of CyRide's fuel purchases.
2. Do not enter into a contract at this time and direct staff to develop additional proposals.
3. Do not enter into a contract and instead purchase fuel at the time it is needed at the market rate.

MANAGER'S RECOMMENDED ACTION:

Fuel is one of CyRide's largest budget items. Stabilizing and possibly reducing this cost through fuel contracting has proven to be a successful method for CyRide to operate its service.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby purchasing a portion of CyRide's fuel requirements under a contract and the remainder under fixed rate + markup/deduct.

COUNCIL ACTION FORM

SUBJECT: FLEET REPLACEMENT PROGRAM – POLICE CARS

BACKGROUND:

Nine marked and lighted police squad cars are provided for law enforcement services within the City of Ames. Replacement of these squad cars is on a 25 month cycle, with new cars being put into service on a staggered schedule throughout the year. New squad cars are built to specifications for City use and can typically only be ordered from the manufacturer between October and March each year.

Four cars are scheduled to be replaced in the next 12 months. Bids have been taken for the new 2013 Ford Interceptor police cars with all-wheel drive (AWD) as approved by Council on February 12, 2013. Bids were received as follows:

<u>Bidder</u>	<u>Make/Model</u>	<u>Unit Price</u>
Ames Ford Lincoln	2013 Ford Taurus Interceptor	\$24,486
Stivers Ford Lincoln, Waukee	2013 Ford Taurus Interceptor	\$25,095
Gabus Ford, Des Moines	2013 Ford Taurus Interceptor	\$25,345

Although Ames Ford Lincoln submitted the low bid, a review of their bid determined that the City's specifications had not been met. Their bid did not include the push bumper, and specified the incorrect engine size. For these reasons, it is recommended that the Ames Ford Lincoln bid be rejected as not meeting the stated bid specifications.

The next lowest bid from Stivers Ford Lincoln of Waukee, IA does meet the specifications of the bid completely.

The fleet replacement fund will have \$319,092 accumulated by June 30, 2013 for police squad car replacement and thus the funds are currently available for this purchase. This bid will authorize expenses from this balance of \$25,095 each for four vehicles, or a total of \$100,380 based on the Stivers bid.

ALTERNATIVES:

1. Award the bid for four 2013 Ford Taurus Interceptor sedans to Stivers Ford Lincoln of Waukee, IA at \$25,095 per car for a total of \$100,380, with delivery in mid March.
2. Reject bids and re-bid this purchase at a later time.

MANAGER'S RECOMMENDED ACTION:

Replacing four of the City's aging Crown Victorias with 2013 Ford Taurus Interceptor Sedans is a well-timed move to provide reliable, up to date patrol vehicles for the Police Department. Funding for these purchases has been accumulated over the life of the existing squad cars.

Therefore, it is the recommendation of the City Manger that the City Council adopt Alternative No.1, thereby awarding the bid for four 2013 Ford Taurus Interceptor sedans to Stivers Ford Lincoln of Waukee, IA at \$25,095 per car for a total of \$100,380, with delivery in mid March.

COUNCIL ACTION FORM

SUBJECT: FLEET REPLACEMENT PROGRAM – WHEEL LOADER AND CLAM-TYPE BUCKET

BACKGROUND:

There are four rubber-tired wheel loaders in the City's fleet. Two are used primarily at the Resource Recovery Plant, one is used at the Power Plant coal yard, and one is used for street maintenance. One of the loaders used at Resource Recovery is scheduled for replacement in August 2013.

In years past, the loaders at Resource Recovery have been purchased with a new clam-type bucket. Then, after two years of service, the loader and bucket have been returned to the vendor under a guaranteed buy back option.

These clam-type buckets have custom guards installed and cost around \$17,000 new, but return significantly less value on the buyback option. Fleet Services has evaluated buying the bucket separately and replacing it on a separate life cycle. This evaluation determined that:

1. These buckets currently cost approximately \$17,000.
2. The buckets are usually in good shape when they are returned.
3. Equipment dealers usually do not want the buckets back.
4. The average value of the bucket (included in the buyback option) is \$8,000.
5. Buckets can be purchased separately from the loader and put on a separate, longer replacement program, to reduce the cost of equipment by approximately \$45,000 over the next 10 years.
6. Three buckets owned by the City can provide Resource Recovery with two in operation at all times, while the third bucket can be used whenever a primary bucket is down for maintenance or repair.

To establish this bucket replacement program, a new bucket will need to be purchased on this bid and retained, returning just the loader on the buy back in two years. The desired number of buckets will then have been acquired with this purchase. New buckets – which typically cost \$17,000 – will thereafter be purchased on an as-needed basis. The estimated net savings per bucket should be around \$9,000, and there will be five fewer buckets purchased over each 10 year period. In today's dollars, this will lead to an estimated savings of \$45,000 over that time.

Bids for a new wheel loader were solicited with a new bucket and for guaranteed buy backs with and without the bucket.

Bids for the new equipment were received as follows:

Guaranteed buy-back amount without a bucket

<u>Bidder</u>	<u>Wheel Loader</u>	<u>Base Bid Loader w/ Bucket</u>	<u>Buy Back After 2 Years, without bucket</u>	<u>Fuel Use over life of machine</u>	<u>Net Cost</u>
Titan	Case 721FX	\$156,360	\$ (100,000)	\$ 35,190	\$ 91,550
Murphy	JD 624K	\$150,980	\$ (105,000)	\$ 51,000	\$ 96,980
Ziegler	CAT 938K	\$184,900	\$ (125,000)	\$ 38,760	\$ 98,660
Van Keppel	Volvo L90G	\$176,585	\$ (120,000)	\$ 51,000	\$107,585

Guaranteed buy-back amount with a bucket

<u>Bidder</u>	<u>Wheel Loader</u>	<u>Base Bid Loader w/ Bucket</u>	<u>Buy Back After 2 Years, with bucket</u>	<u>Fuel Use over life of machine</u>	<u>Net Cost</u>
Titan	Case 721XR	\$156,360	\$ (108,000)	\$ 35,190	\$ 83,550
Ziegler	CAT 938K	\$184,900	\$ (135,000)	\$ 38,760	\$ 88,660
Murphy	JD 624K	\$150,980	\$ (105,000)	\$ 51,000	\$ 96,980
Van Keppel	Volvo L90G	\$176,585	\$ (130,000)	\$ 51,000	\$ 97,585

These bids were evaluated to determine the net low evaluated cost by using the cost of the loader, less the guaranteed buy back amount with and without the bucket, plus the projected cost of fuel over the life of each machine. Fuel consumption is based on each machine's published fuel efficiency rate (in gallons per hour operated) for heavy use. Fuel evaluation is as follows:

<u>Make/Model</u>	<u>Fuel Efficiency Rating</u>	<u>Fuel Price x Est. Gallons</u>	<u>Fuel Cost</u>	<u>CO2 Footprint</u>
Case 721	2.1 GPH	\$3.40/gal x 10,500 =	\$35,700	88 T.
CAT 938	2.3 GPH	\$3.40/gal x 11,500 =	\$39,100	97 T.
JD 624	3.0 GPH	\$3.40/gal x 15,000 =	\$51,000	132 T.
Volvo L90G	3.0 GPH	\$3.40/gal x 15,000 =	\$51,000	132 T.

The net low evaluated bid is from Titan for the Case 721XR. This machine meets the City's specifications and can be returned without the bucket in two years, which supports the new bucket replacement program. This loader has the lowest fuel consumption of the machines bid, and will produce the least carbon footprint over the two year lifecycle.

The approved budget for this acquisition is \$150,000, and the Fleet Replacement fund will have a balance of \$179,150 for purchase of this machine on July 31, 2013.

ALTERNATIVES:

1. Award this bid, as the net low evaluated bid, to Titan Machinery of Des Moines, IA for one Case 721XR wheel loader and bucket for \$156,360, and approve the buyback guarantee for the loader only of \$100,000, **without** returning the bucket, after two years.
2. Direct staff to analyze the bids for other options.
3. Reject all bids.

MANAGER'S RECOMMENDED ACTION:

Staff from both Fleet Services and Resource Recovery, have reviewed the analysis and support the proposed bucket replacement program as a cost saving measure that will not affect the function and service of this equipment.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternate No. 1, thereby awarding this bid to Titan Machinery of Des Moines, IA for one Case 721XR wheel loader and bucket for \$156,360, and approving the buyback guarantee for the loader only of \$100,000, **without** returning the bucket, after two years.

COUNCIL ACTION FORM

SUBJECT: FLEET ACQUISITION PROGRAM – PURCHASE OF MEDIUM DUTY TRUCK CHASSIS

BACKGROUND:

The City's fleet has two digger derrick trucks that are both used by the Electric Distribution Division. One of the existing digger derrick trucks (#409) is approved for replacement in FY 12/13 with a larger unit. On December 18, 2012, Council approved the purchase of a truck body, and digger derrick with accessories, from Altec Industries, Inc., of Saint Joseph, MO. This bid is for the truck chassis upon which the body and derrick will be mounted.

The \$260,000 budgeted for this truck will come from the following sources:

Equipment Replacement Fund – Truck #409	\$140,640 (6/30/13 balance)
Electric Department Operating Budget FY12/13	95,000
Estimated salvage value for truck #409	<u>20,000</u>
Subtotal	\$255,640
Less: Cost of derrick and truck body	<u>(153,424)</u>
Total	\$102,216

Bids for the new truck chassis are as follows:

<u>Bidder</u>	<u>Year</u>	<u>Make / Model</u>	<u>Bid</u>
O'Halloran International	2014	International Workstar	\$84,465
Freightliner of Des Moines	2014	Freightliner M2106	\$84,930
Truck Country	2014	Freightliner 108SD	\$87,060
Sioux City Truck Sales/	2014	Peterbuilt 348	\$91,796
Housby Mack	2014	Mack GU433	\$98,950

An evaluation of the bids determined that the equipment offered complies with the City's specifications, and the base bid from O'Halloran International is acceptable.

ALTERNATIVES:

1. Award the bid to O'Halloran International, Altoona, IA for the chassis at \$84,465.
2. Reject the bid and re-bid this chassis.

MANAGER'S RECOMMENDED ACTION:

The Director of Fleet Services and Electric Services staff agree that purchasing the International Chassis from O'Halloran International, Altoona, IA will provide a quality machine to meet the established service requirements at a reasonable price.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No.1, thereby awarding the bid for this chassis to O'Halloran International of Altoona, IA at a cost of \$84,465.

COUNCIL ACTION FORM

SUBJECT: FLEET REPLACEMENT PROGRAM – MATERIAL HANDLER & ATTACHMENTS

BACKGROUND:

A skid steer loader is used to do a number of tasks at the City’s Water Pollution Control (WPC) plant. In their evaluation for replacement of this machine, WPC staff determined that the tasks could be better and more efficiently completed by using a material handler with a telescoping boom. The existing skid steer would be replaced by a material handler.

The material handler is a very diverse machine, and is better suited to perform many of the WPC plant’s agricultural and facility maintenance tasks. These tasks include moving, loading and unloading pallets from trucks or the warehouse, snow removal with an attached blower or bucket, moving dirt or other loose material, moving large hay bales, grappling brush and tree limbs, and many other jobs. Several necessary attachments are listed with this machine to accomplish the many tasks mentioned.

These following attachments are included with this bid:

1. 1 – 72” general purpose bucket
2. 1 – 74” industrial grapple bucket
3. 1 – 72” fork frame with 48” forks
4. 1 – 72” snow blower
5. 1 – bale spear with 2 – 40” spears

Bids for the new machine and attachments were received as follows:

<u>Bidder</u>	<u>Machine and model year</u>	<u>Base Bid</u>	<u>Make</u>	<u>Attachments Bid</u>	<u>Net Cost</u>
Bobcat of Ames	VH417/2013	\$52,143	Bobcat	\$ 9,859	\$ 62,002
Star Equip. LTD	RS5-19/NEW	\$63,525	Gehl	\$ 12,721	\$ 76,246
Ziegler	TH 255/2012	\$69,455	Cat	\$ 14,555	\$ 84,010
Titan Machinery	G5-18A/2013	\$84,830	JLG	\$ 17,390	\$102,220

These bids were evaluated to determine the net low evaluated cost by using the cost of the machine plus the attachments. The net low bid is from Bobcat of Ames for the 2013

Bobcat VH417. This machine meets the City's specifications and has all of the desired attachments.

The budget for acquisition of this material handler and attachments is \$67,000.

As a result of the extensive and wide-sweeping fleet reduction evaluation by the WPC staff two years ago, the fleet replacement fund will have a balance of \$325,895 on June 30, 2013 and thus the funds are currently available for the material handler purchase. The balance remaining thereafter is available for other future needs.

ALTERNATIVES:

1. Award this bid, as the net low evaluated bid, to Bobcat of Ames, Ames, IA, for one 2013 Bobcat VH417 material handler and listed attachments for \$62,002.
2. Direct staff to analyze bids for other options.
3. Reject all bids.

MANAGER'S RECOMMENDED ACTION:

Staff has reviewed the bids and agrees that this machine will provide the most versatility and the best value for our sanitary sewer utility customers.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby awarding this bid, as the net low evaluated bid, to Bobcat of Ames, for one 2013 Bobcat VH417 material handler and listed attachments for \$62,002.



MEMO

To: Mayor and Members of the City Council

From: City Clerk's Office

Date: February 22, 2013

Subject: Contract and Bond Approval

There is no Council Action Form for Item No. 14. Council approval of the contract and bond for this project is simply fulfilling a *State Code* requirement.

/jr

COUNCIL ACTION FORM

SUBJECT: PLAT OF SURVEY – 3621 Lincoln Way

BACKGROUND:

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

- Conveyance parcel (per Section 23.307)
- Boundary line adjustment (per Section 23.309)
- 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: 3621 Lincoln Way
Assessor's Parcel #: 0905451271 and 0905451275
Legal Description: See attached
Owner: **McDonald's Corporation**

This plat consolidates two platted lots and a portion of a third lot into a single parcel, which will allow the owner to redevelop the site with a new McDonald's restaurant building. A copy of the proposed plat of survey is attached for Council consideration.

Pursuant to Section 23.308(4)(c), a preliminary decision of approval for the proposed plat or survey has been rendered by the Planning & Housing Department, without conditions.

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 23.308(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 to approve the proposed plat of survey.
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 23.308 have not been satisfied.
3. The City Council can refer this back to staff and/or the owner for additional information.

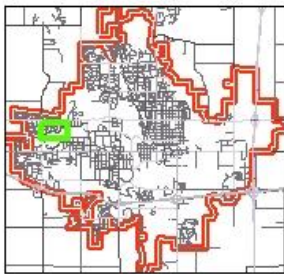
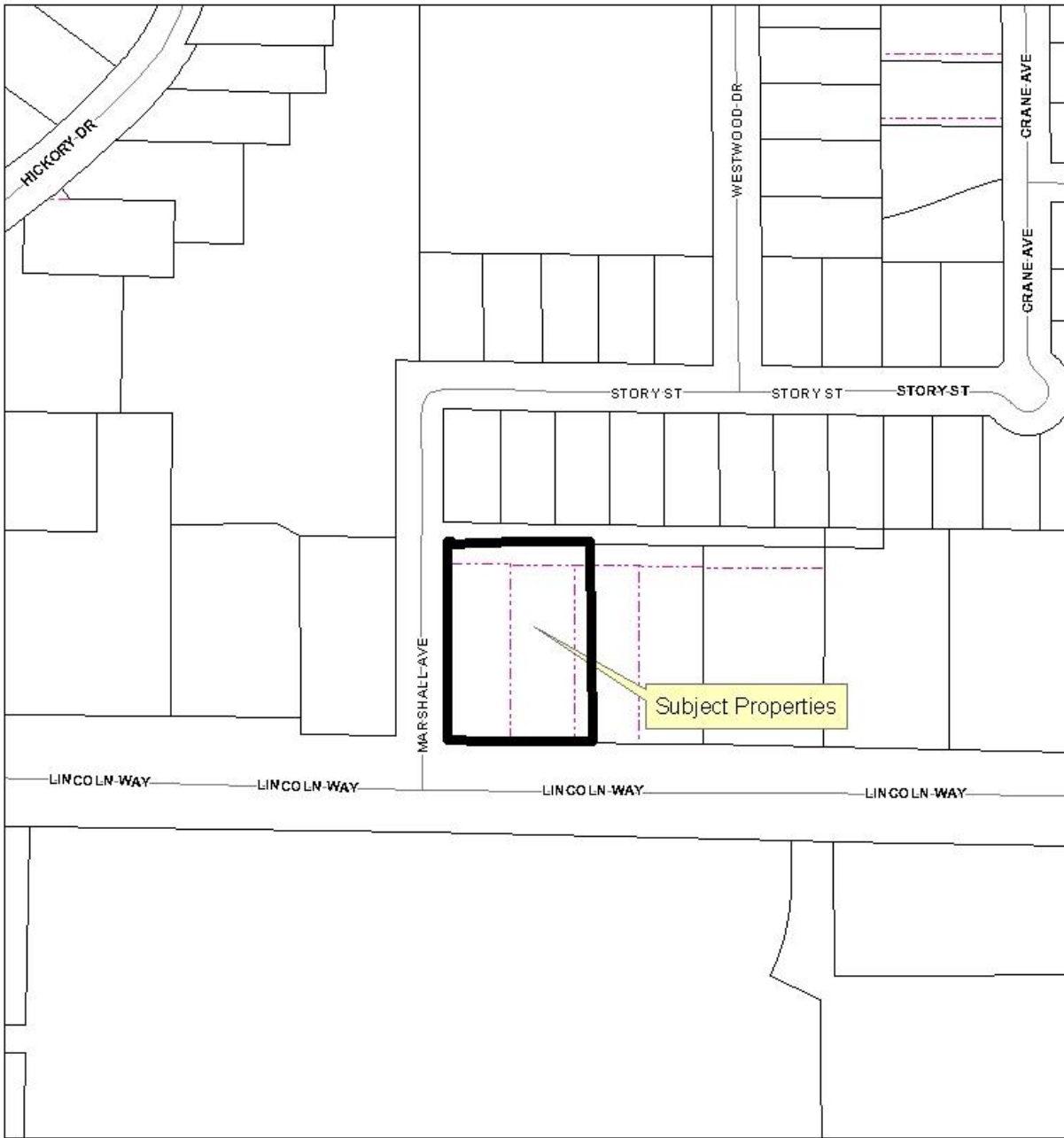
MANAGER'S RECOMMENDED ACTION:

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

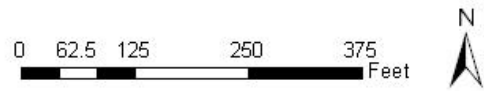
Therefore, it is the recommendation of the City Manager that the City Council accept Alternative #1, thereby adopting the resolution approving the proposed plat of survey.

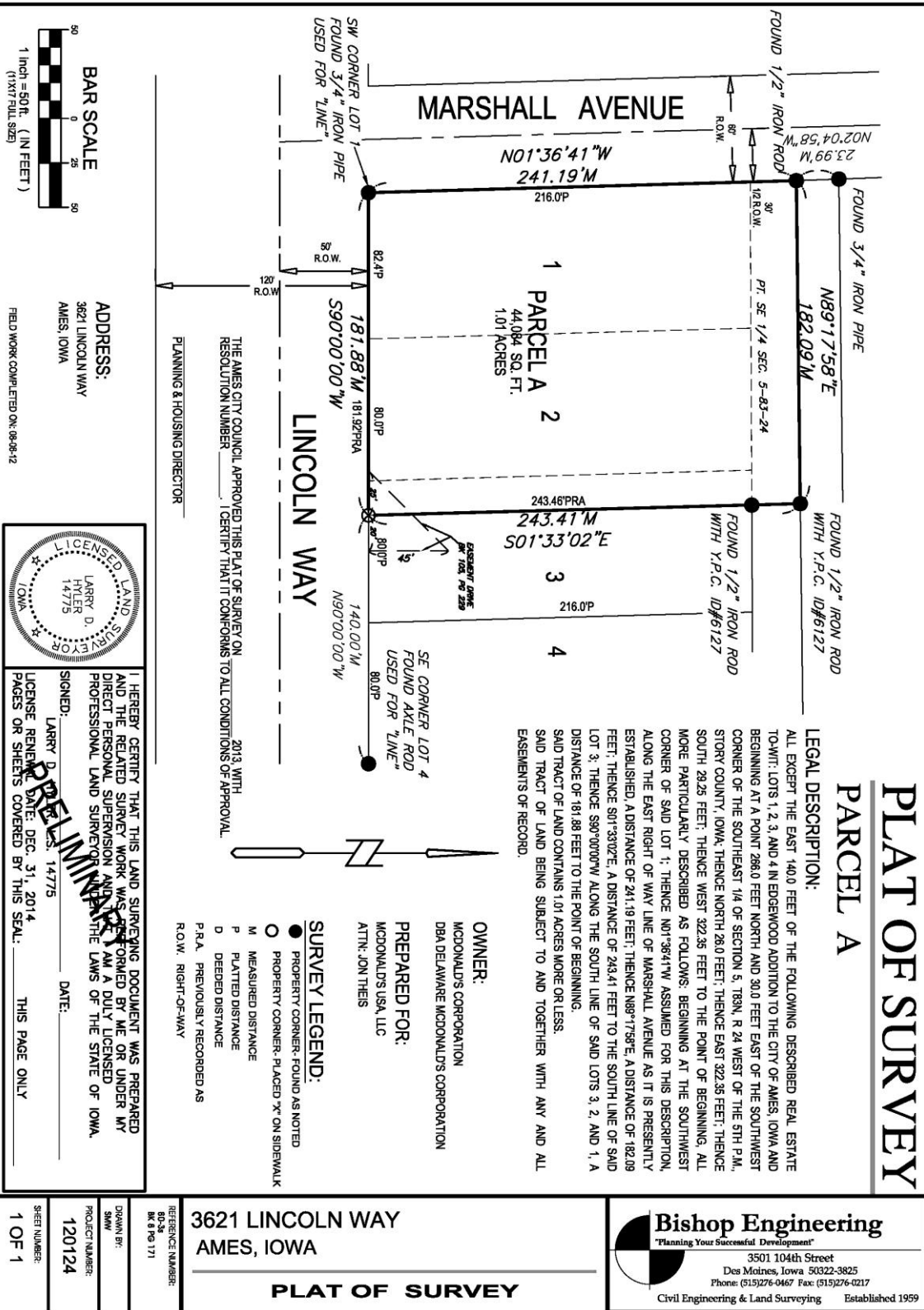
Approval of the resolution will allow the applicant to prepare the official plat of survey and the Planning & Housing Director to review and sign the plat of survey confirming that it fully conforms to all conditions of approval. Once signed by the Planning & Housing Director, the prepared plat of survey 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 the official plat of survey is not 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.



Location Map 3621 Lincoln Way





PLAT OF SURVEY PARCEL A

LEGAL DESCRIPTION:

ALL EXCEPT THE EAST 140.0 FEET OF THE FOLLOWING DESCRIBED REAL ESTATE TO-WIT: LOTS 1, 2, 3, AND 4 IN EDGEWOOD ADDITION TO THE CITY OF AMES, IOWA AND BEGINNING AT A POINT 288.0 FEET NORTH AND 30.0 FEET EAST OF THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF SECTION 5, T83N, R 24 WEST OF THE 5TH P.M., STORY COUNTY, IOWA; THENCE NORTH 28.0 FEET; THENCE EAST 322.35 FEET; THENCE SOUTH 282.35 FEET; THENCE WEST 322.35 FEET TO THE POINT OF BEGINNING. ALL MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 1; THENCE N01°36'41"W ASSUMED FOR THIS DESCRIPTION, ALONG THE EAST RIGHT-OF-WAY LINE OF MARSHALL AVENUE AS IT IS PRESENTLY ESTABLISHED, A DISTANCE OF 241.19 FEET; THENCE N89°17'58"E, A DISTANCE OF 182.09 FEET; THENCE S01°33'02"E, A DISTANCE OF 243.41 FEET TO THE SOUTH LINE OF SAID LOT 3; THENCE S90°00'00"W ALONG THE SOUTH LINE OF SAID LOTS 3, 2, AND 1, A DISTANCE OF 181.88 FEET TO THE POINT OF BEGINNING. SAID TRACT OF LAND CONTAINS 1.01 ACRES MORE OR LESS. SAID TRACT OF LAND BEING SUBJECT TO AND TOGETHER WITH ANY AND ALL EASEMENTS OF RECORD.

OWNER:

MCDONALD'S CORPORATION
DBA DELAWARE MCDONALD'S CORPORATION

PREPARED FOR:

MCDONALD'S USA, LLC
ATTN: JON THIES

SURVEY LEGEND:

- PROPERTY CORNER - FOUND AS NOTED
- PROPERTY CORNER - PLACED 'x' ON SIDEWALK
- M MEASURED DISTANCE
- P PLATTED DISTANCE
- D DEEDED DISTANCE
- P.R.A. PREVIOUSLY RECORDED AS
- R.O.W. RIGHT-OF-WAY



ADDRESS:
3621 LINCOLN WAY
AMES, IOWA

FIELD WORK COMPLETED ON: 08-08-12



I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND IN ACCORDANCE WITH THE LAWS OF THE STATE OF IOWA.

SIGNED: **LARRY D. HYLER**, 14775
DATE: DEC. 31, 2014
THIS PAGE ONLY

REFERENCE NUMBER: BK # 196 171	3621 LINCOLN WAY AMES, IOWA
DRAWN BY: SNW	PLAT OF SURVEY
PROJECT NUMBER: 120124	
SHEET NUMBER: 1 OF 1	

Bishop Engineering
"Planning Your Successful Development"

3501 104th Street
Des Moines, Iowa 50322-3825
Phone: (515)276-0467 Fax: (515)276-0217

Civil Engineering & Land Surveying Established 1959

Applicant

Name of Applicant:	<u>LJPS, Inc</u>		
Name of Business (DBA):	<u>Olde Main Brewing Co</u>		
Address of Premises:	<u>ISU Alumni Center, 420 Beach Ave. Second Floor</u>		
City: <u>Ames</u>	County: <u>Story</u>	Zip: <u>50010</u>	
Business Phone:	<u>(515) 232-0553</u>		
Mailing Address:	<u>316 Main St</u>		
City: <u>Ames</u>	State: <u>IA</u>	Zip: <u>50010</u>	

Contact Person

Name:	<u>Jamie Courtney</u>		
Phone:	<u>(515) 291-8346</u>	Email Address:	<u>jcourtney@oldmainbrewing.com</u>

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

Term: 5 days

Effective Date: 02/26/2013

Expiration Date: 03/02/2013

Privileges:

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

Status of Business

BusinessType:	<u>Privately Held Corporation</u>		
Corporate ID Number:	<u>286196</u>	Federal Employer ID #	<u>770613629</u>

Ownership

Len GriffenFirst Name: LenLast Name: GriffenCity: PotomacState: MarylandZip: 24854Position Vice President% of Ownership 25.00 %

U.S. Citizen

Scott GriffenFirst Name: ScottLast Name: GriffenCity: AmesState: IowaZip: 50010Position President% of Ownership 50.00 %

U.S. Citizen

Sue GriffenFirst Name: SueLast Name: GriffenCity: PotomacState: MarylandZip: 24854Position Treasure% of Ownership 25.00 %

U.S. Citizen

Insurance Company InformationInsurance Company: Founders Insurance Company

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:	<u>LJPS, Inc</u>		
Name of Business (DBA):	<u>Olde Main Brewing Co</u>		
Address of Premises:	<u>Reiman Gardens, 1407 University BLVD</u>		
City: <u>Ames</u>	County: <u>Story</u>	Zip: <u>50010</u>	
Business Phone:	<u>(515) 232-0553</u>		
Mailing Address:	<u>316 Main St</u>		
City: <u>Ames</u>	State: <u>IA</u>	Zip: <u>50010</u>	

Contact Person

Name:	<u>Jamie Courtney</u>		
Phone:	<u>(515) 291-8346</u>	Email Address:	<u>jcourtney@oldemainbrewing.com</u>

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

Term: 5 days

Effective Date: 03/01/2013

Expiration Date: 03/05/2013

Privileges:

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

Status of Business

BusinessType:	<u>Privately Held Corporation</u>		
Corporate ID Number:	<u>286196</u>	Federal Employer ID #	<u>770613629</u>

Ownership

Len GriffenFirst Name: LenLast Name: GriffenCity: PotomacState: MarylandZip: 24854Position Vice President% of Ownership 25.00 %

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U.S. Citizen

Sue GriffenFirst Name: SueLast Name: GriffenCity: PotomacState: MarylandZip: 24854Position Treasure% of Ownership 25.00 %

U.S. Citizen

Insurance Company InformationInsurance Company: Founders Insurance Company

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:	<u>LJPS, Inc</u>				
Name of Business (DBA):	<u>Olde Main Brewing Co</u>				
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City:	<u>Ames</u>	County:	<u>Story</u>	Zip:	<u>50010</u>
Business Phone:	<u>(515) 232-0553</u>				
Mailing Address:	<u>316 Main St</u>				
City:	<u>Ames</u>	State:	<u>IA</u>	Zip:	<u>50010</u>

Contact Person

Name:	<u>Jamie Courtney</u>				
Phone:	<u>(515) 291-8346</u>	Email Address:	<u>jcourtney@oldemainbrewing.com</u>		

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

Term: 5 days

Effective Date: 03/11/2013

Expiration Date: 03/15/2013

Privileges:

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

Status of Business

BusinessType:	<u>Privately Held Corporation</u>				
Corporate ID Number:	<u>286196</u>	Federal Employer ID #	<u>770613629</u>		

Ownership

Len GriffenFirst Name: LenLast Name: GriffenCity: PotomacState: MarylandZip: 24854Position Vice President% of Ownership 25.00 %

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U.S. Citizen

Sue GriffenFirst Name: SueLast Name: GriffenCity: PotomacState: MarylandZip: 24854Position Treasure% of Ownership 25.00 %

U.S. Citizen

Insurance Company InformationInsurance Company: Founders Insurance Company

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: **TEMPORARY STREET CLOSURES FOR HOPE RUN**

BACKGROUND:

Mary Greeley Medical Center (MGMC) is sponsoring the 13th Annual Hope Run for Hospice on Saturday, June 15, 2013, beginning at 8:00 a.m. The event includes 5K and 1 mile running events and a Hope Run Jr. event. The 10K race has been eliminated this year. The route will affect portions of Mortensen Road, State Avenue, Lettie Street, Wilmoth Avenue, Tripp Street, Dotson Drive, Baughman Road, Beedle Drive, Lincoln Swing, and Abraham Drive.

In order to facilitate the movement of participants, temporary street closures are needed on June 15, 2013, for the following arterial streets:

- Mortensen Road between Seagrave Blvd. and State Avenue from approximately 7:00 a.m. until approximately 8:15 a.m.
- State Avenue between Mortensen Road and Arbor Street from approximately 7:45 a.m. until approximately 9:00 a.m.

Closures of the following streets are also needed from 7:00 a.m. to approximately 10:00 a.m.:

- Lettie Street, from State Avenue to S. Wilmoth Avenue
- S. Wilmoth Avenue, from Lettie Street to Tripp Street
- Tripp Street, from S. Wilmoth Avenue to Beedle Drive
- Beedle Drive, from Aplin Road to Lincoln Swing
- Lincoln Swing, from Beedle Drive to Abraham Drive
- Abraham Drive, from Lincoln Swing to the shared use path

Public Works Traffic Division will provide barricades and traffic cones to facilitate the road closures, and volunteers recruited by MGMC will staff them.

Event organizers will notify businesses and residents affected by the closure by sending letters and posting flyers in the area prior to the race. A waiver of the Road Race fee of \$25 has also been requested by the event organizers, which has been supported by the Council in the past.

ALTERNATIVES:

1. The City Council can approve the road closures and waiver of Road Race fee, as requested by Mary Greeley Medical Center.
2. The City Council can deny the requests from Mary Greeley Medical Center and direct staff to work with organizers to find an alternative location for the event.

MANAGER'S RECOMMENDED ACTION:

Mary Greeley Medical Center's Hope Run for Hospice is an event with a successful history in the Ames community. City Council approval is necessary in order for this event to occur as planned.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the requests for the Hope Run to be held on June 15, 2013.



February 22, 2013

Dear Ames City Council Members:

“Life is all about how you run the race.”

I heard those powerful words during Hope Run for Hospice from a woman who had just started receiving hospice care. Pushed in a wheelchair and surrounded by family and friends, she crossed the race finish line that day and was an inspiration to many, sharing that a positive attitude makes all the difference.

This year’s Hope Run for Hospice is scheduled for Saturday, June 15, at the Ames Middle School. In 2012 we had a record 532 participants and more than 100 volunteers, raising more than \$30,000 in funds and in-kind support for the Israel Family Hospice House. Our race route has already become a local favorite, and with your support 2013 is sure to be even more successful.

In order to facilitate the movement of the participants, we respectfully request temporary street closures June 15, 2013, for the following arterial streets:

- Mortensen Road between Seagrave Blvd. and State Avenue from approximately 7:00 a.m. until approximately 8:15 a.m.
- State Avenue between Mortensen Road and Arbor Street from approximately 7:45 a.m. until approximately 9:00 a.m.

and the following streets from 7:00 a.m. to approximately 10:00 a.m.:

- Lettie Street, from State Avenue to S Wilmoth Avenue
- S Wilmoth Avenue, from Lettie Street to Tripp Street
- Tripp Street, from S Wilmoth Avenue to Beedle Drive
- Beedle Drive, from Aplin Road to Lincoln Swing
- Lincoln Swing, from Beedle Drive to Abraham Drive
- Abraham Drive, from Lincoln Swing to the shared use path

Additionally, we respectfully request a waiver of the \$25 Road Race fee in support of this great fundraiser for our local hospice house.

Again, thank you for your continued support of the Hope Run for Hospice. Please contact me if you have any questions or concerns at 515-239-2158 or hammesdodge@mgmc.com.

Sincerely,

Andrea Hammes Dodge
Development Coordinator

P.S. I hope to see you on Saturday, June 15 for this year’s Hope Run for Hospice – runners and walkers of all abilities are encouraged to participate! Please visit www.mgmc.org/hoperun for more information.

Notice: Road Closures in Your Neighborhood on June 15

Dear Ames Neighborhood Resident,

On **Saturday, June 15, 2013**, Mary Greeley Medical Center will host the **13th Annual Hope Run for Hospice**. Approximately 550 participants will run/walk in our 5K and 1-mile races beginning at 8:00 a.m. at the Ames Middle School.

To facilitate the movement of runners, **the following streets will be temporarily closed to traffic on Saturday, June 15:**



Closed 7:00-8:15 am:

- **Mortensen Rd**, between Seagrave Blvd. and State Ave

Closed 7:45 – 9:00 am:

- **State Ave**, between Mortensen Rd and Arbor Street

Closed 7:00-10:00 am:

- **Lettie St**, from State Ave to S Wilmoth Ave
- **S Wilmoth Ave**, from Lettie St to Tripp St
- **Tripp Street**, from S Wilmoth Ave to Beedle Dr
- **Beedle Dr**, from Aplin Rd to Lincoln Swing
- **Lincoln Swing**, from Beedle Dr to Abraham Dr
- **Abraham Drive**, from Lincoln Swing to the shared use path

More than 100 volunteers will be placed along the route to help guide runners and walkers and to help ensure that residents' needs are accommodated to the extent that they can be.

Please allow extra travel time and be prepared to take alternate routes between 7:00–10:00 am on Saturday, June 15.

If you have any questions, or would like to participate in the Hope Run for Hospice, please call 515-239-2147 or visit our website at www.mgmc.org/hoperun.

Thank you!

Israel Family Hospice House

Mary Greeley Medical Center's Hope Run for Hospice benefits the Israel Family Hospice House, which supports people in their final days of life. Compassionate staff and volunteers are committed to providing an environment of comfort and dignity for patients and their families. Participation in the event supports these efforts and provides hope to all those in need. 100% of the funds raised will benefit the Israel Family Hospice House.

COUNCIL ACTION FORM

SUBJECT: **REQUESTS FOR MAIN STREET FARMERS' MARKET**

BACKGROUND:

This summer the Main Street Cultural District (MSCD) is planning to hold the third season of the Saturday Main Street Farmers' Market on the 400 block of Main Street and a portion of Burnett Avenue. The Market will be in operation from May 4th to September 28th this year. Hours of operation are scheduled to be from 8:00 a.m. to 12:00 p.m. each Saturday.

In order to facilitate set-up and tear-down of the individual booths and to allow for general clean-up of the area, the street and parking spaces need to be closed from 6:00 a.m. to 1:00 p.m. Businesses in the 400 block of Main Street are aware of the MSCD's plan to host the market again this year. In anticipation of a larger Market than in the past, the MSCD is requesting the closure of Burnett Avenue from Main Street north to the alley. Since Burnett Avenue provided traffic flow in previous years, its closure will necessitate an additional eight parking spaces on the west end of the 300 block of Main Street to be closed and used as a turnaround area for vehicular traffic.

The MSCD is also requesting a blanket Temporary Obstruction Permit and blanket Vending Permit for the entire Central Business District from 8:00 a.m. to 6:00 p.m. on each of these Saturdays. They are also requesting that the \$50 fee for the blanket Vending Permit be waived.

Since the Market will not be a special one-weekend or one-day event and will generate revenue for the District, City staff is again recommending the City Council require reimbursement of the estimated \$400 in lost parking revenue, and that Electric Utility be reimbursed \$1 per day for any outlets that are used. To waive these costs may set a difficult precedent for any future requests from businesses wishing to use public property for extended periods of time for their businesses.

ALTERNATIVES:

1. The City Council can approve the requested street and parking space closures, from May 4 through September 28, each Saturday from 6:00 a.m. to 1:00 p.m., blanket Temporary Obstruction Permit, blanket Vending Permit, and waiver of fee for the Vending Permit. Under this alternative, the Farmers Market will be required to reimburse the City \$400 for lost parking meter revenue and \$1 per day for each electric outlet used.

2. The City Council can approve the requested closures of Main Street and the parking spaces but waive the requirement that the City be reimbursed for lost revenue.
3. The City Council can direct staff to work with the MSCD to find an alternate location for the Market.

MANAGER'S RECOMMENDED ACTION:

The new Main Street Farmers' Market was a success the last two years. The impact of a vibrant Farmer's Market in the Main Street Cultural District should outweigh the inconveniences which some may endure during its hours of operation. It will hopefully continue to draw people to spend the day and enjoy the businesses in the District.

Therefore, it is the recommendation of the City's Manager that the City Council adopt Alternative #1, thereby approving the requests from the MSCD as listed above. As a part of this alternative, the Farmers Market will be required to reimburse the City \$400 for lost meter revenue and \$1 per day for each electric outlet used. This recommendation is consistent with the Council's action for the last two years.



January 28, 2013

Mayor and City Council
City of Ames
515 Clark Ave
Ames, IA 50010

Dear Honorable Mayor Campbell and City Council,

The Main Street Cultural District (MSCD) is planning to hold the third season of the *Ames Main Street Farmers' Market* this summer. The event is scheduled to be held on the 400 block of Main Street every Saturday from May 4 to September 28, 8:00AM to 12:00PM (the road is scheduled to be closed from 6:00AM to 1:00PM to allow for setup, teardown, and cleanup). The 22-week event will showcase the areas best farmers, crafters, and prepared food experts as well as offering weekly live entertainment and children's activities. At this time, MSCD asks the City Council to consider the following requests:

1. The MSCD requests a temporary obstruction permit for the entire Central Business District (CBD) to allow businesses to use the half of the sidewalk closest to their storefronts to display merchandise on market days. MSCD requests the permit for Saturdays in May through September between the hours of 8:00AM and 6:00PM. Any business choosing to sell merchandise on the sidewalk will be required to file their certificate of insurance with the City of Ames.
2. The MSCD requests a Blanket Vending Permit for the entire CBD to allow businesses to sell merchandise outside their stores if they so choose. MSCD requests the permit for Saturdays in May through September between the hours of 8:00AM and 6:00PM. MSCD further requests the fee be waived as any businesses selling products on the sidewalk are MSCD investors. MSCD intends that regular street vendors in the CBD who have permits through the city will continue their operations as usual during this time.
3. The MSCD also requests the closure of Main Street between Clark and Burnett, and the South half of Burnett between Main and 5th Street on Saturdays from May 4 to September 28 between the hours of 6am-1pm to host the market and vendor booths.
4. The MSCD requests the use of the eight parking spaces on the 300 Block of Main Street, four on the North side of Main Street and four on the South side to use as a cul-de-sac for traffic on the 300 Block. This would be for Saturdays from May 4 to September 29 between the hours of 6am-1pm to allow traffic on the 300 block to turn around.

Thank you for your consideration of these requests and continued support of downtown Ames. We look forward to seeing you in the third year of the Ames Main Street Farmers' Market throughout the 2013 season.

Sincerely,

A handwritten signature in purple ink that reads "Rachel Miller".

Rachel Miller
Events Coordinator
Main Street Cultural District

312 Main Street, Ste 201, Ames, IA 50010 515.233.3472 AmesDowntown.org

ITEM # 18b
DATE: 02-26-13

COUNCIL ACTION FORM

SUBJECT: MAIN STREET CULTURAL DISTRICT “ART WALK” REQUESTS

BACKGROUND:

The Main Street Cultural District (MSCD) is hosting its 19th annual Art Walk on Friday, June 7, 2013, and makes the following requests of the City Council:

1. Waiver of parking meter fees and enforcement in the MSCD from 3:00 to 6:00 p.m.
2. Blanket Temporary Obstruction Permit for the Cultural District sidewalks from 3:00 p.m. to 8:00 p.m.
3. Blanket Vending Permit for Cultural District from 8:00 a.m. to 8:00 p.m.
4. Waiver of fee for Blanket Vending Permit
5. Closure of six parking spaces near the intersection of Main Street and Kellogg Avenue for food vendors

Staff has calculated the lost revenue to the Parking Fund by waiving parking fees for June 7. That amount is estimated to be approximately \$300.

ALTERNATIVES:

1. The City Council can approve the Art Walk requests as submitted by the MSCD for June 7, 2013.
2. The City Council can deny the requests.

MANAGER'S RECOMMENDED ACTION:

The Art Walk is a popular annual event that adds vitality to the Downtown. Because of the City Council's goal of enhancing commercial development in the Downtown, this type of special event should be encouraged.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the Art Walk requests as outlined above.



January 28, 2013

Mayor and City Council
City of Ames
515 Clark Ave
Ames, IA 50010

Dear Honorable Mayor Campbell and City Council,

The Main Street Cultural District is planning to hold its annual ArtWalk celebration on Friday, June 7 from 5pm to 8pm. The event will showcase area artists in businesses throughout the district. At this time, MSCD requests the council to consider three specific requests:

1. The MSCD requests a district wide waiver of parking fees beginning from 3pm through 6pm on June 7 to help attract additional patrons' downtown.
2. The MSCD requests a temporary obstruction permit for the entire Central Business District (CBD) to allow businesses to use the sidewalk in front of their stores to allow artists to create and display merchandise. MSCD requests the permit for June 7 between the hours of 3pm and 8pm.
3. The MSCD requests a Blanket Vending Permit for the entire CBD to allow artists, businesses, and food vendors to sell products. MSCD requests the permit for June 7 between the hours of 8am and 8pm and further request the vending permit the fee be waived.
4. MSCD requests the use of six parking spaces near Kellogg and Main to place food vendors.

Thank you for your consideration of these requests and continued support of the Main Street Cultural District and our 19th annual *ArtWalk*.

Sincerely,

A handwritten signature in purple ink that reads "Rachel Miller".

Rachel Miller
Events Coordinator
Main Street Cultural District

COUNCIL ACTION FORM

SUBJECT: **REQUESTS FOR 4TH OF JULY ACTIVITIES**

BACKGROUND:

The City Council Community Pancake Breakfast will be held again this year in front of City Hall on Thursday, July 4th. Staff is requesting that Clark Avenue, from Fifth Street to Sixth Street, be closed from 6:00 p.m. on Wednesday, July 3rd (for set-up) until the conclusion of the parade on July 4th to provide a seating area for people attending the breakfast. The breakfast will start at 8:30 a.m. and conclude at about 10:30 a.m., so that everyone can attend the parade which is scheduled to start at 11:00 a.m.

Main Street Cultural District (MSCD) representatives are making preparations for the community parade and festival. Parade staging will take place on Northwestern Avenue between Wheatsfield Grocery and Main Street, on Allan Drive, in City Hall Parking Lots M and MM, and on Pearle Avenue. The festival will be located on Main Street and portions of Burnett and Kellogg Avenues.

Street closures will be needed from 6:00 a.m. until the end of the parade for the following streets:

- Main Street, from the Central Business District (CBD) Lot entrance to the Grand Avenue overpass, continuing on Northwestern Avenue to Sixth Street (Wheatsfield customers will be allowed access at Sixth Street)
- Allan Drive
- Pearle Avenue
- Fifth Street, from Grand Avenue to Duff Avenue
- Clark Avenue, from the south driveway of the CBD Lot to Sixth Street
- Burnett Avenue, from Main Street to Fifth Street
- Kellogg Avenue, from just south of Main Street to Fifth Street
- Douglas Avenue, from Main Street to Fifth Street

These street closures will facilitate line-up of the parade entries and the actual parade movement. The public will be notified of the street closures with signs placed on the parking meters. The MSCD is also asking for free parking for the entire CBD all day on Thursday, July 4th.

The following parking lot areas will also need to be closed for parade staging and other activities from 6:00 a.m. to approximately 3:00 p.m.:

- Lot MM, to the west of City Hall

- The south portion of Lot M, adjacent to the west door of City Hall (City vehicles and cars of City employees who are on duty will be parked in the north part of the lot)
- Depot Lots V and TT
- Lot N, east of City Hall, for live entertainment and children’s activities

Additionally, Parking Lot Q (north of the Library) will need to be closed from 6:00 a.m. until 3:00 p.m. to provide parking for a portion of the 200 volunteers who are needed for the festivities. There are a total of 82 spaces available in Lot Q; however, 16 spaces are leased. The lessees would not be displaced during the parking lot closure, but will be allowed access to and egress from the lot.

The following permits and waivers are also requested from the City Council for July 4th:

- A blanket Vending Permit and blanket Temporary Obstruction Permit for the MSCD from 8:00 a.m. to 6:00 p.m.
- Waiver of the fee for the Vending Permit and for utilities to be used from the outlets and water in Tom Evans Plaza.

Public Works will provide barricades and “No Parking” signs, as needed, to close the streets and control access to the parking lots. Organizers will be responsible for the replacement of any lost or damaged barricades.

ALTERNATIVES:

1. The City Council can approve the requests for activities on July 4th as requested.
2. The City Council can ask staff or the event organizers for further information or to make different arrangements.
3. The City Council can deny the requests for the 4th of July activities.

MANAGER’S RECOMMENDED ACTION:

The return of the 4th of July parade in 2004 provided a great opportunity to bring the citizens of Ames together to celebrate. With the addition of the City Council Community Pancake Breakfast and day-long festivities in the Main Street Cultural District, this event provides the City Council with a way to partner with the Main Street Cultural District to promote “one community” by supporting this worthwhile event.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the requests detailed above.



January 28, 2013

Mayor and City Council
City of Ames
515 Clark Ave
Ames, IA 50010

Dear Honorable Mayor Campbell and City Council,

The Main Street Cultural District (MSCD) is in the planning process for the annual 4th of July Parade and Festival scheduled to be held this summer. The 4th of July Parade and Festival is a daytime event that begins at 8:30AM with the City Council Pancake breakfast and concludes with the festival ending at approximately 3:00PM. At this time, MSCD asks the City Council to consider the following requests:

1. The MSCD requests a district wide waiver of parking fees on July 4th to help attract additional patrons' downtown.
2. The MSCD requests a temporary obstruction permit for the entire Central Business District (CBD) to allow businesses to use the sidewalk in front of their stores to display merchandise. MSCD requests the permit for July 4th.
3. The MSCD requests a Blanket Vending Permit for the entire CBD to allow businesses, and food vendors to sell products. MSCD requests the permit for July 4th and further request the vending permit fee be waived.
4. The MSCD requests to use of Tom Evans Plaza and Parking Lot "N" on Wednesday, July 4th from 6:00AM to the conclusion of the parade and festival (approximately 3:00PM) for live entertainment, children's activities, and educational programming. MSCD also requests the use of electricity and water in Tom Evans Park as well as a waiver of fees for those utilities.
5. Lot V, TT, MM, M (parade staging) and Q (volunteer parking)

Thank you for your consideration of these requests and continued support of the Main Street Cultural District. We are working hard to make this a great event for the Ames Community. We hope to see you downtown for the parade and festival this 4th of July.

Sincerely,

Rachel Miller

Rachel Miller
Events Coordinator
Main Street Cultural District

COUNCIL ACTION FORM

SUBJECT: **MAIN STREET CULTURAL DISTRICT JULY SIDEWALK SALES**

BACKGROUND:

The Main Street Cultural District (MSCD) is again hosting Sidewalk Sales on July 25, 26, and 27, 2013. In conjunction with this event, organizers are requesting suspension of parking regulations and enforcement for the Central Business District from 8:00 a.m. to 6:00 p.m., July 25-27. The approximate estimated lost revenue to the Parking Fund from the waiver of enforcement is \$2,700.

In order to allow businesses to showcase merchandise, a blanket Temporary Obstruction Permit and blanket Vending License have also been requested. The MSCD also asks that the Vending License fee be waived.

ALTERNATIVES:

1. The City Council can approve the July Sidewalk Sales requests from the Main Street Cultural District.
2. The City Council can deny these requests.

MANAGER'S RECOMMENDED ACTION:

Sidewalk Sales are successful events held twice each year in the MSCD. Since these events bring shoppers to the MSCD, these requests further the City Council's goals to continue to provide financial support for the MSCD.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving these July Sidewalk Sales requests.



January 28, 2013

Mayor and City Council
City of Ames
515 Clark Ave
Ames, IA 50010

Dear Honorable Mayor Campbell and City Council,

The Main Street Cultural District is planning to hold its annual July Sidewalk Sale from Thursday, July 25 through Saturday, July 27. The Sidewalk Sale is a semi-annual event designed to promote shopping in the Cultural District. In past years, this event has proven to be a successful sale for the many businesses who participate. At this time, MSCD requests the council to consider three specific requests:

1. The MSCD requests a district wide waiver of parking fees all day beginning Thursday, July 25 through Saturday, July 27 to help attract additional patrons downtown.
2. The MSCD requests a temporary obstruction permit for the entire Central Business District (CBD) to allow businesses to use the sidewalk in front of their stores to sell and display merchandise. MSCD requests the permit for July 25 through July 27.
3. The MSCD requests a Blanket Vending Permit for the entire CBD. MSCD requests the permit for July 25 through July 27 and further request the vending permit fee be waived.

Thank you for your consideration of these requests and continued support of the Main Street Cultural District. We look forward to seeing you at the end of July for the Sidewalk Sale.

Sincerely,

A handwritten signature in purple ink that reads "Rachel Miller".

Rachel Miller
Events Coordinator
Main Street Cultural District

Cc: Jeff Benson

COUNCIL ACTION FORM

**SUBJECT: URBAN REVITALIZATION TAX EXEMPTION FOR PROPERTY
LOCATED AT 127 STANTON AVENUE (THE RESORT)**

BACKGROUND:

On February 12, 2013, City Council considered the application from the owner of property at 127 Stanton Avenue to forward to the City Assessor approval of tax abatement. (See Attachment A – Location Map.) The City Council also considered the attached Agreement for Maintenance and Management of safety and security elements required for this property to qualify for tax exemption. The property is located within the Campustown Urban Revitalization Area, for which Council has established an Urban Revitalization Plan. As reported by staff on February 12th, improvements have been completed consistent with the requirements of that Plan except for screens that were to be installed on all balconies of the adjacent building at 119 Stanton that overlook the property at 127 Stanton.

The property owner estimates that installation of the screens will be completed by March 31, 2013. However, the owner requests that City Council forward approval of tax abatement to the City Assessor before March 1, 2013, so that tax abatement can commence for the current levy year. City Council directed staff to prepare an agreement whereby the property owner would agree to repay to the City any tax abatement received if the screens are not completed by March 31, 2013. Council directed that the agreement be presented to it at its February 26th meeting, at which time City Council would consider whether to forward approval of the tax abatement to the City Assessor. This Supplemental Agreement is attached.

The Supplemental Agreement provides that if all of the screens are not installed by March 31, 2013, the owner of the property at 127 Stanton will forfeit and repay the tax exemption allowed against property taxes levied on that property. The owner applied for tax exemption under the 10-year schedule that is part of the Campustown Urban Revitalization Plan, under which the exemption is calculated on a sliding scale of the percentage of the increased property value caused by the improvements made (See Attachment B). Therefore, the amount of the tax exemption that the owner would forfeit and repay under this agreement would be 80% of the increase in property tax. This amount would be repaid in two equal installments made no later than September 1, 2013 and March 31, 2014. If the installation of the screens is not yet complete in subsequent years, then the owner would forfeit and repay the amount based upon the 10-year exemption schedule. Under the Supplemental Agreement, the City Council would agree to approve and forward the property owner's application for urban revitalization tax exemption to the City Assessor before March 1, 2013.

Staff has confirmed that the screens have been fabricated and are on-site. The Inspections Division has issued a building permit for the installation, and that work is now underway. Attached is a photograph of an installed screen.

ALTERNATIVES:

1. The City Council can:
 - a. Approve the attached Supplemental Agreement for Urban Revitalization Tax Exemption,
 - b. Approve the attached Agreement for Maintenance and Management, and
 - c. Approve tax exemption for 127 Stanton Avenue and forward it to the City Assessor.

2. The City Council can:
 - a. Approve the attached Supplemental Agreement for Urban Revitalization Tax Exemption, with modifications,
 - b. Approve the attached Agreement for Maintenance and Management, and
 - c. Approve tax exemption for 127 Stanton Avenue and forward it to the City Assessor.

3. The City Council can:
 - a. Deny the request for approval of tax exemption for 127 Stanton Avenue and not forward it to the City Assessor,
 - b. Not take action on the attached Agreement for Maintenance and Management, and
 - c. Not take action on the attached Supplemental Agreement

MANAGER'S RECOMMENDED ACTION:

City Council gave prior approval to tax exemption for 127 Stanton Avenue with the understanding that features would be included such that the facility meets the safety challenges of its location and does not increase the demand for City services. Most of these features have been completed. As the final feature, the balcony screens are now being installed, and this work is expected to be completed by March 31, 2013.

Campus Investors have signed and returned the Agreement for Maintenance and Management, as required by the City Council. When signed by the Mayor and recorded, the Agreement will help ensure ongoing effectiveness of the safety and security features that have been included in the project.

In order to commence tax exemption this year, the Council must forward its approval to the Assessor before March 1st. In accordance with the Council's direction and by approving the attached Supplemental Agreement, Campus Investors has agreed to forfeit and repay the tax exemption if the screens are not completely installed by March 31, 2013.


Therefore it is the recommendation of the City Manager that the City Council accept Alternative #1 as outlined above.

Attachment A

LOCATION MAP



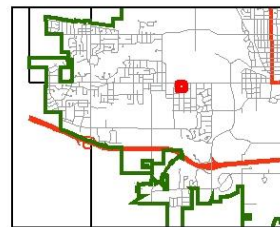
Location Map
127 Stanton Ave.

 Subject Property



80 40 0 80
Feet

Prepared by Planning & Housing Department
Map Prepared: 5/17/12



Urban Revitalization Program

Tax Exemption Schedule

All qualified real estate located in the designated Campustown revitalization area is eligible to receive a partial exemption from taxation on the Actual Value added by the improvements as specified by the schedules below. Any qualified real estate may elect one of the three schedules.

The exemption period for ten (10) years. The amount of the partial exemption is equal to a percent of the Actual Value added by the improvements, determined as follows:

For the first year,	80%
second	70%
third	60%
fourth	50%
fifth	40%
sixth	40%
seventh	30%
eighth	30%
ninth	20%
tenth	20%

The exemption period for five (5) years.

For the first year,	100%
second	80%
third	60%
fourth	40%
fifth	20%

The exemption period for three (3) years. All qualified real estate is eligible to receive a 100% exemption on the Actual Value added by the improvements for each of the three years.

Carefully examine the exemption schedules before making a selection. Once the selection of the schedule is made and the exemption is granted the owner is not permitted to change the method of exemption.

**SUPPLEMENTAL AGREEMENT
FOR
URBAN REVITALIZATION TAX EXEMPTION**

THIS IS A SUPPLEMENTAL AGREEMENT for urban revitalization tax exemption made by and between Owner and City upon the following terms and conditions:

1 DEFINITIONS. When used in this Agreement, unless otherwise required by the context:

1.1 "City" means the City of Ames, Iowa.

1.2 "Owner" means Campus Investors, IS LLC.

1.3 "The Resort" means the land and building located at 127 Stanton Avenue.

1.4 "Legacy Tower" means the land and building located at 119 Stanton Avenue.

1.5 "Covenant" means the Covenant for Maintenance and Management of Safety and Security Improvements at 119 and 127 Stanton Avenue, Ames, Iowa by and between Owner and City.

1.6 "Agreement" means this instrument in its entirety as signed by the parties hereto.

2 PURPOSE. This Agreement is made for the purpose supplementing the Covenant, agreements, and understandings of Owner and City concerning the nature and extent of the requirements of one of the "equivalent criteria" required by City as a condition of the City's approving the Owner's application for an urban revitalization tax exemption for The Resort. The Resort is in the Campustown Urban Revitalization Area. City gave preliminary approval in Resolution 12-272 of Owner's application subject to two conditions. The two conditions were that The Resort project be constructed in compliance with an approved minor site development plan and that an agreement regarding certain operational and maintenance issues be executed and presented to the City Council prior to applying for tax abatement. Owner has constructed The Resort project in compliance with the approved minor site development plan; therefore, all of the improvements to be valued for property tax and exemption purposes have been installed. Owner has submitted the fully executed Covenant, which is the agreement provided by the City for operational and maintenance issues. In the Covenant, City and Owner have agreed that Owner will install screens on all of the balconies on the south façade of Legacy Tower designed to prevent throwing any object more than four inches in diameter down to the pool area of The Resort. A deadline is not expressed in the Covenant. Owner has provided City with plans and specifications, and Owner has ordered materials and labor for the required screens. City has approved a building permit for the installation of the screens. The parties acknowledge that the installation cannot be completed by March 1, 2013. In order to allow the City to approve Owner's urban revitalization tax exemption application and to forward before March 1, 2013, the application to the assessor in fulfillment of the requirements of chapter 404 of the Code of Iowa, City and Owner agree that the separate "equivalent criteria" applicable to Legacy Tower shall be installed as provided in this Agreement.

3 SCREEN INSTALLATION. Owner shall cause the initial installation of screens as provided in the Covenant on or before March 31, 2013, as provided in the plans and specifications provided to City in Owner's building permit application.

4 CITY REMEDIES. The City's remedy for a failure by Owner to make the initial installation of the screens as provided in the plans and specifications provided for the building permit is a forfeiture by Owner of and the repayment of the exemption allowed against real property taxes levied on The Resort. Real property taxes are levied annually upon the Real Property by public authorities for each fiscal year ended June 30 (the "levy year") and are payable during the subsequent fiscal year (the "collection year") if paid in two equal installments on or before September 30 and March 31 of the collection year. If Owner fails to complete the initial installation of all of the screens by the date required by this Agreement, Owner shall repay to City an amount equal to the amount of the urban revitalization tax exemption allowed pursuant to the schedule of exemption for the first levy year, that is, 80 percent of the value added. Payment shall be made in two equal installments to City in the first collection year (not later than September 30, 2013 and March 31, 2014). For so long as Owner fails to complete the initial installation of all of the screens after the date required by this Agreement and into a subsequent levy year, Owner shall repay to City an amount equal to the amount of the urban revitalization tax exemption allowed pursuant to the schedule of exemption for such levy year prorated to the date of final installation, that is, that percent of the value added and actually allowed under the schedule of exemption for such levy year. Owner shall make payment of the amount of the exemption actually allowed in two equal installments to City

not later than September 30 and March 31 of each corresponding collection year in which such exemption has been allowed and would otherwise have been paid. Following the initial installation of the screens as described in this Agreement, the City's exclusive remedies shall be enforcement of the Covenant. Nothing herein shall limit the remedies otherwise provided by the Covenant.

5 **ABATEMENT APPROVAL.** In consideration of Owner's agreements herein, City will approve and forward Owner's application for urban revitalization tax exemption for The Resort to the assessor before March 1, 2013.

6 **TIMELINESS.** Time is the essence of this Agreement.

7 **ENTIRE AGREEMENT.** Except as modified by this Agreement, the Covenant is reaffirmed in all respects. This instrument constitutes the entire agreement between the parties with respect to the subject matter thereof and supersedes all prior statements, representations, promises and agreements, oral or written. No addition to or change in the terms of this Agreement shall be binding upon the parties unless it is expressed in a writing signed by the parties.

8 **INTERPRETATION.** Words and phrases used in this Agreement shall be construed as in the single or plural number, and as masculine, feminine, or neuter gender, according to the context. This Agreement shall be governed exclusively by and construed in accordance with the laws of the State of Iowa. The paragraph headings in this Agreement are for convenience only and in no way define or limit the scope or intent of any provisions of this Agreement. This Agreement may be executed in any number of counterparts, each of which shall be regarded as an original and all of which shall constitute but one and the same instrument. Any counterpart of this Agreement may be executed by facsimile signatures on the part of one or more of the parties hereto provided that each signature page containing a facsimile signature on behalf of any one party also contains an original signature on behalf of at least one other party.

IN WITNESS OF THIS AGREEMENT Owner has executed this instrument under date of February _____, 2013.

CAMPUS INVESTORS, IS LLC, Owner

By: _____

IN WITNESS OF THIS AGREEMENT City has executed this instrument under date of February _____, 2013.

CITY OF AMES, IOWA, City

By: _____
Ann H. Campbell, Mayor

By: _____
Diane R. Voss, City Clerk

DO NOT WRITE IN THE SPACE ABOVE THIS LINE; RESERVED FOR RECORDER
Prepared by: Douglas R. Marek, City of Ames Legal Department, 515 Clark Ave., Ames, IA 50010; Phone: 515-239-5146
Return recorded document to: Ames City Clerk, 515 Clark Ave., Ames, IA 50010

**COVENANT FOR MAINTENANCE AND MANAGEMENT
OF SAFETY AND SECURITY IMPROVEMENTS AT
119 AND 127 STANTON AVENUE, AMES, IOWA**

THIS COVENANT AND AGREEMENT is made effective the 13 day of August, 2013 by and between Campus Investors, IS LLC (hereinafter called "Owner"), their successors and assigns, and THE CITY OF AMES, IOWA (hereinafter called "City").

WITNESSETH THAT:

The parties hereto have agreed and do agree as follows:

1. This Agreement is made for the purpose of demonstrating that certain real property located at 127 Stanton Avenue, Ames, Iowa, satisfies the qualifying criteria of the Campustown Urban Revitalization Area.
2. The covenants, agreements, promises and representations herein by Owner are made in connection with an application to the City for approval of eligibility for Urban Revitalization Tax Exemption for improvements (hereinafter "facility") to be constructed at 127 Stanton Avenue, Ames, Iowa.
3. Owner covenants, agrees, promises and represents to do as follows:
 - a. Install, supervise, operate and maintain a key fob access control system that limits access to interior and exterior doors of the amenity areas of the facility and the elevator at the facility to renters in properties owned by Owner, and further to limit access to the entire facility, after regular operating hours, to residents of 127 Stanton.

- b. Maintain in proper working order and provide monitoring and supervision of an infrared detection system for the exterior amenity area of the facility at 127 Stanton Avenue, so that Owners detect and take action to remove unauthorized persons from the secure exterior area after hours.
- c. Install and maintain security lighting and install, maintain and monitor a camera system at the facility located at 127 Stanton to detect activities that endanger residents, damage property and violate lease conditions, and take appropriate action in response to any such activities detected.
- d. Install and maintain in good condition at the facility structures designed to prevent entry from neighboring properties and to prevent objects being thrown into the property from neighboring areas.
- e. Install and maintain in good condition screens on all balconies on the south-facing façade of the building at 119 Stanton Avenue, said screens being sufficient to prevent people jumping or falling from the balconies and to prevent objects larger than 4 inches in diameter from falling or being thrown, dropped, or ejected from balconies.

4. The foregoing provisions encumber the real property located at 127 and 119 Stanton Avenue, described more particularly as follows and referred to collectively herein as "the Real Estate":

Parcel W of the south 60 feet of the north 407 feet of Lot 1, Parker's Addition to Ames, Iowa, as shown on the Plat of Survey filed on November 1, 2002, as Instrument No. 02-17298; and

Parcel X, the South 60 feet of the North 347 feet and the South 66 feet of the North 287 feet, all in Lot One (1), Parker's Addition; and the East 12 feet of the South 40 feet, of Lot Three (3), Block One (1), Beardshear's Addition; all in the City of Ames, Story County, Iowa; more particularly described as follows:

Commencing at the Northeast (NE) corner of Lot One (1), Parker's Addition, in the City of Ames, Story County, Iowa; thence S 00°02'59" W, 221.00 feet along the east line of said Lot 1 and the west line of Stanton Avenue, to the Point of Beginning; thence continuing S 00°02'59" W, 126.00 feet along said line; thence N 89°49'49"W, 189.88 feet along the south line of the North 347 feet of Lot 1; thence N 00°01'03" E, 45.85 feet along the west line of Lot 1, to the Southeast (SE) corner of Lot Three (3), Block One (1), Beardshear's Addition; thence N 89°27'27" W, 12.00 feet along the south line of said Lot 3; thence N 00°01'03" E, 40.00 feet along the west line of the East 12 feet of Lot 3; thence S 89°27'27" E, 12.00 feet along the north line of the South 40 feet of Lot 3; thence N 00°01'03" E, 41.40 feet along the west line of Lot 1; thence S 89°27'14" E, 189.96 feet along the north line of the South 66 feet of the North 287 feet of Lot 1, to the Point of Beginning.

5. This covenant and agreement shall be filed for record in the office of the Story County Recorder and all covenants, agreements, promises and representations hereby stated shall be deemed to be covenants running with the Real Estate and shall endure and be binding on the parties hereto, their mortgagees, lienholders, successors and assigns, for a period of twenty-one (21) years from the date of the recording of these documents, unless claims to continue any interest in the covenants are filed as provide by law. The City shall have the right to file a claim to continue its interest in these covenants.

6. Invalidation of any of these covenants by judgment or court order shall in no way affect any of the other provisions, which shall remain in full force and effect.

Executed by the respective signatories effective the date first above written.

CAMPUS INVESTORS IS, LLC

By: *Jonathan Graf*
VICE PRESIDENT

By: _____

CITY OF AMES, IOWA

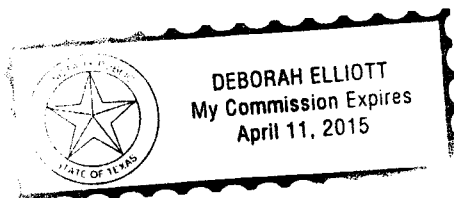
By: Ann H. Campbell, Mayor

Attest by Diane R. Voss, City Clerk

STATE OF Texas, Travis COUNTY ss:

This instrument was acknowledged before me on this 15th day of January, 2013, by Jonathan Graf, as Vice President of said corporation.

Deborah Elliott
Notary Public in and for State of TEXAS



STATE OF IOWA, COUNTY OF STORY ss:

On this _____ day of _____, 20____, before me, a Notary Public in and for the State of Iowa, personally appeared Ann H. Campbell and Diane R. Voss, to me personally known, and, who, being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of Ames, Iowa; that the seal affixed to the foregoing instrument is the corporate seal of the corporation, and that the instrument was signed and sealed on behalf of the corporation by authority of its City Council, as contained in Resolution No. _____ adopted by the City Council on the _____ day of _____, 20____, and that Ann H. Campbell and Diane R. Voss acknowledged the execution of the instrument to be their voluntary act and deed of said corporation by it voluntarily executed.

Notary Public in and for State of Iowa

MORTGAGEE'S SUBORDINATION

KNOW ALL PERSONS BY THIS INSTRUMENT THAT:

WELLS FARGO BANK, N.A., AS TRUSTEE FOR THE REGISTERED HOLDERS OF CREDIT SUISSE FIRST BOSTON MORTGAGE SECURITIES CORP., COMMERCIAL MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-C4 ("Mortgagee"), is the present owner of that certain Mortgage and Security Agreement given by **CAMPUS INVESTORS IS, LLC**, an Illinois limited liability company, to **COLUMN FINANCIAL, INC.**, a Delaware corporation, filed in the office of the Recorder of Story County, Iowa on the 29th day of August, 2006, and recorded as Instrument No. 06-10827.

NOW, THEREFORE, the Mortgagee, for good and valuable consideration, agrees that the aforesaid real estate mortgage shall be subordinate to the rights of the City of Ames, Iowa under this instrument.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK; SIGNATURES TO FOLLOW]

LENDER:

WELLS FARGO BANK, N.A., AS TRUSTEE FOR
THE REGISTERED HOLDERS OF CREDIT
SUISSE FIRST BOSTON MORTGAGE
SECURITIES CORP., COMMERCIAL
MORTGAGE PASS-THROUGH CERTIFICATES,
SERIES 2006-C4

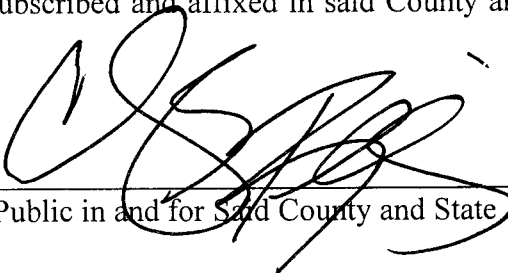
By: KeyCorp Real Estate Capital Markets, Inc., as
Authorized Agent

By: Sherri Watson
Name: SHERRI WATSON
Title: VICE PRESIDENT

STATE OF KANSAS)
)ss.
COUNTY OF JOHNSON)

In the State of Kansas, County of Johnson, on this 18th day of January, 2013, before me, the undersigned, a notary public in and for said County and State, personally appeared Sherri Watson (individual's name) to me known to be the person described in and who executed the foregoing instrument, and acknowledged that Sherri Watson (individual's name) executed the same as free act and deed as Vice President, (title) of KeyCorp Real Estate Capital Markets, Inc., an Ohio corporation, as the authorized agent for Wells Fargo Bank, N.A., as trustee for the registered holders of Credit Suisse First Boston Mortgage Securities Corp., Commercial Mortgage Pass-Through Certificates, Series 2006-C4, on behalf of the corporation in its capacity as authorized agent.

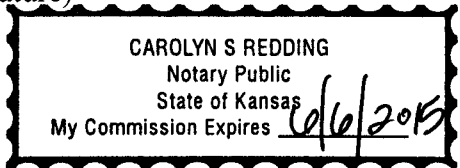
Witness my hand and Notarial Seal subscribed and affixed in said County and State the day and year in this certificate above written.



Notary Public in and for Said County and State

(Type, print or stamp the Notary's name below his or her signature)

My Commission Expires:



[SEAL]



COUNCIL ACTION FORM

**SUBJECT: LAND USE POLICY PLAN MAP DESIGNATION
FOLLOWING ANNEXATION**

BACKGROUND INFORMATION:

Prior to the adoption of the Ames Urban Fringe Plan, the City's Land Use Policy Plan had land use designations within the City that were the same as outside the City. For instance, outside the City an area would be designated Village/Suburban Residential. After the land was annexed, it would retain that LUPP designation.

With adoption of the Ames Urban Fringe Plan in 2007, a new designation was created for areas outside the city limits intended for residential development. This designation of Urban Residential is similar to Village/Suburban Residential, although the different terminology does not allow for the retention of the LUPP designation after annexation.

Following the Rose Prairie annexation in 2011, it was discovered that no LUPP designation had been assigned to that land. That land remains even now as a blank spot on the LUPP map. Since the City has now been presented with two more annexation requests, in order to avoid creating another blank spot, staff has asked the applicants to also submit an application for LUPP map amendments. The intent, at this point, is to process the annexation requests for the Athen and Quarry Estates properties, as well as the respective LUPP map amendments, so that the Planning & Zoning Commission and the City Council can take action on them simultaneously.

However, there are several issues to consider with this process. One is that the processes of annexation and of LUPP map amendment are different in terms of notifications, hearings, etc. Assuring that the public hearings on both occur at the same Council meeting cannot always be guaranteed.

A second issue is that, at least in the case of the Athen request, the property recently went through a long process for an Urban Fringe Area LUPP map amendment (from Priority Transitional Residential to Urban Residential). Initiating an additional amendment process could lead to confusion among the neighbors who participated in the recent amendment process. For Quarry Estates, that land was designated as Urban Residential on the Fringe Area map in 2010.

The LUPP notes that "New Lands" are intended to include those areas designated as Urban Services Area in the Urban Fringe Plan (see LUPP, p. 53). These "New Lands" are intended to be developed as villages or as suburban residential. These development types are accomplished with the LUPP designation of Village/Suburban

Residential. Therefore, implicit in the Urban Services area is the expectation that it would become Village/Suburban Residential.

Under current policy, the assigning of an LUPP designation is **not automatic**, but requires a deliberate action by the City Council. In contrast, however, upon annexation *zoning is automatic*. Section 29.302 of the Zoning Code assigns an *Agricultural* zoning classification when a tract of land is annexed. The City Council would thereafter change it to the appropriate zoning designation through the specified process for a zoning map amendment.

Using the language of the zoning ordinance as a model, language is proposed for the LUPP that would *automatically* allow for the designation of newly-annexed property consistent with the LUPP. Since the Urban Fringe Plan allows for annexation only of land designated Urban Services, it would be possible to assure LUPP designations that correlate directly with the Urban Fringe designations. Urban Residential would become Village/Suburban Residential. The other Urban Fringe Plan designations of Planned Industrial, Community Commercial Node and Convenience Commercial Node would also automatically carry over into the LUPP map.

In addition, language in the LUPP is proposed to designate Natural Areas in the Urban Fringe Plan as Environmentally Sensitive Areas in the LUPP. The descriptions of these land uses are similar and are intended to designate areas of steep slopes, flood plains, and areas of natural vegetation.

The proposed language also allows the City Council, at the time it considers an annexation petition, to direct the applicant to seek a different LUPP designation. This would occur if the City Council felt that the automatic designation is not the most appropriate land use due to changing circumstances or development patterns.

By adopting changes that assign LUPP designations automatically upon annexation, the City can be more responsive to customer timetables. Staff, City Council, and the customer's time can be used more efficiently and multiple similar (but different) processes for a single tract of land can be avoided.

If this change is ultimately adopted by Council, it would apply to the pending Athen and Quarry Estates annexation requests.

The following is intended to be incorporated into Appendix C of the Land Use Policy Plan:

VII. LUPP DESIGNATION UPON ANNEXATION

To ensure consistency of the Land Use Policy Plan with the Ames Urban Fringe Plan, the Urban Fringe Plan's Urban Services Area and adjacent Natural Areas designations shall be retained upon annexation with the exceptions noted below, unless the City Council, at the time of initial receipt of an annexation petition, shall require that the applicant seek an LUPP map amendment to a different category:

1. Areas designated as Urban Residential in the Urban Fringe Plan shall be designated as Village/Suburban Residential upon annexation.
2. Areas designated as Natural Area in the Urban Fringe Plan shall be designated as Environmentally Sensitive Lands upon annexation.

Recommendation of the Planning & Zoning Commission. At its meeting of February 6, 2012, by a vote of 7-0, the Planning and Zoning Commission recommended approval of this amendment to the Land Use Policy Plan.

ALTERNATIVES:

1. The City Council can approve the changes to Appendix C of the Land Use Policy Plan as presented above.
2. The City Council can deny the proposed changes to the Land Use Policy Plan.
3. The City Council can defer action and seek additional information from staff.

MANAGER'S RECOMMENDED ACTION:

The proposed amendment to the Land Use Policy Plan will streamline processes by eliminating one step in the annexation and development of land in the Urban Services area. Staff resources and customers' time will be more effectively used and development timetables can be better met, while the public will still receive notification and have opportunities for input.

Even though the existing LUPP language implicitly anticipates that Urban Residential land will become Village/Suburban Residential, action is not automatic and requires a number of procedural steps and explicit City Council action. The proposed amendment will allow for that automatic designation while also allowing the City Council to direct the applicant to a different designation if appropriate.

Therefore, it is the recommendation of the City Manager that the City Council accept Alternative #1 as described above, adopting the proposed changes to the City's Land Use Policy Plan.

Staff Report

**Request for Designation of 205 SE 5th Street as
Urban Revitalization Area**

February 26, 2013

Steve Scott of Ruhl and Ruhl Commercial Company is requesting that 205 SE 5th Street be designated as an Urban Revitalization Area under the policy of the City Council and Code of Iowa Chapter 404. A map showing the location of this site is attached.

BACKGROUND

In 2009 Mr. Scott submitted an application for a Minor Site Development Plan. (He had previously submitted preliminary plans in 2006, but the formal application was submitted in 2009.) At that time the applicant also sought designation of 205 SE 5th Street as an Urban Revitalization Area in order to receive a tax exemption for the development of the property. The proposal did not meet the criteria of City policy at that time. Therefore, in 2010 the City Council subsequently adopted new criteria for commercial development in the Highway-Oriented Commercial zoning district.

These new criteria are as follows:

Properties eligible for tax abatement must be within the Highway-Oriented Commercial zoning district, and also fit within one or more criteria.

1. Properties from which the principal building has been removed and the property has been vacant for at least seven years.
2. Properties with a principal building that has been determined by the Building Official as meeting the definition of "Public Nuisance" in the Ames *Municipal Code*, Chapter 5, "Building, Electrical, Mechanical and Plumbing Code" (Currently Section 5.401(7)).
3. Development or redevelopment of Brown Fields. Brown Fields include abandoned or underused industrial and commercial facilities or sites available for re-use or redevelopment. Expansion or redevelopment of such a facility or site is complicated by environmental contaminations.
4. Properties with at least 20% of the property area being within 1,000 feet of a City of Ames water well *and* within the Floodway-Fringe Overlay zoning district. The Developer must demonstrate that the proposed project cannot be configured or designed in a manner to avoid significant extra impact to the project because of its location near a City well head. [Emphasis in original.]

Non-qualifying Uses. Notwithstanding compliance under the above categories, tax abatement shall not be granted for properties developed for or otherwise used for the following uses:

1. Mini-storage warehouse facilities or other industrial uses.
2. Transportation, communications, and utility uses.
3. Institutional uses.
4. Automotive, boat, and/or RV sales.
5. Adult entertainment businesses.
6. Detention facilities.
7. Agricultural or industrial equipment sales.

The applicant is seeking this Urban Revitalization Area designation based on the fourth criterion of the Commercial Urban Revitalization Policy, which involves proximity to a City water well and location within the Floodway-Fringe Overlay zoning district. The applicant has provided extensive information on how they believe the criteria are met, and Council can review that information in Attachment 2. The property is located within the HOC zoning district. In addition, approximately 23 percent of the property lies within 1,000 feet of one of the City's water supply wells (as shown on Attachment 1); and about 97.5 percent of the property lies within the Floodway Fringe overlay district. In summary, the property meets all of the *location standards* for the fourth criterion.

The City's well head protection ordinance does not allow the placement of storm water detention areas within that protected area. Instead, the ordinance allows development to meet water quality-based treatment, or a combination of quantity- and quality-based treatment as approved by staff. Further, it does not allow for permanent excavation below the natural grade, although structures and foundation footings can be constructed in that area. In addition, the Floodway Fringe requires that development be elevated (or floodproofed) to three feet above the base flood elevation (the 100-year flood level). In this case, approximately five to seven feet of fill have been placed over the natural grade to meet the Floodway Fringe requirements.

The criterion also requires "that the proposed project cannot be configured or designed in a manner to avoid significant extra impact to the project because of its location near a City well head." The applicant has presented several justifications to demonstrate that need.

The applicant states that the location of the well head protection area, covering approximately the southeast 23 percent of the lot, restricts their ability to manage storm water as they had originally planned. The original 2009 site plan showed 31,300 square feet of buildings, supported by 191 parking spaces. In addition, the site plan had a detention area of about 7,100 square feet in the southeast corner of the property. A copy of the former site plan is included as Attachment 3. That site plan was reviewed by staff and was not approved, due to the storm water detention area being located in the well head protection area.

A new site plan was submitted in late 2012 to comply with the requirements of the well head protection area. This site plan, which forms the basis of the proposed Urban Revitalization Plan, now shows a storm water detention area of about 9,900 square feet in the north and northwest portions of the site, outside of the well head protection area. In addition, the site now contains 38,740 square feet of building supported by 163 parking spaces. A copy of the proposed site plan is included as Attachment 4. The plan is nearly ready for final approval, which can be done administratively by staff.

Because of the restrictions caused by the well head protection area, the applicant is placing the storm water detention area in the north and northwest portions of the site. The applicant states that this relocation of the detention cell results in the loss of a 5,800 square foot building that was originally proposed for the southwest corner of the site. According to the applicant, the elimination of that building represents a loss of at least \$500,000. He states that this loss is because the restaurant pad pays greater rents than do the main tenants of a commercial center. Thus, even though the total square footage of the commercial center now proposed is greater, the applicant states that the rents that Petco and Sports Authority pay are less, per square footage, than what a restaurant in the front of the lot would pay. However, it has not been made clear to staff why the restaurant pad could not go back to its original location if the other buildings were reduced in area closer to their original 2009 size.

Although the southwest corner of the site would be the natural location of a detention area due to the natural grade being the lowest on the site, the City's well head protection requirements preclude the use of that area for storm water detention. Staff would note, however, that the entire site has already been raised with fill to help address the flood plain requirements. Given that fact, the location of the detention area could be placed elsewhere on the lot, as long as it is outside of the well head protection area. It may be possible with minimal earth movement to redirect the storm water to a different portion of the lot.

Finally, the applicant has noted how costly it has previously been to attempt to comply with the City's standards for development in this area. In 2009, the applicant sought a storm water quality variance from the Zoning Board of Adjustment, in addition to a variance to the driveway width and a conditional use permit to allow construction in the Floodway Fringe. These latter two were approved, but the storm water management variance was not. Therefore, the minor site development plan was denied in the fall of 2009 due to non-compliance with the City's standards.

The final requirement regarding *non-qualifying uses* is met with the proposed plans for Petco and Sports Authority stores. This criterion will be protected by covenant at the time the Urban Revitalization Plan is adopted, as was done recently with the Deery Brothers site on SE 16th Street.

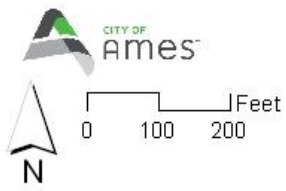
COUNCIL CONSIDERATIONS:

Based on the submitted site plans, the previous site plans, and the criteria for the designation of the Urban Revitalization, the City Council must determine whether at least one of the four criteria is met. To decide if the fourth criterion is met, the City Council must determine that the well head protection area created a “significant extra impact to the project.”

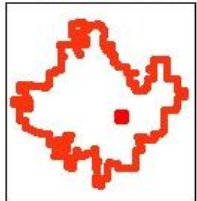
If the City Council believes that this criterion is met, it should approve a motion finding that the proposed project meets the criteria, a motion directing staff to prepare the Urban Revitalization Plan, and a resolution setting April 9, 2013 as the date of the public hearing to consider the establishment of the Urban Revitalization Area and the granting of the tax exemption. According to the applicant, the site offers unique challenges due to the inability to place the detention area at the southeast corner of the lot. By having to place the detention area at the north and northwest areas, the restaurant pad in the southwest had to be eliminated. The applicant also states that the project has suffered unusual costs due to the delays in obtaining approval to build and in having to redesign the site to accommodate the storm water quality requirements.

If the City Council does not believe that this criterion is met, it should approve a motion finding that the proposed project does not meet the criteria. In that event, the project would still be eligible for construction, but would not receive the temporary tax exemption. While the site has the double burden of being within 1,000 feet of a well head and within the Floodway Fringe, other development in the area, such as the Super Wal-Mart to the south, was able to comply with the well head protection requirements without the benefit of tax exemption. In addition, the proposed plan increases the gross floor space from 31,300 to 38,740 square feet, decreases the number of parking spaces provided, and increases the amount of land devoted to storm water detention. It is unclear to staff why the applicant proposes to expand the main building over the 2009 plan instead of retaining the restaurant pad in the southwest corner of the lot. Finally, this site has benefitted from the change in parking requirements for commercial uses allowing more retail space but fewer parking spaces from the 2009 plan.

ATTACHMENT 1 LOCATION MAP



Legend
 205 SE 5th Street



ATTACHMENT 2 APPLICANT'S STATEMENT

Effective Date: September 19, 2012

Request for Designation of Urban Revitalization Area for Commercial Development *Criteria for Eligibility*

Please describe how the property meets the required criteria. Please attach additional sheets if necessary.

This property meets the criteria for abatement under item 1.d because the aquifer underlying the property that supplies the city wellfields to the east requires that the developer not excavate below the existing grade of the property and because no detention cells are allowed to be located within the 1000 foot radius of the nearest water well.

These requirements adversely impact the developability of the property because of the limitations they place on both the location and the size of stormwater detention cells. These limitations increase the cost of providing detention on the site. Because excavation below existing grade is not allowed in the most suitable area on the site for detention due to concerns of contamination of the groundwater in the existing aquifer, a combination of stormwater quality management methods and stormwater quantity management methods need to be utilized to provide adequate detention. Stormwater quality management methods are more costly than stormwater quantity management methods.

Additionally, because the site is not allowed to have stormwater detention of any kind in primarily the eastern one-fourth of the parcel, which is the area most suitable for detention because of its existing lower elevation prior to fill and because it is the least suitable location to place a building on the site, we are forced to relocate the detention in such a way that causes us to eliminate the most prime developable outlot site on the property (in the southwest corner of the parcel). Note that in our original site development plan submitted to city staff in 2006, a 5,800 square foot restaurant building pad was proposed for that area. With the requirement to have no detention in the area originally proposed, the only available outlot site is at the southeast corner of the property which is too far set back from Duff Avenue and is therefore not an acceptable site for such development. The loss of this outlot represents a significant opportunity cost to the property of at least \$500,000.

This property has been passed over for redevelopment repeatedly during the past 6 years that we have owned it while other properties along the South Duff retail corridor have developed. The majority of those sites, particularly those adjacent to or in very close proximity to this property, have been redeveloped with far less restrictive stormwater detention requirements, and in many cases with no

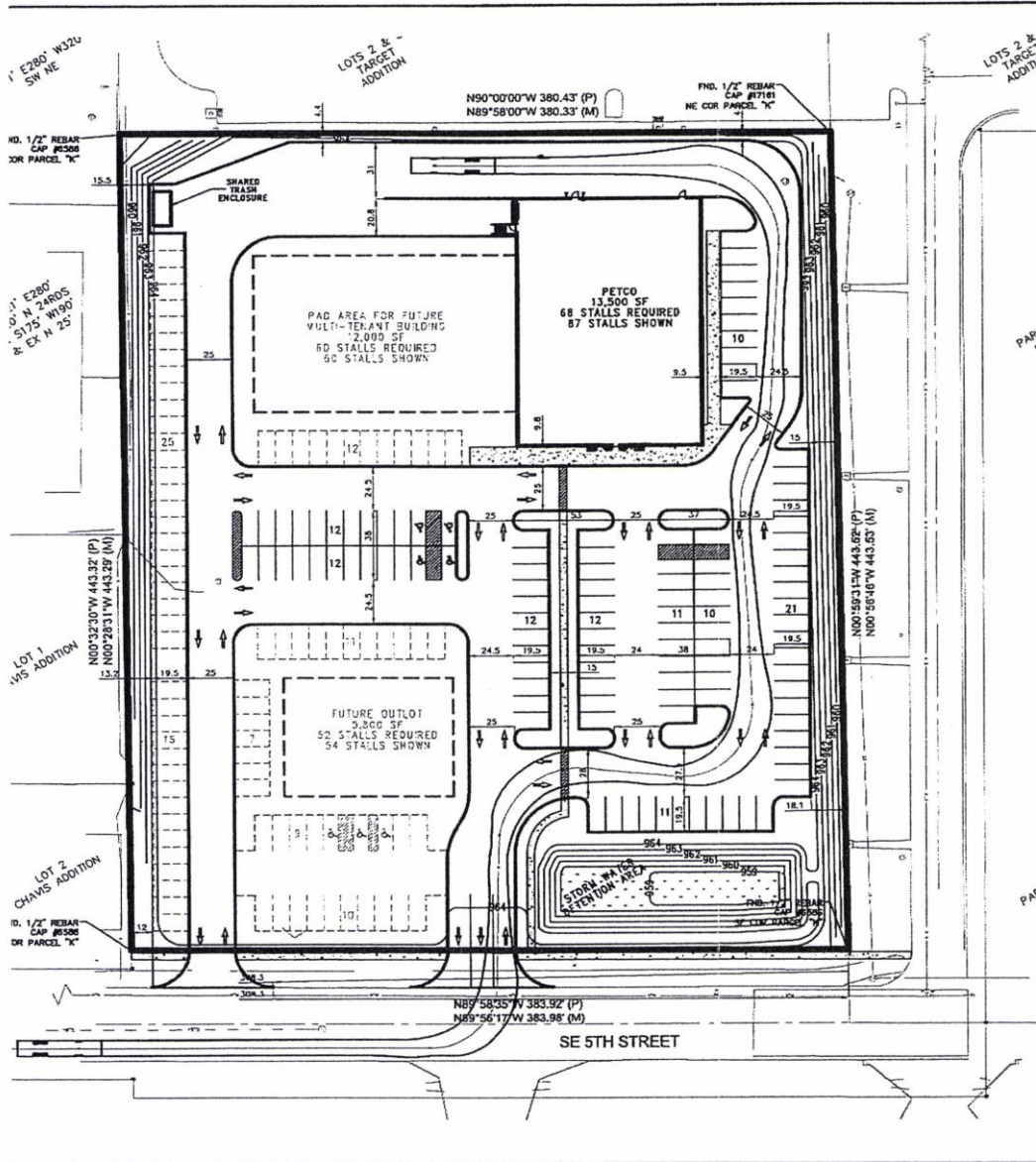
Effective Date: September 19, 2012

detention at all. This lack of equity in application of development standards and criteria on properties that are literally adjacent to this property or in very close proximity places the property at a distinct competitive disadvantage.

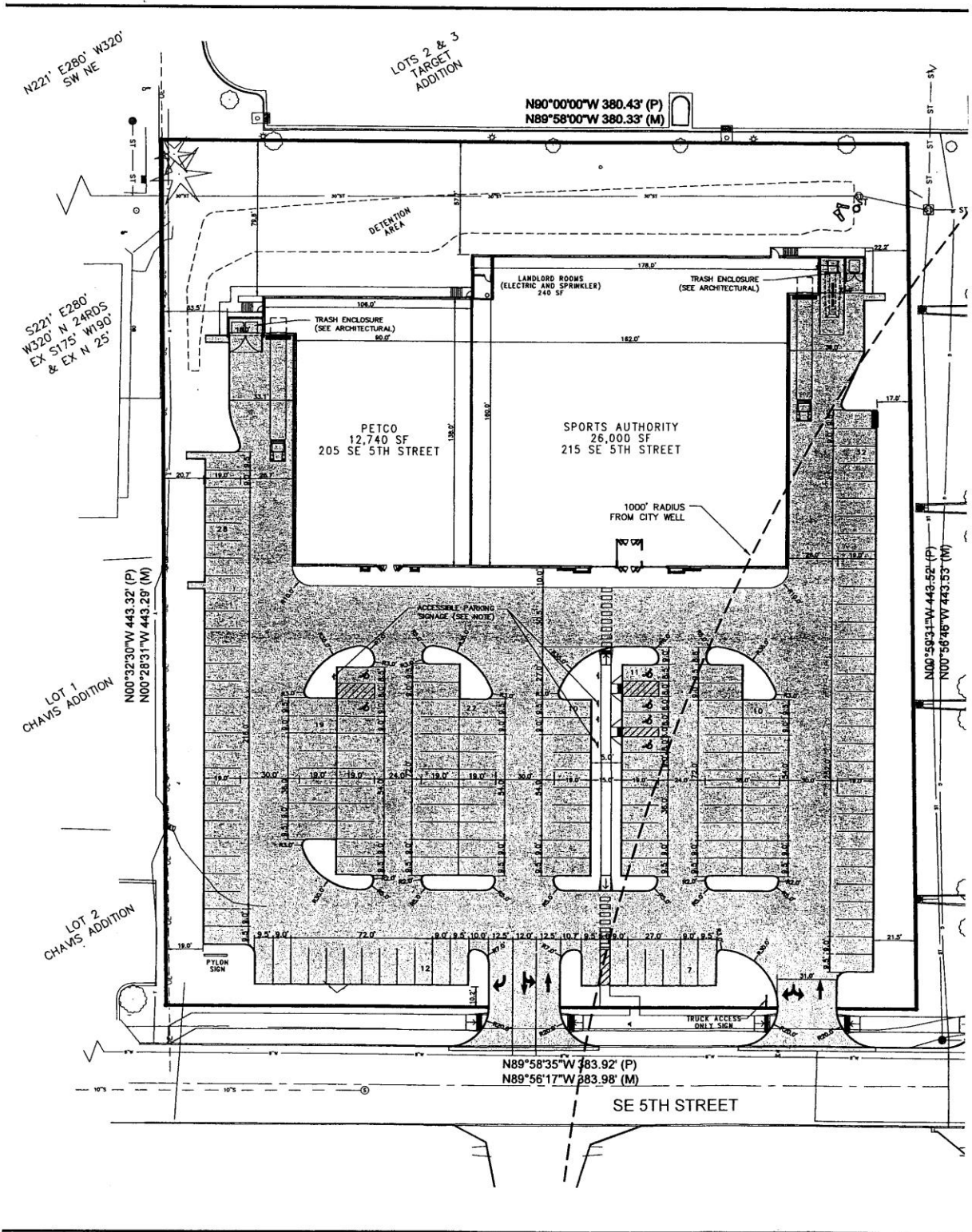
Additionally, we have had to incur extra costs in design, review, and redesign due to the city's lack of storm water management direction for this property and the additional time spent interpreting, preparing, and submitting a variance request to the board of adjustment that would provide the option of an exemption from the typical storm water quantity standards and provide a plan with storm water quality treatment that could be approved by the Director of Public Works and Director of Water and Pollution Control. This variance application was facilitated and recommended for approval by the Planning Department. Ultimately, the board of adjustment rejected the staff's recommendation on the basis that the site could be developed using porous pavement and underground detention, both extremely expensive solutions (see the attached cost comparison analysis provided by our civil engineer at the time). It was at this point that the staff determined to pursue a policy modification of its criteria for a property to be designated as an Urban Revitalization Area that would then qualify for tax abatement due to a significant extra impact on its developability caused by the restriction of not detaining stormwater within the 1000' radius of the city water wells. While we have appreciated the efforts of the city staff to enable the redevelopment to move forward, these lengthy delays have added significantly to the redevelopment costs.

In summary, we identify two ways in which the property's developability continues to be significantly impacted by the proximity to the water wells. One is that placing stormwater detention in the location most suitable for detention on the property requires sustaining exorbitant costs which make that site design economically unfeasible with the further impact being the loss of a developable outlet that would have been sold or leased to a high value user such as a restaurant or financial institution with an economic value in the land of at least \$500,000. The other is the impact on the developability due to the delays and additional costs caused by the need for multiple redesigns of the project which has caused us to incur extraordinary expenses in civil design fees and carrying costs totaling in excess of \$250,000.

ATTACHMENT 3 FORMER SITE PLAN (NEVER APPROVED)



ATTACHMENT 4 PROPOSED SITE PLAN



COUNCIL ACTION FORM

SUBJECT: PUBLIC HEARING AND NOTICE OF INTENT TO ISSUE \$7,750,000 ESSENTIAL CORPORATE PURPOSE GENERAL OBLIGATION BONDS, \$2,250,000 GENERAL OBLIGATION REFUNDING BONDS AND ASSOCIATED TAX LEVY FOR DEBT SERVICE

BACKGROUND:

The FY 2013/14 budget includes a number of General Obligation (GO) Bond funded capital improvements. A public hearing is required to authorize issuance of bonds and the levy of property taxes for debt to be issued. The dollar amounts and corresponding property tax levy for the planned GO bond issue are included as part of the FY 2013/14 budget.

The GO Bonds and debt service levy for the FY 2013/14 budget were based on projects listed in the table below. A public hearing is not required for the \$13,500,000 Library portion of the planned issue, since this amount was already approved by referendum. Authorization is required for an additional \$2,250,000 to refund the Series 2005 and 2005A Bonds with an estimated net present value savings of \$86,000. Bonds will not be issued in an amount where debt service will exceed the approved debt service levy. **Council authorization will be required at a later date to authorize the sale of the FY 2013/14 General Obligation Bonds. Bonds are expected to be issued in May to meet Library project funding requirements and facilitate the refunding on the bond call date.**

The Capital Improvements Plan's 2013/14 GO Bond Issue and planned refunding will include the following:

Resource Recovery Improvements	\$ 1,355,370	
Debt abated by utility revenues		\$ 1,355,370
Collector Street Pavement Improvements	420,000	
CyRide Route Pavement Improvements	2,000,000	
Downtown Street Improvements	1,000,000	
Concrete pavement Improvements	1,185,000	
Asphalt/Seal Coat Street Rehabilitation	470,000	
Arterial Street Pavement Improvements	825,000	
Grand Avenue Extension	300,000	
FY 13/14 CIP Tax Supported GO Debt		6,200,000
Refunding Bonds		2,250,000
Issuance Costs & Allowance for Premium		194,630
Total GO Debt Subject to Public Hearing		\$ 10,000,000
Library Expansion/Renovation & Issuance Costs		13,500,000
Grand Total – 2013/14 GO Issue		\$23,500,000

ALTERNATIVES:

1. Adopt a pre-levy resolution authorizing the issuance of Essential Corporate Purpose General Obligation and General Obligation Refunding Bonds in an amount not to exceed \$10,000,000 and the debt service property tax levy to pay principal and interest on the bonds and set the date of public hearing for February 26, 2013.
2. Reject the pre-levy resolution authorizing the issuance of Essential Corporate Purpose General Obligation Bonds, reduce the 2013/14 property tax levy, and delay the capital projects. Rejection of the Essential Corporate Purpose Bonds will prevent the City from completing the bond funded projects reflected in the 2013/14 CIP.

MANAGER'S RECOMMENDED ACTION:

Prior to the issuance of this debt, state law requires that this pre-levy resolution be adopted. This is a required step in order to accomplish the Council's approved capital improvements for the upcoming fiscal year.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby adopting a pre-levy resolution authorizing the issuance of Essential Corporate Purpose General Obligation and General Obligation Refunding Bonds in an amount not to exceed \$10,000,000 and the debt service property tax levy to pay principal and interest on the bonds and set the date of public hearing for February 26, 2013.

COUNCIL ACTION FORM

**SUBJECT: 2012/13 ASPHALT RESURFACING AND SEAL COAT REMOVAL/
ASPHALT RECONSTRUCTION PROGRAM & 2012/13 WATER MAIN
REPLACEMENT (SOUTH WILMOTH AVENUE, MORNINGSIDE DRIVE,
HILLTOP ROAD AND TRIPP STREET)**

BACKGROUND:

This is an annual program for removal of built-up seal coat from streets with asphalt surface, as well as asphalt resurfacing of various streets. This program restores surface texture, corrects structural deficiencies, removes built-up seal coat, and prevents deterioration of various streets. Built-up seal coat on streets causes excessive crown which results in vehicles dragging at driveway entrances. Complete removal of this built-up seal coat allows for repair to curb and gutter and placement of a new asphalt surface. This resurfacing process results in better riding surfaces, increased safety with improved surface texture, and increased life expectancy of streets.

Since this area is also in need of a water main replacement, this project will also include the water main work in an effort to minimize inconvenience to area residents by consolidating these projects into one construction season. Additionally, this will provide cost savings to the City by minimizing patching costs related to the water main work.

The locations in this contract for asphalt resurfacing and seal coat removal/asphalt reconstruction and water main replacement include South Wilmoth Street (Lincoln Way to Morningside Street), Morningside Street, Hilltop Road, and Tripp Street (South Wilmoth to Hilltop Road).

On February 20, 2013, bids on this project were received as follows:

Engineer's Estimate	\$1,071,546.20
Manatt's Inc.	\$ 957,521.70

A second bid proposal was received, but due to the omission of one bid item price, it has been determined to be non-responsive.

Engineering and construction administration costs are estimated at \$160,000, bringing total estimated costs for this portion to \$1,117,521.70.

Programmed funding and projected expenses are summarized below:

	<u>Expenses</u>	<u>Funding</u>
G.O. Bonds		\$ 620,500
Road Use Tax		\$ 650,000
Water Funds		\$ 489,750

2012/13 Seal Coat Rem./Asphalt Recon. (estimated)	\$ 645,685	
2012/13 Water System Improvements (estimated)	\$ 425,861	
Engineering (estimated)	<u>\$ 160,000</u>	<u> </u>
Totals	\$1,231,546	\$1,760,250

Remaining Asphalt Resurfacing and Seal Coat Removal/Asphalt Reconstruction funds will be utilized on other streets as guided by the Pavement Management System.

ALTERNATIVES:

- 1a. Accept the report of bids for the 2012/13 Asphalt Resurfacing and Seal Coat Removal/Asphalt Reconstruction Program and 2012/13 Water Main Replacement (South Wilmoth Avenue, Morningside Drive, Hilltop Road, and Tripp Street).
 - b. Approve the final plans and specifications for this project.
 - c. Award the 2012/13 Asphalt Resurfacing and Seal Coat Removal/Asphalt Reconstruction Program and 2012/13 Water Main Replacement (South Wilmoth Avenue, Morningside Drive, Hilltop Road, and Tripp Street) to Manatt’s Inc, of Ames, Iowa, in the amount of \$957,521.70.
2. Reject the project.

MANAGER'S RECOMMENDED ACTION:

This project will continue the City’s efforts to restore the life span of various streets within the community. Approval will facilitate construction in 2013.

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 2012/13 Asphalt Resurfacing and Seal Coat Removal/Asphalt Reconstruction Program and 2012/13 Water Main Replacement (South Wilmoth Avenue, Morningside Drive, Hilltop Road, and Tripp Street) to Manatt’s Inc, of Ames, Iowa, in the amount of \$957,521.70.

COUNCIL ACTION FORM

SUBJECT: 2012/13 AMES MUNICIPAL CEMETERY IMPROVEMENTS (PAVING IMPROVEMENTS)

BACKGROUND:

Within the Ames Municipal Cemetery boundaries, there are nearly two miles of paved lanes north of 9th Street. These lanes provide public access for visitors to gravesites and funerals, as well as access for crews and equipment for funeral preparations and maintenance of the sites and grounds. Prior to 2008/09, endowed care funds were used for surface maintenance of the cemetery lanes. Beginning in 2008/09, state regulations were put into place that prohibited the use of these funds for all cemetery costs. As a result of these new regulations and loss of funding created by them, maintenance of the lanes stopped. However, under ongoing use the lanes have continued to deteriorate.

After reviewing the structural status of lanes in the cemetery, a plan was created to address the deficiencies over several years. This project will entail a three-inch overlay of the lane adjacent to the office and parking lot, seal coating in the areas around the maintenance buildings, and a two-inch overlay for some of the southern lanes of the cemetery. The City also has a contract for slurry sealing some of the lanes in the northeast portion of the cemetery.

On Wednesday, February 20, 2013, bids were received as follows:

Engineer's Estimate	\$75,000
<u>Bidder:</u>	<u>Amount:</u>
Manatt's Inc.	\$82,988.50

With engineering and construction administration estimated at \$1,000, the total estimated expenses are \$83,988.50. This project is financed in the amount of \$59,075 with Local Option Sales Tax from the Capital Improvements Plan in FY 11/12 and 12/13, and \$17,065 remaining from the cemetery fence project, bringing total funding to \$76,140.

In reviewing the bid, the cost of the seal coat overlay was much higher than anticipated. Staff will review this portion of the project to see why the cost was high and if there are any alternatives to lower costs. The plans will then be revised and the project rebid as soon as possible.

ALTERNATIVES:

- 1a. Accept the report of bids for the 2012/13 Ames Municipal Cemetery Improvements (Paving Improvements).
- b. Reject the project.
- 2a. Accept the report of bids for the 2012/13 Ames Municipal Cemetery Improvements (Paving Improvements).
- b. Approve the final plans and specifications for the 2012/13 Ames Municipal Cemetery Improvements (Paving Improvements).
- c. Award the 2012/13 Ames Municipal Cemetery Improvements (Paving Improvements) to Manatt's Inc. of Ames, Iowa, in the amount of \$82,988.50.

MANAGER'S RECOMMENDED ACTION:

The cost to seal coat around the maintenance buildings was much higher than anticipated. By rejecting bids, staff can reevaluate that portion of the project and revise the plans to lower the costs.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby accepting the report of bids and rejecting the 2012/13 Ames Municipal Cemetery Improvements (Paving Improvements).

COUNCIL ACTION FORM

SUBJECT: HICKORY DRIVE (LINCOLN WAY – WESTBROOK DRIVE)

BACKGROUND:

Staff has received several complaints about the pavement condition on Hickory Drive between Lincoln Way and Westbrook Drive. Hickory Drive is an existing asphalt roadway with concrete curb & gutter. Pavement management data shows this section of roadway as being in the category of “poor” with a pavement condition index of 30.

The Hickory Drive (Lincoln Way – Westbrook Drive) project will replace the existing hot mixed asphalt (HMA) pavement with new, full-depth HMA pavement and a new rock sub-base. It will also include replacement of 300 feet of the existing HMA frontage road to accommodate the increased traffic as a result of the 2012/13 West Lincoln Way Intersection Improvement Project at Dotson Drive.

The construction base bid work includes all of the work mentioned above with some additional spot repairs and associated work. The optional add alternate is to add Portland cement curb and gutter to the south side of the frontage road where a wooden fence currently exists. This alternate was intended to only be accepted if the bids allowed for this additional expense.

On February 20, 2013, bids for the project were received as follows:

<u>Bidder</u>	<u>Base Bid</u>	<u>Alt. Bid</u>	<u>Total Bid</u>
Engineer’s Estimate	\$161,121.50	\$16,835.00	\$177,956.50
Manatt’s Inc.	\$154,492.38	\$13,008.10	\$167,500.48
MPS Engineers	\$163,188.92	\$16,943.40	\$180,132.32

Engineering and construction administration costs are estimated at \$23,000, bringing **total estimated project costs to \$190,500.**

Grand Avenue Extension project funds had previously been programmed as a match for anticipated congressionally directed funds, or earmarks. Unfortunately, the anticipated earmarks were not received. On July 26, 2011, Council approved the redirection of G.O. Bonds in the amount of \$300,000 from the Grand Avenue Extension project to be used to reconstruct the South Duff Avenue/S.E. 16th Street frontage road and Hickory Drive from Lincoln Way to Westbrook Drive. The South Duff Avenue/S.E. 16th Street Frontage Road was completed and accepted by Council on January 8, 2013, at a final cost of \$96,129.89. **The remaining balance available to be used for this project is \$203,870.11.**

Any funds remaining after this project is completed will be utilized for contingencies and possibly for additional projects.

ALTERNATIVES:

- 1a. Accept the report of bids for Hickory Drive (Lincoln Way – Westbrook Drive).
 - b. Approve the final plans and specifications for this project.
 - c. **Award the base bid and alternate bid** to Manatt’s Inc. of Ames, Iowa, in the amount of \$167,500.48.
- 2a. Accept the report of bids for Hickory Drive (Lincoln Way – Westbrook Drive).
 - b. Approve the final plans and specifications for this project.
 - c. Award the **base bid only** to Manatt’s Inc. of Ames, Iowa, in the amount of \$154,492.38.
- 3. Reject the project.

MANAGER’S RECOMMENDED ACTION:

By awarding this contract, it will be possible to move forward with the rehabilitation of this street in coordination with the Lincoln Way & Dotson Intersection Improvement Project. Delay of approval could delay and complicate this coordination effort.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the Hickory Drive (Lincoln Way – Westbrook Drive) project by accepting the report of bids, approving the final plans and specifications, and awarding the base bid and alternate bid to Manatt’s Inc. of Ames, Iowa, in the amount of \$167,500.48.

COUNCIL ACTION FORM

SUBJECT: TORONTO AREA WATER MAIN REPLACEMENT

BACKGROUND:

The annual Water System Improvements program provides for replacing water mains in areas that are experiencing rusting water problems. It also provides for installing larger distribution mains in areas that have a high concentration of 4-inch supply lines, transferring water services from 4-inch water mains in streets where larger water mains exist, and abandoning 4-inch water mains. Eliminating duplicate water mains, where possible, improves water flow and helps reduce rusty water. Installing larger distribution lines in areas that have a high concentration of 4-inch supply lines and less than desirable fire-fighting capacity (predominately in the older areas of the community) provides larger supply quantities in relation to current and future land uses, in accordance with the Land Use Policy Plan.

This particular project entails placing an 8-inch water main along Toronto Street from North Dakota to Alberta Avenue, along Windsor Court, along Arizona Avenue from Toronto Street to Ontario Street, and along Tucson Circle east from Arizona Avenue. This project will also include transferring water services to the new 8-inch water main and abandonment of the 6-inch water main. **The project is in response to the neighborhood voicing concerns regarding rusty water in the area.**

On February 20, 2013, bids on this project were received as follows:

Engineer's Estimate	\$390,809.50
J&K Contracting LLC	\$298,735.47
Keller Excavating	\$326,014.10
Ames Trenching & Excavating, Inc.	\$356,899.00

Two additional bid proposals were received, but due to the omission of two bid item prices, those bids were determined to be non-responsive.

Engineering and construction administration costs are estimated at \$57,000, bringing total estimated project costs to \$355,735.47. Although this project was unplanned and was not specifically included in the budget, a total of \$450,000 in funding is available from unspent funds budgeted for previous Water System Improvements projects.

ALTERNATIVES:

- 1a. Accept the report of bids for the Toronto Area Water Main Replacement.

- b. Approve the final plans and specifications for the Toronto Area Water Main Replacement.
 - c. Award the Toronto Area Water Main Replacement to J&K Contracting LLC of Ames, Iowa, in the amount of \$298,735.47.
2. Reject the project.

MANAGER'S RECOMMENDED ACTION:

It should be emphasized that this project was not previously programmed in the approved Capital Improvements Plan. However, over the past year staff has received many complaints from residents in this area regarding rusty water. By utilizing unobligated funds from previous projects, it will be possible to respond to these concerns quickly and improve water quality for our residents in this area. If this project is approved by City Council at this time, the work will commence as soon as possible in the spring.

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 Toronto Area Water Main Replacement to J&K Contracting LLC of Ames, Iowa, in the amount of \$298,735.47.

COUNCIL ACTION FORM

SUBJECT: ELECTRIC SERVICES UNDERGROUND TRENCHING CONTRACT

BACKGROUND:

On January 22, 2013, City Council approved preliminary plans and specifications for the Electric Services Underground Trenching Contract. This contract consists of a contractor furnishing all equipment, tools, labor, and materials not supplied by Electric Services for excavating, trenching, directional-boring and backfilling for installation of conduits, ground sleeves, box pads, vaults, handholes, and other appurtenances. This consists of emergency service, as well as regularly planned repairs and services.

This contract is to provide underground trenching services for the period from March 2013 (or after final City Council approval of contract and performance bond) through December 31, 2013. This will enable this and future renewals to coincide with the calendar year. The contract includes a provision that would allow the City to renew the contract for up to four additional one-year terms.

Bid documents were issued to seventeen potential bidders. The bid was advertised on the Current Bid Opportunities section of the Purchasing webpage and a Legal Notice was published in the Ames Tribune. The bid was also sent to two plan rooms.

On February 14, 2013, two bids were received as shown on the attached report. Electric Services staff reviewed the bids and determined that, based on the summation of all the typical services, the bid submitted by Ames Trenching & Excavating is the lowest bid.

Council should note that the bidding document included a provision that *“this contract may be awarded to multiple contractors. The primary contractor will be given a majority of the available work. Should the primary contractor be unable to meet an individual project’s completion schedule as established by the Owner, the individual project may be issued to a back-up contractor to complete.”*

As a result, staff determined that it would be in the utility’s best interest to award 70% or \$136,500 of \$195,000 to Ames Trenching & Excavating, Ames, Iowa, and to designate that firm as the primary contractor for these services. The balance of 30%, or \$58,500 of \$195,000, would be awarded to Communication Technologies, LLC., Des Moines, IA, and that firm would be designated as the back-up contractor. The back-up contractor will only be utilized if the primary is busy and cannot meet a required project deadline.

The approved FY 2012/13 operating budget for Underground System Improvements contains \$935,000. Trenching and excavation services are

included in this amount. The trenching and excavation services covered by this contract would also be used for the relocation of Electric Services facilities to clear sites for Public Works roadway improvement projects. Funds have been designated in various CIP projects for those relocation activities.

ALTERNATIVES:

1. a. Award the **primary contract** for the 2013 Underground Trenching Contract for Electric Services to Ames Trenching & Excavating, Ames, IA, for hourly rates and unit prices bid, in an amount not-to-exceed \$136,500.
- b. Award the **back-up contract** for the 2013 Underground Trenching Contract for Electric Services to Communication Technologies, Des Moines, IA, for hourly rates and unit prices bid, in an amount not-to-exceed \$58,500.

Each contract includes a provision that would allow the City to renew the contract for up to four additional one-year terms at stated rates.

2. Reject all bids and purchase underground trenching services on an as-needed basis.

MANAGER'S RECOMMENDED ACTION:

These services are necessary to provide trenching and excavation for new construction, maintenance, and emergency repair activities for Electric Services. This contract will establish rates for service and provide for guaranteed availability, thereby setting in place known rates for service and helping to control costs.

Having two contractors under bid allows the City to assign work to the secondary contractor if the primary contractor is busy and is unable to meet required project deadlines. This should reduce delays to project schedules.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, as stated above.



IFB 2013-086 Underground Trenching Contract for Electric Services Bid Summary

Description	Est. # Units	Ames Trenching & Excavating, Inc., Ames, IA				Communication Technologies, LLC., Des Moines IA			
		Labor	Materials	Labor & Materials	Extended Price	Labor	Materials	Labor & Materials	Extended Price
Trenching - Normal Depth	2000	\$10.00		\$10.00	\$20,000.00	\$4.00	\$0.25	\$4.25	\$8,500.00
Trenching - Extra Depth	400	\$12.00		\$12.00	\$4,800.00	\$5.25		\$5.25	\$2,100.00
Trenching -Shallow Depth	250	\$7.00		\$7.00	\$1,750.00	\$3.00	\$0.25	\$3.25	\$812.50
Install 1" Flex Duct in Trench	250	\$1.00		\$1.00	\$250.00	\$0.50		\$0.50	\$125.00
Install 2" PVC Duct in Trench	2000	\$1.50		\$1.50	\$3,000.00	\$0.50		\$0.50	\$1,000.00
Install 4" PVC Duct in Trench	1000	\$2.00		\$2.00	\$2,000.00	\$1.00		\$1.00	\$1,000.00
Install 6" PVC Duct in Trench	400	\$3.00		\$3.00	\$1,200.00	\$1.50		\$1.50	\$600.00
Concrete Encasement of Duct	500	\$30.00		\$30.00	\$15,000.00	\$75.00	\$150.00	\$225.00	\$112,500.00
Directional Bore 2" Flex Duct	1000	\$15.00		\$15.00	\$15,000.00	\$8.50		\$8.50	\$8,500.00
Directional Bore 4" Flex Duct	1000	\$25.00		\$25.00	\$25,000.00	\$12.00		\$12.00	\$12,000.00
Directional Bore 6" Flex Duct	1000	\$40.00		\$40.00	\$40,000.00	\$13.50		\$13.50	\$13,500.00
Install Small Enclosure	20	\$225.00		\$225.00	\$4,500.00	\$200.00	\$25.00	\$225.00	\$4,500.00
Install Medium Enclosure	8	\$250.00		\$250.00	\$2,000.00	\$250.00	\$25.00	\$275.00	\$2,200.00
Install Large Enclosure	4	\$300.00		\$300.00	\$1,200.00	\$325.00	\$50.00	\$375.00	\$1,500.00
Install Enclosure w/ Above Grade Lid	20	\$225.00		\$225.00	\$4,500.00	\$425.00	\$50.00	\$475.00	\$9,500.00
Install Switchgear Boxpad	6	\$700.00		\$700.00	\$4,200.00	\$825.00	\$50.00	\$875.00	\$5,250.00
Install 1-ph Primary Enclosure	6	\$350.00		\$350.00	\$2,100.00	\$400.00	\$75.00	\$475.00	\$2,850.00
Install 3-ph Primary Enclosure	12	\$360.00		\$360.00	\$4,320.00	\$475.00	\$50.00	\$525.00	\$6,300.00
Install 1-ph FG Transformer Pad	20	\$350.00		\$350.00	\$7,000.00	\$400.00	\$50.00	\$450.00	\$9,000.00
Install 3-ph Conc Pad (6'x6')	6	\$3,500.00		\$3,500.00	\$21,000.00	\$2,000.00	\$495.00	\$2,495.00	\$14,970.00
Install 3-ph Conc Pad (9'x9')	2	\$4,500.00		\$4,500.00	\$9,000.00	\$3,000.00	\$795.00	\$3,795.00	\$7,590.00
Concrete Removal (Cu Yd)	25	\$70.00		\$70.00	\$1,750.00	\$275.00		\$275.00	\$6,875.00
Concrete Installation (Cu Yd)	25	\$200.00		\$200.00	\$5,000.00	\$365.00	\$150.00	\$515.00	\$12,875.00
Bollard Installation	8	\$400.00		\$400.00	\$3,200.00	\$300.00	\$75.00	\$375.00	\$3,000.00
Pothole for Buried Utilities	100	\$150.00		\$150.00	\$15,000.00	\$9.00	\$1.00	\$10.00	\$1,000.00
Grass Seed and 1 Watering	20	\$200.00		\$200.00	\$4,000.00	\$165.00		\$165.00	\$3,300.00
OVERALL PRICE:				\$216,770.00				\$251,347.50	
MATERIALS:				Cost plus 20%				Cost plus 20%	
MISC. RATES:									
SUBSISTENCE:				\$ 0 per day				\$ 0 per day	
TRAVEL:				\$ 0 per day				\$ 0 per day	
MILEAGE:				\$ 0 per day				\$ 0 per day	
PROMPT PAYMENT DISCOUNT:				0%				0%	
PROPOSED PRICE INCREASES FOR RENEWAL PERIODS:									
LABOR RATES:				5% per year				3% per year	
EQUIPMENT & TOOLS:				5% per year				3% per year	

EQUIPMENT & TOOLS:					
Description	Per Hour	Per Day	Description	Per Hour	
580 Backhoe	\$100.00	\$800.00	Supervisor	\$65.00	
Mini Excavator	\$100.00	\$800.00	Equipment Operator	\$55.00	
Mustang 2054	\$95.00	\$760.00	Aerial Lineman	\$55.00	
Vactron	\$145.00	\$1,160.00	Laborer	\$45.00	
CX210 Trackhoe	\$147.00	\$1,176.00	Flag Person	\$35.00	
950D Cat Endloader	\$147.00	\$1,176.00	Truck Driver	\$35.00	
Tandem Dump truck	\$95.00	\$760.00	1-Ton Truck	\$25.00	
Shoring Box	\$100.00	\$800.00	2 Ton Truck with Dump	\$30.00	
Hoe Tamper	\$125.00	\$1,000.00	Bucket Truck	\$45.00	
Hoe Breaker	\$120.00	\$1,000.00	Case Backhoe	\$65.00	
Skid Loader	\$120.00	\$960.00	Tractor with Box Blade	\$35.00	
Labor	\$45.00	\$360.00	Trench Compactor	\$30.00	
			SE130 Samsung Track.	\$95.00	
			65 HP Rubber Tire	\$50.00	
			600 Vermeer Trencher	\$60.00	
			Cat D-3 Dozer	\$75.00	
			Road Bore Rig (small)	\$75.00	
			Road Bore Rig (medium)	\$100.00	
			Road Bore Rig (large)	\$125.00	
			Air Compressor	\$25.00	
			Water Pump	\$15.00	
			Generator	\$20.00	
			Jackhammer	\$20.00	
			Reel Trailer	\$20.00	
			Equipment Trailer	\$25.00	
			Concrete Saw	\$25.00	
			Sod Cutter	\$30.00	
			Tandem Haul Truck	\$75.00	
			Hydro Seeder (seed not in)	\$50.00	
			Hydrovac	\$65.00	
			Cable Pulling Equip.	\$50.00	

Bidder:	Ames Trenching & Excavating, Inc., Ames, IA	Communication Technologies, LLC., Des Moines IA
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COUNCIL ACTION FORM

SUBJECT: **SIGN CODE MODIFICATIONS**

BACKGROUND:

In November staff reported to Council on several “clean-up” concerns that existed in the Sign Code, as well as an issue related to the removal of sign structures. Staff was seeking clarification regarding how to deal with sign structures that (1) had no sign face when a business was no longer in existence or (2) remained in existence when the building was already demolished.

Rather than approve the ordinance that was presented for consideration on January 8th, the City Council directed staff to prepare a modification to the sign requirements stating that, in the event a business closes and the primary building is demolished, the sign structure on that premises must also be taken down. This change also specifies that a sign structure must always have a lawfully permitted sign or a blank panel of a solid color in its frame. In other words, the frame or electrical elements of the sign structure cannot remain exposed.

The remainder of the ordinance was to be unchanged from that which was presented to the City Council on January 8th. Those changes are outlined below:

Several of the corrections are necessary because the Sign Code was moved out of Chapter 5 and into its own chapter in 2010. Some references to Chapter 5 need to be amended to reflect the correct chapter.

In 1997, the City removed an exception for public, educational, charitable, fraternal or religious signs in response to an Iowa Attorney General’s opinion that such exceptions violated “content neutrality” and could therefore be ruled unconstitutional if challenged in a court of law. This proposed ordinance would remove additional references that should have also been removed at that time.

It should be noted that, until 2010, a Sign Code violation was charged with a \$500 fine. Because the fine schedule does not currently refer to the correct chapter, a violation of the Sign Code has been charged on the standard municipal infraction schedule (\$30 per violation). **In correcting the reference to its original intent, a violation of the Sign Code would revert to its original fine of \$500 per violation.**

Council may recall that it directed staff to address electronic signs in addition to the Code clean up. Staff intends to bring recommendations on electronic signs in a separate report at a later date.

A summary of the changes identified by staff is below:

SECTION	MODIFICATION
21.113	Requires removal of a sign structure if the building is razed; also requires installation of a blank panel or a legal sign in all sign structures.
21.114	Updates the name of the S-HM zone
21.115	Eliminates permitting exemptions for public, educational, charitable, fraternal or religious signs and for political signs. (<i>Note: Political signs will remain exempt as “temporary signs”</i>)
21.121	Updates the name of the S-HM zone, removes a section allowing temporary political signs (<i>Note: Temporary political signs remain allowed under the “temporary signs” criterion</i>)
21.123	Changes a Code reference to the correct chapter
21.128	Changes an ordinance citation to the correct ordinance number
21.129	Changes Code references to the correct chapter
21.130	Clarifies that appeals are handled by the Building Board of Appeals
Appendix N	Corrects the titles of Chapters 5 and 21.

ALTERNATIVES:

- 1a. Approve on first reading the proposed modifications to *Municipal Code* Chapter 21
- b. Approve on first reading the proposed modifications to *Municipal Code* Appendix N relating to the titles of Chapters 5 and 21.
2. Do not approve changes to the Sign Code.

MANAGER’S RECOMMENDED ACTION:

These modifications will help clarify the Code for both staff and customers by correcting several internal references and improving the understanding of when a sign or sign structure must be taken down.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving on first reading the proposed modifications to *Municipal Code* Chapter 21 and the proposed modifications to *Municipal Code* Appendix N relating to the titles of Chapters 5 and 21.

ORDINANCE NO. _____

**AN ORDINANCE AMENDING MISCELLANEOUS PROVISIONS OF
THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, CHAPTER
21, SIGNS.**

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 21.113 and adopting a new Section 21.113 to read as follows:

“Sec. 21.113. REMOVAL OF CERTAIN SIGNS AND SIGN STRUCTURES.

The following shall be removed within thirty (30) days of written notice from the Building Official:

- (1) A sign which for a period of six (6) months no longer advertises a bona fide business conducted, or a product sold, or a service offered.
- (2) An on premises sign and/or sign structure located on a site where the principal structure housing that which is advertised has been demolished.
- (3) A sign structure which has had its sign removed so as to expose the frame and/or electrical elements of the sign structure. An exception exists where the removed sign has been replaced with a lawfully permitted sign or a blank panel composed of a solid color that fits flush with the frame and covers all electrical elements.
(Ord. No. 2578, Sec. 2, 12-21-76; Ord. No. 3194, Sec. 1, 9-24-92)”

Section Two. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by repealing Section 21.114(6) and adopting a new Section 21.114(6) to read as follows:

“Sec. 21.114. PROHIBITIONS.

No person shall have or permit on any premises:

- (6) Any off premises sign in the following zoning districts in the City of Ames: RL, RM, RH, RLP, FS-RL, FS-RM, F-VR, and S-HM.
(Ord. No. 3753, 1-13-04)”

Section Three. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by repealing Section 21.115 and adopting a new Section 21.115 to read as follows:

“Sec. 21.115. EXEMPTIONS FROM PERMITS.

The following signs shall not require a permit; however, such signs shall be subject to the sign regulations:

- (1) Nonelectrical real estate signs not exceeding six (6) square feet in area, which advertise the sale, rental, or lease of the premises upon which said signs are located only.
- (2) Nonelectrical signs denoting only the name and profession/business of an occupant in a commercial building, public institutional building, or dwelling house and not exceeding two (2) square feet in area.
- (3) A nonelectrical single sign denoting the architect, engineer or contractor when placed upon work under construction and not exceeding thirty-two (32) square feet in area.
- (4) Nonelectrical memorial signs or tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of bronze or other noncombustible materials.
- (5) Publicly owned street name signs, traffic control signs, legal notices, railroad crossing signs, danger and temporary warning or emergency signs; and, emblems, names, logo, and symbols on motor vehicles and equipment being used for purposes other than the display of signs or advertising devices.
- (6) Nonelectrical public service signs which give only directions “in and out” or signs which provide only

information about directing people to ancillary facilities such as parking, entrance, etc.

(7) A nonelectrical temporary or portable sign.

(Ord. No. 2578, Sec. 2, 12-21-76; Ord. No. 3194, Sec. 1, 9-24-92)”

Section Four. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by repealing Section 21.121 and adopting a new Section 21.121 to read as follows:

“Sec. 21.121. ON PREMISES SIGNAGE.

For all signs subject to the sign regulations, in agricultural, commercial and industrial zoning districts in the City of Ames except in the S-HM District, there may be three (3) square feet of signage for each foot of street frontage. Signs in the Planned Zoning districts are as permitted on the approved site plan. Where any side of a building abuts on an alley, only painted on wall signs shall be permitted on the side abutting the alley. Such sign shall be calculated as part of total permissible signage. For all signs subject to the sign regulations in residential zoning districts in the City of Ames, only the following signs are permitted:

(1) Real estate signs not exceeding six (6) square feet in area, which advertise the sale, rental, or lease of the premises upon which said signs are located only.

(2) Signs, including bulletin boards, which are not over sixteen (16) square feet in area for public, educational, charitable, fraternal or religious institutions when the same are located on the premises of such institution.

(3) Signs denoting only the name and profession/business of an occupant in a commercial building, public institutional building, or dwelling house and not exceeding two (2) square feet in area.

(4) Single sign denoting the architect, engineer or contractor when placed upon work under construction and not exceeding thirty-two (32) square feet in area.

(5) Memorial signs or tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of bronze or other noncombustible materials.

(6) Publicly owned street name signs, traffic control signs, legal notices, railroad crossing signs, danger and temporary warning or emergency signs; and emblems, names, logos, and symbols on motor vehicles and equipment being used for purposes other than the display of signs or advertising devices.

(7) Public service signs which give only directions “in and out” or signs which provide only information about directing people to ancillary facilities such as parking, entrance, etc.

(8) Temporary or portable sign.

(9) Subdivision Development Signs. One subdivision development sign may be permitted per preliminary plat or Conceptual Development Plan for subdivisions of 2 acres or more in area. This sign shall not exceed 96 sq. ft. in area and 12 ft. in height. It shall be located in the subdivision it identifies and no closer than 25 ft. from any property line, no closer than 100’ from any pre-existing residence and only on lots abutting collector or arterial streets. The sign shall be the sole use of the property on which it is located. The sign shall identify the name of the subdivision exactly as it is set out on the preliminary plat or conceptual development plan approved by the City and may include the names of the subdivision developers, a map of the area covered by the subdivision and a description of amenities in it. The sign shall not be installed until utility construction has begun in the subdivision and the sign shall be removed once building permits have been issued for 50% of the lots in the subdivision.

(10) Residential Subdivision Entrance Signs. The regulations described in this section apply to subdivision entrance signs in residential subdivisions. The location, number, size, height, materials, maintenance, and message regulations for subdivision identification signs are as follows:

(a) Signs located on private property shall be no closer to the traveled part of a street than the right-of-way line. Signs shall not be allowed in the street visibility triangle, as such is described by Section 29.408(5).

(b) It shall be unlawful to erect a subdivision entrance sign on public property, and the Council shall grant no encroachment permits for such signs.

- (c) Subdivision entrance signs shall not be permitted off-premise.
- (d) Two signs shall be permitted at each subdivision entrance. Double-faced signs shall be counted as two signs.
- (e) The size of the message area (subdivision name and address) of the sign shall not exceed 20 square feet. The size of the sign structure in comparison to the size of the message area shall not exceed a ratio of 7 to 1, unless approved as part of a Planned Unit Development.
- (f) Signs shall not exceed six (6) feet in height.
- (g) Materials used in the construction of subdivision entrance signs shall be low maintenance materials and may include: metal, wood, brick, stone, and concrete.
- (h) Maintenance of signs, illumination devices, and landscaping shall be the responsibility of the property owner. Signs which, by reason of deterioration, may become unsafe or unsightly shall be repaired or removed by the property owner upon written notice of the City. Signs which by reason of deterioration become unsafe or unsightly may be removed by the City upon written notice of the City.
(Ord. No. 3299, Sec. 1, 9-27-94)
- (i) The message on a subdivision entrance sign shall include only the name and address of the subdivision.
- (j) Signs may be illuminated internally or by reflected light subject to the following:
 - (i) The light source shall not be directly visible and shall be arranged to reflect away from adjoining premises;
 - (ii) The light source shall not be placed so to cause confusion or hazard to traffic, or to conflict with traffic control signs of lights;
 - (iii) No illumination involving movement, by reason of the lighting arrangement, the lighting source, or other devices shall be permitted. This includes blinking, flashing, rotating, and message changing; and
 - (iv) The Property Owner's Association shall be responsible for the costs associated with providing electricity to the light source.
- (k) Landscaping shall be incorporated at the base of each subdivision entrance sign which enhances the site and the surrounding area. Plant materials shall not obstruct the visibility of moving vehicles or interfere with the maintenance of adjacent public property. Approval of a landscape plan for each residential subdivision entrance sign by the Director of Planning and Housing is required.
(Ord. No. 3255, Sec. 2, 1-11-94, Ord. No. 3753, 1-13-04)
(Ord. No. 2578, Sec. 2, 12-21-76; Ord. No. 2594, Sec. 1, 4-19-77; Ord. No. 3053, Sec. 3, 6-27-89; Ord. No. 3194, Sec. 1, 9-24-92)"

Section Five. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by repealing Section 21.123(3) and adopting a new Section 21.123(3) to read as follows:

“Sec. 21.123. WALL SIGNS.

Wall signs subject to the sign regulations shall meet the following location requirements:

- ...
 - (3) Size Regulations. The size regulations of Section 21.121 notwithstanding, there shall be allowed, with respect to each building, subject to applicable zoning regulations, one permanent wall sign that is not larger than sixty-four (64) square feet, or which does not occupy more than ten percent (10%) of the area of the wall to which it is affixed, whichever is smaller, for each of the building's sides that parallel a public street, if the wall sign is not internally lighted.”

Section Six. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by repealing Section 21.128 and adopting a new Section 21.128 to read as follows:

“Sec. 21.128. AWNING AND CANOPY SIGNS.

No portion of an awning or canopy may be lower than seven and one-half (7½) feet above a sidewalk. They may overhang public right of way only by permission of the City Council.

(Ord. No. 2578, Sec. 2, 12-21-76; Ord. No. 3194, Sec. 1, 9-24-92; Ord. No. 3773, 6-22-04)”

Section Seven. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by repealing Section 21.129 and adopting a new Section 21.129 to read as follows:

“Sec. 21.129. NONCOMFORMING SIGNS.

Sign in existence on December 21, 1976, when these sign regulations became effective, may continue in existence subject to Sections 21.109, 21.110, 21.112, and 21.113 and also subject to the following:

...”

Section Eight. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by repealing Section 21.130(1) and adopting a new Section 21.130(1) to read as follows:

“Sec. 21.130. SIGN APPEALS.

(1) The Building Board of Appeals shall have jurisdiction, and its appeal procedures shall apply when it is claimed that the regulations of this chapter pertaining to signs have been incorrectly interpreted, or an equally good or better form of construction, method of installation or type of material can be used.

...”

Section Nine. Violation of the provisions of this ordinance shall constitute a municipal infraction punishable as set out by law.

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

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

Passed this _____ day of _____, 2013

ATTEST:

Diane R. Voss, City Clerk

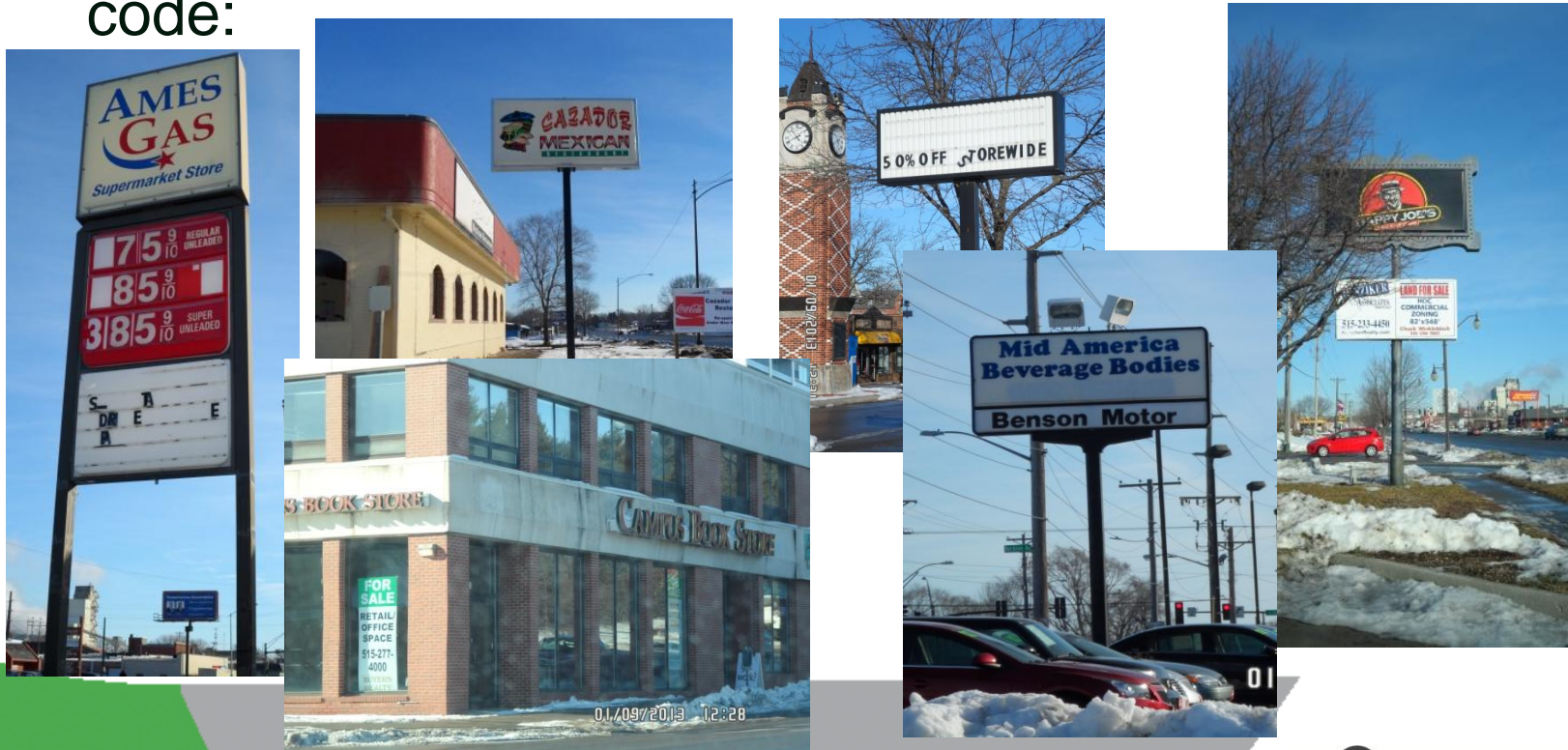
Ann H. Campbell, Mayor

Sign Structures

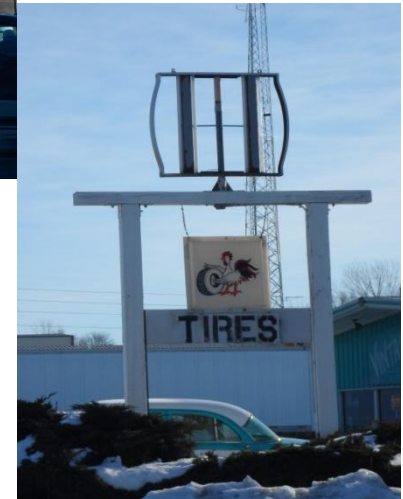
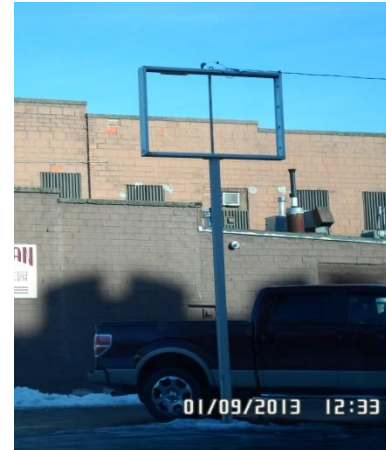


CITY OF
Ames[™]
INSPECTIONS

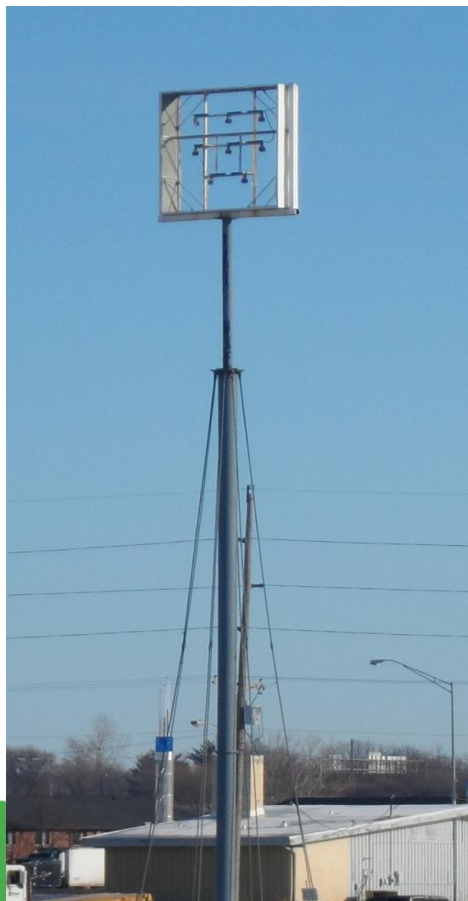
- Currently: Sign must be removed within 6 months of no longer advertising a business or service, but sign structure may remain
- Signs like these must be removed under current code:



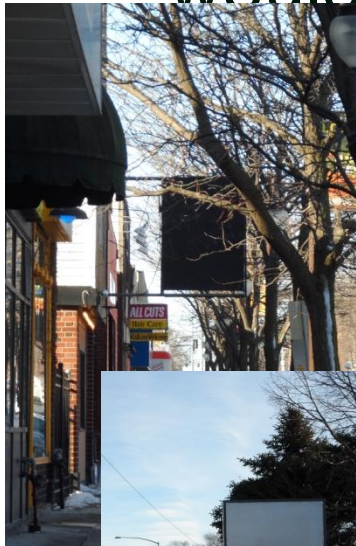
- Result is sign structures without signs. These are allowed under current code.



- Change #1 - Sign structure must be removed if the building has been demolished.



- Change #2 – If sign is removed, the sign structure must have a new sign or a solid color blank panel. Implicitly allowed: removing the frame that holds the sign would leave a blank panel.



ORDINANCE NO. _____

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, APPENDIX N, MUNICIPAL INFRACTIONS SCHEDULE OF PENALTIES.

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 Appendix N, Chapter 5 and adopting a new Appendix N, Chapter 5 to read as follows:

“CHAPTER 5, BUILDING, ELECTRICAL MECHANICAL AND PLUMBING CODE.

A violation of any provisions of Chapter 5, Building, Electrical, Mechanical and Plumbing Code, shall be a municipal infraction punishable by a penalty of \$500 for a person’s first violation thereof, and a penalty of \$750 for each repeat violation.”

Section Two. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by repealing Appendix N, Chapter 21 and adopting a new Appendix N, Chapter 21 to read as follows:

“CHAPTER 21, SIGNS.

A violation of any provision of Chapter 21, Signs, shall be a municipal infraction punishable by a penalty of \$500 for a person’s first violation thereof and \$750 for each repeat violation.”

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

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

Passed this _____ day of _____, _____.

ATTEST:

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor