

**AGENDA**  
**REGULAR MEETING OF THE AMES CITY COUNCIL**  
**COUNCIL CHAMBERS - CITY HALL**  
**APRIL 8, 2014**

**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 Fair Housing Month, April 2014
2. Proclamation for Administrative Professionals Week, April 20-26, 2014

**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 Regular Meeting of March 25, 2014, and Special Meetings of March 18, 2014, and April 1, 2014
5. Motion approving Report of Contract Change Orders for March 16-31, 2014
6. Motion approving renewal of the following beer permits, wine permits, and liquor licenses:
  - a. Special Class C Liquor – India Palace, 120 Hayward Avenue
  - b. Class E Liquor, C Beer, & B Wine – Dahl’s Foods, 3121 Grand Avenue
  - c. Class C Liquor – Dangerous Curves, 111 5<sup>th</sup> Street
  - d. Class C Liquor & Outdoor Service – Brick City Grill, 2704 Stange Road
  - e. Class C Liquor w/ Outdoor Service – Cyclone Experience Network, Hilton Coliseum
7. Resolution setting date of hearing for April 22, 2014, for vacation of Open Space Easement and Storm Water Flowage Easement at 3910 Maricopa Drive
8. Resolution approving updated Affirmative Action Compliance Plan
9. Resolution approving contract and bond for 2013/14 Downtown Pavement Improvements (5<sup>th</sup> Street - Duff Avenue to Burnett Avenue)
10. Resolution approving contract and bond for Furnishing of 15kV Outdoor Metalclad Switchgear and 69kV Control Panels for Ames Plant Distribution Substation
11. Resolution approving Change Order with Alstom Power, Inc., for Repairs to Unit No. 8 Boiler Tubes in the amount of \$11,445.61
12. Resolution approving Plat of Survey for 2200 Hamilton Drive
13. Resolution approving Plat of Survey for 138 and 142 Hyland Avenue
14. Resolution approving Plat of Survey for 3521 Jewel Drive
15. Resolution approving Final Plat for Sunset Ridge Subdivision, 5<sup>th</sup> Addition

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

## **PERMITS, PETITIONS, AND COMMUNICATIONS:**

16. Franchise update from Alliant Energy
17. Resolution approving 2013/14 Ames Annual Outdoor Sculpture Exhibition selections
18. Motion approving 5-day Class C Liquor License for Olde Main Brewing at ISU Alumni Center, 420 Beach Avenue
19. Motion approving 6-month Class B Beer & B Native Wine Permit with Outdoor Service for Ames Jaycees at Bandshell Park
20. Motion approving Outdoor Service Privilege for Charlie Yoke's, 2518 Lincoln Way, pending approval of Inspections Division
21. Resolution approving/motion denying request from Iowa State University Student Society of Landscape Architects for waiver of parking meter fees for Space 50 on Chamberlain Street from April 24 - August 30, 2014, for demonstration of a "parklet"
22. Requests from Ames Chamber of Commerce for Ames Main Street Farmers' Market on Saturdays from May 3 to October 25:
  - a. Resolution approving closure of 300 and 400 blocks of Main Street, and Burnett Avenue from Main Street north to the alley, from 5:30 a.m. to 1:30 p.m.
  - b. Motion approving blanket Temporary Obstruction Permit and Blanket Vending License
  - c. Resolution approving waiver of fee for blanket Vending License
  - d. Resolution approving request to waive parking enforcement in CBD Lots X and Y during the Market
  - e. Resolution approving/motion denying request to waive parking meter fees in the 300 and 400 blocks of Main Street and portion of Burnett Avenue and electric usage fees
23. Motion approving Fireworks Permit for ground effects fireworks shoot for Residence Hall Week on Central Campus at 11:59 p.m. on April 26, 2014, with a rain date of May 3, 2014
24. Resolution approving Cy Statue Agreement with Ames Chamber of Commerce

## **HEARINGS:**

25. Hearing to establish Water Connection Fee District with respect to certain properties in Northern Growth Area:
  - a. First passage of ordinance
26. Hearing to establish Sanitary Sewer Connection Fee District with respect to certain properties in Northern Growth Area:
  - a. First passage of ordinance
27. Hearing on Nuisance Assessments:
  - a. Resolution assessing costs of mowing and snow/ice removal and certifying assessments to Story County Treasurer
28. Hearing on vacation and relocation of pedestrian easement for Sunset Ridge, 4<sup>th</sup> Addition:
  - a. Resolution approving vacation of Pedestrian Easement

## **PLANNING & HOUSING:**

29. Report on suggested process for Breckenridge development workshop
30. Staff report on Westwood Village Landscape Plan Amendment
31. Staff report for 516 South 17<sup>th</sup> Street regarding Land Use Policy Plan amendment to High-Density Residential
32. Urban Renewal Plan initiation for Southeast 16<sup>th</sup> Street:
  - a. Resolution directing staff to prepare the Urban Renewal Plan, forward the Plan to the Planning and Zoning Commission, and set the date of public hearing for May 27, 2014

## **ELECTRIC:**

33. Resolution approving the Transmission Membership Application and specified agreements with the Midcontinent Independent System Operator (MISO), authorizing the MISO membership fee

payment of \$15,000, and authorizing termination of the City's membership in the Midcontinent Area Power Pool

**LIBRARY:**

34. Friends Foundation request regarding consumption of alcohol inside Public Library during Pre-Opening Gala on September 5, 2014:
  - a. Motion supporting/denying request
35. Resolution awarding contract to SBD Commercial Interiors of Jackson, Michigan, for Library Millwork in the amount of \$423,413

**ADMINISTRATION:**

36. Report on 2013 Development Process Survey

**ORDINANCES:**

37. First passage of ordinance changing parking regulations on Twain Circle
38. Second passage of Post-Construction Storm Water Ordinance as Chapter 5B of the *Municipal Code*
39. Second passage of ordinance making a zoning text amendment to change required parking for other office uses (excluding medical and dental offices)
40. Second passage of ordinance amending Section 23.407 pertaining to storm water management regulatory standards
41. Second passage of ordinance amending Section 23.502 pertaining to storm water management regulatory standards
42. Second passage of ordinance amending Section 29.406 pertaining to storm water management regulatory standards
43. Second passage of ordinance amending Section 29.1502 pertaining to storm water management regulatory standards

**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 AMES AREA METROPOLITAN PLANNING ORGANIZATION  
TRANSPORTATION POLICY (AAMPO) COMMITTEE AND  
REGULAR MEETING OF THE AMES CITY COUNCIL**

**AMES, IOWA**

**MARCH 25, 2014**

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

The Ames Area Metropolitan Planning Organization (AAMPO) Transportation Policy Committee meeting was called to order by Ames Mayor Ann Campbell at 6:00 p.m. on the 25th day of March, 2014, in the City Council Chambers in City Hall, 515 Clark Avenue, pursuant to law with the following voting members present: Gloria Betcher, City of Ames; Amber Corrieri, City of Ames; Tim Gartin, City of Ames; Matthew Goodman, City of Ames; Chet Hollingshead, Boone County; Chris Nelson, City of Ames; Peter Orazem, City of Ames; Jonathan Popp, City of Gilbert; Dan Rediske, Transit; and Wayne Clinton, Story County. AAMPO Administrator John Joiner, City of Ames Civil Engineer Rudy Koester, City of Ames Transit Director Sheri Kyras, and Garrett Pedersen, representing the Iowa Department of Transportation, were also present.

**DRAFT FISCAL YEAR (FY) TRANSPORTATION PLANNING WORK PROGRAM (TPWP):** Administrator John Joiner explained that the TPWP is an annual Program. The Draft FY 2015 TPWP contains the work elements to ensure an integrated transportation system, including reviewing the Land Use Policy Plan and Urban Fringe Plan. The Long-Range Transportation Plan (LRTP) update was initiated in February 2014 with a completion date expected in October 2015. It will be the major work element over the next two years.

According to Administrator Joiner, the Technical Committee recommended approval of the Draft FY 2015 TPWP with minor changes for approval at its March 17, 2014, meeting. The minor changes included updating CyRide bus passengers to read “6 million” in the Background Section, updating the Corporate Boundary, and changing “Long-Range Planner” to “Planning Staff” in the Long-Range Transportation Plan Section.

Moved by Clinton, seconded by Goodman, to approve the Draft FY 2015 TPWP and set May 27, 2014, as the date of public hearing.

Vote on Motion: 11-0. Motion declared carried unanimously.

**FINAL FY 2015 PASSENGER TRANSPORTATION PLAN (PTP) UPDATE:** Transit Director Sheri Kyras stated that this item works specifically with transit planning. She advised that the federal government requires an annual locally coordinated planning process for transportation issues between human/health service agencies and transportation providers. States and metropolitan planning organizations, in turn, have been charged to carry out that process. It was noted that every five years, a full study is required, and 2015 is the year for a full study; for the other four years, amendments to the Plan are made and reported.

Ms. Kyras informed the Committee that, previously, the Federal Transit Administration identified three federal funding sources that need to be coordinated through locally developed plans: New Freedom (disabled focused), Job Access Reverse Commute (low-income-focused) [JARC], and Enhanced Mobility for Seniors and Individuals with Disabilities funding (elderly/disabled-focused). New Freedom and JARC funding programs were eliminated within the new federal transportation bill (MAP-21) and transit agencies were advised that the projects funded in those areas could be financed through general apportionment funding. As a result, only one program is technically required to be



coordinated through the PTP process; i.e., Enhance Mobility for Seniors and Individuals with Disabilities. However, the Iowa Department of Transportation has stated that it would like other federal/state-funded projects to be coordinated through the process if at all possible.

Transit Planner Shari Atwood detailed the five sections making up the PTP: (1) Introduction and Process, (2) Inventory and Process Discussion, (3) Coordination Issues, (4) Priorities and Strategies, and (5) Funding.

Peter Orazem pointed out that one of the elements was “Ride-Sharing Services.” He noted that there are sharp differences (approximately 35%) shown in the cost of housing within the Ames community versus immediately outside Ames boundaries; therefore, a lot of people commute into Ames (11%). According to Mr. Orazem, approximately 12% of Ames residents commute to Polk County. In his opinion, there is relatively little effort on the part of the government to make that commute easier, and he asked if that was part of CyRide’s purview. Mr. Orazem also noted that there are no parking areas outside of Ames where people can park their cars and consolidate into one vehicle to make the trip to and from their work sites. Director Kyras advised that she and Ms. Atwood sit on a committee to study the need for transportation for people in the corridor between Ames and Des Moines. That study is being funded by the Des Moines Metropolitan Planning Organization. Iowa Department of Transportation (Iowa DOT) representative Garrett Pedersen reported that the Iowa DOT is conducting a study on the Park-and-Ride locations in Central Iowa.

Gloria Betcher noted that City Council members had heard from Dial-a-Ride customers that the service has not been the same recently; it had been cut back. Ms. Betcher asked how those comments would play into the PTP. Director Kyras stated that CyRide is required to provide complimentary para-transit service. There are criteria that define what that means and what has to be provided. The Transit Board had approved a certain level of service that meets those criteria as well as the requirements of the Americans with Disabilities Act. She added that the service may go above that level; however, at this time the Transit Board had chosen not to. The requests of certain Dial-a-Ride customers have been determined to be at a level of above and beyond the approved service level. The Transit Board has requested that a public meeting be held; it is scheduled for April 10, 2014, at 5:30 p.m. in the Council Chambers, when the Dial-a-Ride customers may express their opinions. Letters to all Dial-a-Ride-eligible individuals have been sent advising them of the meeting. Comments received at the public meeting will then be reported back to the Transit Board, and a decision would be made by the Board as to whether or not the level of service should be changed. An amendment to the PTP would be made if the Board decided to change the services provided. If that is the case, it would come before the City Council for funding approval.

Moved by Popp, seconded by Hollingshead, to approve the Final FY 2015 Passenger Transportation Plan for submission to Iowa Department of Transportation and Federal Transit Administration.

Vote on Motion: 11-0. Motion declared carried unanimously.

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

Moved by Rediske, seconded by Orazem, to approve the AAMPO annual self-certification, certifying that the AAMPO transportation planning process is being conducted in accordance with all applicable requirements.

Vote on Motion: 11-0. Motion declared carried unanimously.

**ADJOURNMENT:** Moved by Betcher, seconded by Popp, to adjourn the AAMPO Policy Committee meeting at 6:25 p.m.

Vote on Motion: 11-0. Motion declared carried unanimously.

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

The Regular Meeting of the Ames City Council was called to order by Mayor Campbell at 6:32 p.m. on March 25, 2014, in the City Council Chambers in City Hall, 515 Clark Avenue. Present from the Ames City Council were Gloria Betcher, Amber Corrieri, Tim Gartin, Matthew Goodman, Chris Nelson, and Peter Orazem. *Ex officio* Member Alexandria Harvey was also present.

**PROCLAMATION FOR “ECO FAIR DAY:”** Mayor Campbell proclaimed March 29, 2014, as ECO Fair Day. Accepting the Proclamation on behalf of the City of Ames were Electric Services Director Donald Kom and Municipal Engineer Tracy Warner.

**PROCLAMATION FOR “GOOD NEIGHBOR EMERGENCY ASSISTANCE MONTH:”** April 2014 was proclaimed by Mayor Campbell as Good Neighbor Emergency Assistance Month. Good Neighbor Director Mike Fritz and Board Members Chris Anderson, Donna Bergman, Lu Jansen, Jere Maddux, and Pat Thiede accepted the Proclamation. Mr. Fritz stated that since April 1997, thousands of individuals have been provided rental assistance, utility assistance, healthy food assistance, and gasoline for emergency transportation needs by Good Neighbor. Good Neighbor is observing its 17<sup>th</sup> year in Ames. It has had seven different locations in 17 years; however, it is now housed in the First Christian Church and will be at that location for a minimum of ten years rent-free. The dollars formerly required to pay rent will now go directly to clients.

Mayor Campbell advised that Item No. 44 had been pulled from the Agenda (Hearing on rezoning with Master Plan for 601 State Avenue). She asked City Attorney Judy Parks to explain why that item was being pulled from the Agenda. Ms. Parks stated that the item in question was on the Agenda as a hearing; therefore, public notice had been given following the requirements of state law. Late in the day on March 24, staff received a request from the applicant’s representative to remove the item from the Agenda. A second request was received later in the day on March 24 asking the Council to set a workshop date for discussion with public input on how to develop all three parcels owned by the applicant. Staff then considered as to how to actually process the requests due to the hearing already being noticed, which means a hearing must be held. Ms. Parks noted that it was at the City Council’s discretion as to whether or not to remove the item from the Agenda. If Council chose not to remove the item, a hearing would be held on the merits of the rezoning request. A guarantee could not be given to the applicant that the Council would not want to hold the hearing on the merits of the request. Because the applicant was not 100% assured that the hearing would not be held at this meeting, the applicant, late this afternoon, chose to withdraw the application for rezoning of the South Parcel owned by Breckenridge. Council may, however, under Council Comments, take action on the applicant’s request for staff to set a workshop date. City Attorney Parks recommended that the Council set a date for a workshop, as requested by the applicant.

At the inquiry of Council Member Orazem, City Attorney Parks advised that the applicant had not indicated a time frame for the workshop to be held; however, she felt the applicant would want the workshop held as soon as possible. Since discussion of the rezoning request was anticipated for this meeting, Ms. Parks said staff did not have any suggestions for the Council at this time as to what type of format the workshop would take or a time frame for it. Mayor Campbell noted that the latest request came to staff after 4 o’clock on this date.

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

1. Motion approving payment of claims
2. Motion approving Minutes of Regular Meetings of February 25 and March 4, 2014
3. Motion approving Report of Contract Change Orders for February 16-28, 2014
4. Motion approving renewal of the following beer permits, wine permits, and liquor licenses:
  - a. Class C Liquor – Café Northwest, 114 Des Moines Avenue
  - b. Class C Liquor – Sips/Paddy’s Irish Pub, 126 Welch Avenue
  - c. Class E Liquor, C Beer, and B Wine – Wal-Mart Store #749, 3015 Grand Avenue
5. Motion authorizing staff to issue Request for Proposals for Conversion of Automated Water Meter Reading System
6. RESOLUTION NO. 14-127 approving appointment of Delores Ball to Property Maintenance Appeals Board
7. RESOLUTION NO. 14-128 approving and adopting Supplement No. 2014-2 to *Municipal Code*
8. RESOLUTION NO. 14-129 adopting 2013/14 Rental Housing Registration Fee Schedule
9. RESOLUTION NO. 14-130 setting date of public hearing for April 8, 2014, on vacation and relocation of pedestrian easement for Sunset Ridge, 4<sup>th</sup> Addition
10. RESOLUTION NO. 14-131 approving preliminary plans and specifications for 2013/14 Water System Improvements Program-Water Service Transfer Program #1 (10<sup>th</sup> Street - Douglas Avenue to Grand Avenue); setting April 16, 2014, as bid due date and April 22, 2014, as date of public hearing
11. RESOLUTION NO. 14-132 approving preliminary plans and specifications for 2012/13 Concrete Pavement Improvements #1 (Wheeler Street-Grand Avenue to Roy Key Avenue); setting April 16, 2014, as bid due date and April 22, 2014, as date of public hearing
12. RESOLUTION NO. 14-133 approving preliminary plans and specifications for 2013/14 Concrete Pavement Improvements (Knapp Street-Welch Avenue to Lynn Avenue and Lynn Avenue-Storm Street to Knapp Street); setting April 16, 2014, as bid due date and April 22, 2014, as date of public hearing
13. RESOLUTION NO. 14-134 approving preliminary plans and specifications for Specialized Wet Dry Vacuum, Hydro Blast, and Related Cleaning Services for Power Plant; setting April 23, 2014, as bid due date and May 13, 2014, as date of public hearing
14. RESOLUTION NO. 14-135 approving preliminary plans and specifications for Asbestos Maintenance Services for Power Plant; setting April 23, 2014, as bid due date and May 13, 2014, as date of public hearing
15. RESOLUTION NO. 14-136 approving preliminary plans and specifications for Vet Med Substation Feeder Extension; setting April 30, 2014, as bid due date and May 13, 2014, as date of public hearing
16. RESOLUTION NO. 14-137 approving renewal of contracts for purchase of Electric Distribution Padmounted Transformers with RESCO of Ankeny, Iowa, and for purchase of Overhead Transformers with Wesco Distribution of Des Moines, Iowa, for period from April 1, 2014, through March 31, 2015
17. RESOLUTION NO. 14-138 awarding Engineering Services Contract to Black & Veatch Corporation of Overland Park, Kansas, for 69kV Substation Panel and Transmission Line Terminal Upgrades in an amount not to exceed \$113,514
18. RESOLUTION NO. 14-139 awarding contract to Sherman & Reilly of Chattanooga, Tennessee, for purchase of Trailer-Mounted Underground Cable Puller for Electric Distribution Division in the amount of \$179,445
19. RESOLUTION NO. 14-140 awarding contract to Murphy Tractor and Equipment of Altoona, Iowa, for John Deere 544K Wheel Loader with Bucket in the amount of \$119,925 with Buy-Back Guarantee for Loader

20. RESOLUTION NO. 14-141 awarding contract to Altec Industries, Inc., of St. Joseph, Missouri, for Truck Body, Aerial Platform, and Accessories in the amount of \$103,124
21. RESOLUTION NO. 14-142 awarding contract to OBS Specialty Vehicles, Inc., of Canton, Ohio, for Library Bookmobile in the amount of \$240,475
22. RESOLUTION NO. 14-143 awarding contract to RCS Millwork, L.C., of Ankeny, Iowa, for Library Refurbished Furniture in the amount of \$4,998
23. RESOLUTION NO. 14-144 awarding contracts for Public Library furniture in the total amount of \$1,268,244.45, as follows:
  - a. Business Interiors by Staples - \$352,567.10
  - b. Jones Library Sales, Inc. - \$238,726.00
  - c. Story Kenworthy - \$182,165.69
  - d. Workspace, Inc. - \$171,007.06
  - e. Koch Brothers - \$148,880.65
  - f. Embury, Ltd. - \$69,332.45
  - g. Triplett Interiors Solutions- \$53,281.82
  - h. Indica Interiors -- \$26,545.73
  - i. LFI - \$18,605.00
  - j. Pigott, Inc.- \$7,132.95
24. RESOLUTION NO. 14-145 approving Change Order with HDR Engineers for Easement Acquisition Assistance on Lift Station Improvement Project in an amount not to exceed \$28,885
25. RESOLUTION NO. 14-146 approving contract and bond for 2013/14 Arterial Street Pavement Improvements - Lincoln Way
26. RESOLUTION NO. 14-147 approving contract and bond for 2012/13 Asphalt Resurfacing/Seal Coat Removal/ Asphalt Reconstruction Program - Carroll Avenue)
27. RESOLUTION NO. 14-148 approving contract and bond for Northridge Heights Park Improvements
28. RESOLUTION NO. 14-149 approving contract and bond for Motor Repair Contract for Power Plant
29. RESOLUTION NO. 14-150 approving contract and bond for 1200 Amp Switchgear for Vet Med Feeder Extension
30. RESOLUTION NO. 14-151 accepting partial completion of public improvements for Northridge Heights, 15<sup>th</sup> Addition, and lessening the amount of security being held therefor
31. RESOLUTION NO. 14-152 accepting completion of 2011/12 Shared-Use Path System Expansion (Skunk River Trail – Hunziker Youth Sports Complex to SE 16<sup>th</sup> Street)
32. RESOLUTION NO. 14-153 accepting completion of SE Entryway Project
33. RESOLUTION NO. 14-154 accepting Final Plat for Dauntless Subdivision, 10<sup>th</sup> Addition  
Roll Call Vote: 6-0. Resolutions/Motions declared adopted/approved unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

**PUBLIC FORUM:** No one came forward to speak, and Mayor Campbell closed Public Forum.

**POST-CONSTRUCTION STORM WATER ORDINANCE:** Municipal Engineer Tracy Warner recalled that, at its March 4, 2014, meeting, the Council had provided to staff policy direction on a number of issues for finalization of the Post-Construction Storm Water Management Ordinance. Those changes had been made to the proposed Ordinance. The Post-Construction Storm Water Ordinance would comprise a new Section 5B of the *Municipal Code*.

Council Member Gartin expressed concerns about the 20-day written appeal process (5B.9). He asked if, due to the amount of material that would be needed to file an appeal, the appeal process should be set at 30 days, instead of 20. City Attorney Parks stated that the Ordinance was prepared by City staff and could be changed. She suggested, however, that the appeal process remain as stated, i.e., 20 days, and if that was causing a hardship on anyone wishing to file an appeal, the time

period could then be lengthened. Mr. Gartin listed the documentation that needed to be submitted to appeal and emphasized that 20 days was not enough time.

Moved by Gartin, seconded by Orazem, to amend the Ordinance to have the appeal period be 30 days instead of 20.

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

Mayor Campbell asked if there was anyone who wished to speak on this matter. No one came forward to speak.

Moved by Goodman, seconded by Orazem, to pass on first reading the Post-Construction Storm Water Ordinance, as amended, as Chapter B of the *Municipal Code*.

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

**ORDINANCE REZONING 321 STATE AVENUE:** Moved by Goodman, seconded by Betcher, to pass on third reading and adopt ORDINANCE NO. 4173 rezoning of 321 State Avenue from Government/Airport (S-GA) to Residential Low-Density (RL).

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

**5-DAY CLASS C LIQUOR LICENSE FOR CHRISTIANI'S EVENTS:** Moved by Goodman, seconded by Corrieri, to approve a 5-Day Class C Liquor License for Christiani's Events at the Agricultural Learning Center, 2516 Mortensen Road.

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

**STAFF REPORT ON FLOOR AREA RATIO IN HIGHWAY-ORIENTED COMMERCIAL ZONING DISTRICT:** Planning and Housing Director Kelly Diekmann recalled that, on January 14,

2014, the City Council had initially directed staff to prepare a background memo addressing the request of VKB Management (developer) for a change to the maximum Floor Area Ratio (FAR) in the Highway-Oriented Commercial (HOC) zone. The developer is interested in building a hotel on the property at 2120 Isaac Newton Drive. Due to the size of the site and design of the hotel, it would have an estimated .82 FAR, where only .50 is allowed. Staff responded to Council on February 21. On February 28, the Council members received a letter from VKB Management asking them to direct staff to prepare a zoning text change to increase the maximum allowed FAR, limiting it to properties zoned as HOC in the area of the community generally described as northwest of the intersection of Interstate 35 and Highway 30. On March 4, Council directed staff to include the request on its March 25, 2014, Agenda.

Mr. Diekmann defined "Floor Area Ratio" as the amount of floor area in relation to the amount of lot area determined by dividing the gross floor area of all buildings on a lot by the area of that lot. The FAR is a zoning regulation that can be used to limit the intensity of use or as a building size and design standard to limit bulk. Zoning Districts and the FAR allowed for each were listed.

Council Member Betcher raised her concern that the proposed development would be located in the floodway. She felt that that would be a bigger issue. Director Diekmann advised that the property in question was located in the flood plain, not the floodway. Nothing is allowed to be built in the floodway; however, areas in the flood plain may be developed as long as certain requirements are met.

Council Member Gartin expressed his concern that others who built hotels in the area had to abide by the parameters set by Code. He stressed the need for consistency. By granting the request in

question, it appears that the applicant would be given an unfair advantage. At the same time, Mr. Gartin pointed out that changing the FAR might be a good idea at this time. Council Member Gartin asked if staff had contacted other hotel owners to get their opinions on this request. Director Diekmann answered that, at this point, staff was asking the City Council for direction; outreach had not been done.

Council Member Betcher said she believed this is a more complicated issue than just the FAR. It is whether the City Council was in favor of intensification with more impervious surfaces. Director Diekmann pointed out that this would not increase the footprint of the building; it would be a matter of a four-story building rather than a three-story building.

Director Diekmann showed a map noting the locations of HOC zones within the City.

Options available to the City Council were provided by Director Diekmann.

Moved by Orazem, seconded by Corrieri, to direct staff to proceed with an application for a limited text amendment to relax the FAR along the interchanges around Highway 30 for hotels only.

Council Member Gartin stated that the Council would be setting a precedent if that action were taken. He was concerned that the change would be made because one developer had made the request. Mr. Gartin said he was uncomfortable making a decision on this request based on the information that he had at this time.

Vote on Motion: 2-4. Voting aye: Corrieri, Orazem. Voting nay: Betcher, Gartin, Goodman, Nelson. Motion failed.

**ENCROACHMENT PERMIT FOR 2900 WEST STREET:** Moved by Orazem, seconded by Betcher, to approve an Encroachment Permit for a sign at 2900 West Street (Lorry's Coffee).

Council Member Gartin asked the City Manager to explain how this application was handled. Mr. Schainker advised that the applicant makes an application to the City Clerk's Office. Staff from that office seeks direction from the appropriate Department, i.e., Public Works, Inspections, etc. The applicant must sign a hold-harmless agreement, provide insurance naming the City as an additional insured, and pay the fee.

Vote on Motion: 5-0-1. Voting aye: Betcher, Corrieri, Gartin, Nelson, Orazem. Voting nay: None. Abstaining due to a conflict of interest: Goodman. Motion declared carried.

**LANGUAGE ASSISTANCE POLICY (LAP) FOR LIMITED ENGLISH PROFICIENCY (LEP) PERSONS:** Vanessa Baker-Latimer defined Title VI of the Civil Rights Act of 1964. In certain situations, failure to ensure that persons who have limited English proficiency can effectively participate in, or benefit from, federally assisted programs may violate Title VI's prohibition against national origin discrimination. Such persons may be entitled to language assistance under Title VI.

Ms. Baker-Latimer pointed out that the City of Ames is strongly committed to making its services and information about those services available to everyone regardless of a language barrier. She stated that City staff had conducted a Four-Factor Analysis (FFA), which serves as the guide for determining which language assistance measures the City will undertake to guarantee access to its various federally funded programs. Data from the American Community Survey (ACS) revealed that 1.23% of the City's population do not speak English as their primary language and have a limited ability to read, write, speak, or understand English. That percentage does not meet the threshold that would require the City to develop a LAP; however, City staff believes that it is appropriate to be

proactive and responsive by creating Language Communication Guidelines for LEP persons to access services and programs provided by the City of Ames. Those Guidelines will create consistency and include all Departments regardless of their receipt of federal dollars. The Policy gives specific direction to staff about how to make City services accessible to those who speak limited English, do not speak English as their primary language, and who have a limited ability to read, write, speak, or understand English.

Assistant City Manager Melissa Mundt told the Council that a modification to the City's Title VI Policy will be brought back in the near future to include this Policy. She also advised that training on the new Policy will be provided to appropriate staff.

Moved by Corrieri, seconded by Orazem, to approve the City of Ames Language Assistance Policy for Limited English Proficiency Persons.

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

**RESIDENT SATISFACTION SURVEY:** Public Relations Officer Susan Gwiasda noted that, each year, a small amount of space is reserved in the Resident Satisfaction Survey for a current issue/question to be added. She provided the history of the questions that had been asked in 2012 and 2013 and the four that had already been suggested for the 2014 Survey. Ms. Gwiasda advised that Council consensus was now needed on the questions to be included.

Council Member Betcher took ownership of the proposed question regarding flood plain development. Council Member Goodman offered his opinion that the question might be too complicated. Ms. Betcher said that she would like to get the opinions of others besides those who are making requests to the City Council. Council Member Orazem voiced his disapproval of the question, noting that the City had commissioned a study on flood plain development, the study had been completed, public forums had been held, and decisions based on that information and input had already been made by the City Council.

Moved by Goodman, seconded by Nelson, to include the question on the warm-water recreational aquatics facility.

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

Moved by Betcher, seconded by Goodman, to include the question, as proposed, on flood plain development.

Vote on Motion: 5 -1. Voting aye: Betcher, Corrieri, Gartin, Goodman, Nelson. Voting nay: Orazem. Motion declared carried.

**2014/15 COUNCIL GOALS AND OBJECTIVES:** City Manager Steve Schainker asked for the City Council to formally approve its Goals and Objectives established through a series of three prior work sessions. He noted that the Goals and Objectives are to be accomplished by December 31, 2015. Mr. Schainker emphasized that he would be providing the list of specific tasks for each Goal to the Council members after their workshop in May regarding the LUPP update. He noted that their direction concerning that project would impact the availability of staff for the other tasks.

Moved by Gartin, seconded by Betcher, to change the third objective under the goal "PROMOTE A SENSE OF ONE COMMUNITY, to state, "Work with local School Districts to identify mutual goals."

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

Moved by Betcher, seconded by Nelson, to approve the City Council Goals and Objectives, as amended, as established on January 11, 2014.

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

**HEARING ON REZONING WITH MASTER PLAN FOR 601 STATE AVENUE:** This item had been withdrawn by the applicant .

**HEARING ON FURNISHING 15kV OUTDOOR METAL-CLAD SWITCHGEAR AND 69kV CONTROL PANELS FOR AMES PLANT DISTRIBUTION SUBSTATION:** The Mayor opened the public hearing. The hearing was closed after no one came forward to speak.

Moved by Nelson, seconded by Corrieri, to adopt RESOLUTION NO. 14-155 approving final plans and specifications and awarding a contract to Central Electric Manufacturing Company, d/b/a AZZ Switchgear Systems of Fulton, Missouri, in the amount of \$509,831.13 (inclusive of Iowa sales tax). Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

**HEARING ON FUEL OIL PIPE INSTALLATION AT COMBUSTION TURBINE SITE:** The public hearing was opened by the Mayor. She closed the hearing after no one came forward to speak.

Council Member Orazem noted that no bids had been received and asked what the next step would be in the process. Electric Services Director Donald Kom advised that his staff would be working with staff from the Purchasing Division to ask routine bidders if they had simply missed this project or why they chose not to bid on it. Mr. Kom added that, depending on the results of that contact, they could rebid the project. If no bids come in again, staff will have to complete the project.

Moved by Orazem, seconded by Goodman, to accept the report of no bids.

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

**HEARING ON 2013/14 DOWNTOWN PAVEMENT IMPROVEMENTS (FIFTH STREET - DUFF AVENUE TO BURNETT AVENUE):** Mayor Campbell opened the public hearing. There was no one wishing to speak, and the hearing was closed.

Council Member Gartin noted the disparity between the engineer's estimate and the bid received. City Manager Schainker advised that staff had analyzed the project, including the scheduling of the project, in an attempt to determine why the bids came in so much higher. In this case, only one bid was received for this project, and it was \$273,908 higher than the engineer's estimate. Civil Engineer Eric Cowles advised that firms that routinely bid this type of project were contacted. They expressed concerns about the time constraints included in the specifications that had to be met in order to avoid negative impacts on the various special events in the Downtown and to address specific property owner needs. At the inquiry of Mr. Gartin, Mr. Cowles said that he found no benefit in delaying the project and rebidding it. There is no guarantee that others would bid it or that a lower bid would be received.

Moved by Goodman, seconded by Orazem, to adopt RESOLUTION NO. 14-156 reallocating savings from other completed CIP projects to help fund the project.

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



Moved by Goodman, seconded by Orazem, to adopt RESOLUTION NO. 14-157 approving final plans and specifications and awarding a contract to Con-Struct, Inc., of Ames, Iowa, in the amount of \$1,234,443.

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

**HEARING ON ZONING ORDINANCE TEXT AMENDMENTS TO CHANGE REQUIRED PARKING FOR OTHER OFFICE USES (EXCLUDING MEDICAL AND DENTAL OFFICES):**

Director Diekmann reminded the Council members that, at its January 28, 2014, meeting, they had referred to staff a request from Chuck Winkleblack for a text amendment to address the parking requirements for General Office Uses within all zoning districts. Mr. Winkleblack had identified a potential conflict in the Code regarding the development of speculative commercial buildings in that different parking rates may apply to the same space for similar uses. In response to a proposed development at 517 Grand Avenue, the applicant is requesting that the General Office parking ratio be decreased to one (1) parking space for every 300 square feet of gross floor area (3.3 parking spaces/1,000 square feet).

The public hearing was opened by the Mayor. No one came forward to speak, and the Mayor closed the hearing.

Moved by Corrieri, seconded by Orazem, to pass on first reading an ordinance making a zoning text amendment to change the required parking for other office uses (excluding medical and dental offices) to one (1) space for every 300 square feet of gross floor area.

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

**HEARING ON TEXT AMENDMENTS REGARDING STORM WATER MANAGEMENT REGULATORY STANDARDS FOUND IN SUBDIVISION AND ZONING CHAPTERS AND MAKING REFERENCE TO STANDARDS CONTAINED IN CHAPTER 5B:**

Mayor Campbell opened the public hearing. She closed same after no one requested to speak.

Director Diekmann stated that, since Chapter 5B now includes all the standards and requirements regarding storm water management for site plan and subdivision review, a number of changes are needed to Chapter 23 (Subdivision Code) and Chapter 29 (Zoning Code). The proposed changes to Chapter 23 amend the requirements for storm water detention by deleting the quantity standards of Section 23.407(2) and referring to the new Section 5B. A change is also made to reference Chapter 5A (Construction Site Erosion and Sediment Control). The proposed changes to Chapter 29 delete the quantity standards of Section 29.406(11) for parking lot design and a new Section 29.415 is proposed that refers to new Section 5B. Two amendments are also needed to Section 29.1502(2) for application requirements pertaining to Site Plan review.

Moved by Corrieri, seconded by Goodman, to pass on first reading an ordinance amending Section 23.407.

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

Moved by Corrieri, seconded by Goodman, to pass on first reading an ordinance amending Section 23.502.

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

Moved by Corrieri, seconded by Goodman, to pass on first reading an ordinance amending Section 29.406.

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

Moved by Corrieri, seconded by Goodman, to pass on first reading an ordinance amending Section 29.1502.

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

**HEARING ON SEWER REVENUE PLAN AND DESIGN LOAN FROM STATE REVOLVING FUND:** The public hearing was opened by Mayor Campbell. There was no one who wished to speak, and the public hearing was closed.

Moved by Goodman, seconded by Betcher, to adopt RESOLUTION NO. 14-158 taking additional action with respect to a Sewer Revenue Loan and Disbursement Agreement and authorizing, approving, and securing the payment of a \$375,000 Sewer Revenue Loan and Disbursement Agreement Anticipation Project Note (IFA Interim Loan and Disbursement Agreement)

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

**AMENDED DEVELOPMENT AGREEMENT FOR AMES COMMUNITY DEVELOPMENT PARK, 4<sup>TH</sup> ADDITION:** City Planner Charlie Kuester recalled that, at its December 17, 2013, meeting, the City Council directed staff to prepare amendments to the Agreement to grant a one-time extension to require the second speculative building to be completed by June 1, 2014. Staff was also directed to obtain a Letter of Credit (in lieu of the mortgage) and to assess the developer \$12,000 for failure to meet the time line for completion of the second speculative building and to grant an extension of time for compliance. On January 28, 2014, the City Council reviewed a letter from Dayton Park, LLC, offering amended terms to the Development Agreement. The Council then directed staff to prepare an amendment to the Agreement that required completion of the second building by July 1, 2014, and to accelerate the construction of the third speculative building to be completed by December 31, 2014. The amendment also will allow the City to accept a Letter of Credit in the amount of \$350,000 in lieu of a mortgage against the property.

Moved by Corrieri, seconded by Orazem, to adopt RESOLUTION NO. 14-159 approving the amended Development Agreement for Ames Community Development Park 4<sup>th</sup> Addition (South Bell Avenue TIF Agreement), which requires the developer to complete the second speculative building by July 1, 2014; to commence construction of the third speculative building by July 1, 2014, with completion by December 31, 2014; and to provide to the City a Letter of Credit in the amount of \$350,000 (rather than a first lien mortgage).

At the inquiry of Council Member Goodman, Planner Kuester explained that the \$12,000 non-compliance penalty was directed by the Council on December 17, 2013. It was based on the expected loss of property taxes. In January, the developer proposed an alternative to the \$12,000 non-compliance penalty in that he would accelerate the completion of the third spec building so that building would be on the property tax roles of the assessment of January 2015.

Council Member Goodman said that one of his frustrations initially was that there were no remedies available in the Agreement if the developer did not meet the requirements. Council then had to decide how to impact the developer for not meeting his obligations; that resulted in a \$12,000 fee. The developer then came back with an alternative, which was accepted. He asked what the next step would be if the developer again fails to meet the term of the Agreement. City Attorney Parks advised that the Letter of Credit would be called; those funds would be used to complete the building.

Mr. Goodman asked a question pertaining to what would happen if the valuation came in less than \$375,000, specifically, if the Letter of Credit could be cashed and the City pay itself back for the

next 20 years for the difference in property taxes resulting from that deficiency. Planner Kuester noted that staff had taken the full set of site plans to the City Assessor for evaluation. The City Assessor was asked to estimate what the building would be worth. In this case, the City Assessor's estimate was almost double the \$375,000; therefore City staff felt comfortable that the Minimum Assessment Agreement had been met.

Council Member Nelson cited his concerns that the City had already made accommodations for the first project. He felt the second building is "open to interpretation" as to whether it meets the design covenants for the property; it doesn't match that of the other buildings in the area. Mr. Nelson pointed out that the City is now being asked to make another accommodation, and he is reluctant to proceed doing so without more assurance that the same thing is not going to occur again. Planner Kuester advised that the plans and specifications, as submitted, in the opinion of the Development Review Committee, met the design standards of the covenants. Council Member Nelson wanted to know if there were assurances with the next building that it would not look like the first one or at least if the City could get an explanation as to why it looks the way it does. Council Member Goodman asked if a decision on this matter could be postponed in order to have staff report back to Council as to where the building is in regards to the concerns expressed. City Attorney Parks answered that there was no time mandate that would require the City Council to take action on this at this meeting. She advised the Council members that if they had questions about the building meeting design standards, postponing would be the appropriate action.

Director Diemann asked if the City Council was interested in adding additional terms to clarify the design covenants. It appeared to him that, even if the design meets the covenants, it doesn't meet Council's expectations. Council Member Goodman said he believed there were two questions: (1) is the building meeting the standards currently, and if so, (2) is there a "tweak" available to make sure the building is matching the character that is warranted for the investment made by the City in the TIF Park. He also feels that a conversation should be had as to whether the standards are high enough for the investment made given the building being constructed in that area.

Council Member Gartin questioned the \$12,000 earlier referenced. Planner Kuester said it was a penalty for non-compliance with the terms of the Agreement. City Manager Schainker explained that there was a failure to comply with the terms of the contract, and the Council members had attempted to come up with an equitable consideration for them to be induced to extend the time frame for the completion of the building. They calculated what they thought would be a fair "replacement" for lost property taxes, which would have been generated if the building would have been completed on time. Council Member Gartin said his recollection was that the \$12,000 was framed as a penalty, and he had concerns about the legality of arbitrarily assessing a penalty. If there was a rational basis for lost property tax revenue, he could accept that; however, it is important to ensure that what is directed is legally viable.

Motion by Goodman, seconded by Gartin, to table this item.

City Manager Schainker summarized what he had heard as the Council members' desires, as follows: The Council wants to make sure that the design of the building that is currently being constructed is in compliance with the required covenants for exterior design (an exhibit to the agreement). Staff would then report back to the Council with the answer to that question. If it is not in compliance, a discussion on how to proceed would need to occur. If it is in compliance with the covenants, the Council might want to change the covenants in exchange for extending the deadline for the developer.

Vote on Motion to Table: 5-1. Voting aye: Betcher, Gartin, Goodman, Nelson, Orazem. Voting nay: Corrieri. Motion declared carried.

**COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG):** Vanessa Baker-Latimer, Housing Coordinator, noted that a City Council workshop had been held on March 18, 2014, to serve as the annual public forum to solicit input regarding the possible goals and priorities for the Consolidated Plan. Ms. Baker-Latimer advised that, on March 19, 2014, the City received an announcement that its allocation for the upcoming fiscal year would be \$488,278 (\$20,000 less than its current allocation).

Ms. Baker-Latimer shared the input from the attendees of the public forum. Based on the input, the following goals and priorities for the 2014-2018 Five-Year Consolidated Plan were presented for the City Council's consideration:

**Goal 1:** Utilize and leverage CDBG funds for low- and moderate-income persons through private and public partnerships as follows:

1a. Objective: To create, expand, and maintain affordable housing for homeless and low-income persons

1b. Outcomes:

Increase the supply of affordable rental housing

Improve the quality of affordable rental housing

Increase the availability of affordable owner-occupied housing

Maintain the supply of affordable owner-occupied housing

Provide temporary rental assistance

Increase supply of mixed-use development

Expand and maintain supply of emergency shelter and transitional housing

2a. Objective: to maintain Community Development Services to address the needs of low- and moderate-income persons

2b. Outcomes:

Continue provision of the Public Service Needs for homeless, special populations, and low-income households (utilities, rent, deposits, childcare, transportation, employment training, substance abuse, health services, legal services, other public service needs) and reduce duplication of services

Continue provision of Public Facilities needs for homeless, special populations, and low-income households (senior centers, homeless facilities, childcare centers, mental health facilities, neighborhood facilities, and other public facilities needs)

Continue provision of Public Infrastructure Needs in low-income census tracts (water, street, sidewalk improvements)

Council Member Goodman noted that he understood infrastructure projects are done because they meet the obligations; however, those projects traditionally are funded by property taxes. He is concerned that using CDBG funds for infrastructure projects means less money going to other priority projects. Mr. Goodman said he would have less concerns about the funding for infrastructure if it were part of an affordable housing project. Vanessa Baker-Latimer said the Public Infrastructure is listed only as a possibility. She pointed out that the CDBG

is an infrastructure program; that was what it was designed for. The funding may not be used to actually build housing; however, it can be used for water, streets, and sewer, e.g., Bentwood and Ken Maril Road projects. Council Member Goodman shared that he could be more flexible at this level if he knew that additional discussion would be held on specific projects. Ms. Baker-Latimer stated that additional discussion would be held on specific projects in the future. Director Diekmann told the Council that all the priorities at this point carry equal weight. He said that the Program is set up to be general in purpose to allow for discretion to annually be executed at the project level; if the Council starts removing items, it changes what it can even choose to fund in any one year without amending the Plan. The more specificity, the less flexibility there will be each year as to what projects may be chosen.

**Goal 2:** Utilize and leverage CDBG funds for non-low- and moderate-income persons through private and public partnerships as follows:

1a. Objective: Address Housing Needs in non-low- and moderate-income census tracts

1b. Outcomes:

Integrate affordable and market rate residential developments

Remove blight and deteriorated housing to reuse into new housing

Support and address Code enforcement of deteriorated housing

Remove blight and deteriorated housing in floodplain and other hazardous areas

According to Ms. Baker-Latimer, if the City Council was in agreement with the proposed goals and priorities for the 2014-2018 Consolidated Plan, the next step would be for staff to prepare the Consolidated Plan for the required 30-day public comment period and public hearing.

Moved by Betcher, seconded by Nelson, to adopt RESOLUTION NO. 14-159 approving the goals and objectives, as presented by staff, directing staff to incorporate those into the 2014-2018 proposed Five-Year Consolidated Plan, and directing staff to publish notice of the public comment period.

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

**ANNEXATION REQUESTS:** City Planner Charlie Kuester advised that the City had received two annexation requests for property in South Ames. One petition was for an approximately 189-acre expansion of the ISU Research Park (ISU Achievement Foundation/ISU Research Park/Erben and Margaret Hunziker Apartments, LLC), and the second was for approximately 20 acres of land intended for residential development south of the existing Wessex apartment complex (Reyes/RDJ Holdings). In order to not create an island, 13 acres of non-consenting property would be included in the annexation pertaining to expansion of the ISU Research Park. Pertaining to the “Reyes” annexation, there is a small piece of railroad right-of-way owned by Holly Plagman out of Des Moines, and it would have to be brought in as non-consenting in order to avoid creating an island. Mr. Kuester also pointed out the location of three parcels owned by the Christofferson’s. Annexation of those parcels was completed; however, withdrawn three days following the public hearing and approval, as allowed by *Iowa Code*.

Mr. Kuester provided specific details concerning each of the annexation requests. Items to be considered when annexation is sought were summarized by Planner Kuester. He also reviewed the annexation process.

Planner Kuester asked the City Council to consider combining the two annexation petitions into a single annexation, which would eliminate duplication of meetings, notice publications, and mailings. According to Mr. Kuester, combining the two petitions is possible since the two territories are separated only by University Boulevard (S. 530<sup>th</sup> Avenue).

Planner Kuester showed a map of the properties in question. He noted that there very irregular boundaries throughout the area, and staff wants to talk to all the property owners to ascertain if there are others who might be interested in coming in as consenting. The Council was also asked to provide direction to staff to evaluate the potential to maximize the 80/20 Rule for including non-consenting property owners consistent with the provisions of *Iowa Code* Section 368.7(1)(a) to create more uniform boundaries. He explained that, as the applications now stand, there is a total of approximately 207 acres of land owned by consenting owners. There is also a need to annex approximately 16 acres of land owned by non-consenting owners to avoid creating islands. This leaves the potential for approximately 28.8 acres of additional area that could be included with the annexation petition under the 80/20 rule. Any additional non-consenting acreage would be located west of University Boulevard abutting the Reyes application since the area includes additional designated growth area. Staff is proposing that additional action on the Annexation Petitions be delayed until the second meeting in April to allow staff time to talk to property owners. Staff would then come back to Council with the full petition of all the areas proposed for annexation.

At the inquiry of Council Member Orazem, Mr. Kuester confirmed that all the property in question is located within the Ames School District.

Council Member Nelson asked when discussion could occur about the potential for the former railroad right-of-way potentially being greenway or bike trail. Director Diekmann said it could be part of the annexation discussion. When it comes into the City, it would come in as part of the greenway overlay. It could be discussed during rezoning or subdivision review time. Member Goodman asked when the Council should indicate that interest. Planner Kuester said that if that was something that Council wanted to make part of a motion, it could occur at this meeting.

Mr. Orazem also asked how close Ames would be getting to the Heart of Iowa Trail. Planner Kuester advised that he was not sure; however, told the Council that staff could certainly work with the Metropolitan Planning Organization or the Parks Board or the Central Iowa Planning Authority on some long-range trails plans.

Mr. Kuester explained the actions that were being asked to be taken by the City Council at this time. Mayor Campbell added that, if there was interest in pursuing the railroad right-of-way, Council should give that direction to staff.

Upon being questioned by Council Member Gartin, Planner Kuester said that the City wanted to ensure that all issues surrounding rural water have been resolved prior to bringing prior to annexation. He noted that there is at least one property owner in this area that already receives Ames water. Assistant City Manager Bob Kindred gave an update on the City's continued efforts to discuss service boundaries with Xenia Rural Service. In addition, officials of the ISU Research Park are very interested in moving the expansion forward, and they are negotiating their own buy-out.

Moved by Goodman, seconded by Orazem, to direct staff to meet with adjacent property owners to determine who might be included in proposed annexation as additional consenting or non-consenting owners.

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

Moved by Betcher, seconded by Goodman, to direct staff to combine the two Annexation Petitions into one.

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

Moved by Nelson, seconded by Orazem, to deal with the railroad right-of-way.

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

**PROTEST ON TREE REMOVAL (WELCH AVENUE AND LINCOLN WAY):** Corey Mellies, Operations Manager, noted that City staff was approached about the trees surrounding the Kingland Systems property and the need for those to be removed to accommodate the construction of the new building. The first phase would remove six trees on Lincoln Way and three trees on Welch Avenue. The second phase would require the removal of an additional three trees on Welch Avenue.

Mr. Mellies pointed out that a written objection had been received from Kenneth B. Platt, 3620 Woodland Street, Ames. He noted that Mr. Platt specifically referenced underground vaults that extend from the basements of some buildings out under the sidewalks.

Mr. Mellies advised that all the trees in question were Honey Locust. He was unsure of the age of the trees.

According to Mr. Mellies, the process for removing a street tree is contained in Section 27.3 of the *Municipal Code*. If a tree is not being removed due to being a clear and present danger, City staff must follow the procedure outlined in Section 27.3. The trees proposed for removal were posted in accordance with the *Code*, and a date was set to receive objections.

Jeff Hubbell, Kingland Systems, told the Council, that in order to put footings in at the property line, they have to excavate backwards from that point so that it doesn't fall back in; it is necessary to excavate all the way to the curb line. The heavy construction equipment used to accomplish the Kingland project in limited space and subsequent above-ground construction activities would negatively impact the trees, even if they are not removed.

Mr. Mellies advised that the Minor Site Development Plan has not yet been approved for the site in question. The request to remove the trees stemmed from the need to demolish the existing buildings, which can be done through a demolition permit and does not require an approved site plan. It was also pointed out by Mr. Mellies that the tree removal in the area in question was discussed by the Campustown Bicycle and Pedestrian Task Force.

Moved by Orazem, seconded by Corrieri, to adopt RESOLUTION NO. 14-160 approving removal of trees posted in accordance with *Municipal Code* Section 27.3.

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

**GRANT AVENUE WATER MAIN AND SANITARY SEWER IMPROVEMENTS (NORTH GROWTH AREA UTILITY EXTENSION):** Civil Engineer Eric Cowles noted that the estimated project costs had increased from \$1,401,000 to \$2,282,356, or an additional \$881,356. He noted what had contributed to the increase.

City Manager Schainker pointed out that the City had not yet gone out for bids on this project. He wanted to identify a source of revenue and be prepared should the bids come in near the engineer's estimate. According to Mr. Schainker, some savings had been identified in other programs; without that savings, this project would not be able to be done. He said that the Council could delay this

project for another year; however, one of the Council's goals is to open up some residential areas, and the Northern Growth Area has been identified by the Council for residential development.

Mr. Cowles noted that the Public Works Department had offered some funding from the Sanitary Sewer Rehab Program to Water and Pollution Control (WPC) a few years ago for a project, and WPC was willing to reciprocate with some funding for this project.

Council Member Gartin noted that one of the options available was to look at re-engineering some of the project and asked if that were still a viable option. He emphasized that he did not want to see this project delayed. Mr. Cowles answered that the only other option available was to go with a lift station, which would also require pressure pipe; however, that carries a price tag in excess of approximately \$1 million. The City plans to go with gravity-serve, which is less expensive; however, requires that the sanitary sewer pipe be very deep (32 - 40 feet). Going that deep can cause headaches for maintenance in the future. According to Mr. Cowles, there are repair methods that do not require excavation; however, it depends on the repairs needed.

Moved by Nelson, seconded by Orazem, to adopt RESOLUTION NO. 14-161 approving preliminary plans and specifications for Grant Avenue Water Main and Sanitary Sewer Improvements (North Growth Area Utility Extension); setting April 16, 2014, as the bid due date and April 22, 2014, as date of public hearing.

Council Member Orazem asked if any of the up-front costs would be returned to the City when development occurs. Mr. Cowles advised that the City is up-fronting the money; however, Sewer Connection Districts are being established, and some money will come back as the developers connect to the line. According to City Manager Schainker, 100% comes back, but it is over a period of 30 years.

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

**COUNCIL COMMENTS:** Moved by Betcher, seconded by Goodman, to schedule a workshop for citizen and developer input on rezoning the three Breckenridge parcels with advice from staff on when to schedule the workshop and how to handle it.

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

Council Member Betcher noted that the City Council had been invited to participate in the VEISHEA Parade. She hoped that the Council members would accept that invitation.

Council Member Gartin reiterated that he had voted against the FAR request, not because the proposal didn't have merit, but because he didn't have enough information to make an informed decision.

Moved by Gartin, seconded by Goodman, to direct staff to expand the memo (previously provided to the Council) to compare the City's FAR standards comparable cities and to seek input from the development community, and come back to the City Council with that information so a decision can be made on any additional steps to be taken by the Council.

Mayor Campbell asked Mr. Gartin to indicate what priority should be assigned to that referral to the Planning staff.



Council Member Goodman said he didn't have the priority list in front of him, but felt that it was reasonable to put it at the bottom of the list.

Council Member Orazem stated that he felt there had been enough information provided to the Council.

Council Member Goodman shared that the City Council doesn't want to put pressure on staff, which sometimes might make Council make quick decisions and not do things as well as they could. He believes that there are things that can be done well by Council, which means adding more pressure to staff; however, a compromise in those situations would be to get more information to the City Council, but put the item at the bottom of Planning staff's priorities.

Council Member Corrieri said that she did not see the relevance in knowing the FAR in other communities. The City has to determine what it, as a community, wants for development. Council Member Gartin disagreed, saying that it ends up being a haphazard approach to development. Ames could learn from other communities.

Council Member Betcher said that she agreed this issue needed more study; however, she believes that it is part of a much bigger question, and she doesn't want to use staff time on just this limited question. She felt that perhaps it could come under the heading of some of the other goals of the Council, e.g., to reconsider the Land Use Policy Plan.

Moved by Gartin, seconded by Goodman, to amend the motion to limit it to just contacting the communities.

Vote on Amendment: 4-2. Voting aye: Gartin, Goodman, Nelson, Orazem. Voting nay: Betcher, Corrieri. Motion declared carried.

Vote on Motion, as Amended: 4-2. Voting aye: Gartin, Goodman, Nelson, Orazem. Voting nay: Betcher, Corrieri. Motion declared carried.

**ADJOURNMENT:** Moved by Betcher to adjourn the meeting at 9:24 p.m.

---

Diane R. Voss, City Clerk

---

Ann H. Campbell, Mayor

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

AMES, IOWA

MARCH 18, 2014

The Ames City Council met in Special Session at 7:02 p.m. on the 18<sup>th</sup> day of March, 2014, in the City Council Chambers in City Hall, 515 Clark Avenue, pursuant to law with Mayor Ann Campbell presiding and the following Council Members present: Gloria Betcher, Amber Corrieri, Tim Gartin, Matthew Goodman, Chris Nelson, and Peter Orazem. *Ex officio* Member Alexandria Harvey was absent.

**WATER AND SEWER CONNECTION DISTRICTS FOR CERTAIN PROPERTIES IN THE NORTHERN GROWTH AREA:** Moved by Nelson, seconded by Corrieri, to adopt RESOLUTION NO. 14-126 setting the date of public hearing for April 8, 2014, to establish Water and Sanitary Sewer Connection Districts for certain properties in the Northern Growth Area.

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

**COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) – CONSOLIDATED PLAN 2014 PUBLIC FORUM:** Mayor Ann Campbell summarized what the CDBG is and that this year the Council has delayed the scheduling for the Plan in order for the Council to be present at the public forum. Next week, staff will bring back a summary from tonight with new goals and priorities for the next five years. After that, a hearing will take place. The Mayor stressed that the City must follow the requirements provided by the Department of Housing and Urban Development (HUD).

Also in attendance at the public forum were the following: Ronnie Lee Shelly, Jr; Devita Harden; Bill Vaughn, representative of Mainstream Living; Shari Reilly, representative of AMOS, St. Thomas and ERP; Thomas Proden, representative of Habitat for Humanity; Linda Wishman, representative of ACCESS; Sam Erickson, representative of CHI, Inc.; Nancy Marbs, representative of League of Women Voters; Margie Oldehoeft, representative of League of Women Voters; Hope Metheny, representative of Youth and Shelter Services; Catherine Scott; Wayne Clinton, representative of BOS; Edna Clinton, representative of NAACP; Sharon Guber; Crystal Matelski; Diane Birch, representative of AMOS; Jean Prestemon; Dean Prestemon; Trish Starble, representative of AMOS and SCCHC; Anita Rollins; and Ian Nelson.

Vanessa Baker-Latimer, Housing Coordinator, gave an overview of the Community Development Block Grant (CDBG) Program and new Consolidated Plan Requirements. She also reviewed current and previous goals and priorities to address the major housing and community development needs of low- and moderate-income residents of the community. Ms. Baker-Latimer also discussed the five goals created for the 2004-09 Consolidated Plan.

Small group discussions were held to give individuals the opportunity to review and discuss revised or new five-year goals and priorities. At the conclusion of the small group discussions, Council Members presented the summary for each group. A summary of proposed goals and priorities follows:

Group Facilitated by Council Member Corrieri:

- Merge goal #1 from both five year plans and add focus on moving renters to home buyers
- Invest in activities that meet social, health, recreational, educational needs of LMI residents with increased focus on transportation
- Assistance to single head of household families with unique barriers (victim of domestic violence)
- More affordable housing (by definition)
- Acquire properties to be renovated for low income housing or make funds available to non-profit agencies for same purpose

Group Facilitated by Council Member Gartin:

- Partner with non-profits (ex: habitat) to provide affordable housing
- Spread out affordable rental units around Ames to avoid concentration of LMI residents
- Encourage landlords to rent to LMI residents
- Increase public transport to areas of Ames with affordable housing and surrounding communities
- Look at adding townhouses as a rental option for LMI residents

Group Facilitated by Council Member Nelson:

- Minimize infrastructure spending; look at new manufactured home park infrastructure
- Retain goal #2: Increase accountability to receiving organizations, focus on implementation, focus on publicizing program
- Reconsider goal #4 from 04-09 plan
- Add homeless to verbiage in goal #1 from 09-14 plan
- Goal #1 in non-LMI areas
- Emphasis on affordable good housing

Group Facilitated by Council Member Betcher:

- Keep item #1, from both plan cycles, it is ongoing and will continue to be because of income disparities and community needs:
  - Do we have staff and resources in place to identify homes that will fit the category?
  - Retrofitting is a great idea
  - Could generate income (eventually)
  - Would programs like energy audits be used more by the LMI community if we enhanced education on available programs?
- Keep non-LMI goal #1 if we continue with this, there will still be benefits for the community; keeps the community safe and cared for – not everyone has the resources to demolish or rebuild
- Current item #2 is still useful because the affected populations continue to expand and need assistance
  - Could we look for additional funds from partners (leverage money), especially for non-profits, private partners (home improvement stores?), get the community involved?
- Can some funds be used for studies and planning to help us redirect/allocate funds?
  - What would be our desired deliverables from planning? What timeframe?
  - HUD formulas are difficult to understand; is there room to study ways to make the process/requirements more transparent?

- Could we focus the plan/education efforts effectively? How?
- Do we know who benefits? Do we have quantifiable values?
- Item #3 is useful to include because of the need for shovel ready projects that can be completed in a timely way to meet grant requirements
  - Expanded transportation needs; dedicate services (HIRTA) – special needs populations
  - Expand CyRide routes
  - Meeting spaces for small groups; facilitate meetings for groups/neighborhoods
  - Something for young people; kids’ free passes – Octagon passes
- Item #4 from 04-09; how could the City assist in this? Do we have willing employers? Might be worth exploring.

Group Facilitated by Council Member Goodman:

- New construction range of housing for all income; “If you work in Ames, you should be able to live in Ames.” (with mandatory inclusion of VLI housing)
- Leverage 15% on transit and job training
- Maximize PP and PubPri Partnerships; leverage CDBG funds
- Maximize staff time to adequately staff programs
- Limiting infrastructure exclusively to investments which generate additional LMI to VLI housing
- Greatly expand availability of emergency housing for families

Ms. Baker-Latimer mentioned that training had been provided on new software being required by HUD for the Consolidated Plan and the Action Plan. The Consolidated Plan will drive the Action Plan. The March 25, 2014, City Council meeting will include the input gathered tonight for the new goals and priorities for 2014-2019. A tentative timeline for next steps was discussed which will allow for the Action Plan to be submitted to HUD on or before July 15, 2014.

The meeting recessed at 8:50 p.m. and reconvened at 9:00 p.m.

**CITY COUNCIL COMMENTS:** Council Member Nelson, seconded by Goodman, to refer to staff for a memo the letter from Fernsler Hutchinson Architecture related to the text amendment on the signs at the Copper Beach townhouses. Nelson would like Diekmann to prepare a memo on what is currently allowed for signage.

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

Moved by Goodman, seconded by Corrieri, to direct that an update regarding HIRTA services and customer satisfaction/concerns/non-concerns be placed on a future agenda.

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

Moved by Gartin, seconded by Goodman, to refer to staff for a memo the letter from Mark and Shelly Ackerman related to traffic concerns with respect to the Mainstream Living Aspen house.

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

Council Member Gartin also noted receipt of a letter from Peter Hallock, President of the Historic Old Town Neighborhood Association. Mr. Gartin inquired whether or not there was interest in listening to further concerns regarding traffic and Mary Greeley Medical Center. City

Manager Steve Schainker said he would prepare a memo to Council on this issue.

Moved by Goodman, seconded by Nelson, to bring back conversation on whether the Council wanted to support a Minor or Major Land Use Policy Plan Amendment on the South 17<sup>th</sup> Street project near Aspen Business Park.

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

Planning and Housing Director Kelly Diekmann noted he would take the information from the memo and put it into a staff report so that Council would have the ability to take action.

**CLOSED SESSION:** Moved by Goodman, seconded by Corrieri, to hold a Closed Session as provided by Section 21.5c *Code of Iowa*, to discuss matters in litigation.

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

The meeting reconvened in Regular Session at 9:08 p.m.

**ADJOURNMENT:** The meeting was adjourned at 10:32 p.m.

---

Diane R. Voss, City Clerk

---

Ann H. Campbell, Mayor

---

Erin Cain, Recording Secretary

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

**AMES, IOWA**

**APRIL 1, 2014**

The Ames City Council met in special session at 7:00 p.m. on the 1<sup>st</sup> day of April, 2014, in the Council Chambers of City Hall, 515 Clark Avenue, pursuant to law with Mayor Ann Campbell presiding and the following City Council members present: Gloria Betcher, Amber Corrieri, Tim Gartin, Matthew Goodman, Chris Nelson, and Peter Orazem. *Ex officio* Member Alexandria Harvey was absent.

**RISE GRANT APPLICATION FOR ISU RESEARCH PARK, PHASE III:** City Manager Steve Schainker presented a staff report on the planned expansion of the ISU Research Park. He noted that the City had played an important role in the first two phases of the Park, which had proven to be a very successful part of the community. Mr. Schainker explained that the immediate impetus for this planning was in response to a recent action by the General Assembly to appropriate \$12 million for a new building in Phase III of the Research Park to serve as a catalyst for further expansion. This appropriation requires that the new building be completed by June 2016, and in order to meet that requirement, a significant number of actions must be accomplished, which would include identifying funding sources, annexation, rezoning, and platting.

According to Mr. Schainker, the Phase III Expansion will include three stages (A1, A2, and B) totaling 187.49 gross acres between University Avenue and South Riverside adjacent to the southern portion of the existing Park (101.25 acres will be developable).

The responsibilities being requested of the City for Stages A1 (in 2014) and A2 (in 2015) were detailed by City Manager Schainker. He advised that the total costs to the City for all improvements for Phase III are estimated to be \$11,443,265. Iowa State University (ISU) officials have asked that the City apply for Revitalize Iowa's Sound Economy (RISE) Grants from the Iowa Department of Transportation (Iowa DOT). If successful, the Immediate Opportunity RISE Grant would provide 80% for road improvements within Phase III and would reduce the City's financial obligation to \$4,112,463. A breakdown of the projected financial obligations of the City and the State was provided.

It was pointed out by City Manager Schainker that the Research Park will ultimately be responsible to ensure the remaining infrastructure is installed for Phase III. He noted that it is anticipated that other entities will agree to pay for certain improvements. At the inquiry of Council Member Gartin, Steve Carter, speaking on behalf of the ISU Research Park, stated that negotiations are in the beginning stages; however, it is thought that the County Conservation Board would manage the open space. Concerning the Rural Water buy-out, Mr. Schainker advised there are areas of the properties in question that the City believes it has not given up its rights to provide water; however, due to the time frame in which things need to move forward, ISU Research Park will be responsible for negotiating the Rural Water buy-out.

Options to finance the expansion were explained by Mr. Schainker, as follows:

1. Property Tax and Utility Fees Increases: One option would be to finance the local match for the road projects (\$1,832,701), the water main extensions (\$1,154,010), and the sanitary sewer line extensions (\$1,125,752) through the issuance of General Obligation

Bonds. The debt would be paid back with property taxes for the road improvements and with utility revenues for the line extensions. The tax rate would be increased by \$.08 for \$1,000 of taxable valuation for the road improvements, 1.055% increase in sewer rates, and a .83% increase in water rates to finance the utility improvements. This strategy spreads the financial obligation to all of the City's taxpayers and utility customers. A problem with that option is that the coming year's tax levy had already been certified. Therefore, it would not be possible to adjust the tax rate to cover any additional debt for the Research Park Expansion costs. Delaying construction until the tax rate can next be adjusted in FY 2015/15 would inhibit the timely completion of the catalyst building. Another issue with this option is that a series of rate increases in water and sewer utilities have already been scheduled to occur over the next five years. In order to hold those rates down and stay competitive, it would not be wise to add to the utility rate increases at this time.

2. Tax-Increment Financing. A second option would be to finance the City's share of the Research Park Expansion project costs through a tax-increment financing strategy. The City would issue General Obligation Bond debt to up-front the cost of the roads and utilities, with the payback coming from the additional taxes generated from new developments constructed on the land in Phase III. This would allow the project to move ahead in issuing Bonds to generate revenue to finance the improvements in FY 2014/15. In addition, it would place the burden to repay this debt only on the owners of property in the area who benefit from the infrastructure improvements. Mr. Schainker emphasized that it is very risky to utilize a tax-increment financing strategy for development of the area in advance of the necessary commitments to build sufficient taxable improvements to cover the infrastructure debt. Another disadvantage is that it would no longer be preferable for the City to offer tax abatement to new businesses that locate on the Phase III land as the required match for future state financial aid to new businesses. It was noted that discussions are occurring with Iowa Economic Development Authority officials to persuade them to recognize the City's financial contributions to the Phase III infrastructure improvements as a local match for future state incentives.

Council Member Orazem voiced his concern that the sources that would be responsible for the other \$40 million might not come through. He asked what would happen then, and specifically, who would be responsible to pick up that share. Mr. Schainker replied that he will not be recommending moving ahead with the project until a Developer's Agreement was negotiated to the satisfaction of the City Council. The City also would not approve an agreement with the Iowa DOT to accept the RISE Grant.

Council Member Betcher raised the issue of the Application including the anticipation of additional CyRide services through the Park. Ms. Betcher also asked for a clarification of the section of the Application dealing with additional vehicle traffic. She pointed out that the Application stated that the 4,000 was expected to increase *to* 2,500 and asked if it should state that it would increase *by* 2,500. Scott Renaud said that the Application had to address what would happen in the future to accommodate for the expansion. He said that the roads would have to be constructed to allow for bus traffic through the area. Mr. Renaud replied, in reference to the vehicle traffic, that there was a typo in the Application. It should state that it is anticipated that the number of vehicles would increase *by* 2,500.

Council Member Nelson asked to know the property taxes currently being paid by the current Research Park. Mr. Carter replied that it paid approximately \$1 million/year.

The Council was told by City Manager Schainker that Research Park representatives are urging the City Council to adopt a Resolution in support of the submission of the RISE Grant Application for Stages A1 and A2 as soon as possible. The next meeting of the Iowa Transportation Commission would be on April 8, 2014. Mr. Renaud noted that the Grant Application must be on that Agenda for the Iowa DOT to accept the jobs currently being created by WebFilings. Mr. Schainker emphasized that he would have preferred that the Development Agreement between the City and the ISU Research Park Board would have been finalized prior to the submission of the Grant Application. It was again noted by City Manager Schainker that there is risk involved with pursuing the RISE Grant Program, since the job creation requirement is outside of the City's control. He explained that a certain number of jobs (365) are required to be created within three years from the Application for Stages A1 and A2. WebFilings plans to create those 365 jobs during the time period. If those promised jobs, are not created, the City would be obligated to repay the State of Iowa for the pro-rated Grant funds received based on the shortfall in jobs actually created. Mr. Schainker advised that that risk, however, could be mitigated through the inclusion of specific requirements of the Research Park Corporation/ISU in a Development Agreement. If the Council chooses to support the submission of the RISE Grant Application for Stages A1 and A2, Research Park officials understand and agree that until a Development Agreement can be negotiated to the satisfaction of the City Council, the City will not approve an agreement with the Iowa DOT to accept a RISE Grant.

At the question of Council Member Goodman, Mr. Carter advised that, in the current planning stages, a higher density of buildings/acre is planned. At the inquiry of Council Member Orazem regarding job creation at WebFilings, Mr. Carter indicated that the ISU Research Park had been having discussions with the Iowa DOT since November 2013 on this project. The DOT understands the burden that will be created on infrastructure from the expansion of WebFilings in its bringing in approximately 325 jobs.

Discussion ensued regarding the need for the size of the planned expansion. According to Mr. Carter, there are a number of factors that will provide the opportunity to grow the Research Park more rapidly than in the past. He also indicated that most of the remaining space in Phases I and II are committed.

The concepts of the Development Agreement to be recommended by the City were detailed by City Manager Schainker, as follows: (1) No Tax Exemption, (2) Minimum Assessment Agreement; (3) Cap on the Land Sale Price; and (4) Sharing of Job Creation Responsibility.

According to City Manager Schainker, City staff believes that the Tax-Increment Financing strategy is the preferred alternative. With that option, it would be possible to limit the City's risk related to that financing option with the inclusion of specific requirements of the Research Park Corporation/ISU in a Development Agreement.

Moved by Corrieri, seconded by Betcher, to adopt RESOLUTION NO. 14-162 endorsing the project (ISU Research Park, Phase III) and directing the Mayor to sign and staff to submit the Immediate Opportunity RISE Grant Application to the Iowa Department of Transportation.



Council Member Gartin expressed his strong reservations about the use of tax-increment financing. However, because of the thoroughness of the explanation and the mitigation of risk to the City for this project, he voiced his approval of adopting the Resolution.

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

**COUNCIL COMMENTS:** Council Member Betcher noted that she had had additional discussions with the VEISHEA Co-Chairs about the Council's participation in the parade. She also advised that the VEISHEA Co-Chairs are still wondering about the Council's participation in the Pancake Feed. She provided more information to the Council about the Pancake Feed, and asked them to contact her if they wanted to participate.

Council Member Gartin advised that Story County is looking at a County-wide ban on the sale of e-cigarettes to minors. He noted that he was in favor of the ban, but somewhat reluctant about the precedent that it would set. Mr. Gartin urged those who wanted more information to attend the forum hosted by the County to be held on Thursday, April 3, 2014, in the Ames Council Chambers.

**ADJOURNMENT:** Moved by Goodman to adjourn the Special Meeting at 8:16 p.m.

---

Diane R. Voss, City Clerk

---

Ann H. Campbell, Mayor



## REPORT OF CONTRACT CHANGE ORDERS

<b>Period:</b>	<input type="checkbox"/>	1 <sup>st</sup> – 15 <sup>th</sup>
	<input checked="" type="checkbox"/>	16 <sup>th</sup> – End of Month
<b>Month &amp; Year:</b>	March 2014	
<b>For City Council Date:</b>	April 8, 2014	

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 (Buyer)
Water & Pollution Control	Engineering & Design for New Water Plant	3	\$8,240,000.00	FOX Engineering Associates, Inc.	\$545,145.00	\$7,500.00	K. Evans	MA
Ames Public Library	Ames Public Library Renovation & Expansion Project	12	\$12,543,350.00	A&P/Samuels, A Joint Venture	\$463,644.00	\$31,934.00	M. Mundt	MA
			\$		\$	\$		
			\$		\$	\$		
			\$		\$	\$		
			\$		\$	\$		

*Caring People  
Quality Programs  
Exceptional Service*

---

**6a-e**

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

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

**DATE:** March 25, 2014

**SUBJECT:** Beer Permits & Liquor License Renewal Reference City Council Agenda  
April 8, 2014

The Council agenda for April 8, 2014, includes beer permits and liquor license renewals for:

- Special Class C Liquor – India Palace, 120 Hayward Ave
- Class E Liquor, C Beer, & B Wine – Dahl’s Foods, 3121 Grand Ave
- Class C Liquor & Outdoor Service – Brick City Grill, 2704 Stange Rd
- Class C Liquor with Outdoor Service – Cyclone Experience Network, Hilton Coliseum
- Class C Liquor – Dangerous Curves, 111 5<sup>th</sup> Street

A routine check of police records for the past twelve months found no violations for India Palace, Dahl’s, Brick City Grill, or Cyclone Experience Network. The police department would recommend renewal of these licenses.

During the past twelve months, our department has issued five lap dance violations, four to entertainers employed by Dangerous Curves and to one customer. Two of these cases are pending in court, after an appeal was filed on behalf of the entertainers of Dangerous Curves following their convictions on the violations. The appeal challenges the validity of the ordinance as it was adopted. Our department has reviewed the ordinance with Dangerous Curves employees and entertainers. We are continuing to enforce our ordinance as it is written. There is currently no timeline on the appeal process. At this time, our department would recommend renewal.

**COUNCIL ACTION FORM**

**SUBJECT:** OPEN SPACE EASEMENT AND STORM WATER  
FLOWAGE EASEMENT VACATION – 3910 MARICOPA DRIVE

**BACKGROUND:**

In November of 2013 Staff received a request from the property owner at 3910 Maricopa Drive to vacate the existing open space easement and the storm water flowage easement that encompassed the entire property.

This item was originally on the City Council Agenda of December 10, 2013, and the public hearing date was held for December 17, 2013. Notice of the hearing was sent to the *Ames Tribune* for publishing per requirements of the Iowa Code. The public hearing was held and the vacation of easements was approved. However, it was eventually determined that the required Notice of Hearing had not ever actually been published due to problems with implementation of the *Tribune's* new computer program.

The owner of 3910 Maricopa Drive is in the process of developing this property. An open space easement is not a requirement for the Fountainview Subdivision, and it is unclear why the original developer placed such an easement over the entire outlot. The entire outlot is not needed to accommodate the previously installed stormwater management functions, so it remains appropriate to vacate this easement. Since the only action sought at this time is setting the hearing date, the easement location and description will be provided at the time of the hearing.

**ALTERNATIVES:**

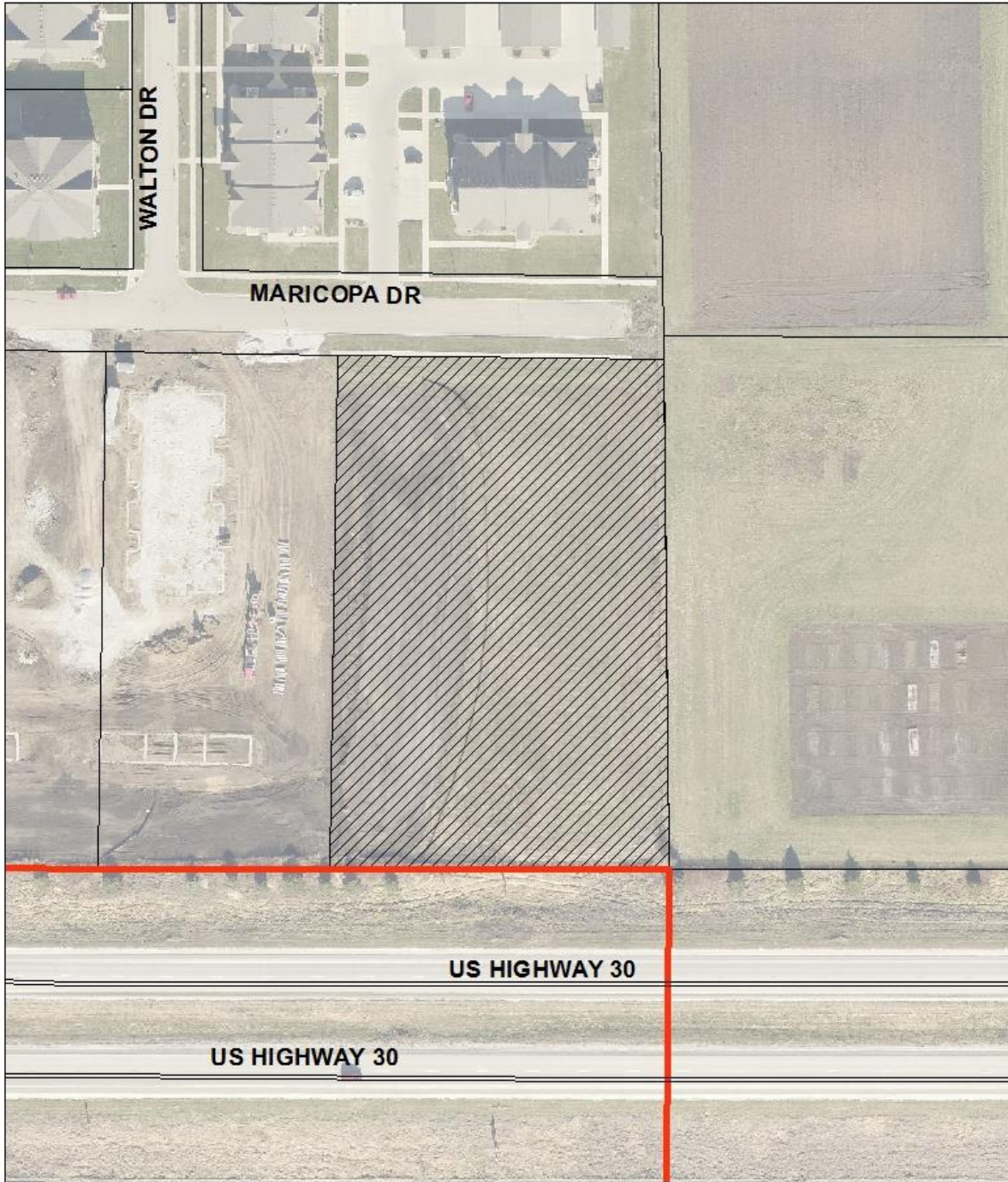
1. Set the date of public hearing as April 22, 2014 to approve the vacation of the open space easement and redefine the stormwater flowage easement at 3910 Maricopa Drive.
2. Do not set the date of public hearing to vacate the existing easement.

**MANAGER'S RECOMMENDED ACTION:**

Setting the date of hearing is the first step toward completion of this process and toward correction of the unfortunate situation which left this easement in place despite the Council's earlier action to vacate it.

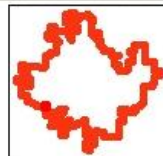
Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby setting the date of public hearing as April 22, 2014, to approve the storm water flowage easement at 3910 Maricopa Drive.

# Location Map



## Legend

-  3910 Maricopa Drive
-  Parcels



**COUNCIL ACTION FORM**

**SUBJECT: UPDATES TO AFFIRMATIVE ACTION COMPLIANCE PLAN**

**BACKGROUND:**

On March 25, 2014, the City Council approved guidelines for how the City will assist persons with Limited English Proficiency (LEP). Because the City also has a Compliance Plan for Title VI of the Civil Rights Act of 1946, it is important to update the plan to reflect the Language Communication Guidelines that are now in place. Previously, the compliance plan only referenced assistance for public meetings, which does not provide assistance to LEP persons for the more frequent interactions with City staff. Staff also made some minor changes to reflect that it is the responsibility of the Assistant City Manager to ensure compliance with Title VI.

The next steps for the City will be a formal education plan for staff related services that are available for oral translation and a review of the Language Communication Guidelines and requirements assisting LEP persons under Title VI. In addition, staff will receive training on the City website's language conversion capabilities, as well as on oral translation services options that the City has available.

**ALTERNATIVES:**

1. Approve a resolution updating the City's Compliance Plan -Title VI of the Civil Rights Act of 1964 to reflect the addition of Language Communication Guidelines and responsibilities of the Assistant City Manager.
2. Do not approve a resolution updating the City's Compliance Plan - Title VI of the Civil Rights Act of 1964 and responsibilities of the Assistant City Manager.

**MANAGER'S RECOMMENDED ACTION:**

With the completion of Language Communication Guidelines for LEP persons is it now time to update the City's Compliance Plan for Title VI.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the updates to the City's Compliance Plan -Title VI of the Civil Rights Act of 1964 to reflect the addition of Language Communication Guidelines and responsibilities of the Assistant City Manager.



CITY OF  
Ames™

# **Compliance Plan Title VI of the Civil Rights Act of 1964**

This plan was approved by the Ames City Council on April X, 2014.

**CITY OF AMES  
TITLE VI POLICY STATEMENT**

The City of Ames assures that no person shall, on the grounds of race, color, national origin, or sex as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (P.L. 100.259), be excluded from or participation in, be denied benefits of, or be otherwise subjected to discrimination under any program or activity. The City of Ames further assures every effort will be made to ensure nondiscrimination in all of its committees, programs, and activities, regardless of the funding source.

The City of Ames will include Title VI language in all written agreements and bid notices and will monitor compliance.

The Assistant City Manager, Title VI Civil Rights Coordinator of the City of Ames, will be responsible for initiating and monitoring Title VI activities, and all other responsibilities as required.

\_\_\_\_\_  
*Diane Voss, City Clerk*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Ann Campbell, Mayor*

\_\_\_\_\_  
*Date*

This policy was adopted at a regular City Council meeting held on \_\_\_\_\_.



## **Introduction**

Title VI of the 1964 Civil Rights Act provides that “No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance (Sec. 601).”

The Civil Rights Restoration Act of 1987 amended Title VI to specify that entire institutions receiving Federal funds, whether schools, colleges, government entities, or private employers must comply with Federal civil rights laws, rather than just the particular programs or activities that receive federal funds.

This plan provides information on the City of Ames’ Title VI compliance policies, complaint procedures, and a form to initiate the complaint process for use by members of the public. This plan does not govern disputes between individuals and other individuals or businesses that have no relation to the City government. For complaints related to private individuals, please contact the Ames Human Relations Commission for resources.

## **Coordination Responsibilities**

The Assistant City Manager serves as the City of Ames Title VI Civil Rights Coordinator, and is responsible for ensuring the implementation and the day to day administration of the City of Ames’ Compliance Plan. The Assistant City Manager is also responsible for implementing, monitoring, and ensuring the City’s compliance with Title VI regulations.

## **City Language Communication Guidelines and City Meeting Interpreter Service Policies**

### *Language Communication Guidelines (Adopted March 2014)*

The City of Ames has established "Language Communication Guidelines for Limited English Proficiency (LEP)" persons to ensure compliance with various Federal agencies regulations and Executive Order 13166 issued by President Clinton in 2000 along with subsequent guidance under Title VI of the Civil Rights Act of 1964. Under these requirements and guides, the City of Ames must take reasonable steps to ensure meaningful access to public programs and activities by persons with Limited English Proficiency (LEP).

### *Public Meetings*

The City of Ames holds frequent public meetings, including regular and special meetings of the City Council, workshop sessions, and meetings of City boards and commissions. These meetings are free and open to the public in accordance with Iowa Open Meetings laws.

On a regular basis, language interpreters are not provided at City meetings. However, upon request, interpreters or alternate materials can be made available for individual public meetings.

Individuals requiring an accommodation should contact the City Clerk's Office at least four days in advance of the meeting for which auxiliary services are requested. The City Clerk's Office will work with the requester to determine the appropriate services to accommodate the individual's need.

### **City Purchasing and Contract Policies**

The City of Ames Affirmative Action Program states that "all contractors, subcontractors, vendors, and suppliers doing business on a non-emergency basis with the City or any agency of the City, under which the contract value of said business between the City and Contractor equals or exceeds twenty-five thousand dollars (\$25,000), shall place on file with the City a statement of Nondiscrimination Policy which is satisfactory to the Affirmative Action Officer of the City."

In order to comply with the aforementioned, an "Assurance of Compliance with the City of Ames, Iowa, Affirmative Action Program" must be completed and signed by an authorized official of the contracting firm. The statement indicates the firm's compliance with all aspects of the City's Affirmative Action Program, Titles VI and VII of the Civil Rights Act of 1964, and all other applicable state and federal laws. An approved Affirmative Action Compliance form is valid for all City of Ames projects bid by that firm for a period of one year from the date of approval.

## Complaint Procedures under Title VI of the Civil Rights Act of 1964



This Complaint Procedure is established to meet the requirements of the Civil Rights Act of 1964 and its amendments. It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of race, color, or national origin in the provision of services, activities, programs, or benefits by the City of Ames. There are certain exceptions to this process. The Clerk of Court and City Assessor maintain offices within City Hall, but are not under the exclusive purview of the City of Ames. In the event that there is a complaint about unfair treatment within the Clerk of Court or City Assessor offices, complainants should contact that office directly for assistance navigating their complaint procedures. Complaints arising out of transit-related concerns are governed by special requirements from the Federal Transit Administration. These complaints should be made directly to CyRide in order to comply with those requirements. Please contact CyRide at (515) 292-1100 for information on how to file a complaint.

Additionally, transit-related complaints can be filed with the Federal Transit Administration's Office of Civil Rights. Finally, complaints of discrimination regarding employment in the City of Ames are governed by the City's Personnel Policies. Please contact the City of Ames Human Resources Office to file a complaint related to employment. If you are unsure about the appropriate office to address a complaint to or if you need assistance navigating procedures, complaints of any type can be filed with the Iowa Civil Rights Commission.

Should a citizen have a complaint about access to public services, he/she should complete the attached complaint form and submit it to the City Manager's Office. The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. The attached form provides spaces for all necessary information.

The complaint should be submitted by the complainant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

Title VI Civil Rights Coordinator City  
Manager's Office  
515 Clark Avenue  
Box 811  
Ames, IA 50010

Within 30 calendar days after receipt of the complaint, the Title VI Coordinator or his/her designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days of the meeting, the Title VI Coordinator or his/her designee, in consultation with the City's Legal Office, will respond in writing. The response will explain the position of the Coordinator and other options for substantive resolution of the complaint.

If the response by the Title VI Coordinator or his/her designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the City's Title VI Appeals Committee. The appeal should take the form of a written letter describing the initial complaint, the initial response, and the ways in which the initial response does not satisfactorily address the complaint. The appeal should be sent to the same address the initial complaint was delivered to.

The Title VI Appeals Committee will consist of representatives from three departments not involved in the complaint. The departments will be chosen at random. The three representatives will choose one individual among them to serve as chair of the committee. The Legal Office will serve to advise the committee.

Within 30 calendar days after receipt of the appeal, the City's Title VI Appeals Committee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the City's Title VI Appeals Committee will respond in writing.

All complaints received by the Title VI Coordinator or his/her designee, appeals to City's Title VI Appeals Committee, and responses from these two offices will be retained by the City Clerk's Office for at least five years.



## Title VI of the 1964 Civil Rights Act Discrimination Complaint Form

Instructions: Please fill out this form completely, in black ink or type. Sign and return to the address on the next page. Alternate means of filing a complaint, such as a personal interview or audio recording, will be made available upon request.

Complainant: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, & Zip: \_\_\_\_\_

Home phone: \_\_\_\_\_ Mobile Phone: \_\_\_\_\_

Person Discriminated Against: \_\_\_\_\_  
(if other than complainant)

Address: \_\_\_\_\_

City, State, & Zip: \_\_\_\_\_

Home phone: \_\_\_\_\_ Mobile Phone: \_\_\_\_\_

City Department/Departments you believe have discriminated.

\_\_\_\_\_

Where did the alleged discrimination take place?

\_\_\_\_\_

When did the alleged discrimination occur? (Date/Time) \_\_\_\_\_

Describe the acts of discrimination providing the name(s) where possible of the individuals who allegedly discriminated (if applicable) or services in violation of the 1964 Civil Rights Act or its amendments. Attach additional pages if necessary

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Has the complaint been filed with another bureau of the Department of Justice or any other Federal, State, or local civil rights agency or court? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, with what agency or court?

\_\_\_\_\_

Contact Person: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Date Filed: \_\_\_\_\_

Do you intend to file with another agency or court? \_\_\_\_\_

Yes \_\_\_\_\_ No \_\_\_\_\_

Agency or Court: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Additional space for answers:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Return To:

**Title VI Civil Rights Coordinator  
City Manager's Office  
PO Box 811  
515 Clark Avenue  
Ames, IA 50010**



CITY OF  
Ames™

*Caring People ♦ Quality Programs ♦ Exceptional Service*

# MEMO

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

**From:** City Clerk's Office

**Date:** April 4, 2014

**Subject:** Contract and Bond Approval

There are no Council Action Forms for Item Nos. 9 and 10. Council approval of the contract and bond for these projects is simply fulfilling a *State Code* requirement.

/jr

**COUNCIL ACTION FORM**

**SUBJECT: POWER PLANT REPAIRS TO UNIT #8 BOILER TUBES**

**BACKGROUND:**

In 2009, a project was completed at the Power Plant titled Unit #8 Steam Generator Waterwall Panels. This project was necessary because of the frequent ruptures and failures due to aging boiler tubes. The scope of the project was to replace 40+ feet of waterwall panels in the lower part of the Unit #8 Boiler. The tubes on the panels were then thermal sprayed with a coating that reduces wear and corrosion of the base steel tubes. The effects on burning RDF in the boiler increases wear on exposed boiler tubes. The thermal spray reduces the wear considerably, but yearly inspection and touchup are required on an ongoing basis.

Upon routine inspection last fall, staff found signs of spray coating deterioration in small areas on the Unit #8 Boiler tubes. Staff contacted Alstom Power, Inc., who is the original equipment manufacturer (OEM) for the thermal spray coating to inquire about getting those tubes repaired. Although the warranty period had expired, Alstom agreed to perform the re-application work at no cost. However, the cost of mobilization, material equipment delivery and boiler tube preparation was to be paid by the City. On September 26, 2013, staff issued a purchase order to Alstom Power, Inc. for work in the amount of \$44,605. This work was performed during the scheduled Unit #8 Boiler outage last fall.

Once the work began, additional surface area with flaking was found. This extended the work from two days to five days. Alstom completed more repair work, used more material, and rented equipment longer than what was originally anticipated. After several months of discussion regarding Alstom's charges, the final cost was determined to be \$56,050.61, which is a \$11,445.61 increase over the original purchase order. A change order is now needed for the difference in order to finalize the project.

This action is being brought to Council because the overall cost of the project exceeded \$50,000. Per the City's *Purchasing Policies & Procedures*, City Council must approve all change orders which increase the dollar amount above \$50,000.

**ALTERNATIVES:**

1. Approve the change order to Alstom Power, Inc. in the amount of \$11,445.61 for repairs to Unit #8 Boiler tubes.
2. Reject the change order.



**MANAGER'S RECOMMENDED ACTION:**

This repair was critical because operational experience has shown that tube life is shortened without the coating intact, which leads to premature failure of the tubes and forced unit outages. Part of the cost was borne by the OEM, but the repair work ultimately performed exceeded what was originally anticipated. Staff and Alstom have now reached agreement on the final charges, creating the need for this change order.

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

**COUNCIL ACTION FORM**

**SUBJECT: PLAT OF SURVEY FOR 2200 HAMILTON DRIVE**

**BACKGROUND:**

Subdivision regulations for the City of Ames are part of Chapter 23 of the Ames Municipal Code. The Subdivision Code includes the process for creating or modifying property boundaries and for determining if any improvements are required in conjunction with the platting of property. The City also uses the Subdivision Code as means of reviewing the status of conveyance parcels, which are non-conforming lots created through a private conveyance of land, to determine if the lot is indeed a buildable lot. A Plat of Survey is a single-step review within Section 23.308 for City Council approval of minor activities, such as boundary line adjustments and conformance determination of conveyance parcels.

The subject properties are Lot 2 of Green Hills Community Subdivision First Addition and Lot 3 of Gateway Green Hills Subdivision Second Addition. (See Attachment A, Location Map and Attachment B, Plat of Survey) The properties are owned by Green Hills Health Care Center, Inc. and Green Hills Resident Association. **This Plat of Survey adjusts the boundary line between the two platted parcels to allow for a future expansion. See Attachment B Proposed Plat of Survey. The proposed property line allows for the future addition to meet building code requirements in relation to the property lines.**

Approval of this plat of survey will allow the applicant to prepare the official plat of survey, and the Planning and Housing Director to review and sign the plat of survey confirming that it fully conforms to all conditions of approval. The prepared plat of survey may then be signed by the surveyor, making it the official plat of survey, which may then be recorded in the office of the County Recorder.

**ALTERNATIVES:**

1. The City Council can adopt the resolution approving the proposed plat of survey.
2. The City Council can deny the proposed plat of survey if the City Council finds that the requirements for plats of survey as described in Section 23.308 have not been satisfied.
3. The City Council can refer this back to staff and/or the owner for additional information.

**CITY MANAGER'S RECOMMENDED ACTION:**

Staff has determined that the proposed plat of survey satisfies all code requirements and has made a preliminary decision of approval. No easements or conditions are required. Therefore, it is the recommendation of the City Manager that the City Council accept Alternative #1, thereby adopting the resolution approving the proposed plat of survey.

**ADDENDUM  
PLAT OF SURVEY FOR 2200 HAMILTON DRIVE**

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

- Conveyance parcel (per Section 23.307)
- Boundary line adjustment (per Section 23.309)
- Re-plat to correct error (per Section 23.310)
- Auditor's plat (per Code of Iowa Section 354.15)

The site is located at:

Owner Proposed Parcel D: Green Hills Health Care Center, Inc.  
Owner Proposed Parcel E: Green Hills Resident Association

Assessor's Parcel #: 0916254025 and 0916252000

Legal Descriptions:

Parcel D: Parcel "D" located in lot 2 of Green Hills Community Subdivision, First Addition in the northeast ¼ of section 16, township 83 north, range 24 west of the 5<sup>th</sup> P.M., Story County, Iowa

Parcel E: Parcel "E" located in a portion of lot 2 of Greens Hills Community Subdivision, First Addition and all of lot 3 of the Gateway-Green Hills Subdivision, Second Addition in the northeast ¼ of section 16, township 83 north, range 24 west of the 5<sup>th</sup> P.M., Story County, Iowa

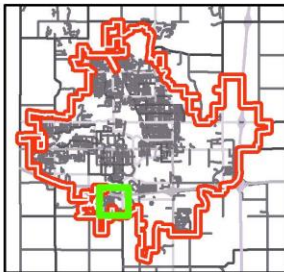
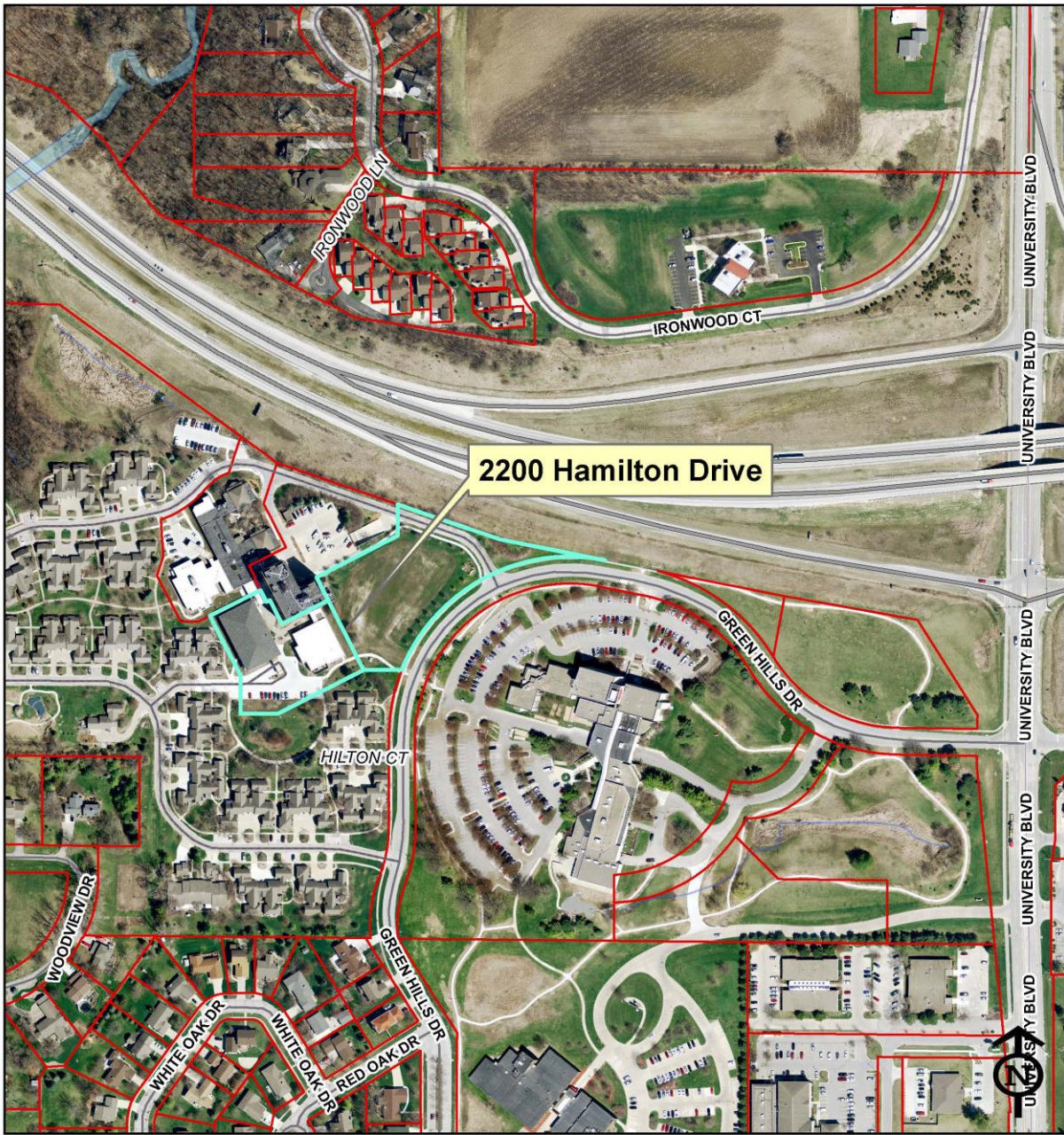
**Public Improvements:**

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

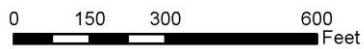
- Installed prior to creation and recordation of the official plat of survey and prior to issuance of zoning or building permits.
- Delayed, subject to an improvement guarantee as described in Section 23.409.
- Not Applicable.

Note: The official plat of survey is not recognized as a binding plat of survey for permitting purposes until a copy of the signed and recorded plat of survey is filed with the Ames City Clerk's office and a digital image in Adobe PDF format has been submitted to the Planning & Housing Department.

**ATTACHMENT A  
LOCATION MAP**



**Location Map  
2200 Hamilton Drive**



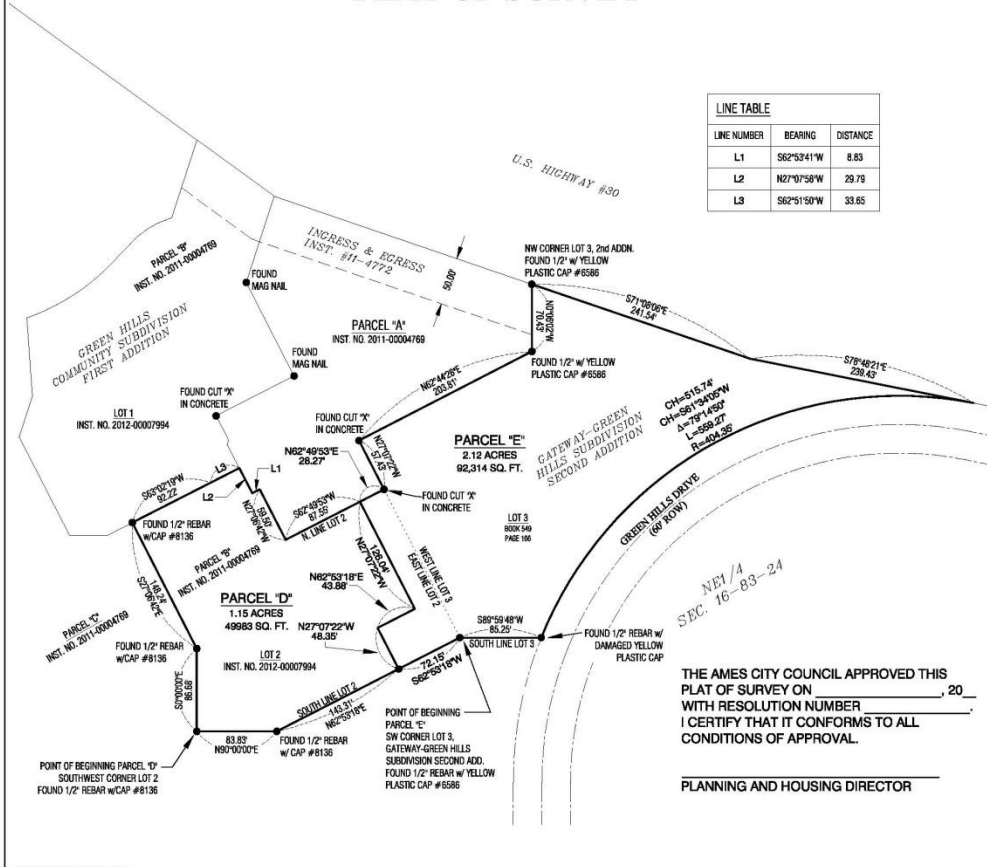


# ATTACHMENT B PROPOSED PLAT OF SURVEY

PREPARED BY - CLAPSADDLE-GARBER ASSOCIATES, INC. 16 EAST MAIN STREET, P.O. BOX 754, MARSHALL TOWN, IOWA 50158 - PHONE 641-752-6701

## PLAT OF SURVEY

LINE TABLE		
LINE NUMBER	BEARING	DISTANCE
L1	S62°53'41"W	8.83
L2	N27°07'56"W	29.79
L3	S62°51'50"W	33.65



THE AMES CITY COUNCIL APPROVED THIS  
PLAT OF SURVEY ON \_\_\_\_\_, 20\_\_\_\_  
WITH RESOLUTION NUMBER \_\_\_\_\_  
I CERTIFY THAT IT CONFORMS TO ALL  
CONDITIONS OF APPROVAL.  
  
PLANNING AND HOUSING DIRECTOR

**DESCRIPTION PARCEL 'D'**  
PARCEL 'D' LOCATED IN LOT 2 OF THE GREEN HILLS COMMUNITY SUBDIVISION, FIRST ADDITION IN THE NORTHEAST 1/4 OF SECTION 16, TOWNSHIP 83 NORTH, RANGE 24 WEST OF THE 5TH P.M., STORY COUNTY, IOWA. MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF A CERTAIN PARCEL OF LAND DESCRIBED AS LOT 2 AND RECORDED IN INSTRUMENT NO. 2012-0007984 IN THE OFFICE OF THE RECORDER, STORY COUNTY, IOWA; THENCE, N90°00'00"E 83.89' ALONG THE SOUTH LINE OF SAID LOT 2; THENCE, N62°53'18"E 143.31' ALONG SAID SOUTH LINE; THENCE, N27°07'22"W 48.35'; THENCE, N62°53'18"E 43.88'; THENCE, N27°07'22"W 126.04' TO THE NORTH LINE OF SAID LOT 2; THENCE, S62°49'53"E 57.55'; THENCE, N27°06'42"W 59.50'; THENCE, S62°53'41"W 8.83'; THENCE, N27°07'56"W 29.79'; THENCE, S62°51'50"W 33.65'; THENCE, S63°02'19"W 62.22' TO THE WEST LINE OF SAID LOT 2; THE AFORESAID ALL BEING ALONG THE NORTH LINE OF SAID LOT 2; THENCE, S27°06'42"E 148.24' ALONG SAID WEST LINE; THENCE, S0°00'00"E 86.68' ALONG SAID WEST LINE TO THE POINT OF BEGINNING. PARCEL 'D' CONTAINS 1.15 ACRES. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY.

**DESCRIPTION PARCEL 'E'**  
PARCEL 'E' LOCATED IN A PORTION OF LOT 2 OF THE GREEN HILLS COMMUNITY SUBDIVISION, FIRST ADDITION AND ALL OF LOT 3 OF THE GATEWAY-GREEN HILLS SUBDIVISION, SECOND ADDITION IN THE NORTHEAST 1/4 OF SECTION 16, TOWNSHIP 83 NORTH, RANGE 24 WEST OF THE 5TH P.M., STORY COUNTY, IOWA. MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 3; THENCE, S62°53'18"W 72.15' ALONG THE SOUTH LINE OF SAID LOT 2; THENCE, N27°07'22"W 48.35'; THENCE, N62°53'18"E 43.88'; THENCE, N27°07'22"W 57.43' ALONG SAID WEST LINE TO THE NORTH LINE OF SAID LOT 3; THENCE, N62°49'53"E 28.27' TO THE WEST LINE OF SAID LOT 3; THENCE, S71°06'00"E 24.54'; THENCE, S79°48'21"E 239.43' TO THE NORTH-WESTERLY RIGHT OF WAY LINE OF GREEN HILLS DRIVE, AS PRESENTLY ESTABLISHED; THE AFORESAID ALL BEING ALONG THE NORTH LINE OF SAID LOT 3; THENCE, SOUTH-WESTERLY 559.27' ALONG THE ARC OF A 404.35' RADIUS CURVE, CONCAVE SOUTHEASTERLY, HAVING A CHORD BEARING OF S61°34'05"W AND A CHORD DISTANCE OF 515.74' ALONG SAID NORTH-WESTERLY RIGHT OF WAY LINE; THENCE, S89°59'46"W 85.25' ALONG THE SOUTH LINE OF SAID LOT 3 TO THE POINT OF BEGINNING. PARCEL 'E' CONTAINS 2.12 ACRES. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY.

OWNERS OF RECORD: GREEN HILLS HEALTH CARE CENTER, INC. AND GREEN HILLS RESIDENTS ASSOCIATION  
SURVEY REQUESTED BY: GREEN HILLS HEALTH CARE CENTER, INC.  
FIELD WORK COMPLETED: 2-12-2014

NOTE:  
ALL BEARINGS ARE THE RESULT OF G.P.S. OBSERVATIONS.

**LEGEND:**

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

SCALE 1"=100'

GREEN HILLS HEALTH CARE CENTER SURVEY  
IN LOT 2 OF THE GREEN HILLS COMMUNITY SUBDIVISION, FIRST ADDITION  
CITY OF AMES, STORY COUNTY, IOWA

I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly Licensed Professional Land Surveyor under the laws of the State of Iowa.

Travis R. Stewart, PLS \_\_\_\_\_ date \_\_\_\_\_  
Iowa License Number 17162  
My License Renewal Date is December 31, 2019  
Pages or sheets covered by this seal: \_\_\_\_\_ THIS SHEET

Clapsaddle-Garber Associates, Inc.  
18 East Main Street  
Marshalltown, Iowa 50158  
PH 641-752-6701  
www.clapsaddegarber.com

DRAWN: WLB SHEET NO: 1  
DATE: 3-11-2014 PROJECT NO: 76366.05

**COUNCIL ACTION FORM**

**SUBJECT: PLAT OF SURVEY FOR 138 AND 142 HYLAND AVENUE**

**BACKGROUND:**

Subdivision regulations for the City of Ames are part of Chapter 23 of the Ames Municipal Code. The Subdivision Code includes the process for creating or modifying property boundaries and for determining if any improvements are required in conjunction with the platting of property. The City also uses the Subdivision Code as means of reviewing the status of conveyance parcels, which are non-conforming lots created through a private conveyance of land, to determine if the lot is indeed a buildable lot. A Plat of Survey is a single-step review within Section 23.308 for City Council approval of minor activities, such as boundary line adjustments and conformance determination of conveyance parcels.

**The proposed Plat of Survey is for the consolidation of two lots, 138 and 142 Hyland Avenue, along the east side of Hyland Avenue, north of Lincoln Way.** (See Attachment A, Location Map) The properties are owned by Hunzies 4, LLC. **The Plat of Survey consolidates the two existing properties into one new Parcel F for the purpose of redevelopment of the property for a new apartment complex.** See Attachment B, Proposed Plat of Survey.

The Electric Department has asked that a five foot electric easement be established along the east property line of Parcel F for the existing power pole and overhead lines. This is shown on the plat. No other improvements are needed or required in conjunction with the merger of the lots.

Approval of this plat of survey will allow the applicant to prepare the official plat of survey, and the Planning and Housing Director to review and sign the plat of survey confirming that it fully conforms to all conditions of approval. The prepared plat of survey may then be signed by the surveyor, making it the official plat of survey, which may then be recorded in the office of the County Recorder.

**ALTERNATIVES:**

1. The City Council can adopt the resolution approving the proposed plat of survey.
2. The City Council can deny the proposed plat of survey if the City Council finds that the requirements for plats of survey as described in Section 23.308 have not been satisfied.
3. The City Council can refer this back to staff and/or the owner for additional information.

**CITY MANAGER'S RECOMMENDED ACTION:**

Staff has determined that the proposed plat of survey satisfies all code requirements and has made a preliminary decision of approval. Therefore, it is the recommendation of the City Manager that the City Council accept Alternative #1, thereby adopting the resolution approving the proposed plat of survey.

**ADDENDUM  
PLAT OF SURVEY FOR 138 AND 142 HYLAND AVENUE**

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

- Conveyance parcel (per Section 23.307)
- Boundary line adjustment (per Section 23.309)
- Re-plat to correct error (per Section 23.310)
- Auditor's plat (per Code of Iowa Section 354.15)

The site is located at:

Owner: Hunzies 4, LLC

Existing Street Addresses: 138 and 142 Hyland Avenue  
New Street Address: 140 Hyland Avenue

Assessor's Parcel #: 0409353180 and 0409353190

Legal Descriptions:

138 Hyland Avenue: The W ½ of Sublot 5 of Lot 13 of the W ½ of the SW ¼ of Sec. 4-83-24, City of Ames, Story County, Iowa

142 Hyland Avenue: The South 40 feet of the W ½ of Sublot 4 of Lot 13 of the W ½ of the SW ¼ of Sec. 4-83-24, City of Ames, Story County, Iowa

**Public Improvements:**

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

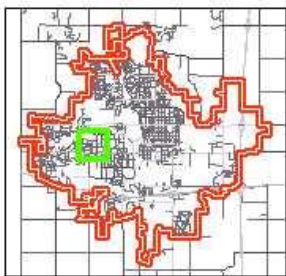
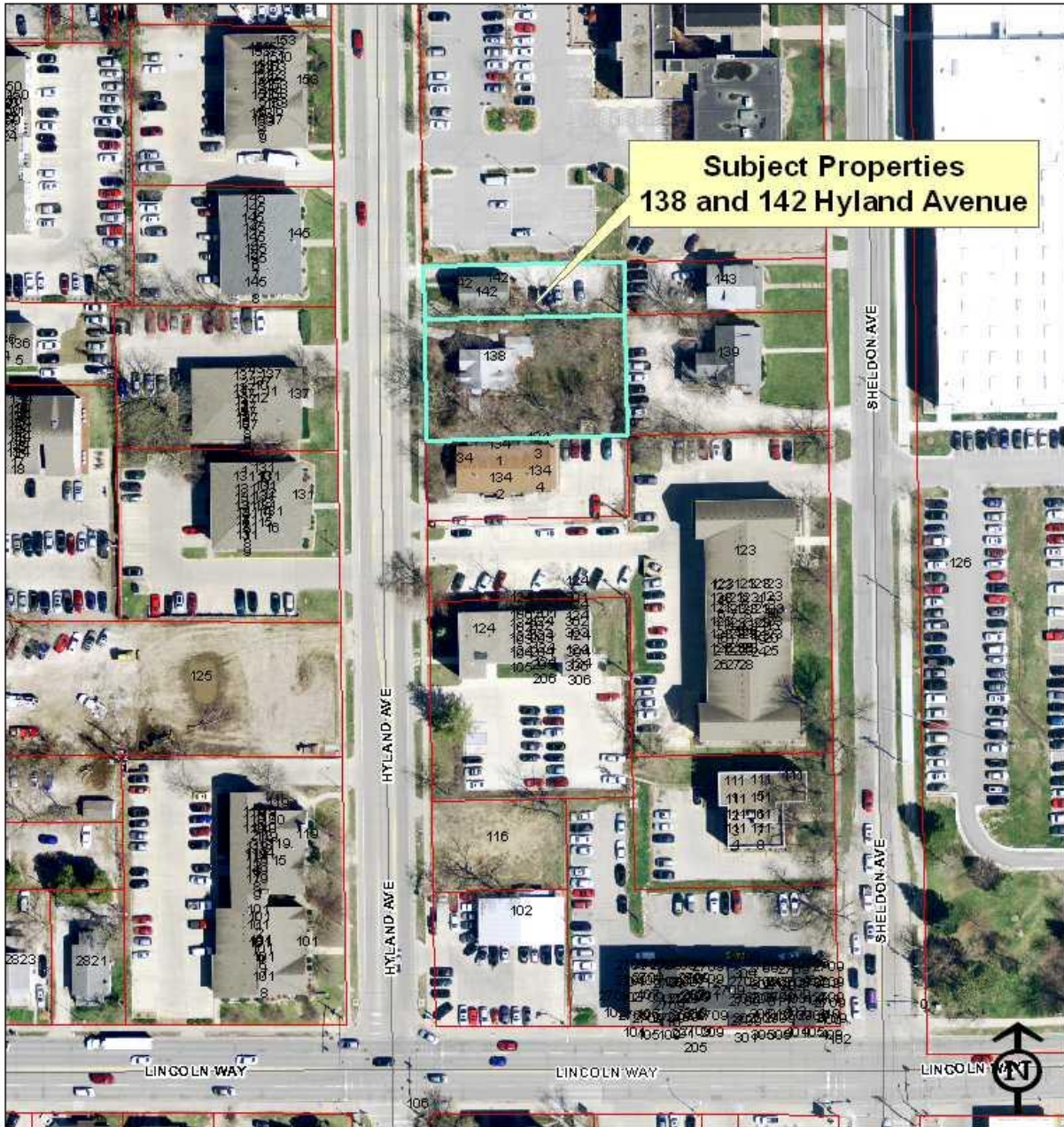
- Installed prior to creation and recordation of the official plat of survey and prior to issuance of zoning or building permits.
- Delayed, subject to an improvement guarantee as described in Section 23.409.
- Not Applicable.

It is requested that a five foot electric easement be approved for the existing power pole and overhead lines along the east property line of the new Parcel F.

Note: The official plat of survey is not recognized as a binding plat of survey for permitting purposes until a copy of the signed and recorded plat of survey is filed with the Ames City Clerk's office and a digital image in Adobe PDF format has been submitted to the Planning & Housing Department.



**ATTACHMENT A  
LOCATION MAP**



**Location Map  
138 and 142 Hyland Avenue**





**COUNCIL ACTION FORM**

**SUBJECT: PLAT OF SURVEY FOR 3521 JEWEL DRIVE – KATE MITCHELL  
ELEMENTARY SCHOOL**

**BACKGROUND:**

Subdivision regulations for the City of Ames are part of Chapter 23 of the Ames Municipal Code. The Subdivision Code includes the process for creating or modifying property boundaries and for determining if any improvements are required in conjunction with the platting of property. The City also uses the Subdivision Code as means of reviewing the status of conveyance parcels, which are non-conforming lots created through a private conveyance of land, to determine if the lot is indeed a buildable lot. A Plat of Survey is a single-step review within Section 23.308 for City Council approval of minor activities, such as boundary line adjustments and conformance determination of conveyance parcels.

**The subject property (Kate Mitchell Elementary School) is owned by the Ames Community School District, and is located in southeast Ames near the southern end of Jewel Drive. (See Attachment A - Location Map) The site is zoned as “S-GA” (Government/Airport) District. Approval of the proposed Plat of Survey is required to establish the property as a legal lot of record, prior to the issuance of building permits for a proposed addition to the existing school building.**

Approval of this plat of survey will allow the applicant to prepare the official plat of survey, and the Planning and Housing Director to review and sign the plat of survey confirming that it fully conforms to all conditions of approval. The prepared plat of survey may then be signed by the surveyor, making it the official plat of survey, which may then be recorded in the office of the County Recorder.

**ALTERNATIVES:**

1. The City Council can adopt the resolution approving the proposed plat of survey.
2. The City Council can deny the proposed plat of survey if the City Council finds that the requirements for plats of survey as described in Section 23.308 have not been satisfied.
3. The City Council can refer this back to staff and/or the owner for additional information.

**CITY MANAGER'S RECOMMENDED ACTION:**

Staff has determined that the proposed plat of survey satisfies all code requirements and has made a preliminary decision of approval. No easements or conditions are required. Therefore, it is the recommendation of the City Manager that the City Council accept Alternative #1, thereby adopting the resolution approving the proposed plat of survey.

## ADDENDUM

### PLAT OF SURVEY FOR 3521 JEWEL DRIVE

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

- Conveyance parcel (per Section 23.307)
- Boundary line adjustment (per Section 23.309)
- Re-plat to correct error (per Section 23.310)
- Auditor's plat (per Code of Iowa Section 354.15)

The site is located at:

Owner of Parcel A: Ames Community School District

Street Address: 3521 Jewel Drive

Assessor's Parcel #: 0923230110

Legal Description: See attached Proposed Plat of Survey

#### Public Improvements:

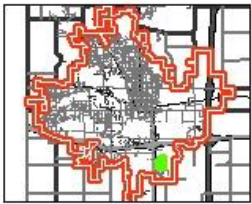
The preliminary decision of the Planning Director finds that approval requires all public improvements associated with and required for the proposed plat of survey be:

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

Note: The official plat of survey is not recognized as a binding plat of survey for permitting purposes until a copy of the signed and recorded plat of survey is filed with the Ames City Clerk's office and a digital image in Adobe PDF format has been submitted to the Planning & Housing Department.



**ATTACHMENT A  
LOCATION MAP**

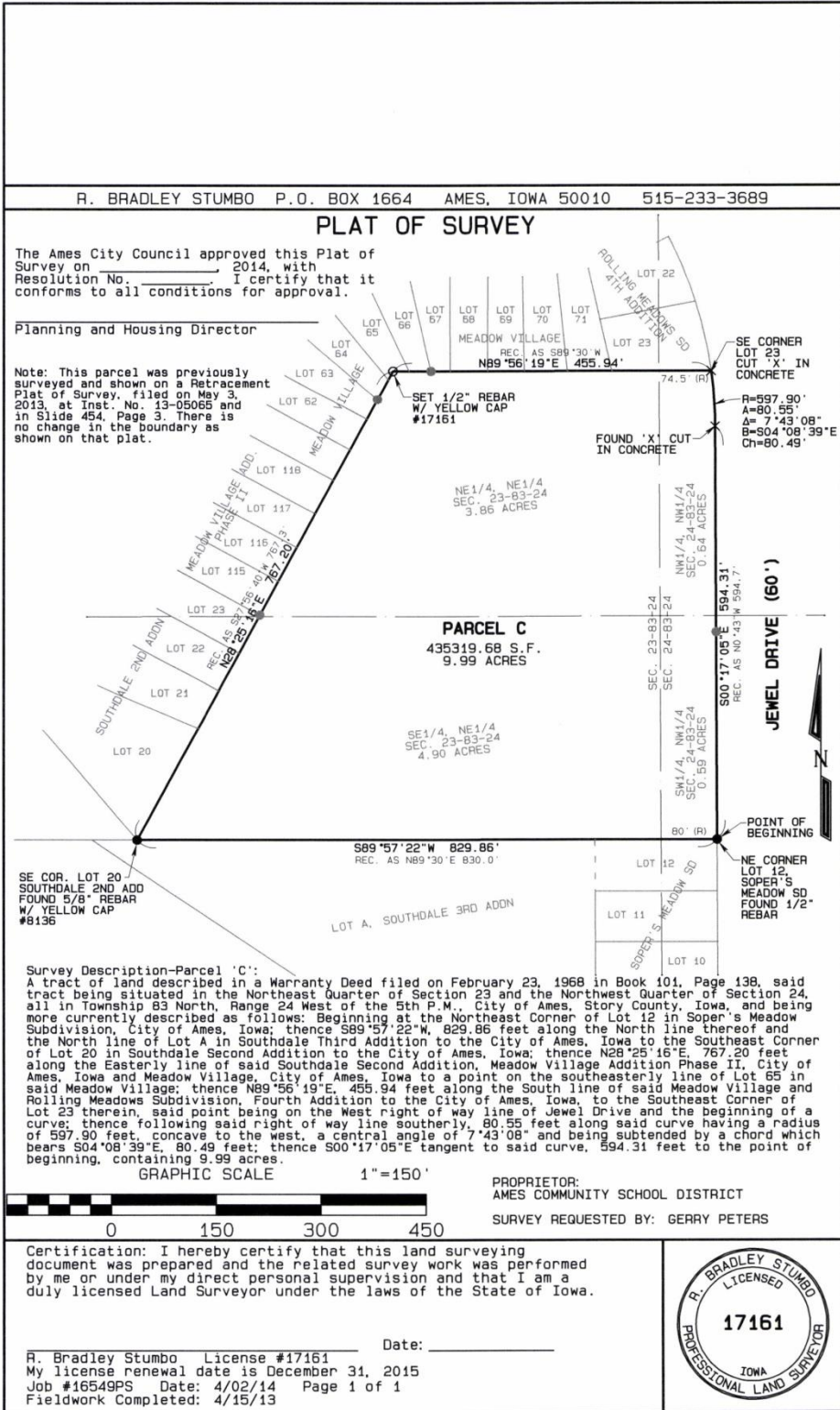


**Location Map  
Plat of Survey  
3521 Jewell Drive.**





# ATTACHMENT B PROPOSED PLAT OF SURVEY



**COUNCIL ACTION FORM**

**SUBJECT: MAJOR FINAL PLAT FOR SUNSET RIDGE 5<sup>TH</sup> ADDITION**

**BACKGROUND:**

The City's subdivision regulations are included in Chapter 23 of the Ames Municipal Code. This "Subdivision Code" includes the process for creating or modifying property boundaries, and specifies whether any improvements are required in conjunction with the platting of property. The creation of new lots is classified as either a major or minor subdivision, with a major subdivision requiring a two step platting process to finalize the creation of new lots. The "Preliminary Plat" is first approved by the City Council, and identifies the layout of the subdivision and any necessary or required public improvements. Once the applicant has completed the necessary requirements, including provision of required public improvements or provision of financial security for their completion, an application for a "Final Plat" may then be made for City Council approval. Often the subdivision is developed in phases, called "additions." After City Council approval of the Final Plat, it must then be recorded with the County Recorder to become an officially recognized subdivision plat.

Sunset Ridge is located north of Lincoln Way at the west corporate limits of the city. The property owner for the Sunset Ridge Subdivision 5<sup>th</sup> Addition, Hunziker Land Development Company, LLC, is now requesting approval of a Final Plat. (See Attachment A, Location Map and Attachment B, Final Plat) This proposed addition is approximately 10.5 acres and includes 18 single family residential lots, two outlots for storm water detention and utility purposes, and one lot for the extension of Wilder Avenue, Allerton Drive, and Westfield Drive.

Existing public utilities around the perimeter of the subject property are adequate to serve all of the proposed lots. From these utilities, additional mains will be installed to serve all of the lots internally. Easements are being provided to the City as required for mains that will serve multiple lots and fire hydrants. The temporary extension of streets within the addition has been found to be adequate for circulation and determined by the Fire Department to meet access and turnaround requirements during the construction phase of the development.

As part of the original Developer's Agreement approved by Council in 2005, the developer was responsible for costs associated with utility and street extensions within the subdivision, and the City would bear the cost of the extra width and thickness of the pavement for the collector streets (Wilder Avenue and Westfield Road). On October 23, 2012, City Council approved a supplemental agreement that included an update which allowed the City to pay for its obligation for street improvement through the use of a mutually agreed upon public project at a cost equal to the original project obligation. That project was approved by Council at the September 24, 2013 meeting, where the City agreed to construct the asphalt pavement for the street improvements for the

Sunset Ridge 5<sup>th</sup> Addition with all remaining public improvements being completed by the owner. The City has partially completed paving of the roads and expects to complete the obligation during the summer of 2014.

The Public Works Department has verified and approved that a portion of the public utilities and curb and gutter construction required for the subdivision has been completed and acceptable. An “Agreement for Public Improvements,” which has been prepared for City Council approval with the Final Plat, identifies the need for financial security for the completion of street lighting, curb and gutter installation, pedestrian ramps, utility adjustments and erosion control. Financial security in the amount of \$85,000 has been received and placed on file with the City Clerk’s Office. The financial security will be released upon satisfactory completion of these improvements.

The applicant has also provided an agreement for the installation of street trees and sidewalks, but has requested a waiver of providing financial security for these improvements. As an alternative to installing sidewalks before lots are platted, Section 23.403 (14) allows deferment of sidewalks with financial security when installation is considered premature. Notwithstanding this code requirement for financial security, the City Council’s past practice has been to accept a signed, written agreement for sidewalk and street trees from the owner specifying that, in lieu of financial security, occupancy of new structures will not be permitted by the City until the sidewalks and street trees associated with each individual lot are installed. Consistent with this practice, the City Council may wish to waive this financial security condition and allow sidewalk and street trees to be deferred until occupancy of structures on abutting sites.

After reviewing the proposed Final Plat, staff believes it complies with the approved Master Plan, Preliminary Plat, adopted plans, development agreement, and all other relevant design and improvement standards required by the Municipal Code.

**ALTERNATIVES:**

1. The City Council can take the following two actions:
  - A. Waive the subdivision code requirement for financial security for sidewalks and street trees in the Sunset Ridge Subdivision 5<sup>th</sup> Addition, since the Developer has signed the “Agreement for Sidewalk and Street Trees” requiring the installation of these improvements prior to occupancy or within 24 months of issuance of a building permit; and,
  - B. Approve the Final Plat of Sunset Ridge 5<sup>th</sup> Addition, based upon the findings and conclusions stated above.
2. The City Council can deny the Final Plat for Sunset Ridge 5<sup>th</sup> Addition if it finds that the development creates a burden on existing public improvements or creates a need for new public improvements that have not yet been installed.
3. The City Council can refer this request back to staff or the applicant for additional information. City Council must approve, approve subject to conditions, or disapprove this Final Plat application no later than May 5<sup>th</sup>, 2014 to meet the a mandatory 60 day deadline for a decision on a final plat.

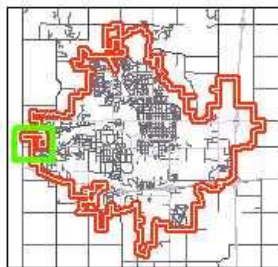


**MANAGER'S RECOMMENDED ACTION:**

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

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

# Attachment A Location Map



## Location Map Sunset Ridge Subdivision







## **Attachment C**

### **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:

*Code of Iowa*, Chapter 354.8 states in part:

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

*Ames Municipal Code Section 23.302*

(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)*

**Ames Annual Outdoor Sculpture Exhibition**

March 14, 2014

The 2014-15 Ames Annual Outdoor Sculpture Exhibition (AAOSE) received a records number of submissions: 70 entries by 33 artists from 14 states, including 2 countries. Last year, 50 entries from 23 sculptors were submitted for consideration. The entries were evaluated by a jury of 3 Ames residents, a mixture of artists and business owners in Ames. The jury previewed entry materials, met and then made their decision. The jurors selected five sculptures as their top choices, along with 4 alternates (pages 4-5) if availability or other considerations prevent installation of one or more of the top selections.

Listed below are the five top selections made for the 2014-15 Ames Annual Outdoor Sculpture Exhibition. Rotation and installation of the exhibit will take place during the late April and early May, after consultation with businesses and organizations near the likely sites and further analysis by the City staff. The installation process will be coordinated through the City Manager’s Office. The Best-in-Show award will be made to a winner that is determined by the public at a fall citywide arts event.



*Zach Bowman (Ankeny, IA)*

*Life (Portal to the Future)*, Stainless steel

HxWxD measurements=7'x10.5' x6'

Year of Creation= February 2012

Price: \$7,500



Skip Willits (Camanche, IA )

*Solitary Nomad*, weathered steel

85"x35"x35"

125 lbs., 2013

Price: \$2,500



James Bearden (Des Moines, IA)

*Help Another*, Steel fused bronze

96" x 24" x 20"

175 lbs

\$7,000





Hilde Debruyne

*Wings of Change II*, Metal, rusted steel

72" x 48" x 48"

400 lbs

\$16,000



John Brommel (Des Moines, IA)

*Industrial Revolution II*

Rusted steel, stainless steel and chrome

36.5" diameter

200 lbs

\$2,500

## Alternates:

Alternate #1

**Steve W. Huffman**

**Thrust from the Earth**

Scrap metal    112" x 48" x 42"    780 lbs.    \$11,000



Alternate #2

**Beth Nybeck**

**Point Defiance**

Stainless steel & mild steel    90" x 84" x 48"    200 lbs.    \$10,000





Alternate #3

**Nathan Pierce**

**Everything**

Steel, wood (anchor/weld installation) 127" X 41" x 36" 350 lbs. \$4,800



Alternate #4

**Leslie Burning**

**Words/Action**

Galvanized & powder coated steel 232" x 60" x 60" 400 lbs. \$18,000



**Applicant**

Name of Applicant:	<u>LJPS Inc</u>		
Name of Business (DBA):	<u>Olde Main Brewing Company</u>		
Address of Premises:	<u>420 Beach Ave</u>		
City: <u>Ames</u>	County: <u>Iowa</u>	Zip: <u>50014</u>	
Business Phone:	<u>(515) 232-0553</u>		
Mailing Address:	<u>316 Main St.</u>		
City: <u>Ames</u>	State: <u>IA</u>	Zip: <u>50010</u>	

**Contact Person**

Name:	<u>Matt Sinnwell</u>		
Phone:	<u>(505) 400-5981</u>	Email Address:	<u>mattombc@gmail.com</u>

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

Term: 5 days

Effective Date: 04/16/2014

Expiration Date: 01/01/1900

Privileges:

Class C Liquor License (LC) (Commercial)

**Status of Business**

BusinessType:	<u>Privately Held Corporation</u>		
Corporate ID Number:	<u>286196</u>	Federal Employer ID #	<u>77-0613629</u>

**Ownership**

**Daniel Griffen**

First Name: Daniel

Last Name: Griffen

City: Potomac

State: Maryland

Zip: 24854

Position Owner

% of Ownership 25.00 %

U.S. Citizen

**Scott Griffen**

First Name: Scott

Last Name: Griffen

City: Ames

State: Iowa

Zip: 50010

Position Owner

% of Ownership 50.00 %

U.S. Citizen

**Susan Griffen**

First Name: Susan

Last Name: Griffen

City: Potomac

State: Maryland

Zip: 24854

Position Owner

% of Ownership 25.00 %

U.S. Citizen

***Insurance Company Information***

Insurance Company: Founders Insurance Company

Policy Effective Date:

Policy Expiration Date:

Bond Effective Continuously:

Dram Cancel Date:

Outdoor Service Effective Date:

Outdoor Service Expiration Date:

Temp Transfer Effective Date:

Temp Transfer Expiration Date:

**COUNCIL ACTION FORM**

**SUBJECT: AMES JAYCEES' REQUEST TO OBTAIN BEER AND NATIVE WINE PERMIT TO BE DISPENSED AT BANDSHELL PARK**

**BACKGROUND:**

At its March 27, 2014, meeting, the Parks and Recreation Commission unanimously approved the Ames Jaycees use of Bandshell Park and the Durham Bandshell for its "Ames on the Half Shell" activities. These events will occur on nine Friday evenings between May 30 and August 1 between the hours of 5:00 p.m. and 8:00 p.m. The Jaycees will pay the City approximately \$2,825 to rent the Bandshell for these nine events.

The Commission's action required the Jaycees to obtain a beer and native wine permit from the City Council, allowing beer, wine coolers, and native wine to be consumed in a public place, Bandshell Park. It should be noted that City ordinance (Section 17.17) prohibits consumption of alcoholic beverages in public places. This restriction includes parks, since they are considered public places. The ordinance has two exceptions as follows:

1. The ordinance allows for consumption of beer or wine from single serving bottles or cans in Moore Memorial, North and South River Valley, Inis Grove, and Emma McCarthy Lee Parks. Under this exception, keg beer may also be permitted in these parks if the Parks and Recreation Commission grants approval.
2. The limitations on alcoholic beverages reflected in the ordinance do not apply in any public place if a valid liquor license is obtained.

**In this situation, the Jaycees desire to locate their event at Bandshell Park and dispense bottled beer, wine coolers, and Iowa native wine. Therefore, this request falls under the second exception and can be allowed if the City Council grants a beer permit.**

The Jaycees sponsored similar events at this location during the summers of 2003, 2004, and 2007-2013. Following the 2007 season, staff completed a survey of the surrounding neighborhood to gain feedback concerning the Jaycees event. Of the 87 letters mailed out, 16 were returned (18%). Of those returned, only three objected, expressing concern with illegal parking, alcohol being allowed at the park, and the noise level of the overall event.

Each year, Parks and Recreation administrative staff attends the event. Staff has consistently been impressed with the level of organization that the Jaycees provide and that the event draws people of all ages. The Police Department did not receive any phone calls or complaints concerning the event in 2007, 2008, 2009. There was one noise complaint in 2010, but the Jaycees responded immediately to the request to turn down the volume. There were no complaints in 2011–2013. The Police Department continues to report that the event is well managed and that the size of the crowd and related parking issues are comparable to Thursday evening Municipal Band concerts.

**ALTERNATIVES:**

1. Approve a Class B Beer & B Native Wine Permit with Outdoor Service for the Ames Jaycees at Bandshell Park for events to be held on nine Fridays between May 30 and August 1, 2014, for the hours of 5:00 to 8:00 PM.
2. Deny the request.

**MANAGER'S RECOMMENDED ACTION:**

Upon receiving requests to utilize City facilities, staff strives to take into account the pros and cons that the activity will have on the group making the request, the adjacent property owners, and the community at large. Though some residents may voice concerns similar to those expressed in 2007, upon reviewing the overall positive comments from the neighborhood, along with the Parks and Recreation administrative staff and the Ames Police Department's feedback, the City Manager concurs with the Commission's evaluation of the appropriateness of this event occurring at Bandshell Park.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative #1, thereby approving a beer and native wine permit for the Ames Jaycees for their events to be held at Bandshell Park during the Spring/Summer of 2014.

# License Application ( )

## Applicant

Name of Applicant:	<u>Ames Junior Chamber</u>				
Name of Business (DBA):	<u>Ames on the Half Shell</u>				
Address of Premises:	<u>Band Shell Park, Corner of 6th and Duff</u>				
City:	<u>Ames</u>	County:	<u>Story</u>	Zip:	<u>50010</u>
Business Phone:	<u>(515) 344-3274</u>				
Mailing Address:	<u>PO Box 624</u>				
City:	<u>Ames</u>	State:	<u>IA</u>	Zip:	<u>50014</u>

## Contact Person

Name:	<u>Becky Perkovich</u>				
Phone:	<u>(515) 344-3274</u>	Email Address:	<u>Becky.Perkovich@gmail.com</u>		

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

Term: 6 months

Effective Date: 05/14/2014

Expiration Date: 01/01/1900

Privileges:

Class B Beer (BB) (Includes Wine Coolers)

Class B Native Wine Permit

Outdoor Service

## Status of Business

BusinessType:	<u>Limited Liability Company</u>				
Corporate ID Number:	<u>109337</u>	Federal Employer ID #	<u>426075796</u>		

## Ownership

### Becky Perkovich

First Name: Becky

Last Name: Perkovich

City: Ames

State: Iowa

Zip: 50014

Position 2014 Project Chair

% of Ownership 0.00 %

U.S. Citizen

### Breana Wetzler

First Name: Breana

Last Name: Wetzler

City: Ames

State: Iowa

Zip: 50010

Position 2014 Chapter President

% of Ownership 0.00 %

U.S. Citizen

## Insurance Company Information

**Insurance Company:** West Bend Mutual Insurance Company

**Policy Effective Date:**

**Policy Expiration Date:**

**Bond Effective Continuously:**

**Dram Cancel Date:**

**Outdoor Service Effective Date:**

**Outdoor Service Expiration Date:**

**Temp Transfer Effective Date:**

**Temp Transfer Expiration Date:**

**Applicant**

Name of Applicant:	<u>Burgers Ink LLC</u>		
Name of Business (DBA):	<u>Charlie Yoke's</u>		
Address of Premises:	<u>2518 Lincoln Way</u>		
City:	<u>Ames</u>	County:	<u>Story</u> Zip: <u>50014</u>
Business Phone:	<u>(515) 292-3328</u>		
Mailing Address:	<u>2518 Lincoln Way</u>		
City:	<u>Ames</u>	State:	<u>IA</u> Zip: <u>50014</u>

**Contact Person**

Name:	<u>Jason Crimmins</u>		
Phone:	<u>(515) 450-9688</u>	Email Address:	<u>charlieyokes@gmail.com</u>

Classification: Class C Liquor License (LC) (Commercial)Term: 6 monthsEffective Date: 02/13/2014Expiration Date: 08/13/2014

Privileges:

Class C Liquor License (LC) (Commercial)  
Outdoor Service

**Status of Business**

BusinessType:	<u>Limited Liability Company</u>		
Corporate ID Number:	<u>437709</u>	Federal Employer ID #	<u>45-5412828</u>

**Ownership****Jason Crimmins**First Name: JasonLast Name: CrimminsCity: AmesState: IowaZip: 50010Position Owner% of Ownership 50.00 %

U.S. Citizen

**Mike Roberts**First Name: MikeLast Name: RobertsCity: BooneState: IowaZip: 50036Position Owner% of Ownership 50.00 %

U.S. Citizen

**Insurance Company Information**



**Insurance Company:** Illinois Casualty Co

**Policy Effective Date:** 02/13/2014

**Policy Expiration Date:** 08/12/2014

**Bond Effective Continuously:**

**Dram Cancel Date:**

**Outdoor Service Effective Date:** 03/20/2014

**Outdoor Service Expiration Date:** 08/13/2014

**Temp Transfer Effective Date:**

**Temp Transfer Expiration Date:**

**COUNCIL ACTION FORM**

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

**BACKGROUND:**

The Student Society of Landscape Architects (SSLA) at Iowa State University is requesting suspension of parking regulations and enforcement in one metered space on Chamberlain Street to install a “parklet” to be on display from April 24 through August 30, 2014. **A parklet is a parking space that has been converted to a "park" to provide enhanced amenities and/or green space for people in business districts where sidewalk space is limited like Campustown and Downtown Ames.** The students intend to install the parklet that was demonstrated in April 2013 the same space (parking space 50 next to Fire Station 2) on Chamberlain Street. **The maximum possible loss of revenue to the Parking Fund from the waiver of parking meter fees is \$245.25.**

The students have met with Public Works staff to ensure compliance with necessary regulations pertaining to the ADA, stormwater runoff and any other considerations to provide safety in the area during the demonstration. The plans have been reviewed by the Fire Department's Inspections Division to ensure that all other life safety codes are met with the project. City staff recommends that, if approved, the City Council should retain the right to order the parklet’s removal should it become a hazard to the public.

**ALTERNATIVES:**

1. The City Council can approve the placement of the parklet and the suspension of parking regulations and enforcement for parking space 50 on Chamberlain Street from April 24 through August 30, 2014. The City Council could order the parklet’s removal if it was deemed a hazard to the public.
2. The City Council can approve placement of the parklet from April 24 through August 30, 2014, but require reimbursement for the lost parking revenue.
3. The City Council can consider the placement of a parklet at a different location and/or on different dates.

**MANAGER'S RECOMMENDED ACTION:**

The SSLA is excited to again demonstrate this concept in urban landscape design to the community of Ames and Iowa State University. This request offers a unique opportunity to preview this new concept for an extended period of time over the spring and summer.

As long as the City reserves the right to have the parklet removed if deemed necessary, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby suspending parking regulations and enforcement for parking space 50 on Chamberlain Street from April 24 through August 30, 2014.

April 1, 2014

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

Dear Honorable Mayor and City Council:

The Student Society of Landscape Architects (SSLA) at Iowa State University proposes to build and install a parklet (or small, public, gathering space) on top of a single, metered parking space. We have selected the first space on Chamberlain St., between Welch Ave. and Stanton St., on the south side of Fire Station No. 2 (132 Welch Avenue). The installation would be in place from Thursday, April 24, 2014 through Saturday, August 30, 2014. At this time, the Student Society of Landscape Architects respectfully requests that the City Council consider waiving parking meter fees and enforcement during the time that the parklet is in place.

We ask that the Council refer this request to City staff for placement on the April 8 City Council agenda.

Sincerely,

Nicholas Gulick, Vice-President  
Student Society of Landscape Architects



campustown  
action  
association

Honorable Mayor Campbell and City Council  
Ames City Hall  
515 Clark Avenue  
Ames, IA 50010

March 31, 2014

RE: SSLA Parklet in Campustown

Dear Honorable Mayor Campbell and City Council,

Campustown Action Association has been asked by the Iowa State University Student Society of Landscape Architects (SSLA) to support the re-installation of the parklet they created for the district in the spring of 2013. CAA is very much in support of unique ways of introducing outdoor seating to our district, including this proposed parklet. The temporary location of the parklet worked very well last spring and we support it's installation on Chamberlain Street next to Fire Station #2 in April 2014 as well.

While we would love to have the parklet installed for the entire summer, we understand the financial constraints that places on the City of Ames in lost revenue. We are always looking for unique ways to improve the customer experience in Campustown, which we feel additional outdoor seating provides. If the City Council feels that waiving the meter fees for the entire summer is not possible, we offer to fund raise with our members to cover the cost of the lost meter fees, approximately \$245.25. Campustown Action Association is excited to have the parklet back in our district as we feel the parklet will add to the overall environment in Campustown and provide a place for the Ames public to enjoy all summer.

Thank you for your continued support of Campustown and the Campustown Action Association.

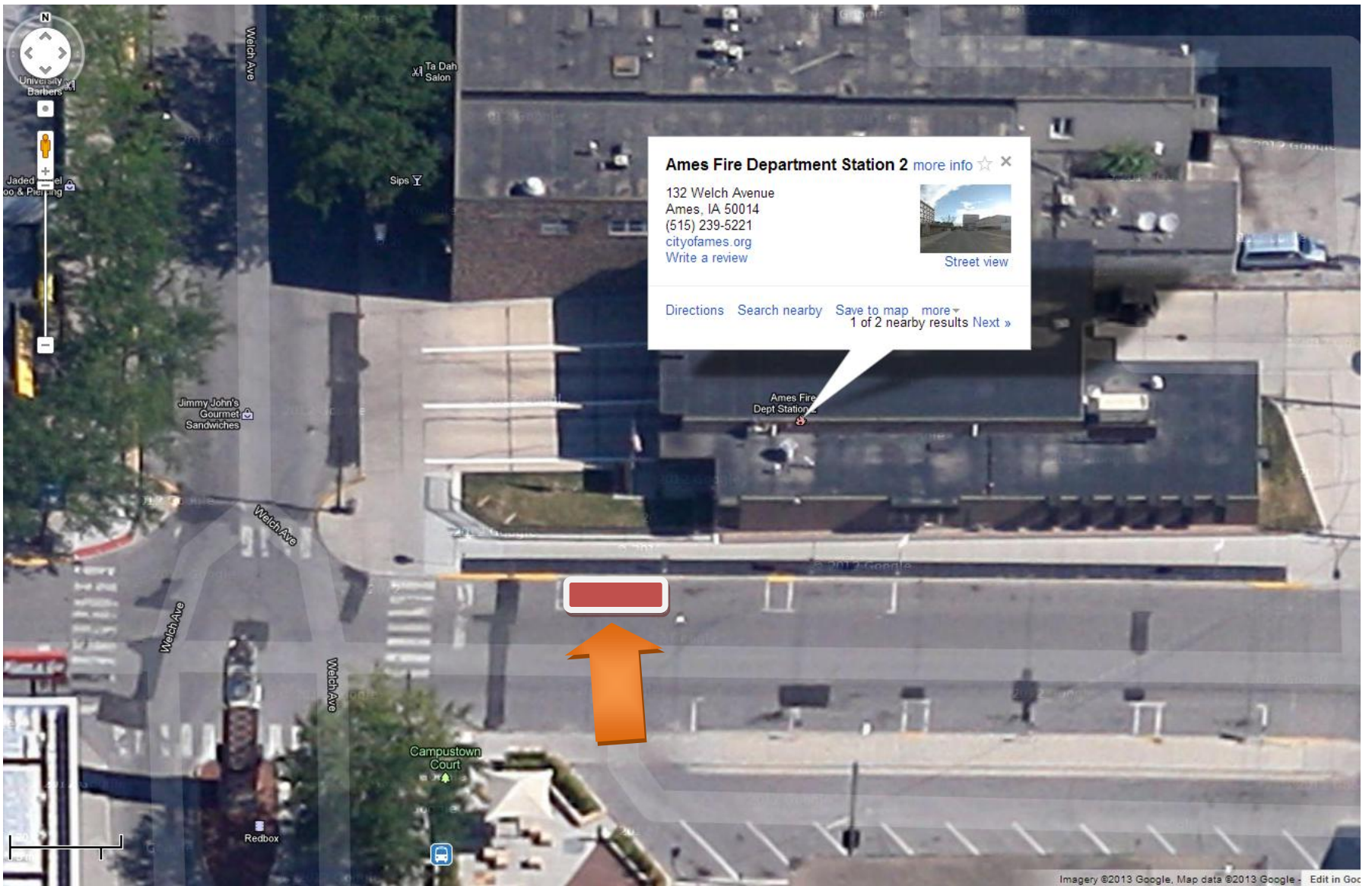
Sincerely,

Anne Taylor

CAA Board President  
Dogtown University

Kim Hanna

CAA Director



Aerial Photograph Courtesy of Google Maps



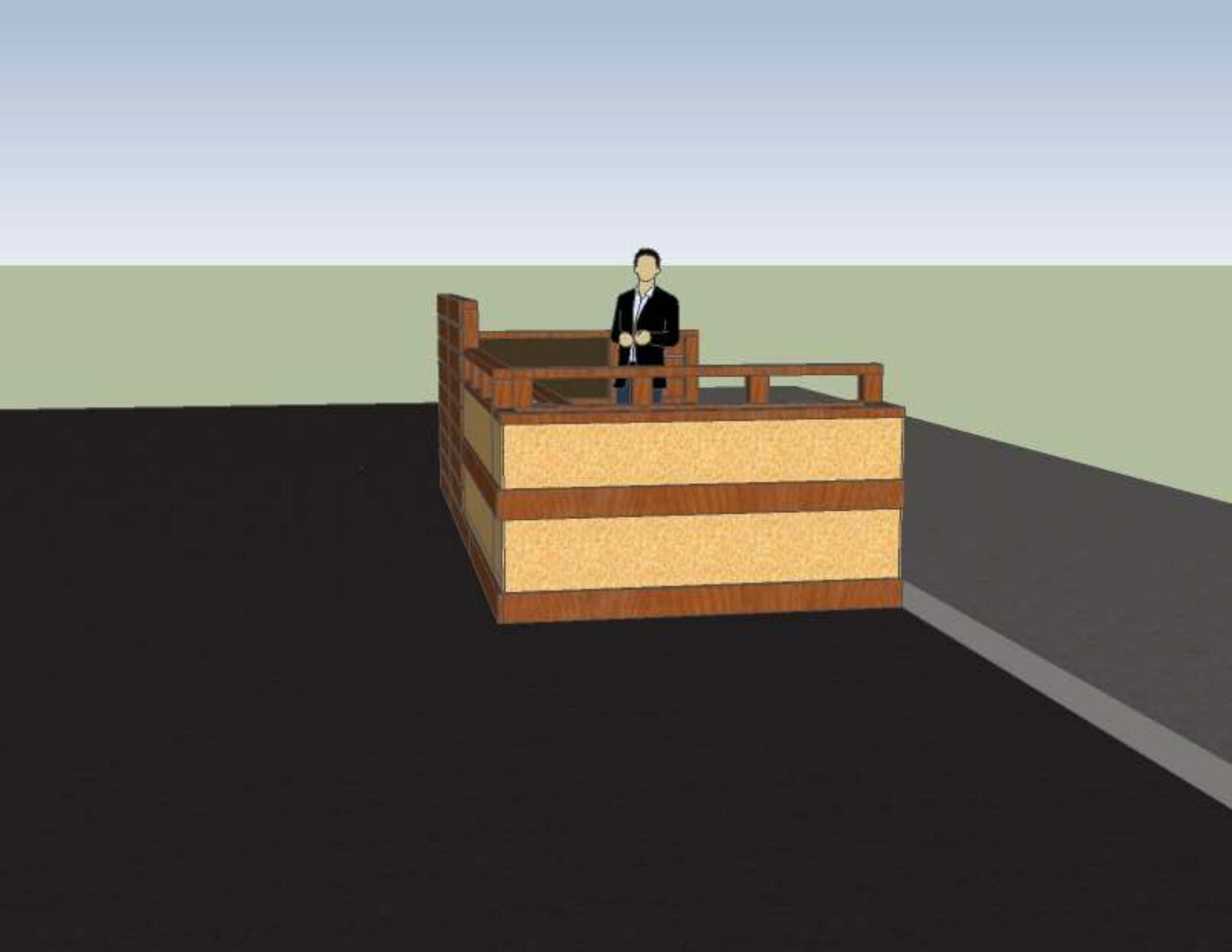


Streetview Courtesy of Google Maps









**COUNCIL ACTION FORM**

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

**BACKGROUND:**

The Ames Chamber of Commerce is planning to hold the fourth season of the Saturday Main Street Farmers' Market on Main Street this summer. The event has been held on the 400 block of Main Street and a portion of Burnett Avenue in previous years. In anticipation of a larger Market this year, the Chamber is also requesting the closure of the 300 block of Main Street. Approximately 74% of the businesses along the 300 block of Main Street supported closing the street for the event. Businesses in the 400 block of Main Street are aware of the Chamber's plan to host the market again this year.

The Market will be in operation from May 3 to October 25, from 8:00 a.m. to 12:30 p.m. each Saturday. In order to facilitate set-up and tear-down of booths and to allow for clean-up of the area, the street and parking spaces need to be closed from 5:30 a.m. to 1:30 p.m. Additionally, Burnett Avenue will be closed from Main Street north to the alley to avoid creating a dead end at Burnett and Main.

The Market is requesting a blanket Temporary Obstruction Permit and blanket Vending License for the entire Central Business District from 8:00 a.m. to 6:00 p.m. on each of these Saturdays. It is requesting that the \$50 fee for the blanket Vending License be waived. The Market has also requested a waiver of the \$1 per outlet, per day charge to use electrical outlets along Main Street.

City staff supports the Market's plan to use signage directing patrons to the free parking in CBD Lots X and Y, directly behind the 300 and 400 blocks of Main Street. These spaces have 2- and 4-hour time limits, and the Chamber is requesting that enforcement in these lots be waived during Market hours. Since there are no metered spaces in Lots X and Y, no meter revenue would be lost to grant this request.

The Market has also requested a waiver of parking meter fees for the 300 and 400 blocks and portion of Burnett Avenue. A total of 77 parking spaces will be closed each day of the Market. **City staff estimates that this will result in a maximum potential loss of \$1,800 in revenue to the Parking Fund. In previous years, the City Council has required reimbursement for lost parking meter revenue.** This is because the Market is a recurring event using public space to benefit for-profit vendors. To waive these costs completely may set a difficult precedent.

It should be noted, however, that this year's proposed Market is of an unprecedented size and duration. In comparison to last year's Market, this results in nearly four times

higher costs to close parking spaces (the 2013 Market closures cost \$455). The Farmer's Market also has a successful track record. City staff believes that on a typical Saturday only 80% of the parking spaces may be filled, so the actual revenue loss from hosting the Farmer's Market may only be \$1,440. Recognizing that this event supports the local economy and that a vibrant Main Street is in the community's interest, **City staff would be comfortable requiring reimbursement for 80% of the maximum parking revenue loss.**

### **ALTERNATIVES:**

1. The City Council may approve the requested street and parking space closures from 5:30 a.m. to 1:30 p.m. on Saturdays from May 3 through October 25, the blanket Temporary Obstruction Permit, a blanket Vending License, waiver of fee for the Vending License, and suspension of enforcement in CBD Lots X and Y. The Farmers Market will be required to reimburse the City \$1,800 for lost meter revenue and \$1 per day for each electric outlet used.
2. The City Council may approve the requested street and parking space closures from 5:30 a.m. to 1:30 p.m. on Saturdays from May 3 through October 25, the blanket Temporary Obstruction Permit, a blanket Vending License, waiver of fee for the Vending License, and suspension of enforcement in CBD Lots X and Y. The Farmers Market will be required to reimburse the City \$1,440 for lost meter revenue and \$1 per day for each electric outlet used.
3. The City Council may approve the requested street and parking closures, approve the requested permits, and grant the Market's request to waive the requirement that the City be reimbursed for lost revenue.
4. The City Council may deny the requests.

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

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

The City Council may choose to charge for lost parking revenue based on what the actual use is estimated to be, in which case the Council would adopt Alternative #1.

Assuming that the City Council would charge for the maximum possible parking revenue loss, it is the City's Manager's recommendation that the City Council adopt Alternative

#1, thereby approving the requested street and parking space closures from 5:30 a.m. to 1:30 p.m. on Saturdays from May 3 through October 25, the blanket Temporary Obstruction Permit, a blanket Vending License, waiver of fee for the Vending License, and suspension of enforcement in CBD Lots X and Y. The Farmers Market will be required to reimburse the City \$1,800 for lost meter revenue and \$1 per day for each electric outlet used.



Ames™  
CHAMBER OF COMMERCE

April 3, 2014

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

Dear Honorable Mayor Campbell and City Council,

The Ames Chamber of Commerce is planning to hold the fourth season of the *Ames Main Street Farmers' Market* this summer. The event is scheduled to be held on the 300 and 400 block of Main Street every Saturday from May 3rd to October 25th, 8:00AM to 12:30PM (the road is scheduled to be closed from 5:30AM to 1:30PM to allow for setup, teardown, and cleanup). The 26-week event will showcase the areas best farmers, crafters, and prepared food experts as well as offering weekly live entertainment and children's activities. At this time, Ames Chamber of Commerce asks the City Council to consider six specific requests:

1. The Ames Chamber of Commerce requests to use Tom Evans Plaza on Saturdays from May 3 – October 25 between the hours of 5:30AM and 1:00PM for vendor booths, live entertainment, children's activities, and educational programming the activities will not take place before 8:00AM or after 12:30PM as these times are designated for setup, teardown, and cleanup. Ames Chamber of Commerce also requests the use of electricity in Tom Evans Plaza and requests a waiver for electricity costs for outlets in the Park.
2. The Ames Chamber of Commerce requests a temporary obstruction permit for the entire Central Business District (CBD) to allow businesses to use the half of the sidewalk closest to their storefronts to display merchandise on market days. Ames Chamber of Commerce requests the permit for Saturdays in May through October between the hours of 8:00AM and 6:00PM. Any business choosing to sell merchandise on the sidewalk will be required to file their certificate of insurance with the City of Ames.
3. The Ames Chamber of Commerce requests a Blanket Vending Permit for the entire CBD to allow businesses to sell merchandise outside their stores if they so choose. Ames Chamber of Commerce requests the permit for Saturdays in May through October between the hours of 8:00AM and 6:00PM. The Chamber of Commerce further requests the fee be waived. The Chamber of Commerce intends that regular street vendors in the CBD who have permits through the city will continue their operations as usual during this time.
4. The Ames Chamber of Commerce also requests the closure of Main Street between Clark and Kellogg on Saturdays from May 3 to October 25th between the hours of 5:30am-1:30pm to host the market and vendor booths. Ames Chamber of Commerce also requests the use of electricity along Main Street and requests a waiver for electricity costs for outlets in the Park.
5. The Ames Chamber of Commerce also requests that the fee be waived for the parking meters on the 300 and 400 Blocks of Main Street and on the affected portion of Burnett Avenue during the Ames Main Street Farmers' Market as the Market is a Non-Profit organization.
6. The Ames Chamber of Commerce also requests that that enforcement of 2hr or 4 hr. parking in the back lots of the 300 and 400 Blocks of Main street be waived from 6:30am to 1:00pm during the Market season.

Thank you for your consideration of these requests and continued support of downtown Ames. We look forward to seeing you in the fourth year of the Ames Main Street Farmers' Market throughout the 2014 season.

Sincerely,

Lojean Petersen  
Ames Main Street Farmers' Market Manager

Cc: Jeff Benson

**304 Main Street, Ames, IA 50010 515.232.2310 Ames Chamber of Commerce**





March 27, 2014

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

Dear Mayor Campbell and City Council,

The Main Street Cultural District (MSCD) supports the continued use of the 400 block, Tom Evans Plaza, and expansion through the 300 block of Main Street for the Ames Main Street Farmers' Market 2014 season. The market is an asset to Downtown Ames and the entire community. We encourage their continued growth and programming and look forward to another successful year.

Sincerely,

A handwritten signature in black ink that reads "Cari Hague". The signature is written in a cursive, flowing style.

Cari Hague  
Executive Director

**304 Main Street, Ames, IA 50010    515.233.3472    [AmesDowntown.org](http://AmesDowntown.org)**

**City of Ames / Iowa State University  
Fireworks Permit Application**

ITEM #23  
4-8-14

---

**Iowa State University  
Residence Hall Week  
Fireworks Show  
Saturday April 26<sup>th</sup>, 2014**

Prepared By:

Kelm Brueschke  
J & M Displays, Inc.  
4104 83<sup>rd</sup> Street  
Urbandale, IA 50322

Cell Phone: 515.321.2761

Fax Number: 515.276.6828

Email: [kelmbrueschke@gmail.com](mailto:kelmbrueschke@gmail.com)

ISU Fireworks Permit Application

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

**Applicant Information**

Name of Event: Residence Hall Week  
 Name of Organization Sponsoring Event: ISU Fair Fireworks Ball Association  
 Address of Organization: 438A Friley Hall, Ames, IA 50013  
 Name of Applicant: Anthony Behrke  
 Phone: 515 590 6291 Fax: \_\_\_\_\_ E-Mail: abehrke@jason.net

**Event Information**

Event Location: Central Campus - North of Campus Estimated attendance: 2,000  
 Event Date: 4/26/2014 Time: 7:59 2:00 p.m. Alternate Date (rain date) for event: 5/3/2014  
 Organization's on-site manager or contact for day of Display: Anthony Behrke  
 Phone: 515 590 6291 Fax: \_\_\_\_\_ E-Mail: abehrke@jason.net

**Firework Display Information:**

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

Display Operator (company name): J&M Displays  
 Address: 18384 170th Avenue  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
 Work-week Phone: 515 321 2761 Fax: 515 276 6903 E-Mail: \_\_\_\_\_  
 Operator Name for day of Display: Kalen Benschke Cell Phone: \_\_\_\_\_  
 Other Contact for day of Display: \_\_\_\_\_ Cell Phone: \_\_\_\_\_

**NOTE: Electronic firing ONLY**

Type of Fireworks: Outdoor Close Proximity Attach Display Program  
 Length of Display: 0-12 minutes  
 Fireworks Supplier: J & M Displays  
 Exact Location of Display: Central Campus Attach Diagram of Display/Shoot Location

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

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

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

3/20/2014  
Date

[Signature]  
Sponsoring Organization Representative Signature

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

3/20/2014  
Date

[Signature]  
Display Operator Representative Signature

**APPROVAL SIGNATURES:**

3/31/2014  
Date

[Signature]  
Environmental Health and Safety

04/02/14  
Date

[Signature]  
ISU Police

Date

[Signature]  
City of Ames Fire Inspector

Date

[Signature]  
Office of Risk Management



ISU Fireworks Permit Application

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

**Applicant Information**

Name of Event: Residence Hall Week  
 Name of Organization Sponsoring Event: ISU Inter-Residence Hall Association  
 Address of Organization: ARSA Faculty Hall, Ames, IA 50012  
 Name of Applicant: Anthony Behrke  
 Phone: 515.339.6241 Fax: \_\_\_\_\_ E-Mail: ahbehrke@iastate.edu

**Event Information**

Event Location: Central Campus - North of Campus Estimated attendance: 2,000  
 Event Date: 3/20/2014 Time: 11:59 a.m. Alternate Date (rain date) for event: 3/23/2014  
 Organization's on-site manager or contact for day of Display: Anthony Behrke  
 Phone: 515.339.6241 Fax: \_\_\_\_\_ E-Mail: ahbehrke@iastate.edu

**Firework Display Information:**

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

Display Operator (company name): Taylor M. A. Williams  
 Address: 18064 170th Avenue  
 City: Wassonville State: IA Zip Code: 50260  
 Work-week Phone: 515.331.2761 Fax: 515.276.6108 E-Mail: kabern@iastate.edu  
 Operator Name for day of Display: Kelvin Brunette Cell Phone: 515.331.2761  
 Other Contact for day of Display: \_\_\_\_\_ Cell Phone: \_\_\_\_\_

**NOTE: Electronic firing ONLY**

Type of Fireworks: Outdoor Close Proximity Attach Display Program  
 Length of Display: 15-20 minutes  
 Fireworks Supplier: J & M Displays  
 Exact Location of Display: Central Campus Attach Diagram of Display/Shoot Location

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

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

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

3/20/2014  
Date

[Signature]  
Sponsoring Organization Representative Signature

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

3/20/2014  
Date

[Signature]  
Display Operator Representative Signature

**APPROVAL SIGNATURES:**

\_\_\_\_\_  
Date

Environmental Health and Safety

3-25-14  
Date

[Signature] ISU Police  
City of Ames Fire Inspector

\_\_\_\_\_  
Date

Office of Risk Management

## Show Details:

**Event Name:** ISU Residence Hall Week

**Organization:** ISU Inter-Residence Hall Association

**Contact:** Anthony Behnke

**Address:** A88A Friley Hall

Ames, IA 50012

**Phone:** 515.294.2040

**Fax:**

**Email:** [abehnke@iastate.edu](mailto:abehnke@iastate.edu)

**Venue:** ISU Central Campus – North of Campanile on sidewalk (see diagram below)

**Responding Fire Department:** Ames, IA

**Show Date:** Saturday April 26<sup>th</sup>, 2014

**Shoot Time:** 11:59 p.m.

**Duration of Show:** 10 – 12 minutes

### **Lead Display Operator:**

Kelm Brueschke - Credentials

- PGI Certified Shooter
- Minnesota Fireworks License & Indoor Close Proximity License
- Missouri Fireworks License & Indoor Close Proximity License
- Cell Phone: 515.321.2761

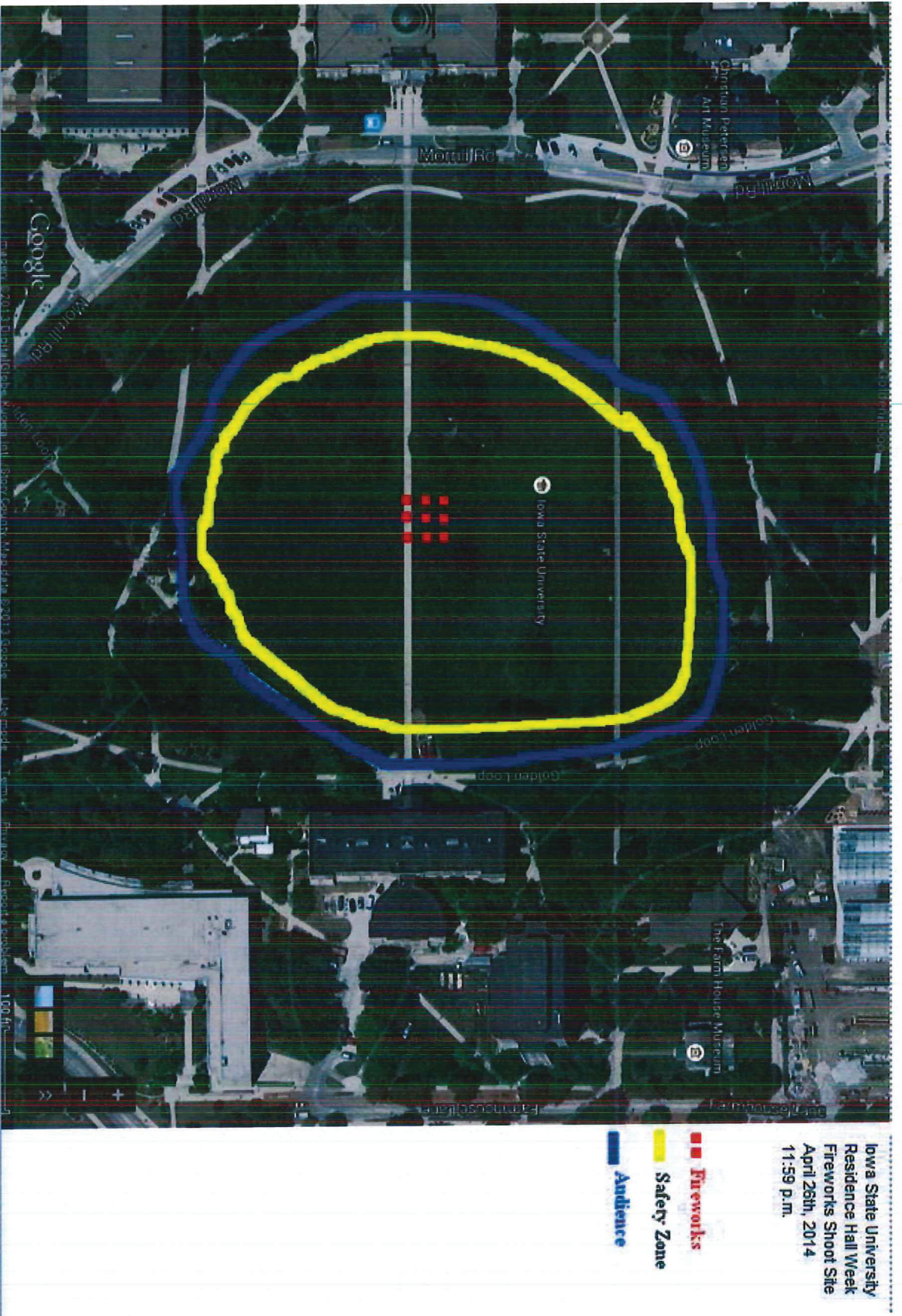
### **Pyrotechnic Products Proposed: (No aerial shells – ground effects only)**

Quantity	Type/Class	Description
5	Class C (1.4g)	45mm Mines
15	Class C (1.4g)	3" Mines
9	Class B (1.3g)	300 Shot Roman Candle Bundles
4	Class C (1.4g)	Bengal Flares
5	Class C (1.4g)	Strobe Pots
19	Class B (1.3g)	Multi-Shot Barrage Cakes
10	Class C (1.4g)	30mm Comets
10	Class C (1.4g)	50mm Comets
2	Class B (1.3g)	Fireballs
1	Class C (1.4g)	Custom Set Piece (IRHA)

**Insurance Certificate:** \$10,000,000.00 coverage. Certificate will be issued and faxed/emailed separately.



Shoot Site: Aerial Photo/Diagram



**COUNCIL ACTION FORM**

**SUBJECT:**     **CY STATUE AGREEMENT**

**BACKGROUND:**

In conjunction with the celebration of the Ames Sesquicentennial, the City has been approached about a project to place life-sized Iowa State University mascot “Cy” statues throughout the community. These fiberglass statues will be sponsored by individuals, companies or groups, and will be decorated by individual artists. This project, led by participants in the Chamber of Commerce's Leadership Ames XXVII class, is serving as a fundraiser for local non-profit organizations, and is named “CyclONE City.” The statues will be displayed temporarily for six months, after which they will be auctioned with the proceeds going to charity.

At the February 25, 2014 City Council Meeting, direction was given for staff to prepare an agreement with the Chamber of Commerce to allow placement of the Cy statues on City property. That agreement is attached.

The agreement outlines the respective responsibilities of the City and of the Chamber of Commerce. The City will be responsible to approve locations of the pads with the input of the Public Art Commission. The Chamber will be responsible for providing insurance, pad and statue installation, maintenance of the pad and statue, and site restoration once the pad is removed (unless the City agrees to a permanent pad location).

The Public Works Operations Manager will serve as the City’s liaison with the Chamber, and will coordinate selection of site and pad installation and removal.

**ALTERNATIVES:**

1. Approve the attached agreement with the Ames Chamber of Commerce for the temporary placement of Cy statues on City property.
2. Do not approve this agreement.

**MANAGER'S RECOMMENDED ACTION:**

This project will create a public/private partnership aimed to beautify and create a sense of pride in our community during its sesquicentennial year. While the “Cy” statue is a unique sculpture to Ames, many other cities have had great success using temporary fiberglass displays to generate interest and enthusiasm for their communities. These temporary exhibits are successful only through collaboration between the many



stakeholders. The attached agreement clearly states the roles and responsibilities of both parties.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the attached agreement with the Ames Chamber of Commerce for the temporary placement of Cy statues on City property.

**AGREEMENT FOR TEMPORARY OBSTRUCTION  
OF CITY PROPERTY FOR PLACEMENT OF STATUES**

**THIS AGREEMENT**, effective April 4, 2014, made and entered into by and between the CITY OF AMES, IOWA, a municipal corporation organized and existing pursuant to the laws of the State of Iowa (hereinafter called "City") and AMES CHAMBER OF COMMERCE, a non-profit organization, organized and existing pursuant to the laws of the State of Iowa (hereinafter called "Chamber");

**WITNESSETH THAT:**

**WHEREAS**, the City has determined that it is willing to be involved in a project with the Chamber to place life-sized Iowa State University mascot "Cy" statues (hereinafter "statues") throughout the community. Such locations to be determined and approved by the City should be provided in accordance with the terms of this written agreement as hereinafter set out;

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

**I. PURPOSE**

The purpose of this Agreement is to provide a temporary obstruction permit to the Chamber for multiple locations as determined by the City for the placement of statues; to establish the methods, procedures, terms and conditions governing the placement by the Chamber of such statues; and to establish other duties, responsibilities, terms and conditions mutually undertaken and agreed to by the parties hereto in consideration of the placement.

**II. COVERAGE**

This agreement and temporary obstruction permit shall cover for each statue placement: the location of the statue, the pad the statue sits upon, the statue, any plaque associated with the statue, and any statue accessories.

**III. RESPONSIBILITIES OF THE PARTIES**

A. The City shall be responsible for the following:

1. The City's Representative shall approve the placement of the statues and associated pads on public property with the input of the Public Art Commission.
2. The City's Representative shall be Corey Mellies, Public Works Operations Manager.
3. The City shall be responsible to designate any permanent pad locations and any permanent statue locations to be accepted into the City's public art collection.

- B. The Chamber shall be responsible for the following:
1. The Chamber shall be responsible for the costs of installing any new pads.
  2. The Chamber shall be responsible for the installation of all statues.
  3. The Chamber shall be responsible for pad and statue removal, unless the City agrees to a permanent pad and/or statue location.
  4. The Chamber shall provide for maintenance of the pad and statue including, but not limited to, repairing any damages, cleaning any vandalism, etc.
  5. The Chamber shall be responsible for restoration of the sites at all locations after the pads and statues are removed.

**IV. INSURANCE**

The Chamber shall provide and maintain an insurance policy naming the City as an additional insured with comprehensive general liability limits in the amount of \$500,000 combined single limit. The policy shall remain in full force and effect during the life of this agreement. A copy of the current insurance certificate shall be maintained on file with the City Clerk.

**V. REVOCATION AND TERMINATION**

The City shall have the right to revoke any specific location chosen for the placement of a statue and terminate this agreement related to that specific location.

**VI. LAWS**

This contract is governed by the laws of the State of Iowa with venue in Story County District Court.

**VII. ASSIGNMENT**

This Agreement may not be assigned or transferred by the Chamber without the prior written consent of the City.

**VIII. DURATION**

For the non-permanent locations, this Agreement shall be in full force and effect from the date of the agreement and for as long as the pad and statues remain in place at the chosen locations.

For the permanent statue locations chosen by the City, this Agreement shall be in full force and effect from the date of the agreement until the permanent statue locations are designated and accepted by City.

For the permanent pad locations designated by the City, this Agreement shall be in full force and effect from the date of the agreement for as long as the statues remain in place at the permanent location.

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

**CITY OF AMES, IOWA**

**AMES CHAMBER OF COMMERCE**

By: \_\_\_\_\_  
Mayor Ann Campbell

By: \_\_\_\_\_  
Dan Culhane, President and CEO

Attest: \_\_\_\_\_  
Diane Voss, City Clerk

<p>STATE OF IOWA, COUNTY OF STORY, ss:</p> <p>On this _____ day of _____, 2014, before me, a Notary Public in and for the State of Iowa, personally appeared Ann H. Campbell and Diane R. Voss, to me personally known and who, by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of Ames, Iowa; that the seal affixed to the foregoing instrument is the corporate seal of the corporation; and that the instrument was signed and sealed on behalf of the corporation, by authority of its City Council, as contained in Resolution No. _____ adopted by the City Council on the _____ day of _____, 2014, and that Ann H. Campbell and Diane R. Voss acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the corporation, by it voluntarily executed.</p> <p>_____ Notary Public in and for the State of Iowa</p>	<p>STATE OF IOWA, COUNTY OF STORY, ss:</p> <p>This instrument was acknowledged before me on _____, 2014, by Dan Culhane, as President and CEO of Ames Chamber of Commerce.</p> <p>_____ Notary Public in and for the State of Iowa</p>
--	--