

AGENDA
REGULAR MEETING OF THE AMES CITY COUNCIL
COUNCIL CHAMBERS - CITY HALL
OCTOBER 8, 2013

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

CALL TO ORDER: 7:00 p.m.

PROCLAMATION:

1. Proclamation for National Teen Driver Safety Week, October 18-26, 2013
2. Proclamation for CHARACTER COUNTS! Week, October 20-26, 2013

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.

3. Motion approving payment of claims
4. Motion approving Minutes of Special Meetings of September 17, 2013, and October 3, 2013, and Regular Meeting of September 24, 2013
5. Motion approving certification of civil service applicants
6. Motion approving Report of Contract Change Orders for September 16-30, 2013
7. Motion approving renewal of the following beer permits, wine permits, and liquor licenses:
 - a. Special Class C Liquor – Le’s Restaurant, 113 Colorado Avenue
 - b. Class C Beer & B Wine – Aldi, Inc., #48, 1301 Buckeye Avenue
 - c. Class E Liquor, C Beer, & B Wine – Target Store T-1170, 320 South Duff Avenue
 - d. Class C Liquor - La Fuente Mexican Restaurant, 217 South Duff Avenue
8. 2013 Bureau of Justice Assistance Edward Byrne Memorial Justice Assistance Grant (JAG):
 - a. Motion accepting Grant
 - b. Resolution approving Agreement
9. Resolution approving Funding Agreement with Iowa Department of Transportation for 2013/14 Collector Program - Sheldon Avenue (Lincoln Way - Hyland Avenue)
10. Resolution approving Lender Agreement for Financial Participation in connection with Community Development Block Grant Homebuyer Assistance Housing Program with Vision Bank
11. Resolution approving preliminary plans and specifications for WPC Blower Replacement Project, setting November 6, 2013, as bid due date and November 12, 2013, as date of public hearing
12. Resolution awarding contract for Replacement Superheater Attenuator to Babcock & Wilcox Generation Group of Barberton, Ohio, in the amount of \$163,406.35 (inclusive of Iowa sales tax)
13. Resolution waiving purchasing policy requirements and awarding contract to General Electric International, Inc., of Omaha, Nebraska, for technical direction for Unit 8 Repairs/Re-Wedging Stator in an amount not to exceed \$73,920 (for time and materials)
14. Resolution approving contract and bond for 2013/14 Asphalt/Seal Coat Street Rehabilitation and 2013/14 Water System Improvements - Water Main Replacement (Tripp Street, South Franklin Avenue, Village Drive)

15. Resolution approving contract and bond for 2013/14 Water System Improvements - Water Main Replacement (Sheldon Avenue)
16. Resolution approving contract and bond for Sunset Ridge Subdivision, 5th Addition - HMA Paving Project
17. Resolution approving contract and bond for Ames Plant Substations Improvements
18. Resolution approving contract and bond for Unit 8 Generator Repairs/Re-Wedging Stator Project
19. Resolution accepting completion of Unit 8 Steam Turbine Parts
20. Resolution releasing security for sidewalk installation from Jordan Motors and accepting cash security for sidewalk installation from Lithia Motors
21. Resolution approving Major Final Plat for Bella Woods Subdivision

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:

22. Motion approving Ownership Change for Deano's, 119 Main Street
23. Resolution approving/motion denying request for additional time extension for completion date for remote parking easement for 605/615 East Lincoln Way

HEARINGS:

24. Hearing on Urban Revitalization Plan for 921 - 9th Street (Former Roosevelt School):
 - a. Resolution approving Plan
 - b. First passage of ordinance establishing 921 - 9th Street as an Urban Revitalization Area
25. Hearing for 2012/13 Flood Response and Mitigation Project (Northridge Parkway Subdivision) and 2009/10 Storm Water Facility Rehabilitation Program (Moore Memorial Park):
 - a. Resolution approving final plans and specifications and awarding contract to Con-Struct, Inc., of Ames, Iowa, in the amount of \$606,665

PUBLIC WORKS:

26. Resolution awarding Engineering Services Contract for 2013/14 and 2015/16 Bridge Rehabilitation Program (6th Street Bridge) to WHKS & Company of Ames, Iowa, in an amount not to exceed \$161,800

PLANNING & HOUSING:

27. Staff report for determination of a Master Plan associated with an FS-RM rezoning application for property located between George Washington Carver and Stange Road

ORDINANCES:

28. Third passage and adoption of ORDINANCE NO. 4161 revising Section 29.401(5) to eliminate provision [c] pertaining to more than one single-family or two-family structures on same lot

COUNCIL COMMENTS:

ADJOURNMENT:

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

MINUTES OF THE SPECIAL MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

SEPTEMBER 17, 2013

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

REQUEST FROM FRATERNITIES AND SORORITIES FOR EXEMPTION FROM AMES RENTAL HOUSING CODE:

Mayor Campbell welcomed members of the Greek Community to the meeting. She announced that the occupancy level of the City Council Chambers was at capacity; however, Conference Rooms 135 and 235 had been set up for the overflow of attendees. Ms. Campbell pointed out that City Manager Steve Schainker, Fire Chief Shawn Bayouth, and Building Official Seanna Perkins were present. This meeting was a workshop scheduled to receive more information on the request from fraternities and sororities for exemption from the Ames Rental Housing Code. No action would be taken by the City Council at this meeting.

Stephen (Steve) Jones, President of the Greek Alumni Alliance and President of the Delta Tau Delta House Corporation, advised that information-sharing concerning the Ames Rental Housing Code began in February 2013. Greek Housing principles were devised and provided to the City staff in August 2013. Mr. Jones explained that the Greek Alumni Alliance was formed approximately seven years ago; however, some of the Greek Community has been around for over a hundred years. According to Mr. Jones, Greek Housing has been a viable student housing community on Campus for a long time; they do consider themselves as a University-affiliated option for students. Mr. Jones said that, for the most part, the Greek Community acts as a corporation - they operate as a business, pay property taxes, and have liability insurance to pay.

It was reported by Mr. Jones that all of the fraternities and sororities were in existence when the sprinklering ordinance was enacted, and most of them are in compliance (four facilities have not completely complied). Speaking for the Greek Community, Mr. Jones said that most of them felt that was the right thing to do from a life-safety standpoint. Many of the facilities made other improvements at the same time at fairly sizeable financial investments.

Mr. Jones pointed out that there are a lot of Building Code-related issues in the Rental Housing Code as well as the life-safety requirements, e.g., annual inspections by the Fire Department. Speaking for the Greek Community at large, Mr. Jones said they do not have any issues with the life-safety requirements of the Code. Most of the facilities are required to do those things by their insurance underwriters.

According to Mr. Jones, for the most part, Greek facilities are member-owned by the Fraternity or Sorority Alumni Members. Most of the Greek Houses rent only to members of their specific undergraduate chapters; they are not open to the student community at large to rent a room during the main academic year. Mr. Jones believes that distinguishes the Greek Houses from other rental options in the community. The House Corporations are non-profits. The number of persons living in the Greek Houses has to number enough to generate sufficient cash flow to operate and maintain the facility.

Janelle Jacobson, Sigma Kappa, said that her House is very open to the life-safety issues, but is concerned about what financial impacts additional changes would make on her facility.

Jon Fleming, Theta Chi Corporation Board, said that the Greek Community is managed by Corporation Boards. They only allow members to live in the facilities. The fire safety issues are different for the Greek Houses than they are for rental properties. Mr. Fleming said he believed that the Greek facilities should be treated differently than other rental properties in Ames. The Greek Community has taken a very strong stand in regards to fire safety. He noted that the City Council, by its own actions, had put Greek Houses in a different category than rental properties. Mr. Fleming referenced the Uniform Resident and Tenant Act of the State of Iowa, which excludes Greek facilities. In Mr. Fleming's opinion, based on that Act alone, Greek Houses should be considered differently than rental properties in Ames.

Mr. Fleming said he could assure the City Council that, if the rules and regulations of *Municipal Code* Chapter 13 were applied to Greek Houses, they would present extraordinary challenges financially and physically for the Greek Houses. He alleged that, if they are applied, many of the Greek Chapters would have to close.

Jami Hagemeyer, Corporation House President for Pi Beta Phi, stated that, in addition to the annual fire inspections, the fire sprinkler system, back-flow, all fire extinguishers, fire alarm system, and smoke detectors are checked every year. The facility's boiler and stove hoods are inspected annually. Ms. Hagemeyer believes that is different for rental properties. She said that they work very hard to ensure that the rent is kept affordable for the students living in the sorority while being able to maintain the facility. Most of the students living in the House receive financial aid, are paying their own way through college, and have jobs.

It was stated by Ms. Hagemeyer that Greek Houses were built differently from other structures in Ames. They have cold-air dorms, large bathrooms with many shower stalls and private toilet areas, and limited parking. She said those are only a few of the items that would cause Greek Houses financial difficulties to restructure. If they could not comply, they would have to limit the number of tenants who would share the financial burden of maintaining the Houses.

Council Member Davis asked the Fire Chief to provide the history of this issue to date. Fire Chief Shawn Bayouth advised that he became the Fire Chief in August 2013. Shortly thereafter, it was brought to his attention that the Rental Code stated that Greek Houses were to be inspected. He raised that issue with City Manager Schainker, and subsequently, to the City Council to address it. A meeting with various members of the Greek Community was held to discuss the possibility of this round-table workshop. According to Chief Bayouth, that requirement had been contained in the Rental Code for over five years, but was actually an oversight on the part of the Fire Department to not be conducting Rental Code inspections over those years. He noted that fire safety inspections had been conducted at the Greek Houses annually; however, rental inspections had not been.

Council Member Goodman noted that the City Council had learned from a past *ex officio* Council Member that Greek Houses operate as rental housing during the summer months. He asked Chief Bayouth if there were other pieces of Chapter 13 that are life-safety issues that need to be complied with by anyone who is providing rooms.

Brian Clark, Corporation Board Treasurer for Beta Sigma Psi, 2132 Sunset, Ames, offered that the difference between fraternities and apartments is that the fraternities have sprinklers. The fraternity at 2132 Sunset does rent some rooms to sorority members during the summer; the fraternity has a sprinkler system, which most apartments do not.

Chief Bayouth addressed Mr. Goodman's question by stating that there are some specific items contained in Chapter 13 that are life-safety issues, e.g., fire alarms, fire extinguishers.

Jon Fleming advised that none of the sororities rent out rooms in the summer. Not every fraternity rents out rooms in the summer, and most are very selective as to whom they rent to in the summer, e.g., those who have rented from a Greek House before.

Mr. Jones agreed that many - he thought close to 100% - of the fraternities only rent to members of their own Chapters during the summer. He also commented that all the life-safety features, e.g., fire alarms, remain in place during the summer; they don't turn anything off after the regular academic year ends.

Council Member Wacha asked if any of the Council members who were in office five years ago knew why Greek Houses were added to the Rental Code (Chapter 13). Council Member Larson said he did not know why that happened five years ago. He did not believe any of the Council even knew that it had been added. Mr. Larson said he personally thought this was something that was done unintentionally.

Council Member Orazem inquired about the distinction between the requirements of the Rental Code and *Iowa Code* Chapter 562A (5.3) [Uniform Residential Landlord and Tenant Act]. Dr. Fleming read an excerpt from *Iowa Code* Section 562, stating, "excludes facilities for occupancy operated by fraternal or social organizations for the benefit of the members." Mr. Orazem asked what was covered under the umbrella for that particular Section.

Council Member Goodman reiterated that Council did not intend for Greek Houses to be added to Chapter 13; it was a piece that was found in the past year. He said that he stood by the idea that the members want safe places to live and that is important; however, review of the Rental Code really came from some landlords who wanted to clarify the expectations for them. Mr. Goodman recalled that the review of Chapter 13 took a long time, and this was just a disappointing piece of the process, which he wished could have been caught earlier.

Steve Jones stated "with 100% certainty" that, when Building Permits were applied for pertaining to the sprinkler projects, other Codes updates had to be done.

Janelle Jacobson advised that her sorority shuts down in the summertime; that is when maintenance projects are done. Building maintenance is a high priority for Sigma Kappa. She noted that her sorority always uses Ames contractors as they know the Codes and are licensed.

Jami Hagemeyer (Pi Beta Phi) advised that maintenance is a high priority for her sorority as well. They use only Ames contractors, and they keep their facility well-maintained. Pi Beta Phi also shuts down every summer.

Jon Fleming stated that the Corporation Boards are very intensely involved in the Chapter Houses' operations and physical structures and very sensitive to the safety of their members.

Council Member Larson shared that he had received information today that the Ames Rental Housing Association is supportive of exempting fraternities and sororities.

Ex officio Council Member Alexandria Harvey, referencing the statements made by House Corporation Presidents that a small percentage of fraternities who rent out rooms in the summer, asked if there was a mechanism in place for members to report safety concerns. Dr. Fleming replied that Theta Chi has officers and a House Director who live in the House during the summer. In addition, every summer tenant has his phone number in case there are issues. Mr. Jones stated that they have a similar arrangement.

Shawn Yockey, Sigma Phi Epsilon Corporation Board, advised that Sigma Phi Epsilon had recently undergone renovations, installing sprinklers and bringing other areas up to Code. In its renovation, they had also applied for Historical Society status and had gotten state and federal approval. However, due to that designation, they were not allowed to change certain things in the House. In reading the Code, he noticed that many of renovations would be in conflict with the historic designation regulations.

City Attorney Parks arrived after attending another City-related meeting in Des Moines. Responding to the question raised concerning the Uniform Residential Landlord and Tenant law and how it would coincide with the Ames Rental Code, Ms. Parks stated that the Residential Landlord and Tenant law is actually a state law that applies and regulates the relationship between private entities and tenants by setting what may be included in agreements between them. It does not deal, except in the most superficial way, with what kind of housing requirements need be in a particular dwelling unit. Ms. Parks advised that it would not affect the Ames Rental Code.

Council Member Orazem raised a question about University-affiliated Greek housing versus the residential system that is actually managed by the University. More specifically, he wanted to know if the dorm system and apartment buildings are regulated by the same requirements. City Attorney Parks answered that the University-owned system is not under any City regulations; they are internally regulated, except that the state regulates the fire-safety issues. The City has no authority to impose regulations. Ms. Parks further stated that Greek Houses are not regulated by the state; therefore, the City is allowed to impose its own regulations. Mr. Jones added that all the Chapters are chartered by the University as student organizations. They are also recognized by the University as a housing option for students. Ms. Hagemeyer noted that there is a judicial process in place for Greek chapters to be held accountable.

Council Member Szopinski referenced a Council Action Form from December 1, 2012, that stated that the City's Rental Housing Inspectors had accompanied the Fire Inspector on some inspections and did not note any violations. She asked if that would be the case for all sororities and fraternities. Ms. Szopinski felt it would be desirable to have an inventory of how the Greek Houses meet or do not meet the Rental Housing Code. Mayor Campbell asked what would be done with that information once it was received. Council Member Larson acknowledged that he also serves as an advisor and on the Corporation Board for Delta Upsilon fraternity and said that, as a general rule, the Fire Inspector points out issues other than those that just pertain to fire safety that he feels need to be corrected when he does the annual fire inspection. Mr. Jones stated his belief that 100% of the Greek Houses correct all violations noted by the Fire Inspector.

Jon Fleming said that he had read Chapter 13, and he is fairly certain that none of the Chapters would be compliant with all the requirements of Chapter 13. He cited specifically the parking and bathroom requirements and cold-air sleeping rooms that would not comply.

Holdon Asmus commented about certain requirements of Chapter 13, specifically, peeling paint and parking. He does not believe lead paint is an issue anymore; however, peeling paint and other aesthetic issues get assigned to the House Operations Manager. Mr. Asmus also addressed the need for parking places, reporting that some fraternities, including his, work with local churches near the Greek Community to share their parking lots. He said that there is no practical way for his fraternity to provide 87 parking spaces without purchasing more land. Addressing cold-air dorms, Mr. Asmus advised that each area has a door with the names of the students who are sleeping in that area. He felt that fire fighters would be able to account for those people by looking at the names of persons listed on the doors.

The Chapter Advisor for Phi Kappa Alpha (name unknown) spoke. He stated that he was also a pediatrician, and addressing cold-air sleeping rooms, said that the germs from exhaling, sneezing, or coughing do not survive well in cold temperatures where there is open ventilation. He reported that without the cold-air dorms, more sickness would occur.

Hillary Kletcher, Vice-President of the Government of Student Body and a member of the Alpha Gamma Delta, described the sense of family that exists in Chapter facilities. She also said that she enjoys “cold-airs.”

Rachel Rolling, Facilities Manager for Kappa Alpha, said that one of the things that Greek facilities have that most apartment buildings do not have accessibility to a Manager on site. She said that they also have House parents and Directors that live in the House.

Kendra Coleman, a member of Alpha Chi Omega, pointed out that every House has a House Mom where members can take any issues and have them resolved right away. She also noted the sense of family that exists in Greek Houses.

Khayree Fitten, Government of the Student Body Senator for the Inter-Fraternity Council (IFC), said that he would like more discussion about the Houses that do rent during the summer months to non-members of the Greek Community and/or their Chapters. He asked specifically to know how the implementation of the Rental Code would impact the non-Greek members living in Greek Houses during the summer.

Brian Clark outlined the difference between the non-profit Corporation Boards and the rental housing market in which they compete against.

Matt Dohrmann, Vice-President of Council Operations for the IFC, reported that a survey had been done last spring of the Greek Houses and found that 11 Chapters rent out rooms during the summer months. He felt that was a small number compared to the total number of Greek Houses.

Ben Freese, President of the Inter-Fraternity Council, touched on the student experience when belonging to a fraternity/sorority. He advised that there are approximately 3,600 students who are members of Greek Chapters. Mr. Freese said that if the Rental Code were enforced for the

Greek Chapters, it would make it too expensive for the Chapters to operate and would deny a home for those 3,600 students and future students.

Nick Rostermundt stated that he applied for regular student housing and was denied. He not only found housing in a fraternity, but also found a “family.” If Greek Houses were required to

comply with the Rental Code, many would have to close and students would not be able to establish those relationships.

Nathaniel (last name unknown), Secretary and Web Master for Phi Kappa Theta Corporation Board, asked the City Council to strongly consider exempting Greek Houses from rental inspections. He felt that Greek Houses already address life-safety issues.

Steve Jones cited his opinion that the problem is the large disconnect between Chapter 13 and the way organizations are currently structured and organized. He asked the Council to consider requiring Greek Houses to comply with the life-safety requirements, but waive the Chapter 13 requirements. Mr. Jones noted that many of the Greek Houses are governed by an historic overlay zoning requirement, so if they were to make any changes, they would have to go before the City's Planning and Zoning Commission.

Jon Fleming said he firmly believes living in a Greek House is different than living in an apartment and Chapter 13 should not pertain to Greek Houses. He urged the Council to find that same logic.

Janelle Jacobson reported that she had been volunteering for 25 years with the Sigma Kappa House Chapter. She hopes that the City would continue to work with the Greek Houses to give them time to learn what they have to do. She suggested that the Greek Houses be surveyed. Ms. Jacobson also recommended that Ames follow the same type of requirements for Greek Houses as the University of Northern Iowa and University of Iowa and other Big 12 schools.

Council Member Orazem said he felt it was important to note that self-managed Houses are different than the traditional landlord/tenant arrangement where someone owns the property and leases to tenants.

Mayor Campbell explained that no decision would be made by the City Council on this topic at this workshop; it was a time to receive input only. The procedure is that any Council member could provide direction to staff during "Council Comments" at a future City Council meeting. If such a motion would pass, the item would be placed on a future Agenda, and public input would be received before the Council makes its decision.

COUNCIL COMMENTS: Moved by Szopinski, seconded by Goodman, to refer to staff the request from the ISU Research Park Corporation for staff to initiate an Urban Fringe amendment to allow for future expansion of the Park.

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

ADJOURNMENT: Moved by Davis, to adjourn the meeting at 8:27 p.m.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor

**MINUTES OF THE JOINT MEETING OF THE
AMES CITY COUNCIL AND HOSPITAL BOARD OF TRUSTEES**

AMES, IOWA

OCTOBER 3, 2013

The Ames City Council and Hospital Board of Trustees met in joint session at 12:08 p.m. on the 3rd day of October, 2013, in Mary Greeley Medical Center (MGMC) North Addition, Room A/B. Those in attendance representing the Ames City Council were Mayor Ann Campbell and Council Members Matthew Goodman, Peter Orazem, Victoria Szopinski, and Tom Wacha. Representing the Mary Greeley Medical Center Board of Trustees were Chairperson Sarah Buck and Trustees Louis Banitt, MD; Brad Heemstra; Mary Kitchell; and Ken McCuskey. Administrative staff present were Brian Dieter, President and CEO; Vice-Presidents Mike Tretina and Lynn Whisler; Tom Johnson, MD; Steve Sullivan, Public Relations Officer; and Stephanie Bates, Executive Assistant, representing MGMC; and Steve Schainker, City Manager; Bob Kindred, Assistant City Manager; Melissa Mundt, Assistant City Manager; Brian Phillips, Management Analyst; Judy Parks, City Attorney; and Diane Voss, City Clerk, on behalf of the City of Ames. Kelly Huntsman, Carolyn McCall, and Ryan Crane attended as representatives of Primary Health Care.

Chairperson Buck and Mayor Campbell welcomed the City Council, Hospital Board of Trustees, and administrative staff members.

Mr. Dieter gave a presentation on healthcare reform and what it means for Iowa residents. He advised that there are 264,000 Iowa residents between the ages of 19 and 65 who are without insurance. Mr. Dieter said that, as part of the federal health plan (“ObamaCare”), persons must be enrolled in some type of insurance plan by December 15, 2013, or face a penalty. There are premium tax credits available to those who are considered to be at or below the poverty level. According to Mr. Dieter, a goal of Mary Greeley Medical Center is to avoid readmission by improving coordination of care throughout the continuum. He shared the results of the Hospital’s Transition of Care Program. Mary Greeley’s percentage of readmission is 14.9% compared to the national benchmark of 20 - 25%.

Kelly Huntsman, representing Primary HealthCare, explained the Federal Quality Healthcare Center (FQHC), which will be coming to Story County in January 2014. Primary HealthCare is a non-profit healthcare agency that operates centers to serve the medically insured, uninsured and underinsured with their health care needs. According to Ms. Huntsman, Story County was one of 14 grantees in the State of Iowa, and will receive \$650,000 in funding to operate the Center. Ms. Huntsman reported that this is not one-time funding; however, an application will need to be filed every year. Similar Centers opened in Des Moines and Marshalltown in 1981 and 2001, respectively.

There are strict reporting requirements for each Center, which were reviewed by Ms. Huntsman. She said that the Center will provide comprehensive primary care services to areas with a high-need population that are being medically under-served. The required services will address medical, dental, and behavioral health issues. It was noted that dental services will continue to be made available through a contract with Mid-Iowa Community Action (MICA).

Ms. Huntsman explained why an FQHC was needed in Story County. She said that the rate of poverty in Story County is 18.7%; the entire State of Iowa is at 11%. According to Ms. Huntsman, the Center will not turn anyone away who is requesting health services, regardless of their ability to pay.

According to Ms. Huntsman, the Center will be governed by a community board comprised of a majority of users. She explained the Implementation Plan for the new Center. It must be open to see patients by January 15, 2014. According to Ms. Huntsman, no location for the Center has been

determined; there are a few options. Due to the short time frame, it might be necessary for the Center to open at a temporary location until a permanent location can be found and renovated. The cost of renovations, depending on the site, is estimated at \$657,000. The federal grant will allow only minimal dollars for renovations to the site. It is not desirable to use the federal funding for that purpose as it will result in a decrease by that amount in future grants. They hope to use the grant funding for operations, not renovations. It is hoped that the necessary funds and in-kind donations and materials for renovating a site will be raised through community partners, direct donations, and other grants.

Council Member Orazem suggested that the FQHC have a conversation with Iowa State University (ISU) concerning the services that the Center will be offering. Ms. Huntsman pointed out that one of the requirements of the federal grant is that services not be duplicated. Mr. Orazem noted that all ISU students are required to have insurance. Ms. Huntsman said that was true, but the dependents of ISU students are often not insured.

There were no further comments from the Board of Trustees or City Council, and the meeting adjourned at 1:35 p.m.

Diane Voss, City Clerk

Ann Campbell, Mayor

MINUTES OF THE REGULAR MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

SEPTEMBER 24, 2013

Mayor Ann Campbell called the Regular Meeting of the Ames City Council to order at 7:00 p.m. with Council Members Jeremy Davis, Matthew Goodman, Jami Larson, Peter Orazem, and Tom Wacha. Council Member Victoria Szopinski and *ex officio* Council Member Alexandria Harvey arrived at 7:53 p.m.

CONSENT AGENDA: Mayor Campbell announced that Item 8b., the Public Art Commission's request to carry over funding, was being pulled in order to allow a member of the Commission to further explain it. In addition, staff had requested that Item No. 14, pertaining to the CyRide Bus Facility Expansion Project Change Order No. 10, be pulled for separate discussion.

Moved by Davis, seconded by Larson, to approve the following items on the Consent Agenda:

1. Motion approving payment of claims
2. Motion approving Minutes of Regular Meeting of September 10, 2013
3. Motion approving Report of Contract Change Orders for September 1-15, 2013
4. Motion approving renewal of the following beer permits, wine permits, and liquor licenses:
 - a. Class C Beer & B Wine – K Mart #3971, 1405 Buckeye Avenue
 - b. Class C Beer & B Wine – Hy-Vee Gas #5018, 636 Lincoln Way
 - c. Class C Beer – Doc's Stop No. 5, 2720 East 13th Street
 - d. Class C Liquor & B Native Wine – AJ's Ultra Lounge, 2518 Lincoln Way
 - e. Class E Liquor, C Beer, & B Wine – Hy-Vee Food Store #1, 3800 West Lincoln Way
 - f. Class E Liquor, C Beer, & B Wine – Hy-Vee Food & Drugstore #2, 640 Lincoln Way
5. Motion to set the following City Council meeting dates:
 - a. January 21, 2014, at 5:15 p.m. for CIP Workshop
 - b. January 31, 2014, at 2:00 p.m. for Budget Overview
 - c. February 4, 5, 6, and 11, 2014, at 5:15 p.m. for Budget Hearings/Wrap-Up
 - d. March 4, 2014, at 7:00 p.m. for Regular Meeting and Final Budget Hearing
6. RESOLUTION NO. 13-440 approving and adopting Supplement No. 2013-4 to *Ames Municipal Code*
7. RESOLUTION NO. 13-441 approving 2013 Street Finance Report
8. Public Art Commission:
 - a. RESOLUTION NO. 13-442 changing one-year appointee position to three-year term
9. RESOLUTION NO. 13-444 awarding contract to Nutri-Ject Systems of Hudson, Iowa, in an amount not to exceed \$139,859.38 for three-year Biosolids Disposal and Digester Cleaning Operation
10. RESOLUTION NO. 13-445 awarding contract to WESCO Distribution of Des Moines, Iowa, in the amount of \$192,343.20 (subject to metals adjustment at time of order) for the purchase of 750 KCMIL Cable
11. RESOLUTION NO. 13-446 approving contract and bond for Water Pollution Control Facility Methane Engine-Generator Set No. 2 Rehabilitation
12. RESOLUTION NO. 13-447 approving contract and bond for Water Pollution Control Trickling Filter Pumping Station Check Valve Replacement
13. RESOLUTION NO. 13-448 approving contract and bond for Control Panels for Ames Plant Switchyard
14. RESOLUTION NO. 13-450 approving balancing Change Order and Final Acceptance of 2010/11 and 2011/12 Asphalt Resurfacing and Seal Coat Removal/Asphalt Reconstruction Program
15. RESOLUTION NO. 13-451 approving Plat of Survey for 2302 and 2308 Sundown Drive

16. South Fork Subdivision, 5th Addition:

- a. RESOLUTION NO. 13-452 accepting partial completion of public improvements
- b. RESOLUTION NO. 13-453 approving Major Final Plat

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

PUBLIC ART COMMISSION REQUESTS: Greg Fuqua, Co-Chair of the Public Art Commission, cited several reasons why the Commission needed to carry over unspent funding from the Commission's Fiscal Year (FY) 2012/13 Budget to its Fiscal Year 2013/14 Budget. He told the Council that payment of the \$1,200 approved for artistic bike racks in the Downtown would not be made until 2014. Also, the Art in the Parks project is a multi-year endeavor and requires three to five years of funding to complete; therefore, the Commission would like the balance of \$7,206 to be added to the FY 2013/14 allocation. Lastly, the Commission proposed that the \$6,397 balance from its 2012/13 allocation be added to the Neighborhood Art Program for 2013/14 and be used to pay for the purchase and installation of additional neighborhood art throughout the City. Demand for that Program has increased and the sculptures are more expensive than in past years.

Moved by Goodman, seconded by Larson, to adopt RESOLUTION NO. 13-443 approving the request to carry-over of 2012/13 Fiscal Year unspent fund balance to 2013/14 Fiscal Year.

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

CYRIDE BUS FACILITY EXPANSION PROJECT: Transit Director Sheri Kyras explained that the Council Action Form had stated that the Transit Board would be meeting on September 23, and its decision on this matter would be provided at this meeting. There was not a quorum of the Transit Board members present on September 23; therefore, no meeting was held. Ms. Kyras asked that the City Council approve the Change Order, contingent upon approval of the Transit Board.

Moved by Davis, seconded by Wacha, to adopt RESOLUTION NO. 13-449 approving CyRide Bus Facility Expansion Project Construction Change Order No. 10, contingent upon approval of the Transit Board.

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

PUBLIC FORUM: No one spoke during this time.

REQUESTS FROM MAIN STREET CULTURAL DISTRICT (MSCD) TO EXTEND FARMERS' MARKET THROUGH OCTOBER 5, 2013: Moved by Davis, seconded by Larson, to adopt/approve:

1. RESOLUTION NO. 13-454 approving closure of street and parking spaces in 400 block of Main Street; closure of Burnett Avenue, from Main Street north to the alley; and eight parking spaces in 300 block of Main Street, from 5:00 a.m. to 1:00 p.m.
2. Motion approving blanket Temporary Obstruction Permit and blanket Vending Permit for entire Central Business District from 8:00 a.m. to 6:00 p.m.
3. RESOLUTION NO. 13-455 approving waiver of fee for blanket Vending Permit

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

5-DAY LICENSES FOR OLDE MAIN BREWING COMPANY: Moved by Davis, seconded by Larson, to approve:

1. Special Class C Liquor (October 2-6) at ISU Alumni Center, 420 Beach Avenue
2. Special Class C Liquor (October 9-13) at ISU Alumni Center, 420 Beach Avenue
3. Special Class C Liquor (October 9-13) at Reiman Gardens, 1407 University Boulevard

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

TEMPORARY OUTDOOR SERVICE AREA FOR MUCKY DUCK PUB: Moved by Goodman, seconded by Davis, to approve a Temporary Outdoor Service Area on September 28, 2013, for The Mucky Duck Pub, 3100 South Duff Avenue.

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

HUTCHISON STREET ENCROACHMENTS: Public Works Director John Joiner explained that staff had discovered a number of encroachments into the unimproved Hutchison Street right-of-way during a recent rental inspection of the properties. Further research revealed that the encroachments, consisting of garages, driveways, and a shed, have existed for a number of years. The owners of 1311 Georgia Avenue and 1401 Georgia Avenue have now requested that the City vacate the right-of-way and convey it to them at no cost. The two properties are located approximately one block west and one block north of the intersection of North Dakota Avenue and Ontario Street.

According to Mr. Joiner, the Hutchison Street area in question is approximately 7,500 square feet in size. If vacated, it would be evenly divided between the two abutting properties. The house and garage at 1401 Georgia Avenue were both built in 1940. The house at 1311 Georgia was built in 1900 and the garage, in 1930. The area was annexed into the City of Ames in 1962. The platting for the Ontario West First Subdivision was done in 1977, and contains a note that the stub of Hutchison Street was vacated; however, there is no record that that actually ever occurred. The platting of that Subdivision precluded the right-of-way from ever being a useful part of the City's transportation network. There are no utilities in that area of Hutchison.

Mr. Joiner recalled that the City had received letters from the owners of 1311 Georgia Avenue and 1401 Georgia Avenue requesting that the rights-of-way be divided in half and transferred to them without charge.

Council Member Larson noted that it was very likely that the properties had transferred to other owners since 1962. He felt that attorneys should have caught this problem during the process of a property transfer. City Attorney Parks concurred and stated that it should have been caught in any transfers; however, it had just been brought to the staff's attention.

Norma Elwick, 1301 Florida, Ames, stated that she and her husband have owned the property at 1311 Georgia since 1982; they have maintained the property for over 30 years. She said that she and her husband have no intention of building something else on the property, but if they did decide to sell it, this would cause a problem for the title transfer. Ms. Elwick said they did contact the City approximately six years ago about this situation. They were referred to several different people, but no one ever solved the issue. She asked the Council to approve Option 2, which was to convey the land in question at no charge to the abutting property owners.

Rebecca Reisinger, 612 Kellogg Avenue, Ames, identified herself as an attorney representing Helen Anderson, the owner of property at 1401 Georgia Avenue. Ms. Reisinger advised that Ms. Anderson had purchased that property in the 1970's. The structures had been in place since the 1940's. The first Ms. Anderson knew about the issue was in May 2013 when she was contacted by the City. Ms. Reisinger told the Council that this appeared to be a unique situation where the structures pre-dated the annexation of the property to the City. On behalf of Ms. Anderson, whose health issues would not allow her to attend this meeting, Ms. Reisinger asked that the City Council convey the property in question to abutting property owners at no cost.

Moved by Davis, seconded by Orazem, to convey the property in question to the abutting property owners at no cost.

Council Member Davis qualified his motion by stating that staff had noted in its report that the platting for the subdivision in 1977 had contained a note that the "stub of Hutchison Street was vacated," although there appears to be no record of that. He felt that it was possible that the document just didn't get recorded. In Mr. Davis's opinion, the situation was unique.

Council Member Goodman asked if conditions could be placed on the Encroachment Permit that if the property were ever transferred, the new property owner would purchase the right-of-way from the City. City Attorney Parks replied that she is unsure whether the City would have the authority to place conditions on an Encroachment Permit.

Citing the City's policy to charge abutting property owners for vacated rights-of-way, Council Member Larson expressed his concern of the precedent that would be set if no fee were charged. He believes that there could be all kinds of situations similar to this one, and he does not want to put future Councils in the predicament of having to judge what the intent was many years ago. Council Member Wacha said he shared that same concern.

Council Member Goodman recalled a similar issue that had occurred in 2010 with property on East Lincoln Way where Friedrich Realty had installed asphalt parking over City right-of-way. He noted that the easement had been vacated and conveyed to the Friedrichs at no charge. Public Works Director Joiner elaborated that the property had been the Iowa Department of Transportation's (IDOT) right-of-way. It was then transferred to be under the City's jurisdiction. The IDOT had reduced the width of the right-of-way, but when the City received it, it had not recognize the reduced width. Mr. Goodman relayed his recommendation that the City not charge for the Hutchison right-of-way because it is a unique situation just like - albeit not identical circumstances - the Friedrich/East Lincoln Way case. He thought the land on East Lincoln Way was much more valuable than the land in question, and it had been gifted to the existing property owner.

Vote on Motion: 4-1. Voting aye: Davis, Goodman, Orazem, Wacha. Voting nay: Larson. Motion declared carried.

HEARING ON 2013/14 WATER SYSTEMS IMPROVEMENTS - WATER MAIN REPLACEMENT (SHELDON AVENUE): Mayor Campbell opened the public hearing. There being no one wishing to speak, the Mayor closed the hearing.

Moved by Goodman, seconded by Davis, to adopt RESOLUTION NO. 13-456 approving final plans and specifications and awarding a contract to Synergy Contracting of Bondurant, Iowa, in the amount of \$156,048.85.

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

HEARING ON AMES PLAT SUBSTATION IMPROVEMENTS: The Mayor opened the hearing and closed same after no one came forward to speak.

Moved by Wacha, seconded by Davis, to adopt RESOLUTION NO. 13-457 approving final plans and specifications and awarding a contract to Harold K. Scholz Company of Ralston, Nebraska, in the amount of \$632,472.96 (inclusive of applicable sales taxes).

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

HEARING ON 2013/14 ASPHALT/SEAL COAT STREET REHABILITATION AND 2013/14 WATER SYSTEM IMPROVEMENTS PROGRAM - WATER MAIN REPLACEMENT (TRIPP STREET, SOUTH FRANKLIN AVENUE, VILLAGE DRIVE): The public hearing was opened by Mayor Campbell. She closed the hearing as there was no one who asked to speak.

Moved by Davis, seconded by Wacha, to adopt RESOLUTION NO. 13-458 approving final plans and specifications and awarding a contract to Synergy Contracting of Bondurant in the amount of \$495,642.00.

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

HEARING ON REPLACEMENT SUPERHEATER ATTEMPERATOR: Mayor Campbell opened the public hearing. No one requested to speak, and the hearing was closed.

Moved by Goodman, seconded by Davis, to accept the report of bids and delay award of the contract.

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

HEARING ON SUNSET RIDGE SUBDIVISION, 5TH ADDITION HMA PAVING PROJECT: The hearing was opened by the Mayor. She closed same as there was no one wishing to speak.

Moved by Davis, seconded by Orazem, to adopt RESOLUTION NO. 13-459 approving final plans and specifications and awarding a contract to Manatt's, Inc., of Ames, Iowa, in the amount of \$144,060.

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

HEARING ON 2012-13 CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER) PURSUANT TO HOUSING AND COMMUNITY DEVELOPMENT ACT: The public hearing was opened by Mayor Goodman. No one came forward to speak, and the Mayor closed the hearing.

Moved by Davis, seconded by Larson, to adopt RESOLUTION NO. 13-460 accepting the Report.

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

ORDINANCE TO REVISE SECTION 29.401(5) PERTAINING TO MORE THAN ONE STRUCTURE ON SAME LOT: Moved by Larson, seconded by Wacha, to pass on second reading an ordinance revising Section 29.401(5) to eliminate provision [c] pertaining to more than one single-family or two-family structures on same lot (continued from August 27, 2013).
Roll Call Vote: 5-0. Motion declared carried unanimously.

ORDINANCE PERTAINING TO WEIGHT OF TRUCKS SERVING SPECIAL USE PERMIT USES IN RESIDENTIAL ZONES: Moved by Goodman, seconded by Orazem, to pass on third reading and adopt ORDINANCE NO. 4159 revising *Municipal Code* Section 29.1503(4) (b) (iii) pertaining to the weight of trucks serving Special Use Permit Uses in residential zones.
Roll Call Vote: 5-0. Ordinance declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

ORDINANCE REVISING APPENDIX Q PERTAINING TO WATER METER FEES: Moved by Goodman, seconded by Davis, to pass on third reading and adopt ORDINANCE NO. 4160 revising Appendix Q pertaining to Water Meter Fees.
Roll Call Vote: 5-0. Ordinance declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

PRESENTATION OF RESULTS OF RESIDENT SATISFACTION SURVEY: Public Relations Officer Susan Gwiasda reviewed the results of the 31st Annual Resident Satisfaction Survey. The Survey was conducted with the assistance of Iowa State University's College of Design Institute of Design Research and Outreach. It was distributed to 1,350 utility bill customers by U. S. Mail and 1,000 surveys were sent via e-mail to ISU students. There were 521 surveys returned, which was a response rate of 24%; that increased from 21% in 2012. Overall satisfaction was rated as good/very good by 98% of the respondents.

FUNDING AGREEMENT WITH AMES COMMUNITY PRESCHOOL FOR PURCHASE OF PLAYGROUND EQUIPMENT: Parks and Recreation Director Keith Abraham said that, following the City Council's direction concerning this issue, staff had prepared an agreement.

Moved by Davis, seconded by Larson, to adopt RESOLUTION NO. 13-461 approving the agreement with ACPC to provide funding for the purchase of playground equipment.
Roll Call Vote: 4-0-1. Voting aye: Davis, Goodman, Larson, Orazem. Voting nay: None. Abstaining due to conflict of interest: Wacha. Resolution declared adopted, signed by the Mayor, and hereby made a portion of these Minutes.

ISU RESEARCH PARK EXPANSION: Planning and Housing Director Kelly Diekmann stated that this item was in response to the City Council's referral on September 17, 2013, of a letter from Steven Carter, Director of Iowa State University Research Park Corporation. In that letter, Mr. Carter had requested that the City Council initiate the process to amend the Ames Urban Fringe Plan in preparation for an upcoming annexation request. According to Director Diekmann, this would be the first step in a multi-step process to facilitate expansion of the Research Park. If approved, the amendment to the Ames Urban Fringe Plan would change the designation of the expansion area, which is approximately 200 acres, from Transitional to a planned Urban Service Area. Mr. Diekmann stated that, if the Council members are agreeable to direct staff to initiate the

process for the amendment, there would be a number of steps that would be brought back to them by staff over the next few months.

Moved by Goodman, seconded by Davis, to direct staff to initiate the process to amend the Ames Urban Fringe Plan to change the designation of the Research Park proposed expansion area from Transitional to Planned Urban Service Area.

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

The meeting recessed at 7:50 p.m. and reconvened at 7:56 p.m.

Council Member Victoria Szopinski and ex officio Member Alexandria Harvey arrived at 7:53.

REQUEST OF BRECKENRIDGE LAND ACQUISITION FOR LUPP MEDIUM-DENSITY

AMENDMENT: Karen Marren, City Planner, recalled that the City Council had referred to staff the letter from Charles Vatterott, representing Breckenridge Ames Iowa, LLC, concerning the former Middle School athletic field site at 205 S. Wilmoth Avenue, which is the north parcel of the three parcels owned by Breckenridge Land Acquisition. The request is for a change to the Land Use Policy Plan (LUPP) designation of the site from Low-Density Residential (RL) to Medium-Density Residential (RM). According to Ms. Marren, the RM classification is desired by the applicants; however, they would be open to considering a limited amount of Highway-Oriented Commercial adjacent to the Lincoln Way frontage if Council would prefer.

Ms. Marren advised that the parcel is an 8.3-acre parcel at 205 S. Wilmoth Avenue. It is currently designated as Low-Density Residential on the LUPP Map. It is zoned S-GA (Government/Airport District). The site abuts three parcels to the northeast that are also designated as Low-Density in the LUPP; however, they are zoned High-Density Residential. There is some High-Density land designation farther to the east. The site abuts Low-Density-zoned development to the east, west, and south. The parcel also abuts a Wendy's restaurant at the northwest corner of the site.

Planner Marren pointed out that the background information on the request was contained in the Council Action Form. The City Council members were being asked to (1) determine whether or not they wished to proceed with the LUPP Amendment, and (2) if so, whether it would be a Major or Minor Amendment.

The Council was reminded that, in 2008, when it looked at Government Lands in terms of designating them for future use, there were options presented for the land in question. The land designation approved for the parcel at that time was Low-Density Residential.

Council Member Orazem asked if the land designation as Low-Density Residential was requested by the School District. Planning and Housing Director Kelly Diekmann replied that, after hearing options, the City Council had, in 2007, directed staff to meet with School District officials and ask them what their preference was for the designation. At that time, the School District was indifferent; however, agreed that Low-Density would be a good option, although it might not bring the highest value. The Council decided to approve Low-Density, and the School Board did not object to that designation. Council Member Larson said he thought that the Council and School District Board had met in a joint meeting; the decision was based on a joint conversation between the two entities. The School District, at that time, was interested in maintaining as many of its properties as possible as Low-Density in order to have more housing in the District. Council Member Szopinski read an excerpt from the Minutes of the April 17, 2007, Joint Meeting between

the City Council and Ames Community School District. Mayor Campbell recalled that the sale of land immediately to the south of the new Middle School, and there was concern on the part of the School District about the fact that the land had not been zoned Low-Density. That prompted the study of all Government Lands and the overly.

Council Member Goodman shared his opinion that the biggest result of the study was that it would never again be the case of investors not understanding the current anticipated use of the land. This really then put the onus on the investors to ensure that they understand the designated land use and zoning for the property.

Mayor Campbell noted for the record that a hand-written letter from Elaine Bath, 524 Forest Glen, Ames, had been received just prior to this meeting and placed around the dais. Ms. Bath was requesting that the City Council reject the Breckenridge request to rezone the property to Medium Residential.

Michael Peterson, 3302 Morningside Street, Ames, identified himself as a member of the College Creek/Old Ames Middle School Neighborhood Association. He stated that the current LUPP promotes the idea that any new development will fit in with existing neighborhoods. It was Mr. Peterson's belief that if the zoning is changed from RL to RM, up to 745 bedrooms could be added to the North Parcel alone. If a commercial strip were to be added to the North Parcel, the number of bedrooms that could be added would be anywhere from 479 to 657. Mr. Peterson said that Breckenridge had expressed a desire to be good neighbors; however, he does not think that will happen because of its track record in other communities. He feels that if Breckenridge truly wants to be good neighbors, it would not promote its development as "student-housing-oriented," would stay with RL zoning for all three parcels, and promote single-family occupancy in all housing. According to Mr. Peterson, the City of Ames needs families with children to attend the Ames Community School District. He believes that student housing is being addressed in other areas of the City. He urged the City Council to retain the designation of RL for all three parcels. It was alleged by Mr. Peterson that ramifications of the Council's decision would go far beyond the land in question.

Duffie Lorr, 233 Hilltop Road, Ames, identified herself as a member of the College Creek/Old Ames Middle School Neighborhood Association. Ms. Lorr said that her property is located one block south of the North Parcel. Ms. Lorr expressed her appreciation of forward policy planning and vision of neighborhoods offered by the City. She read four goals contained in the LUPP that were pertinent to this issue. Ms. Lorr noted her participation in the charrettes pertaining to the proposed development and described her conversations with the developer's representative, Scott Renaud. When told that the LUPP designation for the area was single-family Low-Residential, Mr. Renaud had replied that the developer would ask for a change to the LUPP. Ms. Lorr stated that Breckenridge had a history of asking for LUPP, Master Planning Policy, and Master Plan Amendments in order to increase the allowed density. She provided documentation highlighting amendments that had been requested in other communities wherein Breckenridge had developed (San Marcos, TX; Tuscaloosa, AL; Clemson, SC; Reno, NV; Columbia, SC; Rockingham County, VA; Charlotte, NC). Ms. Lorr told the Council that Breckenridge also had a history of actions that had caused unpleasant ramifications, with the most-recent being in Harrisonburg, VA, and Columbia, MO. She noted that her neighborhood already had been affected by a change in density with the apartment developments behind the West HyVee store. Such change can have an unwanted effect on the value of properties, not only for homeowners and landlords. Ms. Lorr

contended that Breckenridge does not care about the ramifications. She believes “what is important to Breckenridge is Breckenridge Company’s bottom line.

Ms. Lorr also stated that her low-density residential neighborhood already offers house experience for students; “the students like it and the other residents like the students.” Her neighborhood is very diverse. She stated that she was worried about the Ames LUPP and vision for neighborhoods and is very opposed to changing the LUPP for the North Parcel from low-residential to medium-residential.

Julian Birch, 2925 Arbor Street, Ames, identified himself as a member of the College Creek/Old Middle School Neighborhood Association. He stated that his neighborhood, with strong support from residents across Ames, had expressed its opposition to the Breckenridge proposal of a concentrated student housing project. Mr. Birch believes that the impacts and consequences of the project are clearly foreseeable. Rezoning the North Parcel to RM would provide the potential for concentrated student housing. It was Mr. Birch’s opinion that the need for affordable single-family homes close to Campus exceeds that of block University housing or additional businesses on the north parcel. Additional businesses would be better located in a Campustown business development area. Mr. Birch respectfully urged the City Council to zone the North Parcel, as well as the Middle and South Parcels, as Low-Density Single-Family housing.

Julia McGinley said she and her partner, Marcy Webb, own the property at 2802 Arbor Street, Ames. They love their neighborhood, which will be impacted by the Council’s decision on the request of Breckenridge. Ms. McGinley believes that the City’s vision for low-density single-family zoning suits the College Creek/Old Ames Middle School Neighborhood. She explained her concerns about the quality of life and safety for her neighborhood’s residents. According to Ms. McGinley, there is currently a balance - a symbiotic relationship with the level of student presence and the neighbors on her neighborhood streets. In Ms. McGinley’s opinion, adding 745 student neighbors to an area already impacted by its closeness to the University would not keep that balance. It would not be in keeping with the City’s stated goal of conserving existing neighborhoods. Ms. McGinley implored the City Council to support the original vision for single-family RL zoning for the North Parcel and reject any requests to change the LUPP.

Barbara Pleasants, 516 Lynn Avenue, Ames, identified herself as a member of the South Campus Neighborhood. She urged the City Council not to change the LUPP. Ms. Pleasants believes that any kind of change adds to the threat to a decreased quality of life for those in the older parts of the City. She said that the City should adhere to the principles of the Plan, including “the importance of compatibility with existing neighborhoods in appearance and use.” To change the Plan at Breckenridge’s request would set a very bad precedent. According to Ms. Pleasants, Edwards and the former Crawford Elementary Schools will be properties that will face similar requests in the future. It was pointed out by Ms. Pleasants that, in 2008, the Ames School Board stated its preference for low-density residential so that there could be homes for families with children. She urged the Council to “let that happen.”

Pat Brown, 3212 West Street, Ames, stated that she had served on the Ames Community School Board when the probability of closing schools due to declining enrollment was first being discussed. According to Ms. Brown, the Board spent a year discussing land use, and the City created focus groups. She noted that the main concern of the School Board at that time was declining enrollment. It was important to that School Board that the City would not be facing the request of an investor to overturn the LUPP. Ms. Brown commended the City Council for helping

to facilitate the creation of jobs, in particular, WebFilings, which had brought in many families. However, she had heard many of those families are moving to Ankeny because they cannot find homes in Ames. Ms. Brown said that that is going to have an effect on the Ames Community in many ways, not just schools. The City must consider many policies to maintain a viable community, not just those pertaining to the creation of jobs. Ms. Brown asked the Council to consider the School District, who needs the students whose families could occupy single-family homes.

Sharon Guber, 2931 Northwestern Avenue, Ames, identified herself as a member of the College Creek/Old Middle School Neighborhood Association. Ms. Guber said that she was disappointed that no representative of Breckenridge had spoken first at this meeting to present its request. Ms. Guber told the Council that Breckenridge has a long trail of asking communities to change their long-range plans, particularly in existing neighborhoods, in order to insert its exclusive all-student housing. According to Ms. Guber, in February 2008, the Ames City Council, Iowa State University, and Ames School Board met to discuss the vision for the North Parcel and other governmental properties that might be sold in the future. The purpose of the meeting was to be able to give direction to developers as they contemplated purchases. At that time, after those involved discussions, the North Parcel was designated as RL in the LUPP. Ms. Guber contended that Breckenridge Land Acquisition was fully aware of the zoning designation for the North Parcel, but still purchased the property without contingencies. On April 9, 2013, the City Council made clear its desire for single-family low-residential development that would be compatible with the existing neighborhood. The Council unanimously passed a motion that Breckenridge's Master Plan "...include the equivalency of subdividing the property so that every building is on a separate lot and meets all City requirements." It was also noted by Ms. Guber that the Council is currently in the process of permanently removing exception language under Section 29.401(5)[c].

It was recalled by Ms. Guber that in Breckenridge's final presentation of its Master Plan on August 8, 2013, the North Parcel was designated RL. However, on August 22, 2013, Mr. Vatterott, Breckenridge Vice-President, sent a request to change the LUPP from RL to RM. It was pointed out by Ms. Guber that under RL zoning, up to 141 residents would be allowed. However, RM zoning would allow up to 745 residents; that would be five times (5x) the number of people on the North Parcel alone. Ms. Guber alleged that that was a common pattern in past Breckenridge developments.

Ms. Guber advised that the College Creek/Old Ames Middle School was an older neighborhood, including homes dating back to 1898. Some of the older homes have four and five bedrooms. It was Ms. Guber's concern that if the North Parcel is zoned RM, landlords with four- or five-bedroom homes in this area would be allowed the same maximum up to five. She felt that would completely change the configuration and fabric of the neighborhood. Any such increase in the intensity on the North Parcel would have major impacts on the existing neighborhoods and is not in keeping with the LUPP goal.

It was also alleged by Ms. Guber that the question of a commercial development in the North Parcel never came up for discussion; residents read about it in the staff report on September 20, 2013, for the first time. She said that had it come up, she would have suggested that they should put their commercial development in the next block west of Franklin. According to Ms. Guber, there are currently 55 businesses in the four blocks on Lincoln Way from Wilmoth to Beedle. No other neighborhood in Ames can claim that proximity to such a selection of commercial services.

Ms. Guber requested that the City not initiate the request by Breckenridge to change the North Parcel LUPP designation of FL.

Ms. Guber also noted that the proximity of the North Parcel to the University makes the location in question very desirable to a lot of people. She concurred with the City staff report that the “City has a known need for single-family home sites.”

Fred Bradner, 1111 Stafford Avenue, Ames, told the Council that, over the past year and one-half, he had seen the value of involved citizens and neighborhoods and praised the College Creek/Old Middle School Neighborhood for getting involved. Regarding Breckenridge, Mr. Bradner asked what had changed since the City’s meeting with the School District in 2008 when the expressed need for single-family homes was stated by the School District and the City.

Catherine Scott, 1510 Roosevelt, Ames, recalled that the City Council had requested Breckenridge to come up with a Master Plan for all three parcels. To her, that meant the City felt that the three parcels were related in some respects, e.g., close together, same owner, and that the properties should be developed so that there was compatibility. The plan that Breckenridge had shown at a previous public meeting indicated RL zoning, not RM; to her, that meant that Breckenridge was not being honest in its negotiations with the City. In addition, she felt that the latest request to change the LUPP designation to RM totally negates the whole process. Ms. Scott asked the Council not to let Breckenridge’s request to move forward.

Mayor Campbell asked if there were any representatives of Breckenridge present to present its request. No one came forward. The Mayor noted that it was highly unusual for a developer not to be present at the Council meeting when its request was being debated.

Council Member Larson asked staff what was being contemplated for the southern or center piece of property. He noted that it was planned for all three parcels to function together. Planning and Housing Director Diekmann stated that Breckenridge had not submitted a Master Plan to continue the rezoning process. Mr. Larson offered that he thinks land use policies should be changed periodically when justified based on a particular need or situation. However, without knowing the intent for the other two parcels, Mr. Larson stated his belief that the City Council should not change the LUPP designation.

Mr. Larson recalled that the Old Middle School building had to be demolished by a certain time and asked if there had been any updates to that requirement. Director Diekmann answered that it was his understanding that Breckenridge had one year from the date of closing, but City staff had not seen the final terms of the property transaction. Sharon Guber advised that Karen Shimp, representing the Ames School District, had told her that the agreement was that the building had to be torn down within one year from the date of closing; the closing was in March. She noted that, if the building has not been demolished by that time, the School District had 60 days to reclaim the property with no exchange of funds.

Council Member Orazem expressed his opinion that Breckenridge’s request was too vague; there appeared to be no plan and the North Parcel was not tied in with the other two parcels, which was specifically directed by the City Council.

Council Member Szopinski, in answer to Fred Bradner’s question, said that what had changed was an even greater need for single-family housing. She pointed out that the City was hearing that from all sectors of the community.

Moved by Szopinski, seconded by Goodman, to direct that the City not initiate the request of Breckenridge to change the LUPP to RM for the North Parcel.

Council Member Goodman noted that the City had provided a “blue print of the entire community” on Government/Airport land uses to investors and developers, so that they could make wise choices on future purchases of those lands.

Council Member Wacha advised that he firmly believes the Ames community needs more single-family residential housing in the Ames School District and that is and should be a high priority for the City Council.

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

COUNCIL COMMENTS: Moved by Orazem, seconded by Goodman, to refer to staff requests related to the recent Council workshop held with the Greek Community:

1. That the Council be given a proposed definition of fraternity and sorority that would define them as being unique from rental housing
2. That staff provide information as to how Iowa City and Cedar Falls handle fraternities/sororities differently from rental housing.

Council Member Larson suggested that the Council first receive a staff report. Mr. Larson noted that the Greek Alliance had requested that the City Council explore the possibility of exempting fraternities and sororities from the Code. Council has to decide whether that is a good idea, whether that is possible, where there are other alternatives, etc. He voiced his disagreement with restricting the research to Iowa City and Cedar Falls. Council Member Goodman suggested that it be left to the staff’s discretion to come back with how other cities make that differentiation.

Motion withdrawn.

Moved by Orazem, seconded by Goodman, to direct staff to report back to Council informing them of what their options are for defining fraternities and sororities in the context of rental housing.
Vote on Motion: 6-0. Motion declared carried unanimously.

Moved by Orazem, seconded by Goodman, to refer to staff for a clarification of renting in the summer to its own members versus renting to non-members in the context of the Rental Housing Code.

Council Member Orazem explained that there might be legal responsibilities related to renting to non-members versus members. If they should be legally covered under the Rental Housing Code, then all the other restrictions apply.

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

City Manager Schainker noted that, during the workshop on the topic of rental inspections of Greek Houses, there had appeared to have been some confusion dealing with the parking requirements. He emphasized that, if fraternities and sororities were to be exempt from the provisions of the Rental Code, it would not free them up from any future obligations, whether they renovate a building or tear down a building and add to it. The parking requirements would still remain under the Zoning Ordinance. Exemption from the Rental Housing Code would allow the existing parking situation to continue to exist; they would be able to get Certificates of Compliance to allow them to continue to rent. However, fraternities or sororities that want to expand or renovate their facilities might be required to provide more parking. Mr. Schainker told the Council that all issues would not be resolved simply by exempting the facilities from the Rental Code.

Council Member Larson said that he would expect to see that type of information in the general staff report on this issue.

Council Member Szopinski explained that she and *ex officio* Member Harvey as well as City Manager Schainker had been late to this meeting as they had participated in the Town Meeting at the University pertaining to Kingland.

Recognizing the Council's policy on referring items to staff, Council Member Goodman stated that he had been in communication with a person who does not use e-mail. He did not have a physical document from this person but wanted to explain the request to the other Council members.

Moved by Goodman to direct staff to have a conversation with Jim Howe at Howe's Welding on South Duff to discuss concerns that he has with the properties on South Duff that were formerly Quality Motors and Happy Joe's Pizza and how the local flooding issues may impact his business. Mayor Campbell requested that Mr. Goodman ask Mr. Howe to write a letter to the City Council outlining those concerns.

Motion failed for lack of a second.

Moved by Goodman, seconded by Szopinski, to direct staff to come back to the Council with a report listing what things staff views as serious life-safety issues out of the Rental Housing Code in addition to other possible impacts, e.g., parking for redevelopment versus existing, group bathrooms, and cold-air sleeping areas.

Mr. Goodman clarified that he did not care about the use of cold-air dorms; however, he does care that they are safe.

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

At the request of Council Member Davis, Council Member Szopinski summarized the Town Meeting held tonight regarding Kingland. Ms. Szopinski explained that it was comprised of a structured panel with a representative from Kingland, Warren Madden on behalf of Iowa State University, Steve Schainker on behalf of the City, and Gabrielle Williams, representing the Campus Student Association and the Government of the Student Body. She reported that Mr. Rognes gave the same presentation on Kingland's plans as had been given at the Council meeting. According to Ms. Szopinski, the idea was to involve more students; however, there was not a lot of student involvement; there were approximately ten students present at the meeting. *Ex officio* Member Harvey reported that the event (Town Meeting) was not made official until Friday, so it

didn't give a lot of time for publicity. Mayor Campbell noted that Dr. Tom Hill had indicated to her that social media was the communication tool that had been used to notify others of the meeting.

ADJOURNMENT: Moved by Davis to adjourn the meeting at 8:55 p.m.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor

MINUTES OF THE AMES CIVIL SERVICE COMMISSION

AMES, IOWA

SEPTEMBER 26, 2013

The Ames Civil Service Commission met in regular session at 8:15 a.m. on September 26, 2013, in the Council Chambers of City Hall, 515 Clark Avenue, with Commission Members Adams, Crum, and Shaffer present.

APPROVAL OF MINUTES: Moved by Shaffer, seconded by Crum, to approve the minutes of the August 22, 2013, Civil Service Commission meeting as written.

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

REQUEST TO ABOLISH HUMAN RESOURCES OFFICER ENTRY-LEVEL CERTIFIED LIST: Moved by Crum, seconded by Shaffer, to grant the request to abolish the Human Resources Officer entry-level certified list.

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

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

Human Resources Analyst:	Stephanie Sobotka	90
	Dana Hallengren	75
	Brad Russell	72

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

COMMENTS: The next regularly scheduled Civil Service Commission meeting was set for October 24, 2013, at 8:15 a.m.

ADJOURNMENT: The meeting adjourned at 8:16 a.m.

Terry Adams, Chair

Jill Ripperger, Recording Secretary



REPORT OF CONTRACT CHANGE ORDERS

Period:	<input type="checkbox"/>	1 st – 15 th
	<input checked="" type="checkbox"/>	16 th – end of month
Month and year:	September 2013	
For City Council date:	October 8, 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
Public Works	2009/10 Low Point Drainage Improvements (Crystal Street)	1	\$61,335.00	Con-Struct, Inc.	\$0	\$2,103.15	T. Warner	MA
Transit	CyRide Bus Facility Expansion	3	\$4,489,000.00	Henkel Construction Company	\$86,990.60	\$16,004.02	S. Kyras	MA
Transit	CyRide Bus Facility Expansion	4	\$4,489,000.00	Henkel Constructiion Company	\$102,994.62	\$-(2,024.61)	S. Kyras	MA
Transit	CyRide Bus Facility Expansion	5	\$4,489,000.00	Henkel Construction Company	\$100,970.01	\$2,477.21	S. Schainker	MA
Transit	CyRide Bus Facility	6	\$4,489,000.00	Henkel Construction Company	\$103,447.22	\$19,748.86	M. Mundt	MA
Transit	CyRide Bus Facilitiyy	9	\$4,489,000.00	Henkel Construction Company	\$133,175.95	\$19,163.36	S. Kyras	MA



MEMO

*Caring People
Quality Programs
Exceptional Service*

7 a-d

TO: Mayor Ann Campbell and Ames City Council Members

FROM: Lieutenant Jeff Brinkley – Ames Police Department

DATE: September 23, 2013

SUBJECT: Beer Permits & Liquor License Renewal Reference City Council Agenda
October 8, 2013

The Council agenda for October 8, 2013, includes beer permits and liquor license renewals for:

- Special Class C Liquor – Le’s Restaurant, 113 Colorado Ave
- Class C Beer and B Wine – Aldi, Inc. #48, 1301 Buckeye Ave
- Class E Liquor, C Beer, and B Wine – Target #T-1170, 320 S Duff Ave
- Class C Liquor – La Fuente Mexican Restaurant, 217 South Duff Avenue

A routine check of police records found no violations for Le’s Restaurant, Aldi, Target, or La Fuente. The Police Department would recommend renewal of all four licenses.

COUNCIL ACTION FORM

**SUBJECT: U.S. DEPARTMENT OF JUSTICE EDWARD BYRNE MEMORIAL
JUSTICE ASSISTANCE GRANT**

BACKGROUND:

On June 25, 2013, the City Council authorized staff to apply for the 2013 Department of Justice, Office of Justice Programs, Bureau of Justice Assistance Edward Byrne Memorial Justice Assistance Grant (JAG) Program. The grant conditions required that the application be filed jointly with Story County, and the Council approved entering into a Memorandum of Understanding with Story County. In September, the Department of Justice notified the City that the grant had been awarded in full.

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.

The grant award is for \$23,686; and the Police Department proposes to use the funds for specialized training and equipment purchases to support crisis prevention and resolution programs. Grant funds will be used to purchase a laptop computer for the Department's mental health advocate to support the data and communications management functions that have become integral to that work. Equipment to support weapons storage and active shooter training will also be funded, and an additional Taser will be purchased. The grant will also fund the purchase of a device that facilitates the forensic examination of electronic devices. Finally, the grant will support sending one person to the 2013 Crisis Intervention Team Conference, a nationally recognized resource and training conference. **There is no match requirement with this grant.**

ALTERNATIVES:

1. Accept the 2013 Department of Justice, Office of Justice Programs, and Bureau of Justice Assistance Edward Byrne Memorial Justice Assistance Grant Program and authorize the Police Department to participate in the program.
2. Do not authorize participation in this grant program.

MANAGER'S RECOMMENDED ACTION:

The Police Department has participated in the JAG grant program in the past and the program has proven to be a valuable source of funds for special purchases and programs. This grant will provide the same benefit. Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1 as described above.



Department of Justice
Office of Justice Programs

Bureau of Justice Assistance

Office of Justice Programs

Washington, D.C. 20531

September 4, 2013

Mr. Douglas Houghton
City of Ames
P.O. Box 811
Ames, IA 50010-6135

Dear Mr. Houghton:

On behalf of Attorney General Eric Holder, it is my pleasure to inform you that the Office of Justice Programs has approved your application for funding under the FY 13 Edward Byrne Memorial Justice Assistance Grant (JAG) Program: Local in the amount of \$23,686 for City of Ames.

Enclosed you will find the Grant Award and Special Conditions documents. This award is subject to all administrative and financial requirements, including the timely submission of all financial and programmatic reports, resolution of all interim audit findings, and the maintenance of a minimum level of cash-on-hand. Should you not adhere to these requirements, you will be in violation of the terms of this agreement and the award will be subject to termination for cause or other administrative action as appropriate.

If you have questions regarding this award, please contact:

- Program Questions, Lesley Walker, Program Manager at (202) 307-0863; and
- Financial Questions, the Office of the Chief Financial Officer, Customer Service Center (CSC) at (800) 458-0786, or you may contact the CSC at ask.ocfo@usdoj.gov.

Congratulations, and we look forward to working with you.

Sincerely,

Denise O'Donnell

Denise O'Donnell
Director

Enclosures



Department of Justice
Office of Justice Programs
Office for Civil Rights

Washington, D.C. 20531

September 4, 2013

Mr. Douglas Houghton
City of Ames
P.O. Box 811
Ames, IA 50010-6135

Dear Mr. Houghton:

Congratulations on your recent award. In establishing financial assistance programs, Congress linked the receipt of Federal funding to compliance with Federal civil rights laws. The Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice is responsible for ensuring that recipients of financial aid from OJP, its component offices and bureaus, the Office on Violence Against Women (OVW), and the Office of Community Oriented Policing Services (COPS) comply with applicable Federal civil rights statutes and regulations. We at OCR are available to help you and your organization meet the civil rights requirements that come with Justice Department funding.

Ensuring Access to Federally Assisted Programs

As you know, Federal laws prohibit recipients of financial assistance from discriminating on the basis of race, color, national origin, religion, sex, or disability in funded programs or activities, not only in respect to employment practices but also in the delivery of services or benefits. Federal law also prohibits funded programs or activities from discriminating on the basis of age in the delivery of services or benefits.

Providing Services to Limited English Proficiency (LEP) Individuals

In accordance with Department of Justice Guidance pertaining to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, recipients of Federal financial assistance must take reasonable steps to provide meaningful access to their programs and activities for persons with limited English proficiency (LEP). For more information on the civil rights responsibilities that recipients have in providing language services to LEP individuals, please see the website at <http://www.lep.gov>.

Ensuring Equal Treatment for Faith-Based Organizations

The Department of Justice has published a regulation specifically pertaining to the funding of faith-based organizations. In general, the regulation, Participation in Justice Department Programs by Religious Organizations; Providing for Equal Treatment of all Justice Department Program Participants, and known as the Equal Treatment Regulation 28 C.F.R. part 38, requires State Administering Agencies to treat these organizations the same as any other applicant or recipient. The regulation prohibits State Administering Agencies from making award or grant administration decisions on the basis of an organization's religious character or affiliation, religious name, or the religious composition of its board of directors.

The regulation also prohibits faith-based organizations from using financial assistance from the Department of Justice to fund inherently religious activities. While faith-based organizations can engage in non-funded inherently religious activities, they must be held separately from the Department of Justice funded program, and customers or beneficiaries cannot be compelled to participate in them. The Equal Treatment Regulation also makes clear that organizations participating in programs funded by the Department of Justice are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion. For more information on the regulation, please see OCR's website at <http://www.ojp.usdoj.gov/ocr/etfbo.htm>.

State Administering Agencies and faith-based organizations should also note that the Safe Streets Act, as amended; the Victims of Crime Act, as amended; and the Juvenile Justice and Delinquency Prevention Act, as amended, contain prohibitions against discrimination on the basis of religion in employment. Despite these nondiscrimination provisions, the Justice Department has concluded that the Religious Freedom Restoration Act (RFRA) is reasonably construed, on a case-by-case basis, to require that its funding agencies permit faith-based organizations applying for funding under the applicable program statutes both to receive DOJ funds and to continue considering religion when hiring staff, even if the statute that authorizes the funding program generally forbids considering of religion in employment decisions by grantees.

Questions about the regulation or the application of RFRA to the statutes that prohibit discrimination in employment may be directed to this Office.

Enforcing Civil Rights Laws

All recipients of Federal financial assistance, regardless of the particular funding source, the amount of the grant award, or the number of employees in the workforce, are subject to the prohibitions against unlawful discrimination. Accordingly, OCR investigates recipients that are the subject of discrimination complaints from both individuals and groups. In addition, based on regulatory criteria, OCR selects a number of recipients each year for compliance reviews, audits that require recipients to submit data showing that they are providing services equitably to all segments of their service population and that their employment practices meet equal employment opportunity standards.

Complying with the Safe Streets Act or Program Requirements

In addition to these general prohibitions, an organization which is a recipient of financial assistance subject to the nondiscrimination provisions of the Omnibus Crime Control and Safe Streets Act (Safe Streets Act) of 1968, 42 U.S.C. § 3789d(c), or other Federal grant program requirements, must meet two additional requirements: (1) complying with Federal regulations pertaining to the development of an Equal Employment Opportunity Plan (EEO Plan), 28 C.F.R. § 42.301-.308, and (2) submitting to OCR Findings of Discrimination (see 28 C.F.R. §§ 42.205(5) or 31.202(5)).

1) Meeting the EEO Plan Requirement

In accordance with Federal regulations, Assurance No. 6 in the Standard Assurances, COPS Assurance No. 8.B, or certain Federal grant program requirements, your organization must comply with the following EEO Plan reporting requirements:

If your organization has received an award for \$500,000 or more and has 50 or more employees (counting both full- and part-time employees but excluding political appointees), then it has to prepare an EEO Plan and submit it to OCR for review **within 60 days from the date of this letter**. For assistance in developing an EEO Plan, please consult OCR's website at <http://www.ojp.usdoj.gov/ocr/eeop.htm>. You may also request technical assistance from an EEO Plan specialist at OCR by dialing (202) 616-3208.

If your organization received an award between \$25,000 and \$500,000 and has 50 or more employees, your organization still has to prepare an EEO Plan, but it does not have to submit the EEO Plan to OCR for review. Instead, your organization has to maintain the EEO Plan on file and make it available for review on request. In addition, your organization has to complete Section B of the Certification Form and return it to OCR. The Certification Form can be found at <http://www.ojp.usdoj.gov/ocr/eeop.htm>.

If your organization received an award for less than \$25,000; or if your organization has less than 50 employees, regardless of the amount of the award; or if your organization is a medical institution, educational institution, nonprofit organization or Indian tribe, then your organization is exempt from the EEO Plan requirement. However, your organization must complete Section A of the Certification Form and return it to OCR. The Certification Form can be found at <http://www.ojp.usdoj.gov/ocr/eeop.htm>.

2) Submitting Findings of Discrimination

In the event a Federal or State court or Federal or State administrative agency makes an adverse finding of discrimination against your organization after a due process hearing, on the ground of race, color, religion, national origin, or sex, your organization must submit a copy of the finding to OCR for review.

Ensuring the Compliance of Subrecipients

If your organization makes subawards to other agencies, you are responsible for assuring that subrecipients also comply with all of the applicable Federal civil rights laws, including the requirements pertaining to developing and submitting an EEO Plan, reporting Findings of Discrimination, and providing language services to LEP persons. State agencies that make subawards must have in place standard grant assurances and review procedures to demonstrate that they are effectively monitoring the civil rights compliance of subrecipients.

If we can assist you in any way in fulfilling your civil rights responsibilities as a recipient of Federal funding, please call OCR at (202) 307-0690 or visit our website at <http://www.ojp.usdoj.gov/ocr/>.

Sincerely,



Michael L. Alston
Director

cc: Grant Manager
Financial Analyst



Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

Grant

PAGE 1 OF 7

1. RECIPIENT NAME AND ADDRESS (Including Zip Code) City of Ames P.O. Box 811 Ames, IA 50010-6135		4. AWARD NUMBER: 2013-DJ-BX-0669	
		5. PROJECT PERIOD: FROM 10/01/2012 TO 09/30/2014 BUDGET PERIOD: FROM 10/01/2012 TO 09/30/2014	
		6. AWARD DATE 09/04/2013	7. ACTION Initial
1A. GRANTEE IRS/VENDOR NO. 426004218		8. SUPPLEMENT NUMBER 00	
		9. PREVIOUS AWARD AMOUNT \$ 0	
3. PROJECT TITLE Ames Police Department Crisis Prevention and Resolution Project		10. AMOUNT OF THIS AWARD \$ 23,686	
		11. TOTAL AWARD \$ 23,686	
12. SPECIAL CONDITIONS THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS ARE SET FORTHON THE ATTACHED PAGE(S).			
13. STATUTORY AUTHORITY FOR GRANT This project is supported under FY13(BJA - JAG) 42 USC 3750, et seq.			
15. METHOD OF PAYMENT GPRS			
AGENCY APPROVAL		GRANTEE ACCEPTANCE	
16. TYPED NAME AND TITLE OF APPROVING OFFICIAL Denise O'Donnell Director		18. TYPED NAME AND TITLE OF AUTHORIZED GRANTEE OFFICIAL Douglas Houghton Support Services Manager	
17. SIGNATURE OF APPROVING OFFICIAL <i>Denise O'Donnell</i>		19. SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL	19A. DATE
AGENCY USE ONLY			
20. ACCOUNTING CLASSIFICATION CODES FISCALY FUNDC BUD.A OFC. DIV.RE SUB. POMS AMOUNT EAR ODE CT. G. X B DJ 80 00 00 23686		21. MDJUGT1067	

OJP FORM 4000/2 (REV. 5-87) PREVIOUS EDITIONS ARE OBSOLETE.

OJP FORM 4000/2 (REV. 4-88)

APPROVED AS TO FORM
BY *Mark O. Lambert*
MARK O. LAMBERT
ASSISTANT CITY ATTORNEY



Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

**AWARD
CONTINUATIONSHEET
Grant**

PAGE 2 OF 7

PROJECT NUMBER 2013-DJ-BX-0669

AWARD DATE 09/04/2013

SPECIAL CONDITIONS

1. The recipient agrees to comply with the financial and administrative requirements set forth in the current edition of the Office of Justice Programs (OJP) Financial Guide.
2. The recipient acknowledges that failure to submit an acceptable Equal Employment Opportunity Plan (if recipient is required to submit one pursuant to 28 C.F.R. Section 42.302), that is approved by the Office for Civil Rights, is a violation of its Certified Assurances and may result in suspension or termination of funding, until such time as the recipient is in compliance.
3. The recipient agrees to comply with the organizational audit requirements of OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations, and further understands and agrees that funds may be withheld, or other related requirements may be imposed, if outstanding audit issues (if any) from OMB Circular A-133 audits (and any other audits of OJP grant funds) are not satisfactorily and promptly addressed, as further described in the current edition of the OJP Financial Guide.
4. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of OJP.
5. The recipient must promptly refer to the DOJ OIG any credible evidence that a principal, employee, agent, contractor, subgrantee, subcontractor, or other person has either 1) submitted a false claim for grant funds under the False Claims Act; or 2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving grant funds. This condition also applies to any subrecipients. Potential fraud, waste, abuse, or misconduct should be reported to the OIG by -

mail:

Office of the Inspector General
U.S. Department of Justice
Investigations Division
950 Pennsylvania Avenue, N.W.
Room 4706
Washington, DC 20530

e-mail: oig.hotline@usdoj.gov

hotline: (contact information in English and Spanish): (800) 869-4499

or hotline fax: (202) 616-9881

Additional information is available from the DOJ OIG website at www.usdoj.gov/oig.

6. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of any contract or subaward to either the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries, without the express prior written approval of OJP.
7. The recipient agrees to comply with any additional requirements that may be imposed during the grant performance period if the agency determines that the recipient is a high-risk grantee. Cf. 28 C.F.R. parts 66, 70.



Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

**AWARD
CONTINUATIONSHEET
Grant**

PAGE 3 OF 7

PROJECT NUMBER 2013-DJ-BX-0669

AWARD DATE 09/04/2013

SPECIAL CONDITIONS

8. The recipient agrees to comply with applicable requirements regarding registration with the System for Award Management (SAM) (or with a successor government-wide system officially designated by OMB and OJP). The recipient also agrees to comply with applicable restrictions on subawards to first-tier subrecipients that do not acquire and provide a Data Universal Numbering System (DUNS) number. The details of recipient obligations are posted on the Office of Justice Programs web site at <http://www.ojp.gov/funding/sam.htm> (Award condition: Registration with the System for Award Management and Universal Identifier Requirements), and are incorporated by reference here. This special condition does not apply to an award to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).
9. Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), the Department encourages recipients and sub recipients to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this grant, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.
10. The recipient agrees to comply with all applicable laws, regulations, policies, and guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences, meetings, trainings, and other events, including the provision of food and/or beverages at such events, and costs of attendance at such events. Information on pertinent laws, regulations, policies, and guidance is available at www.ojp.gov/funding/confcost.htm.
11. The recipient understands and agrees that any training or training materials developed or delivered with funding provided under this award must adhere to the OJP Training Guiding Principles for Grantees and Subgrantees, available at <http://www.ojp.usdoj.gov/funding/ojtrainingguidingprinciples.htm>.
12. The recipient agrees that if it currently has an open award of federal funds or if it receives an award of federal funds other than this OJP award, and those award funds have been, are being, or are to be used, in whole or in part, for one or more of the identical cost items for which funds are being provided under this OJP award, the recipient will promptly notify, in writing, the grant manager for this OJP award, and, if so requested by OJP, seek a budget-modification or change-of-project-scope grant adjustment notice (GAN) to eliminate any inappropriate duplication of funding.
13. The recipient understands and agrees that award funds may not be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.
14. The recipient understands and agrees that - (a) No award funds may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography, and (b) Nothing in subsection (a) limits the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.
15. The recipient agrees to comply with OJP grant monitoring guidelines, protocols, and procedures, and to cooperate with BJA and OCFO on all grant monitoring requests, including requests related to desk reviews, enhanced programmatic desk reviews, and/or site visits. The recipient agrees to provide to BJA and OCFO all documentation necessary to complete monitoring tasks, including documentation related to any subawards made under this award. Further, the recipient agrees to abide by reasonable deadlines set by BJA and OCFO for providing the requested documents. Failure to cooperate with BJA's/OCFO's grant monitoring activities may result in sanctions affecting the recipient's DOJ awards, including, but not limited to: withholdings and/or other restrictions on the recipient's access to grant funds; referral to the Office of the Inspector General for audit review; designation of the recipient as a DOJ High Risk grantee; or termination of an award(s).



Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

**AWARD
CONTINUATIONSHEET
Grant**

PAGE 4 OF 7

PROJECT NUMBER 2013-DJ-BX-0669

AWARD DATE 09/04/2013

SPECIAL CONDITIONS

16. The recipient agrees that all income generated as a direct result of this award shall be deemed program income. All program income earned must be accounted for and used for the purposes of funds provided under this award, including such use being consistent with the conditions of the award, the effective edition of the OJP Financial Guide and, as applicable, either (1) 28 C.F.R. Part 66 or (2) 28 C.F.R Part 70 and 2 C.F.R. Part 215 (OMB Circular A-110). Further, the use of program income must be reported on the quarterly Federal Financial Report, SF 425.
17. To avoid duplicating existing networks or IT systems in any initiatives funded by BJA for law enforcement information sharing systems which involve interstate connectivity between jurisdictions, such systems shall employ, to the extent possible, existing networks as the communication backbone to achieve interstate connectivity, unless the grantee can demonstrate to the satisfaction of BJA that this requirement would not be cost effective or would impair the functionality of an existing or proposed IT system.
18. In order to promote information sharing and enable interoperability among disparate systems across the justice and public safety community, OJP requires the grantee to comply with DOJ's Global Justice Information Sharing Initiative (DOJ's Global) guidelines and recommendations for this particular grant. Grantee shall conform to the Global Standards Package (GSP) and all constituent elements, where applicable, as described at: http://www.it.ojp.gov/gsp_grantcondition. Grantee shall document planned approaches to information sharing and describe compliance to the GSP and appropriate privacy policy that protects shared information, or provide detailed justification for why an alternative approach is recommended.
19. The grantee agrees to assist BJA in complying with the National Environmental Policy Act (NEPA), the National Historic Preservation Act, and other related federal environmental impact analyses requirements in the use of these grant funds, either directly by the grantee or by a subgrantee. Accordingly, the grantee agrees to first determine if any of the following activities will be funded by the grant, prior to obligating funds for any of these purposes. If it is determined that any of the following activities will be funded by the grant, the grantee agrees to contact BJA.

The grantee understands that this special condition applies to its following new activities whether or not they are being specifically funded with these grant funds. That is, as long as the activity is being conducted by the grantee, a subgrantee, or any third party and the activity needs to be undertaken in order to use these grant funds, this special condition must first be met. The activities covered by this special condition are:

- a. New construction;
- b. Minor renovation or remodeling of a property located in an environmentally or historically sensitive area, including properties located within a 100-year flood plain, a wetland, or habitat for endangered species, or a property listed on or eligible for listing on the National Register of Historic Places;
- c. A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size;
- d. Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments; and
- e. Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories.

The grantee understands and agrees that complying with NEPA may require the preparation of an Environmental Assessment and/or an Environmental Impact Statement, as directed by BJA. The grantee further understands and agrees to the requirements for implementation of a Mitigation Plan, as detailed at <http://www.ojp.usdoj.gov/BJA/resource/nepa.html>, for programs relating to methamphetamine laboratory operations.

Application of This Special Condition to Grantee's Existing Programs or Activities: For any of the grantee's or its subgrantees' existing programs or activities that will be funded by these grant funds, the grantee, upon specific request from BJA, agrees to cooperate with BJA in any preparation by BJA of a national or program environmental assessment of that funded program or activity.



Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

**AWARD
CONTINUATIONSHEET
Grant**

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PROJECT NUMBER 2013-DI-BX-0669

AWARD DATE 09/04/2013

SPECIAL CONDITIONS

20. The recipient is required to establish a trust fund account. (The trust fund may or may not be an interest-bearing account.) The fund, including any interest, may not be used to pay debts or expenses incurred by other activities beyond the scope of the Edward Byrne Memorial Justice Assistance Grant Program (JAG). The recipient also agrees to obligate and expend the grant funds in the trust fund (including any interest earned) during the period of the grant. Grant funds (including any interest earned) not expended by the end of the grant period must be returned to the Bureau of Justice Assistance no later than 90 days after the end of the grant period, along with the final submission of the Federal Financial Report (SF-425).
21. JAG funds may be used to purchase bulletproof vests for an agency, but may not be used as the 50% match for purposes of the Bulletproof Vest Partnership (BVP) program.
22. The recipient agrees to submit a signed certification that that all law enforcement agencies receiving vests purchased with JAG funds have a written "mandatory wear" policy in effect. Fiscal agents and state agencies must keep signed certifications on file for any subrecipients planning to utilize JAG funds for ballistic-resistant and stab-resistant body armor purchases. This policy must be in place for at least all uniformed officers before any FY 2013 funding can be used by the agency for vests. There are no requirements regarding the nature of the policy other than it being a mandatory wear policy for all uniformed officers while on duty.
23. Ballistic-resistant and stab-resistant body armor purchased with JAG funds may be purchased at any threat level, make or model, from any distributor or manufacturer, as long as the vests have been tested and found to comply with applicable National Institute of Justice ballistic or stab standards and are listed on the NIJ Compliant Body Armor Model List (<http://nij.gov>). In addition, ballistic-resistant and stab-resistant body armor purchased must be American-made. The latest NIJ standard information can be found here: <http://www.nij.gov/topics/technology/body-armor/safety-initiative.htm>.
24. The recipient agrees that any information technology system funded or supported by OJP funds will comply with 28 C.F.R. Part 23, Criminal Intelligence Systems Operating Policies, if OJP determines this regulation to be applicable. Should OJP determine 28 C.F.R. Part 23 to be applicable, OJP may, at its discretion, perform audits of the system, as per the regulation. Should any violation of 28 C.F.R. Part 23 occur, the recipient may be fined as per 42 U.S.C. 3789g(c)-(d). Recipient may not satisfy such a fine with federal funds.
25. The recipient agrees to ensure that the State Information Technology Point of Contact receives written notification regarding any information technology project funded by this grant during the obligation and expenditure period. This is to facilitate communication among local and state governmental entities regarding various information technology projects being conducted with these grant funds. In addition, the recipient agrees to maintain an administrative file documenting the meeting of this requirement. For a list of State Information Technology Points of Contact, go to <http://www.it.ojp.gov/default.aspx?area=policyAndPractice&page=1046>.
26. The grantee agrees to comply with the applicable requirements of 28 C.F.R. Part 38, the Department of Justice regulation governing "Equal Treatment for Faith Based Organizations" (the "Equal Treatment Regulation"). The Equal Treatment Regulation provides in part that Department of Justice grant awards of direct funding may not be used to fund any inherently religious activities, such as worship, religious instruction, or proselytization. Recipients of direct grants may still engage in inherently religious activities, but such activities must be separate in time or place from the Department of Justice funded program, and participation in such activities by individuals receiving services from the grantee or a sub-grantee must be voluntary. The Equal Treatment Regulation also makes clear that organizations participating in programs directly funded by the Department of Justice are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion. Notwithstanding any other special condition of this award, faith-based organizations may, in some circumstances, consider religion as a basis for employment. See http://www.ojp.gov/about/ocr/equal_fbo.htm.



Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

**AWARD
CONTINUATIONSHEET
Grant**

PAGE 6 OF 7

PROJECT NUMBER 2013-DJ-BX-0669

AWARD DATE 09/04/2013

SPECIAL CONDITIONS

27. The recipient acknowledges that all programs funded through subawards, whether at the state or local levels, must conform to the grant program requirements as stated in BJA program guidance.
28. Grantee agrees to comply with the requirements of 28 C.F.R. Part 46 and all Office of Justice Programs policies and procedures regarding the protection of human research subjects, including obtainment of Institutional Review Board approval, if appropriate, and subject informed consent.
29. Grantee agrees to comply with all confidentiality requirements of 42 U.S.C. section 3789g and 28 C.F.R. Part 22 that are applicable to collection, use, and revelation of data or information. Grantee further agrees, as a condition of grant approval, to submit a Privacy Certificate that is in accord with requirements of 28 C.F.R. Part 22 and, in particular, section 22.23.
30. The recipient agrees to monitor subawards under this JAG award in accordance with all applicable statutes, regulations, OMB circulars, and guidelines, including the OJP Financial Guide, and to include the applicable conditions of this award in any subaward. The recipient is responsible for oversight of subrecipient spending and monitoring of specific outcomes and benefits attributable to use of JAG funds by subrecipients. The recipient agrees to submit, upon request, documentation of its policies and procedures for monitoring of subawards under this award.
31. The recipient agrees that funds received under this award will not be used to supplant State or local funds, but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for law enforcement activities.
32. Award recipients must submit quarterly a Federal Financial Report (SF-425) and annual performance reports through GMS (<https://grants.ojp.usdoj.gov>). Consistent with the Department's responsibilities under the Government Performance and Results Act (GPRA), P.L. 103-62, applicants who receive funding under this solicitation must provide data that measure the results of their work. Therefore, quarterly performance metrics reports must be submitted through BJA's Performance Measurement Tool (PMT) website (www.bjaperformancetools.org). For more detailed information on reporting and other JAG requirements, refer to the JAG reporting requirements webpage. Failure to submit required JAG reports by established deadlines may result in the freezing of grant funds and future High Risk designation.
33. Award recipients must verify Point of Contact (POC), Financial Point of Contact (FPOC), and Authorized Representative contact information in GMS, including telephone number and e-mail address. If any information is incorrect or has changed, a Grant Adjustment Notice (GAN) must be submitted via the Grants Management System (GMS) to document changes.
34. The grantee agrees that within 120 days of award acceptance, each current member of a law enforcement task force funded with these funds who is a task force commander, agency executive, task force officer, or other task force member of equivalent rank, will complete required online (internet-based) task force training. Additionally, all future task force members are required to complete this training once during the life of this award, or once every four years if multiple awards include this requirement. The training is provided free of charge online through BJA's Center for Task Force Integrity and Leadership (www.ctfli.org). This training addresses task force effectiveness as well as other key issues including privacy and civil liberties/rights, task force performance measurement, personnel selection, and task force oversight and accountability. When BJA funding supports a task force, a task force personnel roster should be compiled and maintained, along with course completion certificates, by the grant recipient. Additional information is available regarding this required training and access methods via BJA's web site and the Center for Task Force Integrity and Leadership (www.ctfli.org).



Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

**AWARD
CONTINUATIONSHEET
Grant**

PAGE 7 OF 7

PROJECT NUMBER 2013-DJ-BX-0669

AWARD DATE 09/04/2013

SPECIAL CONDITIONS

35. No JAG funds may be expended on unmanned aircraft, unmanned aircraft systems, or aerial vehicles (US, UAS, or UAV) unless the BJA Director certifies that extraordinary and exigent circumstances exist, making them essential to the maintenance of public safety and good order. Additionally, any JAG funding approved for this purpose would be subject to additional reporting, which would be stipulated by BJA post-award.
36. BJA strongly encourages the recipient submit annual (or more frequent) JAG success stories at JAG.Showcase@ojp.usdoj.gov or via the online form at <https://www.bja.gov/contactus.aspx>. JAG success stories should include the: name and location of program/project; point of contact with phone and e-mail; amount of JAG funding received and in which fiscal year; and a brief summary describing the program/project and its impact.
37. Recipient understands that the initial period of availability of funds for this award is two years. Recipient further understands that any requests for additional time for performance of this award, up to two additional years, will be granted automatically, pursuant to 42 U.S.C. § 3751(f) and in accordance with current fiscal year solicitation. Requests for additional time beyond a four year grant period will be subject to the discretion of the Director of the Bureau of Justice Assistance.



Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

Washington, D.C. 20531

Memorandum To: Official Grant File

From: Orbin Terry, NEPA Coordinator

Subject: Incorporates NEPA Compliance in Further Developmental Stages for City of Ames

The Edward Byrne Memorial Justice Assistance Grant Program (JAG) allows states and local governments to support a broad range of activities to prevent and control crime and to improve the criminal justice system, some of which could have environmental impacts. All recipients of JAG funding must assist BJA in complying with NEPA and other related federal environmental impact analyses requirements in the use of grant funds, whether the funds are used directly by the grantee or by a subgrantee or third party. Accordingly, prior to obligating funds for any of the specified activities, the grantee must first determine if any of the specified activities will be funded by the grant.

The specified activities requiring environmental analysis are:

- a. New construction;
- b. Any renovation or remodeling of a property located in an environmentally or historically sensitive area, including properties located within a 100-year flood plain, a wetland, or habitat for endangered species, or a property listed on or eligible for listing on the National Register of Historic Places;
- c. A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size;
- d. Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments; and
- e. Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories.

Complying with NEPA may require the preparation of an Environmental Assessment and/or an Environmental Impact Statement, as directed by BJA. Further, for programs relating to methamphetamine laboratory operations, the preparation of a detailed Mitigation Plan will be required. For more information about Mitigation Plan requirements, please see <http://www.ojp.usdoj.gov/BJA/resource/nepa.html>.

Please be sure to carefully review the grant conditions on your award document, as it may contain more specific information about environmental compliance.



Department of Justice
Office of Justice Programs
Bureau of Justice Assistance

**GRANT MANAGER'S MEMORANDUM, PT. I:
PROJECT SUMMARY**

Grant

PROJECT NUMBER

2013-DJ-BX-0669

PAGE 1 OF 1

This project is supported under FY13(BJA - JAG) 42 USC 3750, et seq.

1. STAFF CONTACT (Name & telephone number)

Lesley Walker
(202) 307-0863

2. PROJECT DIRECTOR (Name, address & telephone number)

Charles Cychosz
Chief of Police
515 Clark Avenue
Ames, IA 50010-6135
(515) 239-5428

3a. TITLE OF THE PROGRAM

BJA FY 13 Edward Byrne Memorial Justice Assistance Grant (JAG) Program: Local

**3b. POMS CODE (SEE INSTRUCTIONS
ON REVERSE)**

4. TITLE OF PROJECT

Ames Police Department Crisis Prevention and Resolution Project

5. NAME & ADDRESS OF GRANTEE

City of Ames
P.O. Box 811
Ames, IA 50010-6135

6. NAME & ADDRESS OF SUBGRANTEE

7. PROGRAM PERIOD

FROM: 10/01/2012 TO: 09/30/2014

8. BUDGET PERIOD

FROM: 10/01/2012 TO: 09/30/2014

9. AMOUNT OF AWARD

\$ 23,686

10. DATE OF AWARD

09/04/2013

11. SECOND YEAR'S BUDGET

12. SECOND YEAR'S BUDGET AMOUNT

13. THIRD YEAR'S BUDGET PERIOD

14. THIRD YEAR'S BUDGET AMOUNT

15. SUMMARY DESCRIPTION OF PROJECT (See instruction on reverse)

The Edward Byrne Memorial Justice Assistance Grant Program (JAG) allows states and units of local government, including tribes, to support a broad range of activities to prevent and control crime based on their own state and local needs and conditions. Grant funds can be used for state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, and information systems for criminal justice, including for any one or more of the following program areas: 1) law enforcement programs; 2) prosecution and court programs; 3) prevention and education programs; 4) corrections and community corrections programs; 5) drug treatment and enforcement programs; 6) planning, evaluation, and technology improvement programs; and 7) crime victim and witness programs (other than compensation).

The disparate jurisdictions will utilize the JAG award to support a crisis prevention and resolution project. Grant funds will be used to pay for training and to purchase law enforcement equipment. The project goals are to strengthen school safety, improve criminal justice/mental health collaborations and supporting first responder critical incident training.

NCA/NCF

COUNCIL ACTION FORM

SUBJECT: IOWA DEPARTMENT OF TRANSPORTATION AGREEMENT FOR 2013/14 COLLECTOR STREET PAVEMENT IMPROVEMENTS – SHELDON AVENUE

BACKGROUND:

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

The 2013/14 program location is Sheldon Avenue (Lincoln Way – Hyland Avenue). The Sheldon Avenue project is programmed utilizing Metropolitan Planning Organization/Surface Transportation Program (MPO/STP) funding and General Obligation Bonds. It is anticipated that the project will have a January 2013 letting, which will be through the Iowa Department of Transportation (Iowa DOT), with construction in 2014. The construction timing and staging are being coordinated with Iowa State University.

Funding for this program has been identified in the 2013/14 Capital Improvements Plan (CIP) in the amount of \$420,000 from General Obligation Bonds and \$1,060,000 from STP funds through the Ames Area Metropolitan Planning Organization (AAMPO) for total program funding of \$1,480,000.

ALTERNATIVES:

1. Approve the Iowa DOT Agreement for MPO/STP funding for the 2013/14 Collector Street Pavement Improvements Sheldon Avenue (Lincoln Way – Hyland Avenue).
2. Reject the Agreement.

MANAGER'S RECOMMENDED ACTION:

Approval of this agreement with the Iowa DOT is needed to move the STP funding from the AAMPO to the City of Ames. This must happen before we can move forward with the reconstruction of Sheldon Avenue during the 2014 construction season. Delay or rejection of this agreement could delay the reconstruction by at least one year.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the Iowa DOT Agreement for MPO/STP funding for the 2013/14 Collector Street Pavement Improvements Sheldon Avenue (Lincoln Way – Hyland Avenue).

COUNCIL ACTION FORM

SUBJECT: LENDER AGREEMENT FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) HOMEBUYER ASSISTANCE HOUSING PROGRAM

BACKGROUND:

As part of the 2013-14 CDBG Action Plan Program Activities, a Homebuyer Assistance Program is outlined for implementation. The primary objective of this program is to provide down payment and closing cost assistance to low- and moderate-income first-time homebuyers. A secondary objective is to sell properties that have been purchased and repaired by the City under the CDBG Acquisition/Reuse Program.

The down payment assistance is in the form of a 2% low interest rate loan repaid over a 12-year period in an amount not to exceed \$10,000, and the closing cost assistance is in the form of a \$2,500 grant. The program targets first-time homebuyers with incomes at or below 80% of the Story County median income limits. For example, for a household size of four, the maximum gross annual income may be \$59,900.

Staff has been searching for an additional partnership with a local lender that is familiar with the Iowa Finance Authority's Homebuyer Assistance Fund mortgage product (IFA-HAF). This product provides less stringent underwriting guidelines for low and moderate-income households and works collaboratively with our CDBG Homebuyer Assistance Program guidelines. Creating a partnership with VisionBank will assist us in accomplishing our program goals to assist low and moderate-income first-time homebuyers in purchasing a home.

A major highlight of the financial agreement is that the participating lender will be responsible for verifying income and other eligibility requirements of the IFA product. This will greatly reduce staff workload and allow more time to be devoted to marketing and conducting homebuyer education seminars. A copy of the agreement is attached.

ALTERNATIVES:

1. The City Council can approve the agreement for financial participation with VisionBank in connection with the City's CDBG Homebuyer Assistance Program.
2. The City Council can direct staff to pursue other avenues to identify lenders who are able and willing to assist with this program.

CITY MANAGER'S RECOMMENDED ACTION:

Establishing a partnership with a financial institution is an important element in providing a first mortgage product that will enable low and moderate-income households to become successful first-time home buyers. Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative #1 as outlined above.

**CITY OF AMES
AGREEMENT FOR FINANCIAL PARTICIPATION
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (CDBG)
HOMEBUYER ASSISTANCE PROGRAM**

THIS AGREEMENT, made and entered into between **VISIONBANK**, (hereinafter called “financial institution”), and **CITY OF AMES** (hereinafter called City),

W I T N E S S E T H:

WHEREAS, the City has adopted a policy of assisting in the purchase of single family housing by providing down payment and closing cost assistance to make homeownership affordable to families of low and moderate income; and,

WHEREAS, as a part of said policy the City has undertaken to secure the commitment of the financial institution to make purchase money home loans to the buyers of said homes; and,

WHEREAS, the financial institution is willing to make said loans;

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

1. The financial institution shall make home purchase loans to buyers who have been determined to meet the City program guidelines, and whom the financial institution determines to be qualified for a loan in accordance with the underwriting guidelines established by this Agreement, for purchase of a home pursuant to the CDBG Homebuyer Assistance Program.
2. The tasks of receiving and processing loan applications shall be performed by the financial institution.
3. The financial institution shall make said loans in accordance with Appendix A attached.
4. The financial institution shall, without prior notice and during regular business hours, permit the City, the Department of Housing and Urban Development (HUD) or its representatives, to examine, audit and/or copy (i) any plans and work details pertaining to the said program, (ii) all of the financial institution’s books, records and accounts pertaining to said program, and (iii) all other documentation or materials related to this agreement. The financial institution shall provide proper facilities for making such examination and/or inspection.
5. The financial institution shall comply with the provisions of 24 CFR 92.350 concerning Equal Opportunity and Fair Housing provisions of Federal Law. The financial institution shall comply with the provisions of federal, state, and local law and regulations to insure that no employee or applicant for employment is discriminated against because of race, religion, color, age, sex, national origin, or disability.
6. The financial institution certifies, to the best of his or her knowledge and belief, that:

- a. No Federal appropriated funds have been paid or will be paid, by or on behalf of the financial institution, to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee, or an employee of a member of Congress.
- b. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee, or an employee of a member of Congress in connection with the Federal contract, grant, loan or cooperative agreement, the financial institution shall complete and submit Standard Form LLL, "Disclosure Form to Report Federal Lobbying" in accordance with its instruction.
- c. The financial institution shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. This certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

- 7. If a financial institution fails to comply with the terms of this Agreement, the City may, by thirty-(30) days written notice to the financial institution, terminate this Agreement. After such notice, the financial institution shall discontinue all program administration or participation on the effective date of the termination, and on the effective date deliver to the City all program files, accounts and data that may have been accumulated.

VISIONBANK

CITY OF AMES, IOWA

**Dan Boes, Vice President
Mortgage Lending**

Ann H. Campbell, Mayor

COUNCIL ACTION FORM

SUBJECT: WATER POLLUTION CONTROL FACILITY BLOWER REPLACEMENT

BACKGROUND:

The City's Water Pollution Control (WPC) facility was constructed in 1989. Three blowers are installed at the facility to provide air to part of the biological process. The current blowers are original equipment. The plant operation requires two blowers and a standby unit. Staff proposes to replace two of the three blowers as part of this project. The third blower will be rehabilitated and used as the standby unit.

HDR Engineering was hired to prepare plans and specifications for the replacement of the two blowers. This firm prepared the following estimate of construction costs for the project:

Engineering Services	\$ 37,572
Construction Estimate	\$ 290,000
Construction Contingency, 20%	\$ 60,000
<hr/>	
Total Estimated Cost	\$ 387,572

The FY 13/14 Capital Improvements Plan includes \$700,000 for this blower replacement project.

ALTERNATIVES:

1. Issue preliminary approval of plans and specifications for the WPC Blower Replacement project and issue a notice to bidders setting November 6, 2013, as the bid due date and November 12, 2013, as the date of public hearing.
2. Do not issue preliminary approval of plans and specifications and a notice to bidders at this time.

MANAGER'S RECOMMENDED ACTION:

These blowers are critical for the operation of the WPC facility. Failing to address these issues now may result in significant failures in the future that could result in environmental harm.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative 1 as stated above.

COUNCIL ACTION FORM

SUBJECT: POWER PLANT SUPERHEATER ATTEMPERATOR REPLACEMENT

BACKGROUND:

On August 27, 2013, City Council approved preliminary plans and specifications for the Replacement Superheater Attemperator of the Power Plant's Unit #8 boiler. Attemperators are assemblies that allow for injection of water into the steam flow to control (cool) the final steam temperature to the turbine. Controlling the temperature of the steam to the turbine is necessary and important to protect the turbine from damage from steam that is too hot.

During the Spring 2013 outage, the attemperator was inspected and the internal liner was found to be dislocated. The original equipment manufacturer of the boiler recommended replacement. A total failure of this equipment would render Boiler #8 inoperable, while consequential damages from the failed components migrating downstream could result in a very expensive and extended repair outage.

The entire project is for procurement and installation of an attemperator to replace the original attemperator in the superheater. This present action, however, is for the procurement of the attemperator only. The installation will be bid out separately.

Bid documents were issued to two firms. The bid was advertised on the Current Bid Opportunities section of the Purchasing webpage, and a Legal Notice was published in the Ames Tribune. The bid was also sent to one plan room.

On September 11, 2013, one bid was received as shown below:

Babcock & Wilcox Power Generation Group, Barberton, OH	\$163,406.35
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Electric Services staff has reviewed this lone bid. After completing the evaluation, they concluded that the bid (which is inclusive of Iowa sales tax) is acceptable. The engineer's estimate for the purchase of the attemperator is \$155,000. Funding to purchase this equipment is available in the approved FY2013/14 Electric Production operating budget under boiler parts and supplies.

This project will be completed during the Spring 2014 planned outage.

ALTERNATIVES:

1. Award a contract to Babcock & Wilcox Power Generation Group, Barberton, OH, for the Replacement Superheater Attemperator in the amount of \$163,406.35 (inclusive of Iowa sales tax).

2. Reject all bids and delay replacing the superheater attemperator.

MANAGER'S RECOMMENDED ACTION:

Unit #8 would be inoperable if attemperator failure occurred, and the consequential damage could be very significant. Funding for this purchase is included in the Power Plant operating budget. Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1 as stated above.

COUNCIL ACTION FORM

SUBJECT: POWER PLANT UNIT 8 GENERATOR REPAIRS/RE-WEDGING STATOR

BACKGROUND:

On September 10, 2013, City Council awarded a contract for the Unit 8 Generator Repairs/Re-wedging Stator project in the amount of \$225,400. The complete project is to re-wedge the stator and replace connection ring ties in the Unit 8 turbine generator.

This portion of the project is for the procurement of professional technical service for this project. This professional technical service will be utilized during major turbine generator work to provide instructions and advice on disassembly and reassembly, parts replacement and repair procedures. **With this significant repair, staff believes it will be very beneficial to procure the professional technical assistance from General Electric International, Inc. (GE), which is the Unit 8 Turbine manufacturer.**

Because the existing equipment was made by GE, having a representative from this company on-site will ensure that all work will meet the original equipment manufacturers' specifications. Therefore, any issues related to this project can be resolved quickly with the GE engineer.

For these reasons, staff is requesting that the City Council waive the City's purchasing policies requiring a request for proposals and award a contract to General Electric International, Inc., Omaha, NE for time and materials not to exceed \$73,920 for providing technical direction for the Unit 8 Generator Repairs/Re-wedging Stator.

The approved FY 2012/13 Budget and Capital Improvements Plan included \$3,500,000 for the turbine generator overhaul, including parts, professional technical assistance, and contractor services. Funds in the amount of \$627,000 remain from that budget, which will be carried over to cover the costs associated with this project.

To date, the project budget has the following items encumbered:

1.	\$225,400*	Actual cost of Unit 8 Generator Repairs / Re-wedging Stator * plus applicable Iowa sales tax
2.	<u>\$73,920</u>	A cost-not-to-exceed for GE representative to provide technical direction for this stator re-wedge. (this item)
Total \$299,320		

Work on this project will occur during the 2013 fall outage which is scheduled to begin on October 26, 2013. Since this a cost-not-to-exceed contract, there is a possibility that not all the funds allocated for this service will be required.

ALTERNATIVES:

1. Waive the purchasing policy requirement for request for proposals and award a contract for time and materials in a not-to-exceed amount of \$73,920 to General Electric International, Inc., Omaha, NE for technical direction for the Unit 8 Generator repairs / Re-wedging Stator.
2. Do not waive the purchasing policy requirement and direct staff to issue a request for proposals for this service without the OEM knowledge base.

MANAGER'S RECOMMENDED ACTION:

This stator re-wedge work is critical because, if not completed, the risk of catastrophic failure will increase significantly for the Unit 8 generator. Securing the services of General Electric will help ensure that problems are resolved and repairs are completed in the best possible manner for the benefit of the City's Unit 8.

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



Memo

City Clerk's Office

TO: Mayor and Members of the City Council

FROM: City Clerk's Office

DATE: October 4, 2013

SUBJECT: Contract and Bond Approval

There are no Council Action Forms for Item Nos. 14 through 18. Council approval of the contract and bond for these projects is simply fulfilling a *State Code* requirement.

/jlr

COUNCIL ACTION FORM

SUBJECT: POWER PLANT UNIT 8 STEAM TURBINE PARTS

BACKGROUND

On August 14, 2012, City Council approved preliminary plans and specifications for Power Plant Unit 8 Steam Turbine Parts. This contract was for the purchase and delivery of miscellaneous turbine parts required to replenish used inventory items and items utilized during the recent Steam Turbine No. 8 Overhaul.

The contract for these parts was awarded to ARGO Turboserve Corporation on October 9, 2012 in the amount of \$526,086.90 (inclusive of sales-tax) plus freight.

There were five change orders to this contract.

Change Order No. 1 for \$19,260.00
Change Order No. 2 for \$ 2,086.50
Change Order No. 3 for \$27,207.96
Change Order No. 4 for \$ 2,009.46
Change Order No. 5 for (-\$27,850.12)

Change Order No's 1 thru 4 were for the purchase of additional parts needed to complete the overhaul project. Change Order No. 5 is a deduction for parts cancelled by the City and for other parts that did not fit properly and were returned for credit.

The total contract amount including these five change orders is \$548,800.70.

The engineer's estimate for anticipated parts was \$533,000 based on preliminary quotes received from General Electric, the turbine supplier. The approved FY 2012/13 Budget included \$2,000,000 for parts in the Unit #8 Blading and Diaphragm/Parts project associated with the Unit #8 Turbine Generator Overhaul.

All of the parts purchased through the contract with ARGO have now been delivered, and the Power Plant Engineer has provided a certificate of completion.

ALTERNATIVES:

- 1) Accept completion of the contract for the Unit 8 Steam Turbine Parts with ARGO Turboserve Corporation at a total cost of \$548,800.70 (inclusive of sales-tax and freight), and authorize final payment to the contractor.
- 2) Delay acceptance of this project.

MANAGER'S RECOMMENDED ACTION:

The contractor for the Unit 8 Steam Turbine Parts has supplied all of the parts specified under the contract. The City is now obligated 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.



Memo

Legal Department

20

TO: The Honorable Ann Campbell, Mayor, and Members of the City Council
FROM: Jessica D. Spoden, Assistant City Attorney
RE: Release of Security for Sidewalk Installation from Jordan Motors and Accepting
Security for Sidewalk Installation from Lithia Motors
DATE: October 4, 2013

In 2004, the City granted Jordan Ames, LLC (“Jordan Motors”), a deferral of sidewalk installation at 2901 Duff Avenue and 105 Kitty Hawk Drive. As a condition of the deferral, Jordan Motors gave the City a Letter of Credit in the amount of \$5,922.00 as financial security for the cost of future sidewalk installation. At the time, the City had future plans to improve Duff Avenue; therefore, the installation of sidewalks was premature.

On December 26, 2012, Jordan Motors sold the property at 2901 Duff Avenue and 105 Kitty Hawk Drive to Lithia Real Estate Inc. (“Lithia Motors”). As part of the purchase agreement, Lithia Motors agreed to execute a new agreement for the deferral of sidewalk installation with the City. Additionally, Lithia Motors agreed to provide cash as its financial security in the amount of \$5,922.00 rather than the Letter of Credit previously provided to the City by Jordan Motors.

On September 25, 2013, Lithia Motors provided the City with an executed agreement for the sidewalk deferral at 2901 Duff Avenue and 105 Kitty Hawk Drive. Lithia Motors also provided the City with a Cash Security in the amount of \$5,922.00. The Cash Security will be placed in a non-interest bearing escrow account for the cost of future sidewalk installation. The City continues to have future plans to improve Duff Avenue; therefore, the installation of sidewalks remains premature.

Since Jordan Motors is no longer the owner of 2901 Duff Avenue or 105 Kitty Hawk Drive and alternate security has been provided by the new owner, it is therefore appropriate for City Council to release the Letter of Credit in the amount of \$5,922.00 provided by Jordan Motors. Additionally, it is appropriate for City Council to accept the Cash Security in the amount of \$5,922.00 and place it in a non-interest bearing account.

COUNCIL ACTION FORM

SUBJECT: MAJOR FINAL PLAT FOR BELLA WOODS SUBDIVISION

BACKGROUND:

On March 26, 2013, the City Council approved a preliminary plat for Bella Woods Subdivision in rural Story County. This development is located on the north side of Cameron School Road, east of Squaw Creek and Squaw Valley South 3rd Subdivision. Bella Holdings has submitted a final subdivision plat that is consistent with that preliminary plat.

This proposed final plat includes 15 residential lots and two new streets—Bella Woods Drive and Bella Woods Circle. Two outlots are reserved as common open space for the homeowners.

The proposed subdivision lies with the Rural Transitional Residential area of the Ames Urban Fringe. Any subdivision within this area is required to agree to three covenants that will facilitate future growth of the City and annexation of the development to more easily be incorporated into the existing community. The covenants include agreeing to annexation at the City's request, agreeing to cover any costs associated with the buyout of rural water, and agreeing not to contest future assessments for the installation of public improvements.

In addition, the developer is obligated to install full City infrastructure unless specific waivers are granted by the City Council. In this instance, the City Council approved the preliminary plat with waivers to several of the Design and Improvement Standards of the City's Subdivision Ordinance. However, the City Council did require the following commitments, which have been incorporated into the final plat:

- A 15-foot sanitary sewer easement to serve all the lots if and when this development is annexed into the City. This easement has been provided.
- A design that allows for the future extension of Bella Circle to the west to connect with Matthews Road if the City would so desire following annexation. Language on the plat explicitly requires the construction and dedication of this new road if the development is annexed and the road is requested by the City. The three covenants signed earlier obligate the owners of all lots within this subdivision to not protest the assessment of those costs.

ALTERNATIVES:

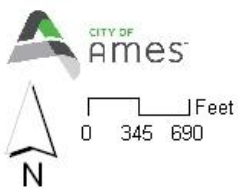
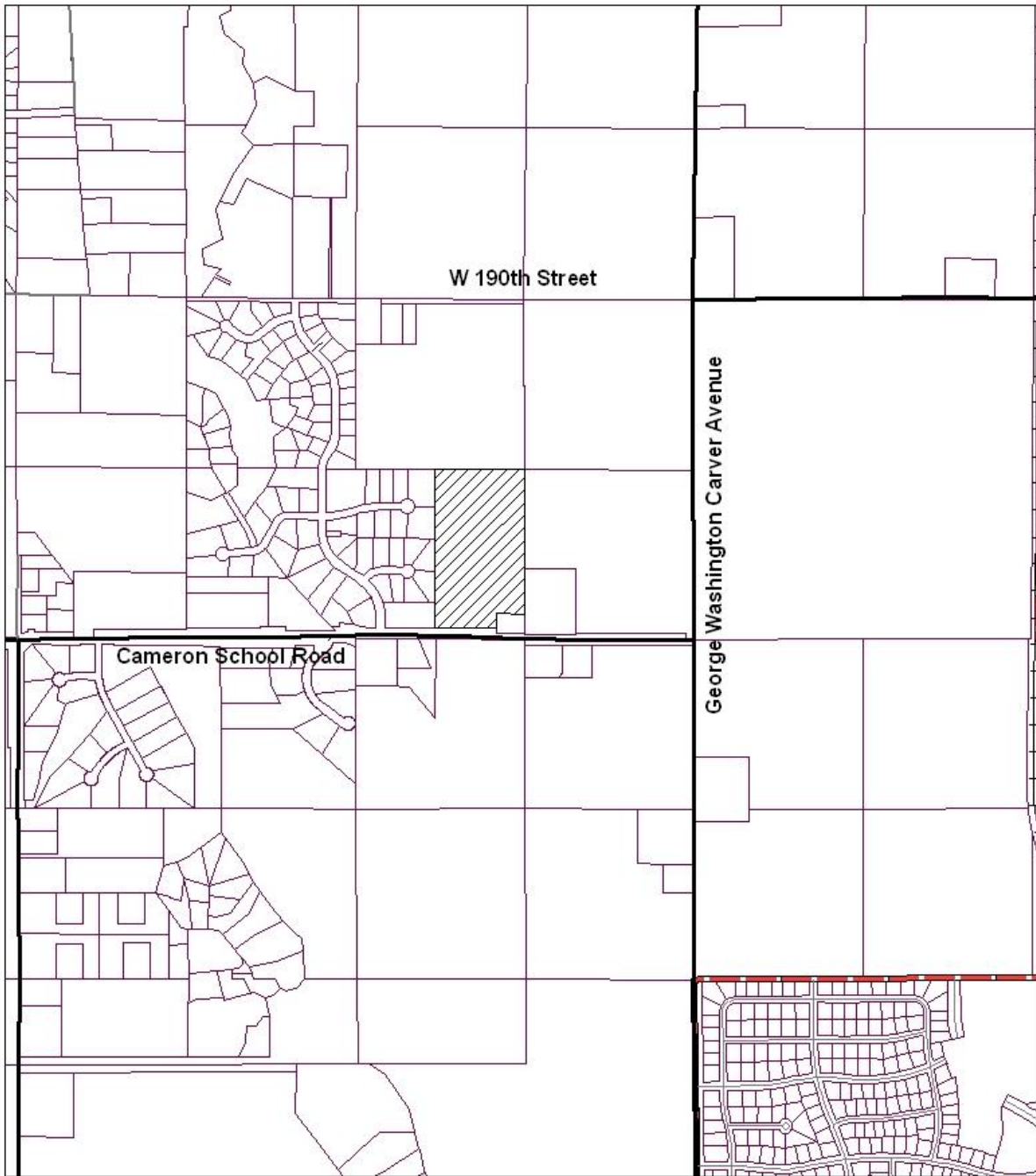
1. The City Council can approve the final plat for Bella Woods Subdivision by finding that all requirements of *Municipal Code* §23.302(10)(b) are met.

2. The City Council can deny the Final Plat for Bella Woods Subdivision.



MANAGER'S RECOMMENDED ACTION:

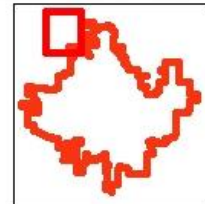
City staff has evaluated the proposed final subdivision plat and determined that the proposal is consistent with the preliminary plat approved by the City Council and that the plat conforms to the Council's adopted ordinances, policies and requirements for this subdivision. Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative #1, thereby approving the final plat for Bella Woods Subdivision.

Location Map

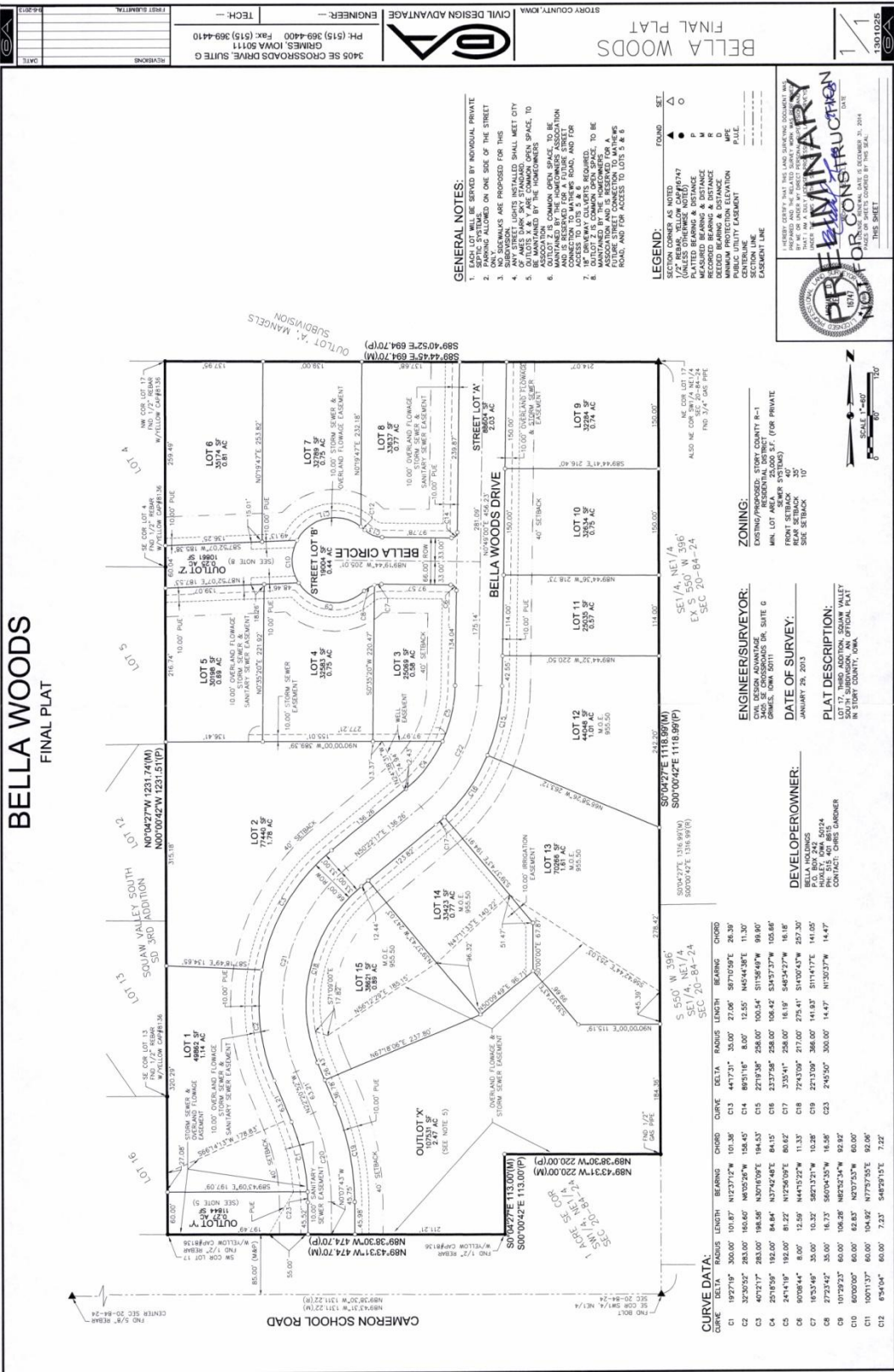


Legend

-  Subject Parcel
-  Ames City Boundary



Bella Woods Subdivision



Applicable Laws and Policies Pertaining to Final Plat Approval

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

Ames Municipal Code Section 23.302

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

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

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

(c) The City Council may:

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

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

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

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

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

License Application (LC0028804)

22

Applicant

Name of Applicant:	<u>Deano's 119 Main, Inc.</u>		
Name of Business (DBA):	<u>Deano's 119 Main</u>		
Address of Premises:	<u>119 Main St</u>		
City: <u>Ames</u>	County: <u>Story</u>	Zip: <u>50010000</u>	
Business Phone:	<u>(515) 233-3910</u>		
Mailing Address:	<u>119 Main St</u>		
City: <u>Ames</u>	State: <u>IA</u>	Zip: <u>500100000</u>	

Contact Person

Name:	<u>Kathy Perkovich</u>		
Phone:	<u>(515) 233-3910</u>	Email Address:	<u>kperky11122@msn.com</u>

Classification: Class C Liquor License (LC) (Commercial)

Term: 12 months

Effective Date: 10/08/2013

Expiration Date:

Privileges:

Class C Liquor License (LC) (Commercial)

Status of Business

BusinessType:	<u>Privately Held Corporation</u>		
Corporate ID Number:	<u>331258</u>	Federal Employer ID #	<u>42-1488966</u>

Ownership

Leonard Ramsey

First Name: Leonard

Last Name: Ramsey

City: Ames

State: Iowa

Zip: 50010

Position owner

% of Ownership 100.00 %

U.S. Citizen

Insurance Company Information

Insurance Company:	<u>Liberty Surplus Insurance Corporation</u>		
Policy Effective Date:	<u>09/01/2013</u>	Policy Expiration Date:	<u>09/01/2014</u>
Bond Effective Continuously:		Dram Cancel Date:	
Outdoor Service Effective Date:		Outdoor Service Expiration Date:	
Temp Transfer Effective Date:		Temp Transfer Expiration Date:	

Staff Report

**REQUEST FOR TIME EXTENSION FOR REMOTE PARKING IMPROVEMENTS
RELATED TO 605/615 EAST LINCOLN WAY**

10/8/2013

BACKGROUND:

A change in use of the commercial building at 605 East Lincoln Way as a health club required the need for additional parking spaces to serve the new use. **On March 6, 2012, 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.** (See Attachment A for location map.) 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. Again on June 25, 2013 the City Council approved an extension of remote parking agreement and established a deadline of August 15, 2013 for completing the parking lot. On July 31 a revised site plan concept was received that included the required remote parking.**

In a letter to City Council dated August 8, 2013, the property owner requested a further extension of the deadline to November 15, 2013. The letter cited the contractor's backlog in paving projects due to weather, challenging issues related to other paving work on the site, and the possibility of adding a warehouse to the site. Since that letter, most of the existing parking lot paving along the south side of the building at 615 E. Lincoln Way has been replaced with new concrete paving. No paving has been completed for the remote parking area.

OPTIONS:

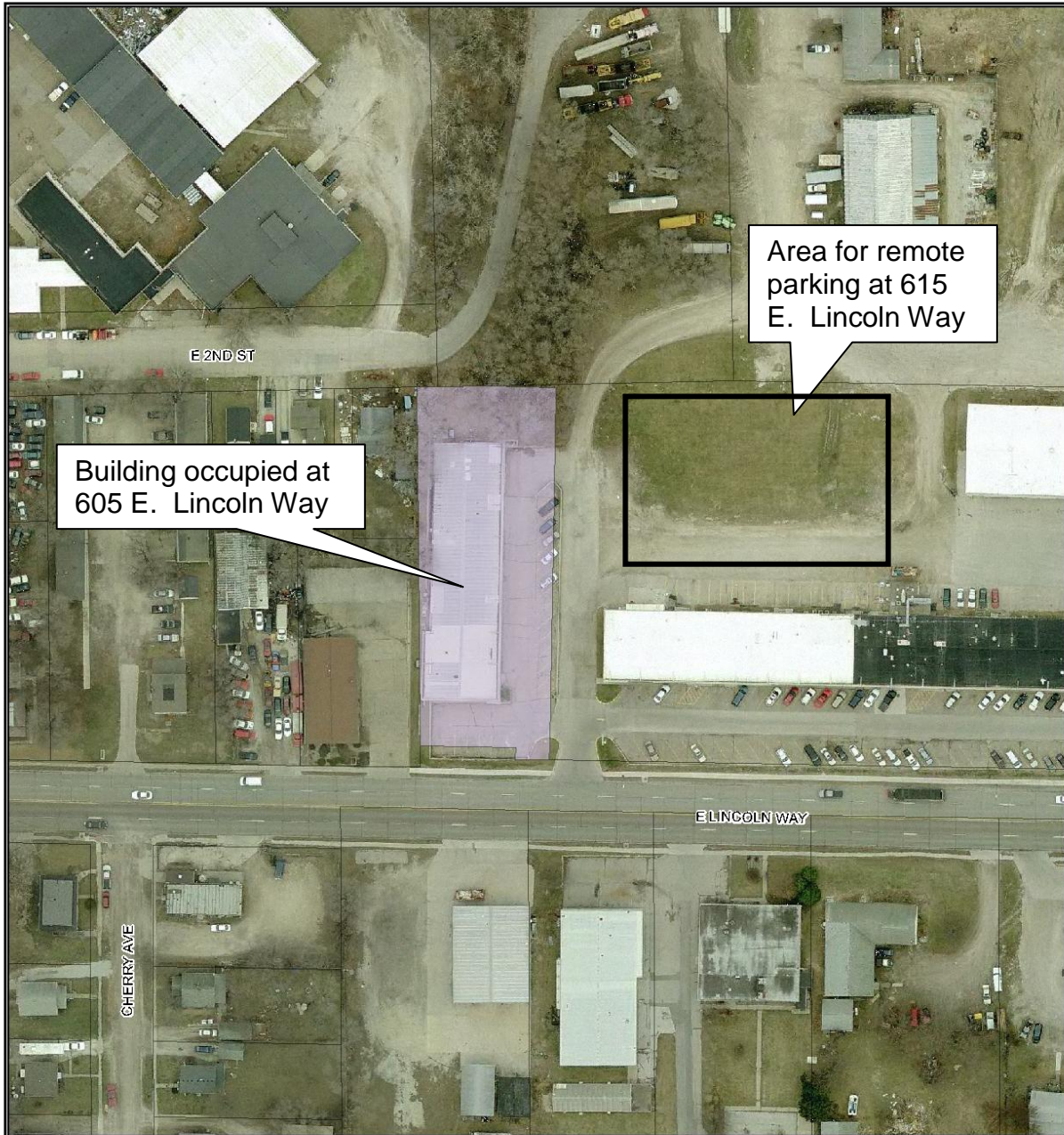
1. The City Council can establish a deadline of November 15 for parking to be completed at 615 East Lincoln Way to meet the parking requirement for use of the entire building at 605 East Lincoln Way.
2. The City Council can deny the request for an extension of the deadline for providing parking at 615 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.

STAFF COMMENTS:

This is the third time extension request made for installation of this required parking. If the City Council believes this third extension is appropriate, Option #1 should be approved. Under this alternative, City staff will not take any enforcement action regarding zoning compliance for the property at 605 E. Lincoln Way until after November 15, 2013. If the parking is not completed in accordance with City codes and standards by that date, however, the property owner would be subject to enforcement action.

If the City Council believes another time extension should not be granted, then Option #2 should be approved. City staff would then immediately undertake enforcement action for the property at 605 E. Lincoln Way.

ATTACHMENT A



Location Map

Address: 605 E. Lincoln Way

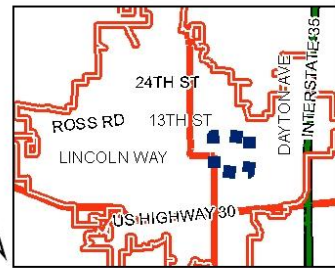
Map Created by:
Department of Planning and Housing

Date: March 01, 2012

Legend

 605ELincolnWay

2.5 1.25 0 2.5 Miles



COUNCIL ACTION FORM

**SUBJECT: URBAN REVITALIZATION AREA AND PLAN FOR 921 – 9TH STREET
(FORMER ROOSEVELT SCHOOL AND NEW CITY PARK)**

BACKGROUND:

On June 11, 2013, the City Council determined that the Roosevelt School site at 921 9th Street is eligible for designation as an Urban Revitalization Area (URA), under *Section 404.1 of the Code of Iowa*, in that this is “*An area in which there is a predominance of buildings or improvements which by reason of age, history, architecture or significance should be preserved or restored to productive use.*” Establishing this policy for the school site allows an individual to apply for approval of a URA Plan with specific project details and to be eligible for property tax abatement if the project is built to the specifications of an approved plan. The City Council also established the following qualifying criteria for this proposed URA:

- 1. The property includes a former public school building that is no longer used as a school; and,*
- 2. The National Park Service has determined that one or more of the properties has a structure that meets the National Register Evaluation Criteria; and,*
- 3. 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.*

On August 26, 2013, City Council (a) determined that the proposed Adaptive Reuse project to reuse the former Roosevelt School building for 23 condominium units meets the criteria for designating the Roosevelt School site as an Urban Revitalization Area; (b) directed staff to prepare the Urban Revitalization Plan for the Roosevelt School Site; and (c) set the date of public hearing for October 8, 2013, to consider the URA Plan and an ordinance to designate the Roosevelt School site as an Urban Revitalization Area.

This Urban Revitalization Area includes the former Roosevelt School and the new City park. Development is proposed on only the former school site. The attached Urban Revitalization Plan is comprised of two parts. The first portion meets the statutory requirements as described in Chapter 404.2(2). The second part is the Major Site Development Plan (Adaptive Reuse Plan) for conversion of the former school site to a residential use that includes 23 apartment dwellings and associated parking and open space improvements.

The statutory elements included in the Urban Renewal Plan include identifying the project area, duration of the plan, tax abatement schedule, applicable uses, and assessed valuations.

The property owner may request a three-, five- or ten-year abatement schedule. Staff will review the completed project and report to the City Council in February. At that time Council approves projects in the City's various Urban Revitalization Areas as qualifying for tax abatement.

ALTERNATIVES:

1. Council can adopt the Urban Revitalization Plan for 921 9th Street (former Roosevelt School and new city park) and then approve the ordinance designating this Urban Revitalization Area.
2. Council can choose to not approve the Urban Revitalization Plan and attached ordinance.
3. City Council can refer this issue to staff or the applicant for further information.

MANAGER'S RECOMMENDATION:

The applicant has requested tax abatement through the creation of an Urban Revitalization Area for the former school site at 921 9th Street. The City Council has determined that the proposed URA meets the criteria established by Council. A major site development plan has been approved by the City Council as an Adaptive Reuse of the former school building.

Therefore, it is the recommendation of the City Manager that the City Council accept Alternative #1, thereby adopting the Urban Revitalization Plan for 921 9th Street and approving the ordinance designating this Urban Revitalization Area.

URBAN REVITALIZATION PLAN
Roosevelt School Site & City of Ames Park
921 9th Street

1. **Property Address:** 921 9th Street (*see Attachment A, Location Map*)

2. **Legal Descriptions:**

Roosevelt School Site: 2.21 Acres

Parcel 'A': Lots 5-9, Block 2 in Baird's Addition and Lots 9-13 and the North 55.00 feet of Lot 14, Block 26 in College Park Addition 2nd North, all in Ames, Story County, Iowa, and all being more particularly described as follows: Beginning at the Southeast Corner of said Lot 9, Block 26; thence N89°29'28"W, 299.91 feet along the South line of said Block 26 to the Southwest Corner of said Lot 13; thence N00°02'06"W, 110.08 feet along the West line thereof; thence N89°29'12"W, 61.00 feet along the South line of the North 55.00 feet of said Lot 14 to the East line of Northwestern Avenue; thence N04°48'22"W, 55.24 feet to the Northwest Corner of said Lot 14; thence S89°29'12"E, 109.57 feet along the North line of said Block 26 to the Southwest Corner of said Lot 9, Block 2; thence N00°03'21"W, 172.66 feet to the Northwest Corner of said Lot 9, Block 2; thence S89°30'23"E, 249.89 feet to the Northeast Corner of said Lot 5, Block 2; thence S00°03'32"E, 172.74 feet to the Southeast Corner of said Lot 5, Block 2; thence S89°29'12"E, 6.00 feet to the Northeast Corner of said Lot 9, Block 26; thence S00°02'49"E, 165.06 feet to the point of beginning, containing 2.21 acres

City of Ames Park: 1.30 Acres

Lots 1, 2, 3 and 4 in Block 2, Baird's Addition to the City of Ames, Story County, Iowa
AND

Lots 6, 7, and 8 in Block 26, College Park Addition North, City of Ames, Story County,
Iowa

3. **Assessed Valuation:**

Roosevelt School Site assessed value to be determined by the Ames City Assessor.
Not applicable to the City-owned park land.

4. **Owners Names and Addresses:**

Roosevelt School Site:

- RES Development, Inc.
2519 Chamberlain Street
Ames, Iowa 50014

City of Ames Park:

- City of Ames
515 Clark Avenue
Ames, Iowa 50010

5. **Zoning District and Classification:**

“UCRM” (Urban Core Residential Medium Density) for land owned by RES Development, Inc. Property

“S-GA” (Government/Airport District) for land owned by the City of Ames

6. **City Services:** No enhancements are planned.

7. **Applicability of Revitalization:** Revitalization shall be applicable only to that subset of eligible property within the above legal description that qualifies under the Roosevelt School Area Criteria for Urban Revitalization, *see Attachment B (Resolution No. 13-265)*, and in accordance to the attached building and site plans, *see Attachment C*.

8. **Duration:** There is no end date.

9. **Relocation:** The plan does not require the displacement of any persons, and there will be no relocation benefits provided.

10. **Percent Increase in Value Required:** The value-added requirement is a five (5) percent increase in actual value.

11. **Federal, State, or Private Grant/Loan Programs for Residential Improvements:** There are no grants or loans for this urban revitalization project.

12. **Existing Land Use:** Vacant former school building

13. **Geocodes:** Roosevelt School Site and City Park

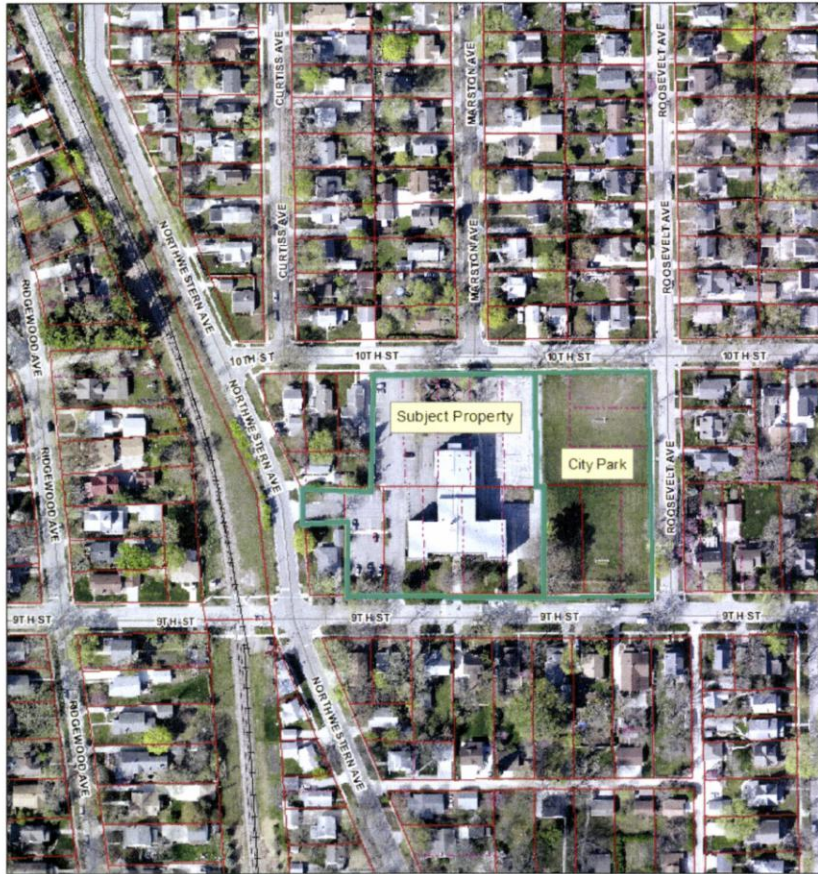
Parcel ID & Lots:

- 09-03-235-040 (College Park Add. 2nd North Lot 7 & W.44' Lot 6 Blk. 26)
- 09-03-235-050 (College Park Add. 2nd North Lot 8 Blk. 26)
- 09-03-235-060 (College Park Add. 2nd North Lots 9, 10, 11 & 12, Blk. 26)
- 09-03-235-065 (Bairds Add. Lots 1-9 Blk. 2)
- 09-03-235-070 (College Park Add. 2nd North Lot 13 Blk. 26)
- 09-03-235-090 (College Park Add. 2nd North Lot 14 Blk. 26)

14. **Tax Exemption Schedule:** The exemption period is for either three (3) years, five (5) years, or ten (10) years. All qualified real estate is eligible for tax exemption of the value added by the improvements according to the terms of the exemption selected. The overall improvement value to the property will need to be at least 105% of the current assessed value to qualify for the program.

Attachment A

Location of URA



Location Map
Roosevelt School Site
Urban Revitalization Area



Attachment B
RESOLUTION NO. 13-265
RESOLUTION ESTABLISHING QUALIFYING CRITERIA FOR DESIGNATION OF
ROOSEVELT SCHOOL SITE AS AN URBAN REVITALIZATION AREA
FOR THE CITY OF AMES, IOWA

WHEREAS, on May 14, 2013, the City Council 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 (URA) designation for the adaptive reuse of the former Roosevelt School building at 921 9th Street; and,

WHEREAS, the former Roosevelt School building has been listed on the National Register of Historic Places since March 2, 2010; and,

WHEREAS, *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; and,

WHEREAS, this includes *“An area in which there is a predominance of buildings or improvements which by reason of age, history, architecture or significance should be preserved or restored to productive use;”* and,

WHEREAS, to address RESGI’s request, the City Council must first determine whether the Roosevelt School site meets the criteria described above, and if the Council determines that the Roosevelt School site meets the state criteria, the next step in designating the site as an Urban Revitalization Area is for Council to decide upon a policy establishing qualifying criteria; and,

WHEREAS, in order to proceed further with the requested URA for Roosevelt School, Council must establish qualifying criteria for the proposed URA; and,

WHEREAS, 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 building that is no longer used as a school; 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, and, in addition, such architectural features must be enhanced to the extent that it is feasible and prudent to do so.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Ames, Iowa, that the establishment of the aforementioned qualifying criteria for the Roosevelt School site as an Urban Revitalization Area is hereby approved.

ADOPTED THIS 11th day of June, 2013.

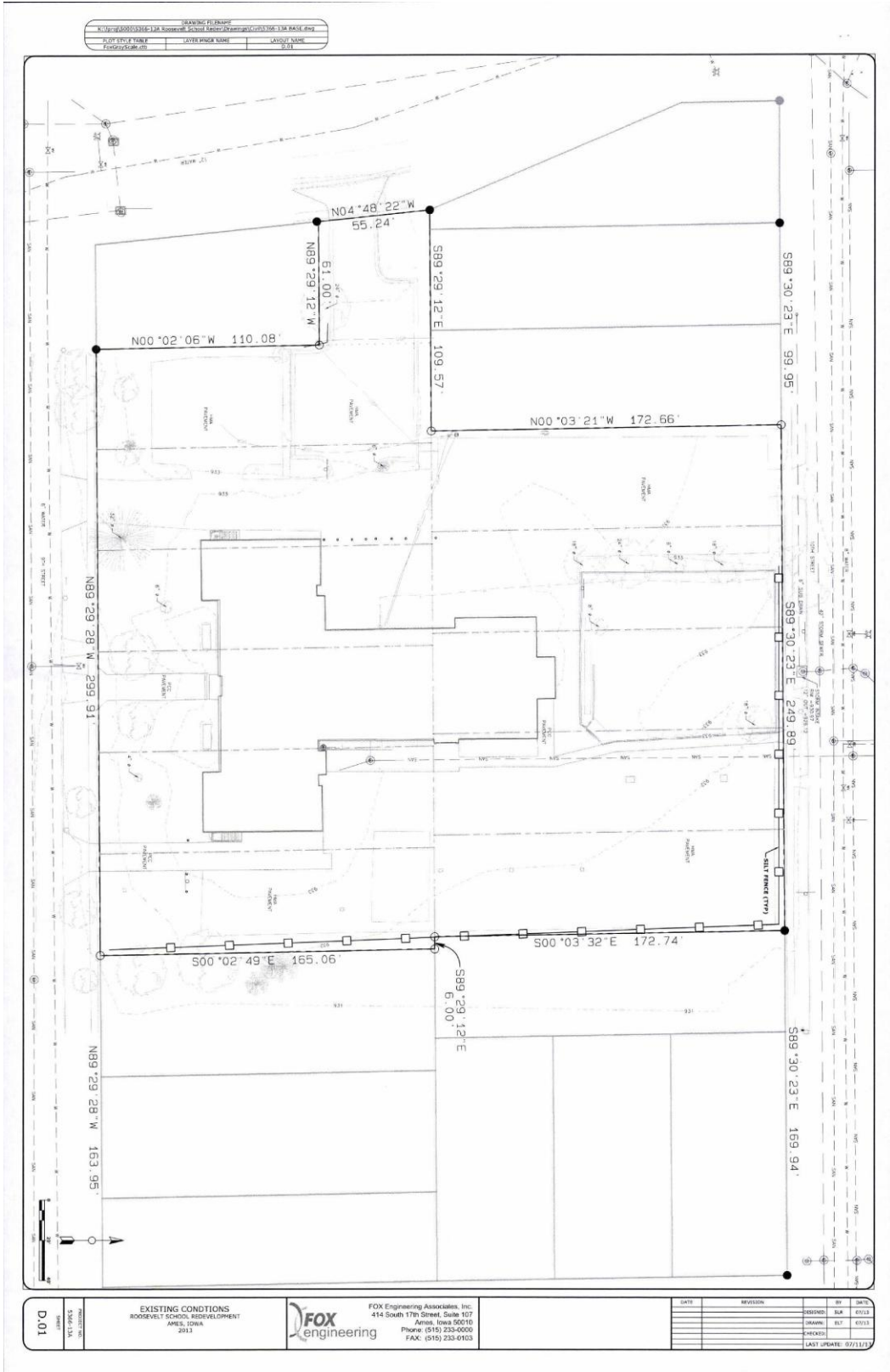
Diane R. Voss, City Clerk

Ann H. Campbell, Mayor

Introduced by: Davis
Seconded by: Larson
Voting aye: Davis, Goodman, Larson, Orazem, Szopinski
Voting nay: None Absent:
Wacha

Resolution declared adopted and signed by the Mayor this 11th day of June, 2013.

Attachment C



PROJ. NO.	PROJ. NAME	DATE
2013-0001	Roosevelt School Redevelopment	07/11/13

D.01

EXISTING CONDITIONS
ROOSEVELT SCHOOL, REDEVELOPMENT
APRIL 2013

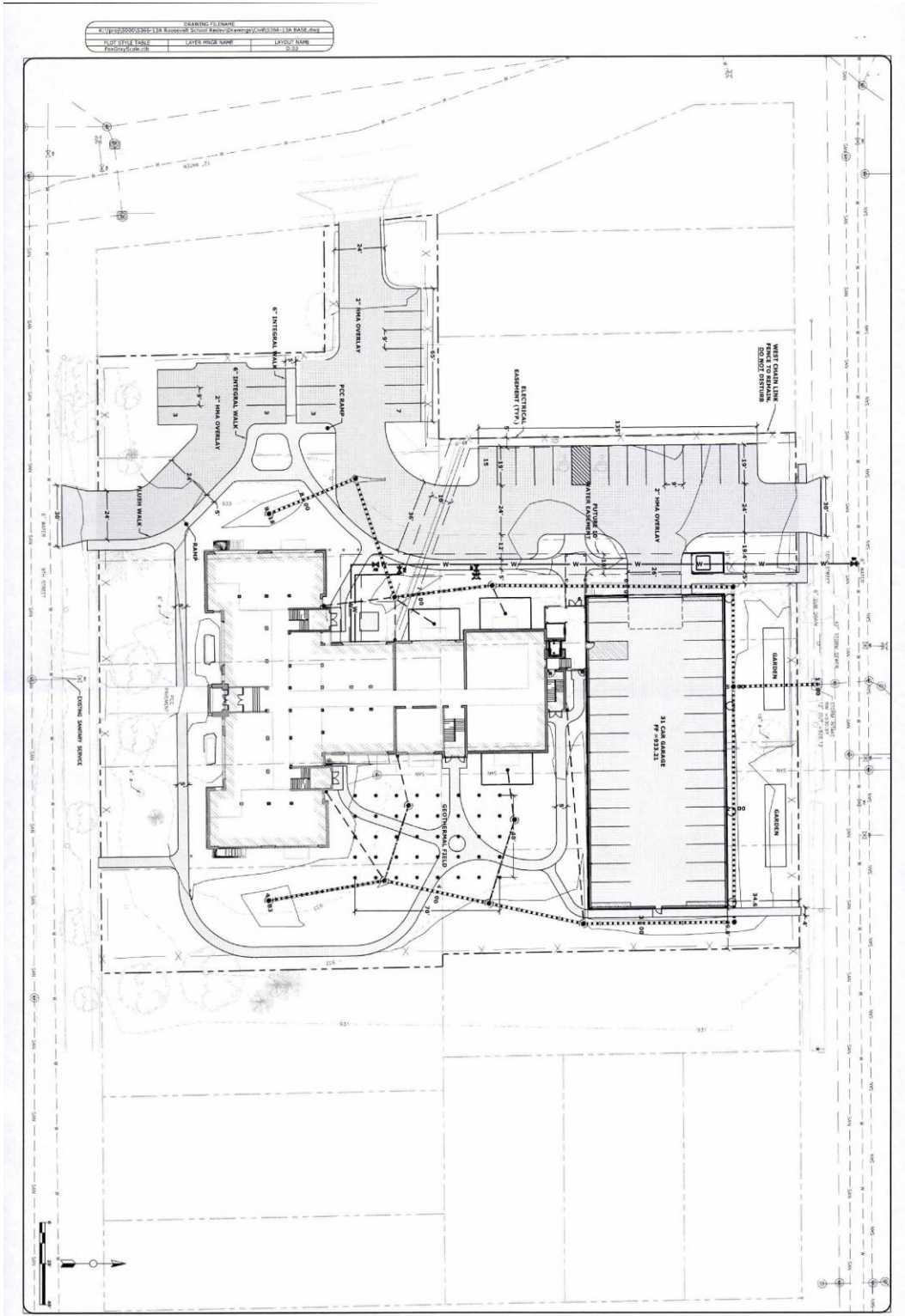


FOX Engineering Associates, Inc.
414 South 17th Street, Suite 107
Annis, Iowa 50510
Phone: (515) 233-0000
FAX: (515) 233-0103

DATE	REVISION	BY	CHK'D

DESIGNED	07/11/13
DRAWN	07/11/13
CHECKED	
LAST UPDATE	07/11/13

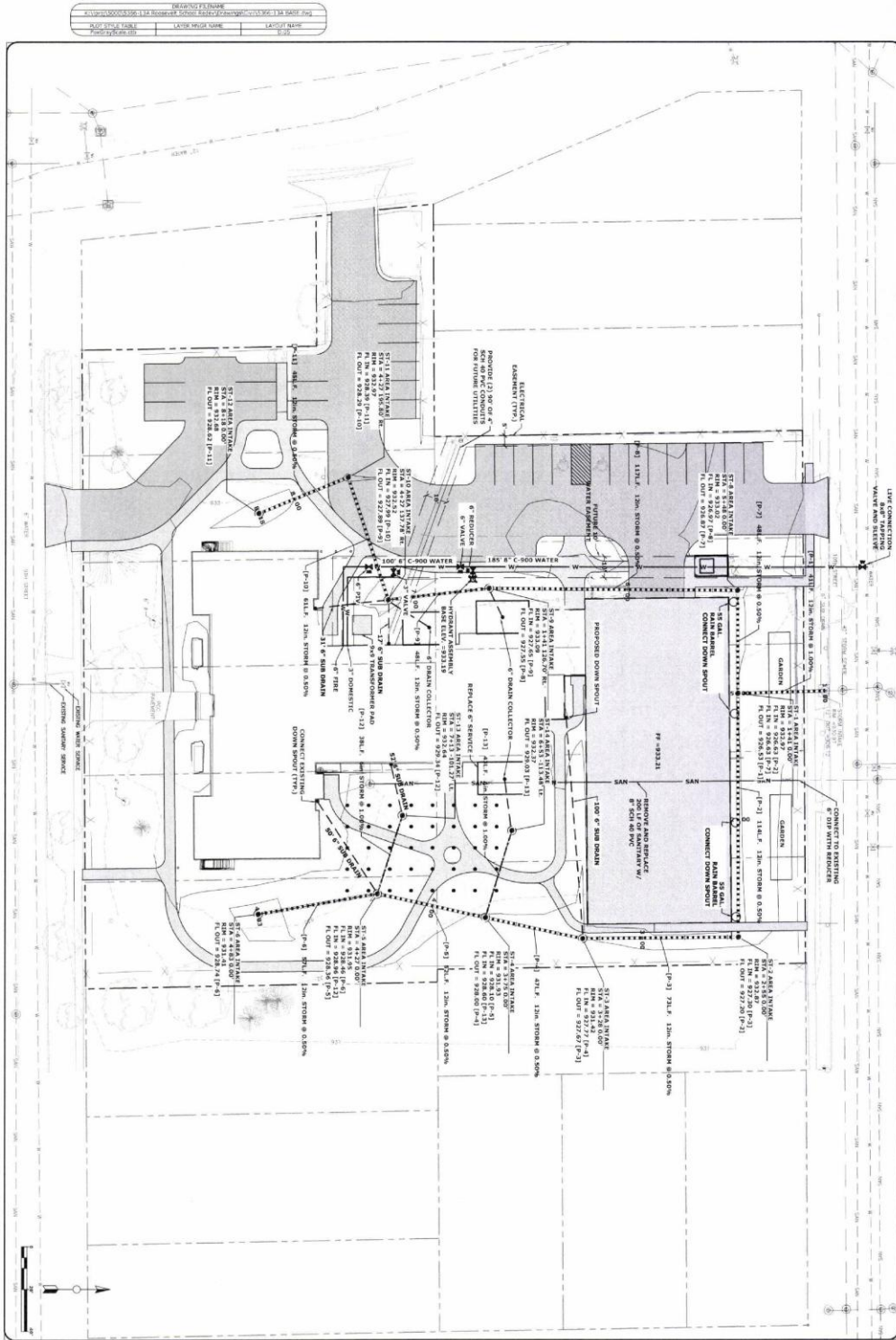
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PLOT STYLE TABLE	LAYER WORK NAME	LAYOUT NAME
PrintStyle.ctb		03A

<p>D.03</p> <p>DATE</p> <p>REVISION</p>	<p>DIMENSION PLAN</p> <p>ROOSEVELT SCHOOL REDEVELOPMENT</p> <p>AMES, IOWA</p> <p>03.1</p>		<p>FOX Engineering Associates, Inc. 414 South 17th Street, Suite 107 Ames, Iowa 50010 Phone: (515) 233-0000 FAX: (515) 233-0103</p>	<table border="1"> <thead> <tr> <th>DATE</th> <th>REVISION</th> <th>BY</th> <th>DATE</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td>DESIGNED SKL</td> <td>08/17</td> </tr> <tr> <td></td> <td></td> <td>DRAWN BKT</td> <td>08/18</td> </tr> <tr> <td></td> <td></td> <td>CHECKED</td> <td></td> </tr> <tr> <td></td> <td></td> <td>LAST UPDATE</td> <td>08/02/17</td> </tr> </tbody> </table>	DATE	REVISION	BY	DATE			DESIGNED SKL	08/17			DRAWN BKT	08/18			CHECKED				LAST UPDATE	08/02/17
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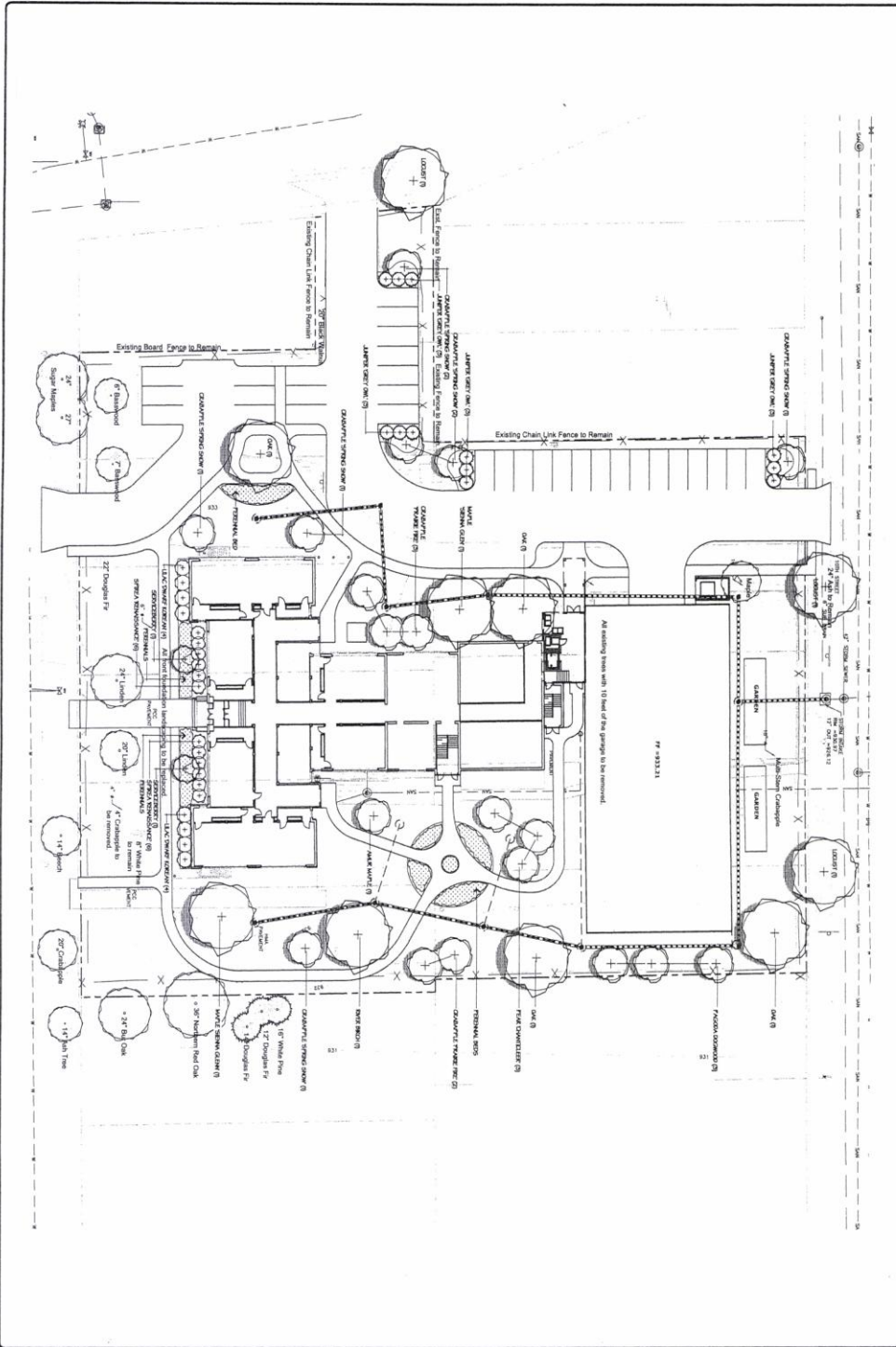
Attachment C



PROJECT NAME	ROOSEVELT SCHOOL REDEVELOPMENT
DATE	08/02/11
SCALE	AS SHOWN
DESIGNER	FOX ENGINEERING

D.05 UTILITY PLAN ROOSEVELT SCHOOL REDEVELOPMENT AMES, IOWA 2011	FOX Engineering Associates, Inc. 414 South 17th Street, Suite 107 Ames, Iowa 50010 Phone: (515) 233-0000 FAX: (515) 233-0103	DATE	REVISION	BY	DATE

Attachment C



DATE: JULY 2015
 SCALE: 1/8"=1'-0"
 DRAWN BY: [Signature]
 CHECKED BY: [Signature]
 DESIGNED BY: [Signature]
 PROJECT NO.: [Number]

ROOSEVELT SCHOOL REDEVELOPMENT

AMES, IOWA

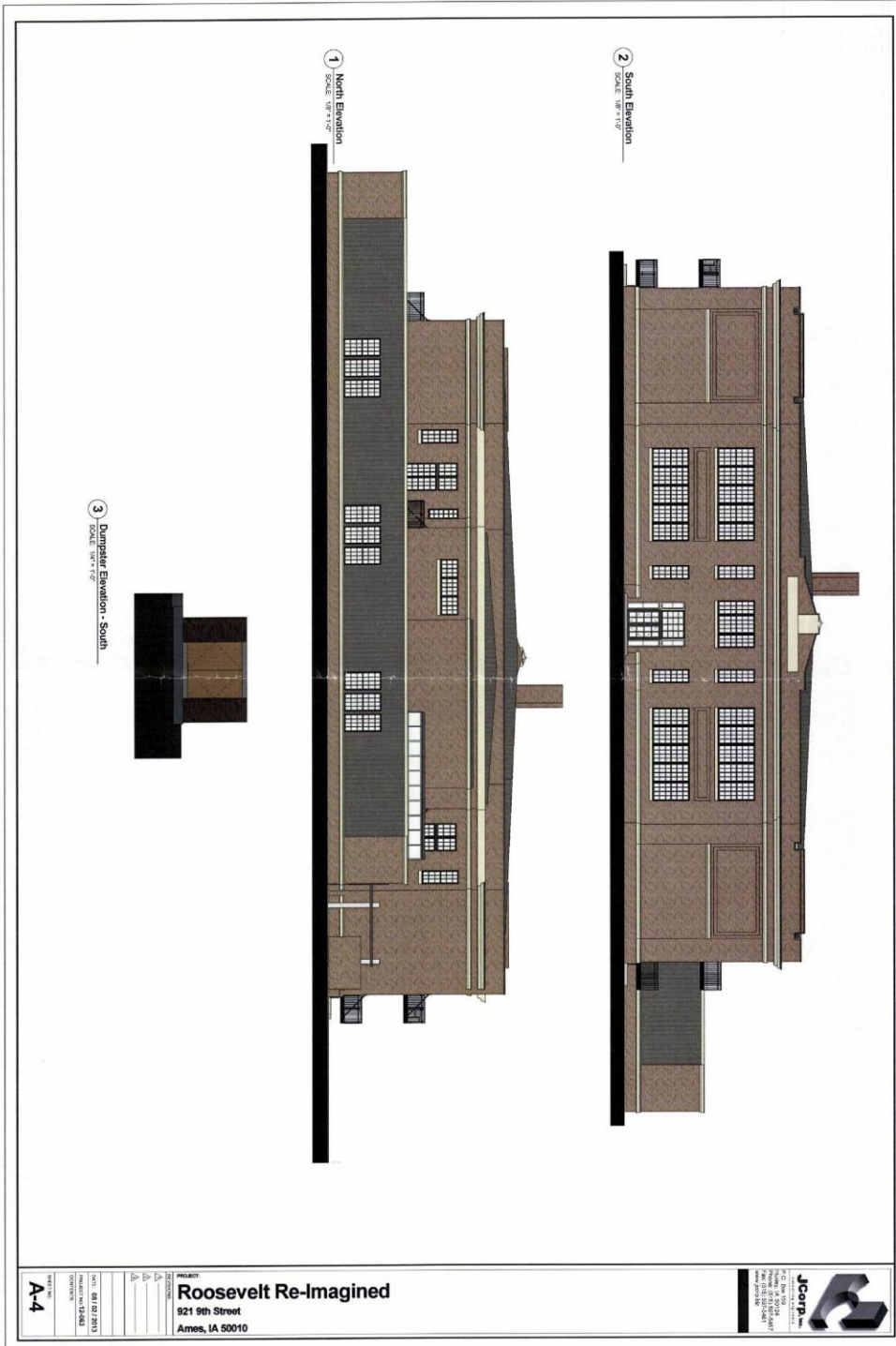
COUNTRY LANDSCAPES, INC.
 1000 W. UNIVERSITY AVENUE, SUITE 100
 IOWA CITY, IOWA 52242
 PHONE: 319.335.1111
 FAX: 319.335.1112
 WWW.COUNTRYLANDSCAPES.COM

SHEET L.01

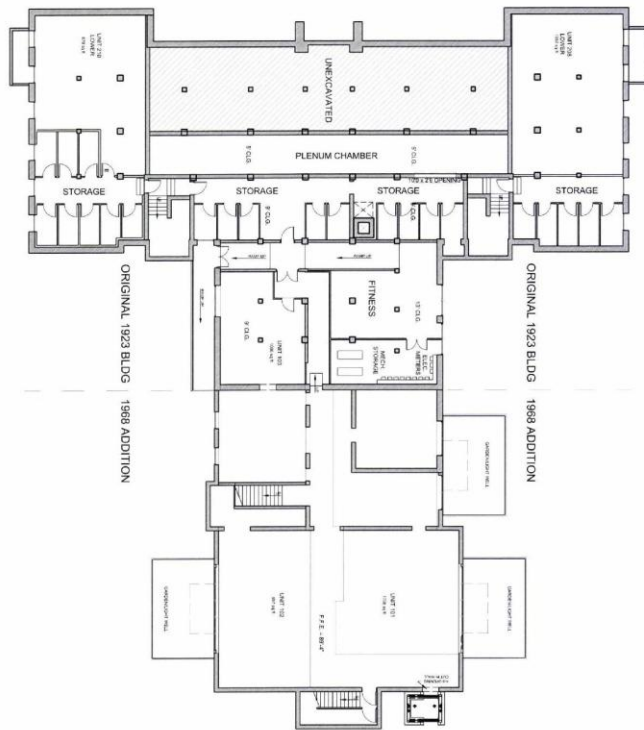
Attachment C



Attachment C



Attachment C



1 Garden Level Floor Plan
 SCALE: 1/8" = 1'-0" (1/32" = 1'-0" (1/8" = 1'-0" (1/16" = 1'-0" (1/32" = 1'-0" (1/64" = 1'-0")



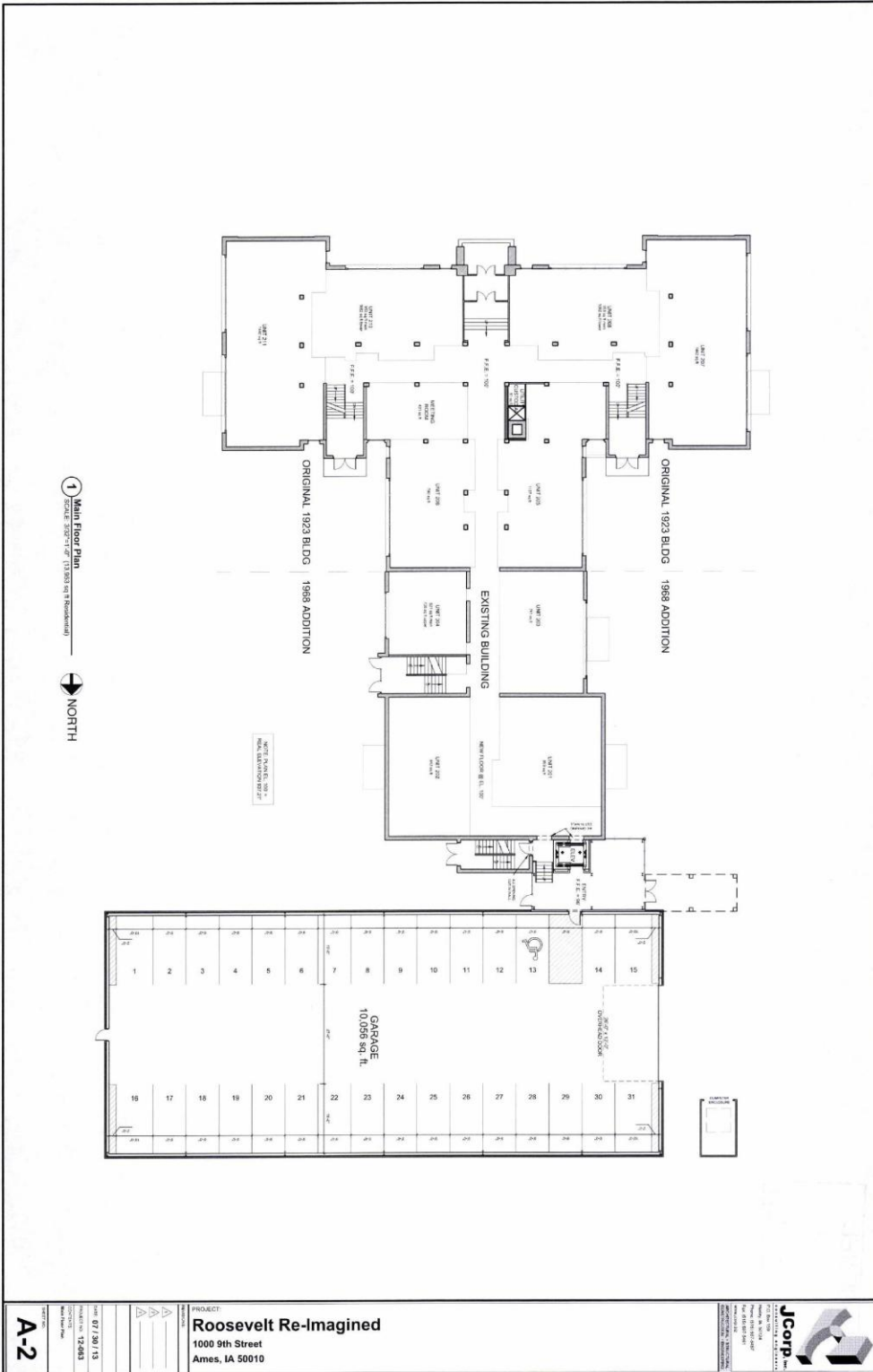
A-1

DATE	07/30/2013
PROJECT	Roosevelt Re-Imagined
LOCATION	1000 9th Street Ames, IA 50010
SCALE	1/8" = 1'-0"
DESIGNER	JCorp
CLIENT	Ames Housing Authority
PROJECT NO.	13-065
DATE	07/30/2013
BY	[Signature]
CHECKED	[Signature]
APPROVED	[Signature]

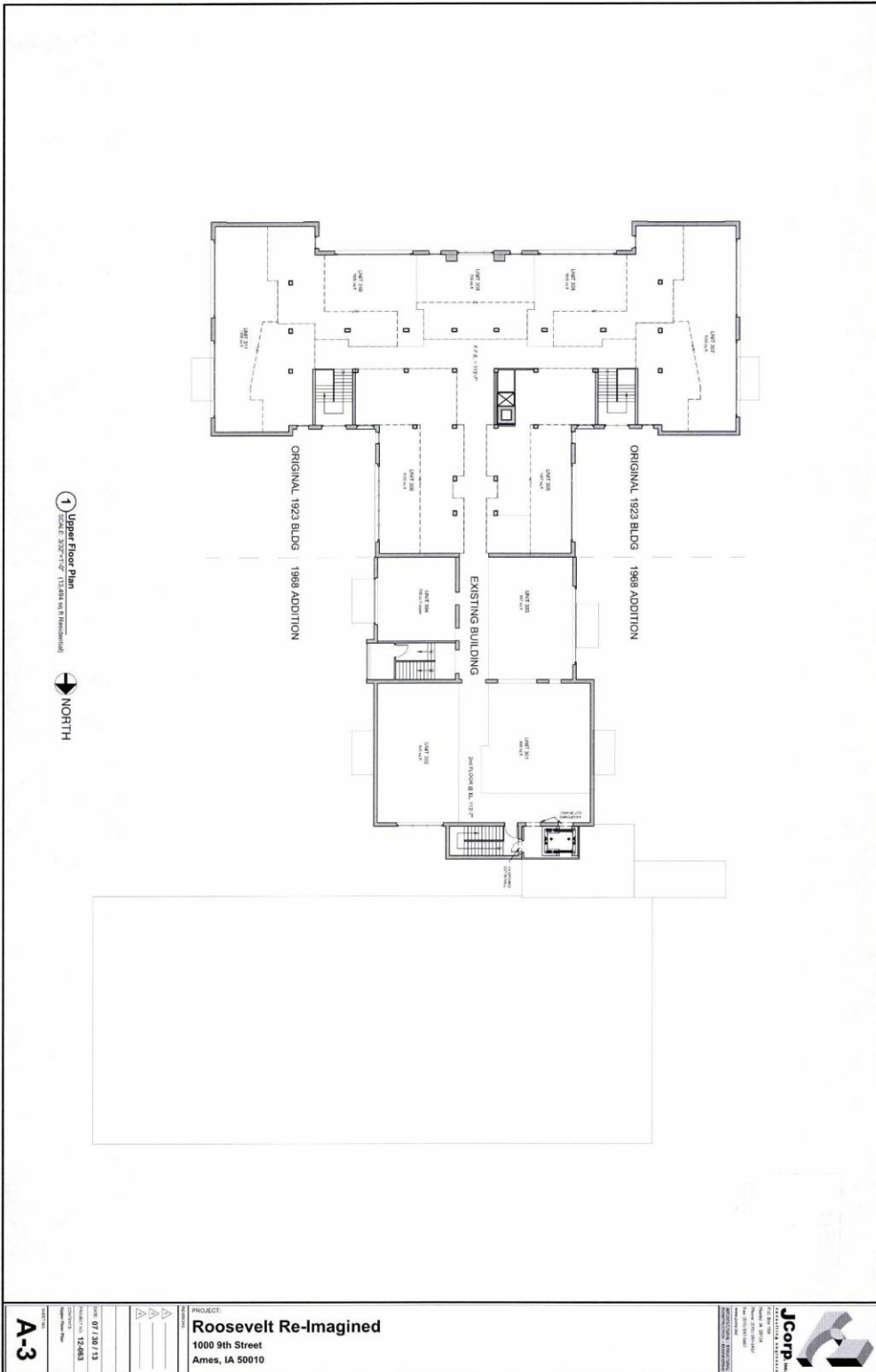
PROJECT:
Roosevelt Re-Imagined
 1000 9th Street
 Ames, IA 50010



Attachment C



Attachment C



ORDINANCE NO.

**AN ORDINANCE TO DESIGNATE THE URBAN REVITALIZATION
PLAN FOR ROOSEVELT SCHOOL SITE & CITY OF AMES PARK 921
9TH STREET.**

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

Section One. The land described as:

Roosevelt School Site: 2.21 Acres

Parcel 'A': Lots 5-9, Block 2 in Baird's Addition and Lots 9-13 and the North 55.00 feet of Lot 14, Block 26 in College Park Addition 2nd North, all in Ames, Story County, Iowa, and all being more particularly described as follows: Beginning at the Southeast Corner of said Lot 9, Block 26; thence N89°29'28"W, 299.91 feet along the South line of said Block 26 to the Southwest Corner of said Lot 13; thence N00 ° 02'06"W, 110.08 feet along the West line thereof; thence N89 ° 29'12"W, 61.00 feet along the South line of the North 55.00 feet of said Lot 14 to the East line of Northwestern Avenue; thence N04 ° 48'22"W, 55.24 feet to the Northwest Corner of said Lot 14; thence S89 ° 29'12"E, 109.57 feet along the North line of said Block 26 to the Southwest Corner of said Lot 9, Block 2; thence N00 ° 03'21"W, 172.66 feet to the Northwest Corner of said Lot 9, Block 2; thence S89 ° 30'23"E, 249.89 feet to the Northeast Corner of said Lot 5, Block 2; thence S00 ° 03'32"E, 172.74 feet to the Southeast Corner of said Lot 5, Block 2; thence S89 ° 29'12"E, 6.00 feet to the Northeast Corner of said Lot 9, Block 26; thence S00 ° 02'49"E, 165.06 feet to the point of beginning, containing 2.21 acres.

City of Ames Park: 1.30 Acres

Lots 1, 2, 3 and 4 in Block 2, Baird's Addition to the City of Ames, Story County, Iowa
AND
Lots 6, 7, and 8 in Block 26, College Park Addition North, City of Ames, Story County,
Iowa

is hereby designated, pursuant to Chapter 404, Code of Iowa, as the Roosevelt School Site & City of Ames Park Revitalization Area.

Section Two. 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: 2012/13 FLOOD RESPONSE AND MITIGATION PROJECT (NORTHRIDGE PARKWAY SUBDIVISION) & 2009/10 STORM WATER FACILITY REHABILITATION PROGRAM (MOORE MEMORIAL PARK)

BACKGROUND:

Over the past three years, Public Works staff and Clapsaddle-Garber Associates (CGA) have held numerous neighborhood project meetings, met with the Parks and Recreation Commission twice, and come before the City Council on several occasions to give progress updates on work to address localized flooding in the Northridge Parkway area. At the May 14, 2013 City Council meeting, Council unanimously agreed to move forward with a mitigation project using local funds.

The resulting project includes installing new storm sewer pipes/culvert/intakes, creating a vegetated swale between two electrical sub-stations, grading to create overland flow paths in the backyards of 2406 & 2412 Ridgetop Circle, and modifying the storm sewer in existing Basin 2. Additionally, the Moore Memorial Park Pond will be drained, cleaned of excess silt, reshaped to accommodate additional flood storage, and existing trees within the water line of the pond will be removed. The outlet will be modified to reduce current flows, an inlet forebay will be created, and native landscaping will be planted to improve water quality.

In the event that funding was available, two potential “add alternates” were included in the bid package. The first included material and installation of limestone blocks, limestone slabs, and emergent (aquatic) plants. This alternate would add some additional aesthetic features into the park pond area. The second was for material and installation of a filtration system made of sand and iron filings. This type of water quality improvement has been shown to reduce phosphorus run-off from fertilizers used in the area into bodies of water. Filtration systems such as these have been installed in Minnesota and in Storm Lake, Iowa.

On October 2, 2013, bids were received as follows:

Contractor	Base Bid	Alternate 1 (Optional)	Alternate 2 (Optional)
Engineer’s Estimate	\$510,360	\$9,500	\$3,000
Con-Struct, Inc.	\$606,665	\$91,000	No Bid
J&K Contracting LLC	\$664,133	\$41,300	\$15,200
Keller Excavating , Inc.	\$700,690	\$7,200	\$100,000

Engineering and administration costs are estimated to be \$75,000, which brings total estimated costs with the base bid to \$681,665. In discussions with Parks and Recreation leadership, it was determined that the cost of the Alternate 1 and 2 bids were too high and should not be awarded.

A summary of the projected expenditures and revenues for the overall Flood Response and Mitigation Program is provided in the following table.

	Utah Drive Landslide (awarded)	Trailridge Landslide (estimated)	Stuart Smith Park Bank Stabilization (estimated)	North Riverside Water Main (actual cost)	Northridge /Moore Park (this project)	Total
<i>Project Cost</i>	\$175,000	\$340,00	\$695,000	\$66,882	\$681,665	1,958,547
2009/10 Storm Water Facility Rehab					\$98,998	\$98,998
2011/12 Storm Sewer Improvements					\$70,000	\$70,000
2011/12 Low Point Drainage					\$70,000	\$70,000
2012/13 Flood Response & Mitigation (G.O. Bonds)	\$175,000	\$340,000	\$120,000	\$66,882	\$118,118	\$820,000
2012/13 Flood Response & Mitigation (Storm Sewer Utility)					\$325,000	\$325,000
FEMA			\$575,000			\$575,000
Total Funding	\$175,000	\$340,000	\$695,000	\$66,882	\$682,116	\$1,958,998

Funding Source

ALTERNATIVES:

- 1a. Accept the report of bids for the 2012/13 Flood Response and Mitigation (Northridge Parkway Subdivision) & 2009/10 Storm Water Facility Rehabilitation Program (Moore Memorial Park).
- b. Approve the final plans and specifications for the 2012/13 Flood Response and Mitigation (Northridge Parkway Subdivision) & 2009/10 Storm Water Facility Rehabilitation Program (Moore Memorial Park).
- c. Award the 2012/13 Flood Response and Mitigation (Northridge Parkway Subdivision) & 2009/10 Storm Water Facility Rehabilitation Program (Moore Memorial Park) base bid excluding the bid alternates, to Con-Struct, Inc., of Ames, Iowa, in the amount of \$606,665.

2. Award the base bid for the Northridge Parkway Subdivision project to either J&K Contracting LLC or Keller Excavating , Inc.
3. Reject the bids and do not proceed with the Northridge Parkway Subdivision project at this time.

MANAGER'S RECOMMENDED ACTION:

Public Works staff and CGA have put forth great effort to work with Northridge Parkway residents, Arbor on the Green residents, the Parks and Recreation Commission, other City departments, private utility companies, and DNR staff on this project. The project will be effective in mitigating neighborhood flooding, will improve water quality from the storm water runoff, and is acceptable to area residents. It is important to the residents to move forward with the project so the improvements are in place for potential summer rain events. Construction is anticipated during winter/spring with a May 31, 2014 completion date.

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 Flood Response and Mitigation (Northridge Parkway Subdivision) & 2009/10 Storm Water Facility Rehabilitation Program (Moore Memorial Park) base bid excluding bid alternates to Con-Struct, Inc., of Ames, Iowa, in the amount of \$\$606,665.

COUNCIL ACTION FORM

**SUBJECT: 2013/14 – 2015/16 BRIDGE REHABILITATION PROGRAM
(6TH STREET BRIDGE)**

BACKGROUND:

This Capital Improvements Plan (CIP) program provides funding for necessary repairs recommended by the Iowa Department of Transportation's (IDOT) biennial bridge inspections report.

In both 2010 and 2012, these bridge inspections both recommended replacement of the 6th Street Bridge over Squaw Creek due to the current condition. A feasibility study in 2009 also recommended replacement. The replacement of the bridge was placed in the CIP as a multi-year project to allow time for study, design, procurement of grants, and construction. A design alternatives study was completed and the style of bridge and aesthetic treatments were approved by City Council. The engineering phases of this project will next span multiple years to complete preliminary design, final design, and construction administration/inspection.

Two engineering firms submitted proposals for this work, and were evaluated according to the following criteria: Project Understanding, Design Team, Key Personnel, Previous Experience, Project Approach, Responsiveness, Ability to Perform Work, Proposed Project Design/Letting Schedule, and Estimated Contract Cost. Listed below is the ranking information based on this evaluation:

Proposal Ratings/Rankings	Overall Rank	Average Score	Estimated Fee
WHKS & Co.	1	91.75	\$161,800
Kirkham Michael	2	80.83	\$231,643

Staff next negotiated a contract with the highest ranked firm (which also submitted the lowest proposed cost), WHKS & Co. of Ames, Iowa. This consultant has a strong history of successfully designing projects for the City of Ames and coordinating with property owners. They are also the firm that handled the bridge inspections and completed the design alternatives study for this bridge. After negotiating the scope of the work (shown in table, below), a not-to-exceed fee of \$161,800 was established.

Staff believes that this project should also include engineering services for replacement of approximately 400 feet of 6th Street between the bridge and the Brookside Park

entrance. Iowa State University recently completed reconstruction of their portion of 6th Street up to the Brookside Park entrance, and the City's portion of the street also needs reconstruction. In addition, sidewalk and bike lane transitions also need to be constructed along the street as the bridge is replaced. Therefore, staff is recommending that this street work be designed and constructed along with the bridge project. The CIP that will be presented to Council in January will include this street reconstruction project.

This engineering contract also shows a contingency amount which will be used for any unexpected changes or delays to the project. The following table shows the upcoming years' fees for project development.

Fiscal Year	Phase	Fee
2013/14	Preliminary Engineering/Grant Applications	\$37,100
2014/15	Final Design	\$104,200
2015/16	Construction Services	\$12,500
	Contingency	\$8,000
Total		\$161,800

The CIP currently shows funding of \$40,000 in 2013/14, \$175,000 in 2014/15, and \$180,000 in 2015/16 for engineering and administration of the 6th Street Bridge and the E. Lincoln Way Bridge, bringing total funding to \$395,000. Of that amount, the 6th Street Bridge portion was estimated at \$290,000. After awarding this contract, this will leave \$128,200 available for City staff to provide construction administration and inspection services in 2015/16. The bridge construction is estimated at \$2,275,000 for the bridge and chosen aesthetics, and replacement of the 400 feet of 6th Street is estimated to cost \$300,000. These amounts will be used to update the 2014-2019 CIP.

ALTERNATIVES:

1. Approve the engineering services agreement for the 2013/14 – 2015/16 Bridge Rehabilitation Program (6th Street Bridge) with WHKS & Co. of Ames, Iowa, in an amount not to exceed \$161,800.
2. Direct staff to negotiate an engineering agreement with another consulting firm.

MANAGER'S RECOMMENDED ACTION:

In order to secure grant funding to reduce the amount of City funding needed to accomplish the 6th Street Bridge Replacement Project, it is important to move ahead with the preliminary design and grant application development phases. Based on staff's evaluation using the above criteria, WHKS & Co. will provide the best value to the City in designing this project.

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

COUNCIL ACTION FORM

**SUBJECT: MASTER PLAN DETERMINATION IN CONJUNCTION WITH
PENDING FS-RM REZONING APPLICATION FOR PARCEL
BETWEEN G.W. CARVER AVENUE AND STANGE ROAD**

BACKGROUND:

Heartland Baptist Church owns a 38-acre parcel bounded by Stange Road, Bloomington Road, and George Washington Carver Avenue. A location map with the land use designations is included as Attachment 1. The property is zoned A-Agriculture. Heartland Baptist Church purchased the site with the intent of developing a new church on a majority of the site.

Scenic Development seeks to purchase a 10-acre portion of that land from Heartland Baptist Church to develop a continuum of care facility comprised of senior housing, assisted living, and a skilled care unit. This is the same developer and type of development that was contemplated in conjunction with the pending annexation request for the Athen property. The subject area of this current request is for the 10-acre portion along the south end of the Heartland Baptist Church property which extends from George Washington Carver Avenue to Stange Road.

Scenic Development is seeking a rezoning to FS-RM (Medium Density Suburban) to allow the development of senior living and care uses as a special use permit. Heartland Baptist Church wishes to retain the A-Agriculture zoning on the balance of the land for development of its future church. **The Municipal Code requires that, prior to submitting an application for a Floating Zone Suburban Low Density or Medium Density rezoning, the City Council shall determine whether it wishes to have a Master Plan prepared to accompany the rezoning request.** Scenic Development is requesting that determination with the letter in Attachment 2 so it may proceed with filing of its rezoning application.

Staff would also note that Scenic Development is hosting a neighborhood outreach meeting at the Somerset Clubhouse on October 8th at 6:30 p.m.

Zoning Analysis:

The Land Use Policy Plan designation for this site is Village/Suburban Residential. This designation supports a number of possible floating zone designations, including low density residential (FS-RL), medium density residential (FS-RM), planned residential development (F-PRD), and Village (F-VR). **The applicant intends to apply for FS-RM as it allows for the full range of uses desired by the applicant.**

An applicant may request an amendment of zoning for a property that is consistent with the underlying Land Use Policy Plan designation without first seeking City Council authorization. However, City Council has the discretion to require inclusion of a Master Plan as part of a FS-RL or FS-RM rezoning application requirement.

Section 29.1507.3(b) of the Municipal Code identifies the criteria by which the City Council may require a Master Plan as part of a rezoning application. **If any one of these conditions is met, the City Council may require a Master Plan. Alternatively, the City Council may decide that the size or scope of the project does not necessitate an accompanying Master Plan with a rezoning application.**

Under this Code section, a master plan may be required if a property:

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

The full text of the conditions on which a Master Plan may be required is found in Attachment 3. That attachment also contains the text of the ordinance describing the contents of a Master Plan. **A Master Plan is intended to provide a broad view of the development concept by describing the intended uses, building types, access points, and protected areas. Further details would be developed later in the development process in regards to any required applications for a plat, special use permit, or site plan review.**

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

1. The development will contain two housing types: Group living (which includes assisted living facilities as well as nursing and convalescent homes) and Household Living (which includes apartment buildings for seniors).
2. This site does not contain wetlands, flood plain, or other documented sensitive condition or natural resource. The LUPP does not designate this site as Greenway or Environmentally Sensitive Area.

3. There are several public improvements that will be required, most notably the construction of an additional southbound lane and multi-use path along Stange Road.
4. There is a high-pressure natural gas line on this site that will need to be accommodated during the development review and approvals.

In addition to the rezoning application, the applicant will also need to go through a preliminary plat and special use permit review to develop the intended project. Scenic Development will likely submit and seek approval of the preliminary plat and rezoning request concurrently. The final plat will follow at a later date.

ALTERNATIVES:

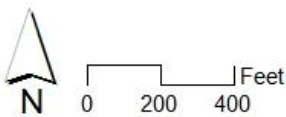
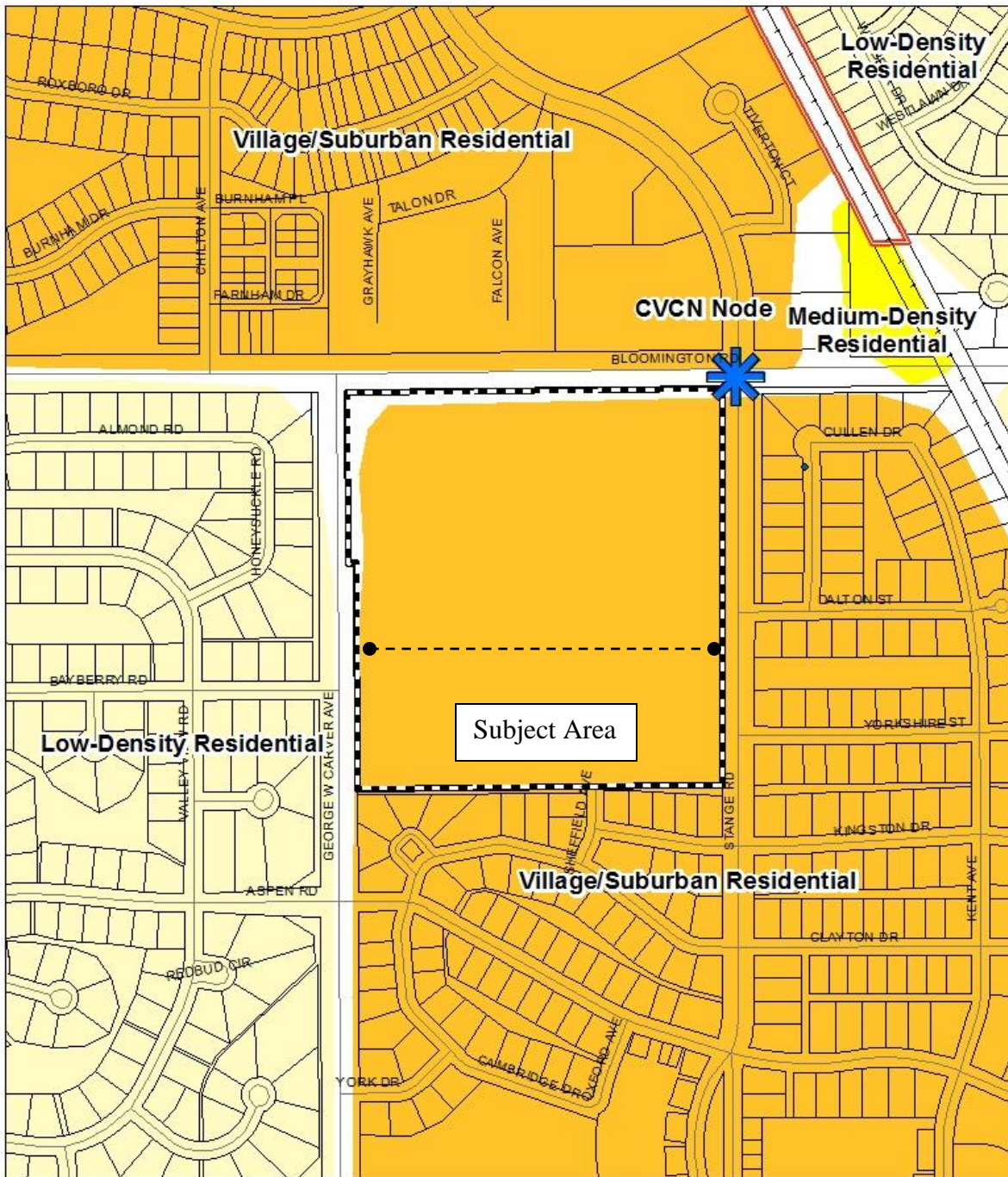
1. The City Council can require a Master Plan with the FS-RM rezoning application for the southern portion of the Heartland Baptist Church site.
2. The City Council can choose not to require a Master Plan with the FS-RM rezoning application for the southern portion of the Heartland Baptist Church site.
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:


While a specific application for rezoning (and legal description) has not yet been submitted, from the applicant's letter it appears the proposed use and size fit the fourth criterion relating to need for careful consideration of the layout and design as it affects health, safety, and general welfare. The City Council may, therefore, require that a Master Plan be submitted along with the application for a rezoning.

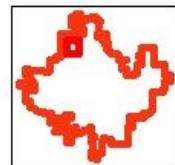
Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby requiring a Master Plan with the FS-RM rezoning application for the southern portion of the Heartland Baptist Church.

Attachment 1



Legend

 Subject Site



Attachment 2



September 19, 2013

City of Ames
ATTN: Mayor Campbell and Ames City Council
515 Clark Avenue
Ames, Iowa 50010

RE: Master Plan for Continuing Care Retirement Community Rezoning

Dear Mayor Campbell and Ames City Council Members:

On behalf of Scenic Development, we are writing to initiate the Rezoning process to accommodate the development of a Continuing Care Retirement Community (CCRC) project. Scenic Development is a real estate development company specializing in senior housing and care and wishes to construct a CCRC in north Ames.

The site is located south of Bloomington Road, between George Washington Carver Avenue and Stange Road, and is undeveloped. Currently, the undeveloped 34 acres of land is Owned by Heartland Baptist Church. Scenic Development is considering the purchase of the southernmost 10 acres of land for construction of its CCRC.

The new CCRC would provide approximately 106 senior housing units, consisting of independent living, assisted living, and skilled nursing care. Access to the site would be from Stange Road and George Washington Carver Avenue. Construction of the project would likely begin in the Spring of 2014 and be completed within 12 to 15 months.

Development of the new facility would require Rezoning the 10 acres of land identified for the project from a zoning classification of Agriculture to a zoning classification of FS-RM. It is our desire to submit a Rezoning Application to the City of Ames in the very near future. Would the Ames City Council like to see a Master Plan submitted with the Rezoning Application?

Scenic Development is excited to begin the development of its new retirement community project in Ames and looks forward to working with the City of Ames to make this project a success for the residents of the community of Ames. Should you have any questions or need for additional information, please do not hesitate to contact our office.

Sincerely,

CIVIL DESIGN ADVANTAGE

Keith Weggen, ASLA

Copy: Gib Wood, Scenic Development
Jerry Avery, Pivotal Health Care
Pastor Abell, Heartland Baptist Church
Nate Easter, Bolton & Menk
Ryan Hardisty, CDA
File

Attachment 3: Conditions for and Contents of a Master Plan

Section 29.1507(3)

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

Section 29.1507(4)

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