

**AGENDA**  
**REGULAR MEETING OF THE AMES CITY COUNCIL**  
**COUNCIL CHAMBERS - CITY HALL**  
**APRIL 9, 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.

**CALL TO ORDER:** 7:00 p.m.

**SPECIAL RECOGNITION:**

1. Presentation of Police Department Life-Saving Award to Officer John Barney

**PROCLAMATIONS:**

2. Proclamation for Administrative Professionals Week, April 21-27, 2013
3. Proclamation for Fair Housing Month, April 2013

**CONSULTATION FOR ANNEXATION:**

4. Consultation with Story County Board of Supervisors and Franklin Township Trustees on annexation of property (Christofferson)

**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.

5. Motion approving payment of claims
6. Motion approving Minutes of Regular Meeting of March 26, 2013, and Special Meetings of April 1, 2013, and April 5, 2013
7. Motion approving Report of Contract Change Orders for March 16-31, 2013
8. Motion approving certification of civil service applicants
9. Motion approving renewal of the following beer permits, wine permits, and liquor licenses:
  - a. Special Class C Liquor & Outdoor Service – Golden Wok, 223 Welch Avenue
  - b. Special Class C Liquor – India Palace, 120 Hayward Avenue
  - c. Class E Liquor, C Beer, & B Wine – Dahl's Foods, 3121 Grand Avenue
  - d. Class C Liquor – Dangerous Curves, 111 5<sup>th</sup> Street
  - e. Class C Liquor w/Outdoor Service – Cyclone Experience Network, Hilton Coliseum
10. Resolution setting date of public hearing for April 23, 2013, to vacate utility easement for 4118 Aplin Road
11. Resolution setting date of public hearing for April 23, 2013, to vacate utility easements in Mary Greeley Subdivision
12. Resolution approving funding agreement with Iowa Department of Transportation for 2012/13 Arterial Street Pavement Improvements (State Avenue from Oakwood Road to north of US Highway 30 Overpass)

13. Resolution awarding contract to Wesco Distribution of Des Moines, Iowa, for Copper Cable for Electric Services in the amount of \$92,970 plus applicable sales taxes
14. Resolution approving contract and bond for Toronto Street Area Water Main Replacement Project
15. Resolution approving contract and bond for 2012/13 Asphalt Street Reconstruction (Pierce Court, Westbend Drive, Westbend Circle, and Southbend Drive)
16. Resolution approving contract and bond for 2012/13 Shared Use Path Maintenance (Bloomington Road from Hoover Avenue to Taft Avenue)
17. Resolution approving contract and bond for 2012/13 Low-Point Drainage Improvements (Oliver Circle)
18. Resolution approving partial completion of public improvements and reducing amount of security for Northridge Heights, 15<sup>th</sup> Addition

**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, AND COMMUNICATIONS:**

19. Motion approving Class C Liquor License for Wiseguys Burgers, 120 Welch Avenue
20. Motion approving encroachment permit for sign and lights at 210 5<sup>th</sup> Street (McClanahan Studios)
21. “Welcome Back” event:
  - a. Motion directing staff to expand the City’s presence at Iowa State University’s “WelcomeFest” this year and to forego a “Welcome Back” event this fall at the fire station
22. Resolution approving/motion denying request from Iowa State University Chapter of the Student Society of Landscape Architects for waiver of parking meter fees for Space 19 on Welch Avenue from April 21 - 28, 2013, for demonstration of a “parklet”

**PUBLIC WORKS:**

23. Staff report on Woodview Utilities Special Assessment Project

**PLANNING & HOUSING:**

24. Former Middle School Property:
  - a. Motion determining requirement for Master Plan
  - b. Motion determining contents of Master Plan
25. Staff report regarding City’s review authority over Ames School District projects

**HEARINGS:**

26. Public Hearing for Quarry Estates Annexation:
  - a. Motion delaying vote to annex Quarry Estates, Frames, and Hunziker properties until rural water issues are resolved and development agreements are signed
27. Public Hearing for Athen Annexation:
  - a. Motion delaying vote to annex until rural water issues are resolved and development agreement is signed

**FINANCE:**

28. Resolution approving agreement with EideBailly LLP to audit the City's financial statements for fiscal year ending June 30, 2013, with option of auditing financial statements for four subsequent fiscal years

**WATER & POLLUTION CONTROL:**

29. Presentation by Public Art Commission for artwork at new Water Treatment Plant:  
30. Resolution approving reallocation to Water Plant Operating Budget to replace the SCADA server and software

**ELECTRIC:**

31. Energy Resource Options:  
a. Motion approving decision-making process

**ORDINANCES:**

32. First passage of Water and Sewer Rate Ordinance  
33. First passage of ordinance correcting reference in *Municipal Code* to reflect correct location of definition of *Adult Entertainment Business*

**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*.**



# Memo

Department of Planning & Housing

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

**FROM:** Jeff Benson, Planner

**DATE:** April 5, 2013

**SUBJECT:** Annexation Consultation for Properties at 2212 Oakwood Road

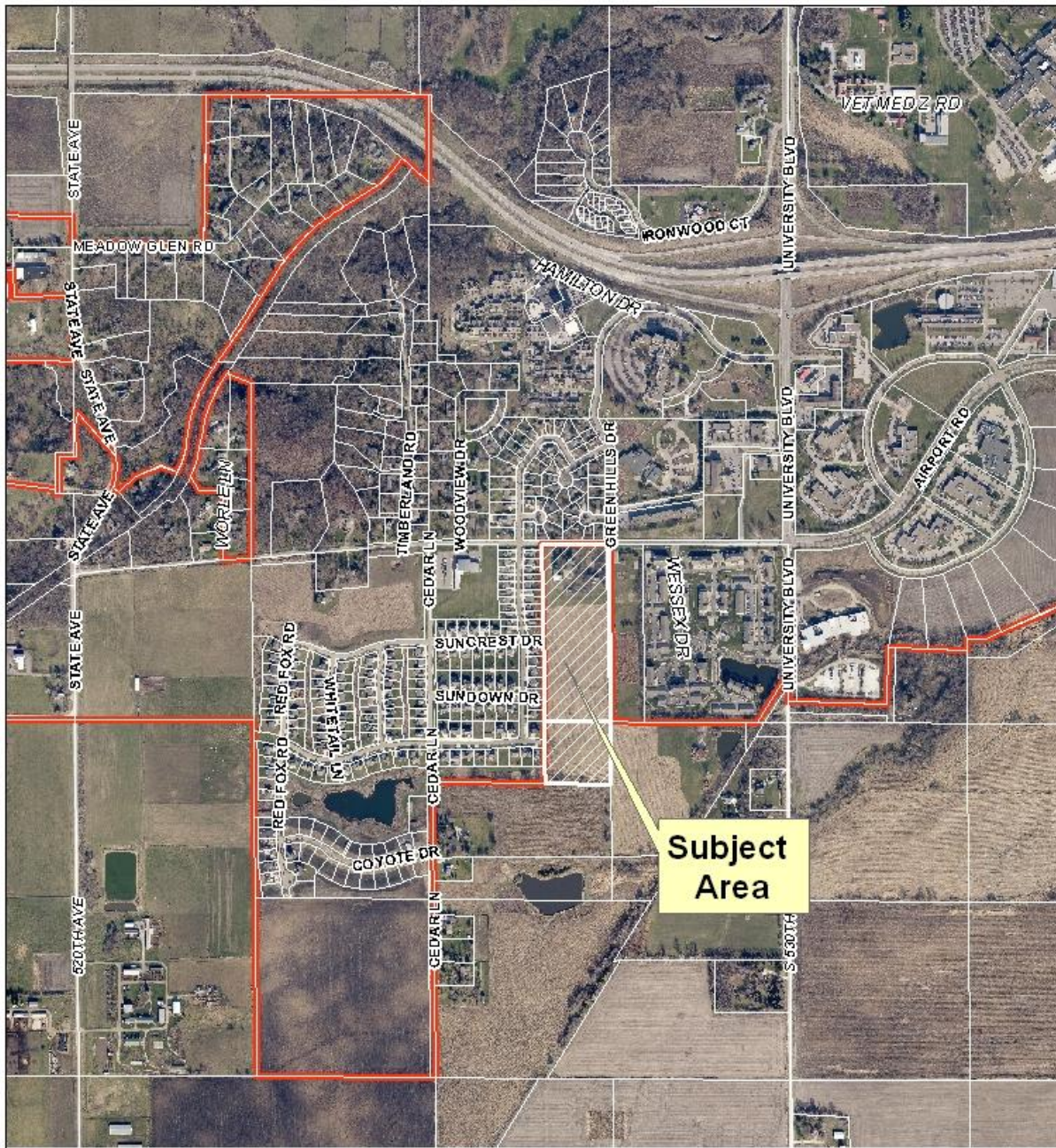
The Ames City Council is hosting a consultation with the Washington Township Board of Trustees and the Story County Board of Supervisors on April 9<sup>th</sup> regarding the annexation of three parcels owned by Floyd and Anna Christofferson lying south of Oakwood Road in Section 16 of Washington Township. A location map is attached.

The three properties total 20.22 acres in size. The Ames Urban Fringe Plan use designation for this area is Urban Residential, which are lands reserved for future city growth for residential land uses developed at urban densities with infrastructure and subdivision according to urban standards.

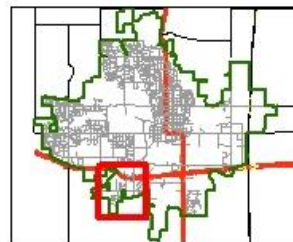
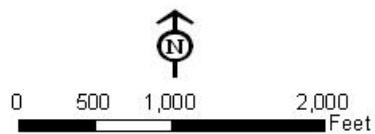
The purpose of this consultation is to identify any issues that those bodies may raise concerning the proposed annexation. Within seven business days following the consultation, the Supervisors and Trustees may then make written recommendations for modification to the proposed annexation. Within 30 days 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.



## ATTACHMENT A - LOCATION MAP



### Location Map 2212 Oakwood Road



**MINUTES OF THE MEETING OF THE AMES AREA  
METROPOLITAN PLANNING ORGANIZATION POLICY COMMITTEE  
AND REGULAR MEETING OF THE AMES CITY COUNCIL  
COUNCIL CHAMBERS - CITY HALL**

**AMES, IOWA**

**MARCH 26, 2013**

**MEETING OF THE AMES AREA METROPOLITAN  
PLANNING ORGANIZATION TRANSPORTATION POLICY COMMITTEE**

The Ames Area Metropolitan Planning Organization (AAMPO) Transportation Policy Committee met at 6:01 p.m. on the 26th day of March, 2013, in the City Council Chambers in City Hall, 515 Clark Avenue, pursuant to law with the following voting members present: Ann Campbell, Wayne Clinton, Matthew Goodman, Peter Orazem, Tom Wacha, and Dan Rediske. Voting Member Victoria Szopinski joined the meeting telephonically. AAMPO Administrator John Joiner, City of Ames Transportation Planner Rudy Koester, and Iowa Department of Transportation representative Craig O'Riley were also present. Voting Members Jeremy Davis, Jami Larson, and Mike O'Brien were absent.

**DRAFT FISCAL YEAR (FY) TRANSPORTATION PLANNING WORK PROGRAM (TPWP):**

Transportation Planner Rudy Koester explained that this is an annual Program. The Draft FY 2014 TPWP contains the work elements to ensure an integrated transportation system, including reviewing the Land Use Policy Plan and Urban Fringe Plan. The Long-Range Transportation Plan (LRTP) update will commence this year for submission in October 2015.

Moved by Clinton, seconded by Goodman, to approve the Draft FY 2014 TPWP and set May 28, 2013, as the date of public hearing.

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

**FINAL FY 2014 PASSENGER TRANSPORTATION PLAN (PTP) UPDATE:** Transit Director Sheri Kyras brought the Policy Committee's attention to the recommended projects in the Plan. She noted that this is an update; a full plan will be required again in 2015. Ms. Kyras noted that this annual report is required for all transit agencies. She also pointed out the requirement that any human service transportation coordination happening within the community be documented. The AAMPO Policy Committee is required to approve the PTP along with the recommended program for submittal to the Iowa Department of Transportation and Federal Transit Administration by May 1, 2013.

Moved by Wacha, seconded by Rediske, to approve the Final FY 2014 Passenger Transportation Plan Update for submission to Iowa Department of Transportation and Federal Transit Administration.

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

**ANNUAL SELF-CERTIFICATION:** AAMPO Administrator Joiner advised that, pursuant to federal regulations, each MPO must self-certify that the transportation planning process is addressing the major issues in the Metropolitan Planning Area and is being carried out in accordance with federal regulations, policies, and procedures.

Moved by Goodman, seconded by Clinton, to approve the AAMPO annual self-certification.

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

**AMENDMENT TO FY 2013 TRANSPORTATION IMPROVEMENT PROGRAM (TIP):** Mr. Koester advised that the amendment to the 2013-16 TIP involves changing the project description for the State Avenue Roadway Improvement project programmed for FY 2013. He added that

requirements to process an amendment to the TIP require an opportunity for public comment and approval by both the Technical and Policy Committees of the AAMPO. The public meeting was held on February 7, 2013. No revisions were requested. The Technical Committee recommended approval of the amendment at its March 18, 2013, meeting.

Mr. Joiner advised that the University had notified the City that it would pick up the bike path where the City's project leaves off.

Moved by Orazem, seconded by Szopinski, to approve the amendment to the FY 2013 TIP by updating the project description for the State Avenue project, as follows: State Avenue: 260 ft. south of Oakwood Road to 445 ft. north of the U.S. HWY 30 Overpass Bridge.

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

**2035 LONG-RANGE TRANSPORTATION PLAN (LRTP) AMENDMENT:** The amendment, as described by Mr. Koester, updates the Metropolitan Planning Area (MPA) boundary used in the AAMPO 2035 LRTP. The MPA boundary used during the development of the 2035 LRTP no longer encompasses the entire AAMPO urbanized area. No comments were received at the public input meeting held on February 7, 2013. The new MPA boundary was approved by the Policy Committee on November 13, 2012.

Moved by Clinton, seconded by Rediske, to approve the amendment to the 2035 LRTP to include the updated MPA boundary adjustment.

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

**IOWA CLEAN AIR ATTAINMENT PROGRAM PROJECT (ICAAP) SUPPORT FOR MORTENSEN ROAD IMPROVEMENTS GRANT APPLICATION:** According to Mr. Koester, the city had submitted a competitive ICAAP grant application for Mortensen Road Improvements between South Dakota Avenue and Dotson Drive to the Iowa Department of Transportation (Iowa DOT) on March 1, 2013. The purpose of ICAAP is to fund projects or programs that help to maintain Iowa's clean air quality by reducing transportation-related emissions. One of the requirements for the grant application is to have Policy Committee approval that the project conforms to the AAMPO's regional transportation planning process and LRTP. Mr. Koester advised that the roadway improvements along Mortensen Road will reduce vehicle delay and congestion, promote travel by transit, and enhance walk ability and bike ability along the route.

Moved by Orazem, seconded by Goodman, to certify that the Mortensen Road Improvements is consistent with the objectives of the AAMPO 2035 LRTP and that the AAMPO supports the application to the Iowa DOT's ICAAP.

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

**POLICY COMMITTEE MEMBER COMPOSITION:** Mr. Joiner stated that the Final Report of The Federal Highway Administration (FHWA) and Federal Transit Administration performed their quadrennial MPO Transportation Planning review on June 29, 2011. A recommendation contained in their Final Report was that the AAMPO consider diversifying representation to provide distinction between the AAMPO Transportation Policy Committee and the City of Ames City Council. The Transportation Technical Committee, at its April 11, 2012, meeting recommended the following member composition:



|   |                                |
|---|--------------------------------|
| City of Ames (4)  | Mayor + 3 City Council Members |
| CyRide (1)  | Board of Trustees Member       |
| Boone County (1)  | Board of Supervisors Member    |
| Story County (1)  | Board of Supervisors Member    |
| Ames Community School District (1)                      | School Board Member            |
| Iowa State University (1)                               | Facilities & Planning Member   |
| with four non-voting members (FHWA, FTA, Iowa DOT, ISU) |                                |

Since April 11, 2012, staff was informed by the FHWA that the community of Gilbert had become a part of the Ames Urbanized Area. Once the urbanized areas were released by the Census Bureau, staff met with the Mayor of Gilbert to explain the situation. The Mayor of Gilbert sent a letter to City of Ames staff stating its desire to be a part of the regional planning effort and to be considered a member of the Policy Committee. Administrator Joiner stated that staff's recommendation was to maintain the same structure as currently exists with the addition of one member from Gilbert.

Moved by Clinton, seconded by Orazem, to approve the Policy Committee member composition by amending the Bylaws of the Policy Committee to reflect the new Committee members as follows:

|   |                              |
|---|------------------------------|
| City of Ames (7)  | Mayor + City Council Members |
| CyRide (1)  | Board of Trustees Member     |
| Boone County (1)  | Board of Supervisors Member  |
| Story County (1)  | Board of Supervisors Member  |
| City of Gilbert (1)                                       | Mayor or City Council Member |
| with four non-voting members (FHWA, FTA, Iowa DOT, ISU).  |                              |
| Vote on Motion: 6-0. Motion declared carried unanimously. |                              |

**ADJOURNMENT:** Moved by Clinton, seconded by Szopinski, to adjourn the AAMPO Transportation Policy Committee meeting at 6:16 p.m.

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

Mayor Campbell called the Regular Meeting of the Ames City Council to order at 6:18 p.m. with Goodman, Orazem, and Wacha present. Council Member Szopinski was brought in telephonically. *Ex officio* Member Sawyer Baker was also present. Council Member Davis arrived at 8:41 p.m. Council Member Larson was absent.

**PROCLAMATION FOR ECO FAIR DAY:** Mayor Campbell proclaimed March 30, 2013, as ECO Fair Day. Accepting the Proclamation was Municipal Engineer Tracy Warner.

**PRESENTATION OF HUMAN RELATIONS COMMISSION ANNUAL REPORT:** Chairperson Aaron Fultz introduced Commission members present: Amy Juhnke, Devita Harden, John Klaus, and Barbara Woods. Mr. Fultz summarized the Commission's activities from January through December 2012. He also highlighted some of the projects the Commission is planning for calendar year 2013. Mr. Fultz thanked members of the City staff for their support. In particular, former Assistant City Manager Sheila Lundt, who retired last summer, was publicly recognized for her many years of support to the Commission.

**PROCLAMATION FOR GOOD NEIGHBOR EMERGENCY ASSISTANCE MONTH:** The Mayor proclaimed April 2013 as Good Neighbor Emergency Assistance Month. Accepting the Proclamation was Lu Jansen, Vice-President of the Good Neighbor Board of Directors, and Board Members Doreen Berg and Pat Thiede.

**STAFF REPORT ON WATER AND SEWER RATES:** John Dunn, Director of Water and Pollution Control, presented the staff's recommendation of revenues necessary to support the planned operating and capital budgets for the Water and Sewer Funds. Mr. Dunn advised that both utilities are facing significant expenses in the coming years. The projects being proposed are a combination of the need to provide capacity for the growing community, the need to respond to new and anticipated regulatory requirements, and the need to reinvest in the infrastructure of the two utilities.

Mr. Dunn specifically reviewed national and statewide trends in water and sewer rates, projected need for revenue increases in Ames, and translating revenue increases to rate increases. He stated that staff's recommendation was a 6% water rate increase across-the-board in 2013/14, no increase in 2014/15, 7% in 2015/16, and no increase in 2016/17 in water rates. For sewer rates, staff is recommending a 9% increase across-the-board in 2013/14, 12% increase in 2014/15, 9% increase in 2015/16, and a 6% increase in 2016/17. Sample customer bills were shown.

Director Dunn reviewed the time line for the recommended rate increases. He asked for Council direction regarding the rate increases at this meeting. If the Council approves the rate structure being proposed by the staff, the first reading of the new rate ordinance would be April 9 with third reading and adoption on May 7, 2013. If that occurs, the ordinance would be effective for usage meter reads that would occur starting on June 1 and bills that would be mailed on and after July 1, 2013.

Moved by Szopinski, seconded by Wacha, to approve the water and sewer rates recommended by City staff.

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

A "video fly-through" of the new Drinking Water Treatment Plant that was created by the architects was shown by Mr. Dunn.

Council Member Orazem asked if the Public Art Commission (PAC) had discussed with staff where the public art piece would be located. Mr. Dunn said staff recently had conversation with members of the PAC. It was noted during that discussion that any public art would have the maximum amount of visibility out by the street, and the farther in it is moved, the less visibility it would have. Mr. Dunn believed that the Commission was focusing its efforts on some type of exterior art piece that could be placed near the street. Assistant City Manager Bob Kindred said that PAC has a goal of having the next steps outlined with budget numbers to the City Council by its April 9 meeting.

Director Dunn recalled that, in 2010, the City allocated funding to assist the Iowa League of Cities' effort to challenge actions by the U. S. Environmental Protection Agency (EPA) specifically related to bacterial mixing zones and processing of peak wet weather flows. The City learned yesterday that the 8<sup>th</sup> Circuit Court of Appeals had ruled on all points in favor of the Iowa League, with the exception of legal fees. On the issue of bacterial mixing zones, the Court of Appeals ruled that the U. S. EPA had circumvented the intent of the Administrative Procedures Act, and in effect, issued new rules without allowing an opportunity for public review and comment. On the issue of wet weather flow blending and treatment facilities, the Court of Appeals made the same finding, but also said that the rules that the EPA attempted to implement exceeded its jurisdiction and authority under the Clean Water Act. All Rules and Orders to the contrary were struck down by the 8<sup>th</sup> Circuit Court of Appeals. Mr. Dunn pointed out that those were significant issues for the City of Ames. Had the EPA prevailed, it would have meant several million dollars of additional expenses for the City.

The meeting recessed at 7:05 p.m. and reconvened at 7:11 p.m.

**CONSENT AGENDA:** Mayor Campbell noted that the bid due date listed under Item No.15 of the Consent Agenda pertaining to the Resource Recovery Primary Shredder Replacement Project should be April 18, 2013. Also, the Mayor requested that Item No. 23, Change Order No. 1 with A & P/Samuels Group pertaining to an Historic Treatment Specialist for the Library Renovation and Expansion Project, be pulled for separate discussion.

Moved by Goodman, seconded by Wacha to approve the following items on the Consent Agenda:

1. Motion approving payment of claims
2. Motion approving Minutes of the Regular Meeting of March 5, 2013, and Special Meeting of March 11, 2013
3. Motion approving Report of Contract Change Orders for March 1-15, 2013
4. Motion approving renewal of the following beer permits, wine permits, and liquor licenses:
  - a. Class C Liquor - Ge'Angelo's, 823 Wheeler Street, #9
  - b. Class C Liquor - Sips/Paddy's Irish Pub, 124 Welch Avenue
  - c. Class E Liquor, C Beer, and B Wine - Wal-Mart Store #749, 3015 Grand Avenue
5. RESOLUTION NO. 13-111 approving and adopting Supplement No. 2013-2 to *Municipal Code*
6. RESOLUTION NO. 13-112 authorizing *Smart Energy* rebate of \$19,669 to Mary Greeley Medical Center
7. RESOLUTION NO. 13-113 approving expenditure from Contingency Fund for Mayor's visit to Koshu City, Japan
8. RESOLUTION NO. 13-114 approving appointment of Steve Goodhue to fill vacancy on Electric Utility Operations Review Advisory Board (EUORAB)
9. RESOLUTION NO. 13-115 approving 28-E Agreement with Iowa Department of Transportation for use of Intelligent Transportation System Network
10. RESOLUTION NO. 13-116 approving Community Development Block Grant Recovery (CDBG-R) Close-Out Agreement with Department of Housing and Urban Development (HUD)
11. RESOLUTION NO. 13-117 approving preliminary plans and specifications for 2013/14 Resource Recovery Primary Shredder Replacement Project - Phase II: No. 1 Mill Replacement; setting April 18, 2013, as bid due date and April 23, 2013, as date of public hearing
12. RESOLUTION NO. 13-118 approving preliminary plans and specifications for 2012/13 CyRide Route Pavement Improvements (Lincoln Way - Franklin Avenue to Hayward Avenue); setting April 17, 2013, as bid due date and April 23, 2013, as date of public hearing
13. RESOLUTION NO. 13-119 awarding contract to Kaman Industrial Technologies of Grimes, Iowa, in the amount of \$64,938.82 for Replacement Conveyor Belts for Power Plant
14. RESOLUTION NO. 13-120 approving Change Order No. 10 to the Professional Services Agreement with BrownWinick of Des Moines, Iowa, for legal services in connection with the 161kV Tie Line Franchise
15. RESOLUTION NO. 13-121 approving contract and bond for 2012/13 Asphalt Street Reconstruction/Seal Coat Reconstruction and 2012/13 Water Main Replacement
16. RESOLUTION NO. 13-122 approving contract and bond for Hickory Drive Improvements (Lincoln Way to Westbrook Drive)
17. RESOLUTION NO. 13-123 approving contract and bond for Underground Trenching for Electric Services (Primary Contract)
18. RESOLUTION NO. 13-124 approving contract and bond for Underground Trenching for Electric Services (Back-Up Contract)
19. RESOLUTION NO. 13-126 accepting completion of 2009/10 Concrete Pavement Improvements Project (South Hyland Avenue, Edison Street, Alexander Avenue, and Stanton Avenue)

20. RESOLUTION NO. 13-127 accepting completion of 2012/13 CDBG Neighborhood Infrastructure Improvements Project (Beedle Drive and Aplin Road)
  21. RESOLUTION NO. 13-128 accepting completion of 2011/12 Collector Street Pavement Improvements Project (Ash Avenue from Mortensen Parkway to Knapp Street)
  22. RESOLUTION NO. 13-129 accepting completion of WPC Facility Raw Wastewater Pumping Station Pipe Supports and Check Valve Replacement Project
- Roll Call Vote: 4-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

**CHANGE ORDER NO. 1 FOR THE LIBRARY RENOVATION AND EXPANSION PROJECT:**

Lynne Carey, Interim Library Director, introduced Library Board Member Sam Schill, Bo Duckett, Library Facilities and Maintenance Supervisor; and Brad Heemstra, project consultant from Integrity Construction.

Brad Heemstra told the Council that work is progressing quickly on the Project. He noted that the plans and specifications define the Scope of Work for the General Contractor. The areas where there is historical character to be maintained are also defined in the plans and specifications. It just recently came to light that there is a requirement in the specifications for an Historic Preservation Specialist. The architect was asked why that requirement was contained in the specifications and he and the Library staff were told that that requirement was included by mistake. Mr. Heemstra brought the Council's attention to a letter that had been received this date from Jeffery Scherer, CEO of Meyer Scherer & Rockcastle, LTD (MS & R) and distributed to the Mayor and City Council around the dais. In his letter, Mr. Scherer advised that the documents that went out to bid mistakenly included the requirement for an Historic Treatment Specialist. It was the opinion of MS & R that those services were not necessary for the Library Renovation and Expansion project to be successful in maintaining the historic character of the building, and those services should be removed from the contract. Mr. Heemstra noted that the specifications will still contain language that direct the contractor to take special care in historic areas, and the expectations for the final product will remain unchanged. In addition to retaining many historic elements, the design also calls for highlighting elements that were concealed in previous renovations. Some of those elements were named: The south wall of the 1904 and 1940 buildings will be uncovered to become the focal point of the new two-story lobby space. Lay-in ceiling tiles will be replaced with a drywall ceiling to restore the 1904 meeting room to its original height and appearance. The exterior cornice and trim will be repainted to match the 1940 historical paint color. The existing wood trim will be reused, where possible, or replicated to match the original trim profile and color.

According to Mr. Heemstra, the architect did not intend to and was not given direction to include in the design documents requirements that would meet historic preservation standards. Because those services had been included in the construction bid by the selected contractor, a credit of \$13,850 was received in the form of a change order. All other provisions in the Scope of Work would remain.

The Council was also advised by Mr. Heemstra that, at its March 21, 2013, meeting, the Library Board of Trustees adopted a resolution recommending that the City Council approve Change Order No. 1, which would eliminate Subsections 1.3A, 1.4A, 1.4B, 1.4C, 3.5A, 3.5B, 3.6A, and 3.6B of Section 01 3591 of the construction contract. Those subsections directly relate to the requirement for an Historic Treatment Specialist.

Sam Schill, Library Board of Trustee, noted that the Library Board had affirmed its intent to give priority to the considerations of energy efficiency, ease of future maintenance, and fiscal stewardship when making decisions pertaining to the treatment of historic features during the renovation and expansion of the library building. It was decided early on in the design process that, where possible, original building elements would remain as a celebration of the Library's history. Mr. Schill reiterated that the contract still contains provisions that reflect a commitment to that idea, and the current design will maintain much of the original woodwork, terrazzo floors, and ornamental plaster from 1904 and 1940. From the Board's perspective, the change to the Scope of Work and subsequent Change Order made sense.

Sharon Wirth, 803 Burnett Avenue, Ames, identified herself as the Chairperson of the Historic Preservation Commission (HPC). She asked how the City got to where it is with this project, referring to removing the requirement for an Historic Preservation Specialist. Providing the history, Ms. Wirth advised that in December 2009, the Ames City Council had instructed the HPC to move ahead with an application for listing the Public Library on the listing on the National Register of Historic Places. Prior to that, two members of the HPC had requested a Determination of Eligibility from the State Historical Society, which is the review board for the applications. In August 2009, the decision of the State was received, which indicated that the Ames Public Library was eligible for listing on the Historic Register. At that time, the HPC asked for input from the City Council, and in December 2009, the Council had directed the HPC to proceed with its application. Ms. Wirth asked why the Board had now decided to discard historic preservation for the Library and no communication between the Library Board and HPC had occurred. She specifically stated that historic preservation does not work against energy efficiency. Ms. Wirth asked the Council to direct that the Library Board and Historic Preservation Commission work together on this project. It was Ms. Wirth's opinion that it was not appropriate to disregard the preservation of historical integrity of a number of features of the Public Library, including windows in the 1940s addition.

At the inquiry of Council Member Wacha, Ms. Wirth said that she had learned last week that an Historic Preservation Specialist had been hired and began to get input. Then suddenly, the contractor said they were not going to continue with that after the Specialist had been on the job for a couple days. Mr. Wacha offered that perhaps the HPC was not contacted because the architect had not intended for that requirement to be in the specifications; it was an oversight that needed to be corrected. Ms. Wirth said she did not believe that the Library Board should now say that the requirement was an oversight in its bidding documents.

Council Member Szopinski asked how far into the process the City is in applying for listing the Library on the National Register of Historic Places. Ms. Wirth advised that three graduate students from the Architecture Department at Iowa State University have been working with two former members of the HPC. An application had been submitted, feedback from the State Historic Preservation Office had been received, and the application was in the process of being revised with the hopes of submitting it in Spring 2013.

According to Ms. Wirth, the National Register Listing does not prohibit the demolition of the building or destroy its historic character. Council Member Orazem referenced an e-mail that he had received from a member of the HPC stating that if the windows were removed from the building or restored, it would invalidate the building from eligibility for the National Register. He did not feel that was an accurate statement after reading the Secretary of the Interior's Standards for the Treatment of Historic Properties. Those Standards specifically list energy efficiency as one of the reasons why, if it is determined that retrofitting measures are appropriate, "such works needed to be carried out with particular care to ensure that the building's historic character is retained."



However, it doesn't state that the same exact skylight or windows; in fact, skylights are specifically one of the items that are specified for energy efficiency. Ms. Wirth said that the Historic Preservation Specialist from Grinnell who was hired for a couple of days by the contractor was of the opinion that removing historic elements of the Library, such as the 1940 windows, could seriously affect the consideration of whether or not the building could be listed on the National Register. It is her belief that the windows are in very good condition, and there are easy and cost-effective ways to retrofit the windows; there is no need to remove and discard them. She said that, when referring to replacement of historic materials, the rule is to conserve and repair if at all possible.

Moved by Goodman, seconded by Szopinski, to table this item and ask the Library Board to work with the Historic Preservation Commission to clarify the issues and see if they can come back with a recommendation that can both respect the goals of historic preservation and the goals of the Library project without "bankrupting it."

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

**PUBLIC FORUM:** Casey Johnson, 3015 Whitetail Lane, Ames, identified himself as the new owner of Ames Ford Lincoln. He advised that he has been the Ford dealer in Fort Dodge, Iowa, for the past 17 years and is very familiar with city and county bid processes for vehicles within Ford Motor Company. According to Mr. Johnson, when he received the bid results from City of Ames Bid 2013-137 for a full-size pickup, he was surprised and dismayed because the winning bidder was Gabus Ford out of Des Moines, who was \$192 lower than Ames Ford Lincoln's bid on a truck that retails for nearly \$40,000. Mr. Johnson alleged that "if the tables were turned, he would not have been awarded the bid in Des Moines." He stated that in Fort Dodge, Waukee, Des Moines, Ankeny, Urbandale, and many other Iowa cities, some version of a 2% - 4% price consideration for locally owned businesses and/or the opportunity for locally owned businesses to match the bid from an out-of-town dealer would have been offered. Mr. Johnson noted that the City of Nevada offers a 5% price concession for local businesses when bidding local vehicles. It did not make sense to Mr. Johnson for the City of Ames to make the purchase from the City of Des Moines in Polk County rather than from a local dealer to save \$192. It was pointed out by Mr. Johnson that Gabus Ford from Des Moines has no obligation to or investment in the City of Ames - "no charitable giving, no real estate taxes, no employees working in Ames, no Chamber investment, and it does not generate sales tax revenue for Ames or Story County." Mr. Johnson said he is not asking for a hand-out, but is asking for a "helping hand." He advised that there had been times when he had been told by other cities in Central Iowa that he had submitted the lowest bid; however, they were going forward with their local dealer using the price consideration language adopted by their city.

Mr. Johnson pointed out that in Bid No. 2013-137, three-quarters of a percent price difference would have given the City Council an option to have a provision to price match or utilize the 2% - 4% price consideration. He advised that he has a multi-million dollar investment in Ames and wants to aggressively work to provide vehicles to the City of Ames. On this particular bid, Mr. Johnson said that his company was nearly \$3,000 below other local dealers. He believes that economic development is the "heart and sole" of small businesses that expand and grow the community where they are located. Mr. Johnson referenced a goal of the City Council listed on its website to "support private sector growth to improve quality of life, increase the number of jobs, and develop a stronger tax base." He advised that he will be tripling the number of employees since he purchased the former Ron Willey dealerships and will reinvest millions to bring the Ames Ford dealership up to Ames' standards.

Referencing Bid No. 2013-148, Mr. Johnson said that he had offered clarification on police car bids that would have saved the City \$2,500. However, that bid was awarded to another Des Moines dealership at a higher price because Mr. Johnson found errors in compatibility of options and wanted to simply point that out in his bid.

Mr. Johnson asked for local consideration language in the City of Ames and to work closely and communicate with each other for the good of Ames. He brought the Council's attention to language contained on the front of each bid to the effect that the City "reserves the right to reject any or all bids, to waive informalities, and to make such awards as it shall deem to be in the best interest of the City." Mr. Johnson said he believed that Bids No. 2013-137 and 2013-148 should have been awarded to Ames Ford Lincoln to save the taxpayers \$2,300 and help grow a local business.

No one else came forward to speak, and the Mayor closed Public Forum

**GREEK WEEK 2013 REQUESTS:** Moved by Goodman, seconded by Wacha, to adopt RESOLUTION NO. 13-130 approving closure of portions of Sunset Drive, Ash Avenue, Gray Avenue, Greeley Street, and Lynn Avenue from 5:00 p.m. to 10:00 p.m. on Friday, April 5 and 7:00 a.m. to 7:00 p.m. on Saturday, April 6.

Roll Call Vote: 4-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

Moved by Goodman, seconded by Wacha, to adopt RESOLUTION NO. 13-131 approving suspension of parking regulations for portions of Gray Avenue, Greeley Street, Pearson Avenue, Lynn Avenue, and Sunset Drive from 7:00 p.m. Thursday, April 4, to 7:00 p.m. Saturday, April 6.

Roll Call Vote: 4-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

**5-DAY LICENSES FOR GATEWAY HOTEL AT ISU ALUMNI CENTER, 420 BEACH AVENUE:** Moved by Goodman, seconded by Wacha, to approve the following 5-day licenses:

- a. Special Class C Liquor (March 31 - April 4)
- b. Class C Liquor (April 27 - May 1)

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

**REDEVELOPMENT OF FORMER MIDDLE SCHOOL:** City Planner Charlie Kuester recalled that, at its March 5, 2013, meeting, the City Council directed staff to provide a report on the rezoning process and options for the former Middle School. Mr. Kuester said that his report at this meeting was intended as an overview of the process and did not deal with the merits of the rezoning requests; that information will be provided to Council as the process unfolds.

According to Mr. Kuester, on March 11, 2013, deeds were recorded transferring ownership of three parcels of land from the Ames Community School District to Breckenridge Group Ames Iowa LLC. The three parcels in question are addressed as 205 S. Wilmoth Avenue, which is the north parcel known as the former athletic field; 321 State Avenue, which is the middle parcel known as the former Middle School building; and 601 State Avenue, which is the south parcel that was recently divided from the current Middle School site.

Mr. Kuester advised that all parcels are zoned Special Government Airport (S-GA). That zoning category is intended to apply to land owned by governments at the local, county, state, federal, or

school level. It was pointed out by Mr. Kuester that the Land Use Policy Plan (LUPP) provides guidance for those properties in the event that rezoning is sought. For the north and middle parcels, the LUPP designation is Low-Density Residential, which would allow single-family residential with a maximum net density of 7.26 dwelling units/ net acre. The south parcel is designated in the LUPP as Village/Suburban Residential, which would allow all single-family, two-family, multi-family, and manufactured residential uses that involve more than a net density of 8.0 units/acre with supporting convenience/neighborhood-scale commercial uses.

Regarding the process, Planner Kuester advised that the City Council, the Planning and Zoning Commission, or owners of land may initiate the rezoning of any property in the City. He told the Council that the first step in the rezoning process is for the City Council to determine whether a Master Plan shall be required for the rezoning. Mr. Kuester said that a Master Plan may be required if any of a number of specified conditions are present in the request. He reviewed the conditions contained in the Zoning Code.

It was emphasized by Mr. Kuester that a request to rezone a property is a legislative action. While the Council has some degree of discretion, it cannot arbitrarily deny it if it is consistent with the Land Use Policy Plan. The Council is allowed to impose any reasonable conditions provided that they are satisfying public needs that are directly caused by the requested change. The owner would also need to agree to those conditions in a Development Agreement. In addition, the City Council is not obligated to approve a rezoning if the proposed project is not consistent with the intent and purpose of the zoning district.

It was pointed out by City Manager Schainker that the two properties are currently zoned as Governmental lands. It would be inappropriate for the properties to remain as S-GA, especially since the LUPP identifies a future land use for the properties.

Planner Kuester told the Council that its consideration of a rezoning request must be an examination of the potential impacts of the proposed request on the existing neighborhood and community as a whole. While the Council is not obligated to rezone a property to maximize the profit of the owner, neither can it eliminate all return from the property.

The Council was informed by Mr. Kuester that staff had received two applications for rezoning. One was received on March 11 for the former Middle School site. The owner is requesting a designation to Low-Density Residential. The second application was received on March 15 for the southern parcel for a rezoning designation to FS-RM (Suburban Residential Medium Density). According to Planner Kuester, the first step needed to be taken by the City Council on any rezoning is to determine as to whether a Master Plan needed to be prepared for the requesting rezoning. The Master Plan is a document that provides general information about the type of development; it doesn't lay out individual lots, but identifies the types of housing units and range of expected numbers of units. If the Council wants to review a Master Plan for either or both of the properties, the rezoning application would not be considered complete until the Master Plan documents were submitted to the Planning and Housing Department. The date that the rezoning application is complete is the time when "the clock starts clicking." The requirement that the Planning and Zoning Commission take action on the application 90 days from submittal of a complete application would then come into play. If the Council does not wish to see a Master Plan, the rezoning applications would be considered complete on the date they were received by the City. If a Master Plan is required, the date that the rezoning requests must be heard by the Planning and Zoning Commission would depend on when the Master Plans were submitted to the Planning and Housing Department.

According to Planner Kuester, under Section 414.5 of the *Code of Iowa*, the City Council may approve “contract rezoning,” which is to impose conditions on the rezoning request provided that the applicant agrees to those conditions prior to the close of the public hearing. Mr. Kuester again emphasized that any conditions “must be reasonable and imposed to satisfy public needs, which are directly caused by the requested change.” Contract rezoning would not occur until the public hearing, which might be June or July.

Mr. Kuester also stated that if, prior to the close of the public hearing, a petition is presented to the City Council opposing the rezoning and is signed by owners representing 20% or more of the land within 200 feet of the area proposed for rezoning, the City Council would need a three-fourths majority vote (five out of six members) to approve the rezoning. He also said that if the requests for rezoning were ultimately denied by the City Council, those particular requests could not be reconsidered for one year unless 50% of the original objectors petitioned for reconsideration or unless the City Council itself initiated reconsideration. Because there are two separate rezoning requests, there would need to be a separate petition for each parcel. People could sign both petitions, if they so chose, but they need to be separate documents.

At the inquiry of Council Member Orazem as to whether one petition would be required if the Master Plan incorporates all three parcels, Planner Kuester said that two parcels are contiguous, but are for separate zoning designations, so they would have to be two separate petitions. He advised that if another zoning application is submitted for the north parcel, it is not a contiguous parcel; therefore, a separate petition would be required.

Mr. Orazem also asked if the Council could require that the developer create one Master Plan that encompasses all three parcels. Acting City Attorney Judy Parks advised that the *Code* appears to contemplate that a Master Plan would be on a site-specific basis; however, if the parcels are going to be considered as operating together, it would be an appropriate request to require a document that includes all three parcels. Staff will need to ascertain if the developer is proposing to make all three parcels interconnected or if they are going to stand alone.

After Council Member Wacha raised the question, the Council was told by Mr. Kuester that permitted uses in the RL would allow single-family homes, but not any new duplexes, any town homes, or any apartments. The zoning district FS-RM would allow single-family homes, duplexes, town homes of up to 12 attached units, and apartments of up to 12 units.

Planner Kuester advised that this information is being provided to the Mayor and City Council at this time; however, no direction is being sought. This issue will be on the City Council’s Agenda of April 9, 2013, with options for the Council to consider so that direction to staff can be given regarding a Master Plan or contract rezoning. On that date, the merits of the rezonings will not be debated; the applications would be forwarded to the Planning and Zoning Commission and to staff for further review.

#### **REQUEST FROM KINGLAND SYSTEMS TO MODIFY SET-BACK REQUIREMENT IN CAMPUSTOWN SERVICE CENTER:**

City Planner Jeff Benson said that Kingland Systems had purchased the property from the Champlin Family that comprises the 2400 Block of Lincoln Way from Welch Avenue east to the Cranford Apartments building. Kingland intends to remove the existing structures and to build new buildings for its expanding businesses, as well as to lease for retail and office use. It was noted that Kingland does not intend to allow residential uses in the buildings. According to Mr. Benson, the Kingland Systems’ project is the largest major

development project to be proposed since the current zoning standards for building height were enacted.

Mr. Benson advised that Kingland Systems had requested a waiver or modification of the City's current zoning requirement for properties in that area. The requirement establishes a maximum height of 30 feet for those portions of buildings that are within 15 feet of the Lincoln Way and Welch Avenue rights-of-way (the "step-back requirement"). Mr. Benson provided some history about why the City Council chose to include the "step-back" requirement in the Zoning Ordinance for the area between Lincoln Way and Chamberlain and Hayward and Stanton. He stated that in March 2006, the Council approved the current zoning development standards for the Campustown Service Center that require a step-back of 15 feet for a building to be taller than 30 feet, or two stories, and a maximum height of 115 feet. In summary, if a building was going to be constructed that would be higher than 30 feet, the building would have to be moved back 15 feet from the property line or have the portion that is higher than 30 feet be 15 feet from the property line. The requirement was intended to allow the redevelopment of Campustown in a way that would provide more opportunities for housing, employment, and commerce, but at the same time, preserve the character and scale of the neighborhood. According to Mr. Benson, the character and scale of the Campustown neighborhood have a lot of variety to them, but mostly, one- and two-story buildings have existed in that area for more than 75 years.

At the request of Council Member Szopinski, Mr. Benson advised that Kingland is requesting to build a three-story building. He thought the total height would be approximately 45 to 50 total feet.

Planner Benson brought the Council member's attention to five options for their consideration. He noted that, before moving ahead with the project, staff needs Council direction regarding the zoning requirement for building height step-back. He noted the area in question is zoned Campustown Service Center, and redevelopment projects in that zoning district may get site plan approval and building permits through staff review only. Council would not need to approve the project if the project met the requirements; however, because a building of three stories is being requested, the Council needs to approve that change. The issue of a waiver is not addressed in the staff report because what is being requested is a change to the zoning standard, which would require a zoning text amendment. If approved, that would be available to anyone whose buildings are located in the two-block area, not just this project.

Council Member Orazem noted that, per information provided by the developers, this project could potentially employ 300 - 400 people and would be comprised of approximately 14,000 square feet of new retail space.

Ron Fiscus, Planscape Partners, Clear Lake, Iowa, and Architect Randy Cramm from Mason City, representing Kingland Systems, were present. Mr. Fiscus stated that the 15-foot step-back requirement would mean dramatic financial and timing implications for the Kingland project; and it would also impact the parking ratio. The developers believe that the step-back requirement for a three-story building does not allow them to use the volume available at the site. Mr. Fiscus said compatibility with the existing development can be achieved through architectural design without the step-back standard. He said that Kingland hopes to begin construction this summer. Mr. Fiscus requested that the Council direct a modification to the Zoning Ordinance that would allow the developers to proceed with this project.

Council Member Orazem asked if Mr. Fiscus had had conversation with the other retail establishments. Mr. Fiscus said that he had had a very good meeting with the Campustown Action Association.

Council Member Szopinski asked for preliminary sketches of the proposed building so she could get a feel for what the structure would look like. Mr. Fiscus said that if the City Council would give Kingland the sense that the City was open to possibly modifying the requirement, it would be willing to go to the expense of creating design sketches of the building.

Warren Madden, 2815 Oakwood Road, Ames, spoke as Senior Vice-President for Business and Finance at Iowa State University. He offered general support for Kingland's redevelopment project, but stated that specifically how it is accomplished is not the issue of the University. The University would like it to be explored as to whether Kingland would include some type of student housing in the project, and if so, how that could be accomplished. Mr. Madden advised that the success of the Kingland project is crucial to the redevelopment of Campustown. He said that Kingland is a very significant employer of Iowa State students. The corner property is also key to Campustown redevelopment.

Sharon Wirth, speaking as the Historic Preservation Commission Chairperson, noted that demolishing buildings is in direct conflict with the Council's goal of sustainability. If any option other than No. 1, which is to leave things as they are, is agreed upon, Ms. Wirth asked that all stakeholders be involved in conversations about the project.

Ryan Jeffrey, President of the Campustown Action Association, said that, as a whole, the Association is very excited about the Kingland project and believes that it will be a great catalyst for continued redevelopment in Campustown. He stated, however, the Association does not have enough information at this time to state that the building would be visually acceptable if the step-back requirement were removed.

Moved by Goodman, seconded by Orazem, to ask the architects to come back to Council soon with a more thorough explanation of what the project might entail and that the Council expresses its openness in the option of eliminating the step-back requirement if the project meets other expectations.

Council Member Orazem expressed the need for the City to have some mechanism to allow flexibility and at the same time allow the architect working on the project to meet with approval of the neighbors surrounding the area in question.

Council Member Wacha said he preferred a stronger message from the Council that it would be supportive of removing the step-back requirement. He offered a friendly amendment that the motion direct staff to draw up a revision that would allow three stories without a step-back requirement.

Council Member Szopinski said that she was very interested in moving the Kingland project forward, but was also very concerned about historic presentation. She reiterated that it was important to get some sense of what the building is going to look like before going on record as being supportive.

Mr. Wacha said he was not at all interested in burdening Kingland with additional costs so that the City can have a "pie-in-the-sky" perfect historic-looking building. It is his opinion that Ames is

fortunate that Kingland is investing money in redevelopment. He preferred, rather than to just express encouragement, for the Council to actually direct staff to draw up a revision to the *Code* that would allow a three-story building without a step-back requirement.

Council Member Goodman asked Mr. Fiscus if he were comfortable moving the project forward with the motion that was on the table. Mr. Fiscus said that details about the project would come back to the City prior to the adoption of any ordinance; however, the architects would feel more comfortable if the Council had directed that draft language be prepared that would remove the step-back requirement.

Planner Benson told the Council that to move any ordinance forward, staff would need to have draft language for a text amendment to take to the Planning and Zoning Commission for a recommendation. He said that staff could take the draft language to the stakeholders in Campustown as well. Mr. Benson suggested that the architects bring more details to the Council at the same time that the staff brings proposed ordinance language to the Council that would remove the step-back requirement.

Council Member Davis arrived at 8:41 p.m.

Vote on Motion: 3-1-1. Voting aye: Goodman, Orazem, Szopinski. Voting nay: Wach. Abstaining: Davis. Motion declared carried.

Council Member Goodman stated that he also wanted to ensure that representatives of Historic Preservation Commission “be a piece of the input.” Mr. Fiscus said that he had promised the CAA that the developers would come back to it with details and revised concepts, and they would be pleased to include representatives from Historic Preservation.

Moved by Goodman, seconded by Szopinski, to direct that the City Council get feedback from the Historic Preservation Commission and the CAA on this project.

Vote on Motion: 5-0. Motion declared carried unanimously.

**PRELIMINARY PLAT FOR BELLA WOODS:** City Planner Kuester described the residential subdivision in the unincorporated area of Story County that is being proposed by Bella Homes. The site is within the Rural Transitional Residential Area of the Ames Urban Fringe Plan. Mr. Kuester defined Rural Transitional Residential. He noted that the proposed subdivision is required to meet the Design and Improvement Standards of the City’s subdivision regulations unless specific waivers are granted by the City Council. On February 12, 2013, the applicant received a waiver from the City Council for specific portions of Division IV. With the waivers already granted by the City Council, the Subdivision will be required to meet Story County requirements for water and on-site septic systems.

At issue, according to Mr. Kuester, is a proposed cul-de-sac to the west of the main north-south street. The developer is proposing six residential lots around that cul-de-sac. Mathews Road lies directed to the west of this proposed development. Mathews Road was constructed as part of the approved Squaw Valley South Subdivision, Third Addition, in 1990. The cul-de-sac has a 60-foot “Street Reservation Easement” extending from the east end of the cul-de-sac to the east property line adjacent to the proposed Bella Woods Subdivision. The restrictive covenants for the Squaw Valley South Subdivision state that the owners of Lots 4 and 5 (where the easement is located) “shall convey or dedicate those portions of the lots in the event that Matthews Road is extended to

the east.” The covenants further state that those owners are not responsible for the costs of that extension. According to Mr. Kuester, what is not clear is what trigger mechanism will require Mathews Road to be extended and who will pay for it. Since the intent of the Squaw Valley South Subdivision was to allow for the interconnected development of this proposed development with Mathews Road, staff required the applicant to prepare a plat showing how this proposed plat will connect with the older development to the west. The connection to the west property line of Bella Woods is possible while retaining the same number of lots and still allowing the future connection to Squaw Valley South Subdivision. The applicant would prefer not to make that connection. The reasons against the connection provided from the perspective of the developer were shared with the City Council by Planner Kuester.

Mr. Kuester stated that, since the Planning and Zoning Commission meeting, staff had worked with the applicant to develop another possible alternative, which would allow the cul-de-sac to be built, but also create an outlot that would be reserved for the future extension of the road to the west. At that time, Mathews Road can also be extended to the east. That approach would create a platted outlot reserved for the future street extension, rather than an easement that would need to be transferred later. In addition, the covenants that were signed by the Bella Woods owner when the waiver of the subdivision standards was requested include a provision that the subsequent owners will pay for any special assessments that are needed for public improvements. Mr. Kuester reiterated that that approach would allow for the initial construction of a cul-de-sac, which satisfies the developer who would prefer that there not be a connection to the west. It also allows for the eventual connection if, after annexation, the City Council thought that the standards for interconnectivity of neighborhoods should be met. Mr. Kuester emphasized, however, that that does not mandate that the connection be made at any particular time. The reserved outlot means that the land is available for dedication as right-of-way in the future should the road be extended. The covenants are the mechanism by which the costs of the road extension would be borne by the various owners of the Subdivision.

Bob Gibson, Civil Design Advantage, introduced Chris Gardner, owner of the land in question, who was also present. Mr. Gibson said that there would be serious grade issues pertaining to storm water if Bella Woods would be required to connect to Mathews Road.

Mr. Gibson refuted Mr. Kuester’s contention that there was an expectation of interconnectivity in the 1990 plat for Squaw Valley South. He noted that cul-de-sacs are discouraged, but not prohibited.

A letter from Danny J. Johnson, President of the South Squaw Valley Association, had been received by Mr. Gibson and presented to the City Council around the dais. The letter requested that Mathews Road not be required to be connected to Bella Woods. Council Member Wacha told Mr. Gibson that 20 years from now, the people whom they are selling Bella Woods lots to will be asking the City of Ames to provide utility services to them. He made that premonition based on how close the proposed Bella Woods Subdivision is located to the city limits of Ames and how and where Ames is growing. Another concern about cul-de-sacs that Mr. Wacha has is the maneuverability of emergency vehicles. Mr. Gibson said that the cul-de-sac has a 50-foot radius, which would allow maneuverability of emergency vehicles. He alleged that having a “stub road” is less safe than having a cul-de-sac.

Council Member Wacha said one of the main reasons to have connectivity is fire service. Cul-de-sacs make it difficult for fire trucks to turn around. If there are two abutting cul-de-sacs, it would be even more difficult for the trucks to maneuver. Council Member Szopinski said she is primarily concerned about the access of service vehicles would be affected. Mr. Gibson again stated that the



pavement radius of the cul-de-sac is 50', which would be a 100' diameter; that is larger than a standard cul-de-sac (84').

Another issue, according to Mr. Gibson, is the trees: 123 trees would have to be removed if they are required to connect to Mathews Road. The driveway of an existing home would also be impacted. Mr. Gibson reiterated that there would also be storm water discharge issues. A swale would have to be cut to the south to accommodate storm water, and an additional 594 trees would have to be removed for the construction of that swale. He alleged that the removal of the trees would compromise the attractiveness of the proposed subdivision.

Cathy Stahlman, 3309 Cameron School Road, Ames, expressed her concerns about the proposed development. She advised that she raises sheep, goats, and chickens on her five-acre farm. Ms. Stahlman is concerned about the property value of her farm if it were surrounded by 16 houses. Concerning fairness to neighbors, Ms. Stahlman said that the 16 acres where they are proposing to build the Bella Woods Subdivision is the only buffer between Squaw Valley South and her farm. Ms. Stahlman noted that the owner of the 16 acres certainly has the right to sell the property; however, the development would abut her farm. She said that with sheep, goats, and chickens, there are smells and noises that might be unattractive to other homeowners.

Moved by Szopinski, seconded by Orazem, to approve the Preliminary Plat for Bella Woods with the construction of a cul-de-sac and the street not extended to the west line of the proposed development with the potential of a shared use path if the property is ever annexed.

Council Member Wacha recalled the action taken by the City Council members regarding Ringgenberg Subdivision when they denied construction of a cul-de-sac. He felt that the Council should be consistent, so he could not support the motion. Council Member Goodman agreed, and said that former Council members had supported connectivity when approving the South Squaw Valley Subdivision.

Vote on Motion: 2-3. Voting aye: Orazem, Szopinski. Voting nay: Davis, Goodman, Wacha. Motion failed.

Moved by Goodman, seconded by Orazem, to adopt RESOLUTION NO. 13-141 approving the Preliminary Plat for Bella Woods with the street not extended to the west line of the proposed development, but with an outlot shown that would be reserved for right-of-way in the event the street would be extended following annexation, conditioned upon:

- a. The applicant completing a number of updates to the proposed plat prior to the presentation to the Story County Supervisors for approval; said updates to include a complete grading plan, tabular data, etc.

Vote on Motion: 5-0. Motion declared carried unanimously.

The meeting recessed at 9:40 p.m. and reconvened at 9:47 p.m.

**DOWNTOWN FACADE GRANTS:** Planner Benson advised that \$23,000 remains in the Downtown Facade Improvement Grant program fund. Two Grant applications had been received:

1. 313 - 5<sup>th</sup> Street for Marrs Wealth Management in the amount of \$9,120
2. 215 Main Street for Emerhoff's Women's Shoes in the amount of \$16,000

It was noted by Mr. Benson that the City Council had previously approved a grant for the building to the west of 215 Main Street, which has the same owner. He emphasized the Council's policy that a second grant for the same building would only be approved during the second grant round of a given fiscal year. Council's intent was to only consider such applications after other qualifying projects were funded for buildings that have not previously received a grant. It was pointed out that this is the second grant round for the current fiscal year, so Council could award the grant for 215 Main for \$13,880, which is the amount remaining after the grant of \$9,120 for 313-5th Street is approved. Another approach that the Council could take, according to Planner Benson, would be to award the remaining \$23,000 to both projects in proportion to the funds requested, which would be to approve \$8,350 for 313-5th Street and \$14,650 for 215 Main.

Moved by Orazem, seconded by Davis, to adopt RESOLUTION NO. 13-133 approving a Downtown Facade Improvement Grant of \$9,120 to 313-5th and a Downtown Facade Improvement Grant of \$13,880 to 215 Main.

Roll Call Vote: 5-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

**PETITION FOR VOLUNTARY ANNEXATION OF 2212 OAKWOOD ROAD:** Moved by Davis, seconded by Orazem, to refer to the Planning and Zoning Commission the Petition for Voluntary Annexation of 2212 Oakwood Road.

Vote on Motion: 5-0. Motion declared carried unanimously.

**ARTISTIC BIKE RACKS IN MAIN STREET CULTURAL DISTRICT (MSCD):** City Operations Manager Corey Mellies introduced Barbara Walton and Jim Wilcox, representing the Ames Community Arts Council. Mr. Mellies showed proposed locations for placement of artistic bike racks in the MSCD. It was noted that the Public Art Commission would be allocating \$1,600 to the project. Staff has recommended that the City of Ames pay \$900 for an artistic bike rack to be located at City Hall after receiving a quote in that amount for a non-artistic rack

Ms. Walton advised that the ACAC fund-raising efforts had yielded \$4,949 for its Bike Rack Design Account. With the donation of the PAC and the City's contribution of \$900, the account totals \$7,440 towards the ACAC's goal of \$10,000.

Moved by Davis, seconded by Goodman, to authorize staff to enter into contracts with the Ames Community Arts Council and artists for artistic bike racks in the MSCD.

Vote on Motion: 5-0. Motion declared carried unanimously.

Moved by Davis, seconded by Goodman, to adopt RESOLUTION NO. 13-134 approving the allocation of \$900 in City Hall Mechanical and Structural Improvements funding for the cost of a bike rack to be placed at City Hall.

Roll Call Vote: 5-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

**HEARING ON AMENDMENT TO PRELIMINARY PLAT/MAJOR SITE DEVELOPMENT PLAN FOR SOMERSET SUBDIVISION:** Mayor Campbell opened the public hearing. No one came forward to speak, and the Mayor closed the hearing.

Planner Benson advised that the proposed development met all the requirements of the City.

Moved by Orazem, seconded by Davis, to adopt RESOLUTION NO. 13-135 approving a revision to the Preliminary Plat/Major Site Development Plan for Somerset Subdivision, 25<sup>th</sup> Addition with

the condition that the proposed Plan amendments be incorporated prior to Final Plat approval.  
Roll Call Vote: 5-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

**HEARING ON 2013 CITY HALL RENOVATION PROJECT:** The public hearing was opened by the Mayor. She closed same after no one asked to speak.

Moved by Orazem, seconded by Wacha, to adopt RESOLUTION NO. 13-136 approving final plans and specifications and awarding a contract to HPC, LLC, of Ames, Iowa, in the amount of \$770,000.00.

Roll Call Vote: 5-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

Moved by Orazem, seconded by Wacha, to adopt RESOLUTION NO. 13-137 approving the contract and bond.

Roll Call Vote: 5-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

**HEARING ON ASBESTOS MAINTENANCE SERVICES FOR POWER PLANT:** The Mayor opened the public hearing. No one requested to speak, and the Mayor closed the hearing.

Moved by Davis, seconded by Goodman, to reject both bids and direct staff to procure the services on an as-needed basis based on availability of contractors.

Vote on Motion: 5-0. Motion declared carried unanimously.

**HEARING ON 2012/13 ASPHALT STREET RECONSTRUCTION PROGRAM:** Mayor Campbell opened the public hearing. She closed the hearing after no one asked to speak.

Moved by Davis, seconded by Wacha, to adopt RESOLUTION NO. 13-138 approving final plans and specifications and awarding a contract to Manatt's, Inc., of Ames, Iowa, in the amount of \$770,765.63.

Roll Call Vote: 5-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

**HEARING ON 2012/13 LOW-POINT DRAINAGE IMPROVEMENTS (OLIVER CIRCLE):**  
The Mayor opened the public hearing and closed same after no one came forward to speak.

Moved by Davis, seconded by Wacha, to adopt RESOLUTION NO. 13-139 approving final plans and specifications and awarding a contract to J & K Contracting, LLC, of Ames, Iowa, in the amount of \$75,495.58.

Roll Call Vote: 5-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

**HEARING ON 2012/13 SHARED USE PATH MAINTENANCE PROJECT (BLOOMINGTON ROAD-HOOVER AVENUE TO TAFT AVENUE):** The public hearing was opened by Mayor Campbell. She closed the hearing after there was no one wishing to speak.

Moved by Davis, seconded by Goodman, to adopt RESOLUTION NO. 13-140 approving final plans and specifications and awarding contract to Manatt's, Inc., of Ames, Iowa, in the amount of \$67,614.45.

Roll Call Vote: 5-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

**HEARING ON NUISANCE ASSESSMENTS:** The Mayor opened the public hearing. There being no one wishing to speak, the hearing was closed.

Moved by Goodman, seconded by Orazem, to adopt RESOLUTION NO. 13-125 assessing the costs of sidewalk repair/replacement and certifying assessment to Story County Treasurer.

Roll Call Vote: 5-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

Moved by Goodman, seconded by Orazem, to adopt RESOLUTION NO. 13-132 assessing the costs of snow and ice removal and certifying assessment to Story County Treasurer.

Roll Call Vote: 5-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

**ORDINANCE MAKING MODIFICATIONS TO *MUNICIPAL CODE* CHAPTER 21 (SIGN CODE):** Moved by Goodman, seconded by Wacha, to pass on third reading and adopt ORDINANCE NO. 4142 making modifications to *Municipal Code* Chapter 21 (Sign Code).

Roll Call Vote: 5-0. Ordinance declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

**ORDINANCE MAKING MODIFICATIONS TO *MUNICIPAL CODE* APPENDIX N RELATING TO THE TITLES OF CHAPTERS 5 AND 21:** Moved by Goodman, seconded by Wacha, to pass on third reading and adopt ORDINANCE NO. 4143 making modifications to *Municipal Code* Appendix N relating to the titles of Chapters 5 and 21.

Roll Call Vote: 5-0. Ordinance declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

**COUNCIL COMMENTS:** Moved by Orazem, seconded by Goodman, to refer to staff for a staff report. the letter from Jeff Bryant dated March 4, 2013, requesting that the City Council consider a zoning text amendment to allow the replacement of an existing common shared garage with no side-yard setbacks.

Vote on Motion: 5-0. Motion declared carried unanimously.

Moved by Orazem, seconded by Wacha, to refer to staff, for a staff report, the request from Casey Johnson, Ames Ford Lincoln, as to having some type of mechanism where the City would take local ownership of business into account, specifically, how common in the State of Iowa is the local consideration language.

Vote on Motion: 5-0. Motion declared carried unanimously.

*Ex officio* Baker gave the results of the recent Government of Student Body election.

**ADJOURNMENT:** Moved by Davis to adjourn the meeting at 10:13 p.m.

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Diane R. Voss, City Clerk

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Ann H. Campbell, Mayor

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

**AMES, IOWA**

**APRIL 1, 2013**

The Special Meeting of the Ames City Council was called to order by Mayor Ann Campbell at 8:30 a.m. on April 1, 2013. Present from the City Council were Jeremy Davis, Matthew Goodman, Jami Larson, Peter Orazem, Victoria Szopinski, and Tom Wacha.

Mayor Campbell noted that Lee Robbins had requested that the Council go into Closed Session to discuss his qualifications for the position of City Attorney.

**CLOSED SESSION:** Moved by Davis, seconded by Orazem, to hold a closed session as provided by Section 21.5(1), Code of Iowa, to interview a candidate for the position of City Attorney.  
Roll Call Vote: 6-0. Motion declared carried unanimously.

Moved by Davis, seconded by Orazem, to reconvene in Open Session.  
Vote on Motion: 6-0. Motion declared carried.

**COUNCIL COMMENTS:** Moved by Larson, seconded by Goodman, to refer the request of the DNR to conduct a mentored turkey hunt on City-owned property located at 5679<sup>7</sup>-280th Street (Water & Pollution Control Plant) and that the item be placed on the Special City Council Meeting Agenda scheduled for April 5, 2013.  
Vote on Motion: 6-0. Motion declared carried unanimously.

**ADJOURNMENT:** Moved by Davis to adjourn the Special Meeting at 9:52 a.m.

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Diane R. Voss, City Clerk

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Ann H. Campbell, Mayor

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

**AMES, IOWA**

**APRIL 5, 2013**

The Special Meeting of the Ames City Council was called to order by Mayor Ann Campbell at 8:40 a.m. on April 5, 2013. Present from the City Council were Jeremy Davis, Jami Larson, Peter Orazem, and Victoria Szopinski. Because it was impractical for all Council members to be present in person, Council Members Goodman and Wacha were brought into the meeting telephonically.

**REQUEST OF THE DEPARTMENT OF NATURAL RESOURCES FOR A MENTORED  
TURKEY HUNT ON CITY-OWNED PROPERTY LOCATED AT 5679<sup>7</sup>-280TH STREET:**

Mayor Campbell announced that this item had been pulled by the DNR.

Mayor Campbell noted that David Peeples had requested that the Council go into Closed Session to discuss his qualifications for the position of City Attorney.

**CLOSED SESSION:** Moved by Davis, seconded by Larson, to hold a closed session as provided by Section 21.5(1), Code of Iowa, to interview a candidate for the position of City Attorney.

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

Moved by Davis, seconded by Szopinski, to reconvene in Open Session.

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

**COUNCIL COMMENTS:** Moved by Davis, seconded by Orazem, to refer to staff the request from Iowa State University Chapter of the Student Society of Landscape Architects for waiver of parking meter fees and enforcement for a parklet to be located at a parking space on Welch Avenue from April 21 to April 28, 2013, and that this item be placed on the Regular City Council Agenda for April 9, 2013.

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

**ADJOURNMENT:** Moved by Davis to adjourn the Special Meeting at 9:54 a.m.

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Diane R. Voss, City Clerk

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Ann H. Campbell, Mayor



# REPORT OF CONTRACT CHANGE ORDERS

|                        |                                     |                                    |
|------------------------|-------------------------------------|------------------------------------|
| Period:                | <input type="checkbox"/>            | 1 <sup>st</sup> – 15 <sup>th</sup> |
|                        | <input checked="" type="checkbox"/> | 16 <sup>th</sup> – end of month    |
| Month and year:        | March 2013                          |                                    |
| For City Council date: | April 9, 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 |
|---------------------------|---|---------------------|--------------------------|----------------------------|------------------------------|--------------------------|--------------------|---------------------------------|
| Electric Services         | Power Plant Chemical Treatment Program                      | 1                   | \$224,000.00             | ChemTreat, Inc.            | \$0.00                       | \$30,000.00              | B.Kindred          | CB                              |
| Water & Pollution Control | WPC Facility Motor Control Center No. 1 Replacement Project | 1                   | \$81,842.00              | Baker Elecric, Inc.        | \$0.00                       | \$1,925.00               | J. Dunn            | MA                              |
| Ames Public Library       | Ames Public Library Renovation & Expansion - Abatement Work | 2                   | \$49,659.00              | Abatement Specialties, LLC | \$7,678.00                   | \$6,718.00               | L. Carey           | MA                              |
|                           |   |                     | \$                       |                            | \$                           | \$                       |                    |                                 |
|                           |   |                     | \$                       |                            | \$                           | \$                       |                    |                                 |
|                           |   |                     | \$                       |                            | \$                           | \$                       |                    |                                 |

## MINUTES OF THE AMES CIVIL SERVICE COMMISSION

AMES, IOWA

MARCH 28, 2013

The Ames Civil Service Commission met in regular session at 8:15 a.m. on March 28, 2013, in the Council Chambers of City Hall, 515 Clark Avenue, with Commission Members Crum and Shaffer present. Commission Member Adams was absent. Also in attendance was Director of Human Resources Julie Huisman.

**APPROVAL OF MINUTES:** Moved by Shaffer, seconded by Crum, to approve the minutes of the February 28, 2013, Civil Service Commission meeting as written.

Vote on Motion: 2-0. Motion declared carried unanimously.

**CERTIFICATION OF ENTRY-LEVEL APPLICANTS:** Moved by Shaffer, seconded by Crum, to certify the following individuals to the Ames City Council as entry-level applicants:

|                     |                        |    |
|---------------------|------------------------|----|
| Building Official:  | Seana Perkins          | 84 |
|                     | Micah Chappel          | 80 |
| Maintenance Worker: | Andrew Lawless         | 93 |
|                     | Stephen Steward        | 91 |
|                     | Vernon Schuessler      | 89 |
|                     | Jason Badgett          | 85 |
|                     | Christopher Engelhardt | 85 |
|                     | Dallas Nelson          | 84 |
|                     | Terry Anderson         | 83 |
|                     | Kendel Miller          | 83 |
|                     | Bryan Zimmerman        | 82 |
|                     | Randy Abel             | 81 |
|                     | Richard Duszynski      | 81 |
|                     | Brian Hickie           | 81 |
|                     | David Lemmon           | 81 |
|                     | J. Hollis Hathaway     | 79 |
|                     | Andrew Sisson          | 78 |
|                     | Marty Darnell          | 77 |
|                     | Curtis Moore           | 77 |
|                     | Daniel Steffen         | 77 |
|                     | Scott Hauge            | 76 |
|                     | Robert Stiles          | 76 |
|                     | Matthew Elbert         | 75 |
|                     | Justin Carroll         | 74 |
|                     | Mark Debner            | 74 |
|                     | Shilo Tharp            | 74 |
|                     | Patrick Griffin        | 73 |
|                     | Jeffrey Hemmer         | 71 |
|                     | Timothy Bartlett       | 70 |
|                     | Michael Coughenour     | 70 |



|                             |                    |    |
|-----------------------------|--------------------|----|
|                             | Joe Holaday        | 70 |
|                             | Nathan Lakner      | 70 |
|                             | Randal Nichols     | 70 |
|                             | Jeffrey Smiley     | 70 |
| Process Maintenance Worker: | Larry Harris       | 93 |
|                             | Andrew Lawless     | 93 |
|                             | Marvin Wright      | 93 |
|                             | Dallas Nelson      | 88 |
|                             | David Lemmon       | 86 |
|                             | Keith Stradt       | 86 |
|                             | Mark Debner        | 83 |
|                             | J. Hollis Hathaway | 82 |
|                             | Joshua DeVos       | 81 |
|                             | Tanner Owen        | 81 |
|                             | Richard Duszynski  | 80 |
|                             | Andrew Mills       | 80 |
|                             | Clint Bennethum    | 79 |
|                             | Brad Wawers        | 79 |
|                             | Dillon Stradt      | 78 |
|                             | Marty Darnell      | 76 |
|                             | Matthew Bartos     | 72 |
|                             | Jeffrey Smiley     | 71 |
|                             | Randal Nichols     | 70 |
|                             | Shilo Tharp        | 70 |

Vote on Motion: 2-0. Motion declared carried unanimously.

**CERTIFICATION OF PROMOTIONAL-LEVEL APPLICANTS:** Moved by Shaffer, seconded by Crum, to certify the following individuals to the Ames City Council as promotional-level applicants:

|                    |                   |    |
|--------------------|-------------------|----|
| Police Commander:  | Jason Tuttle      | 90 |
|                    | Jeff Brinkley     | 83 |
|                    | Thomas Shelton    | 73 |
| Police Lieutenant: | Dan Walter        | 93 |
|                    | Heath Ropp        | 80 |
|                    | Brad Baker        | 78 |
|                    | Mike Arkovich     | 77 |
|                    | Mark Watson       | 77 |
|                    | Christine Crippen | 76 |
|                    | Derek Grooters    | 73 |

Vote on Motion: 2-0. Motion declared carried unanimously.

**COMMENTS:** The next regularly scheduled Civil Service Commission meeting was set for April 25, 2013, at 8:15 a.m.

**ADJOURNMENT:** The meeting adjourned at 8:18 a.m.

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Michael Crum, Vice Chair

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Jill Ripperger, Recording Secretary



# MEMO

*Caring People  
Quality Programs  
Exceptional Service*

**9a-e**

**TO:** Mayor Ann Campbell and Ames City Council Members

**FROM:** Lieutenant Jeff Brinkley – Ames Police Department

**DATE:** April 3, 2013

**SUBJECT:** Beer Permits & Liquor License Renewal Reference City Council Agenda  
April 9, 2013

The Council agenda for April 9, 2013, includes beer permits and liquor license renewals for:

- Special Class C Liquor & Outdoor Service – Golden Wok, 223 Welch Ave
- Special Class C Liquor – India Palace, 120 Hayward Ave
- Class E Liquor, C Beer, & B Wine – Dahl's Foods, 3121 Grand Ave (wine tasting)
- Class C Liquor – Dangerous Curves, 111 5<sup>th</sup> Street
- Class C Liquor with Outdoor Service – Cyclone Experience Network, Hilton Coliseum

A routine check of police records found no violations for any of these establishments.  
The police department would recommend renewal on all counts.

**COUNCIL ACTION FORM**

**SUBJECT:** PUBLIC UTILITY EASEMENT VACATION – 4118 APLIN ROAD

**BACKGROUND:**

In fall 2012, staff was contacted by the property owner at 4118 Aplin Road regarding the proposed construction of a garage on the property. The property currently has a 10 foot public utility easement along the south property line that limits the size and location of the new garage. The property owner requested that the easement be vacated to accommodate the construction.

Public Works staff contacted all registered right-of-way users to determine the extent of the utilities in the immediate area and has received responses back from all users. There is one known utility in this easement area; however, the utility is located within the southern five feet of the current easement. This utility owner has stated that in order to accommodate the garage construction, the southern five feet of the existing easement will be sufficient for their utility. The remaining utility owners do not have plans to be in the remaining easement.

The attached map provides more information on the affected area.

**ALTERNATIVES:**

1. Approve the proposal to vacate the north five feet of the existing easement at 4118 Aplin Road, and set the date of public hearing for April 23, 2013.
2. Direct staff or the property owner to pursue other options.

**MANAGER'S RECOMMENDED ACTION:**

Only the southern five feet of the existing easement is needed for utility lines. By approving vacation of the northern five feet, the property owner will be able to improve the property by building the garage in 2013.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the vacation of the north five feet of the existing public utility easement, and setting the date of public hearing for April 23, 2013.

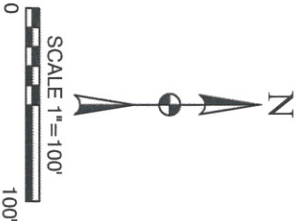
EXHIBIT "A"  
UTILITY EASEMENT VACATION PLAT



LOCATION CITY OF AMES, STORY COUNTY, IOWA  
PROJECT NO. 75953 SUBDIVISION COCHRANE'S FIRST ADDITION LOT NO. 18  
SECTION 8 TOWNSHIP 83 NORTH RANGE 24 WEST  
EXCESS EASEMENT 272 SQ.FT. EXCESS-FEE AC  
VACATED FROM CITY OF AMES



DESCRIPTION OF VACATED AREA  
THE NORTH 5 FEET OF THE SOUTH 10 FEET OF LOT 18 IN COCHRANE'S FIRST ADDITION TO THE CITY OF AMES, STORY COUNTY, IOWA, EXCEPT THE EAST 10 FEET THEREOF.

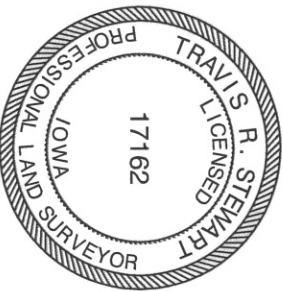


LEGEND

- ▲ GOVERNMENT CORNER MONUMENT FOUND
- △ GOVERNMENT CORNER MONUMENT SET 1/2" x 30" REBAR w/ORANGE PLASTIC ID CAP #17162
- CORNER MONUMENT FOUND
- SET 1/2" x 30" REBAR w/ORANGE PLASTIC ID CAP #17162
- ( ) RECORDED AS

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 that I am a duly Licensed Professional Land Surveyor under the laws of the State of Iowa.

Travis R. Stewart, PLS date 4/02/2013  
Iowa License Number 17162  
My License Renewal Date is December 31, 2013  
Pages or sheets covered by this seal: THIS SHEET



DRAWN BY WLB DATE 7-20-2012  
SCALE 1"=100' PROJECT NO. 75953.05

**COUNCIL ACTION FORM**

**SUBJECT:** PUBLIC UTILITY EASEMENT VACATION – MARY GREELEY  
SUBDIVISION (EAST 13<sup>TH</sup> STREET)

**BACKGROUND:**

Staff has received a request from the attorney representing Mary Greeley Medical Center, Brian Torresi, to vacate the public utility easement currently shown on the attachment running north/south through the existing lot at 2322 East 13<sup>th</sup> Street. The vacation is requested in order for the property owner to move forward with a subdivision of the property with the intent of selling lots for future development. As a part of the final platting process, new public utility easements will be established as shown on the attached map.

Vacation requests involve substantial outreach to all right-of-way users to determine if there are utilities in the existing easement and if there are intentions of using the easement in the future. This particular request was made the final week of February with the expectation that the vacation could be processed and finalized at the March 5, 2013 Council Meeting.

Public Works staff contacted all registered right-of-way users to determine the extent of utilities in this immediate area. Responses have not yet been received from all users. Under normal circumstances, a vacation request would not be presented to Council until all questions regarding impacts to the utility companies are known. **In this case, Mr. Torresi has asked for special consideration in order to maintain his schedule for the final platting of the lots and the sale of those lots in a parallel track. Since the typical process is not being followed, this has the potential to not be completed prior to the Council meeting. The final plat as submitted to staff cannot be approved without the vacation being complete.**

**As of April 2, 2013, four utility companies have yet to respond to staff as to the impacts related to the public utility easement. One utility has responded that their facility maps were inconclusive as to the exact location related to the easement. Staff has emailed and left voice messages with these utility companies and expects to have responses prior to noon on April 9, 2013. However, should there still be an outstanding response or a response that there is a utility in the existing easement, this item will be pulled from the Council agenda.**

**ALTERNATIVES:**

1. Approve the proposal to vacate the existing public utility easement at 2322 East 13<sup>th</sup> Street as shown and set the date of public hearing for April 23, 2013.

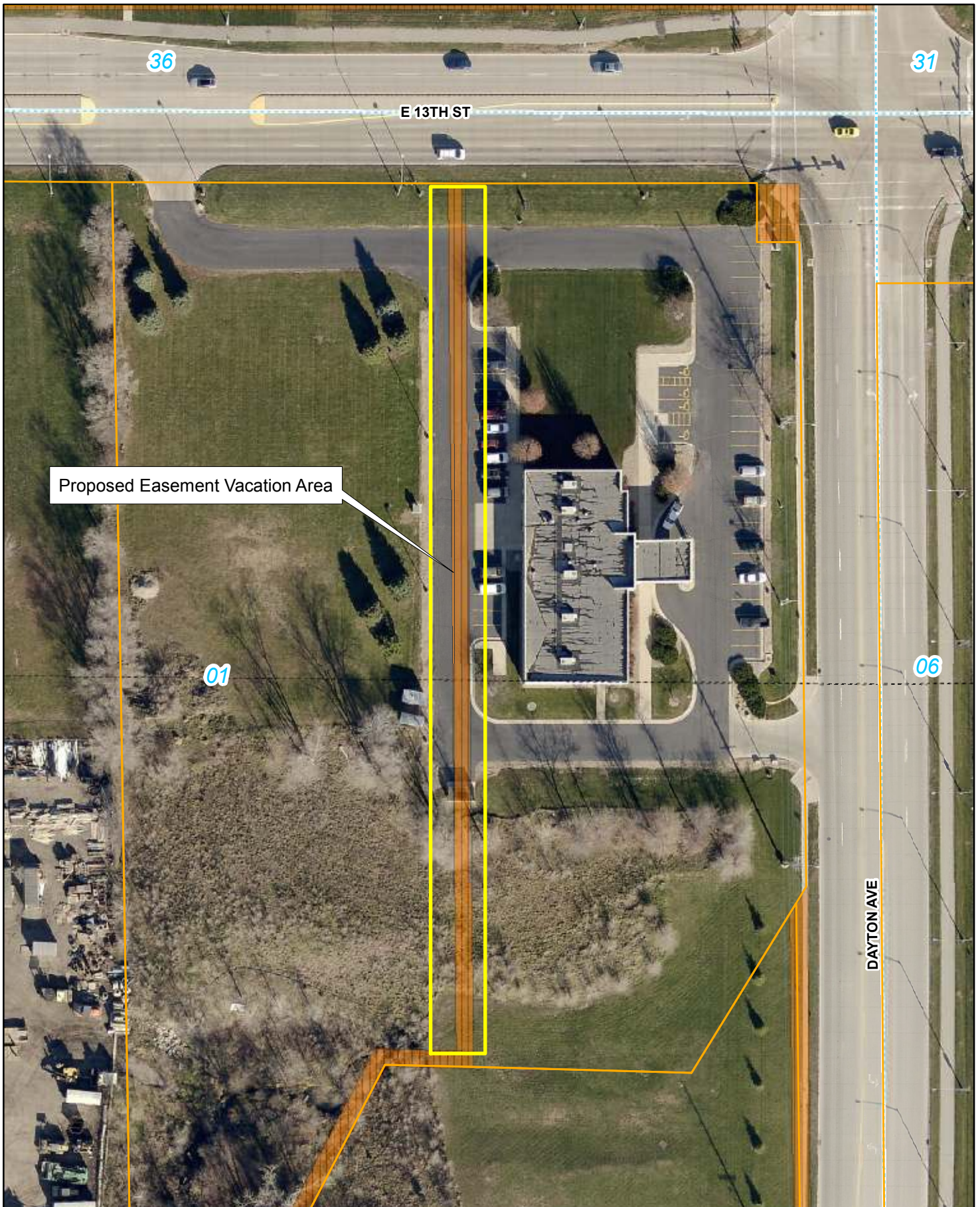
2. Delay consideration of this agenda item until all utilities have responded that they have no utility lines (or plans for utility lines) within the current easement.
3. Direct staff to pursue other options.

**MANAGER'S RECOMMENDED ACTION:**

By approving vacation of the easement at this time, the Council will meet this property owner's expedited need to move forward with the final platting process for the subdivision and the sale and improvements of the lots. In order to expedite this issue for a customer, staff has placed it on the agenda prior to receiving the necessary input from all utility companies that currently might be using this easement.

**Therefore, assuming the City has received a positive response from all right-of-way users prior to the Council meeting, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the vacation of the existing public utility easement at 2322 East 13<sup>th</sup> Street as shown and setting the date of public hearing for April 23, 2013.**





Geographic Information System (GIS) Product Disclaimer: City of Ames GIS map data does not replace or modify land surveys, deeds, and/or other legal instruments defining land ownership & land use nor does it replace field surveys of utilities or other features contained in the data. All features represented in this product should be field verified. This Product is provided "as is" without warranty or any representation of accuracy, timeliness or completeness. The burden for determining accuracy, completeness, timeliness, merchantability and fitness for or the appropriateness for use rests solely on the User.



E. 13th and Dayton Easment Vacation  
Mary Greely Subdivision



Scale: 1 in = 75 ft

Date: 3/20/2013



# EAST 13TH STREET (95')

REC. AS S89°31'49"E  
N89°57'05"E 1321.21'

NW CORNER  
NE 1/4, NE 1/4  
SEC. 1-83-24  
FOUND ALUM.  
MONUMENT

NE CORNER  
PARCEL C 6  
SEC. 1-83-24  
FOUND 'X' CUT  
IN CONCRETE

STATE PLANE COORDINATES  
IOWA NORTH ZONE (NAD 83)  
N = 3475573.52  
E = 4898641.54

| CURVE 1       | CURVE 2       | CURVE 3       |
|---------------|---------------|---------------|
| R=27.00'      | R=27.00'      | R=27.00'      |
| A=42.41'      | A=42.38'      | A=42.39'      |
| Δ=90°00'00"   | Δ=89°55'41"   | Δ=89°57'34"   |
| B=S45°02'55"E | B=S45°05'05"E | B=S45°06'01"E |
| Ch=38.18      | Ch=38.16      | Ch=38.17      |

CROSS ACCESS EASEMENT  
CURVE 1 CURVE 2 CURVE 3  
R=27.00' R=27.00' R=27.00'  
A=42.41' A=42.38' A=42.39'  
Δ=90°00'00" Δ=89°55'41" Δ=89°57'34"  
B=S45°02'55"E B=S45°05'05"E B=S45°06'01"E  
Ch=38.18 Ch=38.16 Ch=38.17

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**COUNCIL ACTION FORM**

**SUBJECT: IOWA DOT AGREEMENT FOR 2012/13 ARTERIAL STREET PAVEMENT IMPROVEMENTS – STATE AVENUE**

**BACKGROUND:**

The City's annual Arterial Street Pavement Improvements program utilizes current repair techniques to rehabilitate or reconstruct arterial streets with asphalt or concrete. Rehabilitation and/or replacement of arterial streets are needed to restore structural integrity, serviceability, and ride-ability. Targeted streets are reaching a point of accelerated deterioration.

The 2012/13 program location is State Avenue (Oakwood Rd – north of U.S. Hwy 30 Bridge). The State Avenue project is programmed utilizing Metropolitan Planning Organization/Surface Transportation Program (MPO/STP) funding with remaining funds being split between local funding and Story County. The agreement with Story County is already in place. It is anticipated that the project will have a June 2013 letting through the Iowa Department of Transportation (Iowa DOT) with construction in late summer/fall 2013.

Funding for this program has been identified in the 2012/13 Capital Improvements Plan (CIP) in the amount of \$219,000 from General Obligation Bonds, \$1,062,000 from MPO/STP funds, and \$219,000 from Story County, bringing total program funding to \$1,500,000.

**ALTERNATIVES:**

1. Approve the Iowa DOT Agreement for MPO/STP funding for the 2012/13 Arterial Street Pavement Improvements State Ave (Oakwood Rd – north of U.S. Hwy 30 Bridge).
2. Reject the Agreement.

**MANAGER'S RECOMMENDED ACTION:**

Approval of this agreement with the Iowa DOT is needed before the project can move forward with the rehabilitation of State Avenue during the 2013 construction season. Delay or rejection of this agreement could delay the rehabilitation by at least one year.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the Iowa DOT Agreement for MPO/STP funding for the 2012/13 Arterial Street Pavement Improvements State Ave (Oakwood Rd – north of U.S. Hwy 30 Bridge).

**IOWA DEPARTMENT OF TRANSPORTATION  
Federal-aid Agreement  
for a Surface Transportation Program Project**

Recipient: City of Ames

Project No.: STP-U-0155(679)--70-85

Iowa DOT Agreement No.: 1-13-STPU-001

CFDA No. and Title: 20.205 Highway Planning and Construction

This is an agreement between the City of Ames, Iowa (hereinafter referred to as the Recipient) and the Iowa Department of Transportation (hereinafter referred to as the Department). Iowa Code Sections 306A.7 and 307.44 provide for the Recipient and the Department to enter into agreements with each other for the purpose of financing transportation improvement projects on streets and highways in Iowa with Federal funds. Federal regulations require Federal funds to be administered by the Department.

The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Public Law 109-59, as amended by the SAFETEA-LU Technical Corrections Act, Public Law 110-244, reestablished the Surface Transportation Program (STP), now codified at Section 133(b) of Title 23, United States Code (U.S.C.). This program makes Federal funds available for construction, reconstruction, rehabilitation, resurfacing, restoration and operational or safety improvement projects on Federal-aid highways, bridges on any public road, and several other types of projects, as specified in 23 U.S.C. 133(b). Federal-aid highways include all Federal Functional Classifications, except for rural minor collectors or local roads.

Pursuant to the terms of this agreement, applicable statutes, and administrative rules, the Department agrees to provide STP funding to the Recipient for the authorized and approved costs for eligible items associated with the project.

Under this agreement, the parties further agree as follows:

1. The Recipient shall be the lead local governmental agency for carrying out the provisions of this agreement.
2. All notices required under this agreement shall be made in writing to the appropriate contact person. The Department's contact person will be the District 1 Local Systems Engineer. The Recipient's contact person shall be the City Engineer.
3. The Recipient shall be responsible for the development and completion of the following described STP project:  
  
HMA resurfacing, widening, and patching on State Avenue, from intersection with Oakwood Road to approximately 385 feet North of US 30 Overpass Bridge.
4. Eligible project activities will be limited to the following: construction, engineering, inspection, and right-of-way acquisition. Under certain circumstances, eligible activities may also include utility relocation or railroad work that is required for construction of the project.
5. The Recipient shall receive reimbursement for costs of authorized and approved eligible project activities from STP funds. The portion of the project costs reimbursed by STP funds shall be limited to a maximum of either 80 percent of eligible costs or the amount stipulated in the Ames Area Metropolitan Planning Organization current Transportation Improvement Program (TIP) and approved in the current Statewide Transportation Improvement Program (STIP), whichever is less.
6. If the project described in Section 3. drops out of the Ames Area Metropolitan Planning Organization current TIP or the approved current STIP prior to obligation of Federal funds, and the Recipient fails to reprogram the project in the appropriate TIP and STIP within 3 years, this agreement shall become null and void.
7. The Recipient shall let the project for bids through the Department.

8. If any part of this agreement is found to be void and unenforceable, the remaining provisions of this agreement shall remain in effect.
9. It is the intent of both parties that no third party beneficiaries be created by this agreement.
10. This agreement shall be executed and delivered in two or more copies, each of which so executed and delivered shall be deemed to be an original and shall constitute but one and the same agreement.
11. This agreement and the attached Exhibit 1 constitute the entire agreement between the Department and the Recipient concerning this project. Representations made before the signing of this agreement are not binding, and neither party has relied upon conflicting representations in entering into this agreement. Any change or alteration to the terms of this agreement shall be made in the form of an addendum to this agreement. The addendum shall become effective only upon written approval of the Department and the Recipient.

IN WITNESS WHEREOF, each of the parties hereto has executed this agreement as of the date shown opposite its signature below.

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**City Signature Block (City Projects Only)**

By \_\_\_\_\_ Date \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Title of city official

I, \_\_\_\_\_, certify that I am the City Clerk of Ames, and  
that \_\_\_\_\_, who signed said Agreement for and on behalf of the city was duly  
authorized to execute the same by virtue of a formal resolution duly passed and adopted by the city on the \_\_\_\_\_  
day of \_\_\_\_\_, 20\_\_\_\_\_.

Signed \_\_\_\_\_ Date \_\_\_\_\_, 20\_\_\_\_

City Clerk of Ames, Iowa

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IOWA DEPARTMENT OF TRANSPORTATION  
Highway Division

By \_\_\_\_\_ Date \_\_\_\_\_, 20\_\_\_\_

Gregg Durbin, P.E.  
Local Systems Engineer  
District 1

## EXHIBIT 1

### General Agreement Provisions for use of Federal Highway Funds on Non-primary Projects

Unless otherwise specified in this agreement, the Recipient shall be responsible for the following:

#### 1. General Requirements.

- a. The Recipient shall take the necessary actions to comply with applicable State and Federal laws and regulations. To assist the Recipient, the Department has provided guidance in the Federal-aid Project Development Guide (Guide) and the Instructional Memorandums to Local Public Agencies (I.M.s) that are referenced by the Guide. Both are available on-line at: [http://www.iowadot.gov/local\\_systems/publications/im/lpa\\_ims.htm](http://www.iowadot.gov/local_systems/publications/im/lpa_ims.htm). The Recipient shall follow the applicable procedures and guidelines contained in the Guide and I.M.s in effect at the time project activities are conducted.
- b. In accordance with Title VI of the Civil Rights Act of 1964 and associated subsequent nondiscrimination laws, regulations, and executive orders, the Recipient shall not discriminate against any person on the basis of race, color, national origin, sex, age, or disability. In accordance with Iowa Code Chapter 216, the Recipient shall not discriminate against any person on the basis of race, color, creed, age, sex, sexual orientation, gender identity, national origin, religion, pregnancy, or disability. The Recipient agrees to comply with the requirements outlined in I.M. 1.070, Title VI and Nondiscrimination Requirements.
- c. The Recipient shall comply with the requirements of Title II of the Americans with Disabilities Act of 1990 (ADA), Section 504 of the Rehabilitation Act of 1973 (Section 504), the associated Code of Federal Regulations (CFR) that implement these laws, and the guidance provided in I.M. 1.080, ADA Requirements. When pedestrian facilities are constructed, reconstructed, or altered, the Recipient shall make such facilities compliant with the ADA and Section 504.
- d. To the extent allowable by law, the Recipient agrees to indemnify, defend, and hold the Department harmless from any action or liability arising out of the design, construction, maintenance, placement of traffic control devices, inspection, or use of this project. This agreement to indemnify, defend, and hold harmless applies to all aspects of the Department's application review and approval process, plan and construction reviews, and funding participation.
- e. As required by the 49 CFR 18.26, the Recipient is responsible for obtaining audits in accordance with the Single Audit Act Amendments of 1996 (31 U.S. c. 7501-7507) and revised Office of Management and Budget (OMB) Circular A-133. Subpart B of OMB Circular A-133 stipulates that non-Federal entities expending \$500,000 or more in Federal awards in a year shall have a single or program-specific audit conducted for that year in accordance with the provision of that part. Auditee responsibilities are addressed in subpart C of OMB Circular A-133. The Federal funds provided by this agreement shall be reported on the appropriate Schedule of Expenditures of Federal Awards (SEFA) using the Catalog of Federal Domestic Assistance (CFDA) number and title as shown on the first page of this agreement. If the Recipient will pay initial project costs and request reimbursement from the Department, the Recipient shall report this project on its SEFA. If the Department will pay initial project costs and then credit those accounts from which initial costs were paid, the Department will report this project on its SEFA. In this case, the Recipient shall not report this project on its SEFA.
- f. The Recipient shall supply the Department with all information required by the Federal Funding Accountability and Transparency Act of 2006 and 2 CFR Part 170,



- g. The Recipient shall comply with the following Disadvantaged Business Enterprise (DBE) requirements:
- i. The Recipient shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The Recipient shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts.
  - ii. The Recipient shall comply with the requirements of I.M. 3.710, DBE Guidelines.
  - iii. The Department's DBE program, as required by 49 CFR Part 26 and as approved by the Federal Highway Administration (FHWA), is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the Recipient of its failure to carry out its approved program, the Department may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).
- h. Termination of funds. Notwithstanding anything in this agreement to the contrary, and subject to the limitations set forth below, the Department shall have the right to terminate this agreement without penalty and without any advance notice as a result of any of the following: 1) The Federal government, legislature or governor fail in the sole opinion of the Department to appropriate funds sufficient to allow the Department to either meet its obligations under this agreement or to operate as required and to fulfill its obligations under this agreement; or 2) If funds are de-appropriated, reduced, not allocated, or receipt of funds is delayed, or if any funds or revenues needed by the Department to make any payment hereunder are insufficient or unavailable for any other reason as determined by the Department in its sole discretion; or 3) If the Department's authorization to conduct its business or engage in activities or operations related to the subject matter of this agreement is withdrawn or materially altered or modified. The Department shall provide the Recipient with written notice of termination pursuant to this section.

## **2. Programming and Federal Authorization.**

- a. The Recipient shall be responsible for including the project in the appropriate Regional Planning Affiliation (RPA) or Metropolitan Planning Organization (MPO) Transportation Improvement Program (TIP). The Recipient shall also ensure that the appropriate RPA or MPO, through their TIP submittal to the Department, includes the project in the Statewide Transportation Improvement Program (STIP). If the project is not included in the appropriate fiscal year of the STIP, Federal funds cannot be authorized.
- b. Before beginning any work for which Federal funding reimbursement will be requested, the Recipient shall contact the Department to obtain the procedures necessary to secure FHWA authorization. The Recipient shall submit a written request for FHWA authorization to the Department. After reviewing the Recipient's request, the Department will forward the request to the FHWA for authorization and obligation of Federal funds. The Department will notify the Recipient when FHWA authorization is obtained. The cost of work performed prior to FHWA authorization will not be reimbursed with Federal funds.

## **3. Federal Participation in Work Performed by Recipient Employees.**

- a. If Federal reimbursement will be requested for engineering, construction inspection, right-of-way acquisition or other services provided by employees of the Recipient, the Recipient shall follow the procedures in I.M. 3.310, Federal-aid Participation in In-House Services.
- b. If Federal reimbursement will be requested for construction performed by employees of the Recipient, the Recipient shall follow the procedures in I.M. 3.810, Federal-aid Construction by Local Agency Forces.
- c. If the Recipient desires to claim indirect costs associated with work performed by its employees, the Recipient shall prepare and submit to the Department an indirect cost rate proposal and related

documentation in accordance with the requirements of 2 CFR 225. Before incurring any indirect costs, such indirect cost rate proposal shall be certified by the FHWA or the Federal agency providing the largest amount of Federal funds to the Recipient.

#### **4. Design and Consultant Services**

- a. The Recipient shall be responsible for the design of the project, including all necessary plans, specifications, and estimates (PS&E). The project shall be designed in accordance with the design guidelines provided or referenced by the Department in the Guide and applicable I.M.s.
- b. If the Recipient requests Federal funds for consultant services, the Recipient and the Consultant shall prepare a contract for consultant services in accordance with 23 CFR Part 172. These regulations require a qualifications-based selection process. The Recipient shall follow the procedures for selecting and using consultants outlined in I.M. 3.305, Federal-aid Participation in Consultant Costs.
- c. If Preliminary Engineering (PE) work is Federally funded, and if right-of-way acquisition or actual construction of the road is not started by the close of the tenth fiscal year following the fiscal year in which the Federal funds were authorized, the Recipient shall repay to the Department the amount of Federal funds reimbursed to the Recipient for such PE work. PE includes work that is part of the development of the PS&E for a construction project. This includes environmental studies and documents, preliminary design, and final design up through and including the preparation of bidding documents. PE does not include planning or other activities that are not intended to lead to a construction project. Examples include planning, conceptual, or feasibility studies.

#### **5. Environmental Requirements and other Agreements or Permits.**

- a. The Recipient shall take the appropriate actions and prepare the necessary documents to fulfill the FHWA requirements for project environmental studies including historical/cultural reviews and location approval. The Recipient shall complete any mitigation agreed upon in the FHWA approval document. These procedures are set forth in I.M. 3.105, Concept Statement Instructions, 3.110, Environmental Data Sheet Instructions, 3.112, FHWA Environmental Concurrence Process, and 3.114, Cultural Resource Guidelines.
- b. If farmland is to be acquired, whether for use as project right-of-way or permanent easement, the Recipient shall follow the procedures in I.M. 3.120, Farmland Protection Policy Act Guidelines.
- c. The Recipient shall obtain project permits and approvals, when necessary, from the Iowa Department of Cultural Affairs (State Historical Society of Iowa; State Historic Preservation Officer), Iowa Department of Natural Resources, U.S. Coast Guard, U.S. Army Corps of Engineers, the Department, or other agencies as required. The Recipient shall follow the procedures in I.M. 3.130, 404 Permit Process, 3.140, Storm Water Permits, 3.150, Highway Improvements in the Vicinity of Airports or Heliports, and 3.160, Asbestos Inspection, Removal and Notification Requirements.
- d. In all contracts entered into by the Recipient, and all subcontracts, in connection with this project that exceed \$100,000, the Recipient shall comply with the requirements of Section 114 of the Clean Air Act and Section 308 of the Federal Water Pollution Control Act, and all their regulations and guidelines. In such contracts, the Recipient shall stipulate that any facility to be utilized in performance of or to benefit from this agreement is not listed on the Environmental Protection Agency (EPA) List of Violating Facilities or is under consideration to be listed.

#### **6. Right-of-Way, Railroads and Utilities.**

- a. The Recipient shall acquire the project right-of-way, whether by lease, easement, or fee title, and shall provide relocation assistance benefits and payments in accordance with the procedures set forth in I.M. 3.605, Right-of-Way Acquisition, and the Department's Office of Right of Way Local Public Agency Manual. The Recipient shall contact the Department for assistance, as necessary, to ensure compliance with the required procedures, even if no Federal funds are used for right-of-way activities. The Recipient shall obtain environmental concurrence before acquiring any needed right-of-way. With prior approval, hardship and protective buying is possible. If the Recipient requests Federal funding for right-of-way

acquisition, the Recipient shall also obtain FHWA authorization before purchasing any needed right-of-way.

- b. If the project right-of-way is Federally funded and if the actual construction is not undertaken by the close of the twentieth fiscal year following the fiscal year in which the Federal funds were authorized, the Recipient shall repay the amount of Federal funds reimbursed for right-of-way costs to the Department.
- c. If a railroad crossing or railroad tracks are within or adjacent to the project limits, the Recipient shall obtain agreements, easements, or permits as needed from the railroad. The Recipient shall follow the procedures in I.M. 3.670, Work on Railroad Right-of-Way, and I.M. 3.680, Federal-aid Projects Involving Railroads.
- d. The Recipient shall comply with the Policy for Accommodating Utilities on City and County Federal-aid Highway Right of Way for projects on non-primary Federal-aid highways. For projects connecting to or involving some work inside the right-of-way for a primary highway, the Recipient shall follow the Iowa DOT Policy for Accommodating Utilities on Primary Road System. Certain utility relocation, alteration, adjustment, or removal costs to the Recipient for the project may be eligible for Federal funding reimbursement. The Recipient should also use the procedures outlined in I.M. 3.640, Utility Accommodation and Coordination, as a guide to coordinating with utilities.
- e. If the Recipient desires Federal reimbursement for utility costs, it shall submit a request for FHWA Authorization prior to beginning any utility relocation work, in accordance with the procedures outlined in I.M. 3.650, Federal-aid Participation in Utility Relocations.

## **7. Contract Procurement.**

The following provisions apply only to projects involving physical construction or improvements to transportation facilities:

- a. The project plans, specifications, and cost estimate (PS&E) shall be prepared and certified by a professional engineer or architect, as applicable, licensed in the State of Iowa.
- b. For projects let through the Department, the Recipient shall be responsible for the following:
  - i. Prepare and submit the PS&E and other contract documents to the Department for review and approval in accordance with I.M. 3.505, Check and Final Plans and I.M. 3.510, Check and Final Bridge or Culvert Plans, as applicable.
  - ii. The contract documents shall use the Department's Standard Specifications for Highway and Bridge Construction. Prior to their use in the PS&E, specifications developed by the Recipient for individual construction items shall be approved by the Department
  - iii. Follow the procedures in I.M. 3.730, Iowa DOT Letting Process, to analyze the bids received, make a decision to either award a contract to the lowest responsive bidder or reject all bids, and if a contract is awarded, execute the contract documents and return to Department.
- c. For projects that are let locally by the Recipient, the Recipient shall follow the procedures in I.M. 3.720, Local Letting Process, Federal-aid.
- d. The Recipient shall forward a completed Project Development Certification (Form 730002) to the Department in accordance with I.M. 3.750, Project Development Certifications Instructions. The project shall not receive FHWA Authorization for construction or be advertized for bids until after the Department has reviewed and approved the Project Development Certification.
- e. If the Recipient is a city, the Recipient shall comply with the public hearing requirements of the Iowa Code section 26.12.
- f. The Recipient shall not provide the contractor with notice to proceed until after receiving written notice the Iowa DOT has concurred in the contract award.



## **8. Construction.**

- a. A full-time employee of the Recipient shall serve as the person in responsible charge of the construction project. For cities that do not have any full time employees, the mayor or city clerk will serve as the person in responsible charge, with assistance from the Department.
- b. Traffic control devices, signing, or pavement markings installed within the limits of this project shall conform to the "Manual on Uniform Traffic Control Devices for Streets and Highways" per 761 IAC Chapter 130. The safety of the general public shall be assured through the use of proper protective measures and devices such as fences, barricades, signs, flood lighting, and warning lights as necessary.
- c. For projects let through the Department, the project shall be constructed under the Department's Standard Specifications for Highway and Bridge Construction and the Recipient shall comply with the procedures and responsibilities for materials testing according to the Department's Materials I.M.s. Available on-line at: <http://www.iowadot.gov/erl/current/IM/navigation/nav.htm>.
- d. For projects let locally, the Recipient shall provide materials testing and certifications as required by the approved specifications.
- e. If the Department provides any materials testing services to the Recipient, the Department will bill the Recipient for such testing services according to its normal policy as per Materials I.M. 103.
- f. The Recipient shall follow the procedures in I.M. 3.805, Construction Inspection, and the Department's Construction Manual, as applicable, for conducting construction inspection activities.

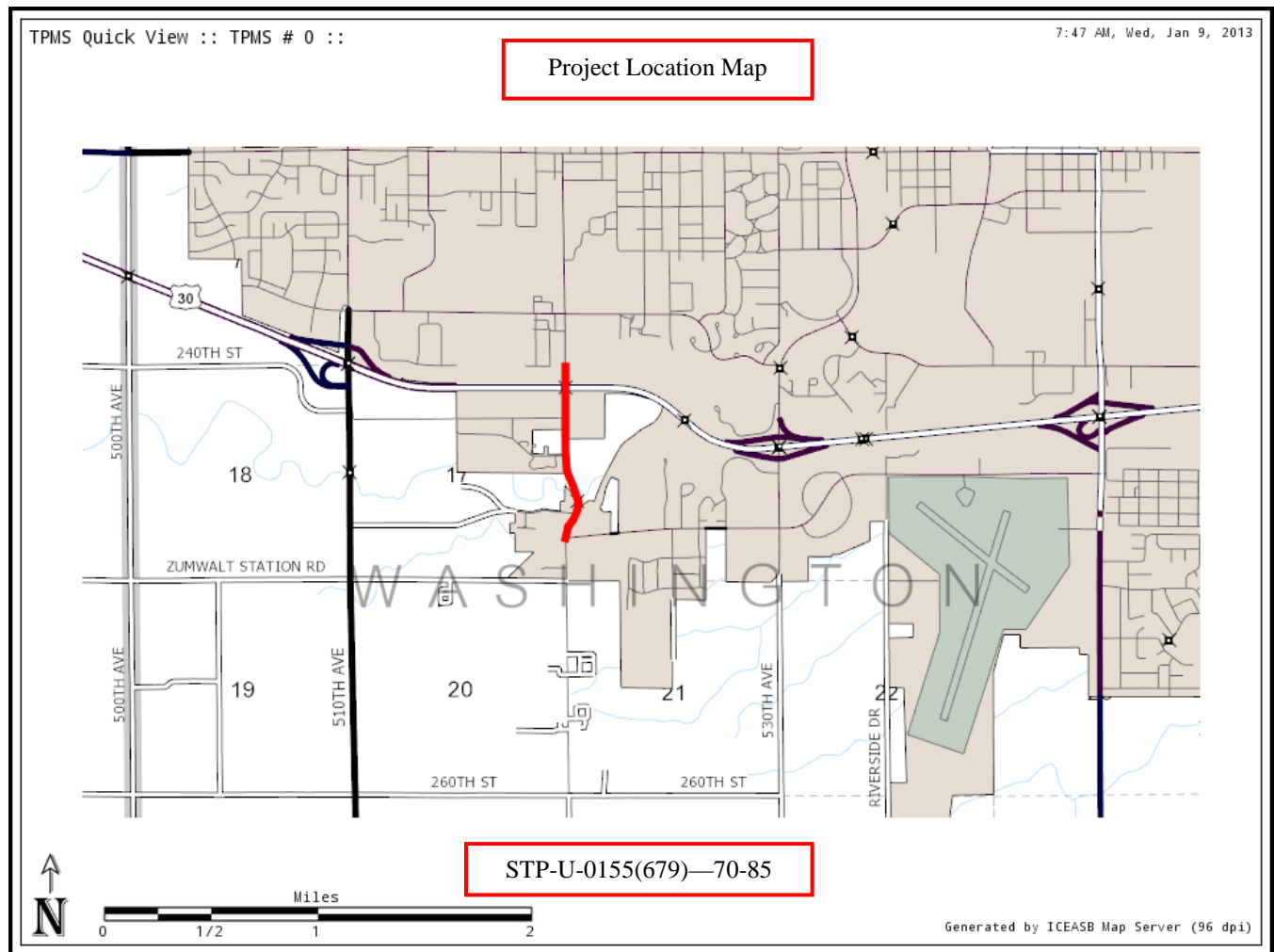
## **9. Reimbursements.**

- a. After costs have been incurred, the Recipient shall submit to the Department periodic itemized claims for reimbursement for eligible project costs. Requests for reimbursement shall be made at least annually but not more than bi-weekly.
- b. To ensure proper accounting of costs, reimbursement requests for costs incurred prior to June 30 shall be submitted to the Department by August 1 if possible, but no later than August 15.
- c. Reimbursement claims shall include a certification that all eligible project costs, for which reimbursement is requested, have been reviewed by an official or governing board of the Recipient, are reasonable and proper, have been paid in full, and were completed in substantial compliance with the terms of this agreement.
- d. The Department will reimburse the Recipient for properly documented and certified claims for eligible project costs. The Department may withhold up to 5% of the Federal share of construction costs or 5% of the total Federal funds available for the project, whichever is less. Reimbursement will be made either by State warrant or by crediting other accounts from which payment was initially made. If, upon final audit or review, the Department determines the Recipient has been overpaid, the Recipient shall reimburse the overpaid amount to the Department. After the final audit or review is complete and after the Recipient has provided all required paperwork, the Department will release the Federal funds withheld.

- e. The total funds collected by the Recipient for this project shall not exceed the total project costs. The total funds collected shall include any Federal or State funds received, any special assessments made by the Recipient (exclusive of any associated interest or penalties) pursuant to Iowa Code Chapter 384 (cities) or Chapter 311 (counties), proceeds from the sale of excess right-of-way, and any other revenues generated by the project. The total project costs shall include all costs that can be directly attributed to the project. In the event that the total funds collected by the Recipient does exceed the total project costs, the Recipient shall either:
  - 1) in the case of special assessments, refund to the assessed property owners the excess special assessments collected (including interest and penalties associated with the amount of the excess), or
  - 2) refund to the Department all funds collected in excess of the total project costs (including interest and penalties associated with the amount of the excess) within 60 days of the receipt of any excess funds. In return, the Department will either credit reimbursement billings to the FHWA or credit the appropriate State fund account in the amount of refunds received from the Recipient.

#### **10. Project Close-out.**

- a. Within 30 days of completion of construction and / or other activities authorized by this agreement, the Recipient shall provide written notification completed pre-audit checklist to the Department. The Recipient shall follow and request a final audit, in accordance with the procedures in I.M. 3.910, Final Review, Audit, and Close-out Procedures for Federal-aid Projects.
- b. For construction projects, the Recipient shall provide a certification by a professional engineer or architect, as applicable, licensed in the State of Iowa, indicating the construction was completed in substantial compliance with the project plans and specifications.
- c. Final reimbursement of Federal funds shall be made only after the Department accepts the project as complete.
- d. The Recipient shall maintain all books, documents, papers, accounting records, reports, and other evidence pertaining to costs incurred for the project. The Recipient shall also make these materials available at all reasonable times for inspection by the Department, FHWA, or any authorized representatives of the Federal Government. Copies of these materials shall be furnished by the Recipient if requested. Such documents shall be retained for at least 3 years from the date of FHWA approval of the final closure document. Upon receipt of FHWA approval of the final closure document, the Department will notify the Recipient of the record retention date.
- e. The Recipient shall maintain, or cause to be maintained, the completed improvement in a manner acceptable to the Department and the FHWA.



**COUNCIL ACTION FORM**

**SUBJECT:**     **ELECTRIC SERVICES INVENTORY CABLE PURCHASE**

**BACKGROUND:**

This bid is for the purchase of 6,000 feet of 750 KCMIL compact copper to meet the annual construction needs of Electric Services.

This cable is a standard Electric Services inventory item. Inventory items are purchased from an inventory asset account and are charged to the appropriate operations expense or project accounts as the materials are taken out of inventory and put into the various work orders.

Bids for these materials were received on March 21, 2013, as shown on the attached report. All bids for cable are subject to reel length variances, usually 5% - 10%, to allow for factory over/under runs during production. Three bids were received as shown on the attached spreadsheet.

The Electric Engineering Manager has reviewed the bids and determined that the low bid from Wesco Distribution, Des Moines, Iowa, meets the needs of the Electrical Services Department for the 750 KCMIL compact copper cable. The low bid submitted by Wesco is subject to a metals escalation/de-escalation that will be determined on the day of order placement.

**ALTERNATIVES:**

1. Award a contract for the purchase of 6,000 feet of 750 KCMIL compact copper cable to the low bidder, Wesco Distribution, Des Moines, Iowa, subject to reel length variances, at an estimated total cost of \$92,970 plus applicable sales taxes.
2. Reject all bids and delay Electric Services work orders.

**MANAGER'S RECOMMENDED ACTION:**

This purchase will provide for the annual construction needs of the Electric Services Department for aluminum cable.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the award of contract to Wesco Distribution, Des Moines, Iowa, subject to reel length variances, at an estimated total cost of \$92,970 plus applicable sales taxes.

# INVITATION TO BID 2013-144

| BIDDERS | 750 KCMIL<br>Compact<br>Copper<br>Unit Cost | Quantity<br>6,000<br>Feet<br>Total | Notes  |
|---------|---|------------------------------------|--|
| WESCO   | \$15.4950                                   | \$92,970.00                        | Metal escalation/de-escalation<br>at time of order placement,<br>specification exception<br>approved |
| WESCO   | \$17.8300                                   | \$106,980.00                       | Metal escalation/de-escalation<br>at time of order placement   |
| RESCO   | \$18.0795                                   | \$108,477.00                       | Metal escalation/de-escalation<br>at time of order placement   |



# MEMO

**To:** Mayor and Members of the City Council

**From:** City Clerk's Office

**Date:** April 5, 2013

**Subject:** Contract and Bond Approval

There are no Council Action Forms for Item Nos. 14 through 17. Council approval of the contract and bond for these projects is simply fulfilling a *State Code* requirement.

/jr



March 26, 2013

Honorable Mayor and Council Members  
City of Ames  
Ames, Iowa 50010

Ladies and Gentlemen:

I hereby certify that the street lighting required as a condition for approval of the final plat of **Northridge Heights, 15<sup>th</sup> Addition** have been completed in an acceptable manner. The above mentioned improvements have been inspected by the Electrical Division of the City of Ames, Iowa and found to meet City specifications and standards.

As a result of this certification, it is recommended that the financial security for public improvements on file with the City for this subdivision be reduced to \$41,000.00. The remaining work that covers this financial security is the final lift of asphalt surfacing and final erosion control stabilization.

Sincerely,

John Joiner, P.E.  
Public Works Director  
City of Ames

JJ/jc

cc: Finance, Contractor, Construction Supervisor, PW Senior Clerk, Planning & Housing

Northridge Heights, 15<sup>th</sup> Addition  
March 26, 2013

| Description   | Unit | Quantity |
|---|------|----------|
| Silt Fence  | LF   | 1100     |
| Inlet Protection  | EA   | 12       |
| Stabilized Construction Entrance  | EA   | 1        |
| Pavement Removal  | SY   | 15       |
| Excavation and Embankment   | CY   | 8768     |
| Subgrade Preparation  | SY   | 5240     |
| 4-inch Sanitary Service   | EA   | 18       |
| 8-inch Sanitary Sewer   | LF   | 582      |
| 48-inch Diameter Sanitary Manhole (SW-301)  | EA   | 3        |
| 1-inch Water Service  | EA   | 19       |
| 8-inch Water Main   | LF   | 563      |
| 12-inch Water Main  | LF   | 578      |
| 8-inch 11.25 Degree M.J. Bend   | EA   | 2        |
| 8-inch 22.5 Degree M.J. Bend  | EA   | 2        |
| 8-inch 45 Degree M.J. Bend  | EA   | 1        |
| 12"x12"x8" M.J. Tee   | EA   | 1        |
| 8-inch M.J. Gate Valve  | EA   | 1        |
| 12-inch M.J. Gate Valve   | EA   | 2        |
| Hydrant and Hydrant Run (includes 8"x8"x6" M.J. Tee, 6" M.J. Gate Valve, 6" Pipe and Hydrant)   | EA   | 1        |
| Hydrant and Hydrant Run (includes 12"x12"x6" M.J. Tee, 6" M.J. Gate Valve, 6" Pipe and Hydrant) | EA   | 1        |
| Temporary Blowoff Hydrant Run (Remove and Reuse 12"x6", M.J. Reducer, 6" Pipe and Hydrant)      | EA   | 1        |
| Temporary Blowoff Hydrant Run (12"x6", M.J. Reducer, 6" Pipe and Hydrant)                       | EA   | 1        |
| 1.5-inch Sump Service   | EA   | 18       |
| 6-inch Collector Line   | LF   | 425      |
| 6-inch Perforated Tile Line   | LF   | 310      |
| 12-inch RCP, Class III  | LF   | 30       |
| 15-inch RCP, Class III  | LF   | 596      |
| 18-inch RCP, Class III  | LF   | 379      |
| Storm Sewer Manhole (SW-301)  | EA   | 1        |
| Storm Sewer Manhole (SW-501)  | EA   | 6        |
| Storm Sewer Manhole (SW-503)  | EA   | 6        |
| Area Intake (SW-512)  | EA   | 1        |
| Collector Line Cleanout   | EA   | 3        |
| 30-inch PCC Curb and Gutter   | LF   | 2744     |
| 8-inch HMA Pavement   | SY   | 1275     |
| 9.5-inch HMA Pavement   | SY   | 2557     |
| 6-inch PCC Pedestrian Ramp  | SY   | 396      |
| Detectable Warning Material   | SF   | 88       |
| Straw Mulch   | AC   | 14       |
| Seeding, Type (5) Stabilizing Crop  | AC   | 14       |



***Applicant***Name of Applicant: Johnson & Devan LLCName of Business (DBA): Wiseguys BurgersAddress of Premises: 120 WelchCity: AmesCounty: StoryZip: 50014Business Phone: (515) 490-9647

Mailing Address:

City: AmesState: IAZip: 50014***Contact Person***Name: Rajan DevanPhone: (515) 490-9647

Email Address:

Classification: Class C Liquor License (LC) (Commercial)Term: 12 monthsEffective Date: 04/10/2013Expiration Date: 04/09/2014

Privileges:

Class C Liquor License (LC) (Commercial)Sunday Sales***Status of Business***BusinessType: Limited Liability CompanyCorporate ID Number: 0Federal Employer ID # 46-2260140***Ownership*****Caleb Johnson**First Name: CalebLast Name: JohnsonCity: West Des MoinesState: IowaZip: 50265Position member% of Ownership 50.00 %

U.S. Citizen

**Rajan Devan**First Name: RajanLast Name: DevanCity: West Des MoinesState: IowaZip: 50266Position member% of Ownership 50.00 %

U.S. Citizen

***Insurance Company Information***

**Insurance Company:** Liberty Surplus Insurance Corporation

**Policy Effective Date:** 04/10/2013

**Policy Expiration Date:** 04/10/2014

**Bond Effective Continuously:**

**Dram Cancel Date:**

**Outdoor Service Effective Date:**

**Outdoor Service Expiration Date:**

**Temp Transfer Effective Date:**

**Temp Transfer Expiration Date:**

ITEM # 20  
DATE: 04-09-13

**COUNCIL ACTION FORM**

**SUBJECT:** ENCROACHMENT PERMIT FOR SIGN AND LIGHTS AT 210 FIFTH STREET

**BACKGROUND:**

McClanahan Studio, owner/tenant in the building at 210 Fifth Street, has requested an encroachment permit to allow a new sign and six lights to encroach over the City right-of-way.

The proposed sign is eight square feet and will project approximately four feet off of the building. The encroachment of the sign and lights should not impair pedestrian movement or the operation of the road way.

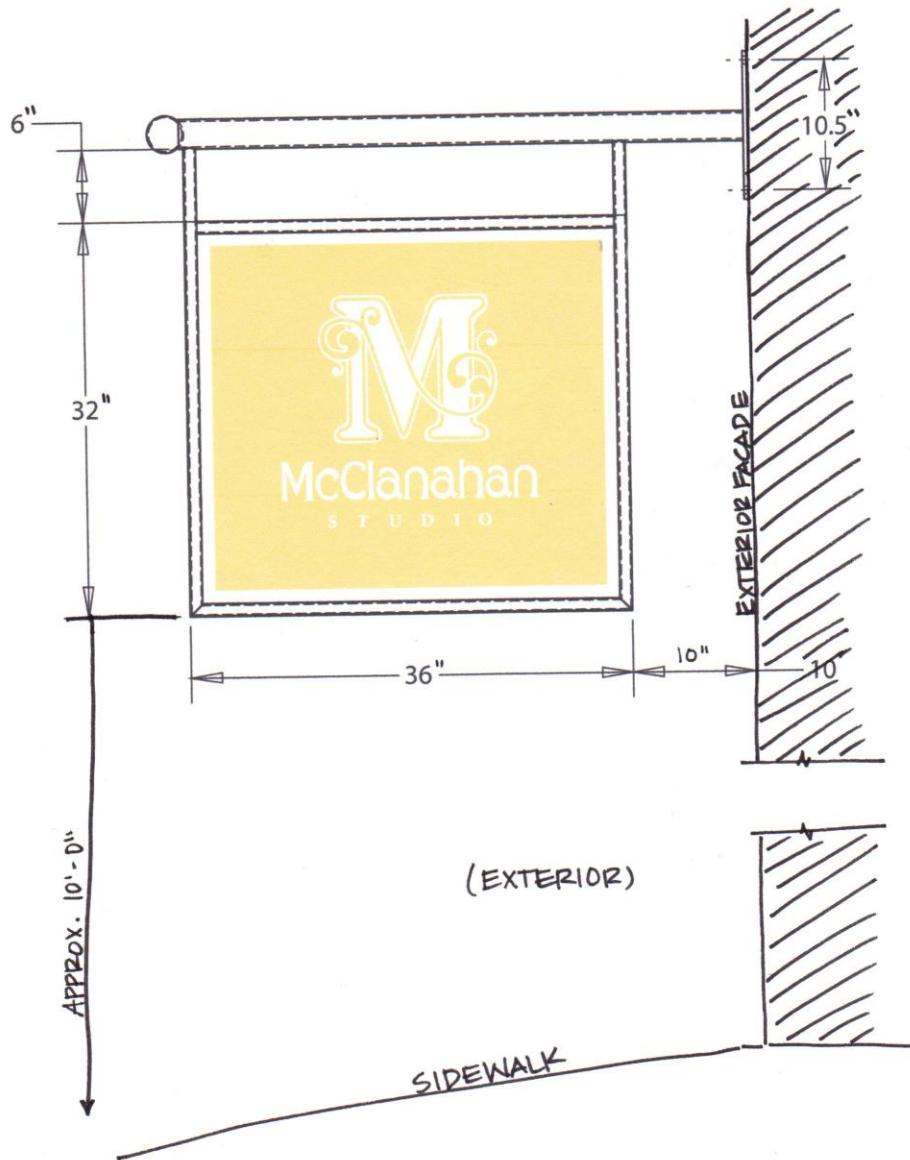
The requirements of Section 22.3 of the Municipal Code have been met with the submittal of a hold-harmless agreement signed by the property owner and the applicant, and a certificate of liability insurance coverage which protects the City in case of an accident. The fee for this permit was calculated at \$25, and the full amount has been received by the City Clerk's Office.

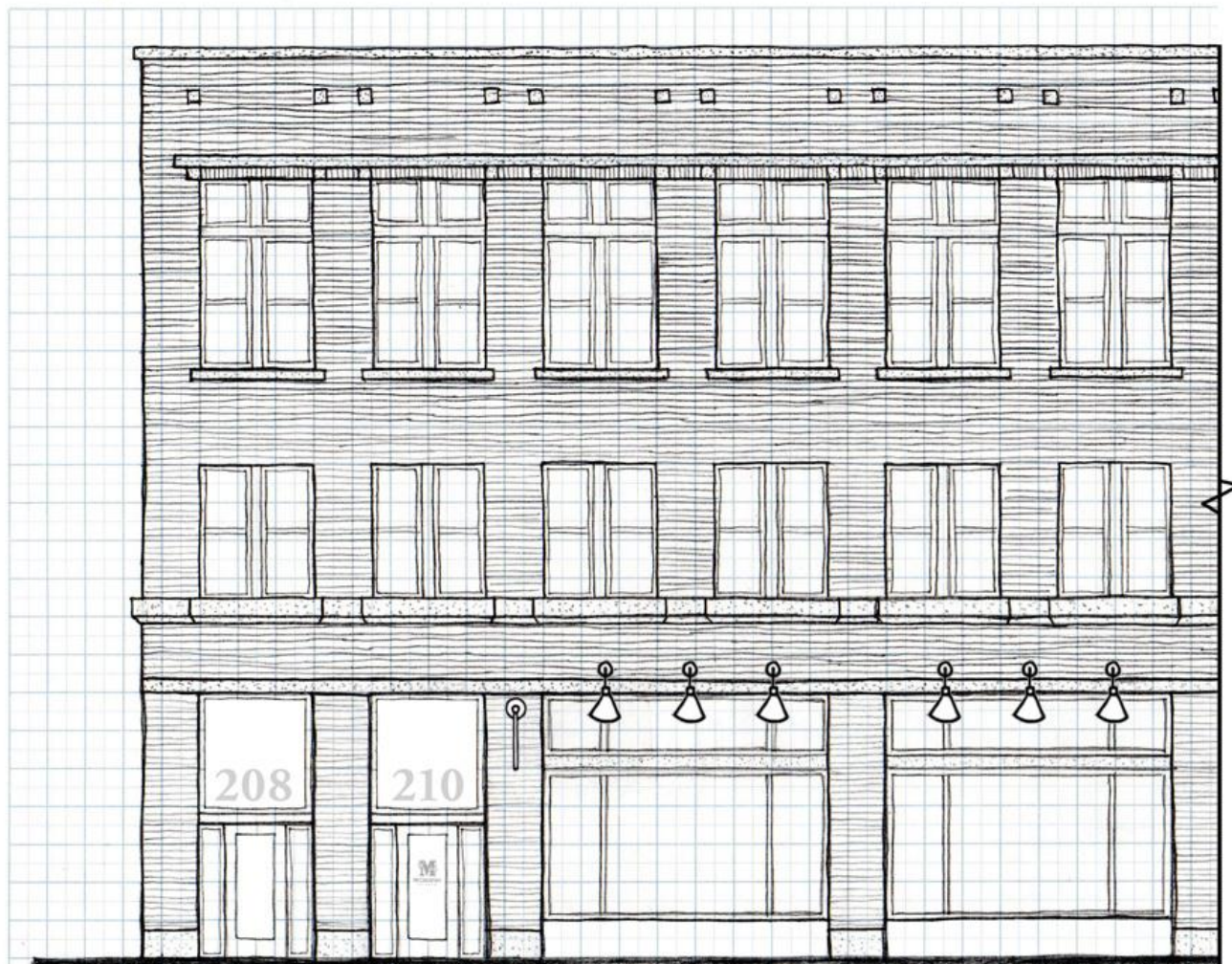
**ALTERNATIVES:**

1. Approve the request for the encroachment permit at 210 Fifth Street.
2. Deny the request.

**MANAGER'S RECOMMENDED ACTION:**

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





NORTH ELEVATION - 208 5<sup>TH</sup> STREET

SCALE: 1/8" = 1'-0"

214

**COUNCIL ACTION FORM**

**SUBJECT: WELCOME BACK STUDENTS EVENTS**

**BACKGROUND:**

During the recent budget presentations, the City Council engaged in discussion on participation levels at City-hosted events including the annual “Welcome Back ISU Students” held in August at Fire Station No. 2 on Welch Avenue. **It was noted that last year’s event had fewer students, and that attendance the last few years had been decreasingly slightly. It was also noted that to promote our own event, the City of Ames has been participating in Iowa State University’s “WelcomeFest,” a very well-attended open house for organizations and businesses held at the Memorial Union.**

While “WelcomeFest” has traditionally been held on the first Wednesday after fall semester begins, “Welcome Back” has traditionally followed on the first Friday. In reviewing the schedule for this fall, it was discovered that ISU will have a later start: Monday, Aug. 26. Additionally, Labor Day is early this year: Monday, Sept. 2.

**“WelcomeFest” has tentatively been scheduled for Wednesday, Aug. 28. That would put “Welcome Back” on the Friday of Labor Day weekend. This date is problematic for attracting students, as many students leave Ames over Labor Day weekend. It will also make it difficult to find City staff and interns available to work. Therefore, it appears this would be a good year to experiment with making some changes.**

**ALTERNATIVES:**

1. The City Council can approve an expanding the City’s presence at Iowa State University’s “WelcomeFest” this year and forgoing a “Welcome Back” this fall at the fire station.
2. The City Council can approve permanently eliminating “Welcome Back” and directing City staff to only participate in “WelcomeFest” at the Memorial Union each year.
3. The City Council can approve participating in both “WelcomeFest” and “Welcome Back” for this fall.

**MANAGER'S RECOMMENDED ACTION:**

While our "Welcome Back" event has been successful in the past, we are now experiencing some declines in participation that call into question the cost-effectiveness of this event. With any event, it's important to evaluate if we are fulfilling our goals and if we are reaching our target audience. There is some concern those goals will be difficult to achieve this fall.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby directing staff to expand its presence and participate only in WelcomeFest for 2013. This option could include an additional booth and scheduling Council member shifts at the event.

**COUNCIL ACTION FORM**

**SUBJECT: REQUEST TO INSTALL TEMPORARY PARKLET AND TO WAIVE  
METER FEES**

**BACKGROUND:**

The College of Design, Landscape Architecture Student Association, is requesting suspension of parking regulations and enforcement for the Campustown Business District for 9 hours a day from April 21-28 to install a parklet. The approximate estimated lost revenue to the Parking Fund from the waiver of enforcement is \$36 for meter number 19 on Welch Avenue.

The students are working on a demonstration project of a parklet that will be installed in the parking space next to meter 19 on Welch Avenue. **A parklet is a parking space that has been converted to a "park" to provide enhanced amenities and/or green space for people in business districts where sidewalk space is limited like Campustown and Downtown Ames.** The Landscape Architecture Student Association is working on a design concept for bench seating in this space that will incorporate materials that are being reused.

The students have met with Public Works Engineering staff to ensure compliance with necessary regulations pertaining to the ADA, stormwater runoff and any other considerations to provide safety in the area during the demonstration. They will also meet with the Fire Department's Inspections Division to ensure that all other life safety codes are met with the project. Since the City does not currently have regulations in place for this type of a structure or feature, the students have provided City staff with a copy of the regulations developed for parklets in the City of San Francisco. Staff and the students are using these regulations as guidance for this project.

**ALTERNATIVES:**

1. The City Council can approve the placement of the parklet and the suspension of parking regulations and enforcement for meter number 19 on Welch Avenue from April 21-28, 2013.

**However, realizing this is a demonstration project, under this alternative the City must reserve the right to order the parklet removed immediately by the Landscape Architecture Student Association if it is determined by the City that the existence of the parklet is causing a safety problem for the public.**

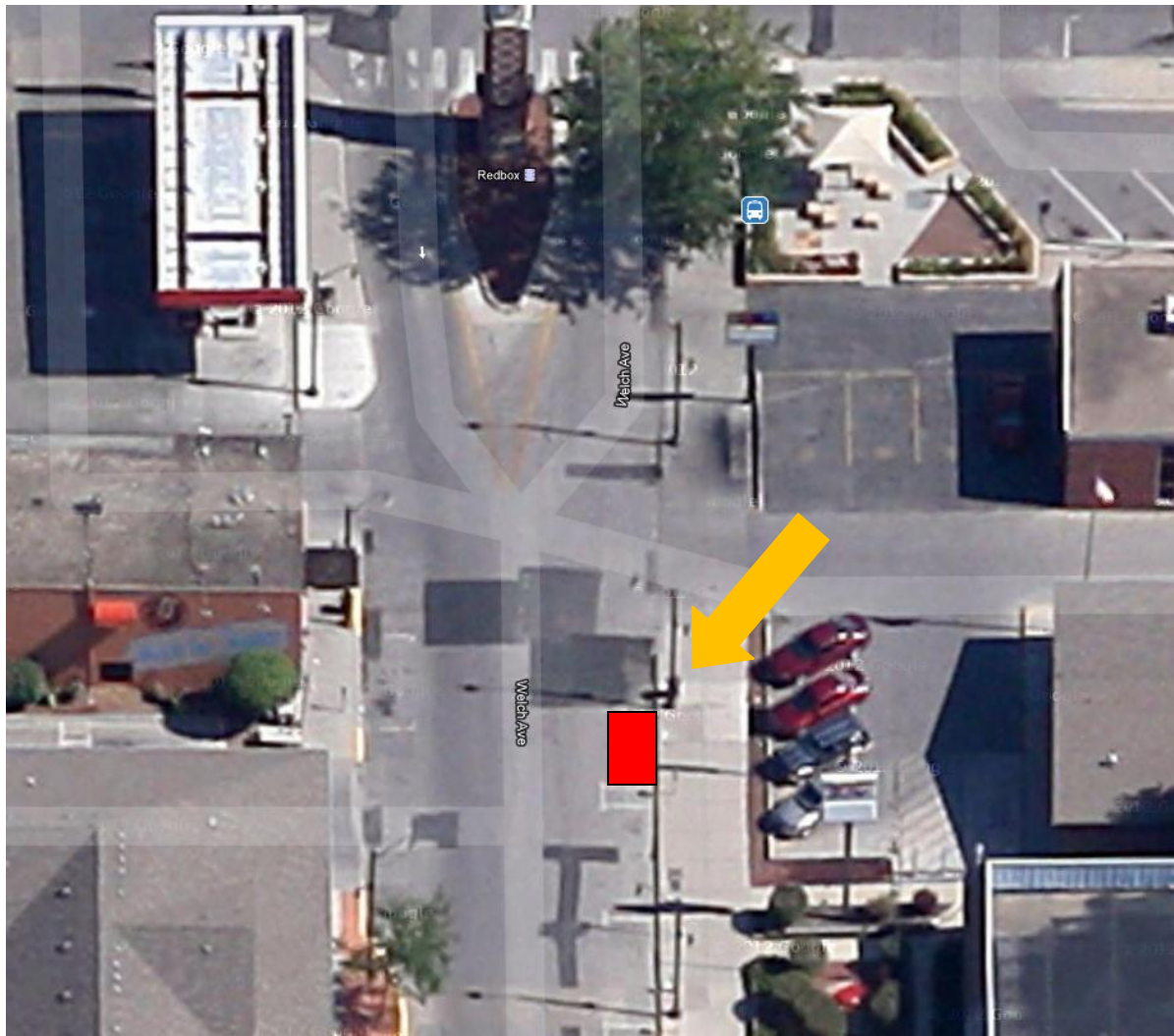


2. The City Council can deny approval of the parklet and the suspension of parking regulations and enforcement for meter number 19 on Welch Avenue from April 21-28, 2013.
3. The City Council can consider the placement of a parklet at a different location and/or on different dates.

**MANAGER'S RECOMMENDED ACTION:**

The Landscape Architecture Student Association is excited to demonstrate this new concept in urban landscape design to the community of Ames and Iowa State University. This is a similar concept introduced in the recent staff report regarding outdoor cafes in Campustown and Downtown. This request offers a unique opportunity to preview this new concept. The only hesitation by the City Council could be allowing this parklet demonstration during VEISHEA.

**As long as the City reserves the right under this authorization to have the Landscape Architecture Student Association remove the parklet if a concern for public safety arises, then it is the recommendation of the City Manager that the City Council adopt Alternative No. 1. This alternative also directs staff to suspend parking regulations and enforcement for meter number 19 on Welch Avenue from April 21-28, 2013.**



Courtesy of Google Maps

April 1, 2013

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

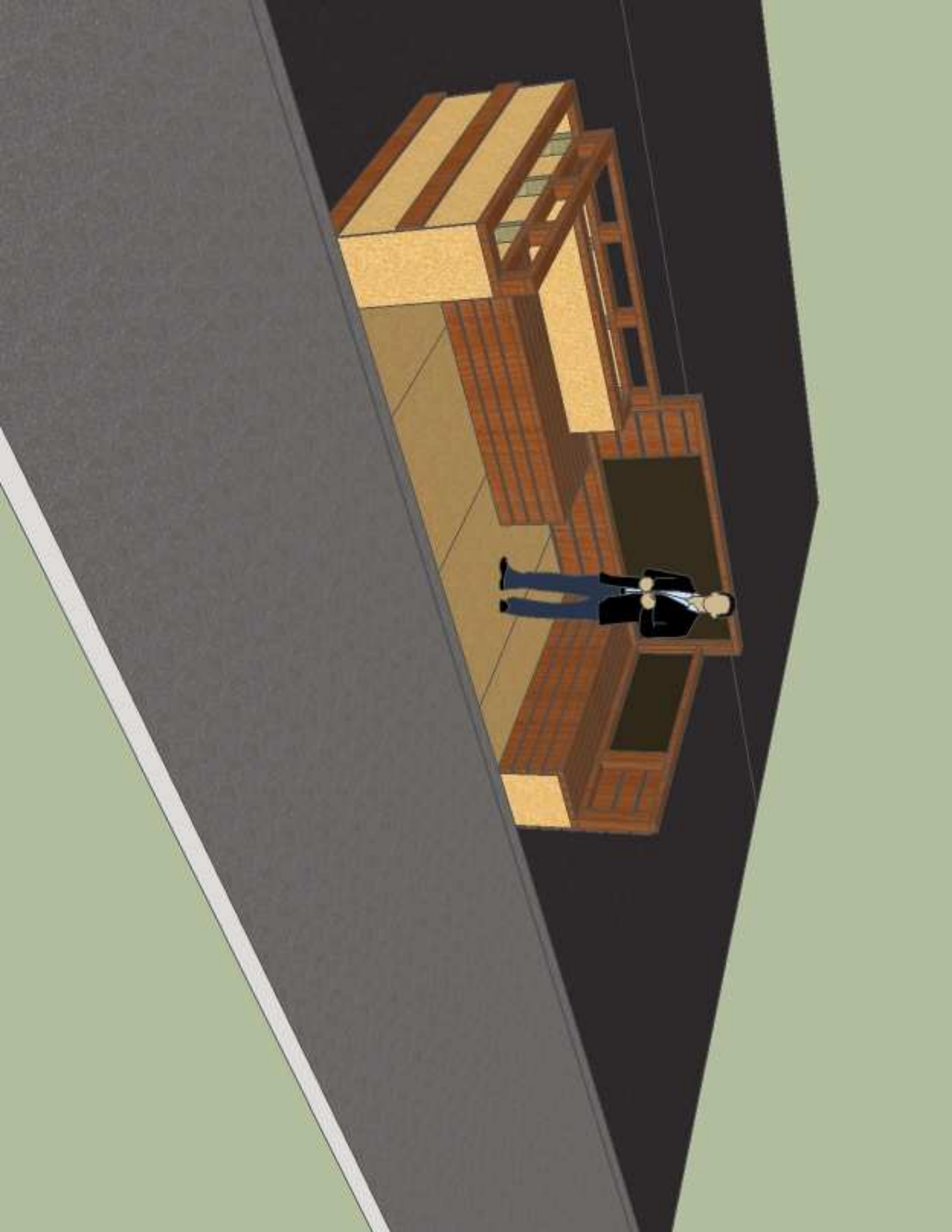
Dear Honorable Mayor and City Council:

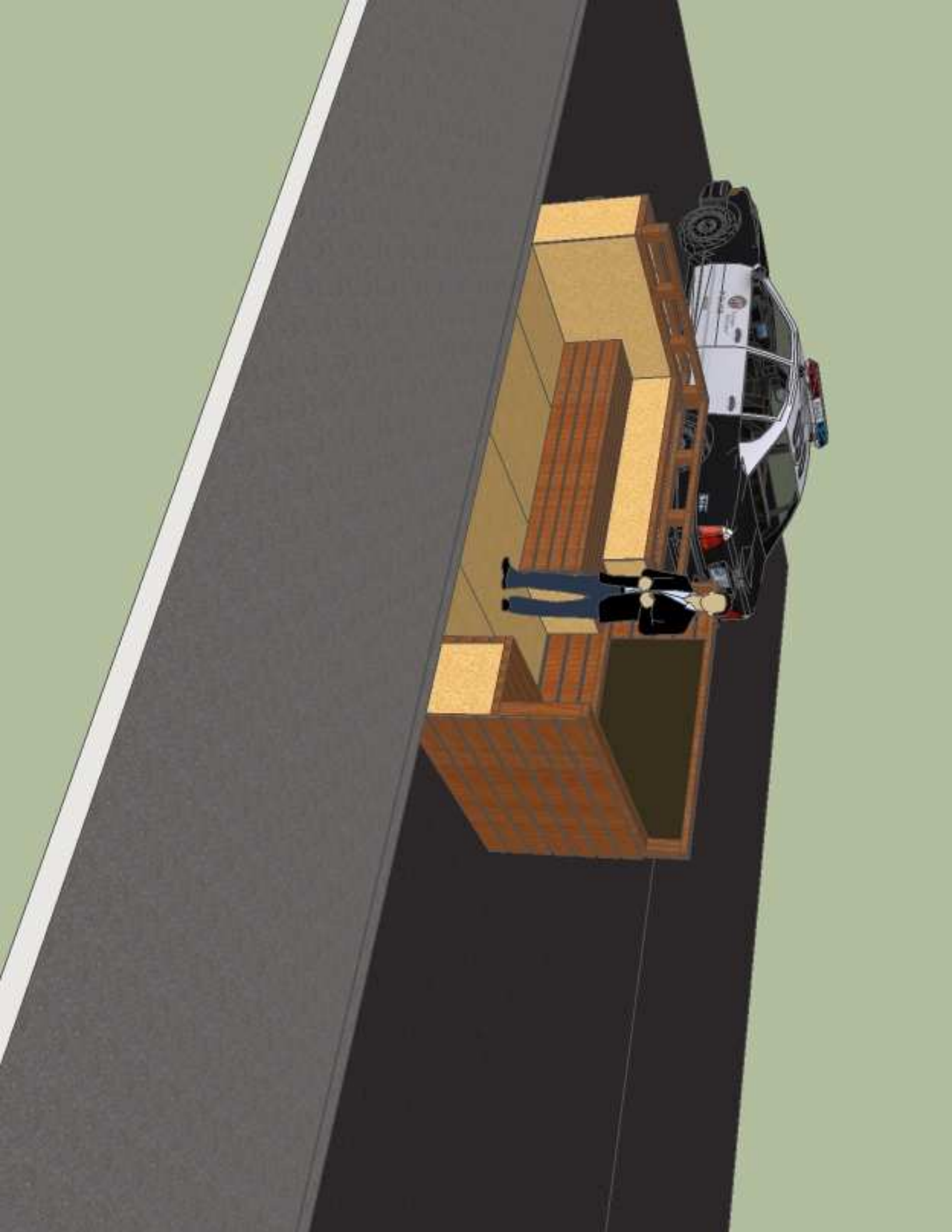
The Iowa State University chapter of the Student Society of Landscape Architects proposes to build and install a parklet (or small, public, gathering space) atop a single, metered parking space. We have selected the first space on Chamberlain St., between Welch Ave. and Stanton St., on the south side of Fire Station No. 2 (132 Welch Avenue). The installation would be in place from Sunday, April 14<sup>th</sup> until Sunday April 21<sup>st</sup>. At this time, the Student Society of Landscape Architects respectfully requests that the City Council consider waiving parking meter fees and enforcement during the time that the parklet is in place.

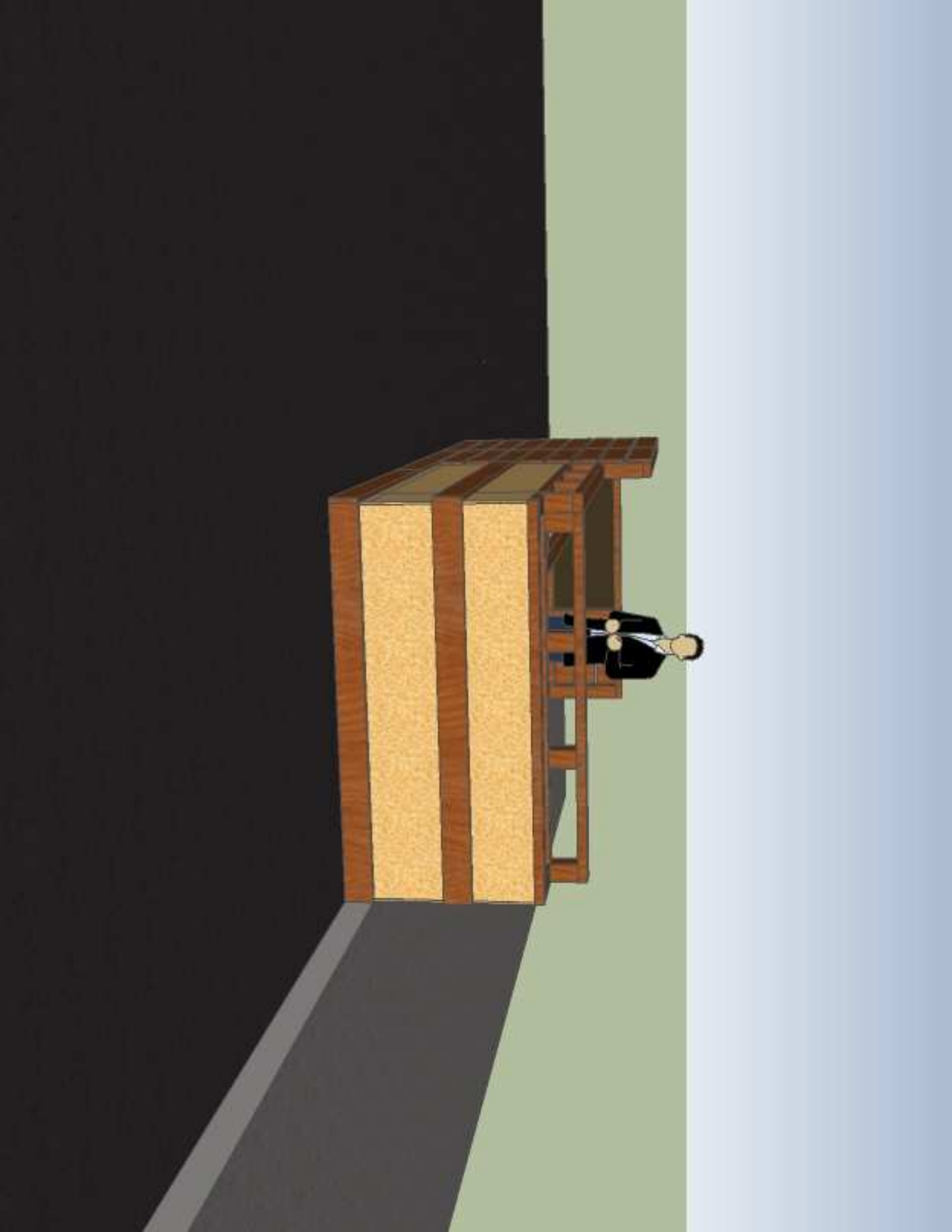
We ask that the Council refer this request to City staff for placement on the April 9 City Council agenda.

Sincerely,

Chelsea McCaw, Member  
Student Society of Landscape Architects









## Staff Report

**WOODVIEW UTILITIES SPECIAL ASSESSMENT**

April 9, 2012

This report is intended to provide information in response to personal conversations, phone calls, emails, and letters that have been sent to City Council members, the Mayor, and City staff regarding the installation of utilities on Woodview Drive pursuant to a resident initiated Special Assessment process.

In 2010, the residents of Woodview Drive made the request to City Council for a Special Assessment for the installation of water main and sanitary sewer. Because the residents approached the City seeking this project, rather than the City initiating it, the residents were willing to waive the cost limitations and contest procedures established under Iowa law which establish how the cost of the project is to be divided.

Since that time, Public Works and Inspections staff attended neighborhood meetings explaining the project design details, project impacts, special assessment process, and estimated project costs. There were also discussions about how to divide the project costs among the affected residents, which ultimately led to the neighborhood reaching a proposed consensus resolution.

Staff then prepared engineering plans and shared the proposed design and cost estimates with the residents at the last neighborhood meeting held in May 2012. At that meeting, Contract and Waiver forms, as prepared by City of Ames Legal staff, were hand-delivered for signature by the property owners (and mailed lien holders, if any). Residents were informed that once these forms were returned, the process specified in Iowa Code for Special Assessment would begin. The intention is to have the forms returned in time to allow for the utility installations during the 2013 construction season. During the 2012/2013 budget process, assessment revenue abated General Obligation Bonds (G.O. Bonds) were sold to fund the Woodview Drive Water and Sewer Project in anticipation of installation in 2013.

To date, these forms have been returned by all but three of the 11 affected residents. One of the three has a verbal agreement with the lien holder to be signed. The remaining two property owners have the same lien holder which to date refuses to sign the document. On February 20, 2013, the lender for the two properties in question was contacted by Legal staff to converse about their position on signing the waiver. The lender expressed concerns with the language in the contract and waiver form and specifically indicated that they do not ever agree to take a subordinate position to another lien holder. Legal Staff explained the process being contemplated, the benefit it provides to the property in having improved, reliable services and thus a more valuable property, has answered questions and was told that the lien holder would revisit the

document and determine if it could be signed. This lender has not signed or made additional contact with Legal since that time. Staff has provided the affected residents with the contact information of the lien holder personnel that discussed the issues with Legal regarding the Contract and Waiver form. Given this lender's policy, these two property owners began investigating the option to pay for the assessment outright and avoid the need to have the lien holder signature. Both have verbally indicated that, if given the option to forego the mortgage holder's signature, they have means to pay their portion outright. A separate additional agreement with each would be necessary to accomplish this work around.

The residents continue to express concerns that the City has not done enough to assist in the signature process with the lien holders and get the proposed plans out for bid. Though contacting the individual lien holders is not the responsibility of the City, staff is committed to assisting as appropriate. The residents' concerns stem from the need for updated sanitary septic systems and wells on their properties as they are near the end of their useful life. Staff has communicated with the residents that improvements to maintain their private sanitary sewer systems, are allowed under Iowa Code 567, Chapter 69.1(3), as they are not within the 200 foot radius of a Locally Owned Treatment Works. Residents have also been advised that it is allowable to keep/repair their wells at any time, even after the installation of the water main; however, if they are connected to the water main, there are Plumbing Code requirements in order to keep both water sources active. Repair and maintenance of septic systems and wells fall under the jurisdiction of Story County.

Staff has continued to provide answers to residents as questions arise, and some residents have made weekly contact as to the status of the project.

**In response to the resident communications and in an effort to keep the process moving forward, staff has identified several options to continue toward the intended utility installation in 2013.** Each of these options has the end result of utility installation in mind; however, there are noteworthy impacts of each option. Some impacts would have more direct impacts to the City and others with more direct impact to the residents.

#### **OPTIONS:**

- 1. Continue with the current process and wait until the required signatures on the Contract and Waiver forms are received before proceeding to bid letting.**

City Impacts:

City will recuperate the intended cost of the improvements through property tax assessments.



Resident Impacts:

Residents will have to wait for the forms to be signed and may experience septic or well failure while waiting.

**2. Waive the requirement of the lien holder signature on the Contract and Waiver forms and proceed to bid letting immediately.**

City Impacts:

Staff would begin the assessment and bid letting processes right away, but for those properties where the mortgage holder did not sign, the City would incur the risk that it may have a more difficult process to recoup its costs in the event that property went into foreclosure. There is also a slight possibility that the City may not recuperate the cost of the improvements through property tax assessments from those few properties whose lenders have refused to sign the form.

Resident Impacts:

Staff would begin the assessment and bid letting processes right away. The project would still be financed as a special assessment through the City. However, without the lien holder signature, the City would not be first in line for recovery of costs if a property was to go into default on their mortgage.

**3. Proceed with a Standard Assessment** (the cost sharing formula agreed to by the residents would not be valid).

City Impacts:

Under a standard assessment, the lien holders are not required to sign but there are opportunities for the property owners to contest the amount of the assessment and a statutory cap on how much any property owner can be assessed is imposed. Staff would begin the assessment and bid letting processes right away. The City would recuperate as much of the cost of the improvements as legally allowed through property tax assessment, but may not be able to recoup all of the project costs.

Resident Impacts:

Staff would begin the assessment and bid letting processes right away. However, the formula used to split the costs among the

residents would be different than the cost sharing arrangement to which there has been agreement. Some residents will pay more than anticipated, while others will pay less than originally agreed upon, and the process may take longer in order to follow statutory requirements.

**4. City of Ames installs the utilities and foregoes the assessment process.**

City Impacts:

Under this option, there would be a project funding change. The total cost would be covered by the Water and Sewer Utility Funds, or G.O. Bonds, but would not be recovered from the property owners.

Resident Impacts:

Staff would begin the bid letting processes right away. The property owners in the area would not have to pay for water and sewer utilities to serve their lots, as other residents had to do when lots were developed.

**This option would establish a precedent that cannot be supported at this time.**

**5. Property owners perform as a developer, which means they would pay for the utility installation without City involvement.**

City Impacts:

G.O. Bonds sold would be evaluated whether they could be re-appropriated to another project. Financial support for City staff time for design and administration to-date would still need to be covered through project funds.

Resident Impacts:

The process could begin right away with the residents hiring a Professional Engineer to complete and certify the public improvement plans (for review by the City). To date, a Professional Engineer as part of City staff has overseen design and plans to certify the plans and contract documents once complete. As with any public improvement installed by a developer, residents would need to provide financial security upfront for the entire cost of the

improvements. Additionally, the residents would still be responsible for the actual cost of construction inspection and administration by City staff to ensure that the public improvements meet standards and specifications.

**Given the complexity of this project, this option would not be feasible for the residents.**

**STAFF COMMENTS:**

Staff recognizes the importance, timeliness, and impacts of the utility installations for the residents of Woodview Drive. Should a well or septic system fail between now and the final installation, the residents will be required to repair or update facilities that could become very costly for a homeowner who might also then be faced with the added cost of the utility assessment.

The special assessment procedure in which the City takes a lien position ahead of the mortgage holder provides the most protection to the City for recovery of all of its costs for this project. The City, however, has little leverage with which to force a mortgage holder to agree to subordinate their position to the City's position.

**It appears that we are very close to moving ahead with this project. If two of the remaining property owners would sign an agreement to pay for their portion of the "assessment" up front and thereby avoid the need for the lien holder's signature, and if the third property can finally obtain written approval from the lien holder as promised, then we could proceed under Option #1.**

**However, if the Council believes it is an acceptable level of risk to waive its practice of requiring that the mortgage holders subordinate their position to the City because there are only a few property owners in this situation, then a motion directing Staff to proceed with Option #2 would be appropriate.**

## Staff Report

**Old Middle School Master Plan Determination**

April 9, 2013

**BACKGROUND**

On March 11, 2013, an application for rezoning of a parcel of land, owned by Breckenridge Group Ames Iowa LLC, was submitted to the City of Ames. The rezoning is for a parcel of land at 321 State Avenue and is the site of the former Ames Middle School (referred to herein as the middle parcel). **The request is to change the zoning designation from S-GA (Special-Government/Airport) to RL (Low-Density Residential).**

On March 15, an additional application was submitted for a parcel of land owned by Breckenridge Group Ames Iowa LLC at 601 State Avenue (referred to herein as the south parcel). This site was recently split from the larger lot on which the current Ames Middle School is located. **This request is to change the zoning designation from S-GA to FS-RM (Floating Suburban Residential Medium Density).**

Breckenridge Group Ames Iowa LLC owns an additional parcel, the former middle school athletic field, at 205 S. Wilmoth Avenue. That parcel lies along Lincoln Way and is referred to herein as the north parcel. That site is currently zoned as S-GA. **The owner is not seeking a change of zoning designation at this time and has stated that this will be done in a later phase.** A map is included as Attachment 1.

**The S-GA zoning category is intended to apply to land owned by governments at the local, county, state, federal, or school level. If it remains in private ownership, no development would be possible. A rezoning is necessary to allow private development to occur.**

The Land Use Policy Plan provides guidance for these properties in the event that a rezoning is sought. For the north and middle parcels, the LUPP designation is Low-Density Residential. This designation is summarized as “single-family residential with a maximum net density of 7.26 dwelling units per net acre.”

The south parcel is designated in the LUPP as Village/Suburban Residential, summarized as “all single-family, two-family, multi-family and manufactured residential uses that involve more than a net density of 8.0 units per acre with supporting convenience/neighborhood-scale commercial uses.”

As noted in the staff report of March 26, 2013, the first step in a change of zone is to determine whether the City Council will require a master plan to accompany the request. **If a master plan is required, the application will not be further processed until the master plan is received.**

The City Council may require a Master Plan if the property:

1. Contains more than one type of housing unit and will be developed in phases,
2. Is located on land that is wetlands, flood plain, designated as Greenways or Environmentally Sensitive Area in the LUPP, conservation easement, or other documented sensitive condition or natural resource,
3. May require new or upgraded public improvements, or
4. Has specific conditions or situations that require "more careful consideration of how the layout and design of a site affects general health, safety, and welfare...."

If any one of these conditions is met, the City Council may require a Master Plan. The full text of the conditions on which a Master Plan may be required is found in Attachment 2. Attachment 2 also contains the text of the ordinance describing the contents of a Master Plan, which are less than that required for a Preliminary Plat or Major Site Development Plan. It is intended to provide a broad view of the proposed development without being too specific on lot arrangements, street connections, buffering, etc.

Based on an examination of the site and the preliminary conversations with the owner's representative, staff can offer the following comments:

1. The development will likely be done in stages since a rezoning is not being sought at this time for the north parcel.
2. The middle parcel will contain an amenity building that serves residents of all three parcels.
3. The middle and south parcels contain flood plain as identified by FEMA.
4. The south parcel contains Greenway and Environmentally Sensitive Overlay as shown on the LUPP.
5. The south parcel contains a conservation easement.
6. The size of the developable area may require a traffic study or a utility review. This review may require improvements to streets, intersections, or utilities.
7. The proposed development, based on preliminary information submitted to staff by the owner's representative, as well as a review of similar projects that the owner has undertaken in other communities (see March 15 report by Melissa Mundt) indicates that this is a unique housing type and lot configuration which does not currently exist in Ames. **It is not known how multiple single-family homes on a single lot will affect the general health, safety, and welfare of the adjacent low-density residential neighborhoods which surround it.**

**Based on this analysis of the criteria, staff believes that enough evidence is provided that can allow the City Council to determine that a Master Plan should be required to accompany this rezoning.**

The City Council has previously received copies of letters from residents of the area, specifically from Julian Birch dated March 14 and two from Michael Peterson and Joanne Pfeiffer dated March 18 and March 22. A more recent letter from Iowa State University is also attached to this report. It would be fair to characterize these letters as expressing concern over the impact of the proposed project on the general health, safety, and welfare of their neighborhood.

As noted in the March 26 staff report, at the time of the rezoning and with the acquiescence of the owner, the City Council can impose further conditions than those allowed by the requested zoning designation, provided such conditions are agreed to in writing prior to the close of the public hearing. This approach is often referred to as “contract rezoning” and is authorized under Code of Iowa Chapter 414. Any conditions “must be reasonable and imposed to satisfy public needs which are directly caused by the requested change.”

**In order to provide the clearest direction to the applicant, the Council may also wish to consider what specific conditions of approval that it would seek at the time it is asked to take action on the rezoning. These conditions should then be reflected in the Master Plan and in any subsequent subdivision plat or development plan.** Listed below are several items that the City Council may wish to see in a Master Plan or conditions that it may impose at the rezoning.

- a. Based on previous projects done by the owner, it appears that the project will consist of multiple single-family homes on a single large lot. This does appear to be allowed by the Ames Municipal Code, which **prohibits multiple single-family homes on a single lot only if the lot is one acre or less.** However, this appears to be at odds with the stated purpose of the RL zoning designation which states, “**This zone is intended to accommodate primarily single-family dwellings, while accommodating certain existing two-family dwellings and other uses customarily found in low-density residential areas** [emphasis added].” A large number of single-family homes on a single lot is not a use customarily found in low density residential areas. (See the photo in Attachment C from Melissa Mundt’s report.) **The City Council may wish to condition, at least for the middle RL parcels, that only one home be placed on each lot.** This would require the property to be platted as a traditional subdivision, providing each lot with frontage on a street, public utilities and off-street parking. This requirement would still allow for the individual homes to be rented, as envisioned by the owner. It would also allow the integration of this development into the fabric of the adjoining neighborhoods and the community. For the south parcel, it is typical to see multiple apartment buildings on a single lot in an FS-RM area so this issue is not as important there.

If the City Council chose to allow multiple single-family homes on a single lot, then the Council should consider, as a condition of rezoning, that a Major Site Development Plan be submitted and approved prior to construction. This would be similar to the process for allowing apartment buildings in the FS-RM zone.

This would allow staff and the Council to review specific features such as building separation, parking location, landscaping, and buffering.

- b. Based on the expected concentration of students, it may be advisable to require descriptions of buffering and security. These should be physical design features that can be expected to be incorporated into the site and building designs, rather than employment of personnel which may be diminished over time.
- c. As part of the Master Plan, the City Council may wish to see a street connection of Tripp Street from Wilmoth Avenue to State Avenue. Such interconnectivity of residential neighborhoods is a consistent expectation of the City Council in reviewing other developments.
- d. As part of the Master Plan, the owner should identify the natural resources of the site, such as the flood plain, Greenway and Environmentally Sensitive Lands of the LUPP, conservation easements. Further, the owner should provide information as to how these resources will be protected as part of the project.
- e. As part of the Master Plan, the owner should identify any common facilities, such as open spaces or amenity buildings.
- f. As part of the Master Plan, the City Council can ask that all three properties be included. Although a rezoning is sought only for the middle and south parcels at this time, it is the owner's expressed expectation that the north parcel would be a later phase.

### **PROCESS AND DECISIONS**

If the City Council does require a Master Plan, then the applications will be considered complete upon submittal of that Master Plan to the Department of Planning and Housing. The requests for rezoning will then be presented to the Planning and Zoning Commission for their recommendation within 90 days from that submittal.

The Commission will make a recommendation that will be forwarded to the City Council. There is no statutory time frame for bringing this to the City Council following the Commission's recommendation. Staff traditionally has placed this on the City Council agenda within three weeks of the Commission meeting.

At the public hearing of the City Council, the City Council has the ability to seek conditions of approval (contract rezoning) prior to the close of the hearing. This may require a continuation of the hearing until such time as a written agreement is reached between the City and the owner.

In addition, the hearing may also be the time for the City Council to consider changes to whatever Master Plan the owner has submitted. The owner may choose to offer multiple iterations of the Master Plan, allowing the City Council several options rather than

risking having one Master Plan turned down, only to resubmit another one two months later.

### **REZONING CONSIDERATIONS**

**Several comments from the March 26 staff report bear repeating here.** The City Council should be aware that a request to rezone a property is a legislative action. Therefore, the Council has some degree of discretion, although it cannot arbitrarily deny the request if it is consistent with the Land Use Policy Plan. The Council is allowed to impose any reasonable conditions provided they are satisfying “public needs which are directly caused by the requested change.” The owner will also need to agree to these conditions, which will be the basis for a development agreement between the City and the owner.

The City Council can ask for enough information about the proposed change and proposed project so as to better understand what the public needs are and what conditions may be necessary to ameliorate the negative impacts. The City Council is not obligated to approve a rezoning if the proposed project is not consistent with the intent and purpose of the zoning district.

These two properties are currently zoned S-GA. This is a designation that applies only to properties owned by governmental agencies. A private owner would not be allowed to use the property or build anything on it. Therefore, it would be inappropriate for these properties to remain as S-GA indefinitely, especially since the LUPP identifies a future (non-governmental) land use for the property. Failure to ultimately change the zoning designation might be considered a “taking”.

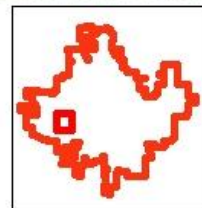
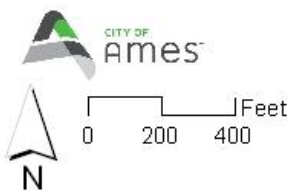
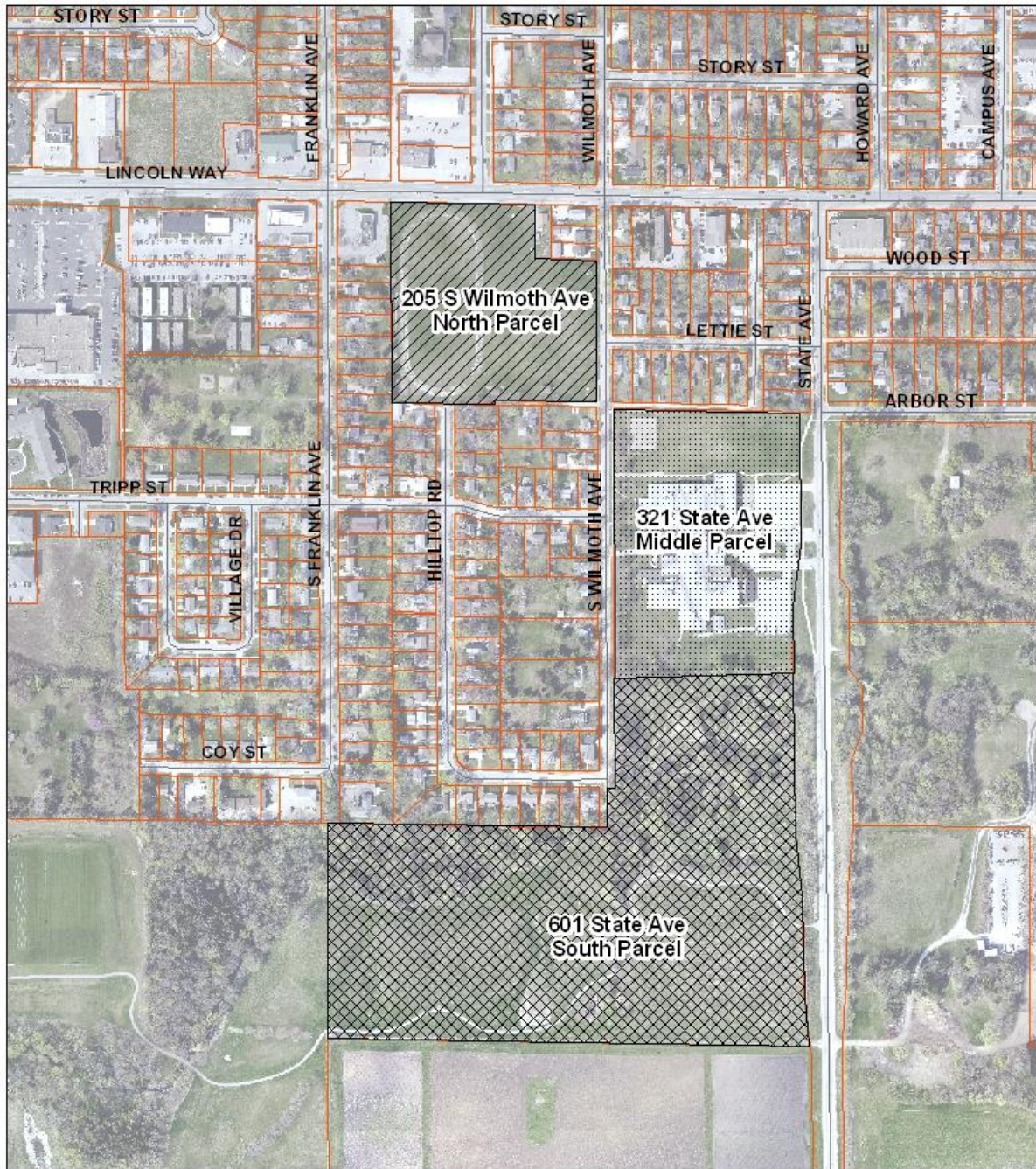
The Council’s considerations of a rezoning request must be an examination of the potential impacts of the proposed request on the existing neighborhood and community as a whole. The Council is not obligated to rezone a property to maximize the profit of the owner, since the Council has no control over how much was paid for the property. The Council must not, however, eliminate all return from the property.

### **STAFF COMMENTS**

**The City Council should take two actions at this meeting. The first is to determine whether a Master Plan will be a requirement for the eventual consideration of the rezoning request. If so, the City Council should also clarify what additional information or constraints it desires to see in the Master Plan.**



## Attachment 1: Location Map



## Attachment 2: Conditions for and Contents of a Master Plan

### Section 29.1507(3)

- (b) The City Council may require a Master Plan to be submitted with a rezoning application if it determines that any one of the following conditions is met:
  - (i) The area to be rezoned will contain more than one type of residential dwelling unit and will be developed in multiple phases.
  - (ii) The area to be rezoned contains designated wetlands; flood plain and floodway boundaries; areas designated by the Ames Land Use Policy Plan as Greenways and Environmentally Sensitive Areas; conservation easements or other documented sensitive environmental conditions or valuable natural resources.
  - (iii) Development of the area with the most intensive uses permitted by the proposed zoning designation may require new, enlarged or upgraded off-site public improvements.
  - (iv) The City Council determines that due to specific conditions that exist on or around the area proposed to be rezoned, or due to situations that require more careful consideration of how the layout and design of a site affects general health, safety, and welfare, a Master Plan is necessary for consideration of the proposed zoning map amendment.
- (c) If the City Council determines that a Master Plan is required it shall be prepared in compliance with the requirements of Section 29.1507(4) and shall be reviewed concurrently with the application for a zoning text amendment.

### Section 29.1507(4)

- (4) **Master Plan.** When a Master Plan is required, it shall be submitted in compliance with the following:
  - (a) Submittal Requirements. The Master Plan shall contain the following information:
    - (i) Name of the applicant and the name of the owner of record.
    - (ii) Legal description of the property.
    - (iii) North arrow, graphic scale, and date.
    - (iv) Existing conditions within the proposed zoning boundary and within 200 feet of the proposed zoning boundary: Project boundary; all internal property boundaries; public rights-of-way on and adjacent to the site, utilities; easements; existing structures; topography (contours at two-foot intervals); areas of different vegetation types; designated wetlands; flood plain and floodway boundaries; areas designated by the Ames Land Use Policy Plan as Greenways and Environmentally Sensitive Areas
    - (v) Proposed zoning boundary lines.
    - (vi) Outline and size in acres of areas to be protected from impacts of development
    - (vii) Outline and size in acres of areas proposed of each separate land use and for each residential unit type
    - (viii) Pattern of arterial streets and trails and off-site transportation connections
    - (ix) For proposed residential development provide the number of unit type for each area, expressed in a range of the minimum to maximum number to be developed in each area
    - (x) For proposed residential development provide a summary table describing all uses of the total site area, including the number of units per net acre for each unit type and each zoning area.



### Appendix 3: Illustrative Project

Waco, TX, shown below:



# IOWA STATE UNIVERSITY

OF SCIENCE AND TECHNOLOGY

April 4, 2013

Office of the Senior Vice President  
for Business and Finance  
1350 Beardshear Hall  
Ames, Iowa 50011-2038  
515 294-6162  
FAX 515 294-1621

The Honorable Ann Campbell, Mayor of Ames  
and Members of the Ames City Council  
515 Clark Avenue  
Ames, IA 50010

Subject: Old Middle School Site Development

Dear Mayor Campbell and Members of the City Council:

The pending rezoning and development of the Old Middle School Property raises a number of potential concerns by Iowa State University. When the University sold a portion of this track to the Ames Community School District in 2000 the expectation was that the land would be used for public purposes, not high density student housing. We have indicated a willingness to consider recommending repurchase of the south parcel which is adjacent to university agricultural operations but that alternative was not pursued in the sale of the overall site. If this area is to be developed for high density student housing the university would strongly encourage the Ames City Council to require the development of a Master Plan addressing a number of issues and determine financial responsibility for how those will be addressed in the future.

Issues of particular concern to Iowa State University:

- Impact on adjacent agricultural plot and field work, require adequate fencing.
- Light pollution on adjacent experimental field plots.
- College Creek watershed impact and downstream water management.
- Portions of State Street are an institutional road. Responsibility for funding road improvements. Who will pay for widening, signalization other possible improvements
- This project may require traffic signalization or construction of a roundabout at State Street and Mortensen to safely manage traffic.
- Adequate parking in the area.
- CyRide cost increases for bus service. ISU and students fund ~70% of CyRide operations. Where will financial support come from for expanded service?
- Impact on Arboretum and Cross Country Track on east side of State Street.
- Walking and bicycle paths from the housing area to campus and retail and residential developments to the west.
- Impact on ISU recreational area to east.
- Law enforcement and fire protection impact.
- Campustown revitalization is higher priority for resource commitments and may be a better location for expanded student housing.
- Long term ISU enrollment trend. Is housing of this type needed and can it be converted to other uses if there are changes in enrollment trends?
- Impact on residential neighborhood and housing that many of our younger faculty and staff occupy. The neighborhood is opposed to the project.

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

April 4, 2013

Page 2

Iowa State University enrollments are continuing to increase and there may be a need for additional student housing. The university is in the process of adding an additional 720 beds in Frederickson Court which will be completed in 2014. Historically, Iowa State has housed approximately one third of the undergraduate student enrollment in university operated housing. For younger undergraduate students the university provides support staff and programs resulting in higher retention and graduation rates. The majority of the off campus private housing organizations support this since their housing operations typically do not provide this support. The majority of the private housing operators in Ames indicate they prefer to market to upper class undergraduates and graduate students. The plan being proposed by the Breckenridge Group is not a traditional apartment style development, a relatively new concept. They have several projects under development in other campus communities but not a long history of operational success. Ownership of several of their completed projects has transferred to other organizations. The lack of demonstrated success and comments from the communities and campuses where they are developing projects contributes to the university's recommendation that a detailed Master Plan be required including addressing the long term financial obligations that this development will impose on the university and City of Ames.

The university is prepared to provide additional comments and participate in the city planning and zoning process as it impacts Iowa State University.

Very truly yours,



Warren R. Madden  
Senior Vice President for Business and Finance

cc: Steven Leath  
Steve Schainker  
Tom Hill  
Miles Lackey  
Cathy Brown

## Staff Report

**Development Review for School Facilities**

April 9, 2013

Construction of a new elementary school on Miller Avenue recently began. This is the first of six new projects by the Ames Community School District (ACSD) that will provide modern educational facilities for Ames students for many years to come. New schools will also be built on the Meeker and Fellows school sites and the existing schools demolished. Renovations and expansion are planned at Mitchell and Sawyer Schools. In addition, new administration and facilities maintenance facilities, along with sports fields, are proposed to be built at 2005 24<sup>th</sup> Street, on the north side of 24<sup>th</sup> Street west of the railroad crossing. (See Attachment 1 Location Map).

**As the planning process for the Ames Community School District's Facilities Plan unfolded, questions have been raised by School District officials, City staff members, and the residents in the various impacted neighborhoods regarding the City's authority over the development and use of the School District's property. The information presented in this report is intended to clarify these issues as progress continues on the Facilities Plan.**

**BACKGROUND**

The school site on Miller Avenue is zoned **Residential Low Density** and has been vacant since the subdivision was platted. The Zone Use Table for this zoning district permits a school with a Special Use Permit. Accordingly, in February the Zoning Board of Adjustment reviewed and approved a Special Use Permit for that project.

The zoning designation for all other properties where these school projects are located is **Government/Airport District** (S-GA). Sections 29.1000 and 29.1002 of the Zoning Ordinance provide guidance for this District, but do not include a Zone Use Table or Zone Development Standards for properties zoned S-GA. Section 29.1002 states that "governmental structures and uses enjoy a legal exemption from local zoning requirements."

**A recent legal opinion obtained from contracted legal counsel stated that the City's zoning laws do not apply to the school district (although building codes do apply). Therefore, Sections 29.1000 and 29.1002 establish cooperation between the City and Ames Community Schools as the basis for ensuring that development of each of these sites is compatible with the general character of the area in which it is located. (See Attachment 2 Government Zoning Ordinance)**

Past practice has been that the School District routinely submits plans for City review based on the standards of the zoning districts surrounding the site. The existing four elementary schools were built many decades ago, and City files do not contain site plans for when the schools were built on the sites of the proposed school projects. However, District staff has sought, and City staff has approved, four site plans for later improvement projects on these sites. (See Attachment 3, School Sites Information.) In addition to these four sites, City staff has reviewed and approved eight site plans for projects on six other school sites, including construction of the new Ames Middle School and building additions at Ames High School and Northwood Pre-School Center.

With the exception of the Miller Avenue School, a Special Use Permit has previously been considered for only one project on a school site – the relocation of administrative offices to Crawford School in 2001. In reviewing each of the Special Use Permit criteria, the Zoning Board of Adjustment (ZBA) considered the change in use from an elementary school to an administrative center. The ZBA found that the criteria were met under the condition that a half-day or all-day kindergarten was present in the building.

## **OPTIONS**

The upcoming school projects represent a substantial investment in improving the quality of life of the community and an exciting time for Ames residents. With that said, these will each be large projects with definite impacts at the neighborhood scale. In order to be compatible with the general character of the surrounding residential areas, it is important for the projects to minimize any negative impacts on the neighborhoods.

Below are four options that provide different methods of cooperation between the City Council and the Ames Community School District Board of Trustees to make certain that these four new or expanded schools have minimal negative impacts on their respective neighborhoods:

1. Minor Site Development Plans for all projects. The basis for City staff review would be the zoning development standards for the surrounding zoning districts, the general development standards that apply to all zoning districts, the building code, other life-safety codes, and standard requirements that make it possible for the City to provide needed services. This option is consistent with past practices, is the least time consuming and does not require any public hearings beyond the hearings that the School Board has for capital improvement projects.
2. Special Use Permits for all projects. After City staff review (as above), the ZBA would review the plans based on the review criteria that the Zoning Ordinance specifies for Special Use Permits (See Attachment 4 Review Criteria for Special Use Permits.) The Special Use Permit is intended for types of projects that, “because of their particular and unique characteristics, require special consideration in relation to the welfare of adjacent properties and to the community as a whole.” (Ames *Municipal Code* Section 29.1503(1)) This option is

consistent with the Zoning Ordinance requirement for schools in the Residential Low Density zoning district that mostly surrounds all of the school project sites. It is more time consuming than the Minor Site Development Plan option and requires a public hearing before the ZBA.

The review criteria are primarily concerned with impacts of the proposed development. Since schools already exist on the sites of the next four elementary school projects, the City Council would want to indicate whether the Zoning Board of Adjustment should consider all of the impacts of a new school, or else confine its review to only new impacts that are the result of the differences between the existing schools and the new schools.

3. Minor Site Development Plans for some projects and Special Use Permits for other projects. The City Council may believe that one or more of the school projects have greater impacts on their surroundings than others, and for this reason conclude that ZBA review is needed to insure that those specific projects are compatible with their surroundings. For example, the new administration building, facilities maintenance function, and sports fields on 24<sup>th</sup> Street may have a greater impact than expansion of the existing schools.
4. No City Review of School Site Plans. Since it has been determined that the City's zoning laws do not apply to the School District, the Council could direct staff to forgo review or approval of any of these projects. In that case, the City would rely solely upon the District's efforts to interface with surrounding neighborhoods and to address any of their valid concerns.

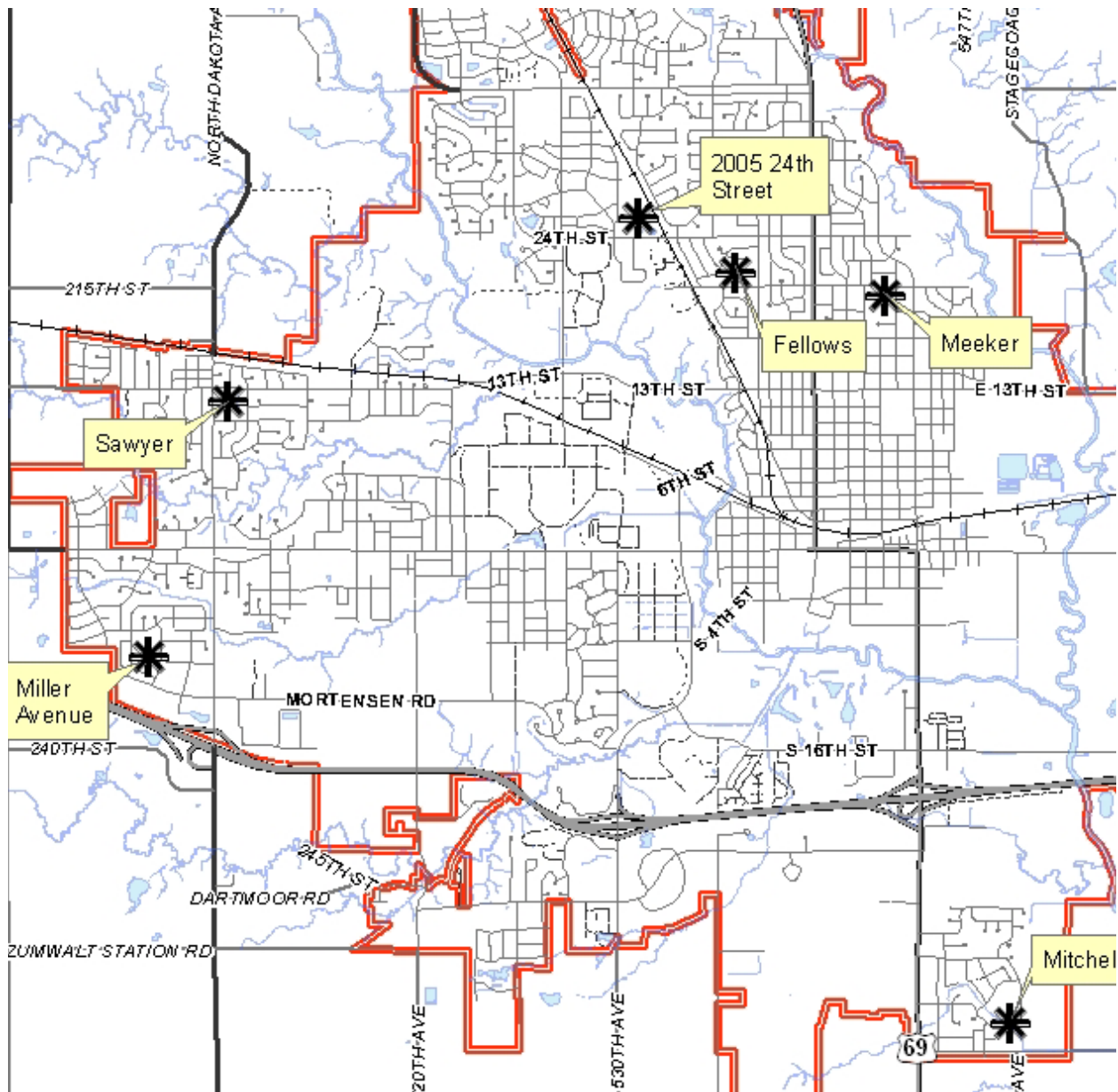
Should this option be selected, there would still be a need for City staff to review the District's proposed site plans in order to address the projects' off-site impacts. This would include such elements as traffic safety around and entering/exiting the sites, fire apparatus access, stormwater run-off, utility connections, etc.

## **STAFF COMMENTS**

**It is important to recognize that compliance by the School District with any of the above zoning review options will be on a voluntary basis, since it is now clear that the City's zoning laws cannot apply to school district facilities. Since the School District recently asked for a meeting with the City Council to discuss issues of mutual interest, this gathering will provide an ideal opportunity to discuss the options presented above and will establish a framework for City staff, ZBA and/or community member involvement as the District and the City cooperate to complete the designs of the remaining school projects.**



## Attachment 1: Location Map



## **Attachment 2: Government Zoning Ordinance**

### **Sec. 29.1000. SPECIAL PURPOSE DISTRICTS.**

(1) **Purpose.** Each Special Purpose District will appear on the City's Zoning Map as a Base Zone. The Special Purpose Districts are intended to further the goal of creating a new vision for the City, including the planning and management of growth; provisions for developable areas; a sense of place and connectivity; cost effectiveness and efficient growth patterns; mobility and alternative transportation; and economic expansion and diversification. The Special Purpose Districts are designed to allow for new development that is consistent with existing land use patterns in scale, type and density.

### **Sec. 29.1002. "S-GA" GOVERNMENT/AIRPORT DISTRICT.**

(1) **Purpose.** This Special Purpose District is to be located on the City Zoning Map by the City Council and is reserved exclusively for structures and uses related to or owned by federal, state, county, school districts, or municipal governmental authorities. Such structures and uses include property of Story County, publicly owned facilities of the City of Ames for administration and services, and general aviation. Although such governmental structures and uses enjoy a legal exemption from local zoning requirements, with the exception of height limitations in the vicinity of any airport, it is expected that such authorities will cooperate with the Department of Planning and Housing to encourage the development of standards which will be applicable to and compatible with the general character of the area in which this District is situated.

*(Ord. No. 3591, 10-10-00)*

### **Attachment 3: School Sites Information**

The four properties where schools are to be constructed, expanded or renovated have the following zoning designations surrounding and the past approvals by the City as listed:

#### **Meeker Elementary –new school on existing site at 300 20th**

Zoning of site: Government/Airport

Zoning of adjacent properties: Residential High Density to the east – schools permitted with Minor Site Development Plan, all other Residential Low Density – schools permitted with Special Use Permit

Minor Site Development Plan approved by staff in 2006 for a paving project.

#### **Mitchell Elementary – expand and/or renovate school on existing site at 3521 Jewell**

Zoning of site: Government/Airport

Zoning of adjacent properties: Residential Low Density – schools permitted with Special Use Permit

(No site plans or Special Use Permits on file)

#### **Fellows Elementary – new school on existing site at 1400 McKinley**

Zoning of site: Government/Airport

Zoning of adjacent properties: Residential Low Density – schools permitted with Special Use Permit

Site Plan approved in 1992 for a classroom addition

Minor Site Development Plan approved by staff in 2003 for a new entrance drive.

#### **Sawyer Elementary – expand and/or renovate school on existing site at 4316 Ontario**

Zoning of site: Government/Airport

Zoning of adjacent properties: Residential High Density to the north and west - schools permitted with Minor Site Development Plan, Residential Low Density to the north, east and south – schools permitted with Special Use Permit

Site Plan approved by staff in 1997 for a parking and driveway project.

## Attachment 4: Review Criteria for Special Use Permits

(4) **Review Criteria.** Before a Special Use Permit application can be approved, the Zoning Board of Adjustment shall establish that the following general standards, as well as the specific standards outlined in subsections (b), (c), and (d) below, where applicable, have been or shall be satisfied. The Board's action shall be based on stated findings of fact. The conditions imposed shall be construed as limitations on the power of the Board to act. A mere finding that a use conforms to those conditions or a recitation of those conditions, unaccompanied by specific findings of fact, shall not be considered findings of fact for the purpose of complying with this Ordinance.

(a) **General Standards.** The Planning and Zoning Commission and Zoning Board of Adjustment shall review each application for the purpose of determining that each proposed use meets the following standards, and in addition, shall find adequate evidence that each use in its proposed location will:

(i) Be harmonious with and in accordance with the general principles and proposals of the Land Use Policy Plan of the City;

(ii) Be designed, constructed, operated, and maintained so as to be harmonious in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed;

(iii) Not be hazardous or disturbing to existing or future uses in the same general vicinity;

(iv) Be served adequately by essential public facilities and services such as highways, streets, police, fire protection, drainage structure, refuse disposal, water and sewage facilities, and/or schools;

(v) Not create excessive additional requirements at public cost for public facilities and services;

(vi) Not involve uses, activities, processes, materials, equipment or conditions of operation that will be detrimental to any person, property or general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors; and

(vii) Be consistent with the intent and purpose of the Zone in which it is proposed to locate such use.

(b) **Residential Zone Standards.** The Planning and Zoning Commission and Zoning Board of Adjustment shall review each application for the purpose of determining that each proposed use in a residential zone meets the following standards, as well as those set forth in Section 29.1503(4)(a) above and, in addition, shall find adequate evidence that each use in its proposed location will:

(i) Not create excessively higher levels of traffic than the predominant pattern in the area and not create additional traffic from the proposed use that would change the street classification and such traffic shall not lower the level of service at area intersections;

(ii) Not create a noticeably different travel pattern than the predominant pattern in the area. Special attention must be shown to deliveries or service trips in a residential zone that are different than the normal to and from work travel pattern in the residential area;

(iii) Not generate truck trips by trucks over 26,000 g.v.w. (gross vehicle weight) to and from the site except for waste collection vehicles and moving vans;

(iv) Not have noticeably different and disruptive hours of operation;

(v) Be sufficiently desirable for the entire community that the loss of residential land is justifiable in relation to the benefit;

(vi) Be compatible in terms of structure placement, height, orientation or scale with the predominate building pattern in the area;

(vii) Be located on the lot with a greater setback or with landscape buffering to minimize the impact of the use on adjacent property; and

(viii) Be consistent with all other applicable standards in the zone.

**COUNCIL ACTION FORM**

**SUBJECT:** QUARRY ESTATES LAND ANNEXATION

**BACKGROUND:**

The City Council previously received an annexation petition for 105 acres of land adjacent to the City limits along Grant Avenue and 190<sup>th</sup> Street. Quarry Estates, LLC, represented by Kurt Friedrich, submitted the annexation petition. Since the annexation request would create an island of unincorporated land, three non-consenting owners have been added to the territory as allowed by Code of Iowa, Section 368.7(a). These additional properties are owned by Harold and Bette Frame and by Harold and Bette Frame on contract to Brian and Jamie Frame (referred to collectively as the Frames), and by Hunziker Land Development, LLC (Hunziker). A location map is included as Attachment A. The legal description and owners' names are included as Attachment B.

**Land Use Policy:** In 2010, the Ames Urban Fringe Plan—a component of the Land Use Policy Plan—was amended to designate the area between H.P. Jenson Subdivision (west of the former Oaks golf course) and the Union Pacific Railroad as Urban Residential. The areas identified as Natural Area were retained. As Urban Residential, the policy of the City is that development will not occur on the land unless and until the land is annexed and full City services are extended to the site. The Urban Fringe Plan Map designations are included in Attachment C.

The Allowable Growth Area map of the Land Use Policy Plan was also amended in January 2011 to designate the area between the H.P. Jenson Subdivision and George Washington Carver Avenue as the North Allowable Growth Area. The allowable Growth Areas of the LUPP are shown in Attachment D.

The consultation with the Franklin Township Trustees and the Story County Board of Supervisors was held on February 6, 2013. No comments or requests for modifications to the requested annexation were made. The Story County Board of Supervisors voted on April 2, 2013 to provide a resolution stating that they will not take a position in support of or in opposition to the proposed annexation.

The Ames Planning and Zoning Commission recommended approval of the annexation at its regular meeting of March 6. Following a public hearing in which no one addressed the Commission, the Commission unanimously recommended that the City Council approve the annexation request.

Since that time, staff has worked on annexation agreements with both Quarry Estates and Hunziker. These annexation agreements describe the special assessment for the paving of Grant Avenue, describe the responsibilities of the City and the developers in establishing a sanitary sewer and water connection district for the repayment of installation of utilities, and assign the costs for the disconnection and buyout of rural

water service. However, the issue of water service to this area is still unresolved, since the area is currently part of Xenia rural Water District's service territory. **Until a firm agreement is reached with Xenia, neither the developers nor the City should sign the proposed agreement.**

Staff recently received an update from the Xenia General Manager. He committed to send staff two options for providing water service to the northern growth area later this month. City and Xenia staff will then discuss those options, followed immediately by a consultation between Xenia, City staff and the northern growth developers. Hopefully those efforts will result in a plan to provide water service to these areas that is acceptable to all parties involved (including Xenia's creditors). That would then clear the way for the developers and the City to sign the annexation agreement, which in turn would allow the Council to approve the annexation.

At the most recent Council discussion of this issue, owners of the residential properties along Grant Avenue had requested special consideration. Based on direction then given by the City Council, City staff presented a number of potential agreement concepts to the homeowners for their consideration. That direction was to draft items for a pre-annexation agreement that would each home owner along Grant Avenue to obtain a single sanitary sewer and water connection for their existing homestead at a nominal rate. If they sought future development on their properties, the owners would then need to pay the full cost as determined by the connection district fees, less the amount paid previously.

The Grant Avenue neighbors have apparently that offer, believing that future connection costs should also be waived. The result is that the two properties owned by the Frames are not parties to the Quarry Estates annexation, and are being included as non-consenting. Since Hunziker has not submitted an annexation petition or signed an agreement, they are also considered non-consenting.

### **ALTERNATIVES:**

1. The City Council can conduct the public hearing and delay a vote on the resolution to annex the Quarry Estates, Frames, and Hunziker properties until such time as an agreement has been reached with Xenia and the owners have signed annexation agreements.

There is no state requirement that the City Council act on the annexation at the same meeting as the public hearing. The annexation is not jeopardized by delaying a vote. However, if the delay is significant, the City Council may wish to conduct another public hearing prior to a future vote.

2. The City Council can conduct the public hearing and approve the resolution to annex the Quarry Estates, Frames, and Hunziker properties, notwithstanding that the water territory issue is not yet resolved and annexation agreements have not been signed.

By not having the annexation agreement in place, the City Council will have lost an opportunity to ensure that the costs associated with the annexation and development of this area are properly assigned to the parties.

3. The City Council can deny the proposed annexation.

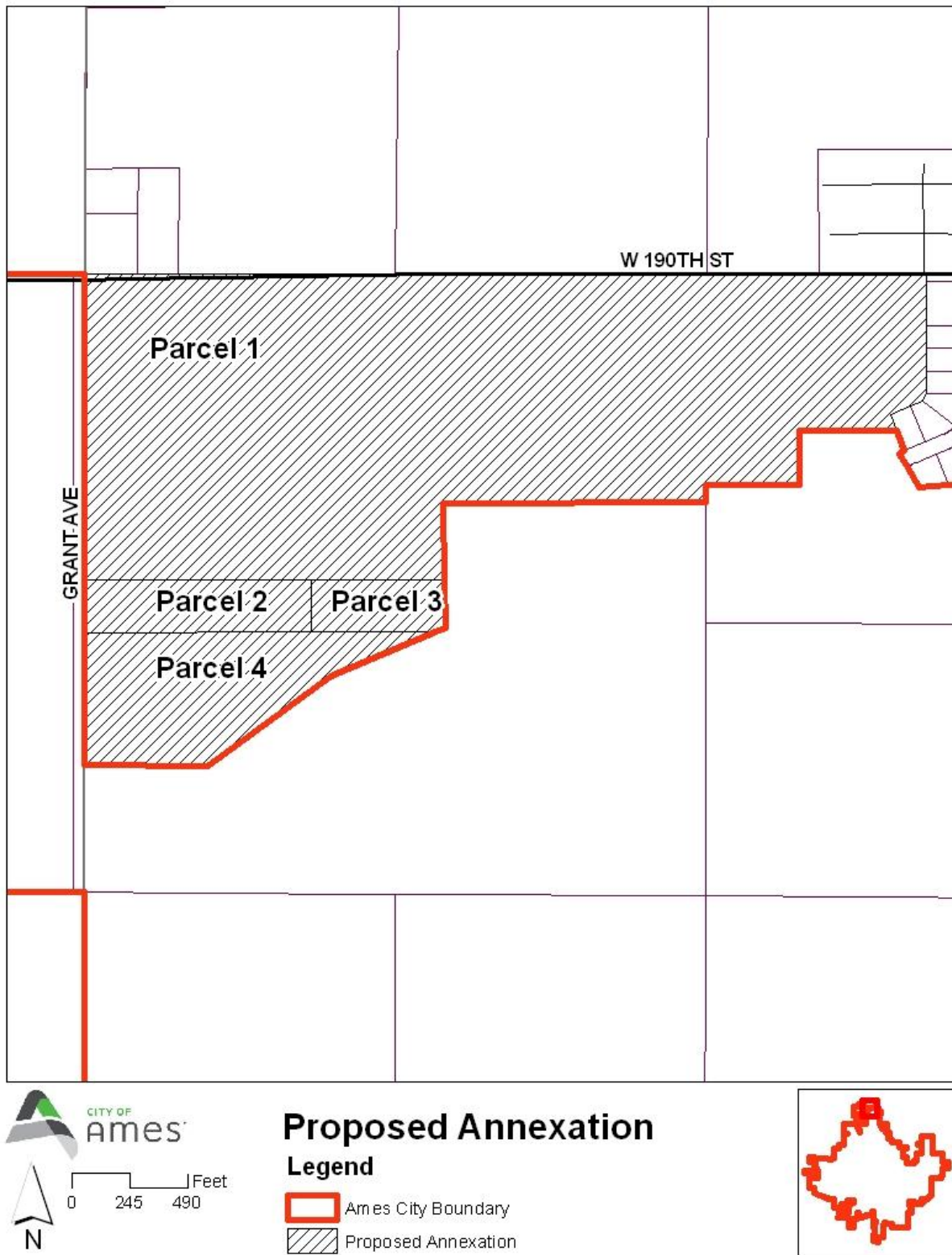
**MANAGER'S RECOMMENDED ACTION:**

This annexation is consistent with the Land Use Policy Plan and the Ames Urban Fringe Plan. However, uncertainty over the water territory issue leaves important questions unanswered regarding the provision of water service. For that reason, neither the owners nor the City should sign the annexation agreements at this time. Were the Council to approve the annexation without those agreements, the City would lose the ability to ensure that the annexation meets the conditions previously laid out by the City Council.

**Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1. Council would thereby conduct the public hearing, but would delay a vote on a resolution to annex the Quarry Estates, Frames, and Hunziker properties until such time as a water agreement has been reached with Xenia and the owners of Quarry Estates and the Hunziker property sign the annexation agreements.**



## ATTACHMENT A: LOCATION MAP





## **ATTACHMENT B: LEGAL DESCRIPTIONS**

### **Consenting:**

#### Parcel 1

Owner: Quarry Estates, LLC c/o Kurt Friedrich, 100 6<sup>th</sup> Street, Ames, IA 50010

Legal: Parcel 'L' in the North Half (N ½) of Section 22, Township 84 North, Range 24 West of the 5<sup>th</sup> 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 5<sup>th</sup> 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 6<sup>th</sup>, 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)

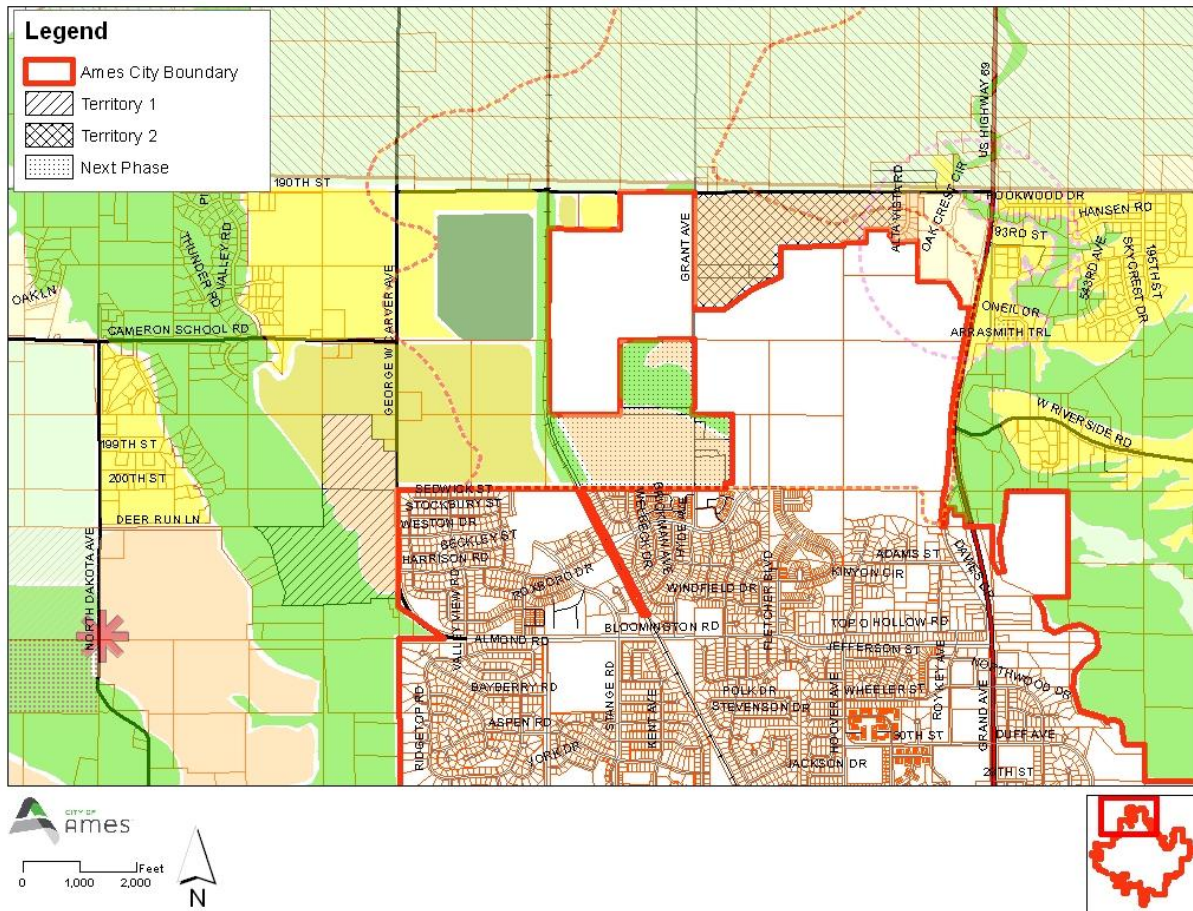
Legal: Parcel 'C' in the Northwest Quarter (NW ¼) of Section 22, Township 84 North, Range 24 West of the 5<sup>th</sup> P.M., Story County, Iowa; as shown on the Plat of Survey filed in the office of the Recorder of Story County, Iowa, on February 6<sup>th</sup>, 1998, and recorded as Instrument # 98-01464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

#### Parcel 4

Owner: Hunziker Land Development Co. LLC, 105 S. 16<sup>th</sup> Street, Ames, IA 50010

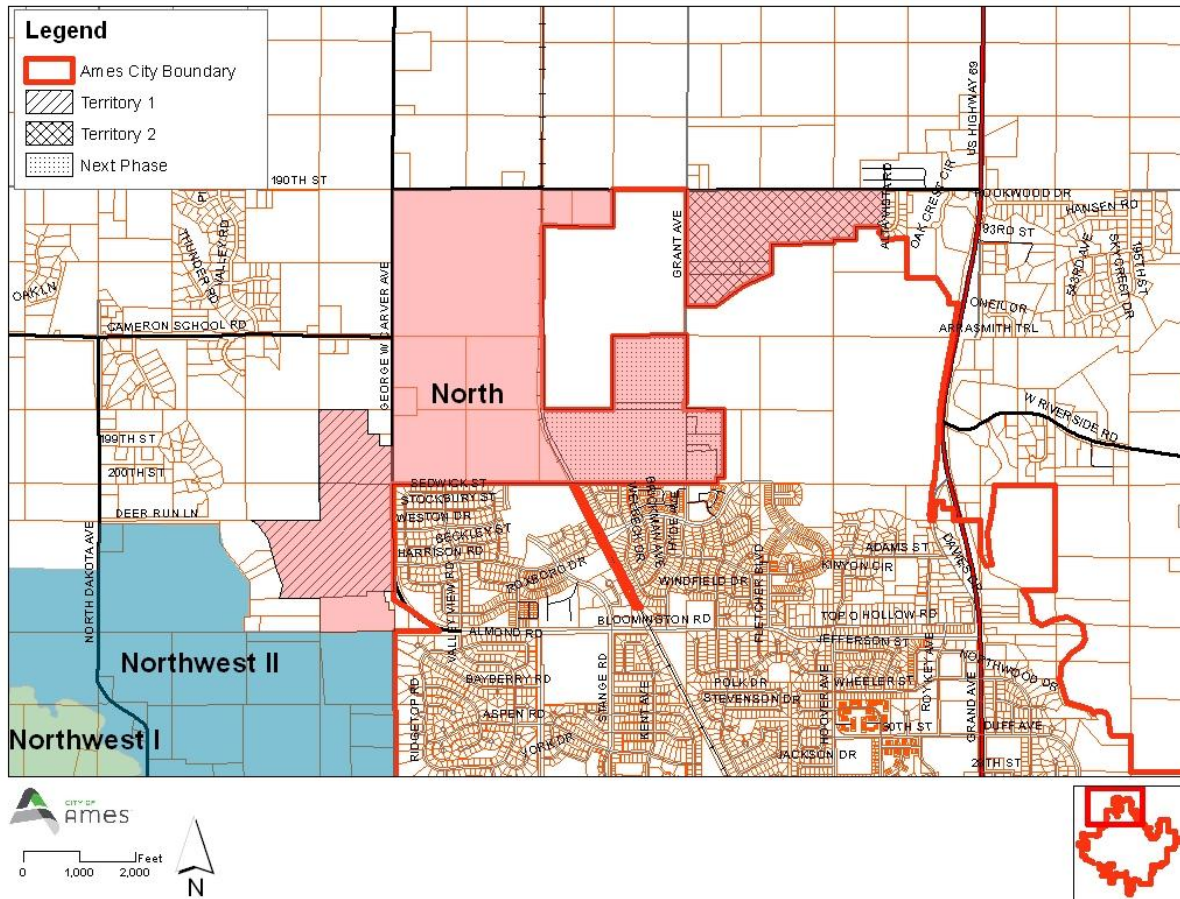
Legal: Parcel 'K' in the Northwest Quarter (NW ¼) of Section 22, Township 84 North, Range 24 West of the 5<sup>th</sup> P.M., Story County, Iowa as shown on the Plat of Survey filed in the office of the Recorder of Story County on June 8, 2011, on Slide 407, Page 5, and as Instrument # 11-05323. Contains 12.00 gross acres.

## ATTACHMENT C: URBAN RESIDENTIAL AREAS OF URBAN FRINGE PLAN



Territory 1 is the Athen parcels. Territory 2 is the subject Quarry Estates and other included parcels. Next Phase is a possible third annexation immediately north of Bloomington Heights.

## ATTACHMENT D: GROWTH AREAS OF LUPP



Territory 1 is the Athen parcels. Territory 2 is the subject Quarry Estates and other included parcels. Next Phase is a possible third annexation immediately north of Bloomington Heights.

**COUNCIL ACTION FORM**

**SUBJECT:**      **ATHEN LAND ANNEXATION**

**BACKGROUND:**

The City Council previously received an annexation petition for 121.02 acres of land adjacent to the City limits along George Washington Carver Avenue in Franklin Township. The annexation petition was filed in accordance with local policies and meets the requirements of the Code of Iowa for a 100 percent consenting annexation. A location map is included as Attachment A, and the legal description is included as Attachment B.

**Land Use Policy:** The Ames Urban Fringe Plan—a component of the Land Use Policy Plan—was amended in December 2012 to designate this property, as well as an additional parcel to the south, from its original Priority Transitional Residential to Urban Residential. The Natural Area designation was retained for the western portion of the land. As Urban Residential, the City's policy is that development will not occur on the land unless and until the land is annexed and full City services are extended to the site. The Urban Fringe Plan Map designations are included in Attachment C.

The Allowable Growth Area map of the Land Use Policy Plan was also amended in December 2012 to allow these properties to be annexed and subsequently developed. The allowable Growth Areas of the LUPP are shown in Attachment D.

The consultation with the Franklin Township Trustees and the Story County Board of Supervisors was held on February 6, 2013. No comments or requests for modifications to the requested annexation were made. The Story County Board of Supervisors voted on April 2, 2013 to provide a resolution stating that they will not take a position in support of or in opposition to the proposed annexation.

The Ames Planning and Zoning Commission recommended approval of the annexation at its regular meeting of March 6<sup>th</sup>. Following a public hearing in which no one addressed the Commission, the Commission unanimously recommended that the City Council approve the annexation request.

When the City Council approved the amendment to the Land Use Policy Plan in December, 2012, the following conditions and considerations were specifically included:

1. Development of proposal for the distribution of cost for any needed sanitary sewer improvements.
2. The impact the development in this area may have on emergency service response.

3. The impact the development in this area may have in areas that have already been targeted for growth or have been invested in by the city for growth.
4. The possibility of a developer's agreement be investigated to require a care facility.
5. The consideration be provided to ensure the protection of the natural area of at least at or before the tree line.
6. This area be provided with two zoning designations with the minimum zoning necessary for the care facility and low density housing.

Since that time, staff has worked with the owner's representative to reach agreement on an annexation agreement confirming these arrangements. However, the issue of water service to this area is still unresolved, since the area is currently part of Xenia rural Water District's service territory. Until a firm agreement is reached with Xenia, neither the developer nor the City should sign the proposed agreement.

Staff recently received an update from the Xenia General Manager, whose time had been consumed with finalizing a refinancing package for the District's debt. He committed to send staff two options for providing water service to the northern growth area later this month. City and Xenia staff will then discuss those options, followed immediately by a consultation between Xenia, City staff and the northern growth developers. Hopefully those efforts will result in a plan to provide water service to these areas that is acceptable to all parties involved (including Xenia's creditors). That would then clear the way for the developer and the City to sign the annexation agreement, which in turn would allow the Council to approve the annexation.

At the December City Council meeting at which the LUPP amendment was approved, the City Council tied approval of the annexation of the Athen property to receiving signed annexation agreements for the Hunziker properties along Grant Avenue. While the north Hunziker property is being considered along with the Quarry Estates annexation, the south Hunziker property is not. The southern Hunziker property alone does not contain enough land area to overcome the amount of land owned by the existing homeowners along Grant Avenue who do not wish to be annexed. Allowing non-consenting owners to be included in a voluntary annexation is allowed by the state so long as the non-consenting owners' area does not exceed 20 percent of the total area of annexation--the 80/20 rule.

At the most recent Council discussion of this issue, owners of the residential properties along Grant Avenue requested special consideration. Based on direction then given by Council, City staff presented a number of concepts to the homeowners for their consideration. Council's direction had been to draft items for a pre-annexation agreement that would allow each home owner along Grant Avenue to obtain a single sanitary sewer and water connection for their existing homestead at a nominal rate. If they later sought future development on their properties, the owners would then need to pay the full cost as determined by the connection district fees, less the amount paid

previously. In return, the Grant Avenue owners were asked to join the petition for annexation.

The owners, as a group, subsequently declined. As a result, the south Hunziker piece cannot seek annexation at this time. As an alternative, however, the south Hunziker property could create a "flagpole" lot in order to avoid landlocking the other Grant Avenue parcels. Another alternative would be to seek participation by other landowners adjacent to the west side of Hunziker's land to join the petition and meet the 80/20 rule.

### **ALTERNATIVES:**

1. The City Council can conduct the public hearing and delay a vote on the resolution to annex the Athen property until such time as an agreement has been reached with Xenia and the owner of the Athen property has signed the annexation agreement.

There is no state requirement that the City Council act on the annexation at the same meeting as the public hearing. The annexation is not jeopardized by delaying a vote. However, if the delay is significant, the City Council may wish to conduct another public hearing prior to a future vote.

2. The City Council can conduct the public hearing and approve the resolution to annex the Athen property, notwithstanding that the water territory issue is not yet resolved and the annexation agreement has not been signed by the petitioner.

By not having the annexation agreement in place, the City Council will have lost an opportunity to ensure that the conditions placed on the LUPP amendment are met. In addition, the City Council, at that December meeting, sought to ensure that action on the annexation of property along Grant Avenue would be done in conjunction with this annexation.

3. The City Council can deny the proposed annexation.

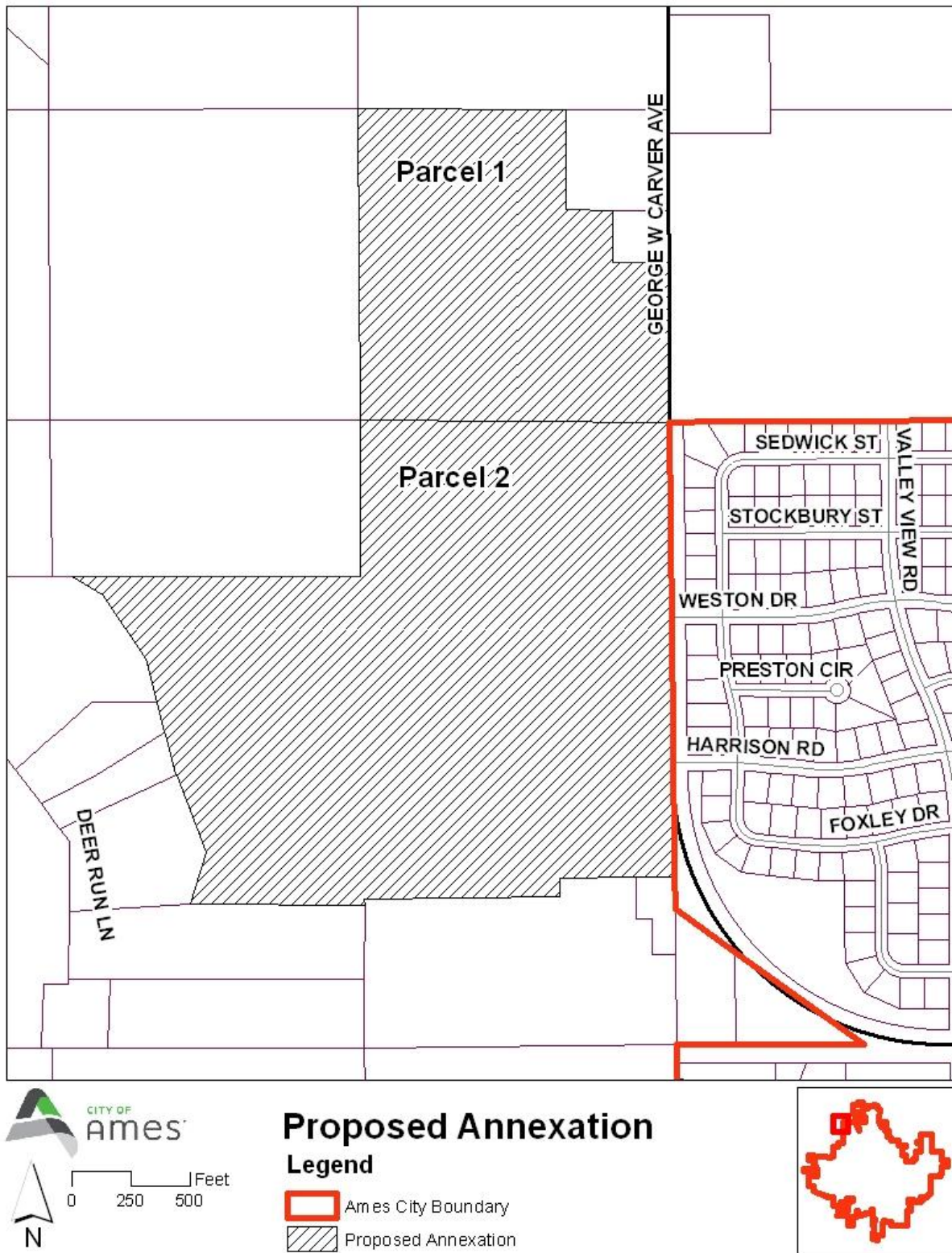
### **MANAGER'S RECOMMENDED ACTION:**

This annexation is consistent with the Land Use Policy Plan and the Ames Urban Fringe Plan. However, uncertainty over the water territory issue leaves important questions unanswered regarding the provision of water service. For that reason, neither the owner nor the City should sign the annexation agreement at this time. Were the Council to approve the annexation without that agreement, the City would lose the ability to ensure that the annexation meets the conditions previously laid out by the City Council.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1. Council would thereby conduct the public hearing, but would then delay a vote on the resolution to annex the Athen property until such time as an agreement has been reached with Xenia and the owner of the Athen property has signed the annexation agreement.



## ATTACHMENT 1



## **ATTACHMENT B: LEGAL DESCRIPTIONS**

### 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 5<sup>th</sup> 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.

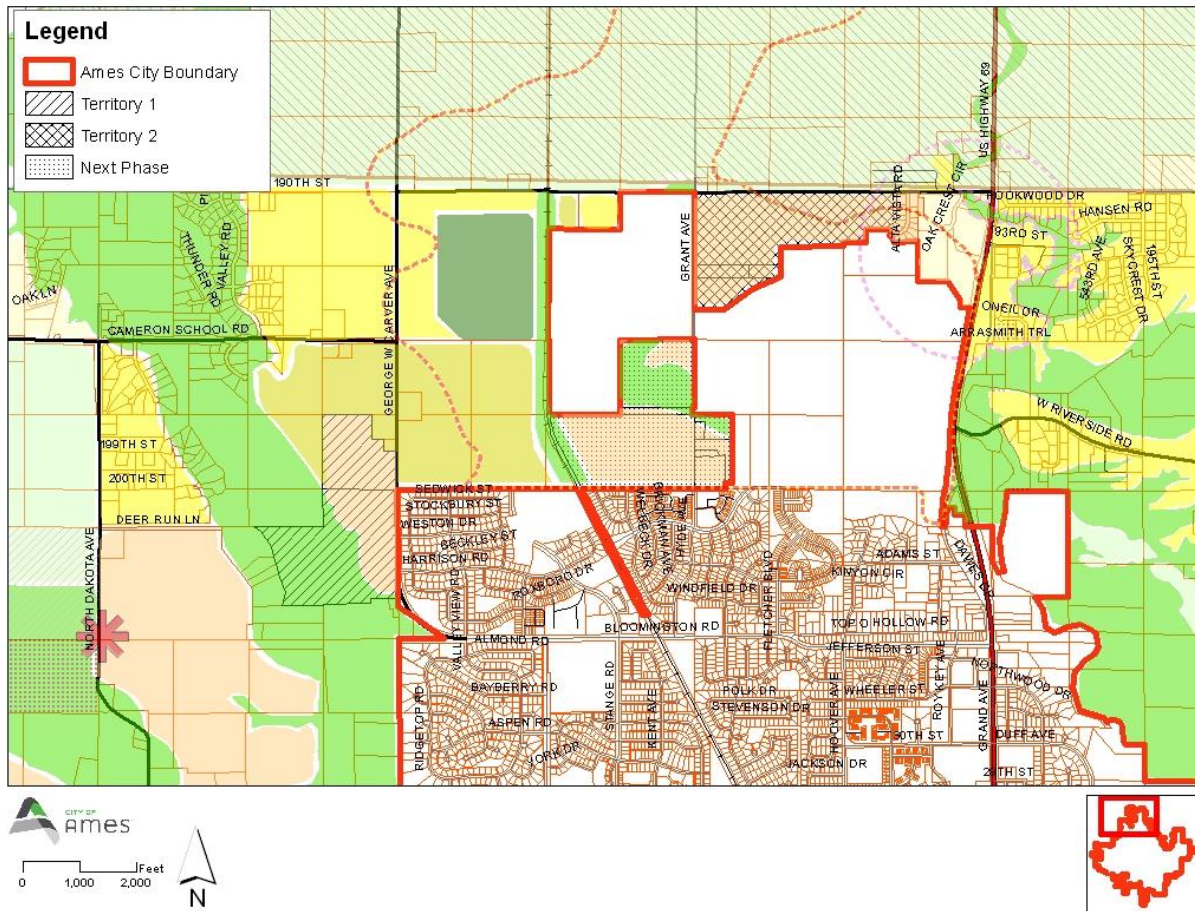
### Parcel 2:

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 5<sup>th</sup> 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.

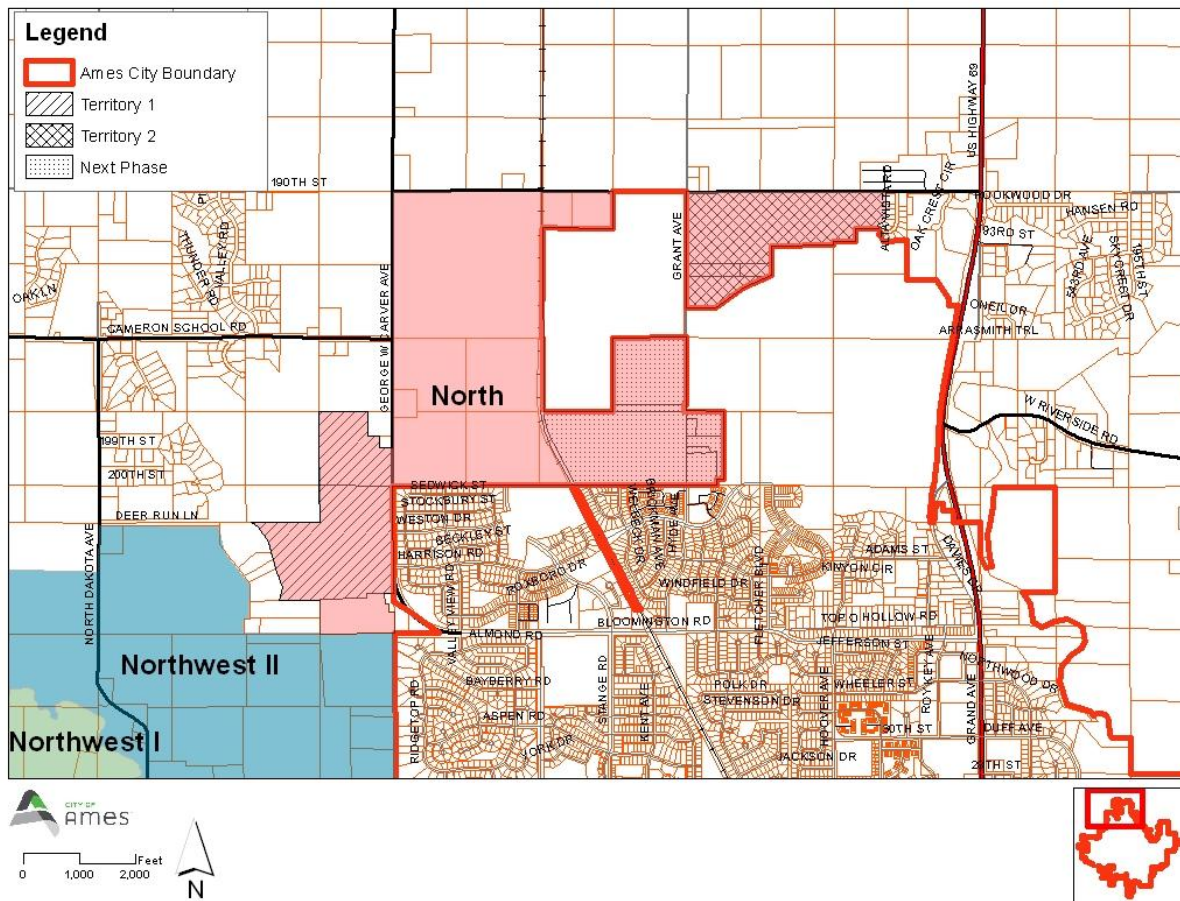


## ATTACHMENT C: URBAN RESIDENTIAL AREAS OF URBAN FRINGE PLAN



Territory 1 is the subject Athen parcels. Territory 2 is the Quarry Estates and other included parcels for a separate annexation. Next Phase is a possible third annexation that is moving ahead.

## ATTACHMENT D: GROWTH AREAS OF LUPP



Territory 1 is the subject Athen parcels. Territory 2 is the Quarry Estates and other included parcels for a separate annexation. Next Phase is a possible third annexation that is moving ahead.

**COUNCIL ACTION FORM**

**SUBJECT:**           **AUDITING SERVICES CONTRACT**

**BACKGROUND:**

Eide Bailly, LLP has provided financial audit services for the City since the fiscal year that ended June 30, 2003. The current agreement ended with the fiscal year 2011/12 audit. The City is seeking an agreement to audit the financial statements for the fiscal year that ended June 30, 2013, with an option of auditing the financial statements for the subsequent four fiscal years.

**Best practices for audit services provided by the Government Finance Officers Association (GFOA) recommend that governmental entities enter into multi-year agreements of at least five years in duration, which allows for greater continuity and helps to minimize the potential for disruption in connection with the independent audit. Multi-year agreements also help auditors spread start-up costs over several years rather than over a single year. GFOA also states that, although it would be ideal to replace the independent auditor at the end of each audit agreement, the lack of competition among audit firms fully qualified to perform public-sector audits could make a policy of mandatory auditor rotation counterproductive. Instead, it is recommended that a governmental entity actively seek the participation of all qualified firms, including the current auditors, assuming that the past performance of the current auditors has been satisfactory.**

On February 28, 2013, the City issued a request for proposal to 11 accounting firms and the State Auditor's Office. The request for proposal was for the fiscal year ending June 30, 2013, with an option to extend the agreement for each of the four subsequent fiscal years. A pre-proposal conference was held on March 8, 2013, to answer questions from interested parties. Representatives from nine accounting firms attended in person or via conference call. Responses to all questions from the pre-proposal conference, along with additional questions asked subsequent to the conference, were sent out on March 12, 2013 to all who submitted a Notification of Interest form.

The City received six proposals by the March 15, 2013 due date. The proposals were evaluated by the Director of Finance, Assistant Director of Finance and two Accountants. The evaluation team members independently evaluated and scored all six proposals.

Each firm first had to meet four mandatory elements: 1) the firm is independent and licensed to practice in Iowa; 2) the firm has no conflict of interest with the City; 3) the firm adhered to the instructions for preparation of the proposal; and 4) the firm submits a copy of its last external quality control review report and the firm has a record of quality audit work. All of the firms met these mandatory requirements and were then evaluated for technical qualifications, which made up 75% of the total score.

The technical qualifications were divided into expertise and experience (55%) and audit approach (20%). Included in expertise and experience were past experience with comparable governments (20%), quality of personnel assigned to the engagement (15%), past experience with engagements that submit their comprehensive annual financial report (CAFR) to GFOA for the Certificate of Achievement for Excellence in Financial Reporting (10%), and Single Audit (audit of federal funds) experience with similar federal or state financial assistance programs (10%). Elements of audit approach that were used to evaluate accounting firms were adequacy of proposed staffing plan for segments of the engagement (5%), adequacy of sampling techniques (5%), adequacy of analytical procedures (5%), and adequacy of approach to internal control understanding (5%).

After the technical qualifications were evaluated and scored, the sealed cost proposals were opened and scored. The lowest fee proposal received the highest score, the second lowest fee proposal received the next highest score, and so on.

The following table shows the scores, ranks, and total five-year fee proposals for the six proposals received. The maximum score is 100.

| Accounting Firm         | Total Score | Rank | Fee Proposal |
|-------------------------|-------------|------|--------------|
| Eide Bailly LLP         | 91          | 1    | 273,500      |
| McGladrey LLP           | 86          | 2    | 273,160      |
| CliftonLarsonAllen LLP  | 84          | 3    | 262,500      |
| BKD, LLP                | 79          | 4    | 292,000      |
| Bohnsack & Frommelt LLP | 62          | 5    | 339,400      |
| Denman & Company, LLP   | 60          | 6    | 293,900      |

The evaluation team agreed that Eide Bailly LLP is the strongest firm. Specific reasons are listed below:

1. The office of Eide Bailly LLP that will be responsible for the City's audit (Dubuque), currently performs audits of 14 local governments in Iowa. Of those, 12 are subject to a Single Audit and eight receive the GFOA Certificate of Achievement for Excellence in Financial Reporting. Firm-wide, Eide Bailly LLP has approximately 100 full-time professionals who devote their time to governmental engagements and share knowledge across the firm.
2. As stated above, Eide Bailly LLP currently audits eight Iowa cities that receive the GFOA Certificate of Achievement for Excellence in Financial Reporting. In addition, three of the four personnel that would be assigned to the City's audit are a member of the GFOA Special Review Committee, which is a group of individuals with public sector experience who evaluate CAFRs submitted for the GFOA's Certificate of Achievement for Excellence in Financial Reporting.



3. The fees proposed by Eide Bailly LLP are broken down by fiscal year as follows:

| Fiscal Year Ending | Fee Proposal |
|--------------------|--------------|
| June 30, 2013      | \$ 51,500    |
| June 30, 2014      | 53,065       |
| June 30, 2015      | 54,655       |
| June 30, 2016      | 56,295       |
| June 30, 2017      | 57,985       |
| Total              | \$ 273,500   |

Total fees paid to Eide Bailly LLP for the last five fiscal year audits are as follows:

| Fiscal Year Ending | Fee Proposal |
|--------------------|--------------|
| June 30, 2008      | \$ 54,250    |
| June 30, 2009      | 56,650       |
| June 30, 2010      | 65,350       |
| June 30, 2011      | 68,800       |
| June 30, 2012      | 63,000       |
| Total              | \$ 308,050   |

**As can be seen in the above tables, the fees proposed by Eide Bailly LLP are very competitive. The fee proposal for the next five fiscal years is \$34,550 less than actual fees paid for the last five fiscal years. The fiscal year 2013/14 Budget includes \$66,150 for the 2012/13 audit.** As another point of reference, the City paid \$57,300 in audit fees for fiscal year 1999. Several changes in the work done by City staff prior to and during the audit and greater use of electronic financial data have improved audit efficiency and helped to contain audit costs.

4. City personnel have been very satisfied with the work Eide Bailly LLP has done for the City for the past ten years. Eide Bailly LLP staff is very knowledgeable, easy to work with, and meets agreed-upon deadlines. The staff retention rate at Eide Bailly LLP is very high in relation to other public accounting firms, resulting in continuity of staff assigned to the audit. This is important for efficiency of the audit.

The evaluation team feels that there are two firms that stand out from the others, Eide Bailly LLP and McGladrey LLP. The fee difference between the two firms is a mere \$340 over a five-year period. There were a few factors that led to the higher score of Eide Bailly LLP.

1. Eide Bailly stresses partner and manager involvement with an estimated 60 hours spent on the engagement by partners and 105 hours by managers. McGladrey LLP only estimates 30 hours by partners and 55 hours by managers. **The concern with this is that there is not enough review by partners to ensure the financial statements are fairly stated and conform to GFOA standards.**

2. McGladrey LLP did not estimate any more hours in the first year of the engagement than they did for the four subsequent years. **This is of concern because auditors typically need to spend extra time during the first year getting to know the operations of the City.**
3. Based on the proposals, Eide Bailly LLP's proposed engagement team directly works on comparable cities within the state of Iowa. **The proposed McGladrey LLP engagement team does not appear to have the same amount of experience working on comparable cities in Iowa.**

Beginning with the request for proposal for the fiscal year ended 2003, the incumbent audit firm was not invited to submit a proposal. For the current request for proposal, the incumbent firm was invited in conformance with GFOA-recommended best practices for soliciting audit services. The staff analysis rated Eide Bailly LLP, the incumbent, as the best overall proposer.

City staff also considered the issue of auditor rotation since there has been much discussion over the past several years among accounting and investment professionals on the value of auditor rotation, especially for audits of publicly-traded companies. The Sarbanes-Oxley Act of 2002 (SOX) required that the U.S. General Accounting Office (GAO) conduct a study of the potential effects of mandatory auditor rotation for publicly-traded companies. The GAO concluded that mandatory auditor rotation may not be the most efficient way to strengthen auditor independence and improve audit quality. Thus, auditor rotation is not required.

SOX also placed a greater emphasis on auditor independence and possible conflicts related to fees collected by audit firms for consulting work. All firms that have submitted proposals are independent. Eide Bailly LLP does no other consulting work for the City. McGladrey LLP has done information-technology consulting, primarily related to network storage, with a \$98,720 contract in 2010 and a contract on March 8, 2013 for \$105,753. City staff does not feel that these contracts impact auditor independence.

Though there may be some value to auditor rotation, there is no data indicating that the value of rotating auditors would exceed the value of selecting the highest-rated firm.

### **ALTERNATIVES:**

1. Approve an agreement with Eide Bailly LLP to audit the City's financial statements for the fiscal year ending June 30, 2013, with the option of auditing the financial statements for each of the four subsequent fiscal years.
2. Direct staff to enter into an agreement with another firm that submitted a proposal for auditing services.
3. Reject all proposals and refer this subject back to staff.

**MANAGER'S RECOMMENDED ACTION:**

City staff has performed a thorough evaluation of qualified accounting firms to provide auditing services for the City. Eide Bailly LLP is highly qualified in auditing comparable cities in Iowa and has proposed a favorable quote. Staff has been very pleased with the performance of Eide Bailly LLP and believes they will continue to perform to meet the standards of the City.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative #1, thereby approving an agreement with Eide Bailly LLP to audit the City's financial statements for the fiscal year ending June 30, 2013, with the option of auditing the financial statements for each of the four subsequent fiscal years.

## Staff Report

**REQUEST FROM PUBLIC ART COMMISSION FOR PUBLIC ART  
AT NEW WATER TREATMENT PLANT**

April 9, 2013

In late November the City Council referred to staff a request from the Public Art Commission (PAC) to explore inclusion of public art in the design for the new Water Treatment Plant. Since that time staff has met twice with PAC representatives, including a meeting with the consulting team designing the new treatment facility.

The architects have indicated that decisions regarding any art that will be physically incorporated into the design of the facility need to be made very quickly. Free standing pieces not integrated into the design of the building are not quite as time sensitive.

The PAC will make a brief presentation to Council on April 9<sup>th</sup> that includes several examples of artwork in other locations. Water and Pollution Control Department staff will be present to answer questions related to the rate impacts as Council considers whether to fund artwork pieces out of the Water Fund.

**It should be remembered that no funds have been included in the project budget for public art. It might be possible that construction bids will come in less than anticipated or that there will be sufficient funds in the project contingency to pay for this unbudgeted artwork.** We will know more about project costs once the construction bids are received.

A copy of the planned Power Point presentation is attached. PAC representatives and staff will review this briefly with Council and answer any questions during the meeting.



## WATER TREATMENT PLANT

Public Art Funding Proposal  
April 9, 2013



## GOAL

- ▶ The PAC believes that the new Ames Water Plant has incredible potential in representing the Ames community as a **state-of-the-art facility**, and as a **13<sup>th</sup> street gateway** into the Ames community.
- ▶ PAC's interests are to develop a comprehensive plan that incorporates **themed public art in the public spaces** of the new facility.
- ▶ The PAC is looking to **artists who have experience in creating public art** under a collaborative relationships with their clients; whose strengths, abilities and **concepts will mesh with the City and the Water Plant's interests, mission/ vision and goals.**
- ▶ For example, PAC would like to see artists whose work will speak to issues of water conservation, to our relationships with nature, the environment, science, and potentially reflect the water processing technology in this new state-of-the-art facility.

## POSSIBILITIES TO CONSIDER

- ▶ Entryway – pillars, gate, arch
- ▶ Pavilion or Gazebo
- ▶ Benches
- ▶ Fountain
- ▶ Pathway
- ▶ Wall mural – exterior, interior, embedded in building material
- ▶ Sculpture – stand alone
- ▶ Lit, Solar, LED
- ▶ Water elements
- ▶ Environmental installation, landscape
- ▶ Architectural elements, handrails, windows, floors

## POSSIBLE AREAS FOR PUBLIC ART



Front (east) entrances

## POSSIBLE AREAS FOR PUBLIC ART



Main administrative entrance

## POSSIBLE AREAS FOR PUBLIC ART



Open space between Main entrance and Training Room entrance

### POSSIBLE AREAS FOR PUBLIC ART



North façade visible from 13<sup>th</sup> Street

### POSSIBLE AREAS FOR PUBLIC ART



Inside main entrance

### POSSIBLE AREAS FOR PUBLIC ART



Staircase in main entrance

### POSSIBLE AREAS FOR PUBLIC ART



Landscape demonstration area near entrance from 13<sup>th</sup> Street (looking SW)

### POSSIBLE AREAS FOR PUBLIC ART



Landscape demonstration area near entrance from 13<sup>th</sup> Street (looking NE)

### LEWIS & CLARK WATER TREATMENT FACILITY



## STACY LEVY



## DROP ANTIOCH, CALIFORNIA BY BARBARA GRYGUTIS ([HTTP://WWW.BARBARAGRYGUTIS.COM](http://www.barbaragrygutis.com))

The semi-transparent sculpture invites the surrounding environment to become part of the work of art, and displays shimmering movie surface patterns day and night.



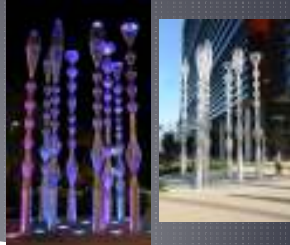
## BY BARBARA GRYGUTIS ([HTTP://WWW.BARBARAGRYGUTIS.COM](http://www.barbaragrygutis.com))

A 20 ft. LED lit sculpture based on sea grass a native plant to the Seattle coastal region.



## BY CLIFF BARTEN <http://www.cliffgartenstudio.com>

Serient Beings are a playful collection of stainless steel forms that are illuminated from below at night by two programmable energy efficient LED colored lights.



## SPIRIT OF LONGMONT LONGMONT, COLORADO BY RAFE ROPEK ([HTTP://WWW.ROPEK.NET](http://www.ropek.net))

Reminded of the agricultural roots planted here years ago, the leaves change - green on one side, yellow on the other, often all 48 in unison.



The sphere demonstrates the "high tech industry" that has brought so many here.



## TURBULENT STREAM, 2003 NEW MEXICO ARTS, SANTA FE, NM BY BROWER HATCHER



## OCULUS & WELLSRING CITY OF COUNCIL BLUFFS / IOWA WEST FOUNDATION, COUNCIL BLUFFS, IA BY BROWER HATCHER [[HTTP://WWW.MIDOCCEANSTUDIO.COM](http://www.midocceanstudio.com)]

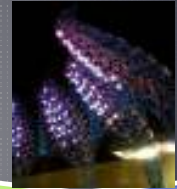




UNTITLED - GALVEZ GARAGE GATEWAY  
PERCENT FOR ART PROGRAM, BATON ROUGE, LA  
BY BROWER HATCHER



AURORA  
CITY OF TEMPE, TEMPE, AZ  
BY BROWER HATCHER



CRUCIBLE, 2005  
EH&S BUILDING, IOWA STATE UNIVERSITY  
BY BROWER HATCHER



Project cost: \$50,000

THE ROUNDABOUT, 1992  
PHILADELPHIA, PA  
BY ALICE ADAMS



SCROLL CIRCLE, 2000  
BY ALICE ADAMS  
UNIVERSITY OF DELEWARE



Two large outdoor meeting places on college campuses, "The Roundabout" in downtown Philadelphia, and "Scroll Circle", at the University of Delaware, create major focal points. Each incorporates water walls, brick or granite paving, cast concrete bluestone-clad seating, plantings and lighting.

LIFE FORCE, 2005  
UNIVERSITY OF MEDICINE AND DENTISTRY OF NEW JERSEY, NEWARK  
BY MAC ADAMS



The 250 ft. powdered coated aluminum structure runs the length of the hospital. The steel fence which is based on the double helix, with its alternating arched and curved top echo's the movement of the sculpture. The structure is lit at night from spots placed in the ground.

*WINGS AND WHEELS*, 2002  
COMMISSIONED BY THE NEW JERSEY DEPT OF TRANSPORTATION  
HEAD OFFICE, CHERRY HILL, NEW JERSEY  
BY MAC ADAMS



Image of a wheel projected from the roof moves down the East facing glass wall until 12 noon. Then, an image of a pair of Wings also projected from the roof moves up the West facing wall. At night a light is projected from the roof allowing the viewers to create their own shadows.

*THE MOTH*, 2008  
COOVER HALL, IOWA STATE UNIVERSITY  
BY MAC ADAMS



Project cost: \$80,000

*MOVING BETWEEN TWO PROCESSES*, 2004  
UDA SUITE 1, IOWA STATE UNIVERSITY  
BY REBECCA EKSTRAND & DAVID DAHLQUIST



Project cost: \$40,000

*DRAWN WATER*, 2001  
MAGS HARRIES  
CITY WATERWORKS, CAMBRIDGE, MA



*KAGIN PLAZA*, 2002  
MACALESTER COLLEGE, ST. PAUL, MN  
BY STANTON SEARS & ANDREA MYKLEBUST



*WHIRLWIND*, 2008  
MEMORIAL UNION, IOWA STATE UNIVERSITY  
BY STANTON SEARS & ANDREA MYKLEBUST



Project cost: \$85,000



SNAKE PATH, 1992  
THE STUART COLLECTION, UCSD  
BY ALEXIS SMITH



DIKHOTOMIA, 1995  
REIMAN GARDENS, IOWA STATE UNIVERSITY  
BY TOM STANCLIFFE



Project cost: \$30,000 (estimate)

GLEAM 1 & 2, 1995  
CARVER CO-LAB, IOWA STATE UNIVERSITY  
BY TOM STANCLIFFE



Project cost: \$50,000 (estimate)

TREE OF LIFE, 2010  
LLOYD VET. HOSPITAL, IOWA STATE UNIVERSITY  
BY MICHAELA MAHADY



Project cost: \$200,000 (includes three areas of etched glass murals)

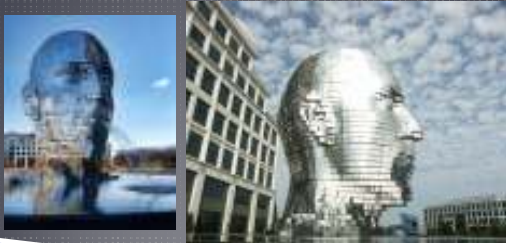
AMY WESTOVER



CRIS BRUCH



METAMORPHOSIS MIRROR FOUNTAIN  
BY DAVID ČERNÝ



JANET ECHELMAN



RIZA A&D



MATTHEW DOMINIC



PHILLIP SMITH



FUNDING LEVELS & IMPACT

- \$50,000
  - One modest stand alone sculpture or gate
- \$100,000
  - Gateway, path, larger lit stand alone sculpture, or modest mural
- \$150,000
  - Fountain, larger lit stand alone installation, or large mural
- \$200,000
  - Multi-faceted or multi-component installation
    - Example, entryway piece and additional incorporated building pieces (exterior or interior)
    - Example, fountain/gazebo and additional incorporated building pieces (exterior or interior)
- \$250,000
  - Multi-faceted or multi-component installation of high quality
- \$300,000
  - Multi-faceted or multi-component installation of superb quality and scale
  - Approaches the precedent of Iowa's own Percent for Art program (0.5% of budget)

## FUNDING OPTIONS

- ▶ Public Art – Not Eligible for SRF Financing  
Must come from "local funds"
- ▶ Most likely sources:
  - ▶ Water Fund (CIP Project Account)
  - ▶ Local Option Sales Tax
- ▶ Current Water Revenues Generated by Rates:  
\$8.46 Million (FY 13/14 Estimate)
- ▶ Every \$50,000 of additional cash expenses  
equals ~0.6% of annual revenues

## COUNCIL COMMENTS, QUESTIONS, & DIRECTION

Water Treatment Plant  
Public Art Funding Proposal  
April 9, 2013





**COUNCIL ACTION FORM**

**SUBJECT: BUDGET AMENDMENT TO REPLACE WATER PLANT CONTROL SYSTEM SERVER**

**BACKGROUND:**

The Water Plant Supervisory Control and Data Acquisition (SCADA) system was installed in 2005. This control system has enabled staff to acquire vast amounts of information and more efficiently and more effectively operate the plant.

One critical part of the SCADA system is the server, which is where all historical data resides. **Recent performance issues with this server revealed that it is very close to reaching its storage capacity. Due to the server's age (eight years), it is more cost effective to completely replace the server and upgrade the associated software to maintain a reliable system.**

The Water Plant's SCADA system previously was maintained by plant staff separate from the rest of the division's computer equipment. The replacement server and operations system software will now be procured and installed by the City's Information Technology Division, who will also provide on-going support for this server and other SCADA workstations.

The most expensive portion of the upgrade is the control system software licensing. The control software originally installed with the SCADA system has already been upgraded once and will need to be reinstalled and upgraded as a part of the server replacement.

**Staff is requesting Council approval of a budget amendment in the amount of \$53,700 to replace the SCADA server and software.** The estimated project costs are shown below.

**Estimated Project Expenses**

|   |                   |
|---|-------------------|
| Equipment   |                   |
| Server hardware, license, and installation        | \$4,723.36        |
| Software  |                   |
| Wonderware license upgrade                        | \$32,520.00       |
| Control software installation services (estimate) | \$7,500.00        |
| Contingency (~20%)                                | <u>\$8,956.64</u> |
| TOTAL ESTIMATED SERVER REPLACEMENT COST           | \$53,700.00       |

The funding source for this project will be savings from the Water Plant Well Pump Variable Speed Drive project. The approved budget for that project is \$165,000. Through the use of a state energy efficiency grant program and an energy efficiency rebate from Ames Electric Services, the total expense to the Water Fund for that project is just \$1,500.

Available Funding

|   |           |
|---|-----------|
| Authorized Budget                           | \$165,000 |
| Construction                                | 35,100    |
| Minus ARRA Energy Efficiency Grant          | (17,550)  |
| Minus City of Ames Electric Rebate          | (16,050)  |
| Total Expenses                              | \$1,500   |
| Remaining Authorized and Unencumbered Funds | \$163,500 |

**ALTERNATIVES:**

1. Approve an increase to the Water Plant operating budget in the amount of \$53,700 to replace the SCADA server and software; and reduce the authorized funding for the Well Pump Variable Speed Drive project by a corresponding amount.
2. Do not approve the Water Plant budget amendment at this time.

**MANAGER'S RECOMMENDED ACTION:**

To provide uninterrupted Water Plant control operations it is necessary to replace and upgrade the computer components as needed.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the Water Plant budget amendment in the amount of \$53,700.

**COUNCIL ACTION FORM**

**SUBJECT:** ENERGY RESOURCE OPTIONS STUDY NEXT STEPS

**BACKGROUND:**

At a workshop on March 11, 2013, Electric Services staff and our consultant, Black & Veatch, met with the City Council to review the Energy Resource Options study. The Energy Resource Options study evaluates four basic power supply options to satisfy the City of Ames' (COA) future electrical power requirements. Special consideration was given to the following effects:

- The Environmental Protection Agency in the last few years has developed new environmental rules that are in various stages of adoption. The two recent environmental regulations with the most impact on the City's electric generation are the MATS and CSAPR (temporarily vacated) rules. The MATS rule, published on February 16, 2012, imposes emission limitations on mercury, acid gases, and other hazardous air pollutants that are emitted from coal fired steam units. The City has three years to comply (by April 16, 2015), with the options to seek extensions of one or two years.

**No matter which generation option is eventually chosen, the City of Ames will need an extension. As part of the extension process, a letter must be written to the National Energy Regulatory Commission's planning authority (Mid-Continental Area Power Pool - MAPP) no later than April 16, 2013. Staff, together with our Washington attorney, is writing the required letter requesting the fifth year extension.**

- In recent years, the price of natural gas has decreased, and the ability to extract more natural gas from the ground has increased through the process of fracking. Natural gas has become the most widely used fuel for new generating units, as well as for "fuel switching" in existing coal-fired boilers.

The study intentionally did not give a final recommendation so as to allow the City Council to consider other externalities not included in the study. **Staff is recommending the following process to assist the City Council in making a final decision regarding the preferred course of action:**

**Step 1.** Following the completion of additional analysis by the consultant and finalization of the report, Electric Services staff will make its recommendation to the City Council.

**Step 2.** The City Council will direct the City's Electric Utility Operations and Review Advisory Board, EUORAB, to hold a public meeting to gather input from Ames electric rate payers and citizens regarding the recommended option.

**Step 3.** EUORAB and staff will meet to review the public input and determine if the recommended option should be altered.

**Step 4.** Staff and EUORAB will return to the City Council with a final recommendation that considers the original consultant's report, the community's unique values and priorities, and the public input received. Council will then make a final decision regarding how the City's future electric generation needs will be met.

#### **ALTERNATIVES:**

1. The City Council can approve the four step process outlined above for arriving at a final decision regarding the City's preferred energy resource option.
2. The Council can reject the four step process highlighted above and direct staff to follow an alternative process.

#### **MANAGER'S RECOMMENDED ACTION:**

Changes in the electric utility industry are being brought about by new rules and regulations from the U.S. Environmental Protection Agency and the present abundance of low cost natural gas. To meet pending environmental limits will require making decisions that will chart a path for the next 20 years. Tens of millions of dollars in capital will be spent and future electric rates will be significantly impacted. In making this important decision, it is critical that we consider our community's own unique values and priorities, customer and citizen input, initial capital and ongoing costs, future rate impacts, and impacts on the environment.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby directing staff to complete the study and follow the four step process outlined above.

**It is important to note that, in addition to proceeding with the decision process, City staff will proceed with the submittal of a letter to the MAPP requesting the fifth year extension for compliance of the MATS rule.**

**COUNCIL ACTION FORM**

**SUBJECT:**     **WATER AND SEWER RATE ADJUSTMENTS**

**BACKGROUND:**

On March 26, 2013, staff presented Council with an overview of the Water and Sewer Funds. **At the conclusion of the presentation, Council directed staff to prepare a rate increase ordinance to increase water rates by 6% and sewer rates by 9%. Both rate increases are to be “across-the-board” and will be effective for utility bills mailed on and after July 1, 2013.**

The attached ordinance accomplished the Council’s direction and is ready for Council approval.

**ALTERNATIVES:**

1. Approve the attached rate ordinance, thereby increasing water rates by 6% and sewer rates by 9% effective July 1, 2013.
2. Direct staff to make modifications to the rate ordinance.
3. Do not take any action to adjust water and sewer rates at this time.

**MANAGER’S RECOMMENDED ACTION:**

The proposed rate increases are necessary to fund the on-going operations and maintenance budget, plus the anticipated capital improvements projects for the two utilities. While Council is taking no action at this time on future-year rate increases, it is important to note that additional increases in future years will also be necessary to fully fund the Capital Improvements Plan for these utilities.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the attached rate ordinance increasing water rates by 6% and sewer rates by 9% effective July 1, 2013.

**ORDINANCE NO.**

**AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY AMENDING SECTION 28.201(1)(b)(ii)(a)(b), (2)(b)(ii)(a)(b), (3)(b)(ii)(a)(b), (4)(b)(ii)(a)(b), (5)(b)(ii)(a)(b), (7), (8), SECTION 28.304(3), THEREOF, FOR THE PURPOSE OF WATER AND SEWER RATE REVISIONS; REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; AND ESTABLISHING AN EFFECTIVE DATE.**

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

Section One. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by amending Section 28.201(1)(b)(ii)(a)(b), (2)(b)(ii)(a)(b), (3)(b)(ii)(a)(b), (4)(b)(ii)(a)(b), (5)(b)(ii)(a)(b), (7), (8), Section 28.304(3) as follows:

**“Sec. 28.201. WATER RATES AND CHARGES**

The rates and charges for water supplied to consumers by the water utility of the city, to be billed on or after July 1, 2013 are as follows:

**(1) Residential Rates.**

(a) **Availability.** The residential rate shall apply to all customer accounts within the Ames corporate limits serving properties that are intended for occupancy by a single family as defined by the Ames Zoning Ordinance, provided that such accounts consist of no more than two dwelling units served by a single water meter or to multiple unit residential structures (such as apartment buildings) where every dwelling unit is separately metered. The rate does not apply to domestic uses that consist of more than two dwelling units served by a single meter or to water accounts that provide service for common areas such as shared laundry facilities or for general property maintenance.

(b) **Rate per billing period.** For each monthly billing period a residential rate customer:

(i) shall be charged a minimum charge based on meter size, and in addition

(ii) shall be charged for water usage during the billing periods as follows:

(a) for bills mailed on or between July 1 and October 31 (summer period):

\$0.0207 per cubic foot for the first 1000 cubic feet of usage

\$0.0365 per cubic foot for the next 1500 cubic feet of usage

\$0.0548 per cubic foot for all usage over 2500 cubic feet

(b) for bills mailed on or between November 1 and June 30 (winter period):

\$0.0207 per cubic foot

**(2) Non-residential (Commercial) Rates**

(a) **Availability.** The non-residential rate shall apply to all accounts that do not meet the criteria for residential, irrigation and yard water, rural water, or preferred industrial rates.

(b) **Rate per billing period:** For each monthly billing period a non-residential customer:

(i) shall be charged a minimum charge based on meter size, and in addition

(ii) shall be charged for water usage during the billing periods as follows:

(a) for bills mailed on or between July 1 and October 31 (summer period):

\$0.0270 per cubic foot

(b) for bills mailed on or between November 1 and June 30 (winter period):

\$0.0207 per cubic foot

(3) **Non-Peaking Industrial Rate.**

(a) **Availability.** The non-peaking industrial rate shall be available to all non-residential rate customers who meet the following criteria:

(i) Average winter usage greater than 100,000 cubic feet per billing period.

Average winter usage per billing period will be calculated by taking the sum of the usage during the most previous December, January, and February billing periods and dividing by three.

(ii) **A summer peaking factor equal to or less than 120%.** The summer peaking factor shall be computed by taking the largest consumption billed during the most recent summer billing periods (bills mailed July, August, September, and October) and dividing it by the average winter usage, with the result expressed as a percentage.

(b) **Rate per Billing Period.** For each monthly billing period a non-peaking industrial rate customer:

(i) shall be charged a minimum charge based on meter size, and in addition

(ii) shall be charged for water usage during the billing periods as follows:

(a) for bills mailed on or between July 1 and October 31 (summer period):

\$0.0207 per cubic foot

(b) for bills mailed on or between November 1 and June 30 (winter period):

\$0.0207 per cubic foot

(4) **Irrigation and Yard Water Service Rate.**

(a) **Availability.** The irrigation and yard water rate shall apply to all separately metered water uses that meet one of the following criteria:

(i) Serves primarily outdoor water uses, such as irrigation systems and outside hose bibs.

(ii) Serves cooling towers, spray ponds, evaporative condensers, chillers, or such similar uses where water is used as a medium for cooling.

(iii) Serves as a temporary water service, whether for irrigation purposes or for other outdoor uses.

(b) **Rate per Billing Period.** For each monthly billing period an irrigation and yard water rate customer:

(i) shall be charged a minimum charge as described below, and in addition

(ii) shall be charged for water usage during billing periods as follows:

(a) for bills mailed on or between July 1 and October 31 (summer period):

\$0.0298 per cubic foot for the first 2000 cubic feet of usage

\$0.0548 per cubic foot for the next 3000 cubic feet of usage

\$0.0913 per cubic foot for all usage greater than 5000 cubic feet.

(b) for bills mailed on or between November 1 and June 30 (winter period):

\$0.0207 per cubic foot

(5) **Rural Water Rate.**

(a) **Availability.** The rural water rate shall apply to all customer accounts outside the Ames corporate limits, except those covered by a separate wholesale contract or agreement for service.

(b) **Rate per billing period.** For each monthly billing period, a rural water rate customer:

(i) shall be charged a Rural water minimum charge based on meter size.

(ii) shall be charged for water usage during billing periods as follows:

(a) for bills mailed on or between July 1 and October 31 (summer period):

\$0.0342 per cubic foot for the first 2000 cubic feet of usage

\$0.0630 per cubic foot for the next 3000 cubic feet of usage

\$0.1048 per cubic foot for all usage greater than 5000 cubic feet.

(b) for bills mailed on or between November 1 and June 30 (winter period):

\$0.0238 per cubic foot for all consumption.

(6) **Water Rate and Charge Adjustments.** It shall be the duty of the director of water and pollution control to review and recommend to the city council revisions of the rates and charges established and set out in this division at intervals appropriate to provide for the funding needs of the utility.

(7) **Minimum charges.** For each monthly billing, each customer shall be charged a minimum monthly charge based on the size of the water meter (s) and/or irrigation meter (s) at each location. The minimum monthly charge may be prorated, based on a 30-day billing period, for the customer's initial and/or final bills, provided that in no case shall the minimum monthly charge be less than five dollars and seven cents (\$5.07). The minimum monthly charge for each water meter location shall be as follows:

| Size of<br>Meter     | Residential,<br>Non-residential,<br>Non-peak Industrial,<br>and Irrigation Accounts | Yard Water<br>Accounts | Rural Water<br>Accounts |
|----------------------|---|------------------------|-------------------------|
| 5/8" or 5/8"x3/4"    | 10.56   | 4.00                   | 12.14                   |
| 3/4 inch             | 21.12   | 6.21                   | 24.29                   |
| 1 inch               | 42.24   | 8.65                   | 48.58                   |
| 1-1/2 inch           | 84.48   | 11.93                  | 97.15                   |
| 2 inch               | 168.96  | 15.86                  | 194.30                  |
| 2 inch, battery of 2 | 327.26  | --                     | 376.35                  |
| 2 inch, battery of 3 | 485.63  | --                     | 558.47                  |
| 3 inch               | 337.84  | 20.63                  | 388.52                  |
| 4 inch               | 570.08  | 25.65                  | 655.59                  |
| 6 inch               | 950.13  | 30.72                  | 1,092.65                |
| 8 inch               | 1,900.26  | 35.79                  | 2,185.30                |
| 10 inch              | 2,850.39  | 40.48                  | 3,277.95                |

(8) **Multiple dwellings – Mobile home parks.** Multiple dwellings, including mobile home parks, may be serviced from a single water meter. However, there shall be a surcharge added to the water rates set forth above, to be calculates as follows:

|   |                 |
|---|-----------------|
| For a 5/8 inch meter serving 2 or more dwelling units.....              | 3.04/month/unit |
| For a ¾ inch meter serving 4 or more dwelling units.....                | 3.04/month/unit |
| For a 1 inch meter serving 8 or more dwelling units.....                | 3.04/month/unit |
| For a 1-1/2 inch meter serving 16 or more dwelling units.....           | 3.04/month/unit |
| For a 2 inch meter serving 30 or more dwelling units.....               | 90.96/month     |
| for the first 30 units plus \$4.72/month per unit for each              |                 |
| additional unit in excess of 30 units                                   |                 |
| For a 3 inch or larger meter serving any number of dwelling units ..... | 4.18/month/unit |

For the purposes of this section, a dwelling unit is defined as a self-contained living facility (i.e., including kitchen and bath) such as an apartment or a licensed independent mobile home space.

(a) For rural customer accounts outside the Ames corporate limits, the multiple unit charges shown above shall be multiplied by a factor of 1.15.

#### **Sec. 28.304. SEWER RATES ESTABLISHED.**

(1) Each user shall pay for the services provided by the City based on his use of the treatment works as determined by water meter readings or other appropriate methods acceptable to the City.

(2) For all users, monthly user charges shall be based on actual water usage, except where a practical method of wastewater measurement is available. If a user has a consumptive use of water, or in some other manner uses water which is not discharged into the wastewater collection system, the user charge for that contributor may be



based on readings of a wastewater meter(s) or separate water meter(s) installed and maintained at the user's expense and in a manner acceptable to the City.

(3) For each monthly billing on or after July 1, 2013, each customer shall be charged a minimum monthly charge. The minimum charge for each location shall be nine dollars and forty-four cents (\$9.44). The minimum monthly charge may be prorated, based on a 30-day billing period, for the customer's initial and/or final bills, provided that in no case shall the prorated minimum monthly charge be less than three dollars and sixty-three cents (\$3.63). In addition, for all water metered beginning with the first cubic foot each month, each user shall pay two dollars and forty-one cents (\$2.41) per 100 cubic feet.

*(Ord. No. 3168, Sec. 1, 4-28-92; Ord. No. 3326, Sec. 2, 5-9-95; Ord. No. 3834, 5-24-05; Ord. No. 3956, 06-10-08)*

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

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

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Diane R. Voss, City Clerk

\_\_\_\_\_  
Ann H. Campbell, Mayor



# Memo

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## Legal Department

TO: Honorable Mayor and City Council Members  
FROM: Judy K. Parks, Acting City Attorney  
RE: Ordinance Amendment to Correct Internal Reference in Code  
DATE: April 5, 2013

Our office received a call in January from a person inquiring about the regulations contained in Ames Municipal Code Section 17.31, Touching of Certain Entertainers Regulated. The caller was trying to locate the definition of “adult entertainment business” and the ordinance incorrectly referred to a code section that no longer contains that definition. This ordinance amendment is a correction to this internal reference. The definition of “adult entertainment business” is now located in a table in the zoning code, specifically Table 29.501(4)-7. Correcting this error will clarify what specific businesses are subject to the regulations contained in Section 17.31 of the Ames Municipal Code. I am therefore asking that you approve the attached ordinance.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING INTERNAL REFERENCE IN  
MUNICIPAL CODE TO REFLECT CORRECT LOCATION OF  
DEFINITION FOR “ADULT ENTERTAINMENT BUSINESS”

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 Sections 17.31(1) & (2) and adopting a new Sections 17.31(1) & (2) to read as follows:

**“Sec. 17.31. TOUCHING OF CERTAIN ENTERTAINERS REGULATED.**

(1) No person appearing as an entertainer on commercial premises subject to an Iowa liquor license or beer permit, or on premises of an ‘adult entertainment business’ within the meaning of Table 29.501(4)-7, Ames Municipal Code, shall fondle, caress or sit on the lap of any customer on said premises if the entertainer presents a performance on the premises while nude or so attired as to leave exposed the entertainer’s genitals, or pubic hair, or anus, or buttocks, or female breast, or female breast with only the nipple covered.

(2) No person present as a customer on commercial premises subject to an Iowa liquor license or beer permit, or on premises of an ‘adult entertainment business’ within the meaning of Table 29.501(4)-7, Ames Municipal Code, shall fondle, caress or sit on the lap of any entertainer on said premises if the entertainer presents a performance on the premises while nude or so attired as to leave exposed the entertainer’s genitals, or pubic hair, or anus, or buttocks, or female breast, or female breast with only the nipple covered.

...”

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

**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 \_\_\_\_\_, 2013

ATTEST:

\_\_\_\_\_  
Diane R. Voss, City Clerk

\_\_\_\_\_  
Ann H. Campbell, Mayor