

AGENDA
REGULAR MEETING OF THE AMES CITY COUNCIL
COUNCIL CHAMBERS - CITY HALL
JUNE 25, 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: 6:00 p.m.

1. Presentation of concept plan for Phase III of the Research Park

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

2. Motion approving payment of claims
3. Motion approving Minutes of Regular Meeting of June 11, 2013
4. Motion approving Report of Contract Change Orders for June 1 - 15, 2013
5. Resolution approving appointment of Council Member Tom Wacha to the Ames Economic Development Commission Board of Directors
6. Resolution approving 2013/14 Pay Plan
7. Resolution approving Intermodal Facility Commercial Tenant Lease with Executive Express
8. Resolution setting date of public hearing for vacation of a public utility easement at 2528 East 13th Street
9. Resolution approving Professional Services Agreement with Veenstra and Kimm of West Des Moines, Iowa, in an amount not to exceed \$144,400 for design of biosolids storage tank for Water Pollution Control
10. 2013 Department Bureau Justice Edward Byrne Memorial Justice Assistance Grant (JAG) Program:
 - a. Motion approving submission of Grant application
 - b. Resolution approving Memorandum of Understanding with Story County for disbursement of funds
11. Resolution approving Memorandum of Understanding with McFarland Clinic for Pedestrian Crossing Flashers
12. Resolution approving Addendum to Municipal Airport Fixed Base Operator Contract
13. Resolution awarding contract to Stuart C. Irby Company of Fort Dodge, Iowa, in the amount of \$160,000 plus applicable sales taxes for Padmounted Switchgear for Electric Services
14. Resolution approving contract to Electronic Engineering Co., of Ames, Iowa, to provide 800 MHZ Trunked Radio Equipment, Pagers, & Related Equipment and Services for City departments from July 1, 2013, through June 30, 2015
15. Resolution awarding contract to O'Halloran International of Altoona, Iowa, in the amount of \$78,515 for one single-axle truck chassis
16. Resolution approving contract renewal with Heart of Iowa Regional Transit Association (HIRTA) for Dial-A-Ride services
17. Resolution approving contract and bond for Resource Recovery Plant New Fire Valve Control Room Addition

18. Resolution approving contract and bond for Power Plant Maintenance Services
19. Resolution approving contract and bond for 2012/13 CyRide Route Paving Improvements No. 2 (Todd Drive)
20. Resolution approving contract and bond for Lime Sludge Disposal Operation
21. Resolution approving contract and bond for 2013/14 Resource Recovery Primary Shredder Replacement
22. Resolution approving Change Order No. 2 in the amount of \$123,280 with Hooper Corporation for MEC Interconnection 161-kV Line Construction
23. Resolution approving Change Order No. 3 in an amount not to exceed \$89,700 for the Energy Resource Options Study
24. Resolution accepting completion of Power Plant Mercury Continuous Emissions Monitor
25. Resolution accepting completion of Unit 8 Superheater & Boiler Tube Replacement Project

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:

26. Motion approving permit to shoot fireworks from ISU Lot G7 on July 5, 2013, at approximately 9:45 p.m., with rain date of July 6, 2013, subject to approval from ISU Risk Management
27. Motion approving 5-Day Special Class C Liquor License for Occasions Made Right at Reiman Gardens, 1407 University Boulevard
28. Motion approving encroachment permit for awning at Emerhoff's, 215 Main Street
29. Requests for Midnight Madness on July 13, 2013:
 - a. Resolution approving closure of certain streets and parking lots on July 13 and 14, 2013
 - b. Resolution approving suspension of parking regulations and enforcement from 6:00 p.m. to 11:00 p.m.
 - c. Motion approving 5-day Class B Beer Permit and Outdoor Service Area in City Hall Parking Lot N
 - d. Motion approving tapping of up to seven kegs at once during post-race party with maximum of 20 kegs total during the evening
30. Resolution authorizing staff to make additional street closures, if needed, to facilitate the Fourth of July Parade

HEARINGS:

31. Hearing on 2012/13 Arterial Street Pavement Improvements (State Avenue):
 - a. Resolution approving final plans and specifications and awarding contract to Manatt's, Inc., of Brooklyn, Iowa, in the amount of \$1,143,124.09
32. Hearing on 2012/13 Ames Municipal Cemetery Improvements (Paving Improvements):
 - a. Resolution approving final plans and specifications and awarding contract to Manatt's, Inc., of Ames, Iowa, in the amount of \$65,945.10
33. Hearing on Zoning Text Amendment to allow conversion of a former school building to an apartment dwelling in the Urban Core Residential Medium Density Zone (UCRM) as a permitted use:
 - a. First passage of ordinance
34. Hearing on Zoning Text Amendment to allow higher residential density if specified in an Adaptive Reuse Plan approved by the City Council:
 - a. First passage of ordinance

35. Hearing on rezoning of property located at 4130 Lincoln Swing from Residential Low Density “RL” to Residential High Density “RH”:
 - a. First passage of ordinance
36. Hearing for vacation of utility easements in the First Addition of Ames Industrial Park Subdivision (2322 East 13th Street):
 - a. Resolution approving vacating utility easements
 - b. Resolution approving Final Plat for Mary Greeley Subdivision

WATER:

37. Staff report regarding providing water service to northern growth areas

PLANNING & HOUSING:

38. Resolution approving Remote Parking Easement for 605/615 East Lincoln Way

ELECTRIC SERVICES:

39. Resolution authorizing extension of Engagement and Retainer Agreement with Ritts Law Group of Alexandria, Virginia, in an amount not to exceed \$50,000 for consulting services related to the Clean Air Act

WATER & POLLUTION CONTROL:

40. Resolution approving Professional Services Agreement with Karges-Faulconbridge, Inc., of St. Paul, Minnesota, in an amount not to exceed \$75,000 for LEED commissioning services for new Water Treatment Plant

ADMINISTRATION:

41. Resolution approving contract with Safety National Murphy for Excess Workers Compensation for 2013/14
42. Resolution approving contract with Iowa Communities Assurance Pool (ICAP) for liability insurance for 2013/14
43. Resolution approving contract with Willis (Chubb for municipal buildings and Aegis for power generation) for FY 2013/14 property insurance

ORDINANCES:

44. Second passage of ordinance revising *Ames Municipal Code* Section 13.402(3)(f) to clarify the time period for non-compliant rental housing conditions (Third reading and adoption requested)
45. Second passage of ordinance pertaining to shared common lot line garages
46. Second passage of ordinance setting speed limit on State Avenue
47. Third passage and adoption of ORDINANCE NO. 4146 rezoning property at 920 Carroll Avenue (former Willson-Beardshear School) from “S-GA” (Government/Airport) to “UCRM” (Urban Core Residential Medium Density)
48. Third passage and adoption of the revised Water Rationing ORDINANCE NO. 4147
49. Third passage and adoption of ORDINANCE NO. 4148 revising Appendix N
50. Third passage and adoption of Street and Security Lighting Rate ORDINANCE NO. 4149

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*.**

Pkts. 6-14-13

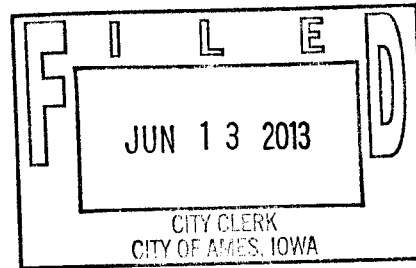


06-25-13

ITEM #1

Iowa State University Research Park Corporation
2711 South Loop Drive, Suite 4050
Ames, Iowa 50010-8648

June 12, 2013



Honorable Mayor & City Council
City of Ames
515 Clark Avenue
Ames, Iowa 50010

RE: Request to Present the Phase III Expansion of the Iowa State University Research Park

Honorable Mayor & City Council:

The Iowa State University Research Park would like to make a presentation to Council on the proposed Phase III of the Research Park. We would like to give an overview of the Master Plan for Phase III of the Research Park to Council at a time convenient to the Council. We would suggest 6:00 to 6:50 PM meeting with the Council prior to the June 25th regular council meeting at 7:00. We have approximately 30 minute presentation for the Council to be followed by questions by the Council.

We would also like to include the Story County Board of Supervisors in the meeting as well as the project will involve annexation from the County into the City.

We look forward to meeting with you in the near future.

Sincerely

Steven T. Carter, President
Iowa State University Research Park Corporation

MINUTES OF THE REGULAR MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

JUNE 11, 2013

Mayor Pro-Tem Jami Larson called the Regular Meeting of the Ames City Council to order at 7:00 p.m. with Jeremy Davis, Matthew Goodman, Peter Orazem, and Victoria Szopinski present. *Ex officio* Member Alexandria Harvey was also present. Mayor Ann Campbell and Council Member Tom Wacha were absent.

It was announced by Mayor Pro-Tem Larson that the City Council would be working from an Amended Agenda. An additional item had been added under the Consent to approve contract and bond for the Water Treatment Plant Five-Year Well Rehabilitation Project (Year 2). Also under Consent No. 20, the correct amount of the Change Order No. 5 is \$25,304. In addition, two additional Resolutions were listed under Item No. 37 to match the actions listed in the Council Action Form, i.e., to adopt the Preliminary Plat and Schedule and to approve Covenants for Assessment of Costs of Improvements.

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

1. Motion approving payment of claims
2. Motion approving Minutes of Regular Meeting of May 28, 2013
3. Motion approving Report of Contract Change Orders for May 16 - 31, 2013
4. Motion approving renewal of the following beer permits, wine permits, and liquor licenses:
 - a. Class E Liquor, C Beer, & B Wine – Kum & Go #200, 4510 Mortensen Road
 - b. Class E Liquor, C Beer, & B Wine – Kum & Go #214, 111 Duff Avenue
 - c. Class E Liquor, C Beer, & B Wine – Kum & Go #215, 4506 Lincoln Way
 - d. Class E Liquor, C Beer, & B Wine – Kum & Go #216, 203 Welch Avenue
 - e. Class E Liquor, C Beer, and B Wine – AJ's Liquor, 4518 Mortensen #109
 - f. Class E Liquor – MMDG Spirits, 126A Welch Avenue
 - g. Special Class C Liquor – Hickory Park, 1404 South Duff Avenue
 - h. Class C Liquor – Texas Roadhouse, 519 South Duff Avenue
5. RESOLUTION NO. 13-244 setting date of public hearing for June 25, 2013, for vacation of utility easements for Mary Greeley Subdivision
6. RESOLUTION NO. 13-245 accepting dedication of Carroll Avenue right-of-way
7. RESOLUTION NO. 13-246 approving 2013/14 Contract for Human Services with University Community Childcare
8. RESOLUTION NO. 13-247 approving Engineering Services Agreement with Veenstra & Kimm of West Des Moines, Iowa, in an amount not to exceed \$66,750 for 2013/14 Concrete Street Pavement Improvements (Lynn Avenue/Knapp Street)
9. RESOLUTION NO. 13-248 approving Engineering Services Agreement with Stanley Consultants of Des Moines, Iowa, in an amount not to exceed \$76,400 for 2013/14 Collector Street Pavement Improvements (Sheldon Avenue)
10. RESOLUTION NO. 13-249 approving Engineering Services Agreement with Snyder & Associates of Ankeny, Iowa, in an amount not to exceed \$65,900 for 2013/14 Downtown Street Pavement Improvements (5th Street)
11. RESOLUTION NO. 13-250 approving renewal of Professional Services Agreement with Burns & McDonnell of Chesterfield, Missouri, for Fire Risk Mitigation in an amount not to exceed \$50,000 for FY 2013/14
12. RESOLUTION NO. 13-251 approving preliminary plans and specifications for 2012/13 Water System Improvements Water Main Replacement #3 (Center Avenue); setting July 17, 2013, as bid due date and July 23, 2013, as date of public hearing

13. RESOLUTION NO. 13-252 approving preliminary plans and specifications for furnishing SF6 Circuit Breakers; setting June 26, 2013, as bid due date and July 9, 2013, as date of public hearing
 14. RESOLUTION NO. 13-253 approving preliminary plans and specifications for furnishing Substation Electrical Materials; setting June 26, 2013, as bid due date and July 9, 2013, as date of public hearing
 15. RESOLUTION NO. 13-254 approving date changes for 2013 Softball Field Fencing & Lighting South River Valley Park; setting July 16, 2013, as new bid due date and July 23, 2013, as new date of hearing and award of contract
 16. RESOLUTION NO. 13-255 awarding contract to Asplundh Tree Expert Company of Fairfax, Iowa, in an amount not to exceed \$171,000 for 2013/14 Line Clearance Program
 17. RESOLUTION NO. 13-256 awarding contract to Klean Rite of Ames, Iowa, for Custodial Services for Ames City Hall in the amount of \$56,940 per year, plus \$20 per hour for emergency callback and additional work, as authorized
 18. RESOLUTION NO. 13-257 approving contract with Houck Transit Advertising of St. Paul, MN, for interior and exterior bus advertising
 19. RESOLUTION NO. 13-258 approving contract and bond for 2012/13 Downtown Street Pavement Improvements (Clark Avenue and Gilchrist Street)
 20. RESOLUTION NO. 13-277 approving contract and bond for Water Treatment Plant Five-Year Well Rehabilitation Project (Year 2)
 21. RESOLUTION NO. 13-259 approving Change Order No. 5 in the amount of \$25,304 with NAES Corporation for Power Plant Steam Turbine No. 8 Overhaul
 22. RESOLUTION NO. 13-260 approving revised Preliminary Plat for South Fork Subdivision
 23. RESOLUTION NO. 13-261 accepting completion of Intermodal Facility and authorizing release of retainage
 24. RESOLUTION NO. 13-262 accepting final completion of 2010/11 Water System Improvements Water Main Replacement (South Duff Avenue)
 25. RESOLUTION NO. 13-263 accepting final completion of Emergency Relief Projects (S. Dayton Avenue, 6th Street Bridge, and Lincoln Way Bridge at Squaw Creek)
- Roll Call Vote: 5-0. Resolutions/Motions declared adopted/carried unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

PUBLIC FORUM: No one requested to speak.

ENCROACHMENT PERMIT FOR BELLA HAIR SALON: Moved by Goodman, seconded by Davis, to approve an Encroachment Permit for a sign for Bella Hair Salon at 2526 Lincoln Way. Vote on Motion: 5-0. Motion declared carried unanimously

CLASS B BEER PERMIT FOR KING BUFFET OF AMES: Moved by Davis, seconded by Goodman, to approve a Class B Beer Permit for King Buffet of Ames, 1311 Buckeye Avenue, Ste. B. Vote on Motion: 5-0. Motion declared carried unanimously.

2825 EAST 13TH STREET: City Planner Karen Marren recalled that Council had referred to staff a letter from I&S Group, Inc., seeking a waiver of subdivision standards for the property located at the northwest corner of the intersection of Interstate 35 (I-35) and East 13th Street. Turn Key Investments, LLC, property owner, is proposing a subdivision of land for the construction of a new Burger King restaurant and is subject to the provisions of the City's subdivision regulations.

According to Ms. Marren, the proposed division of land is a two-lot split of approximately 1.23 acres of land abutting the off-ramp from southbound I-35. The existing commercial building on

the site will remain with the new lot created between the building at 2811 East 13th Street (Credit Union) and the existing building on the subject property. The new lot will have a shared access with the two adjacent properties.

Ms. Marren stated that I & S Group, Inc., on behalf of Turn Key Investments, is requesting a waiver of the design and improvement standards otherwise applicable for the proposed subdivision. According to Ms. Marren, in this case, only the extension of the sanitary sewer main and the construction of the required sidewalk are necessary since the site already meets the other requirements of the City's Subdivision Code. The applicant requested the waivers for the following reasons: (1) There is no connection to existing sidewalk abutting the subject lots to make a connection with any new sidewalk. (2) The proposed extension of the existing 8" sanitary sewer main would only serve the two-lot subdivision since the property abuts the I-35 Interchange and the expansion of any new development east of the interchange would require a much larger main for service. (3) Due to the required installation of the sidewalk and the extension of the sanitary sewer main, the development would be required to be processed as a Major Subdivision, requiring Preliminary and Final Plats. If the waivers are approved, the subdivision could be processed as a Minor Subdivision and be approved administratively. Ms. Marren cited the *Municipal Code* sections that give the City Council authorization to waive the sanitary sewer requirement and defer the sidewalk requirement.

According to Planner Marren, advanced planning and engineering work associated with the former regional commercial development determined that the eastward extension of the shared use path should be put on the south side of East 13th Street. Due to that, staff believes that the waiver of the sidewalk installation requirement may be appropriate since there are no current plans to have a sidewalk connection along the north side of East 13th Street in this area. Ms. Marren advised that, if Council desires to retain the option of having sidewalks installed along the north side of East 13th, a deferment in the installation of the required sidewalk could be approved until such time as a sidewalk connection to the subject property is approved.

Ms. Marren stated that, with regard to the request to waive the sanitary extension, the intent of the *Code* is to allow for future connections beyond the property being developed. However, engineering designs for the regional commercial development east of I-35 indicated that a larger sewer main than the 8" main that current exists will be required to functionally service the size and type of development there. The Subdivision proposed on the subject property is the full extent of the development west of the I-35 interchange.

In addition, Ms. Marren noted that, due to time constraints, the applicant proposed development of the property under the approval of a Minor Site Development Plan as one single lot with two conforming buildings with shared parking (the existing building plus the addition of the new Burger King site). Once the property is developed with the new building, and if approved by the Council, the applicant would then file the proposed Minor Subdivision to split the two lots. According to Ms. Marren, City staff is recommending that, if Council agrees to the waiver requests, the approval should be conditioned with a time frame of 12 months to file the application for the Minor Final Plat for the subdivision of the lot. If the Council does not agree to the request for the waivers, the Subdivision would need to be processed as a Major, which would include the installation of the sidewalk and sanitary sewer extension.

Council Member Orazem asked what would trigger the installation of sidewalk in front of 2825 E. 13th Street if the City Council deferred its installation. Ms. Marren advised that if the properties

to the east of the property in question were subdivided and sidewalks were required, the City Council could order the installation of the sidewalk for 2825 E. 13th Street.

Glenn Hunter, 204 W. Broad Street, Story City, Iowa, stated that he was representing the developer of 2825 E. 13th Street. Council Member Goodman asked Mr. Hunter if the developer would have any issues if sidewalk installation were deferred and not waived. Acting Planning and Housing Director Bob Kindred advised that the City had, in the past, required a form of security guaranteeing the installation of sidewalk at a point in time when the City deemed necessary; in other cases, a signed Sidewalk Agreement had sufficed. Mr. Hunter stated that the developer would prefer that the sidewalk installation be waived, not deferred. He noted that there is no existing sidewalk abutting the subject lot to make a connection to, and in addition, the area in question abuts the off-ramp from southbound Interstate 35, so there would be no further development, and thus, no sidewalk on that side.

Moved by Szopinski, seconded by Goodman, to adopt RESOLUTION NO. 13-264 approving the waiver request for the extension of the sanitary sewer and approving deferment of the sidewalk installation along the frontage of the property along East 13th Street, with the following conditions:

- a. An agreement will be executed between the property owner/developer and the City to ensure the future installation of the sidewalk; and,
- b. The application for subdivision must be filed with the City within 12 months of the waiver approval.

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

URBAN REVITALIZATION CRITERIA FOR ROOSEVELT SCHOOL ADAPTIVE REUSE:

Acting Planning and Housing Director Kindred recalled that, on May 14, 2013, the City Council had referred to staff a letter from Dean Jensen of Real Estate Service Group Incorporated (RESGI) requesting that the Council direct City staff to prepare a new Urban Revitalization Area designation for the adaptive reuse of the former Roosevelt School building at 921 9th Street. According to Mr. Kindred, *Code of Iowa* Chapter 404.1 provides authority for municipalities to establish Urban Revitalization Areas and associated plans as the mechanism for providing tax abatement in a variety of areas.

Planner Ray Anderson presented the following options for the City Council to consider as qualifying criteria for designating the Roosevelt School site as an Urban Revitalization Area.

1. The criteria include elements that were adopted for the West University Impacted Area. Tax abatement for that area facilitated renovation of the Iowa House Bed and Breakfast. An area would be considered for establishing an Urban Revitalization Area and Plan if one of the properties meets all of the following criteria:
 - a. The property includes a former public school building that is no longer used as a school; and,
 - b. The National Park Service has determined that one or more of the properties has a structure that meets the National Register Evaluation Criteria; and,

- c. Improvements are being made to one of the National Register eligible structures which preserves 70% or more of the area of existing exterior walls of the structure or restores or restores original historic materials and designs.

Mr. Kindred pointed out that Greek houses that receive tax abatement are also required to preserve 70% or more of the area of existing exterior walls. This standard is intended to conserve the architectural character of a neighborhood when the neighborhood is not designated as an historic district, as is the case in the East University Impacted Area.

- 2. The criteria are the same as those adopted for the West University Impacted Area, except that the Secretary of the Interior's Standards for Rehabilitation replaces Criterion "C." An area will be considered for establishing an Urban Revitalization Area and Plan if one of the properties meets all of the following criteria:
 - a. The property includes a former public school building that is no longer used as a school; and,
 - b. The National Park Service has determined that one or more of the properties has a structure that meets the National Register Evaluation Criteria; and,
 - c. The Secretary of the Interior's Standards for Rehabilitation from the U.S. Department of the Interior, National Park Service, are followed. The Standards are to be applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility.

Mr. Anderson noted that the Secretary of the Interior's Standards are included in Chapter 31 of the *Municipal Code* and must be followed for all historic properties that have been designated as a local historic landmark, or are located in a local historic district. The Standards are also required for properties listed on the National Register that receive federal funding and for all properties that receive State or Federal tax credits. They are recommended for all other properties listed on the National Register for all maintenance, repair, replacement, alterations, or additions to the historic structure.

- 3. The criteria are the same as those adopted for the West University Impacted Area, except that the City's Performance Standard for Adaptive Reuse that specifically deals with essential architectural features would replace Criterion "C." An area would be considered for establishing an Urban Revitalization Area and Plan if one of the properties meets all of the following criteria:
 - a. The property includes a former public school building that is no longer used as a school; and,
 - b. The National Park Service has determined that one or more of the properties has a structure that meets the National Register Evaluation Criteria; and,
 - c. The renovation and remodeling of structures will not destroy or obscure essential architectural features. In addition, such architectural features must be enhanced to the extent that it is feasible and prudent to do so.

4. The criteria were suggested by the owner of the Roosevelt School property in his letter to City Council requesting the URA designation. An area would be considered for establishing an Urban Revitalization Area and Plan if one of the properties meets all of the following criteria:
 - a. The building is no longer occupied as a public school and has not been converted to another use, prior to designation as an Urban Revitalization Area; and,
 - b. The building is currently in a blighted condition; and,
 - c. The building is listed on the National Register of Historic Places; and,
 - d. A maximum of 23 units will be included in conversion of the building from a school to a residential use; and,
 - e. A parking structure (garage) will be provided on site; and,
 - f. At least 70% of the existing exterior brick walls of the structure will remain and historic materials will be preserved or adaptively reused.
5. Criteria for this option would be any modification of criteria from the previous four options, as determined by the City Council.

According to Planner Anderson, to address RESGI's request, the City Council must first determine whether the Roosevelt School site meets that criteria. If Council determines that Roosevelt School site meets the State criteria, the next step in designating the site as an Urban Revitalization Area (URA) would be for Council to decide upon a policy establishing qualifying criteria.

City Attorney Judy Parks clarified the steps in the process to establish an Urban Revitalization Area. She advised that the first step, under *Iowa Code*, was to determine whether or not the property was eligible to become an URA. The second step would be to determine the criteria to be met. In order to become eligible, the area must be determined to have a predominance of buildings or improvements which, by reason of age, history, architecture or significance should be preserved or restored to productive use.

Dean Jensen, 2519 Chamberlain Street, Ste. 101, Ames, identified himself as the developer of the former Roosevelt School. He read *Iowa Code* Section 404.1 pertaining to Urban Revitalization Areas and believes that his property is eligible. Mr. Jensen stated that he will not be applying for state or federal tax credits because there is a requirement that the owner must hold the property for a significant period of time. Because he is not planning on retaining the property, it would not qualify for state and federal tax credits. According to Mr. Jensen, the property will be developed as a condominium, and the individual units will be sold.

Mr. Jensen pointed out that, after redeveloped, property taxes will be collected on this property for the first time. He estimates that approximately \$3.5 million of new tax dollars will be collected. The developer said he intends to pass along the savings from any tax abatement to the buyers of the units in the condominium.

Council Member Goodman asked Mr. Jensen if he would continue with the project if tax abatement were not granted. Mr. Jensen advised that he would be moving forward with the project regardless of whether or not tax abatement was granted. He further stated that he was requesting tax abatement due to the unique nature of this adaptive reuse project. Council Member Orazem said that he felt this was a risky project for the developer. He sees the project as an investment in the public good of the neighborhood and the community. Mr. Orazem indicated that he preferred Option No. 1 as it was most consistent with previous actions taken by the Council.

Council Member Szopinski disagreed with the need for tax abatement. She asked why this property was different than developing someplace else, stating that what Mr. Jensen is proposing for the property looks to be very marketable.

Sharon Wirth, 803 Burnett Avenue, Ames, encouraged the Council to consider granting tax abatement for the property. She sees it as indicating support for historic preservation as the property has been listed on the Historic Register. Ms. Wirth recalled that approximately one year ago, discussions of demolishing the building were held. It is Ms. Wirth's opinion that there are a lot of unknowns when a building is rehabilitated; there will be unexpected expenses incurred, and the developer is taking a risk because of those unknowns.

Speaking as the Chairperson of the Historic Preservation Commission (HPC), Ms. Wirth stated that the HPC did not have an official recommendation for the City Council. She noted that the HPC is always looking to the Secretary of the Interior's Standards for historic preservation; therefore, she felt comfortable supporting Option No. 2. According to Ms. Wirth, the HPC did urge the Council to move ahead with the adaptive reuse of the former Roosevelt School building; therefore, she also felt comfortable supporting Option No. 3.

Gloria Betcher identified herself as the Interim Executive Director of Preservation Iowa, 531 Hayward Avenue, Ames. She urged the support of the Council for tax abatement on this project. In Ms. Betcher's opinion, the project is about showing an investment in the future of the neighborhood and reusing an historic building. According to Ms. Betcher, Preservation Iowa would support the Secretary of the Interior's Standards (Option No. 2). She believes that Option No. 3 would also be desirable as there is potential for an historic district around the property. Ms. Betcher advised that she did not support Option No. 1 as what might be necessary for a Greek house would not be the same for this project.

Moved by Davis, seconded by Orazem, to determine that the area meets the definition of *Code of Iowa* Chapter 404.1 and designate the area as an Urban Revitalization Area.

Council Member Goodman stated that he would not support the motion as he felt that it was more appropriate to develop the criteria first. He indicated that he was supportive of the project, but wanted to know what would be expected first.

Vote on Motion: 3-2. Voting aye: Davis, Larson, Orazem. Voting nay: Goodman, Szopinski. Motion declared carried.

Moved by Davis, seconded by Larson, to support Option No. 3.

At the request of Council Member Orazem, Acting Planning and Housing Director Kindred further explained Option No. 3, i.e., the area will be considered for establishing an Urban Revitalization Area and Plan if one of the properties meets all of the following criteria:

- a. The property includes a former public school buildings that is no longer used as a school; and,
- b. The National Park Service has determined that one or more of the properties has a structure that meets the National Register Evaluation Criteria; and,
- c. The renovation and remodeling of structures will not destroy or obscure essential architectural features. In addition, such architectural features must be enhanced to the extent that it is feasible and prudent to do so.

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

HEARING ON REVISION TO AMES MUNICIPAL CODE SECTION 13.402(3)(F) TO CLARIFY TIME PERIOD FOR NON-COMPLIANT RENTAL HOUSING CONDITIONS:

Mayor Pro-Tem Larson opened the hearing. There being no one who wished to speak, the hearing was closed.

Moved by Davis, seconded by Szopinski, to pass on first reading an ordinance modifying *Ames Municipal Code* Section 13.0402(3)(f) by removing the June 30, 2013, date and allowing Retroactive Conversion Permits, Board Variances, or Administrative Approvals to continue to be accepted through the first rental inspection cycle.

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

HEARING ON ZONING TEXT AMENDMENT PERTAINING TO SHARED COMMON LOT LINE GARAGES: The public hearing was opened by Mayor Pro-Tem Larson. No one asked to speak, and the hearing was closed.

Moved by Davis, seconded by Szopinski, to pass on first reading an ordinance that would allow for shared common lot line garages under the following conditions:

1. Shared common lot line garages and accessory structures should only be permitted for lots in which an existing common lot line garage or accessory structure exists, or on lots where substantial proof can be submitted showing that a shared common lot line garage or accessory structure had previously existed.
2. The structure should not be allowed in the front yard or within the side yard setback adjacent to the public right-of-way in the case of corner lots.
3. In the case of a corner lot a garage or accessory building should be set back a minimum of 25 feet from the abutting streets.
4. A detached garage or accessory building on a lot with a one-story principal building should not exceed the height of the principal building.

5. Detached garage or accessory buildings on a lot with a principal building that is taller than one-story should not exceed 80% of the height of the principal building or 20 feet, whichever is lower.
6. The structure should not exceed a maximum of 1,200 square feet shared between the two properties.
7. The cumulative garage door width should not exceed 18 feet per lot. Doors less than eight feet in width, such as for lawn and garden equipment, would be exempt from this requirement.

Roll Call Vote: 5-0. Motion declared carried unanimously.

HEARING ON REVISED MASTER PLAN FOR LOT 79 OF RINGGENBERG PARK SUBDIVISION: The hearing was opened by Mayor Pro-Tem Larson.

City Planner Jeff Benson recalled that, on July 12, 2005, the City Council approved rezoning and a Master Plan for property located at the southwest corner of Cedar Lane and Oakwood Road, which became Lot 79 of the Ringgenberg Park Subdivision. The approved zoning designation is FS-RM (Suburban Residential Medium Density), and the Master Plan provided for 130 multi-family dwelling units on the 17.4-acre site. The property owner Friedrich Development recently submitted a revised Master Plan for the property which differed from the approved Master Plan in the following elements:

1. The size of the subject property is reduced from 17.4 to 16.14 acres, due to dedication of street right-of-way along Oakwood Road.
2. The number of proposed multi-family buildings is reduced from 13 to 12.
3. The maximum number of proposed dwelling units is increased from 130 units to a maximum of 144 units (12 per building), an 11 percent increase.
4. The net density of the proposed development is increased from 10.12 units per acre to 11 units per acre, a nine percent (9%) increase.
5. Setback of buildings from the centerline of Oakwood Road is changed from 150 feet to a range of approximately 120 feet to 170 feet.
6. All access from Suncrest Drive is removed and one access from Oakwood Road is added.
7. Parking is moved from the perimeter to the interior.
8. The landscape area is reduced slightly, but a significant portion of the open space is moved from the interior to the perimeter of the site.
9. The width of landscape buffers is not specified.
10. Mid-block walks are added connecting to walks to the south.

11. The buildings change from ten units in the two-story, “big house” design concept to more conventional two-story, 12-unit multi-family buildings.
12. The proposed uses are permitted in the FS-RM zoning district with City Council approval of the revised Master Plan. The Master Plan is intended to be a general conceptual plan, recognizing that other codes and standards of the City will need to be met and that further detail will be provided in later steps of the process, including the required Preliminary Plat and Major Site Development Plan. Both of these plans also require City Council approval.

Mr. Benson reiterated that a Master Plan is intended to be a general conceptual plan, recognizing that there are several other steps in the development process when a plan with more detail come before the Council for approval. Because the Master Plan that was approved in 2005 was fairly detailed, the developer submitted a revised Master Plan with similar detail. According to Mr. Benson, staff reviewed the proposed Master Plan in the context of the goals and objectives of the Land Use Policy Plan relevant to this project and concluded that the proposed plan is compatible with the City’s Land Use Policy Plan. Staff also concludes that the proposal is consistent with the purpose of the Suburban Residential zoning district, which is to accommodate contemporary development patterns similar to development in the past 20 to 30 years. In order for the Master Plan to be consistent with the Suburban Residential Development Principles and Regulations, staff recommended that the revised Master Plan be approved with the following conditions:

1. Various Development Agreements provide for the bike path along the west side of Cedar Lane and the south side of Oakwood Road from the northeast corner of the site to the northwest corner of the site, including the frontage of the Ringgenberg farmstead.
2. As traffic in this southwest part of Ames increases, a turn lane on Oakwood Road may be needed, for which Developer will deposit \$80,000 into an escrow account. The deposit will be made on a pro-rated basis as the dwelling units on the north side of this property are completed.
3. In order to meet net density requirements, Outlot A should be designated both as Common Open Space and Future Development. It can be developed at a later time only after City Council approves a Master Plan and/or Plat documents that remove the Common Open Space Designation.
4. The revised Master Plan should include the following landscape buffers of trees and shrubs, which are shown on the current approved Master Plan. All are to be installed with occupancy of the first residential units. These include the following buffers: X 50 feet on the north outside of the area planned for future utility line installation X 60 feet on the west X 20 feet on the east and south.
5. The proposed revised Master Plan shows building footprints with the shorter façade of each building facing either Oakwood Road or Sunset Drive.
6. The buildings will be two-story buildings.

According to Mr. Benson, there is a Development Agreement already in place that provides for completion of the bike path along the frontage of the property in question, including the farmstead

on the south side of Oakwood Road, and requires monies be deposited into an escrow account for a turn lane on Oakwood Road.

Mr. Benson stated that, on May 15, 2013, the Planning and Zoning Commission considered the proposed revised Master Plan. Input was received from a representative of Iowa State University (ISU) and members of the public. Members of the Commission and/or members of the public present at that meeting raised the following questions and concerns:

Potential traffic impacts and whether previous studies need to be updated
Timing of completing the bike path along Oakwood Road
Liability for ponds
Why the plan has changed
Storm water issues

According to Mr. Benson, the Planning and Zoning Commission ultimately recommended that the City Council approve the revised Master Plan, with the conditions suggested by City staff and an additional condition, i.e., consideration should be given to concerns that were raised relative to the bike path, traffic impact, drainage issues, and intersection locations. Planner Benson noted that additional information had been provided to the City Council on those issues. He asked Tracy Warner, Civil Engineer, to summarize the history of those four key issues.

Pertaining to the bike path question, Ms. Warner advised that representatives of the City, University, and developer have met several times since the public meeting and have made progress on determining where and how the bike path can be constructed. She specifically noted that the cooperation of Iowa State University in implementing the project had been instrumental in the progress that had been made to extend the section along Oakwood Road. With the reconstruction of State Avenue, there will be a widened shoulder that will allow for somewhat of a separation, yet sharing, of the road with bicyclists in the area up to Mortensen Road. Regarding timing of completion of the bike path along Oakwood Road, Ms. Warner advised that the City has had that project in mind for some time; finalization of design could move forward rather quickly. At the inquiry of Council Member Goodman, Ms. Warner answered that there are no plans to add curb and gutter to the section of Oakwood Road that had formerly in the County.

Pertaining to potential traffic impacts, Ms. Warner stated that, before the rezoning of this property in 2005, a traffic impact study was completed, which took into consideration 200 single-family and 210 medium-density homes. Based on that study, Cedar Lane has been constructed and a Development Agreement is in place providing funding for a turning lane at Cedar Lane if it is needed in the future. Since then, ISU purchased 40 acres on the south portion of Ringgenberg Subdivision; therefore, there are 113 single-family lots versus the 200 that the Traffic Study took into account and 144 units with medium density, instead of 210. In addition, the intersection of Airport Road/Oakwood/University has been studied with some of the Research Park requests, and it is currently functioning at very acceptable levels. In 2010, the Long Range Transportation Plan was approved. As part of the basis for future transportation planning, it included the residential development of this property and the other property planned for future Urban Residential land use between Ringgenberg Park Subdivision and University Boulevard. Other than the planned extension of Cottonwood Road connecting to University Boulevard as properties develop, the Plan did not identify any future roadway projects needed in this area.

According to Ms. Warner, storm water management is addressed in detail at the time of the filing of the Preliminary Plat and site plans. The drainage pattern of the subject property is from south to north. It is a separate drainage area than the south portion of Ringgenberg Park Subdivision that has been developed with single-family detached homes. A portion of the property drains to the existing storm sewer on the south side of Oakwood Road. Due to localized flooding in this area during the severe storm events of 2010, federal funding was sought to improve this system, but was not received. During the platting process, plans will be developed and presented for City Council approval to manage the storm water consistent with the Ordinances, Codes and standards of the City. Ms. Warner noted that the medium-density site is divided into two different sub-watersheds; part of it will be draining to the northwest and a portion of it will go to the northeast where there is an existing 12-inch storm sewer pipe that goes into the storm sewer pipe that ties into the network that was installed in Oakwood Road in 1996. She noted that the submitted revised Master Plan includes a lot more detail pertaining to storm water management than staff normally sees at this stage.

Planner Benson advised that staff believes that the issues raised by the Planning and Zoning Commission had been considered and recommended that the revised Master Plan be approved with the following modifications:

- a. Outlot A to be designated both as Common Open Space and Future Development;
- b. Add the following widths to the landscape buffers:
 - I. 50 feet south of the Oakwood Road right-of-way
 - ii. 60 feet on the west
 - iii. 20 feet on the east and south
- c. Add note that all landscape buffers are to be installed with occupancy of the first residential units;
- d. Add note that no buildings will exceed two stories;
- e. Add note that a shorter façade of each building shall face either Oakwood Road or Sunset Drive;

Kurt Friedrich, Friedrich Development, 100 Sixth Street, Ames, showed the Council the revised Master Plan, which included landscaping components. He stated that more details will be provided in the Preliminary Plat and Major Site Development Plan.

Mr. Friedrich read letters of support that he had received from neighbors who own homes in Ringgenberg Park Subdivision. He also noted that he had received letters of support from Dr. Tim Taylor, Ames Community School District; Steve Carter, ISU Research Park; Warren Madden of the ISU Research Park; Dan Culhane, Ames Economic Development Commission; and Mike Roof, Beringer Engelheim.

According to Mr. Friedrich, to-date 109 single-family homes had been built in the Ringgenberg Subdivision, 72 single-family homes in Suncrest Subdivision (to the east), and it is hoped that 34 single-family lots will come soon on the Christofferson Subdivision piece. When Friedrich purchased and established the plan for the development of the area in question, the north end was zoned for medium density from the beginning. It is estimated that this project will bring in an additional tax base to the City of \$12 to \$14 million. According to Mr. Friedrich, apartments had been built in Ames as condominiums since the late 1990s; condominiums may be sold as individual units or rented. Mr. Friedrich advised that today's market calls for rentals by

professionals and young families, as it is becoming more difficult for young people to finance condominiums.

Mr. Friedrich advised of the Friedrich Realty's tenant make-up of its nearly 300 rental units. Of those units, 35% are occupied by families; 53% are occupied by professionals, single persons, and/or retired persons; 8% by graduate students; and, only 4% of their tenants are under-graduate students, all of whom have co-signors. That sort of demographic is expected to exist in the proposed Ringgenberg condominiums. According to Mr. Friedrich, this part of the community is rapidly growing. There is only one option for rentals in this area, which is Wessex, and Wessex is full with a waiting list. He stated that Friedrich Realty will be owning and managing all of the rental units in this development. The property in question is the last medium-density-zoned property in Ames. The demand is there now, and it is important that the City get started on this project to meet that need so that Ames does not lose residents to other communities.

The original Master Plan was shown to the Council. Mr. Friedrich explained the changes that were being requested to the Plan. He said that they plan to start with the first five buildings on the west side of the property. According to Mr. Friedrich, the developer feels that the changes that they are proposing to the Master Plan are critical to the success of the project and actually improve the development for the vast majority of owners. After meeting on the drainage issues with the City; Steve Jones, a well-known storm water expert; and neighbors, Mr. Friedrich felt that the majority of those in attendance at that meeting felt that the Plan was a good plan. He stated that there is 57% open space in the planned development and he is "more than willing" to continue to have dialog about drainage. If it is deemed appropriate, the size of the detention areas could be enlarged. It was also pointed out by Mr. Friedrich that, after the sale of some of the land to ISU, anticipated traffic will be less due to the fewer number of residential units (210 versus 144). According to Mr. Friedrich, the developers had met with Cathy Brown, a representative of ISU, and it is the developer's desire to get started immediately on the construction of the bike path from Wessex to State Avenue. Mr. Friedrich believes housing diversity is good for the community; it has been a part of Ames for the past 85 years. He pointed out that 60% of Ames' population rents.

Kim Townsend, 2609 Timberland Road, Ames, told the Council that "this was not about fear of change; it was about a commitment that was made to the community and a trust that has been broken." Ms. Townsend gave a Power Point presentation outlining in detail the history of the area in question since 2004-05, the currently approved Plan (big-house condos), and the new proposed Plan. She noted a signed petition of 146 signatures of persons in the neighborhood stating that they preferred the low-density residential-type development that had been presented earlier to them. Also referenced by Ms. Townsend was a letter sent to her by Robert Friedrich, Jr., on January 11, 2005, initiating the big-house concept with the community. Ms. Townsend showed past renderings of building elevations that had been shown to the residents in 2005. According to Ms. Townsend, the residents "bought in" to what was being shown to them: the variations in the shape and footprint, which made the residents feel like they were residential homes. Ms. Townsend feels that there is no residential feeling with the new Plan; there is no transition to the existing neighborhood. She said this is not about just wanting low-density; it is about what fits with the existing neighborhood. She referenced the supplemental information that she had provided to the Council members and asked them to deny the proposed revised Master Plan based on the information and petitions that she had provided.

Leonard Bond, 2601 Oakwood Road, Ames, said that he was concerned that the “ground rules seemed to be changing.” He noted some of the statements that had been told to the neighbors by the developer at previous meetings and what had been stated and shown tonight. Mr. Bond believes that there is a potential for negative property tax impacts for current adjacent property owners. Issues regarding drainage still remain as do the concerns over light pollution.

Chris Williams, 2311 Cottonwood Road, Ames, said he would focus his comments on traffic engineering, a field that he has worked in. He noted that he had two advanced degrees in Traffic and Transportation Planning and Highway Engineering and cited projects that highlighted his expertise. Mr. Williams said that he is concerned about the revised Plan as he believes it is a matter of shared liability when traffic accidents occur. In Mr. Williams’ opinion, the proposed Plan does not meet current design standards and best practice. He believes that the currently approved Plan mostly meets design standards and best practice, with the exception of Suncrest. Mr. Williams provided information to the Council on transportation land development. Specifically regarding traffic, Mr. Williams pointed out that the currently approved plan (130 Units) would constitute 715 trips/day. The proposed plan (144 Units) would constitute 792 trips/day. If the homestead is removed, and a total of 180 units are developed, it could result in a 38% increase in traffic (990 trips/day). Mr. Williams cautioned about making a curb cut on Oakwood, which is an arterial street, stating that that would not constitute best practice. Also, according to Mr. Williams, the proposed bike path has conflict points next to an arterial with currently inadequate highway/street design. The alternative path has conflict points at appropriately designed collectors at lower speeds. Mr. Williams noted that the Long-Range Transportation Plan calls for extending Cottonwood to University Boulevard. In his opinion, when safety is considered in residential subdivision design, “the internal street system is to be discontinuous so to discourage through-traffic from penetrating the subdivision;” that represents a safety issue.

John Haila, 2408 Suncrest, Ames, said that he moved to the area about a year and a half ago. When he moved to the area, he knew that there would be additional development in the area and has no problem with additional development. Mr. Haila told the Council that he had not seen the original Master Plan until a few months ago, but he liked that Plan. He is very disheartened by the proposed revised Plan as it looks to be more of an apartment-type complex and would not be a good fit for the neighborhood. Mr. Haila advised that his main objections are from the standpoint of the change in the design of the site, its lay-out, and its lack of fitting in with the neighborhood. He requested that the Council take into consideration that, eight years ago, the residents spent a great deal of time with Bob Friedrich to develop a concept, a Plan, and exterior appearance. Mr. Haila asked that the City Council request the developer to revisit the exterior design and site lay-out to fit better with the neighborhood. Since the developer is willing to have additional discussion regarding storm water detention, Mr. Haila asked that the discussion also include landscaping and overall site design.

David Bovenmyer, 2611 Woodview Drive, Ames, stated the he much preferred the big house concept and supported all those who had previously spoken. He would like to see the design be more like originally agreed to by the residents and one that would be a better fit for the neighborhood.

Mike Bryant, 2516 Woodview Drive, Ames, said that he shared some of the concerns already expressed; however, he had a much larger concern. His home lies downstream from the proposed development. Approximately 15 years ago, there was a large problem with drainage, and the City

addressed it and solved it by installing a 30" line on the south side of Oakwood Road that ran east to what was then Elwood Drive and then south. In August 2010, water came over Oakwood Road. Mr. Bryant said that the situation changed when Cedar Lane was cut down and made into curb and gutter. The line that began at Woodview Drive was extended under Cedar Lane into the Ringgenberg Farm. Mr. Bryant told the Council that the system in place is not capable of "taking one more drop of water." In 2010, water came out of the intake that was the beginning point. The water that came over Oakwood Road was four inches deep and 150' to 175' wide. Water went in through basement windows. According to Mr. Bryant, what is being contemplated is changing Oakwood Road; however, that is their dam to hold back the water. He implored the Council not to allow that to happen.

Tim Morris, 2409 Suncrest Drive, Ames, said that he had many of the same concerns that had already been brought forth. He does not want traffic to be diverted into the neighborhood.

Mike Stott, SP & A Architects, 1421 South Bell, Ames, said that his firm had been retained to prepare an architectural plan for the condominiums. He said that the developer is extremely adamant that they provide a good product. The direction given to him was to use a lot of stone and masonry; a Prairie Style upscale look for the buildings. The condominiums will be very high-end "almost luxury" type of housing. Mr. Stott advised that the developer wants to address the issues.

Mayor Pro-Tem Larson closed the hearing when no one else requested to speak.

Planner Benson pointed out that the next step, regardless of whether the revised Master Plan is approved or not, is a Major Site Development Plan, which is more detailed and includes elevations. He noted that Master Plans are generally less detailed.

Ms. Townsend said that the plans showing elevations were presented at the hearing on the original Master Plan in 2005. Mr. Benson said that elevations were not required, and those were presented to show what the concept for the buildings were at that time. The Resolution approving the Master Plan at that time did not include approval of any elevations or architectural style. Council Member Goodman said that the elevations and architectural drawings may not have been required as part of the Master Plan; however, the developer presented them in 2005, and he, as a Council Member at that time, felt that the drawings were indicative of what was to be built.

Council Member Goodman specifically asked Kurt Friedrich if he would be willing to dig deeper into the possible impacts of drainage and possibly explore going beyond the Code expectations. Mr. Friedrich confirmed that he would be willing to do that.

Mr. Goodman also asked Mr. Friedrich if he would be willing to meet with the neighbors to discuss the things that they were not comfortable with. Mr. Friedrich said that he would not be opposed at sharing with the neighbors as the design plans develop. He noted that they have a couple architectural plans that they are considering and would be happy to share the products that are being worked on and try to come up with something that everyone can be proud of. Mr. Friedrich noted, however, that he feels strongly that what they are working on is what the market wants. He believes that the big house concept is really not what is desired in the Ames marketplace. With an investment of \$12 - \$14 million, he wants to have control over what is being designed and built. They are the stewards of the properties that have to be rented and sold to the public, and they must be comfortable with their product.

Moved by Goodman, seconded by Orazem, to adopt RESOLUTION NO. 13-266 approving the revised Master Plan with the following modifications to the Plan:

- a. Outlot A to be designated both as Common Open Space and Future Development
- b. Add the following widths to the landscape buffers:
 - I. 50 feet south of the Oakwood Road right-of-way
 - ii. 60 feet on the west
 - iii. 20 feet on the east and south
- c. Add a note that all landscape buffers are to be installed with occupancy of the first residential units
- d. Add a note that no buildings will exceed two stories:
- e. Add a note that a shorter façade of each building shall face either Oakwood Road or Sunset Drive;

and in addition, ask that staff have a non-binding discussion with the developer about going above the existing storm water requirements and that the developer have a discussion with neighbors on traffic lay-out and design elements of the project.

City Manager Schainker asked for clarification of the motion. Mr. Goodman said that, in his motion, he intentionally included City staff in the discussion of storm water issues. He preferred that the neighbors and the developer have a discussion first on traffic and design elements. City staff would be involved ultimately in that discussion regarding what was required by Code.

Mr. Larson said he could support the motion as long as it was noted that it would be a non-binding discussion between staff and the developer. He felt that the general public should not be micro-managing when the developer is investing \$12 - 14 million. The City has a broad responsibility to ensure that the public is served and the Code is consistently followed. He can support a recommendation that people work together in an attempt to make as many people happy as possible.

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

The meeting recessed at 10:00 p.m. and reconvened at 10:07 p.m.

HEARING ON 2012/13 CYRIDE ROUTE PAVING IMPROVEMENTS NO. 2 (TODD DRIVE):

Mayor Pro-Tem opened the hearing and closed same after no one came forward to speak.

Moved by Davis, seconded by Orazem, to adopt RESOLUTION NO. 13-267 approving final plans and specifications and awarding a contract to Manatt's, Inc., of Ames, Iowa, in the amount of \$201,992.08.

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

HEARING ON RESOURCE RECOVERY PLANT PRIMARY SHREDDER REPLACEMENT:

The public hearing was opened by Mayor Pro-Tem Larson. He closed the hearing as no one requested to speak.

Moved by Davis, seconded by Szopinski, to adopt RESOLUTION NO. 13-268 approving reallocation of programmed funding.

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

Moved by Davis, seconded by Szopinski, to adopt RESOLUTION NO. 13-269 approving final plans and specifications and awarding a contract to A-Lert Construction Services of Fredonia, Kansas, in the amount of \$1,310,100.00.

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

UPDATE ON ANNEXATION OF 2212 OAKWOOD ROAD (CHRISTOFFERSON): Planner Benson stated that, on May 28, 2013, the City Council held a public hearing regarding the voluntary annexation of property at 2212 Oakwood Road, which is owned by Floyd and Anna Christofferson. After the public hearing, the Council approved Resolution 13-228 approving this voluntary annexation. Having heard concerns from neighbors regarding storm water run-off in the area, Council also directed staff “to work with the developer and neighbors to explore going beyond existing Codes with regard to storm water management and to look at additional expectations to protect future and adjacent properties.” Three days following the Council’s approval of the annexation, on May 31, 2013, a letter was delivered to the City Manager’s Office by Floyd and Anna Christofferson withdrawing their application for annexation of their property at 2212 Oakwood Road.

City Manager Schainker pointed out that *Iowa Code* allows either the property owner or the applicant to withdraw a voluntary annexation application within three days of the public hearing.

Council Member Goodman said that the annexation in question was exactly the type that the City prefers. He asked if additional conversation was going to occur in the future.

Civil Engineer Warner advised that, as directed by City Council, on June 6th, Public Works staff held a meeting to discuss storm water management concepts of the proposed Christofferson development as they relate to concerns from the adjoining existing subdivisions. In addition to staff, those in attendance included Kurt Friedrich, Scott Renaud (developer’s engineer), Steve Jones (engineer hired by Chris Williams), Mark Stephenson (Oakwood Church), Marty Martinez (2311 Suncrest), and Brian Birkland (2914 White Oak).. Chris Williams, who previously spoke before City Council regarding the annexation, was invited, but indicated that he was unavailable to meet on this subject before July. Floyd Christofferson had accepted the invitation, but at the last minute was unable to attend. A summary of the discussion, including possible storm water management improvements, was provided by Ms. Warner.

Council Member Davis asked Mr. Schainker if staff would be willing to meet with Floyd Christofferson to inform him of the discussions that had occurred. City Manager Schainker said that City staff would again attempt to meet with Mr. Christofferson.

Mayor Pro-Tem Larson noted that Steve Jones was present at this meeting and asked if he would be willing to address the Council.

Steve Jones stated that he was retained by Chris Williams. Mr. Jones said his first visit to the site was on May 24, 2013, with Chris Williams. Subsequent to that date, Mr. Jones met with Scott Renaud to learn more about the storm water drainage layout in the Suncrest/Sundown/Cottonwood area, the Ringgenberg area, and the Oakwood Road area. Mr. Jones said that he is currently working on a final report that will detail his findings and include

his recommendations. He did not feel that there would be any issues with sharing the report. Mr. Jones presented a summary of his preliminary findings.

Planner Benson advised that staff will continue to work with all interested stakeholders to identify ways to address the storm water concerns in this area. Should the owners of the Christofferson property again desire to seek annexation, a new application will need to be submitted and the full annexation process will again need to be followed.

MUNICIPAL AIRPORT'S FIXED BASE OPERATOR (FBO) CONTRACT: Transportation Engineer Damion Pregitzer noted that a one-year extension to the FBO Contract was approved last year because the Airport Terminal Project was pending. The City now has a time line on the construction of the Terminal; it is included in the CIP for FY 2015/16. Another extension of the current contract is being recommending so that the Request for Proposals for a new FBO Contract would coincide with the opening of the new Airport Terminal facility.

Mr. Pregitzer stated that he had met with the current FBO, Hap's Air Service, to discuss the contract. Hap's had expressed some concern about CIP projects that had affected the surfaces and asked that, while the West Apron Rehabilitation was occurring (July, August, and September of 2013), they receive a reduction in the lease payment.

Moved by Davis, seconded by Szopinski, to adopt RESOLUTION NO. 13-270 directing the City Attorney to draft an addendum to the FBO lease with Hap's Air Service to extend the contract to such time that the new Ames Terminal Building is constructed or upon 30 days written notice of a newly established termination date; and include a 50% reduction in the FBO lease for the months of July, August, and September 2013 only, totaling \$5,125.

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

CLOSURE OF HYLAND AVENUE: Moved by Davis, seconded by Orazem, to delegate to staff the ability to administratively approve the closure of Hyland Avenue to facilitate the safe installation of the new sanitary sewer service.

At the inquiry of Mr. Larson, Civil Engineer Eric Cowles stated that it is anticipated that the closure would be needed for seven days.

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

WOODVIEW UTILITIES ASSESSMENT PROJECT: Moved by Goodman, seconded by Davis, to adopt the Preliminary RESOLUTION NO. 13-271.

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 Davis, to adopt RESOLUTION OF NECESSITY NO. 13-272 and setting July 9, 2013 as the date of public hearing.

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 Davis, to adopt RESOLUTION NO. 13-273 adopting the Preliminary Plat and Schedule and Engineer's estimate.

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 Davis, to adopt RESOLUTION NO. 13-274 approving the Woodview Drive Water and Sewer project Covenant for Assessment of Costs of Improvements. 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 Davis, to adopt RESOLUTION NO. 13-275 approving the Preliminary Plans and Specifications for Woodview Drive Water and Sewer project; setting July 17, 2013, as the date of letting and July 23, 2013, as the date for report of bids. Roll Call Vote: 5-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

PEDESTRIAN CROSSING AT 12TH STREET AND DUFF AVENUE: Moved by Davis, seconded by Szopinski, to direct the City Attorney to draft a Memorandum of Understanding stating that McFarland Clinic agrees: [1] to an amount to be paid to reimburse the City for the costs associated with the improvement (excluding engineering), [2] that the City reserves the right to modify or remove the equipment after it is activated if it is found for some reason to have a negative impact on safety or maintenance, and [3] that upon failure of the equipment, the replacement will be at the City's discretion. Vote on Motion: 5-0. Motion declared carried unanimously.

Moved by Davis, seconded by Szopinski, to approve the installation of the Rectangular Rapid Flash Beacon treatment, thereby directing City staff to design and install push-button activated RRFB at the north side east-west pedestrian crossing of Duff Avenue and 12th Street. Vote on Motion: 5-0. Motion declared carried unanimously.

POWER PLANT MAINTENANCE SERVICES: Moved by Davis, seconded by Goodman, to adopt RESOLUTION NO. 13-276 awarding a contract to ProEnergy Services, LLC, of Sedalia, Missouri, in an amount not to exceed \$550,000 for Power Plant Maintenance Services. Roll Call Vote: 5-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

ORDINANCE SETTING SPEED LIMIT ON STATE AVENUE: Moved by Davis, seconded by Szopinski, to pass on first reading an ordinance setting the speed limit on State Avenue from a point 250 feet north Meadow Glen Road to a point 250 feet south of Oakwood Road. Roll Call Vote: 5-0. Motion declared carried unanimously.

ORDINANCE REZONING PROPERTY AT 920 CARROLL AVENUE FROM S-GA (GOVERNMENT/AIRPORT) TO UCRM (URBAN CORE RESIDENTIAL MEDIUM DENSITY): Moved by Davis, seconded by Orazem, to pass on second reading an ordinance rezoning property at 920 Carroll Avenue (former Willson-Beardshear school) from "S-GA" (Government/Airport) to "UCRM" (Urban Core Residential Medium Density). Roll Call Vote: 5-0. Voting aye: Davis, Goodman, Larson, Orazem, Szopinski. Motion declared carried unanimously.

WATER RATIONING ORDINANCE: Moved by Goodman, seconded by Davis, to pass on second reading the revised Water Rationing Ordinance. Roll Call Vote: 5-0. Motion declared carried unanimously.

Moved by Davis, seconded by Szopinski, to pass on second reading an ordinance revising Appendix N.

Roll Call Vote: 5-0. Motion declared carried unanimously.

STREET AND SECURITY LIGHTING RATE ORDINANCE: Moved by Davis, seconded by Orazem, to pass on second reading the Street and Security Lighting Rate Ordinance.

Roll Call Vote: 5-0. Motion declared carried unanimously.

COUNCIL COMMENTS: Moved by Orazem, seconded by Davis, to refer to staff the letter from Chuck Winkleblack dated June 7, 2013, asking staff to study the South Duff corridor between the river and S. 5th Street.

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

Moved by Davis, seconded by Szopinski, to refer to staff the letter from Shelly Jaspering for a memo back to the Council regarding her request to reserve a handicapped van-accessible parking space on the west side of the parking lot that is beside Tom Evans Park.

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

Moved by Goodman, seconded by Orazem, to refer to staff the e-mail from Matthew Mauk listing his concerns and possible solutions for traffic on 6th Street.

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

ADJOURNMENT: Moved by Davis to adjourn the meeting at 10:52 p.m.

Diane R. Voss, City Clerk

Jami Larson, Mayor Pro-Tem



REPORT OF CONTRACT CHANGE ORDERS

Period:	<input checked="" type="checkbox"/>	1 st – 15 th
	<input type="checkbox"/>	16 th – end of month
Month and year:	June 2013	
For City Council date:	June 25, 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	MEC Interconnection 161KV Line Construction	1	\$9,054,395.90	Hooper Corporation	\$0.00	\$0.00	D. Kom	CB
Electric Services	Steam Turbine No. 8 Overhaul	4	\$807,800.00	NAES Corporation	\$265,008.95	\$30,000.00	B. Kindred	CB
			\$		\$	\$		
			\$		\$	\$		
			\$		\$	\$		
			\$		\$	\$		



MEMO

5

To: Members of the City Council

From: Ann H. Campbell, Mayor

Date: June 21, 2013

Subject: Appointment to Ames Economic Development Commission's Board of Directors

Jami Larson's term of office on the Ames Economic Development Commission's (AEDC) Board of Directors expires June 30; therefore, it will be necessary to appoint a council member to fill this position.

I recommend that the City Council appoint Tom Wacha for two years to the AEDC Board of Directors with his term beginning July 1, 2013.

AHC/jlr

COUNCIL ACTION FORM

SUBJECT: **APPROVAL OF THE 2013-14 PAY PLAN**

BACKGROUND:

Each year the City Council approves a Pay Plan that specifies pay ranges and steps for the City's work force. The 2013-2014 Pay Plan reflects the negotiated wage settlements with the five bargaining units shown below, as well as a 2% increase for merit (non-union) employee job classifications. Funding for the various salaries was previously approved in the 2013-2014 Budget.

The bargaining units' respective across-the-board settlements are 2.25% for IUOE-Blue Collar, 2% for IBEW-Electric Distribution, 2.25% for IUOE-Electric Production, 2.25% for IAFF-Fire, and 2% for PPME-Police. Unclassified job categories are adjusted proportionally with merit or union employees or the relevant labor market. The statutory minimum wage is retained as the scale minimum for temporary Unclassified Laborers and Office Workers.

ALTERNATIVES:

1. Approve the 2013-2014 Pay Plan.
2. Do not approve the 2013-2014 Pay Plan.

MANAGER'S RECOMMENDED ACTION:

The Pay Plan document formally authorizes the pay ranges and steps for City positions so that City employees can be paid accordingly. Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the 2013-2014 Pay Plan.

UNCLASSIFIED CLASSES
Effective 7/1/13

<u>CODE</u>	<u>CLASSIFICATION</u>	<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>
1116	Co-op	14.9595	16.8157	18.6717
1311	Transit Driver	11.4400	12.4800	13.5300
2206	Community Safety Officer Coord	16.7410		
2209	Community Safety Officer	15.9439		
2204	Public Safety Dispatcher	15.6844		
2310	Animal Control Attendant	11.8017	13.7643	15.7269
9403	Unclassified Labor	7.8477	11.9245	15.7269
9404	Unclassified Skilled Laborer	15.1121	21.2314	27.3510
9405	Office Worker	7.8477	11.9245	15.7269
9407	Technical Assistant	13.1953	15.7889	18.3825
9450	Temporary Manager	26.6482	39.0524	51.4568

C PAY PLAN
Effective 7/1/13

<u>PAY GRADE</u>	<u>PAY PERIOD</u>	<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>
51	Annual Hourly	27,590 13.2642	31,716 15.2479	35,841 17.2312
52	Annual Hourly	29,220 14.0481	33,910 16.3029	38,599 18.5572
53	Annual Hourly	31,071 14.9378	36,299 17.4513	41,526 19.9643
54	Annual Hourly	33,163 15.9437	39,033 18.7658	44,904 21.5883
55	Annual Hourly	35,496 17.0652	42,102 20.2413	48,711 23.4186
56	Annual Hourly	38,121 18.3276	45,562 21.9050	53,001 25.4813
57	Annual Hourly	41,099 19.7591	49,489 23.7927	57,878 27.8262
58	Annual Hourly	44,450 21.3702	53,926 25.9261	63,402 30.4818
59	Annual Hourly	48,230 23.1875	58,939 28.3359	69,648 33.4845
60	Annual Hourly	52,518 25.2488	64,648 31.0810	76,780 36.9133
61	Annual Hourly	57,368 27.5808	71,148 34.2058	84,926 40.8298
62	Annual Hourly	62,892 30.2367	78,548 37.7636	94,204 45.2904
62*	Annual Hourly	62,893 21.5977	78,548 26.9740	94,204 32.3503
63	Annual Hourly	69,166 33.2528	87,007 41.8302	104,847 50.4070
90	Annual Hourly	63,963 30.7514	77,128 37.0808	90,290 43.4088
91	Annual Hourly	69,874 33.5935	84,874 40.8047	99,870 48.0145
92	Annual Hourly	76,602 36.8277	93,689 45.0429	110,777 53.2581
93	Annual Hourly	84,239 40.4996	103,767 49.8882	123,295 59.2764
94	Annual Hourly	92,924 44.6752	115,286 55.4259	137,645 66.1755
95	Annual Hourly	102,850 49.4471	128,493 61.7753	154,133 74.1025

D PAY PLAN
Effective 7/1/13

<u>PAY GRADE</u>	<u>PAY PERIOD</u>	<u>MINIMUM</u>	<u>MIDPOINT</u>	<u>MAXIMUM</u>
64	Annual	76,297	96,672	117,048
	Hourly	36.6811	46.4769	56.2732
65	Annual	84,443	107,755	131,066
	Hourly	40.5976	51.8055	63.0127
66	Annual	93,802	120,531	147,258
	Hourly	45.0969	57.9478	70.7973
96	Annual	114,243	143,706	173,171
	Hourly	54.9247	69.0896	83.2551

E PAY PLAN
IUOE Blue Collar Unit
Effective 7/1/13

<u>HTE</u>	<u>CLASS</u>		<u>STEP A (START)</u>		<u>STEP B (18 MOS)</u>		<u>STEP C (48 MOS)</u>	
	<u>CODE</u>	<u>TITLE</u>	<u>Annual</u>	<u>Hourly</u>	<u>Annual</u>	<u>Hourly</u>	<u>Annual</u>	<u>Hourly</u>
300	141	Meter Reader	37,564.80	18.06	42,619.20	20.49	50,148.80	24.11
302	142	Senior Meter Reader	39,416.00	18.95	44,449.60	21.37	54,433.60	26.17
304	1110	Engineering Technician I	35,838.40	17.23	40,560.00	19.50	47,777.60	22.97
306	1111	Engineering Technician II	38,896.00	18.70	45,177.60	21.72	51,833.60	24.92
308	1131	Traffic Signal Technician	See page 5					
309	1134	Traffic Signal Technician Lead	See page 5					
310	1222	Plumbing Inspector	48,630.40	23.38	54,995.20	26.44	64,376.00	30.95
312	1223	Electrical Inspector	48,630.40	23.38	54,995.20	26.44	64,376.00	30.95
313	1228	Community Codes Liaison	48,630.40	23.38	54,995.20	26.44	64,376.00	30.95
314	1225	Housing Inspector	48,630.40	23.38	54,995.20	26.44	64,376.00	30.95
315	1226	Building & Zoning Inspector	48,630.40	23.38	54,995.20	26.44	64,376.00	30.95
316	1311	Transit Driver (Full-time)*	32,718.40	15.73	38,625.60	18.57	46,384.00	22.30
318	1311	Transit Driver (PT 20 hrs)*		13.44		16.37		17.70
320	1318	Lane Worker	27,955.20	13.44	34,049.60	16.37	36,816.00	17.70
321	1307	Lead Lane Worker	29,348.80	14.11	35,796.80	17.21	38,667.20	18.59
322	1322	Mechanic Assistant	39,083.20	18.79	44,408.00	21.35	52,208.00	25.10
323	1322	Mechanic Assistant (CyRide)	37,627.20	18.09	44,408.00	21.35	52,208.00	25.10
325	1323	Mechanic (CyRide)	45,052.80	21.66	49,691.20	23.89	58,427.20	28.09
327	1324	Lead Mechanic (CyRide)	47,278.40	22.73	52,208.00	25.10	61,256.00	29.45
328	5112	Water Plant Operator	49,441.60	23.77	56,035.20	26.94	65,811.20	31.64
329	5111	Plant Maintenance Specialist	46,592.00	22.40	52,832.00	25.40	62,212.80	29.91
330	5130	Water Utility Locator	45,052.80	21.66	51,001.60	24.52	60,132.80	28.91
332	5131	Water Meter Repair Worker	42,702.40	20.53	48,464.00	23.30	56,971.20	27.39
334	5140	Water/PC Lab Technician	40,102.40	19.28	44,803.20	21.54	52,062.40	25.03
336	5141	Water/PC Lab Analyst	49,441.60	23.77	56,035.20	26.94	65,811.20	31.64
337	5115	Water Plant Asst. Operator	See page 5					
337	5212	WPC Plant Asst. Operator	See page 5					
338	5213	WPC Plant Operator	49,441.60	23.77	56,035.20	26.94	65,811.20	31.64
339	5220	Res. Rec. Lead Operator	46,550.40	22.38	52,790.40	25.38	62,004.80	29.81
340	5221	Res. Rec. Maint. Operator	44,387.20	21.34	50,315.20	24.19	58,968.00	28.35
342	5411	Plant Maintenance Operator	49,441.60	23.77	56,035.20	26.94	65,811.20	31.64
343	5412	Process Maintenance Worker	See page 6					
344	6112	Maintenance Worker	See page 6					
346	6113	Senior Maintenance Worker	43,368.00	20.85	49,150.40	23.63	57,740.80	27.76
348	6114	Parks Maintenance Specialist	43,971.20	21.14	46,446.40	22.33	54,288.00	26.10
350	6121	Building Maint. Specialist	42,702.40	20.53	48,464.00	23.30	56,971.20	27.39
352	6151	Truck Driver	33,592.00	16.15	37,980.80	18.26	44,699.20	21.49
354	6152	Senior Heavy Equipment Oper.	45,593.60	21.92	48,464.00	23.30	56,971.20	27.39
356	6153	Heavy Equipment Operator	41,496.00	19.95	44,137.60	21.22	51,875.20	24.94
358	1137	Traffic Technician	See page 5					
359	6117	W&PC Maint. Tech. I	See page 6					
360	6118	W&PC Maint. Tech. II	See page 6					
362	6111	Laborer	See page 5					
364	1319	Service Worker	See page 5					
366	6163	Custodian	See page 5					
370	1326	Fleet Technician	See page 5					
371	1328	Lead Fleet Technician	51,625.60	24.82	54,828.80	26.36	64,563.20	31.04
372	6154	Res. Rec. Equipment Operator	43,368.00	20.85	49,150.40	23.63	57,740.80	27.76
724	6119	RRP Maint. Tech. I	See page 6					
726	6120	RRP Maint. Tech. II	See page 6					

E PAY PLAN
IUOE Blue Collar Unit
Effective 7/1/13

<u>HTE</u>	<u>CLASS</u> <u>CODE</u>	<u>TITLE</u>	<u>STEP A (START)</u>		<u>STEP B (30 MOS)</u>	
			<u>Annual</u>	<u>Hourly</u>	<u>Annual</u>	<u>Hourly</u>
362	6111	Laborer	33,508.80	16.11	39,395.20	18.94
364	1319	Service Worker	35,568.00	17.10	41,974.40	20.18
366	6163	Custodian	32,219.20	15.49	37,876.80	18.21

<u>HTE</u>	<u>CLASS</u> <u>CODE</u>	<u>TITLE</u>	<u>Annual</u>	<u>Hourly</u>
308	1131	Traffic Signal Technician		
		Step A (Start)	46,654.40	22.43
		Step B (12 months)	49,171.20	23.64
		Step C (24 months)	53,393.60	25.67
		Step D (48 months)	56,784.00	27.30
309	1134	Traffic Signal Technician Lead		
		Step A (Start)	49,046.40	23.58
		Step B (12 months)	53,102.40	25.53
		Step C (24 months)	57,200.00	27.50
		Step D (48 months)	59,592.00	28.65
358	1137	Traffic Technician		
		Step A (Start)	38,916.80	18.71
		Step B (12 months)	42,182.40	20.28
		Step C (24 months)	45,406.40	21.83
		Step D (48 months)	51,875.20	24.94
337	5212	WPC Plant Assistant Operator		
		Step A (Start)	43,368.00	20.85
		Step B (within 8 months) Grade I certificate	46,404.80	22.31
		Step C (within 24 months) 21 CEU's directly related to wastewater treatment	49,441.60	23.77
337	5115	Water Plant Assistant Operator		
		Step A (Start)	43,368.00	20.85
		Step B (within 8 months) Grade I certificate	46,404.80	22.31
		Step C (within 24 months) 21 CEU's directly related to water treatment	49,441.60	23.77
370	1326	Fleet Technician		
		Step A - 4 ASE tests	49,150.40	23.63
		Step B - 7 ASE tests (within 1 year)	53,206.40	25.58
		Step C - 10 ASE tests (within 2 years)	57,304.00	27.55
		Step D - ASE certified (within 3 years)	61,547.20	29.59

E PAY PLAN
IUOE Blue Collar Unit
Effective 7/1/13

<u>HTE</u>	<u>CLASS</u> <u>CODE</u>	<u>TITLE</u>	<u>STEP A</u> <u>(START)</u>	<u>STEP B</u> <u>(6 MOS)</u>	<u>STEP C</u> <u>(12 MOS)</u>	<u>STEP D</u> <u>(18 MOS)</u>	<u>STEP E</u> <u>(24 MOS)</u>	<u>STEP F</u> <u>(36 MOS)</u>	<u>STEP G</u> <u>(48 MOS)</u>
343	5412	Process Maintenance Worker							
		Annual	37,398.40	39,208.00	41,308.80	42,785.60	44,595.20	46,404.80	48,214.40
		Hourly	17.98	18.85	19.86	20.57	21.44	22.31	23.18
344	6112	Maintenance Worker							
		Annual	37,440.00		38,438.40		39,894.40		46,883.20
		Hourly	18.00		18.48		19.18		22.54
359	6117	W&PC Maint. Tech. I							
		Annual					43,680.00		50,710.40
		Hourly					21.00*		24.38*
360	6118	W&PC Maint. Tech. II							
		Annual							57,740.80
		Hourly							27.76*
724	6119	RRP Maint. Tech. I							
		Annual					47,777.60	49,587.20	51,376.00
		Hourly					22.97*	23.84*	24.70*
726	6120	RRP Maint. Tech. II							
		Annual						55,931.20	57,740.80
		Hourly						26.89*	27.76*

*must also have successfully completed required skill block to be eligible for this rate

**F PAY PLAN
PPME - Police
Effective 7/1/13**

<u>HTE</u>	<u>CLASS</u> <u>CODE</u>	<u>TITLE</u>	<u>STEP A</u> <u>(START)</u>	<u>STEP B</u> <u>(18 MOS)</u>	<u>STEP C</u> <u>(36 MOS)</u>
400	2308	Animal Control Clerk	36,368 17.4847	43,609 20.9658	
402	131	Parking Meter Attendant	32,612 15.6787	34,534 16.6028	41,450 19.9279
403	2207	Lead Police Records Clerk	38,186 18.3585	41,929 20.1584	49,965 24.0217
404	2208	Police Records Clerk	36,368 17.4846	39,932 19.1981	47,587 22.8782
416	2201	Public Safety Lead Dispatcher	42,224 20.3001	44,283 21.2901	51,045 24.5408
406	2202	Public Safety Dispatcher	39,489 18.9851	41,393 19.9003	47,844 23.0020
408	2212	Police Officer	47,678 23.033	52,182 25.2088	62,235 30.0652
412	2311	Animal Control Officer	34,537 16.6044	37,450 18.0049	46,416 22.3155

Step A = 0 through 18 months

Step B = 19 through 36 months, or 19 months plus

Step C = 37 months plus

**G PAY PLAN
IAFF - Fire
Effective 7/1/13**

<u>HTE</u>	<u>CLASS CODE</u>	<u>TITLE</u>	<u>STEP A</u>	<u>STEP B</u>	<u>STEP C</u>	<u>STEP D</u>
504	2111	Firefighter	43,131 14.8114	47,254 16.2275	56,574 19.4279	61,847 21.2386
506	2112	Fire Lieutenant	68,547 23.5395			
508	2114	Fire Inspector	75,287 36.1958			

Step A = 0 through 18 months

Step B = 19 months

Step C = 37 months

Step D = 60 months (see also Section 16.3)

Effective July 1, 2004, the City will combine incentive pay (First Responder - .7%, Instructor I - .7%, and DMACC classes - 1.7% for a total of 3.1%) and add to Firefighter Step D, Fire Lieutenant, and Fire Inspector pay scale.

**H PAY PLAN
IBEW
Effective 7/1/13**

<u>HTE</u>	<u>CLASS CODE</u>	<u>TITLE</u>	<u>Annual</u>	<u>Hourly</u>
600	171	Storekeeper	42,536.00	20.45
602	711	Records and Materials Specialist	54,059.20	25.99
604	4209	Substation Electrician Assistant	60,528.00	29.10
606	4210	Underground Electric Serviceworker	57,657.60	27.72
608	4211	Groundswoker	53,040.00	25.50
610	4212	Truck Driver/Groundswoker	57,657.60	27.72
612	4213	Electric Serviceworker	61,942.40	29.78
614	4215	Electric Lineworker	71,385.60	34.32
616	4218	Substation Electrician	71,385.60	34.32
618	4221	Electric Line Foreman	75,628.80	36.36
620	4231	Electric Meter Repair Worker	61,547.20	29.59
622	4311	Electrical Engineering Assistant	58,947.20	28.34
624	4312	Electrical Engineering Technician	76,835.20	36.94
626	6126	Substation Foreman	75,628.80	36.36
628	4214	Apprentice Electric Lineworker		
		A. 1st twelve months/2000 hrs. (60%)	42,827.20	20.59
		B. 2nd twelve months/2000 hrs. (70%)	49,961.60	24.02
		C. 3rd twelve months/2000 hrs. (80%)	57,116.80	27.46
		D. 4th twelve months/1000 hrs. (90%)	64,251.20	30.89
630	4217	Apprentice Substation Electrician		
		A. 0 - 1000 hours (65%)	46,404.80	22.31
		B. 1000 - 2000 hours (70%)	49,982.40	24.02
		C. 2000 - 3000 hours (75%)	53,580.80	25.74
		D. 3000 - 4000 hours (80%)	57,096.00	27.46
		E. 4000 - 5000 hours (85%)	60,673.60	29.17
		F. 5000 - 6000 hours (90%)	64,230.40	30.89
632	4230	Apprentice Electric Meter Repair Worker		
		A. 0 - 1000 hours (75%)	46,113.60	22.19
		B. 1000 - 2000 hours (80%)	49,150.40	23.67
		C. 2000 - 3000 hours (85%)	52,270.40	25.15
		D. 3000 - 4000 hours (90%)	55,348.80	26.63

The above listed wage rates for apprentices are based on percentages of journeymen rates as set out in the respective apprentice agreements. Progression within the apprentice classifications is contingent upon training and outside coursework plus meeting the requirements set out in the apprenticeship agreement.

**I PAY PLAN
IUOE - Power Plant
Effective 7/1/13**

<u>HTE</u>	<u>CLASS CODE</u>	<u>TITLE</u>	<u>Annual</u>	<u>Hourly</u>
700	4110	Lead Coal Handler	62,732.80	30.16
702	4111	Coal Handler		
		1st 6 months	44,740.80	21.51
		2nd 6 months	47,694.40	22.93
		3rd 6 months	53,726.40	25.83
		Thereafter	59,737.60	28.72
704	4112	Power Plant Auxiliary Operator		
		1st 6 months	52,062.40	25.03
		2nd 6 months	55,348.80	26.61
		3rd 6 months	58,572.80	28.16
		4th 6 months	61,900.80	29.76
		Thereafter	65,166.40	31.33
706	4113	Power Plant Fireworker		
		5th 6 months	66,019.20	31.74
		6th 6 months	68,931.20	33.14
		Thereafter	71,073.60	34.17
708	4114	Power Plant Operator		
		7th 6 months	73,694.40	35.43
		Thereafter	76,003.20	36.54
709	4117	Environmental Instrument & Control Technician		
		1st 6 months	58,697.60	28.22
		2nd 6 months	62,670.40	30.13
		3rd 6 months	66,580.80	32.01
		4th 6 months	70,387.20	33.84
		5th 6 months	74,380.80	35.76
		6th 6 months	76,710.40	36.88
		Thereafter	78,436.80	37.71
709	4118	Instrument & Control Technician		
		1st 6 months	58,697.60	28.22
		2nd 6 months	62,670.40	30.13
		3rd 6 months	66,580.80	32.01
		4th 6 months	70,387.20	33.84
		5th 6 months	74,380.80	35.76
		6th 6 months	76,710.40	36.88
		Thereafter	78,436.80	37.71

**I PAY PLAN
IUOE - Power Plant
Effective 7/1/13**

<u>HTE</u>	<u>CLASS CODE</u>	<u>TITLE</u>	<u>Annual</u>	<u>Hourly</u>
714	4122	Power Plant Maintenance Foreman	78,436.80	37.71
716	4124	Power Plant Maintenance Worker		
		1st 6 months	40,206.40	19.33
		2nd 6 months	42,993.60	20.67
		3rd 6 months	48,339.20	23.24
		Thereafter	54,641.60	26.27
718	4125	Power Plant Maintenance Mechanic		
		1st 6 months	54,059.20	25.99
		2nd 6 months	57,428.80	27.61
		3rd 6 months	60,840.00	29.25
		4th 6 months	64,188.80	30.86
		Thereafter	67,620.80	32.51
720	6123	Electrician		
		1st 6 months	51,729.60	24.87
		2nd 6 months	55,057.60	26.47
		3rd 6 months	58,572.80	28.16
		4th 6 months	62,004.80	29.81
		5th 6 months	65,436.80	31.46
		6th 6 months	67,620.80	32.51
		Thereafter	68,931.20	33.14
722	6163	Custodian		
		1st 6 months	33,508.80	16.11
		2nd 6 months	35,526.40	17.08
		Thereafter	39,208.00	18.85

Progression within the apprentice classification is contingent upon successful completion of outside course work and satisfactory progress during each step interval plus meeting the requirements set out in the apprenticeship agreement.

ALPHABETICAL LISTING

<u>CODE</u>	<u>HTE</u>	<u>EEO</u>	<u>FLSA</u>	<u>CLASSIFICATION</u>	<u>PAY GRADE</u>	<u>PAGE</u>
0133	----	6	NE	Account Clerk	56	2
0307	----	2	NE	Accountant	59	2
2310	----	8	NE	Animal Control Attendant	Temporary	1
2308	400	6	NE	Animal Control Clerk	Union-F	7
2311	412	8	NE	Animal Control Officer	Union-F	7
2312	----	3	E	Animal Control Supervisor	60	2
4230	632	7	NE	Appr. Electric Meter Repair Worker	Union-H	9
4217	630	8	NE	Appr. Substation Electrician	Union-H	9
4214	628	7	NE	Apprentice Electric Lineworker	Union-H	9
0411	----	2	E	Assistant City Attorney	61	2
0612	----	1	E	Assistant City Manager	65	3
4331	----	1	E	Assistant Director Electric Services	94	2
5311	----	1	E	Assistant Director of Water and PC	63	2
313	----	1	E	Assistant Director of Finance	62	2
4222	----	2	E	Assistant Electric Distribution Supt.	90	2
3124	----	1	E	Assistant Library Director	63	2
0611	----	1	E	Assistant City Manager	65	3
1317	----	1	E	Assistant Transit Director-Fleet & Facilities	62	2
1321	----	1	E	Assistant Transit Director-Operations	62	2
1314	----	5	E	Assistant Transit Operations Supervisor	60	2
3206	----	2	E	Auditorium/Bandshell Manager	59	2
0308	----	2	E	Budget Officer	61	2
1227	----	2	E	Building Inspections Supervisor	60	2
6121	350	7	NE	Building Maintenance Specialist	Union-E	4
1224	----	1	E	Building Official	62	2
1226	315	1	NE	Building and Zoning Inspector	Union-E	4
0608	----	3	NE	Cable Television Coordinator	57	2
0132	----	6	NE	Cashier	56	2
2223	----	1	E	Chief of Police	65	3
1120	----	2	E	Civil Engineer I	60	2
1121	----	2	E	Civil Engineer II	62	2
0218	----	2	E	Client Support Coordinator	60	2
0215	----	5	NE	Client Support Specialist	57	2
1116	999	8	NE	Co-op	Temporary	1
4111	702	8	NE	Coal Handler	Union-I	10
1228	313	1	NE	Community Codes Liaison	Union-E	4
2209	----	5	NE	Community Safety Officer	Temporary	1
2206	----	5	NE	Community Safety Officer Coordinator	Temporary	1
1113	----	3	E	Construction Supervisor	61	2
5133	----	3	NE	Cross Connection Control Coordinator	59	2
6163	366	8	NE	Custodian	Union-E	5
6163	722	8	NE	Custodian	Union-I	11
2118	----	1	E	Deputy Fire Chief, Operations	63	2
2117	----	1	E	Deputy Fire Chief, Support Services	63	2
4332	----	1	E	Director of Electric Services	96	3
0314	----	1	E	Director of Finance	65	3
0174	----	1	E	Director of Fleet Services	65	3
0514	----	1	E	Director of Human Resources	65	3
3215	----	1	E	Director of Parks and Recreation	65	3
1232	----	1	E	Director of Planning and Housing	65	3
6232	----	1	E	Director of Public Works	65	3
1315	----	1	E	Director of Transit	65	3

5312	----	1	E	Director of Water and WPC	65	3
4310	----	5	NE	Electric GIS Specialist	59	2
4221	618	7	NE	Electric Line Foreman	Union-H	9
4215	614	7	NE	Electric Lineworker	Union-H	9
4231	620	7	NE	Electric Meter Repair Worker	Union-H	9
4232	----	3	E	Electric Meter Supervisor	90	2
4213	612	7	NE	Electric Service Worker	Union-H	9
4130	----	2	E	Electric Services Maintenance Supt	90	2
4129	----	2	E	Electric Services Operations Supt	90	2
4318	----	2	E	Electrical Engineer	90	2
4224	----	1	E	Electric Distribution Manager	91	2
4322	----	2	E	Electrical Engineering Manager	92	2
4311	622	5	NE	Electrical Engineering Assistant	Union-H	9
4312	624	3	NE	Electrical Engineering Technician	Union-H	9
1223	312	1	NE	Electrical Inspector	Union-E	4
6123	720	7	NE	Electrician	Union-I	11
2200	----	6	E	Emergency Communications Supervisor	60	2
4315	----	3	E	Energy Procurement Coordinator	60	2
4316	----	2	E	Energy Services Coordinator	60	2
1110	304	5	NE	Engineering Technician I	Union-E	4
1111	306	3	NE	Engineering Technician II	Union-E	4
5305	----	2	E	Environmental Engineer I	60	2
5306	----	2	E	Environmental Engineer II	61	2
4117	709	3	NE	Environmental Instrument & Control Tech	Union-I	10
5309	----	2	E	Environmental Specialist	60	2
2116	----	1	E	Fire Chief	65	3
2114	508	1	NE	Fire Inspector	Union-G	8
2112	506	2	NE	Fire Lieutenant	Union-G	8
2111	504	4	NE	Firefighter	Union-G	8
6140	----	1	E	Fleet Support Manager	61	2
1326	370	7	NE	Fleet Technician	Union-E	5
1125	----	2	E	GIS Coordinator	61	2
1115	----	3	NE	GIS Specialist	59	2
6221	----	7	NE	Grounds Foreman	58	2
6222	----	3	E	Grounds Supervisor	60	2
4211	608	8	NE	Groundswoker	Union-H	9
0509	----	2	E	Health Promotion Coordinator	60	2
6153	356	7	NE	Heavy Equipment Operator	Union-E	4
0212	----	6	NE	Help Desk Specialist	56	2
1216	----	2	E	Housing Coordinator	61	2
1225	314	1	NE	Housing Inspector	Union-E	4
0513	----	2	E	Human Resources Officer	61	2
0511	----	5	E	Human Resources Analyst	59	2
3121	----	2	E	Information Services Librarian	58	2
0222	----	1	E	Information Technology Manager	62	2
4118	709	3	NE	Instrument and Control Technician	Union-I	10
0312	----	2	E	Investment Officer	60	2
0213	----	5	NE	IT Operations Technician	57	2
0225	----	3	NE	IT Specialist - Public Safety	58	2
6111	362	8	NE	Laborer	Union-E	5
1318	320	8	NE	Laneworker	Union-E	4
4110	700	8	NE	Lead Coal Handler	Union-I	10
1328	371	7	NE	Lead Fleet Technician	Union-E	4
1307	321	8	NE	Lead Lane Worker	Union-E	4
1324	327	7	NE	Lead Mechanic (CyRide)	Union-E	4
2207	403	6	NE	Lead Police Records Clerk	Union-F	7

2229	----	6	NE	Lead Property-Evidence Technician	57	2
0118	----	6	NE	Legal Secretary	57	2
0120	----	5	E	Legal Services Administrative Assistant	59	2
0119	----	6	NE	Legal Technician	57	2
3117	----	5	NE	Library Administrative Assistant	58	2
3113	----	5	NE	Library Assistant	57	2
3110	----	8	NE	Library Building Maintenance Supervisor	57	2
3109	----	5	NE	Library Circulation Clerk	53	2
3129	----	2	E	Library Circulation Supervisor	59	2
3105	----	2	E	Library Collections Coordinator	61	2
3132	----	5	E	Library Collections - Acquisitions Tech	56	2
3114	----	2	E	Library Community Relations Specialist	58	2
3123	----	1	E	Library Director	65	3
3108	----	1	E	Library Info Svs Coordinator	61	2
3120	----	2	E	Library IT Systems Administrator	60	2
3131	----	2	E	Library Outreach Supervisor	59	2
3111	----	6	NE	Library Processing Clerk	53	2
3126	----	2	E	Library Reference Specialist	59	2
3130	----	2	E	Library Volunteer Coordinator	59	2
3128	----	2	E	Library Youth Services Specialist	59	2
0166	----	6	NE	Mail Clerk	55	2
6112	344	8	NE	Maintenance Worker	Union-E	6
0614	----	2	NE	Management Analyst	58	2
1323	325	7	NE	Mechanic (CyRide)	Union-E	4
1322	322	8	NE	Mechanic Assistant	Union-E	4
1322	323	8	NE	Mechanic Assistant (CyRide)	Union-E	4
0141	300	6	NE	Meter Reader	Union-E	4
1122	----	1	E	Municipal Engineer	63	2
0216	----	3	NE	Network Technician	57	2
9405	999	6	NE	Office Worker	Temporary	1
0131	402	6	NE	Parking Meter Attendant	Union-F	7
6114	348	8	NE	Parks Maintenance Specialist	Union-E	4
3213	----	1	E	Parks and Facilities Superintendent	62	2
3210	----	5	E	Parks and Facilities Supervisor	59	2
0134	----	6	NE	Payroll Clerk	57	2
1212	----	2	E	Planner	60	2
1230	----	5	E	Plans Examiner	60	2
5411	342	7	NE	Plant Maintenance Operator	Union-E	4
5111	329	7	NE	Plant Maintenance Specialist	Union-E	4
1222	310	1	NE	Plumbing Inspector	Union-E	4
2224	----	1	E	Police Commander	63	2
2222	----	2	E	Police Lieutenant	62	2
2212	408	4	NE	Police Officer	Union-F	7
2208	404	6	NE	Police Records Clerk	Union-F	7
2205	----	6	E	Police Records Supervisor	59	2
2221	----	3	E	Police Sergeant	61	2
2225	----	2	E	Police Support Services Manager	63	2
4112	704	7	NE	Power Plant Auxiliary Operator	Union-I	10
4323	----	2	E	Power Plant Engineer	90	2
4113	706	7	NE	Power Plant Fireworker	Union-I	10
4122	714	7	NE	Power Plant Maintenance Foreman	Union-I	11
4125	718	7	NE	Power Plant Maintenance Mechanic	Union-I	11
4124	716	8	NE	Power Plant Maintenance Worker	Union-I	11
4132	----	1	E	Power Plant Manager	92	2
4114	708	7	NE	Power Plant Operator	Union-I	10
0113	----	6	NE	Principal Clerk	56	2

0163	----	7	NE	Printing Services Technician	56	2
5412	343	8	NE	Process Maintenance Worker	Union-E	6
0175	----	5	NE	Procurement Specialist I	57	2
0172	----	5	NE	Procurement Specialist II	59	2
2228	----	6	NE	Property/Evidence Technician	56	2
0713	----	2	E	Public Relations Officer	61	2
2204	----	6	NE	Public Safety Dispatcher	Temporary	1
2202	406	6	NE	Public Safety Dispatcher	Union-F	7
2201	416	6	NE	Public Safety Lead Dispatcher	Union-F	7
0712	----	5	E	Public Works Administrative Assistant	60	2
6230	----	1	E	Public Works Operations Manager	62	2
6231	----	3	E	Public Works Operations Supervisor	61	2
0169	----	6	NE	Purchasing Clerk	56	2
0173	----	2	E	Purchasing Manager	62	2
0711	602	6	NE	Records and Materials Specialist	Union-H	9
9500	----	6	E	Records Manager/City Clerk	61	2
3201	----	5	E	Recreation Coordinator	57	2
3202	----	5	E	Recreation Coord - Aquatics & Activities	57	2
3214	----	1	E	Recreation Superintendent	62	2
5222	----	2	E	Resource Recovery Asst. Superintendent	61	2
6154	372	7	NE	Resource Recovery Equipment Operator	Union-E	4
5220	339	7	NE	Resource Recovery Lead Operator	Union-E	4
5221	340	7	NE	Resource Recovery Maint. Operator	Union-E	4
6119	724	8	NE	Resource Recovery Maint. Tech. I	Union-E	6
6120	726	8	NE	Resource Recovery Maint. Tech. II	Union-E	6
5223	----	1	E	Resource Recovery Superintendent	62	2
0610	----	1	E	Risk Manager	61	2
3200	----	8	NE	Seasonal Parks and Recreation	Temporary	
0121	----	6	NE	Secretary I	57	2
0122	----	6	NE	Secretary II	58	2
0112	----	6	NE	Senior Clerk	55	2
1112	----	3	NE	Senior Engineering Technician	59	2
6152	354	7	NE	Senior Heavy Equipment Operator	Union-E	4
6113	346	8	NE	Senior Maintenance Worker	Union-E	4
0142	302	6	NE	Senior Meter Reader	Union-E	4
1319	364	8	NE	Service Worker	Union-E	5
2113	----	2	E	Shift Commander	62*	2
0171	600	6	NE	Storekeeper	Union-H	9
1123	----	2	E	Stormwater Specialist	59	2
6211	----	7	NE	Streets Maintenance Foreman	59	2
6213	----	3	E	Streets Operations Supervisor	61	2
4218	616	7	NE	Substation Electrician	Union-H	9
4209	604	8	NE	Substation Electrician Assistant	Union-H	9
6126	626	7	NE	Substation Foreman	Union-H	9
0221	----	2	E	Systems Analyst	60	2
9407	----	3	NE	Technical Assistant	Temporary	1
3116	----	6	NE	Technical Services Assistant	56	2
0224	----	2	E	Telecommunications/Network Specialist	60	2
9450	----	1	E	Temporary Manager	Temporary	1
1133	----	2	E	Traffic Engineer I	61	2
1136	----	2	E	Traffic Engineer II	62	2
1131	308	3	NE	Traffic Signal Technician	Union-E	5
1134	309	3	NE	Traffic Signal Tech Lead Worker	Union-E	5
1132	----	3	E	Traffic Supervisor	60	2
1137	----	7	NE	Traffic Technician	Union-E	5
1316	----	5	E	Transit Coordinator	60	2

1311	----	8	NE	Transit Driver (< 20 hrs/week)	Temporary	1
1311	316	8	NE	Transit Driver	Union-E	4
1310	----	5	E	Transit Maintenance Coordinator	60	2
1313	----	6	NE	Transit Operations Assistant	57	2
1312	----	2	E	Transit Operations Supervisor	61	2
1305	----	2	E	Transit Planner/EEO Officer	60	2
1320	----	5	E	Transit Trainer	59	2
1129	----	2	E	Transportation Planner	60	2
6151	352	8	NE	Truck Driver	Union-E	4
4212	610	8	NE	Truck Driver/Groundswoker	Union-H	9
9403	999	8	NE	Unclassified Labor	Temporary	1
9404	999	8	NE	Unclassified Skilled Laborer	Temporary	1
4210	606	7	NE	Underground Electric Serviceworker	Union-H	9
0310	----	2	E	Utility Accounts Supervisor	61	2
0135	----	6	NE	Utility Accounts Technician	57	2
0136	----	6	NE	Utility Customer Services Clerk	56	2
4320	----	2	E	Utility Engineer	90	2
5121	----	7	NE	Utility Maintenance Foreman	59	2
5131	332	8	NE	Water Meter Technician	Union-E	4
5132	----	3	E	Water Meter Supervisor	60	2
5115	337	7	NE	Water Plant Assistant Operator	Union-E	5
5114	----	2	E	Water Plant Maintenance Supervisor	60	2
5112	328	7	NE	Water Plant Operator	Union-E	4
5113	----	1	E	Water Plant Superintendent	62	2
5130	330	8	NE	Water Utility Locator	Union-E	4
5141	336	3	NE	Water & PC Laboratory Analyst	Union-E	4
5143	----	1	E	Water & PC Laboratory Supervisor	60	2
5140	334	3	NE	Water& PC Laboratory Technician	Union-E	4
6117	359	8	NE	Water & PC Maintenance Technician I	Union-E	6
6118	360	8	NE	Water & PC Maintenance Technician II	Union-E	6
3208	----	5	E	Wellness Program Manager	59	2
5215	----	2	E	WPC Plant Maintenance Supervisor	60	2
5212	337	7	NE	WPC Plant Assistant Operator	Union-E	5
5213	338	7	NE	WPC Plant Operator	Union-E	4
5214	----	1	E	WPC Plant Superintendent	62	2
3125	----	2	E	Youth Librarian	58	2

COUNCIL ACTION FORM

SUBJECT: EXECUTIVE EXPRESS LEASE AT INTERMODAL FACILITY

BACKGROUND:

Under the approved Intermodal Facility operating agreement between the City of Ames and Iowa State University, CyRide staff is charged with negotiating leases for the terminal area of the building. Last year, staff prepared a one-year agreement for Executive Express that expires June 30, 2013. Their service began operating from the Intermodal Facility on July 1, 2012. Over the last six months, staff has worked with the carrier to negotiate a second year lease agreement that will provide office/waiting room space for Executive Express.

In negotiating a new lease agreement, the following sections of the existing lease agreement were modified.

- Contract term – changed to one-year agreement with no extensions.
- Utility costs were added at a per month cost - \$300 per month.
- Parking spaces for employee vehicles within the facility – added a third reserved parking space paid for by Executive Express.
- Insurance and indemnity clauses were modified to make clear coverage to both parties.
- New section on termination for convenience was added with a minimum 90 days notices to be provided.

The agreement has been reviewed and approved by the City's Legal Counsel and Risk Manager and by ISU's Project Manager for the Intermodal Facility, as well as its legal and risk management personnel.

The 2013-2014 lease rate will remain unchanged at \$1,000 per month based on a review of the Producer's Price Index (PPI) as of January 2013, which is unchanged from the 2012 PPI rate.

The Transit Board of Trustees approved the Executive Express one-year lease at their June 12, 2013 meeting. Recommended revisions to the agreement discussed by the Transit Board at that meeting have been incorporated into the agreement.

ALTERNATIVE:

1. Approve the Ames Intermodal Facility Commercial Tenant Lease with Executive Express for FY 2013-2014.

2. Direct staff to renegotiate a lease with Executive Express, with City Council direction on items to be renegotiated.
3. Do not approve a lease with Executive Express for space within the Ames Intermodal Facility.

MANAGER'S RECOMMENDED ACTION:

One of the two main purposes of the Ames Intermodal Facility is to coordinate transportation services within a single location. This agreement allows for this coordination to continue based on a negotiated lease rate. With Executive Express, Jefferson Lines and Burlington Trailways all housed at this facility, Ames residents and visitors can easily access transportation to locations outside of the community.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby entering into a one-year agreement with Executive Express for space within the Ames Intermodal Facility beginning July 1, 2013.

COUNCIL ACTION FORM

SUBJECT: PUBLIC UTILITY EASEMENT VACATION – 2825 EAST 13TH STREET

BACKGROUND:

In May 2013, staff was contacted by the property owner at 2825 East 13th Street regarding redevelopment of the property. The property currently has a 16.5 foot public utility easement running from southwest to northeast that would interfere with the construction of a new building on the western half of the lot. The property owner requested that the easement be vacated to accommodate the construction. The existing 5-foot easements on the west and north sides of the lot will remain in place.

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 that **there are no current utilities in the easement area and no future plans to utilize the easement area.** The attached map provides more information on the affected area.

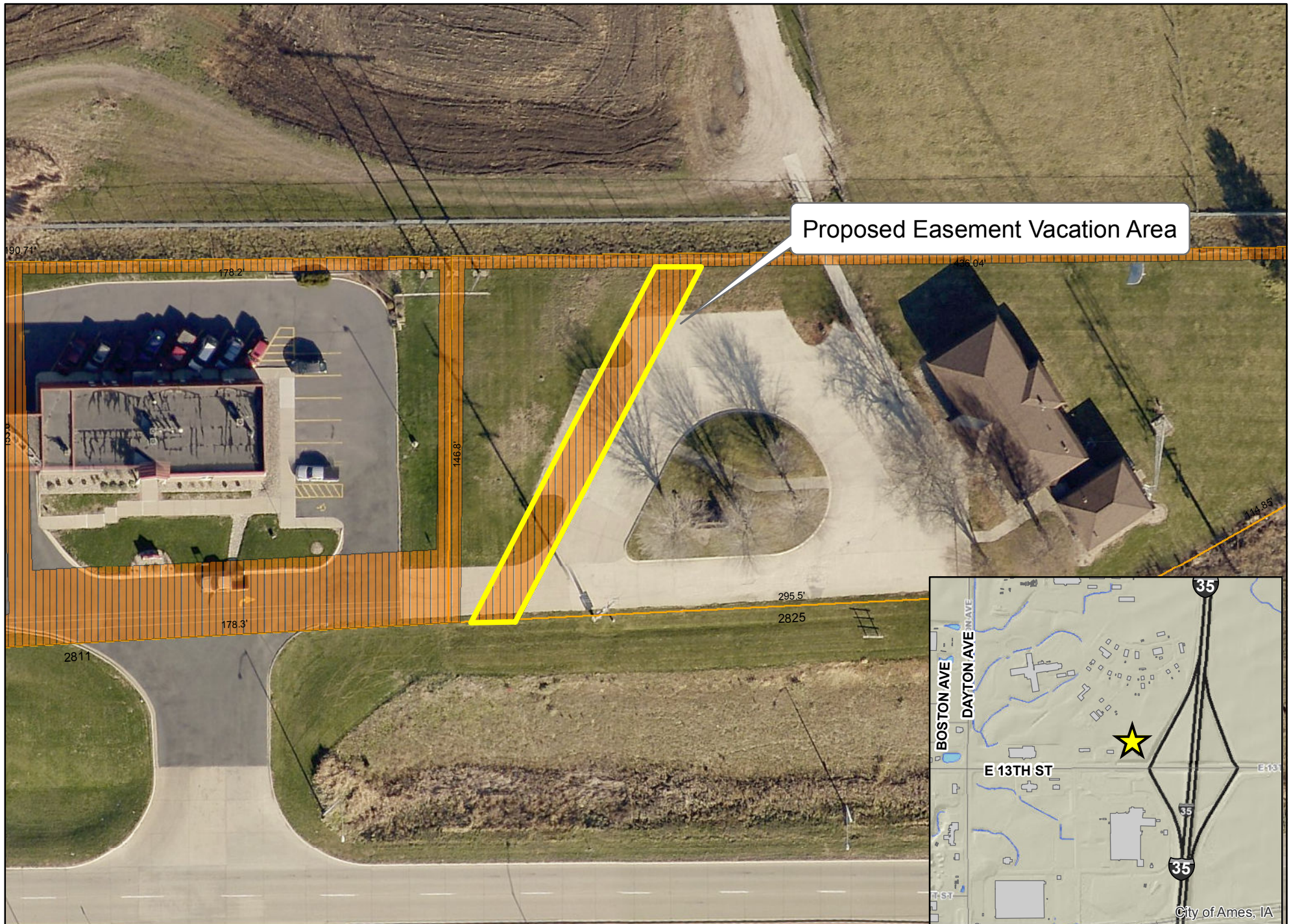
ALTERNATIVES:

1. Approve the proposal to vacate the 16.5 foot wide easement across Lot 1, the centerline being described as follows: Beginning 19.0 feet Easterly of the Southwest corner of said Lot 1; thence North 27° 11' 30", 164.15 fee to the north line of said Lot 1, except the north 5 feet of the existing easement at 2825 East 13th Street, and set the date of public hearing for July 9, 2013.
2. Direct staff or the property owner to pursue other options.

MANAGER'S RECOMMENDED ACTION:

By approving vacation of the easement, the property owner will be able to improve the property and maintaining the construction schedule and have the property open for business in 2013.

Since there are no current utilities in the easement area and no future plans to utilize the easement area, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1. This alternative will **approve the vacation** of the north five feet of the 16.5 foot wide easement across Lot 1, the centerline being described as follows: Beginning 19.0 feet Easterly of the Southwest corner of said Lot 1; thence North 27° 11' 30", 164.15 fee to the north line of said Lot 1, except the north 5 feet of the existing easement at 2825 East 13th Street, **and set the date of public hearing** for July 9, 2013.



2825 East 13th Street
Proposed Easement Vacation Area



1 inch = 50 feet
Date: 6/19/2013

COUNCIL ACTION FORM

**SUBJECT: ENGINEERING SERVICES FOR THE CONSTRUCTION OF THE
WATER POLLUTION CONTROL FACILITY BIOSOLIDS STORAGE
TANK**

BACKGROUND:

In April 2010, Howard R. Green Company completed a Biosolids Storage, Handling and Disposal Study for the Ames Water Pollution Control Facility (WPCF). The study included the evaluation of the current and future biosolids storage needs. The study concluded that additional biosolids storage capacity is currently needed to provide 365 days of biosolids storage and greater flexibility for land application of biosolids during years where weather conditions limit application periods. The study concluded that an additional 1.6 million gallons of biosolids storage capacity is needed at the facility to accommodate current storage needs and to better position the facility to handle biosolids quantities resulting from future nutrient removal requirements.

On March 8, 2013, a request for proposals (RFP) for engineering services was issued for the design of a new 1.6-million-gallon biosolids storage tank. On April 12, 2013, the city received four proposals in response to the RFP. Firms were asked to submit their fee proposals in separate sealed envelopes from their qualifications-based proposals to allow staff to make a selection based strictly on the firms' qualifications for the project.

After a thorough review of each firm's proposal, staff decided Veenstra & Kimm, Inc. was the most qualified firm for the project. Following selection of Veenstra & Kimm, fee proposals were opened. Fee proposals for each of the firms submitting proposals for this project are listed below.

Firm	Fee Proposal
HDR	\$228,700
H.R. Green	\$151,200
S.E.H.	\$371,900
Veenstra & Kimm	\$124,400

After finalizing the scope of services with Veenstra & Kimm, their final proposed fee for completing the design, bid, and construction phase engineering services is \$144,400. The increase in the proposed fee includes the addition of necessary geotechnical work and special inspections required by the International Building Code. The current project budget includes \$228,000 for design, bid and, construction phase engineering services.

ALTERNATIVES:

1. Award a contract for engineering services to Veenstra & Kimm, Inc. of West Des Moines, Iowa for design, bid and, construction phase engineering services for the construction of the WPCF Biosolids Storage Tank in the amount not to exceed \$144,400.
2. Award the contract for engineering services to one of the other three companies.
3. Do not award a contract to Veenstra & Kimm, Inc. and do not construct the biosolids storage tank at this time.

MANAGER'S RECOMMENDED ACTION:

Adequate biosolids storage capacity is necessary to allow the Water Pollution Control Facility to maintain uninterrupted operation. Since biosolids are reused as a soil fertilizer on surrounding city-owned farm ground, additional biosolids storage is currently needed to allow more flexibility when weather conditions restrict land applications periods. Furthermore, additional biosolids storage will be needed when future nutrient removal requirements are implemented at the facility.

Therefore it is the recommendation of the City Manager to adopt Alternative No. 1, thereby awarding a contract to Veenstra & Kimm, Inc. of West Des Moines, Iowa in an amount not to exceed of \$144,400.

COUNCIL ACTION FORM

SUBJECT: 2013 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT

BACKGROUND:

The Ames Police Department has received notice that it is eligible for grant funds through the 2013 Department of Justice, Office of Justice Programs, Bureau of Justice Assistance Edward Byrne Memorial Justice Assistance Grant (JAG) Program. Applications are due July 9, 2013.

Grant funds can be used for state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, and information systems for criminal justice, as well as research and evaluation activities that will improve or enhance law enforcement programs related to criminal justice.

Because the Story County Sheriff provides jail services for the county, the grant conditions require that the Sheriff participate in the grant application for funding under this JAG program. The Police Department proposes that the City enter into a Memorandum of Understanding with the Story County for acquisition and use of the funds.

Total funding potentially available to the Ames Police Department through this grant offering is \$23,686 and the Police Department proposes to use the funds for specialized training and equipment purchases to support crisis prevention and resolution programs.

The recently created mental health advocate program would receive a laptop computer to support the data and communications management functions that have become integral to that project. Equipment to support weapons storage and active shooter training would be funded and an additional taser would be purchased. In addition, the grant would fund the purchase of a device that facilitates the forensic examination of electronic devices. Finally, the grant would support sending one person to the 2013 Crisis Intervention Team Conference, a national known resource and training conference. There is no match requirement with this grant.

ALTERNATIVES:

1. Approve an agreement with Story County to develop and apply for grant funding under the 2013 Department of Justice, Office of Justice Programs, Bureau of Justice Assistance Edward Byrne Memorial Justice Assistance Grant (JAG) Program, and authorize application for that grant.

2. Do not approve the agreement with the Story County or the Edward Byrne Memorial Justice Assistance Grant (JAG) Program grant application.

MANAGER'S RECOMMENDED ACTION:

JAG funds have been used productively during the past few years to purchase equipment and provide training. The program has proven to be a valuable source of funds for special purchases and programs.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving an agreement with Story County to develop and apply for a grant funding under the 2013 Edward Byrne Memorial Justice Assistance Grant (JAG) Program, and authorizing application for that grant.

ITEM # 38a&b
DATE 06-11-13

COUNCIL ACTION FORM

SUBJECT: REQUEST FROM MCFARLAND CLINIC FOR 12TH STREET AND DUFF AVENUE PEDESTRIAN CROSSING ENHANCEMENTS

BACKGROUND:

Since the opening of a new office-medical building located on the northwest corner of 12th Street and Carroll Avenue, McFarland Clinic, Mary Greeley Medical Center, and staff within the Public Works Department have been working to improve the safety of the east-west pedestrian crossing on the north side of the intersection at Duff Avenue and 12th Street. The concern is due to the high number of McFarland and MGMC staff who walk back and forth to the main clinic building during the day, versus the high number of vehicles seen along Duff Avenue; approximately 12,000 vehicles per day.

There has been a progression of treatments applied to the crossing. The first treatment was the placement of in-street "State Law - Yield to Pedestrian within Crosswalk" signs that were mounted on heavy rubber bases and placed in the crossing at the lane-lines between the north and south bound through lanes. Initially this treatment yielded great results. However, it also quickly became a significant maintenance problem due to the high volume of traffic in the area, in which the signs were often hit by passing vehicles and have been replaced a number of times since their installation. The signs have since been moved to the center of the roadway to avoid being hit as often. However, this has also greatly reduced their effectiveness in slowing traffic and increasing drivers' awareness of pedestrians within the crosswalks.

The second treatment planned was to add high visibility crosswalk markings ("International Style") and advance warning signs. This application is new and is still under observation and evaluation by staff. The concern is that this treatment is still a "static" application and may not get the attention of distracted drivers.

McFarland Clinic leadership, working with the City's Traffic Engineer, has looked into the possibility of adding push-button activated warning lights to the existing crossing. These lights would be a new style of warning light called Rectangular Rapid Flash Beacon (RRFB) which has been given interim approval by the Federal Highway Administration (FHWA). Their studies have shown an increase in yielding to pedestrians from 18% to 81% percent as compared to crossings without flashers.

Therefore, **McFarland Clinic sent a request to City staff proposing that the Clinic pay to install a crossing treatment meeting all the current standards required for a RRFB installation.** At that point, staff reviewed their proposal for liability issues and found that if McFarland Clinic were to pay for and install the RRFB crossing they would need to 1) secure professional engineering services, 2) submit the plans and

specifications, and 3) have the crossing inspected prior to the City being able to accept the crossing. This in essence would be treating the crossing installation like a public improvement project, which is due to the fact that McFarland Clinic does not have staff with the correct professional engineering credentials and expertise, like those engineers within the City's Public Works Department.

Staff recognizes the impacts of having McFarland Clinic go to the extent of paying for professional design and construction services for an improvement that is estimated to cost approximately \$9,000. An alternate approach would be for City Council to direct staff to design and install the RRFB crossing treatment, similar to other installations that staff has conducted in the past. This would leverage existing City staff resources and result in a significant cost savings to the overall project. It is estimated that this design would involve 10 hours of Traffic Engineering staff time.

Either approach will require that the City Attorney draft a Memorandum of Understanding (MOU) to be signed by McFarland Clinic, thereby agreeing 1) to an amount to be paid to reimburse the City for the costs associated with the improvement, 2) that the City reserves the right to modify or remove the equipment after it is activated if it is found for some reason to have a negative impact on safety or maintenance, and 3) that upon failure of the equipment, the replacement will be at the City's discretion.

ALTERNATIVES:

1. a) Direct the City Attorney to draft a Memorandum of Understanding stating that McFarland Clinic agrees 1) to an amount to be paid to reimburse the City for the costs associated with the improvement (excluding engineering), 2) that the City reserves the right to modify or remove the equipment after it is activated if it is found for some reason to have a negative impact on safety or maintenance, and 3) that upon failure of the equipment, the replacement will be at the City's discretion.

b) Approve the installation of the Rectangular Rapid Flash Beacon treatment, thereby directing City staff to design and install push-button activated RRFB at the north side east-west pedestrian crossing of Duff Avenue and 12th Street.
2. a) Approve the installation of the Rectangular Rapid Flash Beacon treatment, whereby McFarland Clinic will design and install a push-button activated RRFB at the north side east-west pedestrian crossing of Duff Avenue at 12th Street; with City approval of plans and specification, and inspection of the installation.

b) Direct the City Attorney to draft a Memorandum of Understanding as outlined under Alternative 1(b).
3. Reject the proposed installation of a Rectangular Rapid Flash Beacon treatment at the north side east-west pedestrian crossing of Duff Avenue at 12th Street and continue with the traffic advisory treatments currently in place.

MANAGER'S RECOMMENDED ACTION:

The section of Duff Avenue from 13th Street south to the southern extent of the Hospital-Medical district presents unique challenges for pedestrian safety. The very nature of a Hospital-Medical district attaches a high number of trips and, therefore, needs to be positioned along an Arterial Street to handle these traffic volumes. At the same time, the streets need to facilitate the movement of McFarland Clinic and Mary Greeley Medical Center staff and patients throughout the district. Crossing treatments like the RRFB have been designed as a low-cost alternative to signalized crossings along higher volume roads.

Given the less than satisfactory nature of our experience with previous crossing enhancements, the installation of this Rectangular Rapid Flash Beacon is a next logical step for this area. Since the RRFB will largely serve McFarland Clinic and Hospital staff, it is appropriate for the Clinic to finance this improvement. However, it appears to be a good partnership to utilize City staff expertise to provide the design.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, directing the City Attorney to draft a Memorandum of Understanding stating that McFarland Clinic agrees 1) to an amount to be paid to reimburse the City for the costs associated with the improvement (excluding engineering), 2) that the City reserves the right to modify or remove the equipment after it is activated if it is found for some reason to have a negative impact on safety or maintenance, and, 3) that upon failure of the equipment, the replacement will be at the City's discretion, thereby approving the installation of the Rectangular Rapid Flash Beacon treatment, directing City staff to design and install push-button activated RRFB at the north side east-west pedestrian crossing of Duff Avenue at 12th Street.

MEMORANDUM OF UNDERSTANDING

Between City of Ames

and

McFarland Clinic, P.C.

THIS MEMORANDUM OF UNDERSTANDING between City of Ames and McFarland Clinic, P.C., is agreed to by both parties upon signature by both.

WHEREAS, McFarland Clinic has brought to the City's attention issues regarding pedestrian safety at the north-side, east-west intersection of E. 12th Street and Duff Avenue, and has offered a proposed solution and has offered to assist the City financially in that solution,

THEREFORE, the parties agree to the following:

1. City of Ames will purchase and install flashing pedestrian crosswalk markings known as Rectangular Rapid Flash Beam (RRFB) signs, on the north side, east-west intersection of E. 12th Street and Duff Avenue.
2. The City will bill McFarland Clinic for the actual cost of the equipment (signs and poles) to be installed, but not for any engineering costs incurred by the City in the installation of the signs and poles. McFarland will reimburse the City for the actual costs of the RRFB signs and poles.
3. The City reserves the right to modify or remove the equipment after it is installed and activated if it is found for some reason to have a negative impact on safety or maintenance.
4. Upon the failure of the equipment, replacement shall be at the City's discretion.

Agreed to by the parties, per the signatures below:

CITY OF AMES

McFARLAND CLINIC, P.C.

Ann H. Campbell
Mayor

Roger Kluesner
Chief Operating Officer

DATE: _____

DATE: _____

ITEM # 35
DATE 06-11-13

COUNCIL ACTION FORM

SUBJECT: **PROPOSED REVISIONS TO THE MUNICIPAL AIRPORT'S
FIXED BASE OPERATOR (FBO) CONTRACT**

BACKGROUND:

On March 27, 2012, City Council approved a one year extension to the Fixed Base Operator (FBO) lease with Hap's Air Service, the current FBO. That lease extension will expire on June 30, 2013. **Typically, the City would proceed to solicit proposals from prospective FBO's to determine the best firm to perform critical services at our airport and to establish a specific expiration date for the contract. However, the first change that is being proposed involves an addendum to the existing contract to extend the current FBO lease until such time that the new Ames Airport Terminal is constructed, which is planned in the 2015/16 year of the Capital Improvement Plan (CIP). In the case of unforeseen circumstances, the addendum will also provide an option for 30 days written notice of contract termination.**

Given the current vision for the future of the Ames Airport as a gateway to the community, it will be in the City's best interest for the creation of a new FBO lease contract to coincide with the construction of those identified airport improvements. Improvements such as a new Terminal Building and Runway Extension will call for additional and enhanced services that will need to be included in the Minimum Operating Standards of a new FBO lease; one that will reflect the new and growing status of the Ames Airport.

Staff has met with Diana Holden, President of Hap's Air Service, to discuss the terms of the proposed extension. She has agreed to the change that modifies the expiration of the lease to be an event (the construction of the new terminal building) rather than a fixed date.

In discussion with Hap's Air Service, they expressed their desire to reinvest in their business in order to stay current with the growing needs of the airport. Part of this discussion focused on the impact that past and current infrastructure projects, including the recent West Apron Rehabilitation project, has had and is having on their revenues - mainly due to lost fuel sales. **Therefore, as part of the lease extension, Hap's Air Service is requesting a second change to the contract for a 50% reduction in their lease payments (excluding fuel flowage fees) for the months of July, August, and September while the West Apron Rehabilitation project is under construction to help mitigate these losses.**

Currently, Hap's Air Service pays \$29,000 per year for the FBO lease and \$12,000 per year to lease the T-hangars, which equates to approximately \$3,416.67 per month. A 50% reduction over the first 3 month of FY 2013/14 will equate to a total impact of \$5,125.

It should be noted that, after the completion of the West Apron Rehabilitation project, there are no planned surface improvements that could potentially affect revenues of the FBO until the extension of Runway 01/19. In addition, it is estimated that, over the next five years of the current CIP, only \$30,000 will be needed from the Airport Construction Fund for the Master Plan update.

Equally significant is the fact that after the construction of the terminal building, which is anticipated to have an attached hangar, there will be several new revenue opportunities associated with the new terminal building that will potentially offset impacts to the FBO from future improvement projects. Therefore, this requested reduction by the FBO is only applicable in the three month period during the West Apron Rehabilitation and should not serve as a precedent for future improvements.

Typically, Airport revenues from leases, farming, flowage fees, and other sources far exceed yearly operational costs. This surplus is saved to be used as matching funds for federally funded grant projects through the Federal Aviation Administration. City Finance staff performed an analysis of the Airport Fund and determined that the year-end balance for FY 2013/14 will be approximately \$168,000. **Given the current airport budget, there should be little impact seen from reducing the FBO contract in the amount of \$5,125.**

ALTERNATIVES:

1. a) Direct the City Attorney to draft an addendum to the FBO lease with Hap's Air Service to extend the contract to such time that the new Ames Terminal Building is constructed or upon 30 days written notice of a newly established termination date.

b) Include a 50% reduction in the FBO lease for the months of July, August, and September 2013 only, totaling \$5,125.
2. Direct the City Attorney to draft a one-year extension to the existing FBO lease agreement with Hap's Air Service, thereby setting a new lease expiration date of June 30, 2014.
3. Reject the proposed extension and direct staff to proceed to solicit FBO proposals.

MANAGER'S RECOMMENDED ACTION:

With the creation of the new Ames Terminal Building, there will be a significant change in the way the Ames Airport is seen and used compared to current conditions. Along with this improvement will come the need to change the way the airport is operated. Therefore, the best course of action at this time is to extend the existing FBO contract until the new Terminal is under construction. A new FBO contract would then be solicited and negotiated in advance of the opening of the Terminal Building.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby directing the City Attorney to draft an addendum to the FBO lease with Hap's Air Service to extend the contract to such time that the new Ames Terminal Building is constructed or upon 30 days written notice of a newly established termination date, and include a 50% reduction in the FBO lease for the months of July, August, and September 2013 only, totaling \$5,125.

ADDENDUM TO THE AMES AIRPORT FIXED BASE OPERATOR'S LEASE AGREEMENT

THIS AGREEMENT is entered into the _____ day of _____, 2013, effective the 1st day of July 2013, between the **City of Ames, Iowa**, hereinafter referred to as the "Lessor", and **Hap's Air Service, Inc.**, hereinafter referred to as the "Lessee".

WITNESSETH:

WHEREAS, on or about March 27, 2007, the Lessor and the Lessee entered into a Fixed Base Operator's Lease effective July 1, 2007, for a term of five years ending on June 30, 2012; and

WHEREAS, on or about March 27, 2012, the parties agreed to an additional one year term of the original five year lease; and

WHEREAS, the Lessor is now contemplating substantial improvements to the airport infrastructure and facilities and wishes to assure the reliable continuation of the critical services the Lessee provides until such time as the airport improvements are completed; and

WHEREAS, the Lessor and Lessee now desire to extend the term of said Lease for such additional time period ending as will coincide with the construction and completion of the new Terminal building; and

WHEREAS said Lessor and Lessee intend, understand, and agree that all terms and conditions of said original Lease, including all permitted and mandatory activities of the Lessee, shall remain in effect for the additional duration of the lease, except as hereinafter expressly provided;

NOW, THEREFORE, in consideration of the rents, covenants and agreements as contained in the Fixed Base Operator's Lease, the Lessor and Lessee do extend the term of the Lease from June 30, 2013, until the construction and completion of the new Terminal Building, with lease rates to remain the same during that period as they are for the current year July 1, 2012, to June 30, 2013. except as follows:

- (1) The Parties agree that Lessee shall receive a 50% reduction in their lease payments (excluding fuel flowage) for the months of July, August, and September of 2013.
- (2) The Parties further agree that the Lessor has the right to terminate this contract upon thirty (30) days written notice to the Lessee, notwithstanding

any other provisions in the original contract that are inconsistent with or to the contrary.

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

CITY OF AMES, IOWA, Lessor

HAP'S AIR SERVICE, INC., Lessee

By: Ann Campbell, Mayor

By: Diana Holden, President

Attest:

Approved to form:

By: Diane Voss, City Clerk

By: Judy Parks, City Attorney

COUNCIL ACTION FORM

SUBJECT: ELECTRIC SERVICES INVENTORY PADMOUNTED SWITCHGEAR PURCHASE

BACKGROUND:

This bid is for the purchase of 12 padmounted switchgear to meet the annual construction and maintenance needs of the Electric Services Department.

These switchgear are standard Electric Services Department inventory items. As these are an inventory item, there is no budget for this equipment. Inventory items are purchased from an Electric Department inventory asset account and charged to the appropriate operations expense/project accounts as the materials are taken out of inventory and put into the various work orders.

Four bids for these materials were received on June 4, 2013, as shown on the attached report. The Electric Engineering Manager has reviewed the bids and determined that the low bid from Stuart C. Irby Company, Fort Dodge, Iowa, meets the needs of the Electrical Services Department for the padmounted switchgear.

ALTERNATIVES:

1. Award a contract for the purchase of 12 padmounted switchgear to the low bidder, Stuart C. Irby Company, Fort Dodge, Iowa, at a total cost of \$160,000 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 and maintenance needs of the Electric Services Department for padmounted switchgear.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the award of contract to Stuart C. Irby Company, Fort Dodge, Iowa, at a total cost of \$160,000 plus applicable sales taxes.

INVITATION TO BID 2013-232

BIDDERS	PME-9 switchgear - Quantity 5 Unit Cost	PME-10 switchgear - Quantity 1 Unit Cost	PME-11 switchgear - Quantity 6 Unit Cost	MFG	Delivery	TOTAL
Stuart Irby	\$ 67,875.00	\$ 12,445.00	\$ 79,680.00	S & C	6 ship on 7/19/13 6 ship on 9/6/13	\$160,000.00
Wesco	\$ 73,550.00	\$ 12,365.00	\$ 82,800.00	Federal Pacific	7-9 wks	\$168,715.00
Resco	\$ 75,626.60	\$ 11,771.87	\$ 85,135.56	Federal Pacific	6-8 weeks	\$172,534.03
Graybar	\$ 77,005.00	\$ 11,986.00	\$ 86,682.00	Federal Pacific	6-8 weeks	\$175,673.00

COUNCIL ACTION FORM

SUBJECT: AWARD CONTRACT FOR 800 MHZ TRUNKED RADIO EQUIPMENT, PAGERS, AND RELATED EQUIPMENT AND SERVICES

BACKGROUND:

The 800 MHz trunked radio system provides for interactive communication between City work groups and departments as well as the Story County Sheriff's Office, Iowa State University, Mary Greeley Medical Center, and all Story County emergency responders. On June 8, 2010, City Council awarded a contract to Electronic Engineering Co. for 800 MHz trunked radio equipment, pagers, and related equipment and services for City departments. The contract provided for lease of general radio equipment, law enforcement equipment, equipment installation and maintenance, and paging equipment and services through June 30, 2013. The agreement allowed City departments to continue to receive radio services provided locally by Electronic Engineering Co. There has been one change order to the contract adding an additional radio option.

Radio equipment furnished under the contract includes portable and vehicle radios, base station radios, and specialized law enforcement communication equipment. The City currently has approximately 387 radios and 14 pagers leased under this contract. At this time, the Police and Fire Departments are the largest users of the City radio contract and interactive communication with public safety agencies throughout the County occurs on this radio system. **The total annual cost for radio and pager equipment and related services is approximately \$190,000 per year.**

The Story County E-911 board completed a study of the current radio system in the Fall of 2010. The consultant recommended that the County begin planning for a new radio system due to the aging equipment and limitations of the current radio technology. Since that time, the radio consoles have been replaced in each of the Communication Centers. In addition, some of handheld and mobile radios have been updated. These changes allowed the City to extend the life of the current system but, have not eliminated the concern about the reliability of the core system.

In response to this concern, the City of Ames convened a Radio Communications Team to evaluate existing communication systems/providers in the area who might offer a viable alternative to the City's existing system. There are changes in technology and new Federal regulations the City will need to consider. It should be emphasized that it will take some time to develop an alternative plan and the implementation of such a plan will require a significant investment. **Therefore, until a feasible plan can be**

established and implemented, the continuation of the radio contract is in the best interest of the City.

The proposed contract with Electronic Engineering Co. is for two years beginning July 1, 2013, and ending June 30, 2015. Prices under the proposed contract reflect no price increase in the tower fee for FY 2013/2014. The tower fees will increase an additional \$1.55 per radio for the second year. Equipment prices are unchanged from the contract awarded in 2003 with the exception of installation costs. The contract also includes an option for a third year with \$0.50 increase in tower fees.

Unfortunately, the increase in tower fees will have an even greater impact on the City's budget. Historically, the tower fees for the two largest users of the contract, the Police and Fire Departments, were paid for by the Story County E911 Board. The Board currently pays approximately \$21,812 annually for Ames tower fees. Because the revenue streams that support the Board are changing and declining, the Board has announced that the tower fee costs will gradually be shifted back to the cities and towns over the next four years. In fiscal 2013-2014, 25% of the tower fee (estimated at \$5,453) for police and fire will be shifted back to the City's budget. An additional 25% will then be shifted each of the following 3 years.

ALTERNATIVES:

1. Approve the contract with Electronic Engineering Co. to provide 800 MHz trunked radio equipment, pagers, and related equipment and services for City departments from July 1, 2013, through June 30, 2015.
2. Reject the contract with Electronic Engineering Co. and attempt to purchase radio and pager services on an as-needed basis until the County-wide radio system study is completed and the Story County E-911 board acts on resulting recommendations.

MANAGER'S RECOMMENDED ACTION:

The proposed two-year contract for radio and pager equipment and services will insure continuation of critical interactive communication between City work groups and departments as well as the Story County Sheriff's Office, Iowa State University, Mary Greeley Medical Center, and all Story County emergency responders.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the contract with Electronic Engineering Co. to provide 800 MHz trunked radio equipment, pagers, and related equipment and services for City departments from July 1, 2013, through June 30, 2015.

ITEM # 15
DATE: 6-25-13

COUNCIL ACTION FORM

SUBJECT: FLEET REPLACEMENT PROGRAM – SINGLE-AXLE TRUCK CHASSIS

BACKGROUND:

There are seven single-axle dump trucks used for street maintenance and snow plowing operations. There is one smaller truck, a Ford F450 truck with flat bed also used for maintenance and snow removal. This F450 is scheduled to be replaced in FY 2012/13 with a single-axle dump truck, making it the eighth dump truck of this size in the fleet. As approved by Council, Henderson Truck Equipment of Manchester, Iowa will equip a truck chassis with maintenance and snow removal equipment for \$61,218.00

This bid is for the new truck chassis with single rear axle.

Bids were received from the following truck dealers.

<u>Bidder</u>	<u>Make, model and year</u>	<u>Base Bid</u>	<u>Options</u>	<u>Net Cost</u>
O'Halloran International of Altoona	International Workstar 7300 2014	\$77,143	\$1,372	\$ 78,515
Truck Country of Cedar Rapids	Freightliner 108SD 2014	\$77,936	\$1,298	\$79,234
Freightliner of Des Moines	Freightliner 108SD 2014	\$80,016	\$516	\$80,532

Truck Chassis

\$ 78,515.00

Funding Available

Replacement funds available
Public Works Funding Support

\$68,900.00
10,000.00

Funding Total

\$78,900.00

ALTERNATIVES:

1. Approve and award this bid to O'Halloran International, Altoona, Iowa, for one single-axle truck chassis for \$78,515.00
2. Delay award of bid.
3. Reject award of bid.

MANAGER'S RECOMMENDED ACTION:

The Director of Fleet Services and Public Works Staff agree the chassis from O'Halloran International, Altoona, IA., is the chassis which meets the City's needs as specified, at the lowest price. Purchasing this single-axle truck chassis will provide the best and most economical equipment for maintenance and snow removal, for the City of Ames. Payment and delivery of this equipment will occur after July 1, 2013.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No.1, thereby approving to award this bid to O'Halloran International of Altoona, Iowa, for one single-axle truck chassis for \$78,515.00.

COUNCIL ACTION FORM

SUBJECT: CYRIDE-HIRTA CONTRACT RENEWAL FOR DIAL-A-RIDE SERVICE

BACKGROUND:

In May 2012, CyRide and the City of Ames entered into a three-year contract, with annual renewals, for the Heart of Iowa Regional Transit Association (HIRTA) to provide Dial-A-Ride (DAR) service as required by the Americans With Disabilities Act on behalf of CyRide. HIRTA began operation of DAR service on July 2, 2012. The current contract expires on June 30, 2013, unless it is renewed on July 1, 2013.

CyRide staff began discussions with HIRTA regarding renewal of the DAR contract for the 2013-2014 budget year. As a result of these discussions, HIRTA provided a letter mutually agreeing to a second year, with approximately a 4% increase in rates. **The agreement allows for annual increases with notification and agreement by CyRide/City of Ames.** A comparison of current year's rates versus the proposed rates is described in the table below.

HIRTA Contract Rates for DAR Service

Rate Category	2012-2013 Budget Rate	2013-2014 Budget Rate	% Change
Weekday Trips	\$12.06 per trip	\$12.55 per trip	4.0%
Weeknight Trips	\$40.56 per hour	\$42.15 per hour	3.9%
Weekend Trips	\$40.56 per hour	\$42.15 per hour	3.9%

The above increases are within industry standards for transit operating contracts. The cost per hour and trip is lower than CyRide's cost to provide the service. CyRide's cost to provide the same service would be \$50,000 - \$80,000 more to the City of Ames. Thus **HIRTA is a more economical way to provide this service to residents.**

The budget for FY 2012/13 is \$164,000. Through the end of March, 2013, only \$91,496 was drawn down for this service. The expenditures are currently tracking lower than FY 2011/12 when the actual for the year was \$162,556. **The budget for FY 2013/14 assumed a rate increase over FY 2012/13 of around 5%** and was set at \$172,000.

Customer Satisfaction Update

In reviewing customer comments received from DAR passengers, the first six months of service generated a number of customer comments including:

- Difficulty in reaching a dispatcher to schedule/cancel a trip
- Customers being late to appointments
- Dispatcher/Scheduler confusion on DAR service requirements

- Missing customer trips
- Frustration with the customer's driver

CyRide staff has worked with HIRTA staff to address each comment received, and through this discussion, HIRTA has modified their telephone service to improve timeliness of telephone calls, worked with their dispatchers and schedulers to better understand the location of buildings on Iowa State University's campus, provided additional training to dispatchers/schedulers on the difference between DAR service and HIRTA's own programs, and adjusted staffing to address service concerns. Since January 2013, the number of customer complaints has been reduced dramatically from several complaints per week to an average of less than one per month. HIRTA staff has worked very hard to address issues with their operation of DAR service.

As a result, CyRide staff requests consideration of extending the CyRide-HIRTA Dial-A-Ride contract for the 2013-2014 budget year.

The Transit Board of Trustees approved the HIRTA contract extension at their May 9, 2013 meeting.

ALTERNATIVES:

1. Approve a contract extension with Heart of Iowa Regional Transit Association for the 2013-2014 budget year at approximately a 4% increase in rates.
2. Do not enter into a contract extension with HIRTA for Dial-A-Ride service, which will require CyRide to begin directly operating service on July 1, 2013.

MANAGER'S RECOMMENDED ACTION:

While there have been challenges with the DAR service this last year, HIRTA has systematically made improvements to their service to address customer concerns. Additionally, operation of DAR service by **HIRTA provides the most economical delivery of service** within the community by combining DAR and HIRTA program services, as opposed to separate, at times duplicative services.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby entering into a contract extension with HIRTA to provide Dial-A-Ride service beginning July 1, 2013.



MEMO

To: Mayor and Members of the City Council

From: City Clerk's Office

Date: June 21, 2013

Subject: Contract and Bond Approval

There are no Council Action Forms for Item Nos. 17 through 21. Council approval of the contract and bond for these projects are simply fulfilling a *State Code* requirement.

/jr

COUNCIL ACTION FORM

**SUBJECT: MID-AMERICAN ENERGY COMPANY (MEC) INTERCONNECTION
161KV LINE CONSTRUCTION CHANGE ORDER #2**

BACKGROUND:

This project is to construct a 161kV line from Ames' Plant Substation to Mid-American Energy Company's (MEC) 161kV switching station northeast of Ankeny. The work involved in this project is the final phase of a 5 phase project to increase electric delivery into the City and provide reliable electric service to the customers of Ames under many different outage scenarios. This will complete a multi-year project started in FY 2003/04.

On October 23, 2012, City Council awarded a contract to Hooper Corporation of Madison, WI, for the MEC Interconnection 161 kV Line Construction in the amount of \$9,054,395.90. One change order has already been approved for this contract by Donald Kom per the Purchasing Policy. This change order was for unit adjustments resulting from design adjustments made prior to construction and did not result in any additional cost to the contract. **The City Council is now being asked to approve a second change order as the result of 3 issues.**

Issue 1: Additional optical ground wire (OPGW) - \$50,880

There are two OPGW reels that deteriorated beyond recovery after sitting in storage for six years. Of the 12 reels that were previously purchased for this project in 2007, 10 were able to be re-spooled and used, but two reels were deteriorated so badly that the flanges and interior hubs collapsed and were no longer able to support the weight of the wire sufficiently to re-spool it to new reels and must now be replaced. The wire on the two severely deteriorated reels will be sold for scrap.

Issue 2: Provide for additional tree clearing services - \$70,000

While tree clearing was not specifically included in the construction contract, there were sufficient construction-allowance units contained within the contract for the \$155,500 expended through May for tree clearing. Tree clearing and cleanup activities are currently suspended in order to approve this change order. An additional \$70,000 is needed to complete tree clearing and the necessary clean-up of limbs and debris for a total tree clearing cost of \$225,500. Of this additional \$70,000, approximately \$10,000 is required for wood haul-off and cleanup of the Waste Water Treatment plant site. Stump/tree removal and clean-up costs have been higher than expected on this project, but has been necessary to satisfy the various owners along the route.

Issue 3: Tire Disposal - \$2,400

This change order will cover special construction charges not included in the allowance for construction. This portion of the change order is for a special haul-off and disposal charge for tires unearthed while constructing the portion of the line along the south end of the Landfill.

The total cost of these three issues results in Change Order #2 totaling \$123,280 which will bring the total approved contract with Hooper to \$9,177,676.

A summary of project expenses since 2003 for establishment of external electrical interconnections is highlighted below.

SUMMARY OF EXPENSES FOR INTERCONNECTION IMPROVEMENT PROJECT

	Substations and Ames-Boone Jct. 161 kV line	In-town 161kV line	MEC N.E. Ankeny line and easements	Proposed Ames-N.E. Ankeny 161 kV line	TOTAL
FY03-08	\$13,907,987		\$340,617		\$14,248,604.00
FY 08/09		\$2,334,309	\$208,245		\$2,542,554.00
FY 09/10		\$1,732,388	\$479,785		\$2,212,173.00
FY 10/11		\$786	\$60,116	\$127,020	\$187,922.00
FY 11/12			\$63,865	\$379,614	\$443,479.00
FY 12/13				Materials -\$523,270.00 Encumbered - \$261,264 Year to date - \$3,858,831	\$4,643,365
FY 13/14				Remaining \$ - 5,303,070 Change Order #2 - \$123,280	\$5,426,350
TOTAL	\$13,907,987	\$4,067,483	\$1,152,628	\$10,576,349	\$29,704,447

ALTERNATIVES:

- 1a. Approve contract Change Order No. 2 to Hooper Corporation of Madison, WI, in the amount of \$123,280 for MEC Interconnection 161 kV Line Construction.
- 1b. Authorize the redirection of \$123,280 from 2013/2014 CIP for 69 kV Transmission Reconstruction project.
2. Reject contract Change Order No. 2.

MANAGER'S RECOMMENDED ACTION:

Moving ahead with this project does not come without some risk, since the decision by the Iowa Utilities Board was challenged in court by the two current objectors. However, the City Attorney has consulted with our outside legal counsel and the risk appears to be minimal.

It should also be pointed out that there are additional costs associated with the project that remain undetermined at this point. These include, but are not limited to, Iowa Utilities Board costs estimated at \$88,800, NE 29th St communication relocation costs estimated at \$29,500, and crop damage payments estimated at \$50,000. There are also still some possible future court/legal/condemnation costs related to NE29th parcels along with a required Electric Magnetic Field (EMF) study that may cost around \$10k (engineering & instrumentation).

The timely completion of this tie line is extremely critical to our goal of providing reliable electricity to our customers. As such, this project represents the top priority capital improvement for Electric Services. Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1 as stated above.

COUNCIL ACTION FORM

SUBJECT: ENERGY RESOURCE OPTIONS STUDY – CHANGE ORDER #3

BACKGROUND:

The Energy Resource Options Study was meant to assess the electric generating and power supply options to satisfy the City's future electrical power requirements. On May 22, 2012, City Council awarded a contract to Black & Veatch Corporation, Kansas City, MO, for this study in the not-to-exceed amount of \$375,000.

The initial findings of the Energy Resource Options Study performed by Black & Veatch indicated that the most viable option for the City's Steam Electric Plant (Units 7 and 8) was to continue to burn historic fuels (coal, RDF, and fuel oil). This option required the following work on our units to comply with existing and anticipated environmental regulations:

- 1) Installation of dry sorbent injection (DSI) systems for acid gas control
- 2) Installation of powder activated carbon (PAC) systems for mercury control
- 3) Conversion of Unit 8 electrostatic precipitator (ESP) from hot-side to cold-side for enhanced particulate matter (PM) control

In Black & Veatch's judgment, this option would provide compliance, but with a narrow and somewhat unquantifiable margin of safety. As a result of this conclusion, City staff was uncomfortable with projected compliance margin of safety.

The recommended action by the consultant to add a fabric filter baghouse alleviated most of the staff's concerns. However, this action would cause Unit 8 to be derated by approximately 17 megawatts. This loss of capacity would have to be replaced by either: 1) adding a new generating unit (most likely a new combustion turbine), 2) purchasing long-term capacity from another utility or from the MISO power market, or 3) by modifying (primarily by adding fans and "stiffening" key structures) our existing units to retain their historical generating output. **Of the three, the most economically feasible and reliable option appears to be the last -- to modify the units so that their historical generating output would be retained.**

To study the City's Steam Electric Plant's units to determine what specifically must be done to modify them so that their historical generating output is retained, requires detailed analyses and engineering of the unit's equipment and structures, well beyond the study's original scope of work. For this reason, the third change order is now needed to study two additional cases whereby Unit 7 & Unit 8 would continue to burn historical fuels (coal, RDF, and fuel oil), in

compliance with existing and anticipated environmental regulations, and without derating their output.

The cases are:

- Case 1 -- Add DSI, PAC, and fabric filter (FF) baghouse systems to Unit 7 and Unit 8, either individually or collectively, and in such a way that their historical generating outputs are maintained. With this case, Unit 8's ESP would not be converted (from hot-side to cold-side).
- Case 2 -- Add low NOx burners and overfire air (LNB/OFA), PAC, flue gas desulfurization (FGD), and fabric filter (FF) baghouse systems to Unit 7 and Unit 8, either individually or collectively, and in such a way that their historical generating outputs are maintained.

The estimated cost for this engineering work requested in Change Order 3 is not to exceed \$89,700.

Two change orders have already been approved for this contract. **Change Order No. 1**, for not-to-exceed \$6,780.90, increased funds to cover labor and expenses for the extra work performed to verify the "constructability" and cost of converting Unit 8's electrostatic precipitator from hot-side to cold-side. **Change Order No. 2**, for not-to-exceed \$38,750, increased funds to cover costs associated with the evaluation of several air quality control scenarios considered for the two coal-fired boilers. **This Change Order will increase the overall cost of the contract to \$510,230.90.**

The funding for this study will come from the Electric Administration's "Outside Professional Services" budget (\$65,473.90 remaining in 12/13, and \$24,226.10 in 13/14).

ALTERNATIVES:

1. Approve contract Change Order No. 3 to Black & Veatch Corporation, of Kansas City, MO, in the not-to-exceed amount of \$89,700.00 for the Energy Resource Options Study.
2. Reject contract Change Order No. 3.

MANAGER'S RECOMMENDED ACTION:

The additional engineering work that will be authorized in Change Order 3 will enhance the Energy Resource Options Study and provide valuable information for determining the feasibility and viability of continuing to operate the City's Power Plant as it has historically; by converting coal, RDF, and fuel oil into electric power. Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1 as stated above.

COUNCIL ACTION FORM

**SUBJECT: ACCEPTANCE OF COMPLETION FOR POWER PLANT MERCURY
CONTINUOUS EMISSIONS MONITOR**

BACKGROUND

This contract was for the purchase of a mercury continuous emissions monitor. The City installed a continuous emission monitoring system (CEMS) to measure gaseous forms of mercury (elemental and oxidized) in the stack gases for Unit 8 Boiler in accordance with the USEPA Clean Air Mercury Rule (CAMR).

On May 6, 2008, competitive sealed proposals were received and evaluated by Electric Services staff, who determined that the proposal submitted by Thermo Environmental Instruments, Inc., best meets the needs of the Power Plant. The amount of the contract as awarded on August 12, 2008, was \$235,541 plus applicable taxes. **Council should note the total amount including applicable taxes was \$251,818.87.**

This project was initiated due to the requirements of the Clean Air Mercury Rule (CAMR) issued on March 15, 2005 by the EPA which required power plants to monitor and report Mercury emissions starting in 2009. In February 2008 the CAMR rule was vacated by the U.S. Court of Appeals for the DC Circuit. This vacature was upheld through a series of denied appeals to the higher courts. The courts required the EPA to rewrite emissions rules for power plants for Mercury. Final certification of the already installed Mercury CEMs was delayed until the requirements of the new EPA Mercury regulations were known.

Meanwhile, the State of Iowa promulgated rules that required Mercury monitoring and reporting starting in 2010. Compliance with the State of Iowa rules was demonstrated with periodic stack testing rather than using the non-certified Mercury CEMs on Unit 8.

The CAMR replacement rule called the Mercury and Air Toxics Standard (MATS) was announced in 2011, signed into the Federal Register in 2012, and takes effect in 2015. The final technology selection for the MATS rule mercury emissions monitoring requirements is unknown at this time. At this time staff intends to retain the Mercury CEMs equipment installed by Thermo Environmental Instruments but not certify it for operation until a later date if the current technology for Mercury CEMs is utilized for compliance with the MATS rule.

There was one change order to this contract for a deduction in the amount of (-\$18,264.39). This deduction consisted of 1) RATA Certification requirement was removed; and 2) dollar amount of contract was adjusted to reflect total invoice amounts as agreed upon between City staff and contractor. **The final contract amount with this change order is \$233,554.48.**

All of the requirements of the contract have been met by Thermo Environmental Instruments, Inc., and the Power Plant Engineer has provided a certificate of completion.

ALTERNATIVES:

- 1) Accept completion of the contract for the Power Plant Mercury Continuous Monitor.
- 2) Delay acceptance of this project.

MANAGER'S RECOMMENDED ACTION:

The contractor for the Power Plant Mercury Continuous Monitor has completed the requirements of the contract. The Power Plant Engineer has issued a certificate of completion on the work. Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1 as stated above.

COUNCIL ACTION FORM

**SUBJECT: ACCEPTANCE OF COMPLETION FOR UNIT 8 BOILER SUPERHEATER
& BOILER TUBE REPLACEMENT PROJECT**

BACKGROUND

On March 6, 2012, City Council approved preliminary plans and specifications for the Unit 8 Boiler Superheater & Boiler Tube Replacement Project. This project will address tube wastage and metallurgy issues by replacing the Power Plant's Unit 8 secondary superheater tube section.

On April 25, 2012, bids were received and staff determined that the low bid submitted by AZCO INC. was acceptable. The amount of the contract as awarded on May 8, 2012, was \$1,804,300 (inclusive of applicable Iowa sales tax).

There were two change orders to this contract. **Change Order No. 1, for \$22,831**, increased funds to cover costs associated with the installation of additional spacer bars. **Change Order No. 2, for \$23,824.00**, increased funds to cover costs associated with excessive cleaning in the penthouse, repair of damaged refractory previously identified and not in AZCO's original job scope, and the replacement of insulation removed for the attemperator inspection. **The contract amount including these two change orders is \$1,850,955.**

Council should note that the final amount invoiced totaled \$1,846,062.41, which is less than the contract amount by \$4,892.59. This is due to the time and material (T&M) charges associated with the change orders were less than anticipated.

The Engineer's estimate of the cost of this replacement was \$2,475,000. The original approved (FY 2011/12) budget included \$2,500,000 for materials and labor for the superheater installation.

All of the work included in the contract with AZCO INC. has now been completed, and the Power Plant Engineer has provided a certificate of completion.

ALTERNATIVES:

- 1) Accept completion of the contract for the Unit 8 Boiler Superheater & Boiler Tube Replacement Project with AZCO INC. at a total invoiced cost of \$1,846,062.41, and authorize final payment to the contractor.
- 2) Delay acceptance of this project.

MANAGER'S RECOMMENDED ACTION:

The contractor for the Unit 8 Boiler Superheater & Boiler Tube Replacement Project has completed the work under the contract. The Power Plant Engineer has issued a certificate of completion on the work, and the City is legally required to make final payment to the contractor. Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1 as stated above.

MAY-18-13 10:43 AM KRISS H. SMITH

6416821988

P.01

Fax back to: Sarah Buss
515-232-6716

Fireworks, Pyrotechnics or Flame Effects Application
Iowa State University of Science and Technology

Applicant Information

Name of Event: 4th of July
Name of Organization Sponsoring Event: Union Park Residents of Ames
Address of Organization: 1601 Cedar Road, Ames, IA
Name of Applicant: Sarah Buss
Phone: 515-232-6716 Fax: 515-232-6716 E-Mail: SARAH@unionspark.com

Event Information

Event Location: Union Park #67 Estimated Attendance: 5000
Event Date: July 5, 2013 Time: 4:00 PM Approximate Time (rain date) for event: July 6th, 2013
Organizer's contact information or contact for day of display: LEE MUNSON
Phone: 641-990-6760 Fax: E-Mail:

Firework Display Information:

Attach a copy of the Display Operator credentials and applicable U.S. DOT requirements information for transportation with this application

X Display Operator (company name): J + M DISPLAYS
X Address: 18064 170th Ave
X City: YARMOUTH State: IA Zip Code: 52260-9772
Work-Week Phone: Fax E-Mail:
Operator Name for day of display: LEE MUNSON Cell Phone: 641-990-6760
Other Contact for day of display: Cell Phone:

NOTE: Electronic firing ONLY

Type of Fireworks: 1-3G Attach Display Program: PROPOSAL
Length of Display: 20 min
Fireworks Supplier: J + M DISPLAYS
Exact Location of Display: Attach Diagram of Display/Shot Location

Insurance Requirements: Insurance coverage and certificate requirements are on the back of this form.

Student Organizations Only: Submit an Event Authorization and Notification Form with other event documents (including this application) at least 6 weeks prior to the event.

The display operator, EH&S and ISU Police will monitor weather conditions prior to and during the display event. EH&S, ISU Police or the Ames Fire Department have the authority to cancel or postpone any display if they determine there is not strict adherence to the approved application; or there is lightning, wind gusts or inclement weather that will cause harm to the crowd or surrounding property.

5/29/13
Date

Sponsoring Organization Representative Signature

I have read and agree to the responsibilities stated in the ISU Fireworks, Pyrotechnics and Flame Effects Procedures and also agree that I will meet all insurance requirements listed on this application and that this insurance will be primary.

Display Operator Representative Signature

APPROVAL SIGNATURES:

Date

Environmental Health and Safety

Date

ISU Police

Date

City of Ames Fire Department

Date

Office of Risk Management

Submit all documents on Page 2

Page 1 of 2

100 4 30000

8399999

13017912 1 64 10/11/10

Applicant

Name of Applicant: Maid-Rite Corporation

Name of Business (DBA): Occasions Made Right

Address of Premises: Reiman Gardens, 1407 Univeristy Blvd

City: Ames County: Iowa Zip: 50011

Business Phone: (515) 276-5448

Mailing Address: 7929 Ashworth Road

City: West Des Moines State: IA Zip: 50266

Contact Person

Name: Natasha Sayles

Phone: (515) 979-8584 Email Address: nsayles@maid-rite.com

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

Term: 5 days

Effective Date: 06/25/2013

Expiration Date: 06/29/2013

Privileges:

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

Status of Business

BusinessType: Privately Held Corporation

Corporate ID Number: 259891 Federal Employer ID # 42-1528052

Ownership

Bradley BurtFirst Name: BradleyLast Name: BurtCity: West Des MoinesState: IowaZip: 50266Position President/Chairman% of Ownership 40.29 %

U.S. Citizen

R. Jeffrey LewisFirst Name: R. JeffreyLast Name: LewisCity: IndianolaState: IowaZip: 50125Position Di% of Ownership 0.00 %

U.S. Citizen

Stephen CoppleFirst Name: StephenLast Name: CoppleCity: West Des MoinesState: IowaZip: 50266Position Director% of Ownership 0.00 %

U.S. Citizen

Tania BurtFirst Name: TaniaLast Name: BurtCity: West Des MoinesState: IowaZip: 50266Position Director% of Ownership 0.00 %

U.S. Citizen

Insurance Company InformationInsurance Company: Founders Insurance CompanyPolicy Effective Date: 06/25/2013Policy Expiration Date: 06/30/2013

Bond Effective Continuously:

Dram Cancel Date:

Outdoor Service Effective Date:

Outdoor Service Expiration Date:

Temp Transfer Effective Date:

Temp Transfer Expiration Date:

COUNCIL ACTION FORM

SUBJECT: ENCROACHMENT PERMIT FOR AWNING AT 215 MAIN STREET

BACKGROUND:

The owner of the building at 215 Main Street, Emerhoff's, has requested an encroachment permit to allow an awning to occupy City right-of-way. This new awning is part of the façade improvements through the Downtown façade grant program.

The proposed awning is 170.64 square feet, and should not impair 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 \$170.64, and the full amount has been received by the City Clerk's Office.

ALTERNATIVES:

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

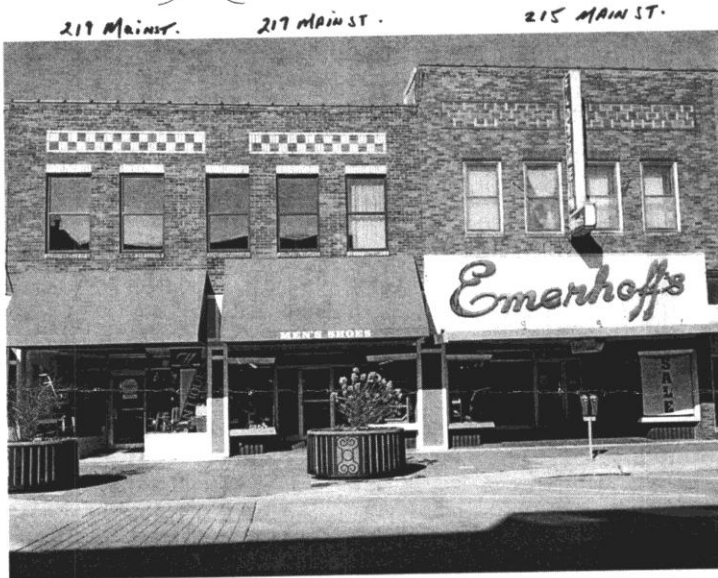
MANAGER'S RECOMMENDED ACTION:

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

awnings approved by
council 06/2012

215 Main

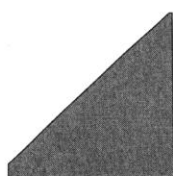
third (final)
awning 215 Main



Building before improvements



Proposed building improvements



8 FT.



WOMEN'S SHOES

21 FT. 4 IN.

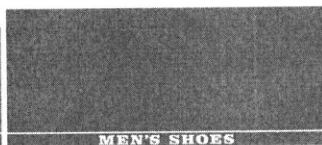
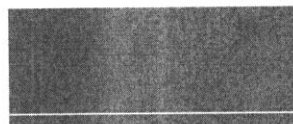
8 FT.



WOMEN'S SHOES

21 FT. 4 IN.

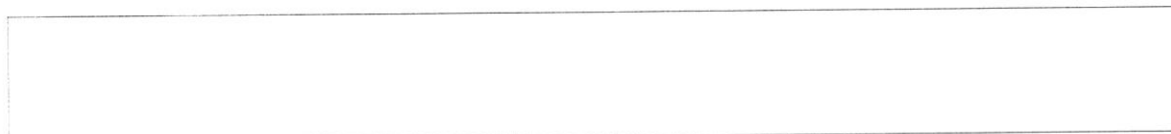
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MEN'S SHOES



WOMEN'S SHOES



COUNCIL ACTION FORM

SUBJECT: MIDNIGHT MADNESS ACTIVITIES

BACKGROUND:

The annual Midnight Madness races will be held in the downtown area on Saturday, July 13th. The event includes a 5k, 10k, and kid run, followed by a beer garden and activities near City Hall. To facilitate this event, organizers are requesting the following street and parking lot closures on Saturday, July 13 and Sunday, July 14, 2013:

1. On July 13 from 6:00 p.m. to 11:00 p.m. for the Midnight Madness races:
 - Fifth Street, from Pearle Avenue to Douglas Avenue
 - Douglas Avenue, from Fifth Street to Sixth Street
 - Sixth Street, from Douglas Avenue to Clark Avenue
 - Clark Avenue, from Sixth Street to Main Street
 - Burnett Avenue, from Fifth Street to Sixth Street
 - Kellogg Avenue, from Fifth Street to Sixth Street
 - Main Street, from Burnett Avenue to Northwestern Avenue
 - Northwestern Avenue, from Main Street to Sixth Street
 - Sixth Street, from Northwestern Avenue to University Boulevard
 - University Boulevard, from Sixth Street to Haber Road
2. From 6:00 p.m. on July 13 to 1:00 a.m. on July 14 for post-race activities:
 - Clark Avenue from Sixth Street to Fifth Street
 - East City Hall Parking Lot (Lot N)

Parking spaces will need to be closed from 6:00 p.m. until 11:00 p.m. on July 13. Because the activities occur after 6:00 p.m., no loss of Parking Fund revenue will occur. Parking spaces to be closed are located on:

- Fifth Street, from Pearle Avenue to Douglas Avenue
- Douglas Avenue between Fifth Street and Sixth Street
- Burnett Avenue, between Fifth Street and Sixth Street
- Kellogg Avenue, between Fifth Street and Sixth Street
- Clark Avenue, between Main Street and Fifth Street
- Pearle Avenue, between Main Street and Fifth Street
- Main Street, between Clark Avenue and Pearle Avenue

Midnight Madness is also requesting:

- A 5-day Class B Beer Permit and an Outdoor Service Area for Parking Lot N. Alcohol will be served in a fenced-in area from 8:00 p.m. to Midnight, starting on July 13
- To have up to 7 kegs tapped at one time with a maximum of 20 kegs to be used for the event
- A waiver of fees for electricity used in Lot N and in the Main Street Cultural District (approximately \$10 loss to the Electric Fund)
- A blanket Vending License
- Waiver of the fee for the Vending License (\$50 loss to the City Clerk's Office)

Public Works Traffic Division will provide five Type III barricades, numerous A-frame barricades, and 150 traffic cones to facilitate this event. Midnight Madness organizers have also obtained a Noise Permit for this event.

ALTERNATIVES:

1. Approve the requests for Midnight Madness on July 13-14, 2013, as outlined above.
2. Approve the requests as indicated above, but require reimbursement for the cost of electricity and the vending license.
3. Deny the requests for Midnight Madness and direct staff to work with organizers to find an alternative location for the event.

MANAGER'S RECOMMENDED ACTION:

Midnight Madness has been held since 1979 and is a popular event that draws many competitors and spectators into the Main Street Cultural District. Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative #1, thereby approving the requests on July 13-14, 2013 as outlined above.

June 16, 2013

Mayor Ann Campbell and City Council Members
c/o City Clerk
515 Clark
Ames, IA 50010

Dear Mayor Campbell and Council Members:

MIDNIGHT MADNESS has been around for 41 years. We feel that the race provides a vehicle for all levels of fitness. The race also creates a significant economic impact on Ames. This year's race is **July 13, 2013**.

In view of our long tradition as a contributor to the quality of life in Ames, we request two things from the Ames City Council:

- Allow us to use up to 20 kegs of beer at our Post-race Party
- Allow us to tap up to 7 kegs at one time

The approximate number of people that enter all the races is 2,300. There are approximately 1,000 spectators. There are about 3,000 that will attend the Post-race Party, of which 2,000 will drink beer and 1,300 will drink soda or orange drink. Large quantities of food will be available (spaghetti, fruit, yogurt, etc.)

The average age of all runners is 35 years. Runners are generally a pretty docile group. As you know, we do a super job of cleaning up the area afterwards. **We request that we can have until 1:00 pm Sunday afternoon to have Main Street clean, 'no parking' signs removed and trash in a container and the Party area cleared.**

We have taken some precautions to see that no minors are served and that no one person consumes too much beer. The precautions that we will take at the MIDNIGHT MADNESS Post-race Party are:

- All kegs will be stored and served out of a beer truck.
- A double fence will surround the beer truck and act as a barrier.
- There will be one entry and exit to the beer area.
- There will be 15 people to serve beer and check ages.
- Through a tag system, we can visibly tell ages easily.
- All guests wishing beer will be checked for age and tagged.
- We will provide an adequate supply of toilets at the site.
- We will have alternate drinks—soda and orange drink.
- We will do all we can to maintain control of the party and comply with City and State laws.

Thank you for your consideration.

Sincerely,

Roman F. Lynch, Director
MIDNIGHT MADNESS
515-231-9995

June 16, 2013

Mayor Ann Campbell and City Council Members
c/o City Clerk
515 Clark
Ames, IA 50010

Dear Mayor Campbell and Council Members:

MIDNIGHT MADNESS has been around for 42 years. Many of the participants are from our City of Ames and, as such, have helped create a lot of excitement surrounding the Race. All parties involved were excited about how well the event went. We would like to have the Race downtown again this year. This year's race is **July 13, 2013**.

The following is a list of requests that we have of the City of Ames:

- Permission to allow parking behind Main Street and the west lot of City Hall.
- Use of cones for 6th Street between Clark and Elwood.
- Use of the east lot of City Hall and that part of Clark Street in front of City Hall for our Post-race Party. We would use fencing for the beer area so that we can monitor ages (a separate request has been provided). We would provide Ky-bos, dumpsters, and trash cans to help maintain the integrity of the party. We will have live music. We would stay off the grass in front of City Hall. We would have the area totally cleaned up by 1 p.m. on Sunday.
- We request NO PARKING ALLOWED on Main Street from 6-11 p.m. (except from Kellogg to Duff) and on 5th Street from the City Hall to Douglas for the same time period.
- We would like to hood all parking meters for NO PARKING on Main Street.
- We would like certain roads and parts of roads closed from 6-11 p.m. We would allow traffic to cross the course and drive along the course if there are no runners on the course. **A list of roads is included in the Council Action Form.**
- We would like barricades laid out at certain intersections so that we can better control traffic.

We with MIDNIGHT MADNESS wish to thank the City for their help in the past and with their help so far this year. We believe in doing the best we can to make this an experience that is positive for the runners and the City of Ames. It is with this in mind that we make this request.

Sincerely,

Roman F. Lynch, Director
MIDNIGHT MADNESS

License Application ()

Applicant

Name of Applicant: Midnight Madness, INC

Name of Business (DBA): Midnight Madness Road Races

Address of Premises: 5th & Clark, City Parking Lot N

City: Ames

County: Story

Zip: 50010

Business Phone: (515) 232-6131

Mailing Address: 3720 Jewel Dr

City: Ames

State: IA

Zip: 50010

Contact Person

Name: Roman Lynch

Phone: (515) 231-9995

Email Address: romanlynch@mchsi.com

Classification: Class B Beer (BB) (Includes Wine Coolers)

Term: 5 days

Effective Date: 07/13/2013

Expiration Date: 07/17/2013

Privileges:

Class B Beer (BB) (Includes Wine Coolers)

Outdoor Service

Status of Business

BusinessType: Privately Held Corporation

Corporate ID Number: 218543

Federal Employer ID # 42-1476108

Ownership

Roman Lynch

First Name: Roman

Last Name: Lynch

City: Ames

State: Iowa

Zip: 50010

Position Director

% of Ownership 100.00 %

U.S. Citizen

Insurance Company Information

Insurance Company: Scottsdale Insurance Company

Policy Effective Date:

Policy Expiration Date:

Bond Effective Continuously:

Dram Cancel Date:

Outdoor Service Effective Date:

Outdoor Service Expiration Date:

Temp Transfer Effective Date:

Temp Transfer Expiration Date:

COUNCIL ACTION FORM

SUBJECT: CONTINGENCY ROAD CLOSURES FOR FOURTH OF JULY

BACKGROUND:

At the February 26, 2013 City Council meeting, the Council approved a series of road closures to facilitate the Fourth of July Parade. These closures included using Douglas Avenue as part of the parade route.

Douglas Avenue is currently under construction. The anticipated date for the road to open to traffic was originally June 15th, with full completion by July 1st. **Due to frequent rain, paving has begun later than anticipated. Staff feels it is likely the road will have enough paving complete by July 4th to be used as part of the parade route. However, it may be prudent to approve an alternate route in the event of a delay in completing paving before the Fourth of July.**

After discussing this with parade organizers, staff is requesting administrative authority to make additional street closures if needed to facilitate the parade. The closures would begin at 6:00 a.m. on July 4th until the end of the parade at the following locations:

- Kellogg Avenue from Fifth Street to Sixth Street
- Sixth Street from Kellogg Avenue to Burnett Avenue
- Burnett Avenue from Fifth Street to Sixth Street

Because of the Independence Day holiday, no additional parking revenue would be lost. CyRide will not be operating on Sixth Street. Additionally, rerouting the parade would allow the 200 blocks of Main Street and Fifth Street to be opened for parking.

If administrative closure authority is granted by the City Council, staff would meet with parade organizers the week prior to the parade to determine if the alternate route is needed and advertise any changes to the public.

ALTERNATIVES:

1. Granting staff administrative authority to make the additional street closures outlined above if needed to facilitate the Fourth of July Parade
2. Do not grant staff administrative authority to make additional closures, keeping the parade on the originally approved route.

MANAGER'S RECOMMENDED ACTION:

Staff had anticipated the construction on Douglas Avenue to be closer to completion by this point. Although unlikely, it is possible that the roadway may not be completed in time for the parade on July 4th.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby granting staff administrative authority to make the additional street closures outlined above if needed to facilitate the Fourth of July Parade.

COUNCIL ACTION FORM

SUBJECT: 2012/13 ARTERIAL STREET PAVEMENT IMPROVEMENTS – STATE AVENUE (OAKWOOD ROAD – US HIGHWAY 30 OVERPASS)

BACKGROUND:

This annual program is for reconstruction or rehabilitation of arterial streets to restore structural integrity, serviceability, and rideability. Locations are chosen in accordance with the most current street condition inventory. The 2012/13 program location is State Avenue (Oakwood Road – just north of US Highway 30 Overpass).

This projects includes rehabilitating the existing concrete roadway with an asphalt overlay, adding 6' paved shoulders on both sides of State Avenue, installing subdrains, adding guardrail as necessary for safety along both State Avenue and Dartmoor Road near State Avenue, reconstructing bridge approaches for the State Avenue bridge over US Highway 30, and other associated work. Construction is scheduled to be completed through an Iowa Department of Transportation (Iowa DOT) contract during late summer/fall 2013.

City staff and the design consultant, WHKS & Co., held a public meeting including area residents and Iowa State University to discuss this project. Residents expressed interest in accommodating the number of bicycles and pedestrians that utilize the area. Therefore, 6'-wide paved shoulders on both sides of State Avenue have been incorporated.

Because project funding includes federal funds, the contract was required to be let by the Iowa Department of Transportation (Iowa DOT). On Tuesday, June 18, 2013, bids were received and read by the Iowa DOT as follows:

<u>Bidder</u>	<u>Amount</u>
Engineer's Estimate	\$ 889,844.00
Manatt's Inc.	\$1,143,124.09

Engineering and construction administration for this program is estimated in the amount of \$230,000, bringing total estimated project costs to \$1,373,124.

Funding for this project was programmed in the amount of \$219,000 from General Obligation Bonds (G.O. Bonds), \$219,000 from Story County and \$1,060,000 from MPO/STP funds, bringing total program funding of \$1,500,000.

ALTERNATIVES:

- 1a. Accept the report of bids for the 2012/13 Arterial Street Pavement Improvements – State Avenue (Oakwood Road – US Highway 30 Overpass).
 - b. Approve the final plans and specifications for the 2012/13 Arterial Street Pavement Improvements – State Avenue (Oakwood Road – US Highway 30 Overpass).
 - c. Award the 2012/13 Arterial Street Pavement Improvements – State Avenue (Oakwood Road – US Highway 30 Overpass) to Manatt's, Inc. of Brooklyn, Iowa, in the amount of \$1,143,124.09, contingent upon receipt of Iowa DOT concurrence.
2. Reject the project.

MANAGER'S RECOMMENDED ACTION:

By accepting the report of bids, approving the final plans and specifications, and awarding the contract, it will be possible to move forward with the rehabilitation of State Avenue during the 2013 construction season. Delay of approval could delay the reconstruction by at least one year and may jeopardize state funding. Iowa State University also plans to coordinate rehabilitation of the institutional portion of State Avenue (north to Mortensen Road) with this project.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby accepting the report of bids, approving the final plans and specifications, and awarding the 2012/13 Arterial Street Pavement Improvements - State Avenue (Oakwood Road – US Highway 30 Overpass), to Manatt's, Inc. of Brooklyn, Iowa, in the amount of \$1,143,124.09, contingent upon receipt of the Iowa DOT concurrence.



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 and 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.



City of Ames Location Map
STP-U-0155(679)- -70-85



Title:	
Scale:	1 in = 500 ft
Date:	12/11/12

COUNCIL ACTION FORM

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

BACKGROUND:

There are nearly two miles of paved lanes within the Ames Municipal Cemetery boundaries. These lanes provide public access for visitors to gravesites and for funerals, as well as for access for crews and equipment for funeral preparations and maintenance of the sites and grounds. Prior to 2008/09, endowed care funds were used for surface maintenance of the cemetery lanes. Beginning in 2008/09, state regulations were put into place that prohibited the use of these funds for all cemetery costs. As a result of the funding loss created by these regulations, maintenance of these lanes has been minimal and has led to continued deterioration.

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

The following is the anticipated schedule of improvements in the Cemetery:

Year	Anticipated Work
2012-13	Slurry of northeastern lanes and overlay of southern lanes including lane in front of office building and associated parking lot
2013-14	Finish overlaying of southern lanes
2014-15	Mill and overlay of northern loop road
2015-16	Finish mill and overlay of northern loop road
2016-17	Water line replacement

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

Engineer's Estimate	\$67,000
Manatt's, Inc.	\$65,945.10

With engineering and construction administration estimated at \$1,000, the total estimated expenses are \$66,945.10. The available funding for this project is \$59,075 of Local Option Sales Tax from the Capital Improvements Plan in FY 11/12 and 12/13, and \$17,065 from remaining cemetery fence project funds, bringing total available funding to \$76,140.

ALTERNATIVES:

- 1a. Accept the report of bids for the 2012/2013 Ames Municipal Cemetery Improvements (Paving Improvements).
 - b. Approve the final plans and specifications for this project.
 - c. Award the 2012/2013 Ames Municipal Cemetery Improvements (Paving Improvements) to Manatt's, Inc. of Ames, Iowa, in the amount of \$65,945.10.
2. Do not proceed with the project at this time.

MANAGER'S RECOMMENDED ACTION:

By approving this project the look and ride of the access drive lanes will be improved, providing a better experience for visitors to the Ames Municipal Cemetery. These paving improvements were discussed by the Cemetery Focus Group, along with other improvements that have been made at the cemetery, including benches and trash cans.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby accepting the report of bids, approving final plans and specifications, and awarding the 2012/2013 Ames Municipal Cemetery Improvements (Paving Improvements) to Manatt's, Inc. of Ames, Iowa, in the amount of \$65,945.10.

COUNCIL ACTION FORM

SUBJECT: ZONING CODE TEXT AMENDMENTS PROVIDING FOR CONVERSION OF FORMER SCHOOL BUILDING FOR USE AS APARTMENT DWELLING IN UCRM ZONE

BACKGROUND:

On May 14, 2013, the City Council directed staff to modify Table 29.703(2) of the *Municipal Code* to include the use of a former school building as an adaptive reuse with the approval of the City Council, and to add the phrase “or as specified in an Adaptive Reuse Plan approved by the City Council” at the end of “Section 29.700(3) Residential Density.” These text amendments are necessary to accommodate the adaptive reuse of the Roosevelt School building at 921 9th Street as a residential structure with 23 units.

The Planning and Zoning Commission and the Historic Preservation Commission have reviewed and recommended approval of the proposed zoning code text amendments.

The addendum and attachments to this report provide background information and considerations regarding these text amendments.

ALTERNATIVES:

1. The City Council can approve the text amendment to Section 29.703(2) to allow conversion of a former school building for use as an apartment dwelling in the “UCRM” zone, and approve the text amendment to Section 29.700(3) to allow density in residential zones to be determined by the City Council through approval of an Adaptive Reuse Plan by including the text described in the attached ordinance.
2. The City Council can approve the zoning text amendments with modifications.
3. The City Council can refer these amendments back to City staff for modification.

MANAGER’S RECOMMENDATION:

The proposed zoning text amendment to the “UCRM” list of permitted uses and amendment of the density requirements for residential adaptive reuse projects is necessary to enable the developer of the former Roosevelt School site to reuse this vacant structure in an established residential neighborhood of the city. This change to the density requirements could also enable the future reuse of other elementary school buildings in the community that may no longer be needed as schools.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative #1, thereby approving the attached zoning text amendments.

ADDENDUM

INTRODUCTION:

Dean Jensen, RES Development, Inc., has purchased the former Roosevelt School building from the Ames Community School District. Mr. Jensen proposes to reuse the school building as an apartment dwelling with 23 residential units. The “UCRM” zoning district does not presently allow any new apartment dwellings in the zone. Apartment dwellings that existed at the time the Zoning Ordinance was adopted are allowed as a permitted use if there are 12 or fewer units in the building. To allow a new apartment dwelling in the “UCRM” zone requires approval of the zoning text amendment described in this report. “Apartment Dwelling” is the terminology used in the Zoning code to describe buildings with three or more residential units. In this case, it is the intention of the developer to sell each unit separately as a condominium.

In addition, the maximum allowed density of dwelling units in the “UCRM” zone is 7.26 dwelling units per net acre. The density proposed by Mr. Jensen for the Roosevelt School site exceeds the maximum allowed density. Therefore, a second zoning text amendment is proposed to allow a higher residential density as specified in an Adaptive Reuse Plan approved by the City Council.

PROPOSED AMENDMENTS:

Based upon Council’s direction, staff has prepared the following zoning text amendments.

A text amendment is needed to Table 29.703(2) of the *Municipal Code* to allow a new apartment dwelling in the “UCRM” zone. The proposal is to convert the existing Roosevelt School building to an “Apartment Dwelling” that includes 23 dwelling units for sale as condominiums. Adding the following bolded and underlined text to the “Residential Use” section of the table enables conversion of a former school building for use as an Apartment Dwelling, provided the City Council approves an Adaptive Reuse Plan for the redevelopment of the building and the site. **See the proposed text bolded and underlined in the following table:**

Table 29.703(2)
Urban Core Residential Medium Density (UCRM) Zone Uses

USE CATEGORIES	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY
RESIDENTIAL USES			
• Single Family Dwelling	Y	ZP	ZEO
• Two Family Dwelling	Y, if pre-existing	ZP	ZEO
• Single Family Attached Dwellings (2 units only)	Y, if pre-existing	SDP Minor	Staff
• Apartment Dwelling (12 units or less)	Y, if pre-existing	SDP Minor	Staff
• <u>Former School Building Converted for Use as an Apartment Dwelling</u>	<u>Y</u>	<u>AR</u>	<u>City Council</u>
• Family Home	Y	ZP	ZEO

Y = Yes: permitted as indicated by required approval
N = No: prohibited
SP = Special Use Permit required; See Section 29.1503
ZP = Building/Zoning Permit required: See Section 29.1501
AR = **Adaptive Reuse approval required: See Section 29.306**
SDP Minor = Site Development Plan Minor: See Section 29.1502(3)
SDP Major = Site Development Plan Major: See Section 29.1502 (4)
HO = Home Occupation
ZBA = Zoning Board of Adjustment
ZEO = Zoning Enforcement Officer

A second text amendment is proposed at this time to Section 29.700(3) of the *Municipal Code* to allow greater densities in the residential zones through the approval of an Adaptive Reuse Plan approved by the City Council. Presently, the maximum density allowed in the “UCRM” zone is 7.26 dwelling units per net acre for land zoned as “UCRM.” (This applies only to uses existing prior to 2000 when the new Zoning ordinance was adopted.) The adaptive reuse of Roosevelt School as an Apartment Dwelling exceeds the maximum density allowed in the “UCRM” zone. The following text shown as bolded and underlined could be added to allow a density that exceeds the maximum:

*“(3) Residential Density. In each Residential Base Zone, residential development must be in accordance with the Residential Density standard established for that zone. Residential Density is expressed in terms of the square feet of lot area required per dwelling unit. Residential Density varies by zone. The number of dwelling units that may be built on a given lot is a function of two factors: the lot size and the Residential Density of the Zone. The density of a development shall not exceed the density limits hereby established for Residential Zones as follows, **or as specified in an Adaptive Reuse Plan approved by the City Council.**”*

ORDINANCE NO.

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY REPEALING TABLE SECTION 29.703(2) ENACTING A NEW TABLE SECTION 29.703(2) THEREOF, FOR THE PURPOSE OF ALLOWING A NEW APARTMENT DWELLING IN THE UCRM ZONE; REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; PROVIDING A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.

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

Section One. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by repealing Table Section 29.703(2) and enacting a new Table Section 29.703(2) as follows:

“Sec. 29.703. "UCRM" URBAN CORE RESIDENTIAL MEDIUM DENSITY ZONE.

....

**Table 29.703(2)
Urban Core Residential Medium Density (UCRM) Zone Uses**

USE CATEGORIES	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY
RESIDENTIAL USES			
Single Family Dwelling	Y	AR	City Council
Two Family Dwelling	Y, if pre-existing	AR	City Council
Single Family Attached Dwellings (2 units only)	Y, if pre-existing	SDP Minor	Staff
Apartment Dwelling (12 units or less)	Y, if pre-existing	SDP Minor	Staff
Former School Building Converted for Use as an Apartment Dwelling	Y	AR	City Council
Family Home	Y	AR	City Council
Household Living Accessory Uses			
Home Office	Y	HO	ZBA/Staff
Home Business	Y	HO	ZBA/Staff
Group Living	N, except existing Residences for the physically disabled, mentally retarded or emotionally disturbed which do not meet the definition of Family Home	SP	ZBA
Short Term Lodging	N, except Bed and Breakfast permitted as a Home Occupation.	HO	ZBA/Staff
OFFICE USES		--	--
TRADE USES			
Retail Sales and Services – General	N	--	--
Entertainment, Restaurant and Recreation Trade	N	--	--
INSTITUTIONAL USES			
Colleges & Universities	Y	SP	ZBA
Community Facilities	Y	SP	ZBA
Funeral Facilities	N	--	--
Child Day Care Facilities	Y	HO or SP (depending upon size)	Staff/ZBA
Medical Centers	N	--	--
Religious Institutions	Y	SP	ZBA
Schools	Y	SP	ZBA
Social Service Providers	Y, only if pre-existing	SP	ZBA
TRANSPORTATION, COMMUNICATIONS & UTILITY USES			
Basic Utilities	Y	SDP Major	City Council

USE CATEGORIES	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY
Essential Public Services	Y	SP	ZBA
Radio & TV Broadcast Facilities	N		
Parks & Open Areas	Y	SDP Minor	Staff
Personal Wireless Communication Facilities	Y	SP	ZBA

Y = Yes: permitted as indicated by required approval
N = No: prohibited
SP = Special Use Permit required: See Section 29.1503
ZP = Building/Zoning Permit required: See Section 29.1501
AR = Adaptive Reuse approval required: See Section 29.306
SDP Minor = Site Development Plan Minor: See Section 29.1502(3)
SDP Major = Site Development Plan Major: See Section 29.1502(4)
HO = Home Occupation
ZBA = Zoning Board of Adjustment
ZEO = Zoning Enforcement Officer
(Ord. No. 3591, 10-10-00)"

....

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 _____, _____.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor

ORDINANCE NO.

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY REPEALING SECTION 29.700(3) ENACTING A NEW SECTION 29.700(3) THEREOF, FOR THE PURPOSE OF ALLOWING GREATER DENSITIES IN THE RESIDENTIAL ZONES ; REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; PROVIDING A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.

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

Section One. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by repealing Section 29.700(3) and enacting a new Section 29.700(3) as follows:

“Sec. 29.700(3) RESIDENTIAL DENSITY.

....

(3) Residential Density. In each Residential Base Zone, residential development must be in accordance with the Residential Density standard established for that zone. Residential Density is expressed in terms of the square feet of lot area required per dwelling unit. Residential Density varies by zone. The number of dwelling units that may be built on a given lot is a function of two factors: the lot size and the Residential Density of the Zone. The density of a development shall not exceed the density limits hereby established for Residential Zones as follows, *or as specified in an Adaptive Reuse Plan approved by the City Council.*”

....

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 _____, _____.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor

COUNCIL ACTION FORM

SUBJECT: **REZONING OF A PORTION OF 4130 LINCOLN SWING FROM
RESIDENTIAL LOW DENSITY TO RESIDENTIAL HIGH DENSITY**

BACKGROUND:

GW College Park, LLC submitted a rezoning request for the property at 4130 Lincoln Swing. The property's current use is a mobile home park. The owner is considering a redevelopment of the site to high density apartments.

Based on the Land Use Policy Plan, the property carries a split land use designation, with the north half of the lot being designated within the general high density residential land use classification, while the south half is generally designated as low density residential land use classification.

The property also has a split zoning designation, with a majority of the lot being zoned Residential High Density. A small portion of the lot along the southern boundary is zoned Residential Low Density. **Based on the zoning code, when a property contains spilt zoning designations, the property must be developed based on the most restrictive zoning designation, which in this case is low density residential. The owner would like to eventually redevelop the property into apartments, which by zoning designation would require a residential high density designation.**

Justification could be given for either of the land use designations and zoning districts identified for the property, since there are predominately high density uses along Lincoln Swing and single family residences to the south. However, **the Residential High Density zone is more in line with the abutting properties in the area and fronting on Lincoln Swing. Also, the area zoned RL on the property could not be subdivided and left as a remaining RL property, since the potential lot would not have any frontage on a public street.** The attached addendum provides more detailed background and analysis of this requested zoning change. **Staff's analysis of the request leads to a conclusion that rezoning the lot to High Density Residential is consistent with the Land Use Policy Plan and the current zoning designation within the surrounding area.** Furthermore, there are no other issues that would preclude the use of this property to be redeveloped within the high density residential classification.

The Planning and Zoning Commission, by a vote of 4 to 1, recommended that the City Council approve the request to change the zoning designation on the south portion of the property from Low Density Residential to high Density Residential. Several members of the community spoke against the rezoning request. Concerns expressed focused on the impact and uncertainty of a possible redevelopment of the site and a decrease in affordable housing options within the City.

ALTERNATIVES:

1. The City Council can approve the request for rezoning a portion of the property at 4130 Lincoln Swing from “RL” (Residential Low Density) to “RH” (Residential High Density).
2. The City Council can deny the request for rezoning a portion of the property at 4130 Lincoln Swing.
3. Action on this request can be postponed and referred back to City staff and/or the applicant for additional information.

MANAGER’S RECOMMENDED ACTION:

A review of the Land Use Policy Plan’s future land use map indicates that both Residential High Density and Residential Low Density land uses have been contemplated for this area. The majority of properties fronting on Lincoln Swing are zoned to be in line with the Residential High Density land use classification that prevails along Lincoln Swing. There are no outstanding issues of utilities, traffic, or access that would preclude the use of this site for uses allowed in the high density district.

Therefore, it is the recommendation of the City Manager that the City Council accept Alternative #1, thereby approving the request to rezone a portion of the land located at 4130 Lincoln Swing from “RL” (Residential Low Density) to “RH” (Residential High Density).

ADDENDUM

BACKGROUND INFORMATION:

The existing mobile home park on the subject property has existed since approximately 1972, prior to annexation by the City.

On May 2, 2013, GW College Park, LLC submitted an application requesting a rezoning of a portion of the property located at 4130 Lincoln Swing from Residential Lot Density to Residential High Density. In an unusual twist, the property currently contains two different zoning districts, Residential Low Density and Residential High Density. The majority of the lot is zoned Residential High Density. Attachment A is a map of the location of the site. The current zoning is shown in Attachment B. If approved, the zoning map would be as shown in Attachment C.

The existing property is currently used as a mobile home park which is not currently permitted under either the low density or high density residential districts. The applicant is considering the redevelopment of the site from the existing mobile home park to possibly high density residential apartments. No site plan has currently been submitted for review.

Land Use Designation/Zoning. The following table provides the future land use designation and zoning of the subject property and other surrounding properties.

Direction from Subject Property	LUPP Map Designation	Zoning Map Designation
Subject Property	Low Density Residential & High Density Residential Split	"RL" & "RH" Split (Residential Low Density & Residential High Density)
North	Residential High Density	"RH" (Residential High Density)
East	Low Density Residential & High Density Residential	"RL" & "RH" (Residential Low Density & Residential High Density)
South	Residential Low Density	"RL" (Residential Low Density)
West	Low Density Residential & High Density Residential	"RL" & "RH" (Residential Low Density & Residential High Density)

The LUPP Map indicates a split in the land use designation between Residential Low Density and Residential High Density land uses for the subject property. The LUPP designation of the area is shown in Attachment D. Chapter Two of the Land Use Policy Plan states that *the location and extent of each use is general and intended to identify relationships among uses* in an effort to create "efficient, compatible and viable development patterns for the community." Based on the LUPP, this area is generally established for high density residential abutting Lincoln Swing and then shows a less intense residential designation in the change to low density residential as you move south.

Section 29.302(2) of the zoning code states “when a lot held in single ownership is divided by a zone boundary line, the entire lot shall be construed to be within the more restrictive zone for purposes of complying with the requirements of the Ordinance, unless otherwise indicated on the Official Zoning Map or by resolution of the City Council.” Based on the zoning code, even though the larger portion of the lot is zoned residential high density, a redevelopment would need to comply with the uses and development standards associated with the residential low density requirements of the zoning code, thereby only permitting single family residences or a small number of non-residential uses for the property.

Even though there is a split in the future land use designation for the property, staff feels that a LUPP amendment is not needed, since the Land Use Policy Plan is intended to be a general land use policy guide. However, should the Council feel that the Land Use Policy Plan should be amended to designate a specific land use, an amendment to the Land Use Policy Plan Map can be required.

The proposed rezone request to residential high density is in line with the Land Use Policy Plan in that High Density Residential Land Uses are generally indicated for this area. The request is also in line with the existing zoning designations abutting and fronting on Lincoln Swing, which is the only means of street access available to this property. At the same time, an argument could also be made that the residential low density portion of the property should restrict the property to the lower intensity zoning, which again is in line with the Land Use Policy Plan and some of the surrounding single family properties to the south. However, that action would not be consistent with existing zoning of the properties abutting and fronting on Lincoln Swing.

Existing Land Use. Land uses that occupy the subject property and other surrounding properties are described in the following table:

Direction from Subject Property	Existing Land Uses/ Ownership of Properties
Subject Property	Mobile Home Park
North	Apartment Buildings
East	Apartment Buildings & Single Family Homes
South	Single-Family Homes
West	Apartment Buildings, Ames Community Theatre & Single-Family Homes

Infrastructure. The subject area is already a developed lot and is served by City water and sewer. Public utility mains and streets are immediately adjacent to the subject property with infrastructure to serve the site. There is no existing storm sewer infrastructure for this area as the area is served by a drainage ditch running along the north frontage of the property. Utility connections and runs and storm water management will be verified at the time of site development based on the use and site layout proposed.

Access. The present configuration of the subject property’s private streets allows for

vehicle access from the north onto Lincoln Swing. There is also existing pedestrian access from the existing side walk that extends the length of the frontage abutting Lincoln Swing.

Impacts. The applicant intends to eventually redevelop the subject property as a high density residential development. This use is allowed under the requested zoning change to the High Density Residential District (RH). The potential redevelopment to a new land use would eliminate the existing non-conforming use, and bring the property into conformance with the RH zoning district should the rezoning request be approved. The proposed land use to high density residential would also be in line with the apartment buildings existing on Lincoln Way and fronting Lincoln Swing in this area.

There is, however, an impact to the south and southeast where the subject property backs up to the existing single family residential properties. The area zoned RL on the subject property could not be subdivided and left as a remaining RL property, since the potential lot would not have any frontage on a public street. There is also a concern regarding proximity of the single family homes along the south border of the subject site, since some of those properties have been constructed with minimal setbacks adjacent to the subject site.

Goals of the Land Use Policy Plan (LUPP). Several of the ten goal statements of the LUPP speak indirectly to this request for rezoning. However, Goal No. 5 seems to address the rezoning proposal most directly since it states that “it is the goal of Ames to establish a cost-effective and efficient growth pattern for development in new areas and in a limited number of existing areas for intensification.” Objective 5.C. states: “Ames seeks continuance of development in emerging and infill areas where there is existing public infrastructure and where capacity permits.”

Applicable Laws and Policies. The City of Ames laws and policies that are applicable to this proposed rezoning are included in Attachment E.

Applicant’s Statements. The applicant has provided an explanation of the reasons for the rezoning (see Attachment F).

Findings of Fact. Based upon an analysis of the proposed rezoning and laws pertinent to the applicant’s request, staff has made the following findings of fact:

1. Ames *Municipal Code Section 29.1507(2)* allows owners of 50 percent or more of the area of the lots in any district desired for rezoning to file an application requesting that the City Council rezone the property. The property represented by the applicant is entirely under one ownership representing 100 percent of the property requested for rezoning.
2. The Land Use Policy Plan (LUPP) Future Land Use Map generally indicated this area of Lincoln Swing as “Residential High Density” land uses, while showing the relationship to “Residential low density” land uses as you move south in the single family neighborhoods.

3. The Zoning for the property is predominately high density as existing and would be in line with the surrounding and abutting properties on Lincoln Swing if designated wholly as High Density Residential.

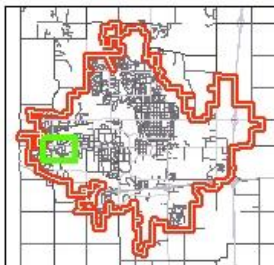
Public Notice. Notice was mailed to property owners within 200 feet of the rezoning area and a sign was posted on the subject property. A couple of phone calls have been received from the area residents asking what is being proposed for the lot, but no specific concerns over the actual rezoning request have been received by staff.

Planning and Zoning Commission Meeting. The Planning and Zoning Commission heard the application at the June 5, 2013 meeting. One resident of the mobile home park and two community members spoke out against the rezoning request. The concerns raised during the discussion focused on what the future development might bring for the site regarding traffic and crime and the proximity of high density uses abutting low density uses. Another large concern expressed was for the loss of affordable housing within the city. The Commission noted their agreement with these citizens' concerns, but ultimately recommended by a vote of 4 to 1 that the City Council approve the application request to rezone the south portion of the property at 4130 Lincoln Swing from Low Density Residential to High Density Residential. The dissenting Commissioner felt it was important to point out the loss of affordable housing that higher density development would bring.

Conclusions. Based upon the analysis in this report, staff concludes that the proposed rezoning of the subject property could be argued to be consistent with either of the land use designations of the Future Land Use Map, as well as with the Goals and Objectives of the City of Ames Land Use Policy Plan. **Staff believes that given the current development in the area abutting and fronting on Lincoln Swing, the residential high density use makes the most sense from a land use standpoint. This designation is also consistent with the zoning of the properties abutting the majority of the subject lot and the property fronting the entire length of Lincoln Swing. The rezoning to Residential High Density would be a logical extension of the "RH" zoning surrounding the majority of this site.**

Attachment A

Location Map

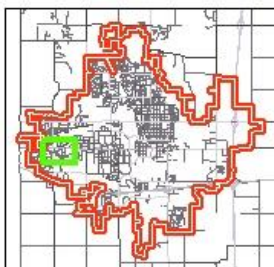
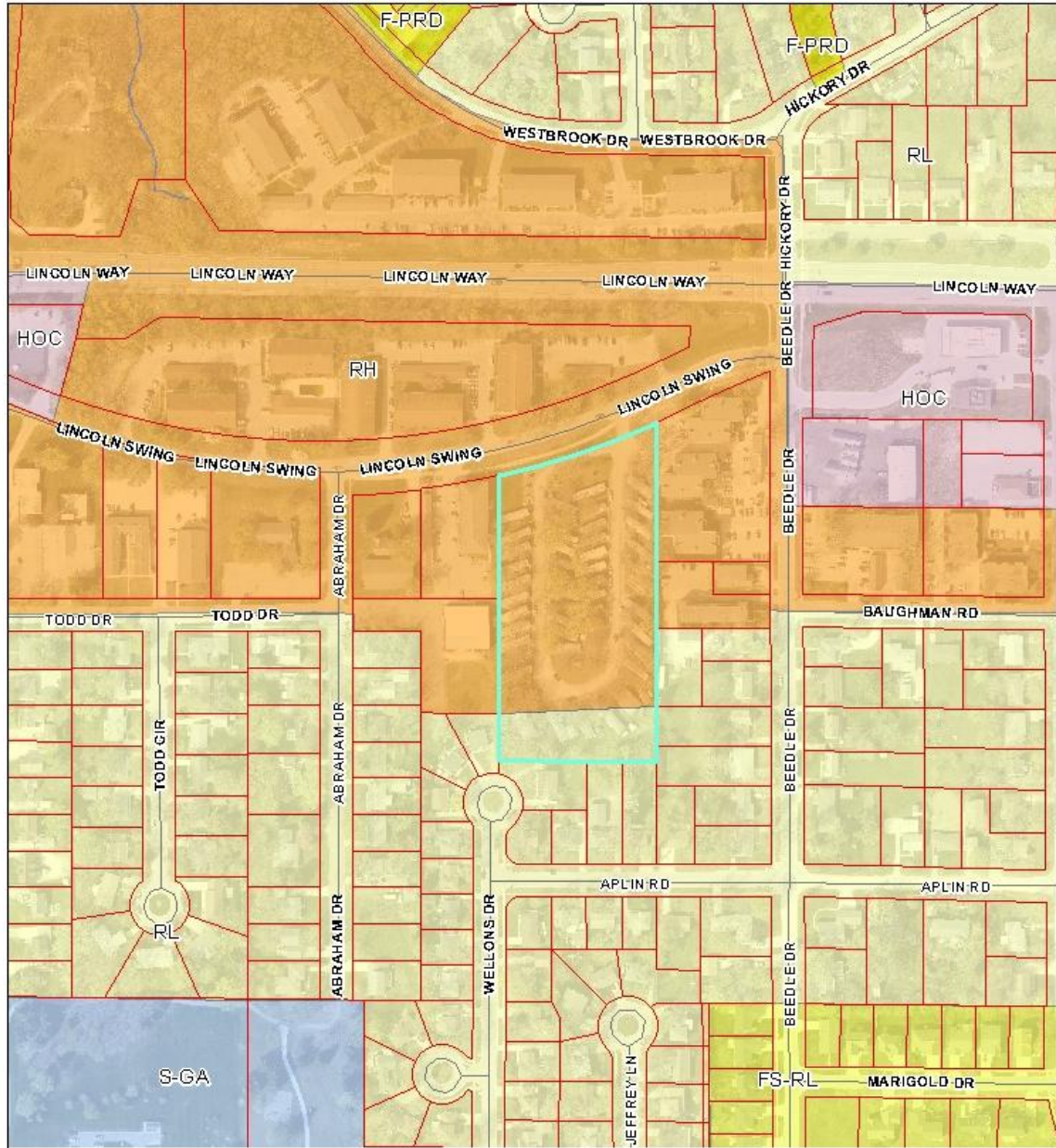


Location Map

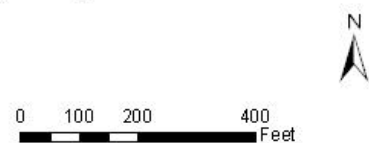


Attachment B

Existing Zoning

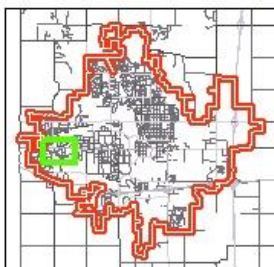
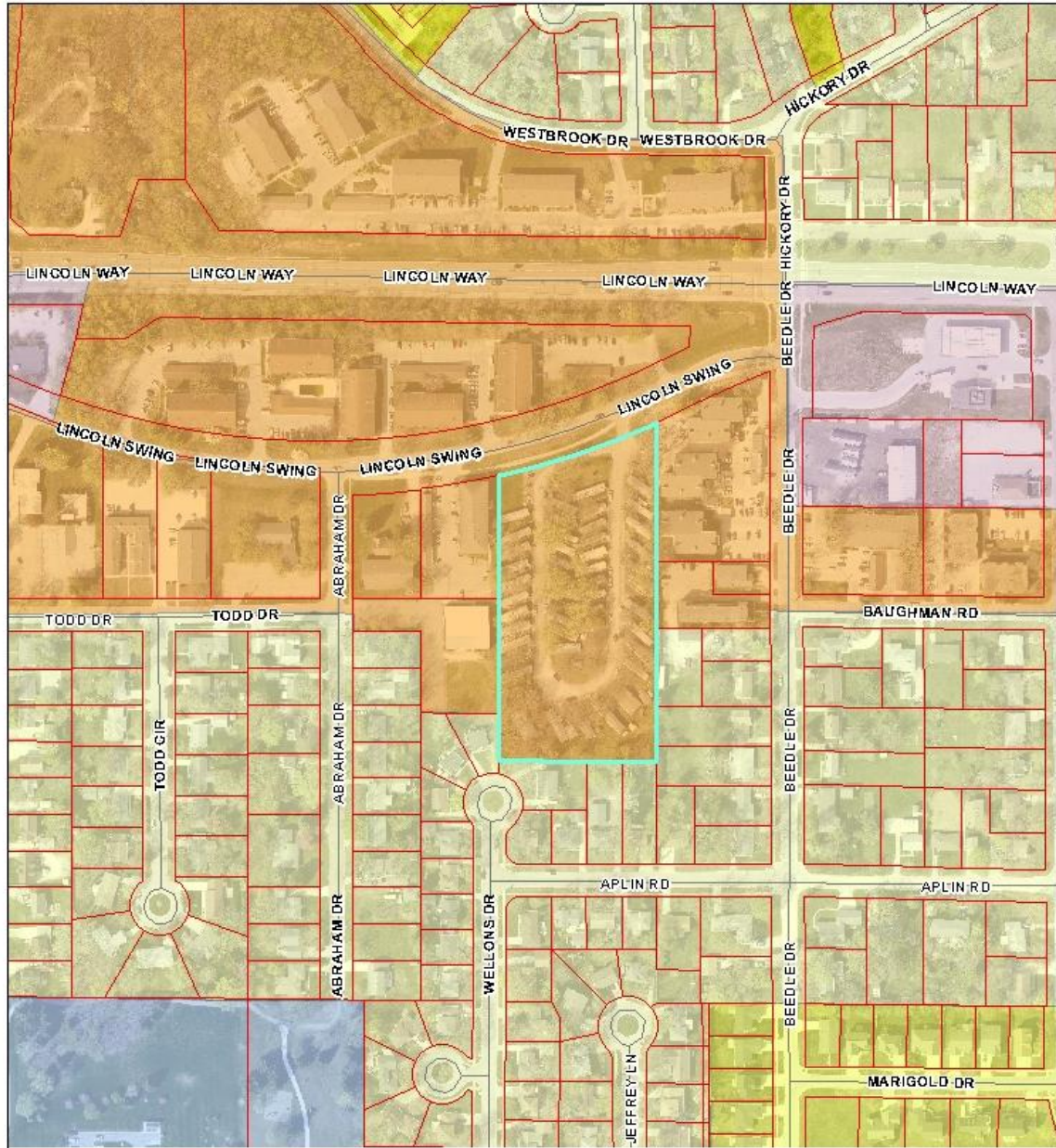


Existing Zoning Map

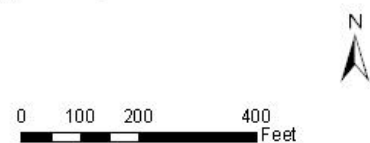


Attachment C

Proposed Zoning

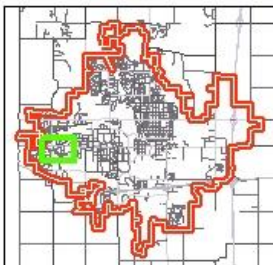


Proposed Zoning Map

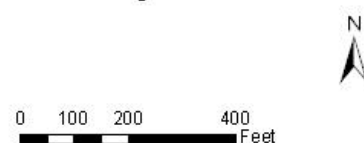


Attachment D

LUPP Future Land Use Map



Land Use Policy Plan Map



Attachment E

Applicable Laws and Policies

The laws applicable to the proposed rezoning at 4130 Lincoln Swing are as follows:

- Land Use Policy Plan (LUPP) Goals, Policies and the Future Land Use Map:

The Land Use Policy Plan (LUPP) Future Land Use Map identifies the land use designations for the property proposed for rezoning.

- Ames *Municipal Code* Chapter 29, Section 1507, Zoning Text and Map Amendments ,includes requirements for owners of land to submit a petition for amendment, a provision to allow the City Council to impose conditions on map amendments, provisions for notice to the public, and time limits for the processing of rezoning proposals.
- Ames *Municipal Code* Chapter 29, Section 703, Urban Core Residential Medium Density, includes a list of uses that are permitted in the Urban Core Residential Medium Density (RL) zoning district and the zone development standards that apply to properties in that zone.

Attachment F

Applicant's Statement

Beving, Swanson & Forrest, P.C.

Attorneys at Law

321 East Walnut Street, Suite 200
Des Moines, Iowa 50309 - 2048

My Direct Dial: (515) 237-1181
Facsimile: (515) 288-9409
Email: agalyon@bevinglaw.com
www.bevinglaw.com

Donald L. Beving
1917-2005

Don C. Swanson
1916-1985

F. H. Mike Forrest
Retired

Mark C. Feldmann
Alexander P. Galyon
Jared W. Hill
Rodney L. Janssen
Justin E. LaVan
Eldon L. McAfee
Doyle D. Sanders
Mark E. Truesdell
Julia L. Vyskocil

May 1, 2013

Department of Planning and Housing
Room 214, City Hall
515 Clark Avenue
Ames, Iowa 50010

Re: 4130 Lincoln Swing

Dear Sir or Madam:

I am the Manager/Member of GW College park, LLC, the owner of the real estate located at 4130 Lincoln Swing in West Ames. We are applying to have the portion of said property which is currently zoned as RL rezoned to RH. The property in question consists of approximately 168,489 square foot (3.868 acre) parcel of land located south of Lincoln Swing, which currently houses a mobile home park consisting of 46 lot spaces and a duplex. The zoning for the majority of the property is currently RH.

We are currently exploring potential future development of the site and in consultation with the Ames Planning and Zoning Department, it was discovered that a portion of the property is currently zoned RL. This portion is approximately 86 by 290 foot (approximately 25,000 square feet or 14.80% of the total parcel area) portion along the South of the property. We are seeking to have this portion rezoned to RH to accommodate future development of high density residential apartments on the property. The staff with planning and housing has indicated that because a portion of the property is zoned as RL, all the property must be developed at the most restrictive manner, thereby precluding any high density development on the property. The requested rezoning of the RL portion is consistent with the Land use Policy Plan as the majority of the land is currently zoned RL and the requested change would bring the remaining portion of the lot in compliance with the majority of the land. The current use of the land as a mobile home park would be allowed to continue which as a pre-existing use (the park has been there since approximately 1972), but that use is not consistent with either RL or RH zoning classes. The

Attachment F (Cont.)

Applicant's Statement

BEVING, SWANSON & FORREST, P.C.

May 1, 2013
Page 2

proposed rezoning would allow for future redevelopment of the land consistent with the area and with the current zoning classification for the majority of the property.

Sincerely,

A handwritten signature in black ink, appearing to read "Alex P. Galyon", written over the word "Sincerely,".

Alexander P. Galyon
Attorney at Law

DO NOT WRITE IN THE SPACE ABOVE THIS LINE, RESERVED FOR RECORDER
Prepared by: Douglas R. Marek, Ames City Attorney, 515 Clark Avenue, Ames, IA 50010 Phone: 515-239-5146
Return to: Ames City Clerk, P.O. Box 811, Ames, IA 50010 Phone: 515-239-5105

ORDINANCE NO. _____

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

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

Section 1: The Official Zoning Map of the City of Ames, Iowa, as provided for in Section 29.301 of the *Municipal Code* of the City of Ames, Iowa, is amended by changing the boundaries of the districts established and shown on said Map in the manner authorized by Section 29.1507 of the *Municipal Code* of the City of Ames, Iowa, as follows: That the real estate, generally located at 4130 Lincoln Swing, is rezoned from Residential Low Density “RL” to Residential High Density “RH.”

Real Estate Description: All that portion of the East 289.5 Feet of the East 35 Rods of the West 75 Rods of all that part of the Northwest Quarter (NW1/4) of the Northwest Quarter (NW1/4) of Section Eight (8), Township Eighty-three (83) North, Range Twenty-four (24) West of the 5th P.M., lying South of the Center Line of Public Street known as “Lincoln Swing”, in the City of Ames, Iowa, EXCEPT the South 442 Feet thereof currently zoned as “RL” under the City of Ames, Iowa, zoning map, also described as follows:

Beginning at the Northeast Corner of Lot 6, Cochrane’s 1st Addition to Ames, Iowa; thence South to the Northwest corner of Lot 5, except the East 129.5 feet, Cochrane’s 1st Addition to Ames, Iowa; thence West to the Northeast corner Lot 1, Cochrane’s 1st Addition to Ames, Iowa; thence North to the Northeast Corner of Lot 4, Block 4, Beedles Subdivision to Ames, Iowa, thence Southwesterly along the Northern boundary of the “RL” zoning district to the point of beginning.

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

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

ADOPTED THIS _____ day of _____, 2013.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor

ITEM # 5
DATE: 06-11-13

COUNCIL ACTION FORM

SUBJECT: PUBLIC UTILITY EASEMENT VACATION –
MARY GREELEY SUBDIVISION (EAST 13TH STREET)

BACKGROUND:

Staff has received a request from the attorney representing Mary Greeley Medical Center to vacate the public utility easement currently shown running north/south through the existing lot at 2322 East 13th Street on Attachment A. 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 Attachment B.

This request was originally scheduled to be presented to Council at the April 9, 2013 meeting. However, at that time staff had not yet received a response from all utility users as to the existence or potential use of the existing easement. Therefore, this item was pulled from the Council agenda.

Public Works staff has now received responses from all registered right-of-way users as to the extent of utilities in this immediate area and any intention to utilize the existing easement. The only affected utility is Alliant Energy. This is a service line to the existing building on the site, which is not required to be in an easement. None of the other utility owners have an existing use or any plans to utilize the existing easement.

ALTERNATIVES:

1. Approve the proposal to vacate the existing public utility easement at 2322 East 13th Street and set the date of public hearing for June 25, 2013.
2. Direct staff to pursue other options.

MANAGER'S RECOMMENDED ACTION:

By approving vacation of the easement at this time, Council will meet this property owner's need to move forward with the final platting process for the subdivision and the sale and improvements of the lots.

Therefore, 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 13th Street and setting the date of public hearing for June 25, 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

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

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

LOT 4

LOT 3

LOT 2

LOT 1

LOT 5

LOT 6

LOT 7

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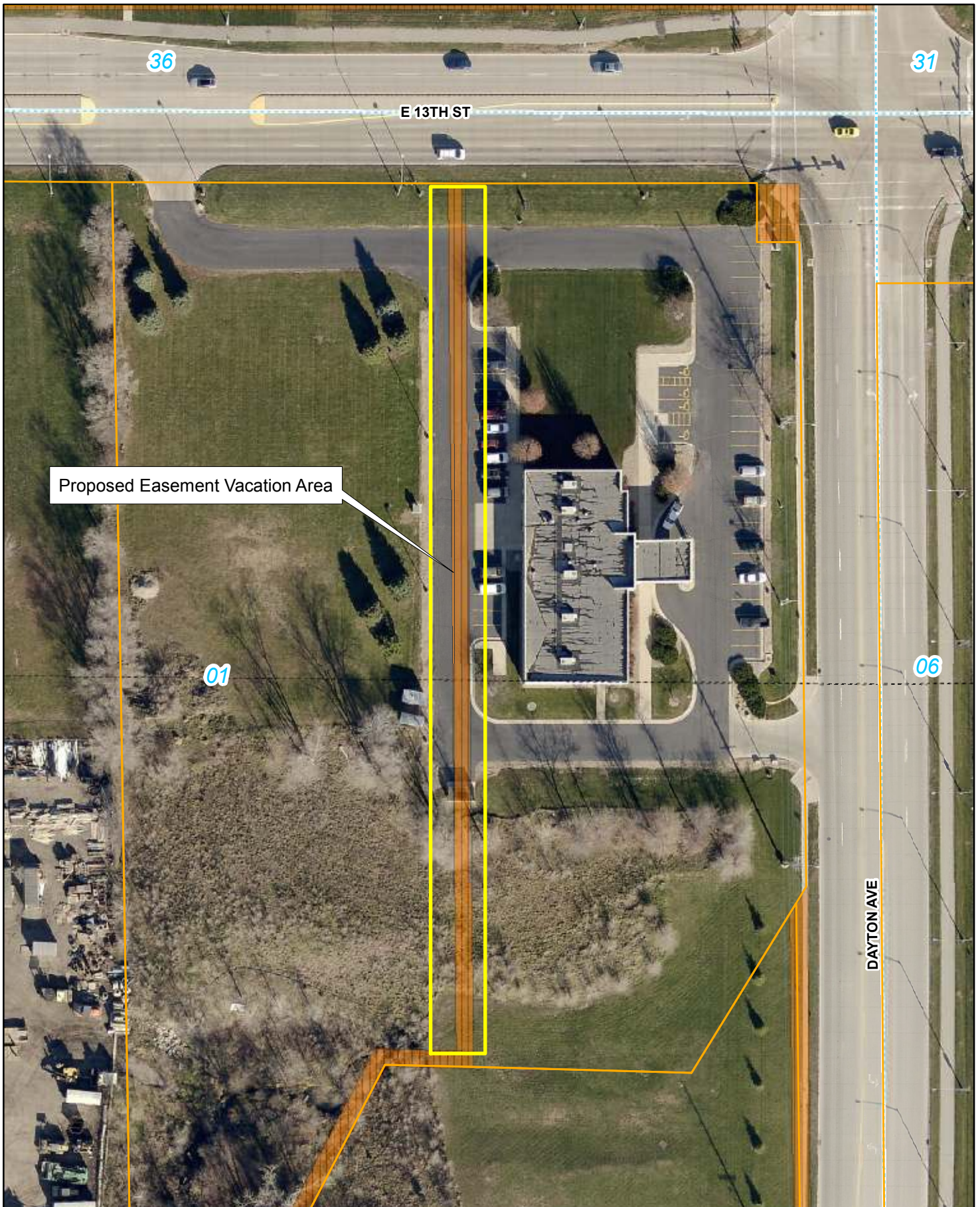
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Geographic Information System (GIS) Product Disclaimer: City of Ames GIS map data does not replace or modify land surveys, deeds, and/or other legal instruments defining land ownership & land use nor does it replace field surveys of utilities or other 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

COUNCIL ACTION FORM

SUBJECT: **MARY GREELEY SUBDIVISION MINOR FINAL PLAT**

BACKGROUND:

Mary Greeley Medical Center is requesting approval of a Final Plat for a minor subdivision of the property located at 2322 East 13th Street (*See Attachment A*). The Final Plat divides Parcel "C" into three lots for development in the "G-1" (General Industrial) zoning district (*See Attachment B*).

The City Council is asked to determine compliance with the applicable law found in "*Attachment C*." Staff's analysis of the proposed subdivision plat demonstrates compliance with existing zoning and subdivision standards.

Based upon this analysis, the City Council may conclude that the Final Plat conforms to relevant and applicable design and improvement standards of the Ames *Municipal Code* Chapter 23 (Subdivisions), to other City ordinances and standards, to the City's Land Use Policy Plan, and to the City's other duly adopted plans.

The addendum and attachments to this report provide additional background information.

ALTERNATIVES:

1. The City Council can approve the Final Plat for Mary Greeley Subdivision.
2. The City Council can deny the Final Plat for Mary Greeley Subdivision if it finds that it does not comply with the applicable ordinances, standards or plans.
3. The City Council can refer this request back to staff or the applicant for additional information to be returned not later than the City Council meeting of March 26, 2013.

MANAGER'S RECOMMENDATION:

The proposed Final Plat for Mary Greeley Subdivision is consistent with the City's existing subdivision and zoning regulations, to other City ordinances and standards, to the City's Land Use Policy Plan, and to the City's other duly adopted plans.

Therefore, it is the recommendation of the City Manager that the City Council accept Alternative #1, thereby approving the Final Plat for Mary Greeley Subdivision.

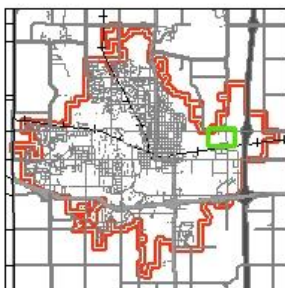
ADDENDUM

INTRODUCTION:

The applicant proposes to subdivide the existing Parcel "C" into three lots. "*Attachment B*" shows the subject site with the division of property, as requested by the owner. A total of 5.33 acres are included in the plat. Lot 1 includes 1.67 acres and is the site of the Kidney Dialysis Center for Mary Greeley Medical Center. Lot 2 includes 1.96 acres of vacant land area, and Lot 3 includes 1.70 acres for development. Land included in the proposed subdivision is designated as "General Industrial" on the Future Land Use Map of the Land Use Policy Plan, and is zoned as "GI" (General Industrial).

Full utilities exist to serve this site, so no public improvements are needed at this time. A cross access easement is being provided for vehicular traffic between Lots 1 and 3.

Attachment A General Location



Location Map
2922 E13th Street



EAST 13TH STREET (95')

CROSS ACCESS EASEMENT

CURVE 1	CURVE 2	CURVE 3
R=297.00'	R=297.00'	R=297.00'
Δ=42.41°	Δ=42.41°	Δ=42.41°
Δ=90.00°00'	Δ=90.00°41'	Δ=90.00°41'
Δ=42.41°00'	Δ=42.41°00'	Δ=42.41°00'
CH=38.38'	CH=38.38'	CH=38.38'

LOT 3
72912.52 S.F.
1.70 ACRES
2330 E. 13TH STREET

LOT 1
72909.95 S.F.
1.67 ACRES
2322 E. 13TH STREET

LOT 2
80969.47 S.F.
1.86 ACRES
2001 DAYTON AVENUE

RECEIVED
JUN 11 2013
CITY OF AMES, IOWA
DEPT. OF PLANNING & HOUSING

SURVEY DESCRIPTION - MARY GREELY SUBDIVISION:
A subdivision of Parcel C, except public right-of-way contained therein, containing approximately 1.70 acres, more or less, consisting of that part of the Northeast Quarter of the Northwest Quarter of Section 18, Township 83 North, Range 10 West of the 2nd P.M., City of Ames, Story County, Iowa, east Parcel C as shown on the Plat of Survey filed on March 28, 1990 at Plat No. 86-00872 and to Block 12, Page 212, said subdivision being more particularly described as follows: Beginning at the intersection of the South line of East 13th Street with the West line of Dayton Avenue; thence S29°21'20"E 418.30 feet along the West line of East 13th Street to the intersection of the South line of East 13th Street with the West line of Dayton Avenue; thence S89°57'00"E 407.07 feet along the South line of East 13th Street to the point of beginning, containing 3.38 acres.

NOTES:

1. THERE IS A 15'-0" WIDE EASEMENT FOR THE BENEFIT OF NORTHWESTERN RAILROAD COMPANY, RECORDED IN BOOK 28, PAGE 208, CROSSING THAT PART OF PARCEL C, LINE EAST OF LOT 3. FIRST ADDITION AMES SUBDIVISION, WHICH CAN'T BE SHOWN ON THIS PLAT BECAUSE THERE IS NOT A DESCRIPTION OF THE EASEMENT ROUTE.
2. THAT PART OF PARCEL C LYING IN THE PUBLIC RIGHT OF WAY WAS ACQUIRED BY THE CITY OF AMES FOR RIGHT OF WAY ACQUISITION FILED ON MAY 26, 1997 AT INSTR. NO. 87-00268.
3. THAT BUILDING ARE DESIRED IN AREAS WITHIN THIS PLAT WHICH HAVE BEEN FURNISHED BY THE CITY OF AMES AS HAVING BUILDS THAT MAKE CONSTRUCTION OF BUILDING DIFFICULT.

OWNER/DEVELOPER:
CITY OF AMES, IOWA
5757 N. MARY GREELY MEDICAL CENTER
1111 BUFF AVENUE
AMES, IA 50030

LEGEND

PROPERTY BOUNDARY	
SECTION LINE	
STREET CENTER LINE	
RIGHT OF WAY LINE	
EASEMENT LINE	
BUILDING SETBACK LINE	
SECTION CORNER FOUND ON SET AS NOTED	
BUILDING FOUND 75% ON PIPE AS NOTED	
SET 1/2" REBAR W/ YELLOW CAP P17361S	

GRAPHIC SCALE 1"=50'

0 50 100 150

STUMBO & ASSOCIATES
LAND SURVEYING
510 S. 17TH STREET, SUITE 402-2 AMES, IOWA 50010
PH. 562-293-5604 FAX 562-293-4409

FINAL PLAT
MARY GREELY SUBDIVISION
JOB #13139FP DATE: 6/10/13 PAGE 1 OF 1

STORY COUNTY
IOWA
RECORDED
DATE: 6/10/13

Certification: I hereby certify that this land surveying was performed in accordance with the laws and rules of the State of Iowa, and that I am a duly licensed land surveyor under the laws of the State of Iowa.
By: *[Signature]* Date: 6/10/13
My license number is 14947 and expires on December 31, 2013.

Attachment C Applicable Law

The laws applicable to this case file are as follows:

Code of Iowa, Chapter 354.8 states in part:

A proposed subdivision plat lying within the jurisdiction of a governing body shall be submitted to that governing body for review and approval prior to recording. Governing bodies shall apply reasonable standards and conditions in accordance with applicable statutes and ordinances for the review and approval of subdivisions. The governing body, within sixty days of application for final approval of the subdivision plat, shall determine whether the subdivision conforms to its comprehensive plan and shall give consideration to the possible burden on public improvements and to a balance of interests between the proprietor, future purchasers, and the public interest in the subdivision when reviewing the proposed subdivision and when requiring the installation of public improvements in conjunction with approval of a subdivision. The governing body shall not issue final approval of a subdivision plat unless the subdivision plat conforms to sections 354.6, 354.11, and 355.8.

Ames Municipal Code Section 23.303(3) states as follows:

(3) City Council Action on Final Plat for Minor Subdivision:

(a) All proposed subdivision plats shall be submitted to the City Council for review and approval in accordance with Section 354.8 of the Iowa Code, as amended or superseded. Upon receipt of any Final Plat forwarded to it for review and approval, the City Council shall examine the Application Form, the Final Plat, any comments, recommendations or reports examined or made by the Department of Planning and Housing, and such other information as it deems necessary or reasonable to consider.

(b) Based upon such examination, the City Council shall ascertain whether the Final Plat conforms to relevant and applicable design and improvement standards in these Regulations, to other City ordinances and standards, to the City's Land Use Policy Plan and to the City's other duly adopted plans. If the City Council determines that the proposed subdivision will require the installation or upgrade of any public improvements to provide adequate facilities and services to any lot in the proposed subdivision or to maintain adequate facilities and services to any other lot, parcel or tract, the City Council shall deny the Application for Final Plat Approval of a Minor Subdivision and require the Applicant to file a Preliminary Plat for Major Subdivision.

Staff Report

SCENARIOS FOR PROVIDING WATER SERVICE TO NORTHERN GROWTH AREAS

June 25, 2013

OVERVIEW

With the previous change to the Land Use Policy Plan, the City Council indicated its willingness to annex land in the City's northern growth area for residential development. However, at present two annexation requests in this area are on hold pending determination of how water service will be provided. This stems from a 1996 agreement with Xenia Rural Water District, whereby Xenia gained the right to provide water service north of Ames' city limits.

This report presents two scenarios for how this water service issue can be resolved. One is for the City to "buy out" this service territory from Xenia. The second is for Xenia to provide this service in accordance with requirements set by the City and to buy City water to serve the area. Each scenario involves unique costs and time frames that will have different long-term impacts on water service to the northern growth area.

After reviewing this report, staff will need direction in order to negotiate a final water service agreement with Xenia. Once this direction is given, it will also allow staff to work with the local developers to finalize annexation agreements for the Athen land, Quarry Estates, and the two Hunziker-owned tracts along Grant Avenue. Following approval of the agreements with Xenia and the developers, the proposed annexations can be approved. The final step will be for the City to begin installation of the appropriate City infrastructure along Grant Avenue.

NORTHERN GROWTH ANNEXATION REQUESTS

The initial annexation of northern growth residential lands began with the Rose Prairie annexation in July, 2010. Subsequently, annexation requests were received from Quarry Estates in July 2012 and for the Athen property in December 2012. Given the uncertainty surrounding water service, annexation requests have not yet received for the two Hunziker properties.

Following the Rose Prairie precedent, Council directed that annexation agreements be negotiated with the developers along Grant Avenue prior to approval of annexation requests. Further, when considering the Athen annexation request, Council directed that annexation agreements first be finalized for both the Athen property and the two Grant Avenue Hunziker properties prior to approval of the Athen annexation.

Attachment A is a map showing the northern growth area and the Athen and Quarry Estates annexation areas. Staff estimates that approximately 1,000 new residential units will be developed on this land.

Traditionally the City has required developers of newly annexed land to cover any rural water buy-out costs or make whatever other arrangements were needed with the rural water providers. This was the case with the Barilla land, with the regional commercial land on East 13th Street, and with the Northridge Heights subdivision.

EXISTING XENIA WATER TERRITORY CONTRACT

Upon a request from Xenia, a water territory agreement was negotiated and signed in 1996. That agreement was based upon State law, which contained the following requirements:

- A rural water district (RWD) must ask a city for permission to serve a customer lying within two miles of the city's limits; and
- The city must either provide water to that customer within four years of the request, or else must allow the RWD to serve the customer.

The 1996 agreement specified a specific territory that the City chose not to serve, and which therefore became Xenia territory. (See map – Attachment B.) At the time this contract was signed, there was a mutual understanding that Xenia's water mains would be bought out as Ames grew northward into the area. Section 13 of that contract lays out the buy-out criteria to be considered, which includes the initial cost of the pipes, the depreciated value of pipes, and the market value of the distribution system.

The entire 1996 agreement is shown in Attachment C. That contract also includes a water purchase provision, which was modified in 1997 to reduce the maximum volume which Xenia could buy from 500,000 to 250,000 gallons per day.

CURRENT STATUS OF XENIA RURAL WATER DISTRICT

Xenia Rural Water District has had tremendous financial struggles in recent years. It has \$128 million in debt and was in danger of bankruptcy. Consequently, Xenia

scaled back its staff and operations greatly and has imposed major rate increases on its existing customers in order to survive.

After lengthy negotiations, a forbearance agreement was reached with Xenia's creditors earlier this year. Xenia's creditors include Assured Guaranty, USDA Rural Utilities Services, and Iowa Finance Authority.

When City staff approached Xenia earlier this year about relinquishing the northern growth territory to Ames, Xenia officials stated that their creditors, particularly Assured Guaranty, now have approval and veto power over any service territory transfers or other major contracts that affect the debt they hold. They indicated that, to guaranty their investments, these creditors (and Assured Guaranty in particular) would undoubtedly seek the most favorable position possible to secure their loans.

The City Finance Director's review of audited financial statements for Xenia indicated that a decision that would allow Xenia to provide water service to Ames residents will carry significant risk due to Xenia's financial health. The most recent available Xenia financial statements are for the 2011 calendar year and were audited by the Office of the Auditor of the State of Iowa. The auditor's report indicated several concerns with the ability of Xenia to continue to operate. The auditor noted that Xenia's current assets exceeded current liabilities, and stated that there were "significant uncertainties regarding the District's ability to continue its operation and to satisfy its obligations to its creditors on a timely basis." The auditor report included "substantial doubt about the District's ability to continue as a going concern." The audit report also noted multiple instances and noncompliance with debt provisions, including nonpayment of debt and payment of debt by a bond insurer due to the District's inability to meet debt service obligations. The full report is available at <http://auditor.iowa.gov/reports/index.html>.

STATUS OF NEGOTIATIONS WITH XENIA

City and Xenia staff have worked together since March to identify scenarios under which water service can be provided to the City's northern growth area. Xenia originally proposed three scenarios –

- One where Ames would "buy out" and take over the annexed areas and serve these areas with the City's water utility
- One where Xenia would serve the annexed areas with water from the Boone water treatment plant
- One where Xenia would serve the annexed areas with water purchased from the City's water utility

Both parties agreed to eliminate the Boone scenario. Drawbacks of that scenario included Xenia's need to build a 1,000,000 gallon water tower adjacent to Ames to hold water from Boone, which would be costly for Xenia and could exacerbate urban sprawl in Ames' urban fringe.

Major elements of the remaining two scenarios are outlined below.

SCENARIO 1 – AMES SERVING ANNEXED AREAS WITH BUY-OUT OF XENIA SERVICE TERRITORY

Under this scenario, the right to provide water service to all the territory shown on Appendix D would be transferred from Xenia to the City. In exchange, the City would pay Xenia according to one of several options.

One option would involve a **one-time, up-front payment** to Xenia.

A second option would involve making **one-time payments to Xenia as individual customers connect to City water** in these northern areas.

A third option would involves making **monthly payments to Xenia as individual customers connect to City water**. Xenia has requested that this time period coincide with the life of the Assured Guaranty debt, which is 28 years.

A fourth option would be **any combination of the above** options.

A more detailed description of these payment options is provided under the Financial Basis section below.

Under Scenario 1, Xenia's existing rural water customers within the annexed territory would continue to be served by Xenia. If, or when, those customers want to be connected to City water, they will be responsible to pay Xenia for any territory transfer costs.

Given the degree of review and control exercised over Xenia by its creditors, Xenia staff estimate that it will take from six to 18 months to gain lender approval of a territory transfer agreement.

SCENARIO 2 – XENIA SERVES ANNEXED AREAS WITH AMES WATER

Although this scenario does not involve negotiating payments to Xenia, it would require a more complex agreement, since the City needs to insure that its future residents in the northern growth areas receive dependable, safe, economical water service with a high level of urban fire protection. Key elements of this scenario should include the following:

Water source and service territory

Xenia will provide water service to the annexed territory shown on Appendix D. Ames will sell Xenia water at the “in town” volume rate, with the understanding that this water will be provided only to customers within this annexed territory. An agreement will specify how Xenia will provide appropriate quantity and quality of water to serve these annexed areas.

With regards to Xenia’s existing customers, those along GW Carver Avenue will continue to be served from Xenia’s existing 12” main; while those along Grant Avenue will continue to be served from Xenia’s existing rural water piping.

Infrastructure standards & installation

All of Xenia’s distribution infrastructure within the City must conform to the City’s adopted development requirements and design standards.

Since the City has already designed the 12” water main that will run up Grant Avenue, the City would construct this main in conjunction with installation of the City’s sanitary sewer main. Xenia will repay the City 100% of the costs associated with installation of the water main.

Xenia will provide system reliability in these areas by linking its existing mains along 190th Street and GW Carver (north of Cameron School Road) to temporarily loop the 12” Grant Avenue main with the 12” GW Carver main. Xenia will install the remainder of a permanent 12” loop along 190th Street and GW Carver as adjacent areas annex.

Xenia will maintain two connections to the City’s water system - at GW Carver (existing location) and at Harrison Road (new location).

In order to insure that the City complies with state requirements, upon request of property owners Xenia will provide water service to any newly annexed properties within two years.

Water rates & metering

Ames will charge Xenia, and Xenia will charge its Ames customers, the same volume usage rates as are charged to Ames' in-town customers. Xenia will be responsible for metering and billing customers, and will share monthly meter readings with the City for our sewer billing. Xenia will work with the City to coordinate service initiations and discontinuations; and at the City's request, will disconnect water service to utility customers who are delinquent on their City utility bills.

Water conservation measures

Xenia will implement the same water rationing measures as are implemented for all other Ames utility users.

Fire fighting capability & maintenance of ISO rating

Ames will be authorized to use Xenia's distribution system and hydrants to provide fire protection within the City. Xenia's hydrant maintenance program and distribution system repairs must be of a caliber to meet the same high ISO insurance rating as is maintained for the City's own water distribution system.

Service connection procedures and fees

Procedures are outlined to specify how developers, home builders and customers will access Xenia's water system. Appendix E contains a summary of fees that Xenia will charge as development occurs and customers connect to Xenia's system in this area.

Service territory transfer

Given Xenia's questionable financial situation, this would be a key element of any agreement whereby Xenia provides water service within the City of Ames. In the event that Xenia should enter into receivership, become financially insolvent, fail to pay the City for goods or services received, or otherwise fail or become unable to fulfill the responsibilities of the agreement, the City will assume the responsibility and the right to provide water service to this territory. Should that occur, the City would compensate Xenia for the depreciated value of the distribution system within the City's limits that was built at Xenia's expense.

Since Scenario 2 does not involve a transfer of assets, Xenia staff estimates that it would take from three to four months to gain lender approval for this agreement.

FINANCIAL BASIS FOR PAYMENT OPTIONS UNDER SCENARIO 1

From Xenia's perspective, their financial goals are straightforward. They want to achieve one of the following:

- Under Scenario 1, they want to receive the greatest buy-out payment(s) possible in order to satisfy their creditors. Xenia staff indicates that payments over time are preferable to a lump sum up front payment.
- Under Scenario 2, they want to add as many new customers to their system as possible in order to spread their debt repayment and overhead costs. Xenia staff indicates that they see growth in urbanized areas like Ames as the key to increasing their customer base.

From the City staff's perspective, the key decision under Scenario 1 involves the amount that will be paid to Xenia. The staff would prefer to keep any surcharge required by Xenia to a minimum in order to minimize any differential between our existing customers and those who move into the northern growth area. In addition, the City Council must decide **who** will be responsible for making those payments. Possibilities include the following:

- Developers,
- Individual future northern area water customers,
- All of the City water utility's customers, or
- Some combination of the above.

The following options have been developed by City and Xenia staff that could justify various buy-out amounts:

One-time, up-front payment to Xenia

- Xenia's initial proposal of \$6,720,280 – This amount is based on Xenia's calculation of having 1,000 new customers pay the \$240.01 annual share of Xenia's average net cash flow and fixed costs over the 28 year life of their indebtedness.
- City proposal of \$265,000 – This amount is based on City staff's calculation of the value of adding 1,000 new customers to our water utility.

One-time Payments to Xenia as individual customers connect to City water

- City proposal of \$265 per customer – This amount is based on staff's calculation of the value of adding a new customer to our water utility.
- City proposal of \$486 per customer – This is based on having staff's calculation of having 1000 more customers help pay for the utility's fixed costs.

- Xenia proposal of \$6,720 per customer – This amount is based on Xenia’s calculation of having 1,000 new customers pay a monthly share of Xenia’s average net cash flow and fixed costs over the 28 year life of their indebtedness.

Monthly payments to Xenia, beginning when each individual customer connects to City water

There are multiple possible monthly payment options. The following have been discussed between Xenia and City staff:

- City proposal of \$1.50/month/customer – This is based on City staff’s calculation of the value of a new customer to our water utility.
- Xenia proposal of \$17.92/month/customer, based on Xenia’s calculation of each new customer paying share of Xenia’s average net cash flow and fixed costs over the 28 year life of their indebtedness. Xenia refers to this amount as its Availability Cost.
- City proposal of \$3.98/month/customer – This amount is based on *splitting the \$7.96 difference* between Xenia’s Availability Cost and the City’s minimum water bill. Each new resident would pay this amount in addition to paying the \$9.96 monthly minimum bill to the City.

These payments could cease by 2041 when the Assured Guaranty debt is repaid, or at some earlier date, should the Council so direct.

RESPONSIBILITY FOR BUY-OUT PAYMENTS

If the Council’s preferred option is for a **one-time buy-out**, then either the developers, the City, or a combination of those two would need to come up with the cash to satisfy Xenia and its creditors. Xenia staff has indicated that such an amount would need to be very large to satisfy their creditors. For that reason, this option seems unrealistic for both the City and the developers.

If the Council’s preferred option is for **one-time payments to be made to Xenia as individual customers connect to City water**, then either the developer or the home-buyer could pay that cost. Because the \$6,720 amount suggested by Xenia is economically unrealistic for any development to proceed, a lower, mutually acceptable amount may be feasible.

If the Council's preferred option is for **each new customer to pay a monthly surcharge to Xenia** after they begin service, it could be argued that all new residents who choose to live in the northern growth area should pay the monthly surcharge.

REQUESTED COUNCIL ACTION

After evaluating the scenarios and options described above, Council is being asked to provide staff direction on its preferred scenario and payment option, if Scenario 1 is selected. Staff will then work to negotiate an agreement with Xenia.

STAFF COMMENTS

Staff understands that, because of the growing need for developable residential lots in the city limits, it is important that this rural water issue be resolved as soon as possible. However, the Council must understand that the option selected today will impact our residents far into the future. Therefore, Council members should carefully consider all aspects of each Scenario and payment option before direction is given to staff.

Given the uncertainty of Xenia's future because of their financial situation, it appears the most secure course of action would be for the City's water utility to serve this northern growth area as it is annexed. In order to accomplish this strategy, a "buyout" of the area from Xenia will be required (Scenario 1).

After considering all of the options provided in this report, staff has concluded that, rather than one lump sum buyout of the area that would be paid by developers or by spreading the cost among all of the water utility customers, the preferred option for a buyout would include an "add on" fee on each customer's monthly bill. Therefore, consideration should be given to the \$3.98 monthly customer fee. In addition, since Xenia will not receive any payment under this approach until a new building is built and a meter installed, satisfying Xenia's creditors may require augmentation of these monthly payments with a minimum upfront fee paid by the developer.

The combination of these two approaches would be more similar to our past practice of requiring the developer to be responsible for the buyout of an area previously served by rural water. Under this arrangement, the cost of this buyout would ultimately be absorbed by lot owners in the annexed area.

It is important to emphasize again that, based on Xenia staff's estimates, both of these alternatives will take a significant amount of time to gain approval from Xenia's creditors, the USDA and Xenia's Board. Scenario 1 (territory buy-out) is estimated to take from six to 18 months to gain approval. Scenario 2 (Xenia serving areas with Ames

water) is estimated to take from three to four months for approval. Either alternative will have a negative effect upon the City's need to annex land for northern residential growth.

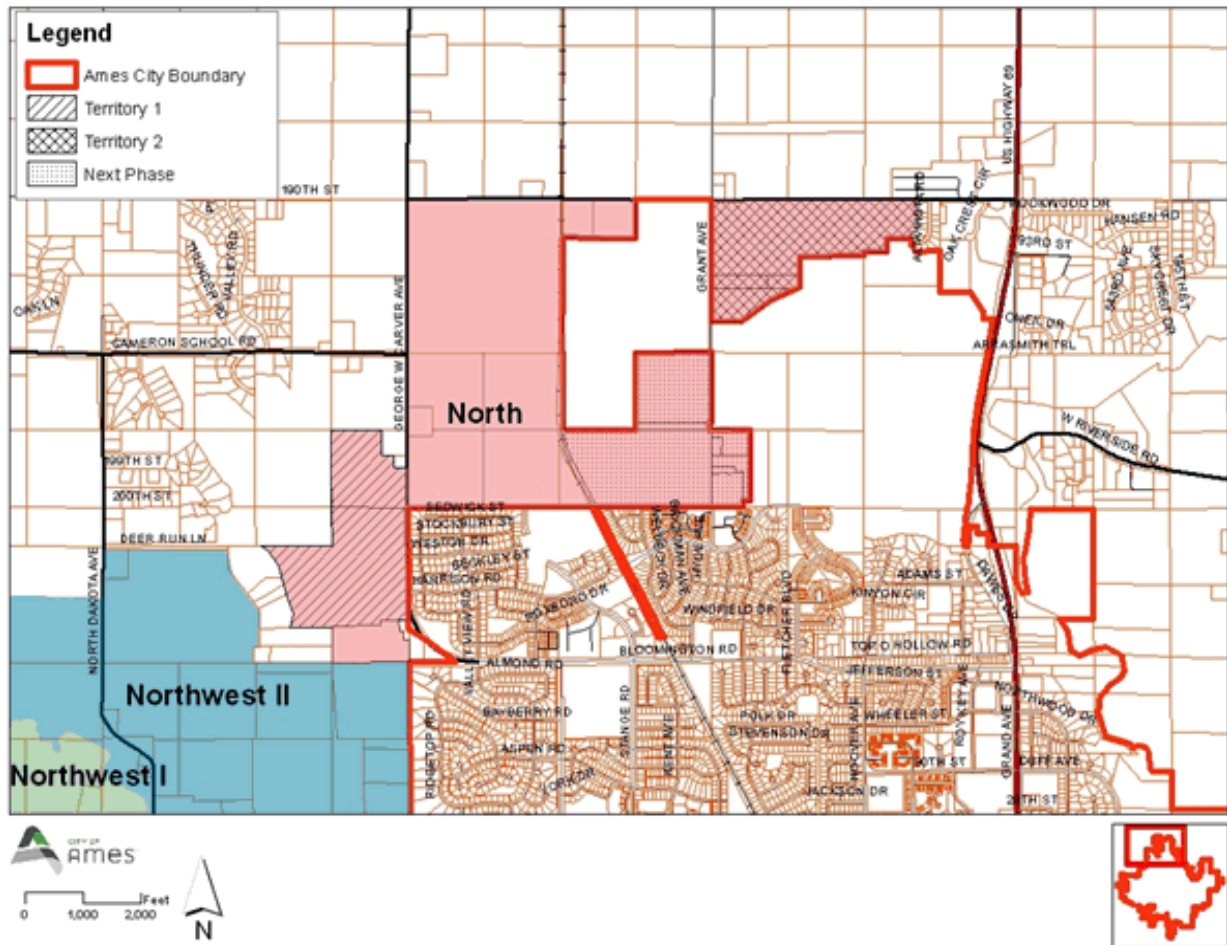
As a final note, while the situations with Xenia and with Central Iowa Water Association (CIWA) are not identical, decisions made in the northern annexation area may establish new benchmarks for the City's negotiations with CIWA for eastern industrial annexation.

ADDENDA

- A Map showing annexation areas
- B Map showing territory covered in 1996 Xenia agreement
- C 1996 Xenia agreements
- D Map showing water service territory to be transferred to the City
- E Summary of Xenia fees & charges

ATTACHMENT A

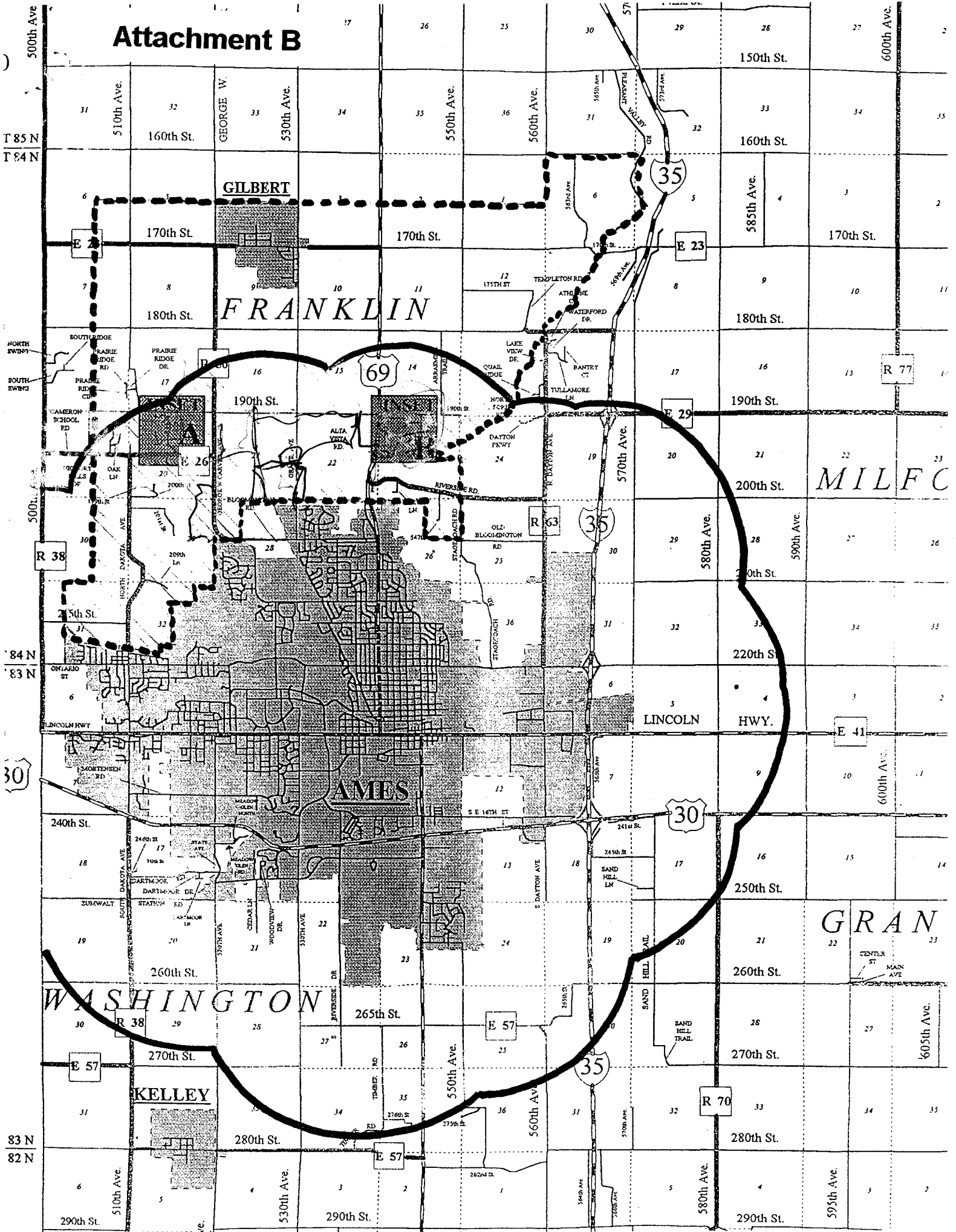
NORTHERN GROWTH AREA & PROPOSED AREAS FOR ANNEXATION



Pink areas denote Northern Growth Area

Cross-hatched pink areas denote Athen annexation (Territory 1) and Quarry Estates annexation (Territory 2)

Attachment B



Attachment C

SPECIAL CONTRACT FOR AN UNUSUAL TYPE OF WATER UTILITY SERVICE XENIA RURAL WATER DISTRICT

THIS CONTRACT, made and entered into effective this 22nd day of October, 1996, by and between the City of Ames, Iowa (hereinafter called the "City") and Xenia Rural Water District (hereinafter called "Xenia"),

WITNESSES THAT:

WHEREAS, Xenia is a rural water district existing under Chapter 357A, Code of Iowa, for the purpose of distributing a supply of potable water to consumers; and

WHEREAS, Xenia has proposed that the City provide water to Xenia for distribution as aforesaid; and

WHEREAS, the requested service is of an unusual type due to its wholesale nature; and

WHEREAS, Section 384.84(6)(a)(2), Code of Iowa, provides that a City may contract specially for services where the type of service is unusual; and,

WHEREAS, Xenia desires to purchase and the City desires to sell a supply of water upon the terms and conditions of a written contract,

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

1. The City shall sell and supply, and Xenia shall take and pay for, potable water in accordance with the terms and provisions stated in the following paragraphs of this contract. The City shall have no obligation, financial or otherwise, to provide more water to Xenia than Xenia has reserved in Appendix A.

2. Xenia shall not supply or deliver potable water to a site within two miles of the corporate limits of the City, as such limits may change, for any building or use for which any and all federal, state, county, and city permits and approvals required by law, regulation or ordinance, have not been obtained.

Any failure by Xenia to abide by the provisions of this section, shall be grounds for this agreement to be voided at the option of the City.

3. The water to be delivered hereunder shall be delivered through one or more master meter(s) at the location(s) agreed to by the City of Ames and shown in Appendix B. Said master meter(s) shall be installed by the City at Xenia's sole expense. The City will permit Xenia to purchase

the meter(s) directly but shall identify the specific meter(s) and manufacturer(s) that may be purchased. Said meter(s) shall always remain property of the City, which shall be responsible for future maintenance, repair, and/or replacement as may be needed.

4. Xenia shall provide a meter vault or building at each metering location shown in Appendix B. Xenia shall be solely responsible for all expenses for installation, maintenance and repair/replacement of the meter vault or building; applicable operating expenses including utilities; and all other expenses as may be incurred. Xenia shall be solely responsible for all expenses incurred in order to connect to the City of Ames system including but not limited to expenses for tapping, valves, materials and installation to extend the service to the metering vault or building. If the City requests over-sizing or fittings to be used solely by or for the City requirements, Xenia shall obtain bids for the oversizing or special fittings as an alternative to bids received for customary sizing or fittings. If the City then instructs Xenia to install the over-sized apparatus or special fittings, Xenia shall follow the City's instructions and the City shall pay Xenia for the difference in cost. The City of Ames may partially reimburse Xenia for some of the connection expenses where the City of Ames requests over sizing or fittings to be used solely by/for City of Ames. Xenia shall include in each meter vault or building all of the following:

- a. An approved backflow device(s) as determined by the City of Ames
- b. A meter bypass/testing branch as determined by the City of Ames
- c. Meter/service shutoff valves before and after each meter as determined by the City of Ames
- d. A sample tap connected to a frost-free, above-ground sampling port in a weather-proof, protected enclosure as determined by the City
- e. On-site and telemetry capability for meter recording/registration, including instantaneous and totalizing capability. Telemetry from the meter vault/building to the receiving unit to be located at the City of Ames Water Plant
- f. Appropriate lighting, ventilation, and warning signs to minimize entry restrictions/requirements applicable under confined space entry criteria set by IOSHA and/or the City of Ames Building/Fire Codes
- g. Gravity drain or sump and pump installation

Xenia shall submit plans and specifications for the metering facilities for approval of the City of Ames Water Meter Division prior to installation. Said approval of the Water Meter Division shall not be construed as waiving any approvals or permits required for construction of said facilities by any federal, state, or local agency having applicable jurisdiction. Xenia shall be solely responsible to obtain all approvals, permits, licenses, or authorizations needed for construction and operation of said metering facilities. Xenia shall also provide ongoing ingress and egress to said metering facilities for City of Ames personnel.

5. The rate to be charged by the City to Xenia for water provided to Xenia under this agreement shall be set by the City at such amount as the City, in its judgment, shall find appropriate so as to prevent service to Xenia being subsidized by other consumers and service to other consumers.

being subsidized by Xenia. The rate to be charged Xenia shall include provision for existing capacity repayment and the unit charge for water purchased. Said rate beginning January 1, 1997 is stated in Appendix A; but, the rates stated in Appendix A may be changed by the City, from time to time, following 120 days written notice to Xenia.

6. Bills to Xenia for water provided under this agreement shall be submitted at monthly intervals, and shall be payable upon receipt. The City shall have the right to terminate service under this agreement should a bill for service hereunder remain unpaid beyond thirty (30) days of its date due.

7. The City agrees to deliver water to Xenia which meets the same health standards as water provided to customers within the City of Ames. The City shall not be liable to Xenia, or to any consumer served by Xenia with water provided by the City, or any other person, for any interruptions or failure of water service for any cause or reason; and, Xenia shall defend and indemnify the City from any and all claims of such liability.

8. Should the quantity of water available to the City to serve all its customers become inadequate, and should City so request, Xenia shall thereupon discontinue permitting persons to tap onto the Xenia system, so long only as the City makes the same requirements of all others provided with water by the City. The City agrees to give six (6) months written notice to Xenia of such suspension, unless circumstances require a shorter period of notice. Further, during times of temporary water shortage, Xenia agrees that it shall restrict the use of water by its consumers in accordance with the same program of curtailed water use as may be implemented by the City for its customers.

9. Either party may assign its interest in this agreement as collateral, but such assignment shall not relieve it from its obligations hereunder. This agreement shall remain binding upon the successors of the parties.

10. Except as stated in Item 9 above, there shall be no sale, transfer, or assignment of this contract by either party without the express written consent of the other party.

11. Xenia agrees to sell water to the City for the cost of the water from Xenia's other sources, if the City has a need for such water and Xenia is able to help meet the City's need, without adversely affecting Xenia's ability to serve its other customers..

12. Xenia shall construct oversized water transmission lines, with the additional cost of such pipe, material, and installation as appropriate, being at City's expense, at such locations as may be requested by the City. The actual differential cost shall be determined through a process of taking bid alternates.

13. With regard to the area within two-miles of the corporate limits of the City, as such limits may change, the City and Xenia may negotiate a buy/sell agreement of all or parts of the water

distribution system within that area. Issues to be considered during the negotiation of the purchase price include but are not limited to:

- a. the cost of initial construction, modifications, and improvements;
- b. the principal balance owed by Xenia to its lender for financing of such construction, modification and improvements;
- c. depreciation and functional obsolescence;
- d. any appraisal of the market value of the said distribution system made by an MAI appraiser acceptable to both the City and Xenia;
- e. the City and Xenia's out-of-pocket expenses necessarily incurred in the purchase and sale of said distribution system.
- f. The authorization to transmit water through the bought-out area at such transmission rate as may from time to time be set.

14. Upon Xenia's completion of construction of its initial distribution system, Xenia shall send the City bid tabulation sheets documenting the costs of that initial construction. Annual updates shall be provided at the end of each calendar year to reflect the costs of improvements and modifications during that year, including the addition of new water users. City shall report to Xenia any and all changes in the City's corporate limits as such changes occur.

15. This contract shall be effective upon the date first above written and shall continue for a period of forty (40) years. Thereafter, this Agreement shall continue from time to time unless and until either party shall terminate it by giving written notice of intent to do so to the other party not less than two (2) years in advance of the termination date.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be signed and sealed by their duly authorized representatives.

XENIA RURAL WATER DISTRICT

By: Tom E. Mower

By: Thomas L. Pinner

CITY OF AMES, IOWA

By: Larry R. Curtis
Larry R. Curtis, Mayor

Attested by: Sandra L. Ryan
Sandra L. Ryan, City Clerk

CONSENT

The U.S. Department of Agriculture Rural Development, lender to Xenia Rural Water District, hereby evidences its CONSENT of the entry into the foregoing Water and Service Agreement by Xenia Rural Water District.

Dated this 12 day of November, 1996.

U.S. DEPARTMENT OF AGRICULTURE

By: 

**DORMAN A. OTTE, Director
Rural Utilities & Community Facilities**

law\Xenia.o20
rev. 9/25/96

APPENDIX A

Water Service Agreement between City of Ames and Xenia Rural Water District

CAPACITY RESERVED and Payment Rate

1. Water CAPACITY RESERVED

Xenia Rural Water District reserves, and the City of Ames agrees to provide, such quantity of water as shall be demanded, up to 500,000 gallons per day. This volume shall be known as the CAPACITY RESERVED for purposes of calculating payments due under the agreement. In the event circumstances limit the City of Ames' ability to provide water in the volume demanded, no adjustment or modification of the payments due will be made. Xenia may request an increase of the CAPACITY RESERVED by providing 90 days' notice to the City, except for increases requested according to Item 3 below. If approved by the City, this change will be initiated at the beginning of the next full billing cycle.

2. Payment for Capacity Purchase

Xenia agrees to pay to the City of Ames the amount calculated as shown below for reimbursement of existing capacity in the water utility. Said payment does not acquire ownership for Xenia. The payment is simply reimbursement to the City of Ames for expenses already incurred. Said amount is due and payable not later than 14 days prior to obtaining service. The City may agree to monthly payments in lieu of a single payment, but this payment option shall be limited to a time period not to exceed seven years in length and at a rate of interest as determined by the City of Ames.

0.5 , mil gal/day (CAPACITY RESERVED) x \$1,122,200/mil gal/day = \$ 561,100

3. Unit Rate for Water Purchased

Xenia agrees to pay to the City of Ames each month for water purchased during the billing period. All water metered (or estimated in the event of a meter malfunction) will be billed at the unit rate set out below. Said unit rate is composed of the following components.

<u>Component</u>	<u>Unit Rate, \$/mil gal</u>
Finance and Billing	\$ 60
Operation and Maintenance	990
Annual Capital Improvements	<u>270</u>
TOTAL	\$1,320

In addition, Xenia agrees to pay to the City of Ames for extra use during the billing period for all water used in excess of the CAPACITY RESERVED. The extra use fee shall increase as the volume of use increases above the CAPACITY RESERVED. The extra-use fee is as follows:

<u>Extra-Use Ratio</u>	<u>Extra-Use Fee, \$/mil gal</u>
<1.05	\$ 1,500
1.05 to 1.1499	2,000
1.15 to 1.2499	2,500
1.25 to 1.3999	3,500
>1.40	5,000

The amount of the extra use fee is calculated as follows:

Extra-Use Ratio = Average Use/Day (during billing period) ÷ CAPACITY RESERVED

[_____, mil gal (Monthly Volume Used) —

[_____, mil gal/day (CAPACITY RESERVED) x _____ (Days in Billing Period)]] x

_____ (Extra-Use Fee) = \$ _____

In the event of mandatory use reductions imposed by City of Ames, the extra-use fee shall be calculated by substituting "Winter Consumption less Mandatory Reduction" for "Capacity Reserved" in the above equations. "Winter Consumption" is the average use during the previous winter (November through April).

Furthermore, it is agreed that an increase in the amount of CAPACITY RESERVED in Item No. 1 above shall be requested whenever any of the following occurs unless said event(s) occurs during a mandatory use reduction situation.

- A. Any single month where use exceeds CAPACITY RESERVED by 25 percent or more
- B. Any two months within any six-month period where use exceeds CAPACITY RESERVED by 15 percent or more
- C. Any four months within any six-month period where use exceeds CAPACITY RESERVED by five percent or more
- D. Any occurrence during any billing period where the peak day use exceeds CAPACITY RESERVED by 55 percent or more.

All such requests, if approved, shall become effective at the start of the next billing cycle and all CAPACITY RESERVED charges are due and payable immediately. The parties may agree to monthly payments as per Item No. 2 above.

RESOLUTION NO. 96-498

**RESOLUTION APPROVING WATER PURCHASE AGREEMENT
WITH XENIA RURAL WATER DISTRICT; APPROVING REQUEST
TO PROVIDE WATER SERVICE WITHIN DESIGNATED PORTIONS OF TWO-MILE
LIMIT; AND DIRECTING THAT REVENUES FROM PURCHASE AGREEMENT
BE DEPOSITED IN WATER UTILITY TRUST FUND
FOR THE CITY OF AMES, IOWA**

WHEREAS, since early 1994, this Council and City Staff have participated in several meetings regarding the sale of City water to areas outside the corporate limits of the City of Ames, including potential sales to nearby rural water systems; and


WHEREAS, the City Council directed Staff to work on development of partnering agreements with nearby rural water agencies; and

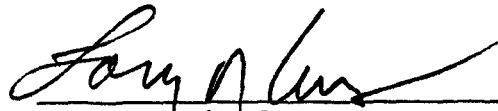
WHEREAS, Staff recently completed negotiations for water sales to Xenia Rural Water District, and an agreement has been prepared and signed by the Xenia Rural Water District Board, subject to approval by the U.S. Department of Agriculture, the principal financing agency; and

WHEREAS, in conjunction with the water purchase agreement, Xenia Rural Water District has also filed a request to provide service within the two-mile limit of Ames in an area north and northwest of the City.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the City Council of the City of Ames, Iowa, that the water service agreement between the City of Ames, Iowa and Xenia Rural Water District be hereby approved, subject to acceptance and approval by the U.S. Department of Agriculture; that the Water District's request to provide water service within designated portions of the two-mile limit of Ames be hereby approved; and that Staff be directed to deposit the additional revenues resulting from this agreement in a water utility trust fund reserved for future expansion of the City's water capacity.

ADOPTED THIS 22nd day of October, 1996.


Sandra L. Ryan, City Clerk


Larry R. Curtis, Mayor

Introduced by:	Tedesco
Seconded by:	Campbell
Voting aye:	Campbell, Hoffman, Parks, Quirmbach, Tedesco, Wirth
Voting nay:	None
	Absent: None

Resolution declared adopted and signed by the Mayor this 22nd day of October, 1996.

RESOLUTION NO. 97-343

**RESOLUTION AMENDING RURAL WATER SALES CONTRACT
BETWEEN XENIA RURAL WATER DISTRICT
AND THE CITY OF AMES, IOWA**

WHEREAS, on October 22, 1996, this Council adopted Resolution No. 96-498 approving a contract to sell water to Xenia Rural Water District; and

WHEREAS, according to the contract, Xenia Rural Water District would receive a capacity reserved of 500,000 gallons per day for the purpose of calculating payments due under the contract, with the anticipation that the City would receive \$560,000+ from Xenia for this reserved capacity; and

WHEREAS, Xenia has subsequently requested to receive only 250,000 gallons per day capacity reserved, as the City of Gilbert has indicated it is not interested in receiving water from Xenia at this time; and

WHEREAS, Xenia has made a payment of \$280,550 to the City for this capacity reserved in accordance with a formula provided in the contract; and

WHEREAS, Xenia has agreed to pay the City for extra use during the billing period for all water used in excess of the capacity reserved; and

WHEREAS, the extra use fee will escalate as the volume of use increases according to the table provided in the contract; and


WHEREAS, Xenia has further agreed to request an increase in the amount of capacity reserved when the use exceeds capacity reserved; and

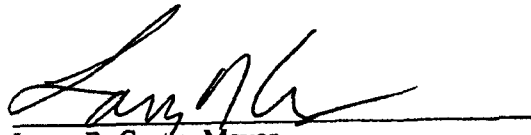
WHEREAS, Staff has prepared a contract amendment for the reduced capacity reserved; and

WHEREAS, the amendment has been approved by the Xenia Rural Water District board.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Ames, Iowa, that the amendment to the contract between the City of Ames and Xenia Rural Water District be hereby approved, allowing Xenia to receive 250,000 gallons per day capacity reserved at this time.

ADOPTED THIS 24th day of June, 1997.


Sandra L. Ryan, City Clerk


Larry R. Curtis, Mayor

Introduced by: Tedesco

Seconded by: Wirth

Voting aye: Campbell, Hoffman, Parks, Quirnbach, Tedesco, Wirth

Voting nay: None Absent: None

Resolution declared adopted and signed by the Mayor this 24th day of June, 1997.

FIRST AMENDED APPENDIX A

Water Service Agreement between
City of Ames and Xenia Rural Water District

CAPACITY RESERVED and Payment Rate

1. Water CAPACITY RESERVED

Xenia Rural Water District reserves, and the City of Ames agrees to provide, such quantity of water as shall be demanded, up to 250,000 gallons per day. This volume shall be known as the CAPACITY RESERVED for purposes of calculating payments due under the agreement. In the event circumstances limit the City of Ames' ability to provide water in the volume demanded, no adjustment or modification of the payments due will be made. Xenia may request an increase of the CAPACITY RESERVED by providing 90 days' notice to the City, except for increases requested according to Item 3 below. If approved by the City, this change will be initiated at the beginning of the next full billing cycle.

2. Payment for Capacity Purchase

Xenia agrees to pay to the City of Ames the amount calculated as shown below for reimbursement of existing capacity in the water utility. Said payment does not acquire ownership for Xenia. The payment is simply reimbursement to the City of Ames for expenses already incurred. Said amount is due and payable not later than 14 days prior to obtaining service. The City may agree to monthly payments in lieu of a single payment, but this payment option shall be limited to a time period not to exceed seven years in length and at a rate of interest as determined by the City of Ames.

0.25, mil gal/day (CAPACITY RESERVED) x \$1,122,200/mil gal/day = \$280,550

3. Unit Rate for Water Purchased

Xenia agrees to pay to the City of Ames each month for water purchased during the billing period. All water metered (or estimated in the event of a meter malfunction) will be billed at the unit rate set out below. Said unit rate is composed of the following components.

Component	Unit Rate, \$/mil gal
Finance and Billing	\$ 60
Operation and Maintenance	990
Annual Capital Improvements	270
TOTAL	\$1,320

In addition, Xenia agrees to pay to the City of Ames for extra use during the billing period for all water used in excess of the CAPACITY RESERVED. The extra use fee shall increase as the volume of use increases above the CAPACITY RESERVED. The extra-use fee is as follows:

Extra-Use Ratio	Extra-Use Fee, \$/mil gal
<1.05	\$ 1,500
1.05 to 1.1499	2,000
1.15 to 1.2499	2,500
1.25 to 1.3999	3,500
>1.40	5,000

The amount of the extra use fee is calculated as follows:

Extra-Use Ratio = Average Use/Day (during billing period) ÷ Capacity Reserved

[_____, mil gal (Monthly Volume Used) -

[_____, mil gal/day ((CAPACITY RESERVED) X _____ (Days in Billing Period) X _____ (Extra-Use Fee) = \$ _____

In the event of mandatory use reductions imposed by City of Ames, the extra-use fee shall be calculated by substituting "Winter Consumption less Mandatory Reduction" for "Capacity Reserved" in the above equations. "Winter Consumption" is the average use during the previous winter (November through April).

Furthermore, it is agreed that an increase in the amount of CAPACITY RESERVED in Item No. 1 above shall be requested whenever any of the following occurs unless said event(s) occurs during a mandatory use reduction situation.

- A. Any single month where use exceeds CAPACITY RESERVED by twenty-five (25) percent or more
- B. Any two months within any six-month period where use exceeds CAPACITY RESERVED by fifteen (15) percent or more
- C. Any four months within any six-month period where use exceeds CAPACITY RESERVED by five (5) percent or more
- D. Any occurrence during any billing period where the peak day use exceeds CAPACITY RESERVED by fifty-five (55) percent or more.

All such requests, if approved, shall become effective at the start of the next billing cycle and all CAPACITY RESERVED charges are due and payable immediately. The parties may agree to monthly payments as per Item No. 2 above.

This instrument supercedes the initial "Appendix A" to the Contract of October 22, 1996, between the parties hereto.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be signed and sealed by their duly authorized representatives as of this 24th day of June, 1997.

XENIA WATER DISTRICT

By Thomas L. Prime

By Howard M. Asington





CITY OF AMES, IOWA

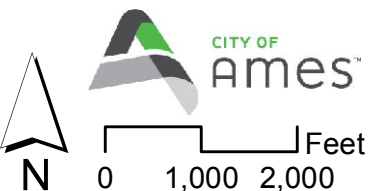
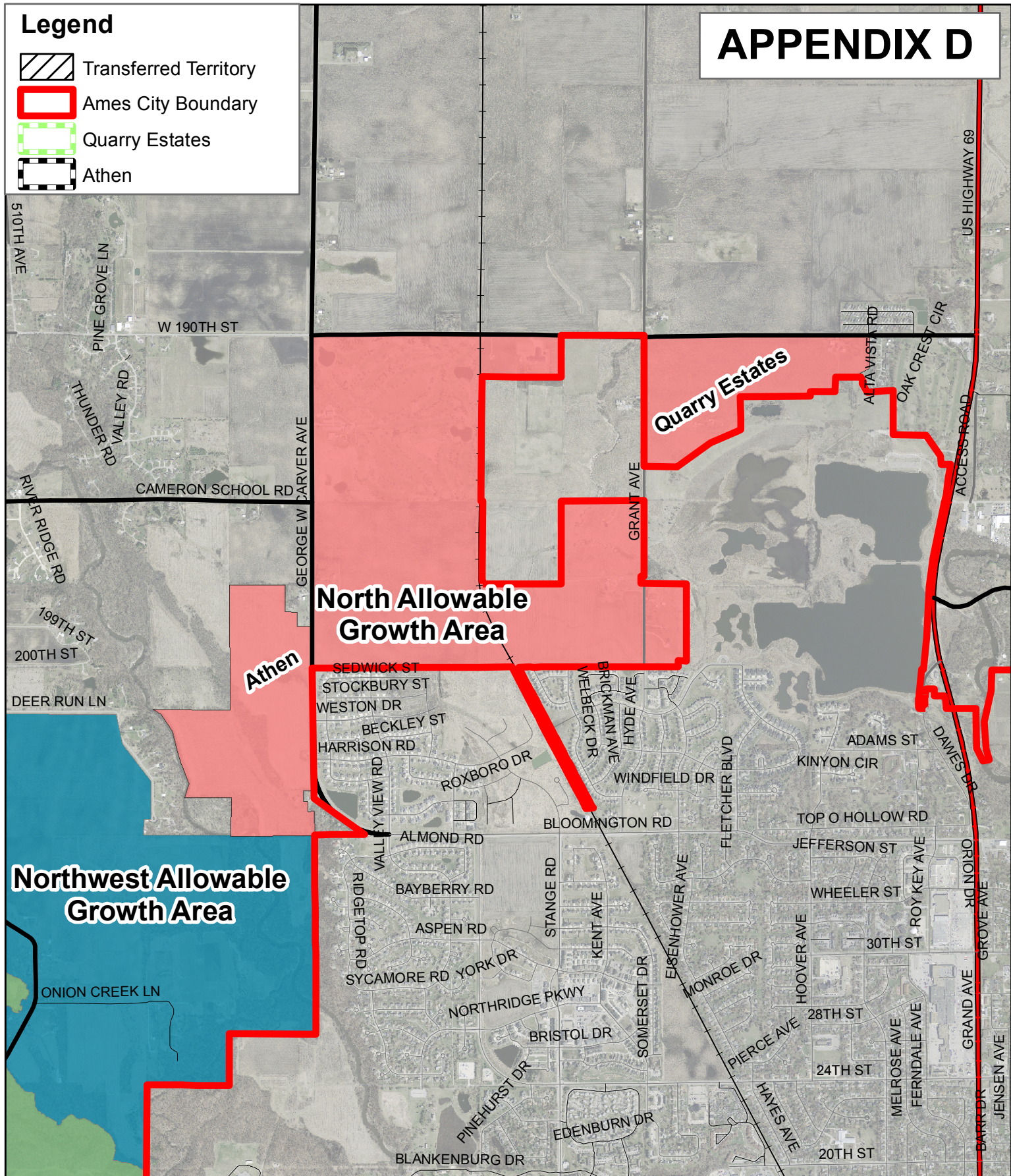
By Larry R. Curtis
Larry R. Curtis, Mayor

By Sandra L. Ryan
Sandra L. Ryan, City Clerk

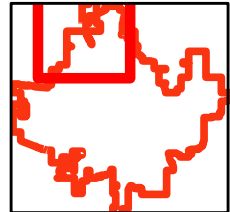
APPENDIX D

Legend

-  Transferred Territory
-  Ames City Boundary
-  Quarry Estates
-  Athen



SCENARIO 1: POSSIBLE TERRITORY TRANSFER



APPENDIX E

SUMMARY OF XENIA FEES & CHARGES

Ames North Growth Areas
Xenia Domestic Water Infrastructure
Actions and Fees

Action	Fee/Amount	Xenia	Developer	Home Builder	Home Owner
12" Perimeter Loop:					
8" Base Equivalent	\$1,500,000		+X		
12" Upsizing Increment	\$500,000	*X			
Subdivision Mains, Valves, Hydrants	Varies		X		
Tapping Fee	\$150			X	
System Development Fee	**TBD		**	**	
Service meter	SDF				
Availability Cost (Monthly)	\$17.92				X

+ Developer to reimburse Xenia at time of development

* Xenia to recover upsizing costs as part of the System Development Fee

**System Development fee could be paid for by either Developer or Homebuilder/Owner

COUNCIL ACTION FORM

SUBJECT: REMOTE PARKING EASEMENT FOR 605/615 EAST LINCOLN WAY

BACKGROUND:

A change in use of the commercial building at 605 East Lincoln Way as a health club resulted in a deficiency in the number of required parking spaces. To enable issuance of permits for the remodeling and occupancy of the building, on March 6, 2012 the City Council approved an agreement that allowed temporary occupancy of the building under the condition that a new paved parking lot with 13 spaces be constructed on the adjacent lot at 615 East Lincoln Way by July 1, 2012. The approval also required a remote parking easement between the two properties. By an amendment to that original agreement approved in June 2012, the property owner was given until July 1, 2013 to meet these requirements. At that time, the temporary occupancy permit for the building at 605 East Lincoln Way will expire. (See Attachment A for location map.)

The building owner has assured staff that the site plan for 615 East Lincoln Way is being updated to include the new parking lot. That site plan will be reviewed by staff for administrative approval as soon as it is received. The owner has also committed to provide a remote parking easement for City Council approval by Tuesday, June 25; and has assured staff that the parking lot construction will be completed by July 1.

ALTERNATIVES:

Assuming the building owner submits the remote parking easement and an approvable site plan before the June 25 Council meeting, the Council has the following options:

1. The City Council can approve a remote parking easement whereby parking is provided at 615 East Lincoln Way to meet the parking requirement for use of the entire building at 605 East Lincoln Way.
2. The City Council can deny the Remote Parking Easement whereby parking is provided at 615 East Lincoln Way to meet the parking requirement for use of the entire building at 605 East Lincoln Way.
3. The City Council can refer this item to staff for further information.

MANAGER'S RECOMMENDED ACTION:

The development agreement between Kurt Friedrich and the City requires this remote parking easement in order for occupancy of the building at 605 East Lincoln Way to continue beyond July 1, 2013. It is anticipated that an acceptable easement and site plan will be received and approved by City staff prior to the Council meeting.

Therefore, assuming these steps have been completed, it is the recommendation of the City Manager that the City Council accept Alternative #1, thereby approving a remote parking easement whereby parking is provided at 615 East Lincoln Way to meet the parking requirement for use of the entire building at 605 East Lincoln Way.

It is important to emphasize that if Council approves this recommendation, the property owner needs to complete two more steps in order for occupancy of the building at 605 East Lincoln Way to continue beyond July 1:

- **The property must submit amendment to the Minor Site Development Plan for 615 East Lincoln Way to City staff for review and approval**
- **The property owner must complete the construction of 13 parking spaces at 615 East Lincoln Way**

If these steps are not completed the temporary occupancy permit for 605 East Lincoln Way will expire July 1.

ATTACHMENT A



To: Mayor Campbell and Members of the City Council

From: Judy Parks

Date: June 21, 2013

Subject: Item # 39: Additional Funding for Legal Services for Clean Air Act Regulatory Compliance

In September of 2009 the City Council approved the engagement and retainer agreement with The Ritts Law Group, PLLC of Alexandria, Virginia, for legal services related to regulatory compliance with the Clean Air Act. For the initial agreement, Council authorized expenditure of an amount not to exceed \$100,000. During the initial twelve months, the Ritts Law Group worked closely with Electric Services and the Legal Department to evaluate projects scheduled at the steam electric plant and the combustion turbines.

The Ritts Law Group provided legal and engineering assistance in support of a number of matters facing Electric Services, including the City's request to the Iowa Department of Natural Resources (IDNR) for a Prevention of Serious Deterioration (PSD) non-applicability determination. In September 2010, Council approved an extension of engagement with The Ritts Law Group for an additional amount not to exceed \$50,000. The Ritts Law Group then provided engineering and legal analyses necessary to amend the air permits for the power plant as required by IDNR. Ritts also provided technical assistance to City staff in obtaining a determination that the wastewater treatment facility and the power plant do not comprise a single stationary source for air emissions.

Most recently, on February 14, 2012, Council approved an additional extension in an amount not to exceed \$50,000 so that The Ritts Law Group could continue to provide legal and engineering assistance to the City of Ames and specifically for Electric Services regarding Clean Air Act issues, most notably regarding the U.S. Court of Appeals decision regarding the Environmental Protection Agency's Cross-State Air Pollution Rule (CSAPR). In response to the City's appeal, the U.S. Court of Appeals - District of Columbia Circuit vacated CSAPR and remanded it back to the EPA to be re-written. The EPA has since petitioned the U.S. Supreme Court to overturn the D.C. Circuit Court's ruling. At this time, the U.S. Supreme Court has not announced whether or not it would accept the EPA's appeal.

Since its engagement with The Ritts Law Group in 2009, the City has expended a total of \$292,441.18. The initial engagement and the subsequent change order history is shown below:

Initial Purchase Order	September 8, 2009	\$100,000
Change Order #1	September 28, 2010	\$50,000
Change Order #2	March 1, 2011	\$50,000
Change Order #3	November 1, 2011	\$50,000
Change Order #4	February 14, 2012	\$50,000

Additional funding is required for the City to continue to receive analyses and legal advice from The Ritts Law Group regarding existing Clean Air Act issues and proposed regulations that currently affect the City's electric utility, or are critical in planning and mapping out the future of the utility's energy producing resources.

I am requesting authorization to extend the engagement with Ritts Law Group for an additional amount not to exceed \$50,000. Funding is available from the balance in the Electric Fund.

c: Donald Kom
Brian Trower

COUNCIL ACTION FORM

SUBJECT: COMMISSIONING SERVICES FOR LEED CERTIFICATION OF NEW WATER TREATMENT PLANT

BACKGROUND:

The new Water Treatment Plant is being funded by a State Revolving Fund (SRF) loan. The City has been awarded a portion of that as a “forgivable loan” in exchange for constructing the facility to a Leadership in Energy and Environmental Design (LEED) standard. The value of that award will depend on the actual bid prices, but is estimated at approximately \$6 million. Achieving the LEED certification requires the project to earn a specified number of “points.” The project owner is required to hire an independent LEED commissioning agent as a part of the mandatory LEED requirements. Additional LEED points can be earned by bringing the commissioning agent on to the design team prior to the midpoint in the design process.

On May 7, 2013, a Request for Proposals (RFP) was issued for LEED commissioning services for the new Water Treatment Plant. Twelve proposals were received in response to the RFP. Firms submitted a technical proposal based on their qualifications and experience. Additionally, firms submitted their fee proposal in a separate, sealed envelope. This allowed staff to rank the firms based on qualifications and experience before the fee proposals were opened.

After the initial review and ranking of the technical proposals, the fee proposals were opened for each firm. The qualifications of the top three firms (Facility Dynamics Engineering, Cornerstone Commissioning, Inc., and Karges-Faulconbridge, Inc.) were ranked very closely, and it was determined that a closer review and scope comparison was necessary to decide. **After this additional review of the technical proposals, staff decided Karges-Faulconbridge, Inc. had submitted the proposal most appropriate for the project.** Fee proposals for each of the firms submitting proposals for this project are listed below.

Firm	Fundamental Commissioning	Enhanced Commissioning	Additional Commissioning	Total Amount
AKF	\$44,250	\$17,625	\$49,100	\$110,975
Cornerstone Commissioning, Inc.	\$71,872	\$46,452	\$12,660	\$130,984
Cyclone Energy Group	\$149,000	\$41,000	N/A	\$190,000
Facility Dynamics Engineering	\$151,570	\$25,440	\$21,120	\$198,130
Horizon Engineering, LLP	\$69,602	\$23,216	\$15,507	\$108,325
Karges-Faulconbridge, Inc.	\$36,000	\$18,500	\$10,500	\$65,000
M.E. Group	\$91,000	\$70,400	\$3,800	\$165,200
MEP Associates, LLC	\$110,000	\$39,650	\$20,000	\$169,650
Morrissey Engineering, Inc.	\$154,580	\$73,260	\$46,600	\$274,440
Sebesta Blomberg	\$69,800	\$21,900	\$14,300	\$106,000
Stanley Consultants, Inc.	\$168,415	\$35,378	\$98,890	\$302,683
SystemWorks, LLC	\$90,480	\$42,000	\$170,760	\$303,240

After negotiating the scope of services with Karges-Faulconbridge, Inc., their final proposed fee for completing the required commissioning services is \$75,000. This includes \$65,000 for the fundamental commissioning, enhanced commissioning, and additional commissioning as included in their initial proposal, and \$10,000 for additional commissioning services at the owner's request. This additional \$10,000 is reserved with the intent of using it if additional inspections or testing are deemed necessary based on the success rate of mechanical equipment during initial testing.

ALTERNATIVES:

1. Award a contract for commissioning services to Karges-Faulconbridge, Inc. of St. Paul, Minnesota in the amount not to exceed \$75,000.
2. Do not award a contract for commissioning services to Karges-Faulconbridge, Inc. at this time.

MANAGER'S RECOMMENDED ACTION:

Fundamental commissioning of the New Water Treatment Plant is a prerequisite for LEED Certification, and is required for the City to receive an SRF forgivable loan estimated at \$6 million. Additional commissioning outlined in the RFP and in the scope of work for Karges-Faulconbridge allows the new Water Treatment Plant to receive up to an additional two points toward LEED Certification, and also increases the likelihood of achieving significant energy efficiency over the life of the facility.

Therefore it is the recommendation of the City Manager to adopt Alternative No. 1, thereby awarding a contract to Karges-Faulconbridge, Inc. of St. Paul, Minnesota in the amount not to exceed \$75,000.

COUNCIL ACTION FORM

SUBJECT: **EXCESS WORKERS' COMPENSATION INSURANCE**

BACKGROUND:

The City purchases excess Workers' Compensation insurance coverage through Safety National Insurance Co. This coverage limits the City's self-insured workers compensation claims (including police and firefighter 411 disability claims) to a maximum dollar amount, above which Safety National fully insures the claim.

The City's current policy will expire on June 30, 2013. Safety National provided a renewal quotation based on the City's estimated FY 2013/14 payroll (approximately \$35.69 million) times the insurer's rate. Excess Workers Compensation rates are typically affected by past claims experience and national trends of overall claims experience and medical cost inflation. According to the underwriter, Ames' rates are impacted this year more by national cost trends, especially in the police and fire classifications, than its own claim experience.

Each workers compensation claim is covered 100% by Safety National's excess coverage if it exceeds a \$500,000. This is known as the attachment point. Prior to the renewal of the FY 2012/13 policy, the attachment point per claim was \$475,000.

Fiscal Year	Insurance Attachment Point (Retention)	Rate per \$100 of Payroll	Change in Rate vs. 2012/13	Annual Premium	Payroll Amount
2012/13	\$500,000	\$0.1780		\$61,920	\$34,786,679
Renewal Alternative 1:					
2013/14	\$500,000	\$0.2120	+19.1%	\$75,663	\$35,689,975
Renewal Alternative 2:					
2013/14	\$750,000	\$0.1780	+0%	\$63,528	\$35,689,975

The City has significant self-funded financial exposure to long-term medical disability expenses from statutory 411 police and firefighter claims as well as from other job classifications, such as Electric Line Workers, Power Plant Workers, etc. This insurance is an effective technique for limiting its exposure to catastrophic injury costs.

The City's 2013/14 Budget anticipated the renewal cost to be \$71,208. The budget shortfall will be added to departmental payments to the Risk Management Fund for this

purpose.

ALTERNATIVES:

1. Accept the quote from Safety National with the same as expiring \$500,000 Retention at an annual premium of \$75,663.
2. Accept the alternative from Safety National to increase the Attachment Point (Retention) from \$500,000 to \$750,000 in order to maintain the expiring rate and avoid a 19.1% rate increase, at an annual premium of \$63,528.
3. Reject the quote from Safety National and direct staff to search for other alternatives.

MANAGER'S RECOMMENDED ACTION:

Safety National continues to provide acceptable excess workers compensation insurance and limit catastrophic injury claims costs for the City of Ames.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the renewal of insurance coverage with Safety National, maintaining the current retention at the \$500,000 Attachment Point, at an annual premium of \$75,663.

COUNCIL ACTION FORM

SUBJECT: RENEWAL OF CASUALTY AND LIABILITY INSURANCE

BACKGROUND:

The City's casualty and liability coverage insurance policy expires on June 30, 2013. This coverage has been placed with the Iowa Communities Assurance Pool (ICAP) since July 1, 2004. ICAP is a member-funded group insurance pool that provides property and casualty coverage to over 600 Iowa public entities. Every ICAP member has equity that increases through the first six years of membership, at which point the member is 100% vested and becomes eligible for an annual surplus distribution. With last year's (FY 2012/13) renewal, the City of Ames had seven years in ICAP's program. Last October we received the third of three checks for approximately \$70,000, which was used to offset premium costs that are allocated to City departments.

The following coverages are provided by ICAP:

- General Liability
- Automobile Liability
- Automobile Physical Damage for the Bookmobile
- Transit Liability (CyRide)
- Public Officials
- Law Enforcement Professional Liability
- Fidelity (Employee Theft) Bond

Staff did not seek alternatives to this program for FY 2013/14. The relationship with ICAP continues to be solid and the City has been receiving quality claims and loss control services. The only major ICAP coverage change was last year (FY 2012/13) which was the elimination of property coverage for the Ice Arena, moving it to the main property insurance program insured by Chubb Group beginning July 1, 2012.

The overall premium totals for FY 2013/14 increased 6.5%, from \$485,328 to \$516,945. According to ICAP's underwriter, this was not due to rate increases on the various lines of coverage, but rather from increases in underwriting criteria such as: Operating Expenditures, Capital Improvement Expenditures, payrolls, number of employees, numbers of vehicles, etc. Claims experience has not been a factor impacting our rates.

A member contribution (pool profit sharing) credit of \$45,568.42 will be available to the City and will be used as a credit offset to the total premium in FY 2013/14.

<u>Comparison by Line of Coverage</u>			
	2012-2013	2013-2014	FY 2013-14
Type of Coverage	\$12,000,000 Limits	Same Limits	Same Limits
	Expiring	Proposal	Budget
General Liability	\$198,928	\$225,894	\$215,646
Auto	62,422	64,566	66,104
Transit	154,231	156,479	161,943
Public Officials	30,624	30,890	32,155
Law Enforcement	32,132	32,132	33,739
Bookmobile PD	534	534	534
Bond, incl. fee	6,450	6,450	6,772
Premium Totals	\$485,321	\$516,945	\$516,893
Member Distribution (profit sharing)	(41,282)	(45,568)	(41,282)
Total Net Cost	\$444,039	\$471,377	\$475,611
% Change		+6.5%	

ALTERNATIVES:

1. Accept the 2013/14 proposal from the Iowa Communities Assurance Pool (ICAP) in the net amount of \$471,377.
2. Reject the proposal from ICAP and have staff seek other quotations for coverage.

MANAGER'S RECOMMENDED ACTION:

ICAP continues to provide acceptable casualty and liability coverage for the City of Ames. Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the renewal of insurance coverage with the Iowa Communities Assurance Pool in the net amount of \$471,377.

COUNCIL ACTION FORM

SUBJECT: 2013/14 PROPERTY INSURANCE RENEWAL

BACKGROUND:

The insurance policies for the City's property (buildings and contents) coverage expire on June 30, 2013. Last year, on July 1, 2012, Council approved staff recommendations to make major changes to the City's property insurance program.

The first major change was splitting the program and utilizing two primary insurance policies:

- 1) Non-power related facilities coverage. (These are designed as "Muni" on the chart on the next page. For FY 2012/2013 Chubb Group supplied "Muni" coverage.)
- 2) Power plant and related power generation assets. (These are designated as "Power" in the charts on the next page. For FY 2012/2013 AEGIS supplied "Power" coverage.)

This split in the program permitted more flexibility and pricing advantages in the marketplace.

The second major change was the City's adoption of a new approach on evaluating how much risk it should appropriately transfer and finance through insurance versus self-assumption. The overarching question answered last year was "How much insurance is enough?" In other words, is it financially prudent to purchase 100% of insurance limits equal to the total valuation of all property assets if the worse case loss scenario would never result in a claim equal to the 100% valuation amount?

A widely accepted risk management technique for quantifying a worst case scenario to finance or insure is known as the **Maximum Foreseeable Loss** (MFL). In the case of the City of Ames, the City used the assumption of an EF5 tornado with a wide swath, touching down near the CyRide facility, traveling east along or near Lincoln Way, not lifting up until it reached the Public Works Facility in east Ames. Assuming damage to City buildings in this path would result in 100% total destruction, the MFL would equal the Total Insured Value of City facilities along this path.

A photo of this path and the Total Insured Value (TIV) of these buildings is attached in Exhibit A. Some are insured in the "Muni" program and some are included with the "Power" program. Table 1, on the next page, shows "Muni" buildings in the path valued

at \$113 million which is included in the \$147,622,144. As for the MFL of the of the “Power” related facilities (Table 2), we used the Actual Cash Value (ACV) claim for the Power Plant and other related power assets. ACV is used for this insurance program, due to the understanding that if the Power Plant is destroyed, the City is not planning (or may not be permitted) to replace it. Therefore, the \$198,790,087 MFL for the "Power" properties program, shown in Exhibit A, includes \$112 million ACV for the Power Plant plus other power related assets of approximately \$86 million.

2013 ‘Muni’ Facilities Renewal (Chubb Group)
TABLE 1

Chubb ‘Muni’ Coverage	2013	2012	Difference
Insured Values, includes improved bus coverage	\$147,622,144	\$169,860,381	-13.1%
Final ‘Muni’ Rate with improved bus physical damage coverage (Per \$100 of Insured Valuation)	.0773	.0701	+10.27%
Premium	\$114,112	\$119,031	-\$4,919
RSUI Excess Flood	\$5 <u>M</u> excess of Chubb’s \$1 <u>M</u>	\$5 <u>M</u> excess of Chubb’s \$1 <u>M</u>	
Excess Flood Insured Values of WPC + CyRide + Furman Aquatic	\$66,670,042	\$73,436,118	-9.2%
Annual Premium (minimum)	\$50,000	\$49,500	+1.0%

2013 ‘Power’ Facilities Renewal
Associated Electric and Gas Insurance Services Ltd. (AEGIS)
TABLE 2

AEGIS “Power” Coverage	2013	2012	Difference
Insured Values @ Replacement Cost	\$374,933,674	\$368,492,489	+1.7%
MFL Value with Power Plant at ACV	\$198,790,087	\$195,467,146	+1.7%
Amount of Coverage Purchased	\$200,000,000	\$200,000,000	no change
Account Rate (Per \$100 of Insured Valuation)	\$0.1288	\$0.1173	+9.8%
Premium	\$482,775	\$432,080	+11.7%

**2013-14 Combined Programs (Total Cost)
“Muni” & “Power” Insurance
TABLE 3**

	FY 2013/14 Excl. Intermodal	FY 2012/13 Incl. Intermodal	Difference
1. “Muni” Properties (Chubb)	\$114,112	\$119,031	-4.1%
2. \$5.0M Excess Flood (RSUI) for WPC, CyRide & Furman Aquatic	\$50,000	\$49,500	+1.0%
3. “Power” (AEGIS)	\$482,775	\$432,080	+11.7%
TOTAL of Insurer Quotations for ‘Muni’ and ‘Power’ Programs	\$646,887	\$600,111	+7.8%
Budget	\$652,639		

ALTERNATIVES:

1. Approve the FY 2013/14 Property Insurance Program proposal as shown in Table 3.
2. Reject the FY 2013/14 Property Insurance Program proposal as shown in Table 3 and direct staff to obtain property insurance quotes from other companies.

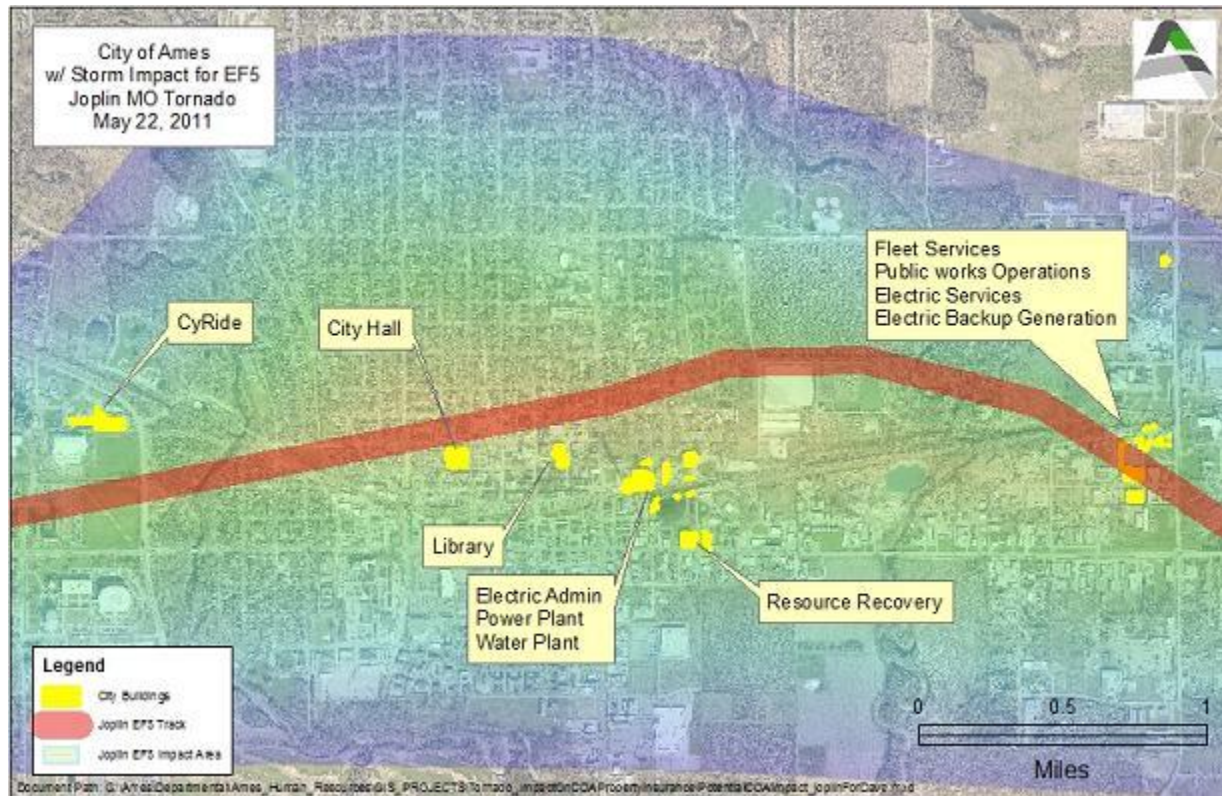
MANAGER'S RECOMMENDED ACTION:

The program that is being considered is similar to the coverage that that was approved in July 2012, with minor coverage updates due to new property appraisals. To date, the City staff has been very satisfied with the coverage and the services offered by the insuring companies. The total cost of the property insurance proposal for FY 2013-14 is \$5,752 less than the budget amount.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the proposed insurance renewal quotes obtained by our broker, Willis, for the “Muni” buildings from Chubb Group, for the “Power” facilities from AEGIS, and for the Excess Flood insurance from RSUI as presented in Table 3.

Exhibit A

Maximum Foreseeable Loss (MFL) Tornado Path along Lincoln Way –
Red Line is the Joplin, MO, EF5 tornado path *overlaid to scale*.



MFL Total Loss in the Depicted Corridor	Policy Year	“Power” Locations with Power Plant at Replacement Cost	“Power” Locations with Power Plant @ Actual Cash Value (ACV)	“Muni” Properties at Replacement Cost
“MFL” Loss Potential	2013-14	\$379,384,146	\$198,790,087	\$ 113,210,013
Policy Limits Purchased	2013-14	NA	\$200,000,000	\$ 147,622,144

Exhibit B
CITY of AMES Property Rate History

Year	T I V incl. buses PD FY2012 and FY2013	Premium	Blended Account Rate per \$100 Total Insured Values
2008-09	\$333M	\$444,098 FM	.1333
2009-10	\$363M	\$473,281 FM	.1303
2010-11	\$439M	\$523,303 FM	.1191
2011-12	\$471M	\$677,330 FM	.1438
2012-13 quoted	\$541M	\$823,915 FM	.1488
2012-2013 purchased	\$341M (MFL)	\$600,111 Chubb/AEGIS	.1170
2013-2014 Quoted: awaiting Council action	\$347M (MFL)	\$646,887 Chubb/AEGIS	.1242