

**AGENDA**  
**REGULAR MEETING OF THE AMES CITY COUNCIL**  
**COUNCIL CHAMBERS - CITY HALL**  
**SEPTEMBER 23, 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 Cy's 60<sup>th</sup> Birthday Week, October 5-11, 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.

2. Motion approving payment of claims
3. Motion approving minutes of Regular Meeting of September 9, 2014
4. Motion to set the following City Council meeting dates:
  - a. January 20, 2015, at 5:15 p.m. for CIP Workshop
  - b. January 30, 2015, at 2:00 p.m. for Budget Overview
  - c. February 3, 4, 5, and 10, 2015, at 5:15 p.m. for Budget Hearings/Wrap-Up
  - d. March 3, 2015, at 7:00 p.m. for Regular Meeting and Final Budget Hearing
5. Motion approving renewal of the following beer permits, wine permits, and liquor licenses:
  - a. Class C Liquor – La Fuente Mexican Restaurant, 217 South Duff Avenue, pending dram
  - b. Class C Liquor & Outdoor Service – Hickory's Hall, 300 S. 17<sup>th</sup> Street
  - c. Class C Beer & B Wine – Hy-Vee Gas #5018, 636 Lincoln Way
  - d. Class C Beer & B Wine – K Mart #3971, 1405 Buckeye Avenue
  - e. Class C Beer – Doc's Stop No. 5, 2720 East 13<sup>th</sup> Street
  - f. Class C Liquor & B Native Wine – AJ's Ultra Lounge, 2401 Chamberlain Street
  - g. Class E Liquor, C Beer, & B Wine – Hy-Vee Food Store #1, 3800 W. Lincoln Way
  - h. Class E Liquor, C Beer, & B Wine – Hy-Vee Food & Drugstore #2, 640 Lincoln Way
  - i. Class C Liquor – Hy-Vee #1 Clubroom, 3800 W. Lincoln Way
6. Motion approving 5-day licenses for Olde Main Brewing Company at the ISU Alumni Center, 420 Beach Avenue:
  - a. Class C Liquor (September 23-September 27)
  - b. Class C Liquor (September 29-October 3)
  - c. Class C Liquor (October 10-October 14)
  - d. Class C Liquor (October 18-October 22)
7. Motion approving 5-day (October 10-14) Class C Liquor License for Olde Main Brewing Company at Reiman Gardens, 1407 University Boulevard
8. Motion approving 5-Day (September 26-30) Class B Beer Permit & Outdoor Service for Bar at Zylstra Harley Davidson, 1219 McCormick Avenue
9. Motion approving 5-day (October 3-October 7) Class C Liquor License for Dublin Bay Pub at CPMI Event Center, 2321 North Loop Drive
10. Resolution approving 2014 Street Finance Report

11. Resolution approving Engineering Services Agreement for Sanitary Sewer System Evaluation Planning and Design SRF Loan
12. Resolution approving Detour Agreement for Iowa Department of Transportation 2015 Bridge Deck Overlay on Eastbound U. S. Highway 30 over Highway 69 (South Duff Avenue)
13. Requests for Campustown Action Association's Friday Afternoon in Campustown (FAC):
  - a. Motion approving Blanket Temporary Obstruction Permit and Blanket Vending License
  - b. Motion approving 5-day (October 10-14) Class B Beer Permit with Outdoor Service
  - c. Resolution approving waiver of fee for Blanket Vending License
  - d. Resolution approving closure of Welch Lot T from 12:00 p.m. to 11:00 p.m., and waiving parking meter fees and enforcement
14. Resolution setting October 14, 2014, as date of public hearing for vacating public utility easement located at 2810 - 2824 Wakefield Circle
15. Requests from Student Alumni Leadership Council for ISU Homecoming October 4-10:
  - a. Resolution approving closure of portions of Ash Avenue, Beach Avenue, Gable Lane, Gray Avenue, Greeley Street, Pearson Avenue, and Sunset Drive between 6:30 p.m. and 11:00 p.m.
  - b. Resolution approving closure of on-street parking on west side of Welch Avenue from Knapp Street to the south approximately 50 feet to allow for viewing of lawn display at 407 Welch Avenue
  - c. Motion approving temporary obstruction permit for area inside street closures
  - d. Motion approving Fireworks Permit for ground effects fireworks shoot on Central Campus at midnight on October 10
16. Resolution approving Agreement for Deferment of Sidewalk Installation with DB at Ames, LLC, for Copper Beech Apartment Project located at 712 South 16<sup>th</sup> Street
17. Resolution approving preliminary plans and specifications for Replacement of Heating and Cooling System at Fire Station No. 3, setting October 22, 2014, as bid due date and October 28, 2014, as date of public hearing
18. Resolution approving contract and bond for City Hall Renovation - Phase 2
19. Resolution approving contract and bond for Water Pollution Control Facility Digester Improvements
20. Resolution accepting partial completion of public improvements and lessening security for South Fork Subdivision, 3<sup>rd</sup> Addition
21. Resolution accepting final completion of public improvements and releasing security for South Fork Subdivision, 4<sup>th</sup> Addition
22. Resolution accepting partial completion of public improvements and lessening security for South Fork Subdivision, 5<sup>th</sup> Addition
23. Resolution accepting partial completion of public improvements and lessening security for South Fork Subdivision, 7<sup>th</sup> Addition (Marigold Extension)
24. Resolution accepting completion of WPC Pump Replacement
25. Resolution approving completion of Fleet Services Building Roof Replacement – Phase 1
26. Resolution approving Plat of Survey for 3334 Lincoln Way
27. Resolution approving Plat of Survey for 3707, 3711, and 3715 Marigold Drive

**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.**

**HEARINGS:**

28. Hearing on Consolidated Annual Performance and Evaluation Report (CAPER):
  - a. Resolution approving CAPER
29. Hearing on Information Technology Fiber Optic Deployment:
  - a. Resolution approving final plans and specifications and awarding contract to Communication Innovators, Inc., of Pleasant Hill, Iowa, in the amount of \$74,518
30. Hearing on 2012/13 Storm Sewer Outlet Erosion Control:
  - a. Motion accepting report of no bids
  - b. Motion directing staff to evaluate alternatives for accomplishing the creek stabilization this year
31. Hearing on rezoning with Revised Master Plan for 601 State Avenue from Special Government/Airport (S-GA) to Residential Low Density (RL) and Floating Suburban Residential Low Density (FS-RL):
  - a. Resolution approving Contract Rezoning Agreement
  - b. First passage of ordinance

**ADMINISTRATION:**

32. Discussion of rezoning 601 State Avenue to Residential Low Density (RL)
33. Discussion of concepts for 28E Agreement with Government of the Student Body to establish joint task forces:
  - a. Motion directing staff to prepare 28E Agreement
  - b. Motion directing staff to prepare an ordinance repealing the Student Affairs Commission

**FINANCE:**

34. Resolution approving Economic Development Tax Exemption Incentive Agreement with Workiva

**ORDINANCES:**

35. Second passage of ordinance rezoning of Quarry Estates Subdivision from Agricultural (A) to Floating Suburban Residential Low-Density (FS-RL) and Floating Suburban Residential Medium-Density (FS-RM)
36. Second passage of ordinance amending Flood Plain Zoning Regulations contained in *Municipal Code* Chapter 9
37. Third passage and adoption of ORDINANCE NO. 4194 pertaining to parking regulations on new streets and corrections at various locations
38. Third passage and adoption of ORDINANCE NO. 4195 designating parking restrictions and loading zone on Aspen Road

**COUNCIL COMMENTS:**

**ADJOURNMENT:**

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

# MINUTES OF THE REGULAR MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

SEPTEMBER 9, 2014

The Regular Meeting of the Ames City Council was called to order at 7:00 p.m. on September 9, 2014, in the City Council Chambers in 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 Lissandra Villa was also present.

Mayor Campbell announced that the Council members would be working from an Amended Agenda. Added under Item No. 10c was closure of Welch Avenue, between Chamberlain and Hunt, as part of the Dinkey Day celebration, which will occur on September 26.

**PROCLAMATION FOR ADDICTION RECOVERY MONTH:** Mayor Campbell proclaimed the month of September 2014 as Addiction Recovery Month. Accepting the Proclamation were Jason Haglund, Director of Treatment, Youth and Shelter Services, and Michelle DeLaRira, CEO of Community and Family Resources.

**CONSENT AGENDA:** Council Member Betcher asked to pull Consent Items 10 and 11, requests from Campustown Action Association for Dinkey Day and Ames High Homecoming Committee Requests, respectively, for separate discussion. Item 9, Closure of Douglas Avenue for Library Grand Re-Opening, and Item 14, Change Order for the Library Renovation and Expansion Project, were pulled from the Consent Agenda for separate discussion as requested by Council Member Gartin.

Moved by Orazem, seconded by Betcher, to approve the following items on the Consent Agenda:

1. Motion approving payment of claims
2. Motion approving minutes of Special Meeting of August 19, 2014, and Regular Meeting of August 26, 2014
3. Motion setting November 10, 2014, as Regular City Council meeting date, instead of November 11, 2014 (Veterans' Day)
4. Motion approving certification of civil service applicants
5. Motion approving Report of Contract Change Orders for August 16-31, 2014
6. Motion approving renewal of the following beer permits, wine permits, and liquor licenses:
  - a. Class E Liquor, C Beer, & B Wine – Cyclone Liquors, 626 Lincoln Way
  - b. Class C Liquor – Corner Pocket/DG's Taphouse, 125 Main Street
  - c. Class B Liquor & Outdoor Service – Hilton Garden Inn Ames, 1325 Dickinson Avenue
  - d. Class C Liquor – Whiskey River, 132-134 Main Street, pending proof of dram shop coverage
  - e. Class C Liquor, B Wine, & Outdoor Service - +39 Restaurant, Market, & Cantina, 2640 Stange Road, pending proof of dram shop coverage
  - f. Class C Liquor & Outdoor Service – Wallaby's Grille, 3720 W. Lincoln Way
7. RESOLUTION NO. 14-476 authorizing issuance of General Obligation Bonds, Series 2014
8. RESOLUTION NO. 14-483 changing bid due date and date of public hearing to September 25, 2014, and October 14, 2014, respectively, for Furnishing 69kV SF6 Circuit Breakers for Electric Services Department
9. RESOLUTION NO. 14-484 awarding contract to Stivers Ford of Waukee, Iowa, for two 2015 Ford Taurus Interceptor Sedans at \$25,586 each
10. RESOLUTION NO. 14-486 approving completion of 2012/13 Water Program (Toronto Area Water Main Replacement)

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

**CLOSURE OF DOUGLAS AVENUE FOR LIBRARY GRAND RE-OPENING:** Council Member Gartin explained that he had requested this item be pulled for separate discussion as he did not see any documentation that adjacent affected property owners had been notified about the anticipated street closure. Lynne Carey, Library Director, stated that she will ensure that notification had been made.

Moved by Gartin, seconded by Betcher, to adopt RESOLUTION NO. 14-477 approving closure of Douglas Avenue on September 14 from Noon to 2 p.m. for the Library Grand Re-Opening.

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

**REQUESTS FROM CAMPUSTOWN ACTION ASSOCIATION (CAA) FOR DINKEY DAY ON SEPTEMBER 26, 2014:** Council Member Betcher recalled that there had been some concerns about how this event could be held safely in Campustown. She requested that the Director of the CAA address those concerns.

Kim Hanna, CAA, 200 Stanton, Ste.102, Ames, clarified that the requests were actually from the Ames 150 Committee, not the CAA. Dinkey Day is the third of four Ames 150 events for 2014. The Dinkey Day celebration is to mark the 150<sup>th</sup> anniversary of Ames and Iowa State University (ISU) working together. Ms. Hanna listed the planned activities that will be part of Dinkey Day. According to Ms. Hanna, all of the businesses in the 200 Block of Welch Avenue were notified of the anticipated closure of Welch Avenue. Follow-up with emails and on-site visits had also been done.

Moved by Betcher, seconded by Nelson, to:

- a. Approve a Blanket Vending Permit;
- b. Adopt RESOLUTION NO. 14-478 approving the waiver of fees for parking, electricity, and the Blanket Vending Permit;
- c. Adopt RESOLUTION NO. 14-479 approving closure of Parking Lots T and Y on Welch Avenue and closure of Welch Avenue between Chamberlain and Hunt from 1:00 p.m. to 11:00 p.m.

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

**AMES HIGH SCHOOL HOMECOMING COMMITTEE REQUESTS:** Council Member Betcher asked representatives of the Committee to explain their plans for this event.

Ames High School Homecoming Parade Chairpersons Nadia Hoffman, 3101 Aspen Road, Ames, and Serena Paulson, 3213 West Street, Ames; and Alexa Cross, 4101 Valley View Road, Ames Game and Fireworks Chairperson, were present. The events planned in observance of Ames High Homecoming were highlighted.

Moved by Betcher, seconded by Goodman, to take the following actions pertaining to requests of the Ames High School Homecoming Committee:

- a. Adopt RESOLUTION NO. 14-480 approving closure of Parking Lot MM, the south half of Parking Lot M, portions of CBD Lot Z, and portions of Main Street, Douglas Avenue, Fifth Street, Burnett Avenue, Kellogg Avenue, Clark Avenue, and Pearle Avenue from 5:30 p.m. to approximately 7:30 p.m. on September 15, 2014
- b. Adopt RESOLUTION NO. 14-481 approving waiver of parking meter fees in Main Street Cultural District from 5:30 p.m. to 6:00 p.m. and for Parking Lot N from 5:00 p.m. to 6:00 p.m. on September 15, 2014
- c. Adopt RESOLUTION NO. 14-482 approving of waiver of fee for Fireworks Permit
- d. Approve a Fireworks Permit for display after the football game (approximately 9:30 p.m.) on September 19, 2014.

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

**CHANGE ORDER NO. 18 FOR LIBRARY RENOVATION AND EXPANSION PROJECT:**

Council Member Gartin noted that this is the 18<sup>th</sup> Change Order for the Library Renovation Project. He asked for a summary of the Change Orders, whether the Project was on schedule, and if this many Change Orders would be considered to be in the ordinary course of construction for this type of project.

Construction Manager Brad Heemstra of Integrity Construction advised that, in his experience, when a new facility is constructed on bare ground, 2-3% is sometimes adequate for change orders. However, on any kind of a renovation project, 5 - 8% is budgeted for change orders. Mr. Heemstra noted that this Project is still within that range. He stated that each change order is analyzed; some have been design-related, and some have been due to owner-requested changes in scope. Mr. Heemstra reported that all of the change orders have been necessary to bring the Project to completion.

Mr. Gartin asked to know the budget for change orders for this Project. Mr. Heemstra advised that there is still nearly \$300,000 available for construction change orders. He does not anticipate that the construction change order budget will be depleted. Library Director Carey reported that there is nearly \$700,000 in contingency funds remaining in the overall budget of \$20 million. Mr. Heemstra stated that there are just a few changes that will still come through the process; those are being priced-out at this point. City Manager Steve Schainker stated that any unspent funds will go to the Debt Service Fund to help retire the debt from the Library Renovation Bond Issue.

Moved by Gartin, seconded by Betcher, to adopt RESOLUTION NO. 14-485 approving Change Order No. 18 with A&P/Samuels Group for the Library Renovation and Expansion Project.

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

**PUBLIC FORUM:** Richard Deyo, 505-8th Street, #2, Ames, expressed frustration over the decisions that had been made pertaining to the Ames Public Library Gala that was held last Friday night. He noted that he was not able to go into the building and use the restroom. Mayor Campbell advised that the Gala was under the jurisdiction of the Friends Foundation of the Library; the Council did not have involvement in those decisions. She also pointed out that the library was not yet open to the public when the Gala was held.

Neil Bezeau, identified himself as an ISU student and representative of the Government of the

Student Body (GSB). He stated that he represents the Residence Halls and serves on the University Affairs Committee, which has, as a part of its mission, to improve students' lives. Amanda Lewis, also a member of the GSB, said she was the current Director of Special Events. She expressed appreciation of the lights that had been installed on Mortensen Way, which was a joint project between the City and ISU. Ms. Lewis said that the lights had definitely been noticed by the students. Abhijit Patwa, identified himself as the Finance Director and Chief Financial Officer for the GSB. He said he and the others wanted to introduce themselves and show their appreciation for the support shown to the students by the City Council. Lissandra Villa, *ex officio* Council Member, informed the Council that, at the most-recent GSB Senate meeting, she had invited members of the GSB to attend this meeting and speak under Public Forum. Her intent was that the Council members could then recognize some of the members of the GSB prior to its upcoming Joint Meeting with the Council.

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

**HEARING ON REZONING OF QUARRY ESTATES SUBDIVISION:** Kelly Diekmann, Director of Planning and Housing, explained that the request before the Council was to rezone, with a Master Plan, the 79-acre parcel north of Ada Hayden Heritage Park and immediately south of 190<sup>th</sup> Street, which is located in the North Growth Area. If approved, this would be the first rezoning in the Area. He noted that the City Council had previously committed to improvements to Grant Road and infrastructure being extended to the north to support this anticipated development.

City Planner Jeff Benson advised that the owner is proposing the development of a residential subdivision to be known as Quarry Estates and is requesting rezoning of 68.8 acres from Agriculture to Suburban Residential Low-Density and 10.1 acres from Agricultural to Suburban Residential Medium-Density. The total development is estimated to be between 225 and 365 dwelling units. The applicant is proposing a mix of apartments, independent senior living, single-family attached housing, and single-family detached dwelling units.

The Council was reminded that the land in question was annexed into the City on December 30, 2013. Ultimately, development of the site will require approval of a Conservation Subdivision and a Site Development Plan, subsequent to approval of the rezoning request. Prior to annexation, agreements were approved between the City and owners of the property and of other land parcels between Ada Hayden Heritage Park and the railroad right-of-way and south of 190<sup>th</sup> Street, which established the timing and responsibility for extension of the urban infrastructure necessary to provide City services to the area. This was to be accomplished through an assessment district for the improvement of Grant Avenue.

Mr. Benson said that this development is the first project to request approval under the Conservation Subdivision standards of the *Municipal Code*. The Conservation Subdivision standards were designed to protect the quality of water in Ada Hayden Lake, protect existing surface drainage systems, promote interconnected greenways, provide commonly owned open space and conservation areas, and protect such areas in perpetuity.

Planner Benson recalled that, on March 4, 2014, the City Council determined that a Master Plan would be required for rezoning the property. Project details of the Master Plan were explained. The proposed Master Plan shows 25% of the property as interconnected conservation areas and open space distributed throughout the development and abutting the residential areas. Those open spaces will serve as a buffer between proposed residences and existing residences on the east and south of the property. Conservation easements will be established for all conservation areas and will be

maintained according to a conservation area management plan that is required during the subdivision process.

Mr. Benson emphasized that there will be pedestrian access from Quarry Estates into Ada Hayden Heritage Park near the middle of the site in question at the west end of the shared property boundary just west of the upland pond within the Park. This will provide a connection to the existing Upland Trail within the Park.

Council Member Gartin asked if there would be a visual buffer, perhaps higher shrubs or trees, between the houses and the Upland Trail of Ada Hayden that would offer additional protection of the Trail area. He said that he would take note of Mr. Gartin's request; however, those details would be worked out as part of the platting. A Landscaping Plan and Conservation Plan will be required, and staff could be specific as to what should be planted in that area. Planner Benson noted that it was important to the owners that the view of Ada Hayden Heritage Park not be blocked. Mr. Benson said that it might be possible for the City to require some buffering between the Trail and the houses between the common property of the Homeowners' Association. Director Diekmann added, however, that there would not be a way to screen houses per se, other than planting very large trees, in this type of environment.

At the inquiry of Council Member Betcher pertaining to the delineation of the northern boundary of Ada Hayden, Director Diekmann advised that it had been determined by the Parks and Recreation Department that no type of perimeter fencing was appropriate along the Ada Hayden boundary. Instead, an open planted buffer area with decorative boundary markers was preferred. Ms. Betcher also asked if the markers would be maintained by the Quarry Estates Homeowners' Association or be considered City property. Planner Benson said that the Parks and Recreation Department had been working on this independent of this development; however, no decision had been made, to his knowledge, about whose responsibility it would be to maintain them. Mr. Diekmann added that those details would come back to the Council at the time of subdivision.

Planner Benson stated that the Master Plan had identified developable and undeveloped areas, range of uses and residential unit types consistent with the proposed FS-RL and FS-RM zoning district. Staff had concluded that the infrastructure under construction will be adequate to serve the project as well as that the proposed rezoning of the subject property is consistent with the Goals and Objectives and Future Land Use Map of the City's Land Use Policy Plan as long as the following conditions are met:

1. Central transportation corridor on an east-west alignment through the site provides facilities for motor vehicles, pedestrians, and bicycles.
2. Developer is responsible for frontage and intersection access improvements at the time of subdivision.
3. A single pedestrian access be provided from Quarry Estates into Ada Hayden Heritage Park at the location shown on the Master Plan.
4. A 30-foot-wide buffer of undevelopable open space be established between the developed lots of quarry Estates and Ada Hayden Heritage Park.

Discussion ensued over the concerns of the use of phosphorous in the residential developments and ways to restrict it. According to Assistant City Manager Bob Kindred, the City could request the



Homeowners Association to include phosphorous use restrictions in its by-laws. Council Member Goodman expressed a strong desire for the City to monitor the level of phosphorous and other chemicals in Ada Hayden and the bio-swales, and depending on those results, adjust the Conservation Subdivision requirements to further protect Ada Hayden. City Manager Schainker reported that restrictions on the use of phosphorous were already included in the Pre-Annexation Agreement previously approved for Quarry Estates.

Developer Kurt Friedrich, 100 Sixth Street, Ames, said it is their desire to start some grading of the site this year. They hope that lots will be available by this time next year.

Addressing concerns expressed by Council Member Gartin, Mr. Friedrich stated that the project, in no way, will change the lay-out of the Upland Trail.

Mr. Friedrich showed the Council a Concept Plan of the site in question. He emphasized that it is not part of the approval at this meeting, but he wanted the Council to have a preview of the lay-out of the lots.

An article pertaining to Conservation Communities, written by Hubbell Realty development consultant Joe Petrizynski, was read by Mr. Friedrich. According to Mr. Friedrich, there are currently six conservation communities in the Metro, the most-recent in Waukee. He read the article to point out the benefits of Conservation Subdivisions.

Scott Williams, FOX Engineering, highlighted the various studies that had been completed in accordance with the City's Conservation Subdivision Ordinance and in advance of the City's first conservation subdivision. He also summarized the findings of those studies.

The Council was informed by Director Diekmann that staff had not yet finished preparing the Zoning Agreement. However, to expedite the various steps needed to develop the property in question, staff recommended that the City Council approve the rezoning on first reading. The signed Zoning Agreement would be brought back for Council approval prior to the third reading of the Rezoning Ordinance.

Mayor Campbell opened the public hearing. After no one came forward to speak, the Mayor closed the hearing.

Moved by Nelson, seconded by Gartin, to pass on first reading an ordinance rezoning Quarry Estates Subdivision from Agricultural (A) to Floating Suburban Residential Low-Density (FS-RL) and Floating Suburban Residential Medium-Density (FS-RM) with the proposed Master Plan, subject to the following conditions:

1. Central transportation corridor on an east-west alignment through the site provides facilities for motor vehicles, pedestrians, and bicycles.
2. Developer is responsible for frontage and intersection access improvements at the time of subdivision.
3. A single pedestrian access be provided from Quarry Estates into Ada Hayden Heritage Park at the location shown on the Master Plan.
4. A 30-foot-wide buffer of undevelopable open space be established between the developed lots of Quarry Estates and Ada Hayden Heritage Park.

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

**HEARING ON AMENDMENTS TO FLOOD PLAIN ZONING REGULATIONS CONTAINED IN *MUNICIPAL CODE CHAPTER 9*:** City Planner Charlie Kuester reported that, since the City participates in the National Flood Insurance Program (NFIP), property owners in the City are eligible to purchase flood insurance to protect their structures and contents. To participate in the NFIP, the City is obligated to regulate development so as to reduce the risks of loss of life, personal injury, and property damage. To accomplish those goals, the City Council adopted an ordinance that regulates development in the flood plain and maps that identify the flood plain for waterways throughout the City. Part of that Ordinance adopts by reference the Flood Insurance Rate maps (FIRMs) prepared by the Federal Emergency Management Agency (FEMA).

Mr. Kuester further explained that the current Flood Insurance Study and FIRMs were completed and adopted in 2008. A new study and maps have been prepared for a portion of the community and are slated to become effective on October 16, 2014. The City must adopt those maps by that date in order to remain in compliance with the NFIP. Those maps affect the area around College Creek and Worle Creek (and two tributaries) in West and South Ames, respectively.

Mr. Kuester stated that in April 2011, City staff met with representatives of the Iowa Department of Natural Resources (IDNR) and FEMA to discuss a scope of services that would allow for remapping of flood plains in Ames. The mapping study required a 25% match, which the IDNR indicated it would provide. The two watersheds were selected as the study area due to identified problems with the current mapping of the flood area and because of the limited available funding for studies. The more accurate maps will help the community plan for and better regulate development activities in the flood plain. They will also help affected homeowners and businesses to obtain the proper level of flood insurance coverage at the best price.

The amendments were summarized by Planner Kuester as follows: [1] An amendment to Section 9.2(2) adopts the new FIRMs; [2] An amendment to Section 9.5(2)c removes the reference to National Geodetic Vertical Datum 1929 (NGVD 29); [3] An amendment to Section 9.7 references the new definition of “development” (rather than repeating it) found in Section 9.11, deletes another reference to NGVD 29, and authorizes the establishment of a fee for the issuance of flood plain development permits, which became effective on July 1, 2014; [4] Amendments to Section 9.11 establish new definitions for “development,” “minor project,” and “routine maintenance of existing building and facilities.”

The public hearing was opened by the Mayor.

Michael Petersen, 3302 Morningside Street, Ames, stated that his home is located in Southwest Ames along College Creek. Mr. Petersen requested that the City Council ask the engineers and those who revised the flood plain zoning regulations if the new amendments have any influence on where Breckenridge can place buildings near the flood plain and floodway fringe on the Middle and South Parcels of the Old Middle School property, specifically in relation to the new regulations effective October 16, 2014. Mr. Petersen asked how the new amendments will protect residences from 100-year floods, especially those who live next to College Creek on Morningside Street.

Marilyn Clem, 3306 Morningside, Ames, said she owns the property at 3310 Morningside. She told the Council about the damages to her home from flooding over the past years, most recently from the 2010 flood. Currently, she pays approximately \$2,100/year in flood insurance. In 2010, she met with FEMA officials on different occasions, however, she never received “even a dime” from FEMA. She is hopeful that the new Ordinance will be adopted; perhaps it will lower her flood insurance premiums.

The hearing was closed by Mayor Campbell.

Moved by Nelson, seconded by Orazem, to pass on first reading an ordinance making amendments to the Flood Plain Zoning regulations contained in *Municipal Code* Chapter 9.

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

**HEARING ON CITY HALL RENOVATION PROJECT - PHASE 2:** Doug Houghton, Police Support Services Manager, explained that this project will improve the basement in City Hall and complete the Police Department renovations on the first floor; thereby better utilizing the existing space. It will include moving the Information Technology Division staff to City Hall prior to the expiration of its current office lease in September 2015. Construction is expected to last from October 1, 2014, to July 31, 2015. During that time, staff will relocate to other spaces in City Hall, at the Public Works Maintenance Facility, and in the Fifth Street location after the Information Technology Division moves into the renovated basement.

Mr. Houghton summarized the bids received on August 27, 2014. Staff and the consulting architectural firm Walker Coen Lorentzen Architects concluded that the apparent low bid submitted by HPC, LLC, of Ames was the lowest responsive responsible bid. All other cost components of the project are expected to be within the budgeted amounts, and with the construction portion under budget, the project can proceed within the currently approved budget. The project includes an add alternate to replace the carpet in the public corridors on the remainder of the first floor.

Mayor Campbell opened the public hearing.

Harold Pike, owner of HPC, LLC, stated that his company will do a good job for the City. Mr. Houghton pointed out that HPC had done the most-recent renovations in the Police Department and had been the contractor when the former Middle School was converted to the City Hall.

Moved by Goodman, seconded by Orazem, to adopt RESOLUTION NO. 14-487 approving final plans and specifications and awarding a contract to HPC, LLC, of Ames, Iowa, in the amount of \$820,000 for the base bid and \$9,900 for Alternative #1.

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

**HEARING ON WPC DIGESTER IMPROVEMENTS PROJECT:** The hearing was opened by Mayor Campbell. After no one came forward to speak, the hearing was closed.

Moved by Goodman, seconded by Corrieri, to adopt RESOLUTION NO. 14-488 approving final plans and specifications and awarding a contract to Ericksen Construction Company, Inc., of Blair, Nebraska, in the amount of \$1,615,750.

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

**HEARING ON GT2 CONTROL ROOM AND SHOP PREACTION SPRINKLER SYSTEM AND FIRE ALARM UPGRADE:** The Mayor opened the public hearing and closed same after there was no one who wished to speak.

Moved by Nelson, seconded by Betcher, to adopt RESOLUTION NO. 14-489 approving final plans and specifications and awarding a contract to Summit Fire Protection of Urbandale, Iowa, in the amount of \$48,418.

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

**HEARING ON 2014/15 RIGHT-OF-WAY RESTORATION PROGRAM (CONTRACT #1):**

Public Works John Joiner advised that the intention was to let two contracts under the 2014/15 CIP program. The first contract was for restoration of projects that are currently under construction. A second contract was to be brought to the City Council in Spring 2015 for the remaining projects that are included in the CIP for this year. However, no bids were received. Since there were no bidders on this work, all of the projects currently under construction will be temporarily stabilized with green hydro-mulch to prevent erosion and provide sediment control until permanent stabilization is completed next spring. Staff will notify abutting property owners of the City's revised time line for the restoration work.

Council Member Goodman noted that some of the projects were from 2010/11. He also pointed out that the project was not bid until September. Mr. Joiner advised that the funds for this project were not available until July 1, 2014. Mr. Goodman suggested that the project be bid in March in hopes that contractors could do the work in the spring.

Mayor Campbell opened the public hearing. No one came forward to speak, and the Mayor closed the hearing.

Moved by Corrieri, seconded by Goodman, to accept the report of no bids.  
Vote on Motion: 6-0. Motion declared carried unanimously.

Moved by Corrieri, seconded by Goodman, to direct staff to evaluate alternatives for accomplishing permanent turf restoration for the planned project areas.  
Vote on Motion: 6-0. Motion declared carried unanimously.

**PRELIMINARY PLAT FOR RODEN SUBDIVISION:** Planning Director Diekmann advised that this site was previously approved with an eight industrial lot Preliminary Plat on September 28, 2004. The Preliminary Plat was valid for one year from the date of City Council approval. It has since expired since a Final Plat was not submitted within one year of approval.

According to Mr. Diekmann, along with the Preliminary Plat, the applicant has requested that the City Council waive subdivision sidewalk improvements along the project frontage of Freel Drive and Southeast 5<sup>th</sup> Street. Rather than waiving the requirement for sidewalks, City staff suggested that installation be deferred.

Council Member Goodman said that he would not be voting in favor of approving the Subdivision because he is opposed to deferring the installation of sidewalks.

Moved by Betcher, seconded by Gartin, to adopt RESOLUTION NO. 14-490 approving the Preliminary Plat for Roden Subdivision, with the following conditions:

1. That the developer construct and dedicate all public improvements within the development to City of Ames Urban Standards, as required, including: dedication of public right-of-way, street paving, curb, gutter, sidewalks, street lights, water main, sanitary sewer main, and storm sewer improvements prior to approval of the Final Plat, or execute an Improvement Agreement to

guarantee the completion of all public improvements and provide security in the form of an Improvement Guarantee, as set forth in Section 23.409 of the *Municipal Code*.

2. That the development secure a Flood Plain Development Permit prior to any construction activities on the site.
3. That installation of sidewalks within the right-of-way of Freel Drive and Southeast 5<sup>th</sup> Street be deferred. A Deferment Agreement will be required prior to Final Plat approval to ensure the ultimate installation of sidewalks. The Agreement will require submittal of cash in escrow, a Letter of Credit, or another form of acceptable financial security for installation of the sidewalks.
4. That the accessory structure presently located in the side yard on proposed Lot 4 be moved outside the minimum required 12-foot side yard setback west of the existing building and be removed from the site or located outside all required building setbacks on the site for accessory structures.
5. That the building outline and reference to the “Existing Building (to be removed)” on proposed Lot 7 be removed from the Preliminary Plat.

Roll Call Vote: 4-2. Voting aye: Betcher, Gartin, Nelson, Orazem. Voting nay: Corrieri, Goodman. Resolution declared adopted, signed by the Mayor, and hereby made a portion of these Minutes.

Council Member Orazem reported that the City of Huxley allows the requirement for sidewalks to be waived in locations where the sidewalks would “lead to nowhere.” In lieu of installing the sidewalks at that location, the developer is required to install a sidewalk elsewhere in the City where there is a gap. Mr. Orazem noted that he had raised this possibility in the past, but it was not supported by the remainder of the Council. Council Member Goodman said that he would support any innovative way to improve pedestrian access throughout the City. Director Diekmann advised that staff would address that as part of the review of the City’s Right-of-Way Ordinance.

**PARKING REVISIONS ON NORTH 2<sup>ND</sup> STREET:** Public Works Director Joiner recalled that the City Council had referred a letter from Wandling Engineering, 923 North 2<sup>nd</sup> Street, requesting that the Council approve the removal of the 90-minute parking regulation in front of its business. The Ordinance establishing that regulation had been enacted in 1962 and was intended to facilitate a shared parking relationship between Wandling Engineering and its neighbor Ellen’s Ceramics. Since that time, Ellen’s Ceramics has closed and the building has been removed. There have also been significant changes to the availability of off-street parking by the creation of new private parking lots. For those reasons, staff believes that the conditions warranting the 90-minute parking prohibition appear to no longer exist. Due to the fact that no other business is affected by this parking regulation, it seems appropriate to staff to remove the restriction.

Moved by Goodman, seconded by Nelson, to direct the City Attorney to draft an ordinance to remove the 90-minute parking prohibition on North 2<sup>nd</sup> Street.

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

**2013 CARBON FOOTPRINT REPORT:** Management Analyst Brian Phillips told the Council that the City had achieved its carbon reduction goal in the Building Sector in 2013. He noted that, due

to its renovation, the Library had been removed from the analysis and the baseline. The remaining facilities are evaluated on electrical and natural gas consumption.

For the Building Sector, Mr. Phillips reported that:

1. Adjusted natural gas consumption is down 29.2% in 2013, which is a substantial reduction in percentage. However, because natural gas is much less carbon-intensive than electricity, the decrease equates to only a small reduction in the City's overall carbon footprint.
2. Adjusted electrical consumption is down 21.9% in 2013. This is the first year that the Building Sector has achieved a carbon reduction greater than 15%.

For the Fleet Sector, it was stated by Mr. Phillips that the total non-CyRide Fleet emissions was down 11.7% this year to 1,481 tons of CO<sub>2</sub>. The non-CyRide Fleet is 13.1% more efficient than its baseline. Total CyRide emissions are up 25.8% this year, which drops CyRide's efficiency to 4.9% worse than its baseline. Mr. Phillips noted that CyRide's ridership was 6,261,819 in 2013, or 50% greater than its baseline average.

According to Mr. Phillips, the Streetlight Sector is up 369 tons of CO<sub>2</sub>, or 9.7% compared to the baseline.

Mr. Phillips reported that the CO<sub>2</sub> emissions attributed to City operations declined 0.7% due to substantial reductions in the Building Sector and emissions remained relatively flat in the Fleet and Streetlight Sectors.

It was noted that 2014 is the last opportunity to meet the goal of reducing the City's carbon footprint by 15%. A final report will be given, and the City Council may wish to consider whether a new goal should be set or if no further reporting should be provided.

**BANNER POLICY:** Assistant City Manager Melissa Mundt advised that, recently, the Main Street Cultural District (MSCD) has been using the Downtown bollards to advertise District events, even though that currently is not allowed by the Banner Policy. According to Ms. Mundt, the City Engineering staff has reviewed the proposed changes and provided restrictions to allow for proper visibility for both pedestrians and drivers if the bollards are to be used for placement of banners. Engineering staff recommended restricting the height to no more than 36 inches off the ground to keep the visibility triangle clear at the intersections. Staff discussed the proposed Banner Policy revisions with MSCD and incorporated its feedback into the policy revisions. Specifically, the MSCD requested that bollard use be restricted to MSCD activities only and that they would have approval of the banners prior to the City issuing a permit.

Heather Johnson, Octagon Center for the Arts, stated that it had used the bollards last year to promote its Art Festival and the Festival of Trees. She noted that the City currently has no policies regulating the use of the bollards for advertising events. The Octagon has made a request to use the bollards along Main Street for installation of banners to advertise the Octagon Arts Festival.

City Manager Schainker told the Council that, if it did not want to see the bollards restricted to activities occurring in the District, Council could direct that the bollard language be created that is similar to the overhead banner restrictions, which is written broader to allow for advertising or announcing particular civil, political, religious, fraternal, or other non-profit activities and not limit it to the District.

Council Member Goodman suggested that the bollards only be used to advertise special events.

Moved by Goodman, seconded by Corrieri, to modify the Banner Policy to limit the use of the bollard signage system to apply to special events in the MSCD where a Special Event Permit is issued.

Council Member Gartin expressed his opinion that the bollards should be left out of the Banner Policies.

Management Analyst Phillips noted that there actually is no Special Event Permit issued; reviewing of Special Events is its own process.

Moved by Goodman, seconded by Corrieri, to amend the motion to delete “where a Special Event Permit is issued” and add the maximum display time to 14 days.

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

Ms. Mundt explained that this policy would govern two bollards at Douglas and Main, two at Burnett at Main, and two at Kellogg and Main.

Council Member Betcher asked if there could be conflicting events. Ms. Johnson advised that the use of the bollards actually allows for multiple events to be advertised.

Council Member Gartin asked how long these banners would be left displayed. Ms. Mundt explained that the Council could restrict the number of days that it would allow the banners on the bollards.

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

**SPECIAL EVENT NOTIFICATION:** Management Analyst Phillips reminded the Council that, at its August 12, 2014, the Council requested options to modify the process for street closures during special events to ensure that affected property owners and business owners are notified of the closure. Mr. Phillips advised that the City received 29 applications for events involving the closure of streets or City parking lots. Applicants are often informally asked by the staff at Special Events Review Committee meeting about their plans to notify the affected neighbors prior to events. The applicant is not asked to provide information about the notification process proposed.

According to Mr. Phillips, complaints to the City regarding special events are rare. When received, City staff forwards the complaint to the organizers and keeps the complaint on file for planning future events. In 2013, no complaints were recorded. In 2014, two complaints were recorded for Hope Run, two were recorded for MSCD Country Night, and one complaint was received for the Ames 150 Celebration.

Mr. Phillips defined methods to confirm notification, which included: (1) written notification plan submitted to the City prior to approval of the event; (2) gather signatures from affected parties, (3) mail notification to affected parties, and (4) post temporary signage (sandwich boards, signs staked in the right-of-way, electronic sign boards) throughout the affected area.

Council Member Gartin noted that he had been the one to refer this to staff for review and report

back to the City Council. After seeing the number of complaints over the past two years, he felt that perhaps nothing further needed to be done. Council Member Goodman disagreed, stating that he felt that there needed to be a notification requirement in the commercial districts.

Discussion ensued as to the best method to accomplish assurance of notification of the affected business owners. Mr. Phillips said that, the number of people to be notified would depend on the event; it could be a few or it could be thousands in the case of a road race. The notification process could be very cost-prohibitive for many, including non-profit agencies. He felt it would be necessary for the City to allow a variety of notification methods to be used. According to Mr. Phillips, the Special Events application form had been revised to ask specifically about notification of affected residents/businesses.

Council Member Corrieri asked if the City would require approval of the street closure by 100% of those affected. Mr. Phillips responded that, if that were the case, there would be no special events.

Moved by Gartin, seconded by Betcher, to direct that event organizers provide a written notification plan to the City prior to event approval.

City Manager Schainker clarified that staff would not verify that written notification had actually been done. The burden would be on the applicant to propose the appropriate method to notify the affected parties of the closure.

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

**YOUTH MASTER PLAN:** Management Analyst Brian Phillips recalled that, at the City Council Goal-Setting Session in January 2014, the Council had tasked staff with providing an overview summarizing the definition of a Youth Master Plan. Staff had provided a memo to Council on this topic on August 15, 2014, and Council had subsequently requested that it be placed on a future agenda for discussion. It was noted by Mr. Phillips that, in some communities, the need is not necessarily to develop a comprehensive Youth Master Plan, but rather to address individual issues that affect youth. He stated that, according to the National League of Cities, over 30 communities in the U. S. have created Youth Master Plans. The Plans recognize that many stakeholders are involved in the development and well-being of young people.

Mr. Phillips asked the Council to define some of the basic problems that it would like addressed by the creation of the Youth Master Plan. Mayor Campbell pointed out that there are many organizations in existence in Ames to provide youth services that are not available in other communities.

Council Member Goodman believes the City should guide City funding in the context of what works. He believes that Youth and Shelter Services (YSS) is the most-robust youth organization and would be the most-affected by the creation of a Youth Master Plan. Council Member Orazem disagreed, stating that the Ames Community School District would be the biggest stakeholder. Council Member Goodman said that he does not know of any other organization who works with more troubled youth than YSS does. Mr. Orazem noted that this is about all youth, not just troubled youth. Council Members Betcher and Corrieri stated their opinions that the City could not do this without the Ames School District and perhaps they would partner with the City.

Council Member Goodman provided an example of a Youth Master Plan created in Providence,



Rhode Island. He stated his belief that funds should not just be given to an organization for the services that it offers. Funding should be allocated based on data-driven results on what is needed and then request the agency to provide the needed services and fund those services. Mr. Goodman said that he wants to leverage City funding depending on the things that work. Mayor Campbell noted that the City Council will have a Joint Meeting with the Ames Community School District on September 16; this issue could be raised during that Meeting.

Council Member Gartin suggested that the City take on one specific aspect, rather than taking on a comprehensive review. It was noted by several members that larger metropolitan cities have many more problems and a greater need for a Youth Master Plan than the City of Ames. Council Member Orazem recommended that the City start with the group who represents the most youth.

**ORDINANCE PERTAINING TO PARKING REGULATIONS ON NEW STREETS AND CORRECTIONS AT VARIOUS LOCATIONS:** Moved by Goodman, seconded by Corrieri, to pass on second reading an ordinance pertaining to parking regulations on new streets and corrections at various locations.

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

**ORDINANCE DESIGNATING PARKING RESTRICTIONS AND LOADING ZONE ON ASPEN ROAD:** Moved by Betcher, seconded by Corrieri, to pass on second reading an ordinance designating parking restrictions and loading zone on Aspen Road.

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

**REZONING 205 SOUTH WILMOTH AVENUE:** Moved by Betcher, seconded by Corrieri, to pass on third reading and adopt ORDINANCE NO. 4193 rezoning 205 South Wilmoth Avenue from Special 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.

**COUNCIL COMMENTS:** Moved by Betcher, seconded by Goodman, to direct staff to place on the September 23, 2014, Council Agenda a discussion of rezoning the parcel at 601 State Avenue to Residential Low-Density.

Ms. Betcher explained that the City has to rezone the parcel, and she would like to move forward. It was left in some sort of “limbo” when the hearing was held, and she would like to open up discussion on rezoning the parcel to Residential Low-Density. There is a very strong indication that a Super Majority (5 votes) will not be received to approve the rezoning to FS-RL.

Assistant City Attorney Jessica Spoden explained City Attorney Judy Park’s opinion that the applicant’s request to rezone the parcel to FS-RL “is still alive;” it has not been denied. It will most likely come back with additional information. She stated that the motion to approve the rezoning to FS-RL had failed by a vote of 4-2. A valid protest had been filed, which necessitated that a super majority vote (or five votes) would be required to approve rezoning the land to anything except RL. In addition, an application for rezoning to RL has not currently been submitted. At the inquiry of Council Member Orazem, City Manager Schainker replied that the City could initiate an application for rezoning it to RL.

Council Member Gartin asked if the motion fails, does the Council then need to make a motion to deny. Ms. Spoden replied in the affirmative.

Council Member Goodman stated that he disagreed with the interpretation that the request to rezone to FS-RL had not been denied. He has never seen that interpretation when a motion has failed. Director Diekmann referred to the terms contained in the Zoning Code that state the application has to be approved or denied. The motion to approve was 4-2; there was a majority in favor to rezone, but not a super majority, which was required due to the filing of a valid formal petition.

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

Moved by Orazem, seconded by Gartin, to refer to staff the letter dated September 5, 2014, from Chuck Winkleblack requesting that the City annex two properties in Northwest Ames, specifically 3599 and 3601 G. W. Carver.

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

Moved by Orazem, seconded by Gartin, to refer to staff the letter dated September 5, 2014, from Chuck Winkleblack requesting that a public utility easement be vacated between Lots 8 and 13 on Wakefield Circle be vacated.

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

Moved by Goodman, seconded by Corrieri, to refer to staff for a memo the letter dated August 27, 2014, from Kurt Friedrich requesting a change to the Land Use Policy Plan Map for the property known as Eastgate Subdivision.

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

Moved by Goodman, seconded by Corrieri, to refer to staff the email dated September 2, 2014, from Jim Rock requesting a revision to the City's tree licensing requirements.

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

*Ex officio* Member Villa referenced the letter dated September 4, 2014, that she had sent to the Mayor and Council concerning the Student Affairs Commission. She requested that staff be directed to prepare a 28E Agreement between the City and the Government of the Student Body (GSB) to address issues related to the Student Affairs Commission. Mayor Campbell noted that it had been nearly impossible for her to fill the vacant positions on the Student Affairs Commission. It was pointed out by Council Member Goodman that the Student Affairs Commission had been created by Ordinance.

Moved by Betcher, seconded by Goodman, to refer to staff the request of Lissandra Villa, *ex officio* Member, for staff to prepare a 28E Agreement between the City and the GSB pertaining to the Student Affairs Commission.

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

**ADJOURNMENT:** Moved by Corrieri to adjourn the meeting at 10:21 p.m.

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Diane R. Voss, City Clerk

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Ann H. Campbell, Mayor



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

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

**DATE:** September 6, 2014

**SUBJECT:** Beer Permits & Liquor License Renewal Reference City Council Agenda  
September 23, 2014

The Council agenda for September 23, 2014, includes beer permits and liquor license renewals for the following:

- Class C Liquor – La Fuente Mexican Restaurant, 217 S Duff Ave
- Class C Liquor and Outdoor Service – Hickory’s Hall, 300 S 17<sup>th</sup> St
- Class C Beer and B Wine – HyVee Gas #5018, 636 Lincoln Way
- Class C Beer and B Wine – Kmart #3971, 1405 Buckeye Ave
- Class C Beer – Doc’s Stop #5, 2720 E 13<sup>th</sup> St
- Class C Liquor and B Native Wine – AJ’s Ultra Lounge, 2401 Chamberlain
- Class E Liquor, C Beer, and B Wine – HyVee Food Store #1, 3800 W Lincoln Way
- Class E Liquor, C Beer, and B Wine – HyVee Food and Drugstore #2, 640 Lincoln Way
- Class C Liquor – HyVee #1 Clubroom – 3800 W Lincoln Way

A routine check of police records for the past twelve months found no violations for La Fuente, Hickory’s Hall, HyVee Gas, Doc’s Stop, HyVee #1, HyVee #2, or the HyVee Clubroom. The police department would recommend renewal of these licenses.

Our department cited Kmart on November 2, 2013 for selling alcohol to minors during a police compliance check. There have been no violations on subsequent checks.

AJ’s Ultra Lounge has had seven service calls in the past twelve months, six of these were at the request of AJ’s employees. In one incident, four males were charged with public intoxication and disorderly conduct. Another incident had one person charged with public intoxication, disorderly conduct, and interference with official acts. There was one arrest for assault and one for theft and public intoxication. There were three incidents of public intoxication arrests. No citations were issued at AJ’s for minors on premises. AJ’s staff does a great job of managing occupancy and keeping problems from escalating. We have a very good working relationship with management and the employees.

Our department would recommend renewal of licenses for both Kmart and AJ’s Ultra Lounge at this time.

# License Application ( )

## Applicant

Name of Applicant:	<u>LJPS</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>Story</u>	Zip: <u>50010</u>	
Business Phone:	<u>(515) 232-0553</u>		
Mailing Address:	<u>PO Box 1928</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: 09/23/2014

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: Scottsdale Insurance Company

Policy Effective Date: 09/23/2014

Policy Expiration Date: 09/28/2014

Bond Effective Continuously:

Dram Cancel Date:

Outdoor Service Effective Date:

Outdoor Service Expiration Date:

Temp Transfer Effective Date:

Temp Transfer Expiration Date:

# License Application ( )

## Applicant

Name of Applicant:	<u>LJPS</u>		
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Business Phone:	<u>(515) 232-0553</u>		
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## 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: 09/29/2014

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:



# License Application ( )

## Applicant

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City: <u>Ames</u>	County: <u>Story</u>	Zip: <u>50010</u>	
Business Phone:	<u>(515) 232-0553</u>		
Mailing Address:	<u>PO Box 1928</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: 10/10/2014

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: <u>Founders Insurance Company</u>	
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:

# License Application ( )

## Applicant

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Mailing Address:	<u>PO Box 1928</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: Special Class C Liquor License (BW) (Beer/Wine)

Term: 5 days

Effective Date: 10/18/2014

Expiration Date: 01/01/1900

Privileges:

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

## Status of Business

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

# License Application ( )

## ***Applicant***

<b>Name of Applicant:</b>	<u>LJPS</u>		
<b>Name of Business (DBA):</b>	<u>Olde Main Brewing Company</u>		
<b>Address of Premises:</b>	<u>Reiman Gardens</u>		
<b>City:</b> <u>Ames</u>	<b>County:</b> <u>Story</u>	<b>Zip:</b> <u>50011</u>	
<b>Business Phone:</b>	<u>(515) 232-0553</u>		
<b>Mailing Address:</b>	<u>PO Box 1928</u>		
<b>City:</b> <u>Ames</u>	<b>State:</b> <u>IA</u>	<b>Zip:</b> <u>50010</u>	

## ***Contact Person***

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

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

**Term:** 5 days

**Effective Date:** 10/10/2014

**Expiration Date:** 01/01/1900

**Privileges:**

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

## ***Status of Business***

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

# License Application ( )

## Applicant

Name of Applicant:	<u>Tumbling Dice, Inc.</u>		
Name of Business (DBA):	<u>Bar</u>		
Address of Premises:	<u>1930 E 13th Street</u>		
City: <u>Ames</u>	County: <u>Story</u>	Zip: <u>50010</u>	
Business Phone:	<u>(515) 337-1031</u>		
Mailing Address:	<u>1113 Murray Drive</u>		
City: <u>Ames</u>	State: <u>IA</u>	Zip: <u>50010</u>	

## Contact Person

Name:	<u>Cheryl Sondrol</u>		
Phone:	<u>(515) 450-0322</u>	Email Address:	<u>csondrol1@gmail.com</u>

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

Term: 5 days

Effective Date: 09/26/2014

Expiration Date: 01/01/1900

Privileges:

Class B Beer (BB) (Includes Wine Coolers)  
Outdoor Service

## Status of Business

BusinessType:	<u>Privately Held Corporation</u>		
Corporate ID Number:	<u>221036</u>	Federal Employer ID #	<u>42-1479449</u>

## Ownership

### Cheryl Sondrol

First Name: Cheryl

Last Name: Sondrol

City: Ames

State: Iowa

Zip: 50010

Position V.President

% of Ownership 50.00 %

U.S. Citizen

### Daniel Sondrol

First Name: Daniel

Last Name: Sondrol

City: Ames

State: Iowa

Zip: 50010

Position President

% of Ownership 50.00 %

U.S. Citizen

## Insurance Company Information

**Insurance Company:** Illinois Casualty Co

**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:**



# License Application ( )

## Applicant

Name of Applicant:	<u>Ye Olde LLC</u>		
Name of Business (DBA):	<u>Dublin Bay Pub</u>		
Address of Premises:	<u>320 S 16th</u>		
City: <u>Ames</u>	County: <u>Story</u>	Zip: <u>50010</u>	
Business Phone:	<u>(515) 956-3580</u>		
Mailing Address:	<u>320 S 16th</u>		
City: <u>Ames</u>	State: <u>IA</u>	Zip: <u>50010</u>	

## Contact Person

Name:	<u>Don O'Brien</u>		
Phone:	<u>(515) 956-3580</u>	Email Address:	

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

Term: 5 days

Effective Date: 10/03/2014

Expiration Date: 01/01/1900

Privileges:

Catering Privilege

Class C Liquor License (LC) (Commercial)

## Status of Business

BusinessType:	<u>Limited Liability Company</u>		
Corporate ID Number:	<u>242991</u>	Federal Employer ID #	<u>42-1510291</u>

## Ownership

**Donald O'Brien**

First Name: Donald

Last Name: O'Brien

City: Ames

State: Iowa

Zip: 50014

Position managing partner

% of Ownership 50.00 %

U.S. Citizen

**Richard Carmer**

First Name: Richard

Last Name: Carmer

City: Ames

State: Iowa

Zip: 50014

Position Partner

% of Ownership 50.00 %

U.S. Citizen

## Insurance Company Information

Insurance Company: Allied Insurance

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:

ITEM # 10  
DATE: 09-23-14

**COUNCIL ACTION FORM**

**SUBJECT:** ANNUAL STREET FINANCE REPORT

**BACKGROUND:**

Section 312.14 of the Code of Iowa requires each city receiving allotments of Road Use Tax funds to annually prepare and submit to the Iowa Department of Transportation (IDOT) a Street Finance Report of expenditures and receipts for the fiscal year then ended. Those cities not complying with this section of the Code of Iowa by September 30 will have Road Use Tax funds withheld until the city complies.

The attached report is for the fiscal year ended June 30, 2014.

**ALTERNATIVES:**

1. Approve the attached 2014 Street Finance Report.
2. Do not approve the 2014 Street Finance Report.

**MANAGER'S RECOMMENDED ACTION:**

In order for the City of Ames to continue to receive Road Use Tax funds, it is necessary to submit an annual Street Finance Report to the IDOT.

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

## City Street Financial Report

City Name	City Number
AMES	155

Fiscal Year
2014

### Welcome Page!

**Welcome to the Iowa Department of Transportation, Office of Local Systems, City Street Financial Report (SFR)**

Complete the City SFR according to the instructions that are available on the Iowa DOT SFR website located [here](#).

Please direct all questions, comments, and feedback about the City SFR and the on-line process, to: Tammi Bell at [tammi.bell@dot.iowa.gov](mailto:tammi.bell@dot.iowa.gov), 515-239-1529.

Thank you for using the City SFR on-line process.

## City Street Financial Report

City Name	City Number
AMES	155

Fiscal Year
2014

### Cover Sheet

Now therefore let it be resolved that the city council of AMES, Iowa  
(city name)

on 09/23/2014 did hereby approve and adopt the annual  
(month/day/year)

City Street Financial Report from July 1, 2013 to June 30, 2014.  
(year) (year)

#### Contact Information

Name	E-mail Address	Street Address	City	ZIP Code
Diane R. Voss	dvoss@city.ames.ia.us	515 Clark Avenue	Ames, IA	50010-0000
Hours	Phone	Extension	Alternate Phone	
8-5	(515) 239-5262		(515) 239-5262	

#### Preparer Information

Name	E-mail Address	Phone	Extension
Tina Stanley	tstanley@city.ames.ia.us	(515) 239-5116	

#### Mayor Information

Name	E-mail Address	Street Address	City	ZIP Code
Ann Campbell	acampbell@city.ames.ia.us	515 Clark Ave	Ames, IA	50010-0000
Phone	Extension			
(515) 239-5105				

Resolution Number \_\_\_\_\_

\_\_\_\_\_  
 Ann Campbell  
 Signature Mayor

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

## City Street Financial Report

City Name	City Number
AMES	155

Fiscal Year
2014

### Summary Statement Sheet

Column 1    Column 2    Column 3    Column 4  
Road Use    Other Street    Street Debt    Totals  
Tax Fund    Monies

Column 1    Column 2    Column 3    Column 4  
Road Use    Other Street    Street Debt    Totals  
Tax Fund    Monies

Round Figures to Nearest Dollar

Round Figures to Nearest Dollar

<b>A. BEGINNING BALANCE</b>				
1. July 1 Balance	3,796,178	829,843	15,467,391	20,093,412
2. Adjustments (Note on Explanation Sheet)				
3. Adjusted Balance	3,796,178	829,843	15,467,391	20,093,412
<b>B. REVENUES</b>				
1. Road Use Tax	5,887,876			5,887,876
2. Transfer of Jurisdictions Fund				
3. Property Taxes		700,691	5,693,552	6,394,243
4. Special Assessments		197,311		197,311
5. Miscellaneous		3,673,327		3,673,327
6. Proceeds from Bonds, Notes, and Loans				0
7. Interest Earned		26,905	49,870	76,775
<b>8. Total Revenues (Lines B1 thru B7)</b>	<b>5,887,876</b>	<b>4,598,234</b>	<b>5,743,422</b>	<b>16,229,532</b>
<b>C. Total Funds Available (Line A3 + Line B8)</b>				
	9,684,054	5,428,077	21,210,813	36,322,944

<b>EXPENSES</b>				
<b>D. Maintenance</b>				
1. Roadway Maintenance	3,172,911	1,203,451		4,376,362
2. Snow and Ice Removal	1,154,295			1,154,295
<b>E. Construction, Reconstruction and Improvements</b>				
1. Engineering	587,419	1,025,958	23,534	1,636,911
2. Right of Way Purchased				
3. Street/Bridge Construction	74,550	2,029,400	5,780,973	7,884,923
4. Traffic Services				
<b>F. Administration</b>				
	172,201	14,492	51,838	238,531
<b>G. Equipment (Purchased or Leased)</b>				
<b>H. Miscellaneous</b>				
		617,799		617,799
<b>J. Street Debt</b>				
1. Bonds, Notes, and Loans - Principal Paid			4,708,290	4,708,290
2. Bonds, Notes and Loans - Interest Paid			985,262	985,262

<b>TOTALS</b>				
<b>K. Total Expenses (Lines D thru J)</b>	<b>5,161,376</b>	<b>4,891,100</b>	<b>11,549,897</b>	<b>21,602,373</b>
<b>L. Ending Balance (Line C-K)</b>	<b>4,522,678</b>	<b>536,977</b>	<b>9,660,916</b>	<b>14,720,571</b>
<b>M. Total Funds Accounted For (K + L = C)</b>	<b>9,684,054</b>	<b>5,428,077</b>	<b>21,210,813</b>	<b>36,322,944</b>

## City Street Financial Report

City Name	City Number
AMES	155

Fiscal Year
2014

### Miscellaneous Revenues and Expenses Sheet

Code Number and Itemization of Miscellaneous Revenues (Line B5 on the Summary Statement Sheet) (See Instructions)	Column 2 Other Street Monies	Column 3 Street Debt
123 Various State Grants	599,889	
144 FHWA Participation (Fed. Hwy. Admin.)	1,180,809	
190 Other Miscellaneous	67,396	
110 Parking Revenues	229,623	
193 Fines & Fees	368,637	
112 Utility Revenue	1,150,809	
170 Reimbursements (misc.)	769	
191 Licenses and Permits	21,600	
121 State Reimbursement	33,614	
172 Labor & Services	20,181	
<b>Line B5 Totals</b>	<b>3,673,327</b>	

Code Number and Itemization of Miscellaneous Expenses (Line H on the Summary Statement Sheet) "On street" parking expenses, street maintenance, buildings, insurance, administrative costs for printing, legal fees, bond fees etc. (See instructions)	Column 2 Other Street Monies	Column 3 Street Debt
230 On Street Parking Only	617,799	
<b>Line H Totals</b>	<b>617,799</b>	

## City Street Financial Report

City Name	City Number
AMES	155

Fiscal Year
2014

### Bonds, Notes and Loans Sheet

New Bond ?	Debt Type	Debt Purpose	DOT Use Only	Issue Date	Issue Amount	% Related to Street	Year Due	Principal Balance as of 7/1 or after	Total Principal Paid	Total Interest Paid	Principal Roads	Interest Roads	Principal Balance as of 6/30
<input type="checkbox"/>	General Obligation	Paving & Construction	302	10/01/2006	5,285,000	100%	2018	2,570,000	470,000	102,800	470,000	102,800	2,100,000
<input type="checkbox"/>	General Obligation	Paving & Construction	303	11/01/2007	5,920,000	100%	2019	3,422,595	516,387	128,809	516,387	128,809	2,906,208
<input type="checkbox"/>	General Obligation	Paving & Construction	304	10/15/2008	485,000	100%	2020	315,000	40,000	12,498	40,000	12,498	275,000
<input type="checkbox"/>	General Obligation	Paving & Construction	306	10/25/2011	6,675,000	99%	2023	5,544,000	510,000	95,708	504,900	94,750	5,034,000
<input type="checkbox"/>	General Obligation	Paving & Construction	307	08/28/2012	5,703,653	100%	2024	5,218,947	413,672	143,949	413,672	143,949	4,805,275
<input type="checkbox"/>	General Obligation	Paving & Construction	308	05/14/2013	6,025,000	100%	2025	6,025,000	465,000	147,960	465,000	147,960	5,560,000
<input type="checkbox"/>	General Obligation	Paving & Construction	317	10/29/2009	11,165,000	100%	2021	8,050,000	905,000	229,250	905,000	229,250	7,145,000
<input type="checkbox"/>	General Obligation	Paving & Construction	318	05/17/2011	3,099,988	100%	2015	1,335,419	911,736	21,453	911,736	21,453	423,683
<input type="checkbox"/>	General Obligation	Paving & Construction	319	09/30/2010	6,079,000	100%	2022	4,793,238	481,595	103,793	481,595	103,793	4,311,643
			<b>New Bond Totals</b>		<b>0</b>	<b>0</b>	<b>Totals</b>	<b>37,274,199</b>	<b>4,713,390</b>	<b>986,220</b>	<b>4,708,290</b>	<b>985,262</b>	<b>32,560,809</b>



## City Street Financial Report

City Name	City Number
AMES	155

Fiscal Year
2014

### Project Final Costs Sheet

For construction, reconstruction, and improvement projects with costs equal to or greater than 90% of the bid threshold in effect as the beginning of the fiscal year.

Section A

Check here if there are no entries for this year

Line No.	1. Project Number	2. Estimated Cost	3. Project Type	4. Public Letting?	5. Location/Project Description (limits, length, size of structure)
1	0697	459,907	Roadway Construction	Yes	Public facilities neighborhood infrastructure improvements (S Maple)
2	0814	239,758	Miscellaneous	Yes	SE entryway landscaping
3	0814	555,495	Miscellaneous	No	SE entryway fabricating & installation
4	7501	164,000	Traffic Control	Yes	08/09 traffic signal program (Lincolnway/Sheldon)
5	7507	155,000	Traffic Control	Yes	10/11 traffic signal program (28th/Grand)
6	7508	292,990	Miscellaneous	Yes	11/12 shared use path expansion (Skunk River Trail - Hunziker to SE 16th)
7	7509	145,000	Traffic Control	Yes	10/11 traffic signal program (SE 16th/S Dayton)
8	7519	145,000	Traffic Control	Yes	09/10 traffic signal program (Lincolnway/Ash)
9	8121	177,957	Roadway Construction	Yes	Hickory Drive (Lincolnway to Westbrook Dr)
10	8123	221,355	Roadway Construction	Yes	12/13 CyRide route pavement improvement (Todd Dr)
11	8131	720,964	Roadway Construction	Yes	11/12 collector street pavement improvement (Ridgewood/13th-16th)
12	8132	792,458	Roadway Construction	Yes	11/12 asphalt street pavement improvement (S Oak Ave)
13	8132	458,058	Roadway Construction	Yes	11/12 asphalt street pavement improvement (Barr Dr/Indian Grass Court)
14	8155	1,262,349	Roadway Construction	Yes	11/12 downtown street pavement improvement (Douglas Ave)
15	8158	538,964	Roadway Construction	Yes	12/13 downtown street pavement improvement (Clark Ave/Gilchrist St)

Section B

Line No.	1. Project Number	Contract Work			City Labor				13. Total
		6. Contractor Name	7. Contract Price	8. Additions/Deductions	9. Labor	10. Equipment	11. Materials	12. Overhead	
1	0697	Con-Struct, Inc.	367,803	74,371					442,174
2	0814	Truelson Blumenthal (DBA SoilTek)	343,416	934					344,350
3	0814	RDG Dahlquist Art Studio	555,495	1,454					556,949
4	7501	KWS, Inc.	185,984	14,468					200,452



Form 517007 (5-2014)  
Office of Local Systems  
Ames, IA 50010

## City Street Financial Report

City Name	City Number
AMES	155

Fiscal Year
2014

		Contract Work			City Labor				
5	7507	Baker Electric, Inc.	160,873	5,760					166,633
6	7508	Con-Struct, Inc.	252,410	-5,893					246,517
7	7509	Baker Electric, Inc.	157,574	1,711					159,285
8	7519	KWS, Inc.	160,919	4,681					165,600
9	8121	Manatt's, Inc.	167,500	14,614					182,114
10	8123	Manatt's, Inc.	201,992	1,501					203,493
11	8131	Con-Struct, Inc.	495,400	23,013					518,413
12	8132	Con-Struct, Inc.	511,022	-4,863					506,159
13	8132	Manatt's, Inc.	485,118	-29,030					456,088
14	8155	Con-Struct, Inc.	1,215,016	35,510					1,250,526
15	8158	Con-Struct, Inc.	551,296	26,098					577,394

## City Street Financial Report

City Name	City Number
AMES	155

Fiscal Year
2014

### Road/Street Equipment Inventory Sheet

Check here if there are no reportable equipment

1. Local Class I.D. #	2. Model Year	3. Description	4. Purchase Cost	5. Lease Cost	/Unit	6. Rental Cost	/Unit	7. Used on Project this FY?	8. Status
929	2010	Pickup, Ford F150	20,288					Yes	No Change
382	2010	Asphalt Recycler, Falcon	22,950					Yes	No Change
172	2010	Planner, Bobcat	10,180					Yes	No Change
151	2011	Pickup, Ford F350	27,181					Yes	No Change
156	2011	Truck, International, dump	116,067					Yes	No Change
179	2011	Truck, International, dump	116,067					Yes	No Change
64	2011	Truck, International, dump	116,067					Yes	No Change
73	2011	Truck, International, dump	116,067					Yes	No Change
72	2009	Truck, Dump, single axle, Freightliner	105,224					Yes	No Change
71	2009	Truck, Dump, single axle, Freightliner	105,224					Yes	No Change
70	2009	Wheelloader, Deere 544K	105,000					Yes	No Change
69	2008	Message Board, Wanco	5,724					Yes	No Change
932	2007	Message Board, Wanco	5,724					Yes	No Change
931	2006	Message Board, Wanco	5,724					Yes	Traded
11	2006	Roller, Dynapac	28,200					Yes	No Change
850	2005	Truck, Sweeper, Elgin	154,545					Yes	No Change
720	2005	Truck, Tandem, Intl	90,643					Yes	No Change
866	2005	Pickup, Ford F250	17,572					Yes	No Change
844	2005	Pickup, Ford F250	19,549					Yes	No Change
749	2003	Auto, Chevrolet Malibu	11,800					Yes	No Change
755	2003	Pickup, Ford F350 4x4	23,000					Yes	No Change
754	1996	Truck, Ford F450 Fltbd	29,013					Yes	No Change
729	2002	Truck, Tandem, Intl	84,000					Yes	No Change

## City Street Financial Report

City Name	City Number
AMES	155

Fiscal Year
2014

1. Local Class I.D. #	2. Model Year	3. Description	4. Purchase Cost	5. Lease Cost	/Unit	6. Rental Cost	/Unit	7. Used on Project this FY?	8. Status
663	1998	Roller, Mauldin	10,980					Yes	Traded
87	1987	Trailer, Ftlbd, Homemade	Unknown					Yes	Junked
537	1987	Trailer, Fltbd, Homemade	Unknown					Yes	No Change
288	1991	Trailer, Fltbd, Homemade	Unknown					Yes	No Change
697	2000	Trailer, Tltbd, Cronkhite	3,889					Yes	No Change
698	1998	Vac, Leaf, ODB	14,100					Yes	Junked
3086	1998	Vac, Leaf, ODB	14,100					Yes	Junked
475	1998	Box, 10' Leaf, ODB	2,000					Yes	No Change
374	1998	Box, 14' Leaf, ODB	2,240					Yes	No Change
375	1998	Box, 14' Leaf, ODB	2,240					Yes	No Change
376	2002	Compressor, Ingersol	11,496					Yes	No Change
377	1998	Breaker, Stanley	12,375					Yes	No Change
378	2002	Saw, Wheel, Bobcat	9,926					Yes	No Change
611	1992	Compactor, Stone	999					Yes	No Change
167	2002	Saw, Target Concrete	8,930					Yes	No Change
670	2005	Generator, Briggs	900					Yes	No Change
3132	2006	Dirt Box, Road Boss	2,757					Yes	No Change
441	2008	Skidsteer Loader, Bobcat	25,050					Yes	No Change
805	1991	Pallet Forks, Case	700					Yes	No Change
827	2009	Melting Pot, Crafc	26,500					Yes	No Change
871	2009	Copier, Sharp	4,160					No	No Change
904	2011	Motorgrader, Caterpillar (winter)		5,000	/Month			Yes	No Change
3078	1993	Asphalt Paver, Layton	25,322					Yes	No Change
21	1997	Trailer, Keifer	3,500					Yes	No Change
46	2012	Tractor, Loader, Backhoe, JD 310	77,000					Yes	No Change
57	2011	Tractor, Loader, Backhoe, JD 710	167,200					Yes	No Change



Form 517007 (5-2014)  
Office of Local Systems  
Ames, IA 50010

## City Street Financial Report

City Name	City Number
AMES	155

Fiscal Year
2014

1. Local Class I.D. #	2. Model Year	3. Description	4. Purchase Cost	5. Lease Cost	/Unit	6. Rental Cost	/Unit	7. Used on Project this FY?	8. Status
178	1975	Boat, Browning	99					Yes	No Change
327	2010	Fuel Tank, Portable	Unknown					Yes	No Change
328	2012	Vacuum, Excavator, Ring-O-Matic	50,960					Yes	No Change
84	2013	Roller, Asphalt, CAT	33,836					Yes	No Change
933	2014	Truck International Dump	133,249					Yes	New
522	2013	ODB LCT650	26,789					Yes	New
523	2013	ODB LCT650	26,789					Yes	New
968	2014	Felling FT-12IT	6,215					Yes	New
383	2014	Message Board, Wanco	5,103					Yes	New

## City Street Financial Report

City Name	City Number
AMES	155

Fiscal Year
2014

### Explanation Sheet

Comments
<p>The bonds issued 10/25/2011 had an incorrect beginning balance of \$5,600,000 at the end of fiscal year 2013. I have corrected it to be \$5,544,000.</p>



Form 517007 (5-2014)  
Office of Local Systems  
Ames, IA 50010

## City Street Financial Report

City Name	City Number
AMES	155

Fiscal Year
2014

### Monthly Payment Sheet

Month	Road Use Tax Payments	Transfer of Jurisdictions Payments
JULY	\$482,883.57	
AUGUST	\$571,754.66	
SEPTEMBER	\$530,819.57	
OCTOBER	\$624,081.23	
NOVEMBER	\$445,867.11	
DECEMBER	\$464,654.08	
JANUARY	\$460,363.87	
FEBRUARY	\$559,791.68	
MARCH	\$553,253.50	
APRIL	\$375,157.93	
MAY	\$276,566.51	
JUNE	\$542,682.41	
<b>Totals</b>	\$5,887,876.12	

**COUNCIL ACTION FORM**

**SUBJECT: ENGINEERING SERVICES AGREEMENT FOR SANITARY SEWER SYSTEM EVALUATION – PLANNING AND DESIGN**

**BACKGROUND:**

The ability of the sanitary sewer system to convey wastewater well into the future is dependent on the removal of the current large amount of infiltration and inflow (“I & I,” or I/I) in the system that occurs during rain events. In order to minimize the need for costly expansions to the City’s Water Pollution Control (WPC) facility, as well as to convey flows from new development as the City grows, the City must work to reduce the overall I/I in the system.

Veenstra & Kimm, Inc. (V&K) from West Des Moines, Iowa has been conducting an on-going study of the sanitary sewer system. This requires a comprehensive and systematic evaluation for identifying the defects that could contribute I/I across the entire, City-wide sanitary sewer system. It also involves prioritizing those defects and estimating rehabilitation costs so that repairs can be made as part of the Capital Improvements Plan. This Sanitary Sewer System Evaluation (SSSE) program generally consists of the following tasks: data collection, flow monitoring, sewer televising, smoke testing, manhole inspection, siphon inspection, and system modeling. Not only does the SSSE identify sources of I/I, it also identifies areas of aging infrastructure in need of repair to prevent unexpected failures and emergency repairs, as well as potential capacity issues that may develop over time.

This evaluation has been underway for several years. With over 90 percent of the data collection phase complete, it is evident that there are over \$25 million worth of immediate structural improvements needed in the sanitary sewer system. Future CIP projects for the sanitary sewer system will be based on the results of this evaluation. Work will include rehabilitation, such as the lining of existing mains or spray lining of existing structures, as well as complete removal and replacement of structures and sanitary sewer mains. These projects were shown in our CIP beginning in 2013/14. Funding will come from the State Revolving Fund (SRF) in the amount of \$3,270,000 for each year. Repayment of the SRF loans will be from revenues generated in the Sanitary Sewer Fund.

A SRF Planning and Design Loan for \$375,000 was approved by Council at the March 25, 2014 Council meeting. This loan was secured in order to hire a consultant(s) to help determine the best action plan for implementation of system repairs, as well as for design services for the first two years of the projects.

Proposals for this work were received from four engineering firms, and were evaluated according to the following criteria: Project Understanding, Design Team, Key Personnel, Previous Experience, Project Approach, Responsiveness, Ability to Perform Work,



Proposed Project Design/Letting Schedule, and Estimated Contract Cost. Listed below is the rating information based on this evaluation:

<b>Sanitary Sewer System Written Evaluation Proposal Ratings</b>			
<b>Firm</b>	<b>Score/100</b>	<b>Rank</b>	<b>Estimated Fee</b>
Veenstra & Kimm	87	1	\$375,000
WHKS & Co.	79	2	\$375,000
Stanley Consultants	79	2	\$317,447
Bolton & Menk	75	4	\$375,000

Staff followed up the original RFP request with a set of supplemental questions. Those questions stemmed from two of the firms' proposition that the City consider multiple consultants to accomplish the work. All of the firms answered the questions. Veenstra & Kimm and WHKS provided additional information that determined both firms could and would work well together to provide the best service to the City at the best price.

Staff has negotiated a contract with the highest rated firm, Veenstra & Kimm, Inc. (V&K) from West Des Moines, Iowa. As a part of the selection, Staff asked V&K to work with WHKS & Co. of Mason City, Iowa to become a part of the team. Staff directed the consultants to determine scope of services for each firm. The consultants have agreed that V&K will function in a prime consultant role with WHKS providing support in a sub-consultant role. **V&K brings much value to the team since they were the consultant involved in the original (on-going) study. Staff felt that WHKS would bring a fresh perspective on the immense data collected during the study to ensure that the data evaluation, prioritization and rehabilitation techniques were on target. WHKS would also bring excellent recent project experience by having completed nearly the exact same types of projects and evaluations for the City of Mason City and the City of Rochester, Minnesota with great success. Both V&K and WHKS have strong histories of successfully completing sanitary sewer system evaluations, as well as a wealth of knowledge in rehabilitation techniques. They are familiar with the contractors that perform those types of rehabilitation, in addition to having an intimate knowledge of the SRF process.**

**ALTERNATIVES:**

1. Approve the engineering services agreement for the Sanitary Sewer System Evaluation Planning and Design with Veenstra & Kimm, Inc. from West Des Moines, Iowa, in an amount not to exceed \$375,000.
2. Direct staff to negotiate an engineering agreement with another consulting firm(s).
3. Direct staff to make changes to the project.

**MANAGER'S RECOMMENDED ACTION:**

Entering into the Engineering Services Agreement for the SRF Planning & Design agreement is the next step in the process of accomplishing the first two years of the prioritized repairs needed in our sanitary sewer system.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the engineering services agreement for the Sanitary Sewer System Evaluation Planning and Design with Veenstra & Kimm, Inc. from West Des Moines, Iowa, in an amount not to exceed \$375,000.

**COUNCIL ACTION FORM**

**SUBJECT: DETOUR AGREEMENT FOR IOWA DEPARTMENT OF  
TRANSPORTATION 2015 BRIDGE DECK OVERLAY ON EASTBOUND  
U.S. HIGHWAY 30 OVER U.S. HIGHWAY 69 (S. DUFF AVENUE)**

**BACKGROUND:**

The Iowa Department of Transportation (Iowa DOT) is planning to resurface the U.S. Highway 30 bridge over U.S. Highway 69 (S. Duff Avenue) in Ames. In order to complete the project, the southbound to eastbound interchange ramp will be closed. Thus, southbound traffic on S. Duff Avenue wishing to go east on U.S. Highway 30 will need to go east on S.E. 16<sup>th</sup> Street and access U.S. Highway 30 at the South Dayton Road interchange. This ramp will be closed for an estimated 4-6 weeks, which is anticipated to begin on May 15, 2015. The attached agreement includes a map showing the proposed detour.

The traffic control and detour route will be maintained by the Iowa DOT during the detour period. Engineers from the City and Iowa DOT will jointly inspect the routes to determine the existing condition of the roadway surface, base, shoulders, and structures prior to the detour. Upon completion of the work, the Iowa DOT will be responsible for restoring the roadways to at least the previous condition or making appropriate compensation to the City.

**ALTERNATIVES:**

1. Approve the U.S. Highway 30 detour agreement with the Iowa DOT.
2. Do not execute the detour agreement, thus necessitating the Iowa DOT to redevelop alternate construction staging and traffic control plans.

**MANAGER'S RECOMMENDED ACTION:**

The proposed detour will allow the Iowa DOT to expedite construction activities on U.S. Highway 30 while providing for the most effective management of traffic during the construction period. While public notification will be the responsibility of the Iowa DOT, the City will assist with public awareness efforts.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the U.S. Highway 30 detour agreement with the Iowa DOT.

**District 1 Office**

1020 S. 4<sup>th</sup> Street, Ames, IA 50010

Phone: 515.239.1039 | Email: [Jeremy.vortherms@dot.iowa.gov](mailto:Jeremy.vortherms@dot.iowa.gov)

September 8, 2014

Ref: 640

Project No.: BRFN-030-5(341)—39-85

PIN No.: 11-85-030-040

John Joiner, P.E.  
Public Works Director  
City of Ames  
P.O. Box 811  
Ames, IA 50010-0811

Subject: 2015 Bridge Deck Overlay on Eastbound US 30 over US 69/ S Duff Avenue  
Detour Agreement with City of Ames

Dear John:

The Iowa Department of Transportation is planning to resurface the US 30 bridge over US 69/S. Duff Avenue in Ames. In order to complete the project, the southbound to eastbound interchange ramp will be closed. This ramp will be closed for an estimated 4-6 weeks once work begins. It is proposed to detour ramp traffic to the Dayton Road interchange via SE 16<sup>th</sup> Street. The enclosed map shows the proposed detour.

This detour includes local agency roads which require an Agreement for Use of Local Agency Roads as Detours.

If this is agreeable, please return a signed copy of the enclosed agreement. Upon receipt, the DOT portion will be completed and a fully signed copy will be returned for your records.

If you have any questions, please contact me at 515-239-1039 or [jeremy.vortherms@dot.iowa.gov](mailto:jeremy.vortherms@dot.iowa.gov).

Sincerely,



Jeremy Vortherms  
District 1 Design Engineer/North Area Engineer

JV/cp

Enclosure

cc: Tony Gustafson, IA DOT, District 1

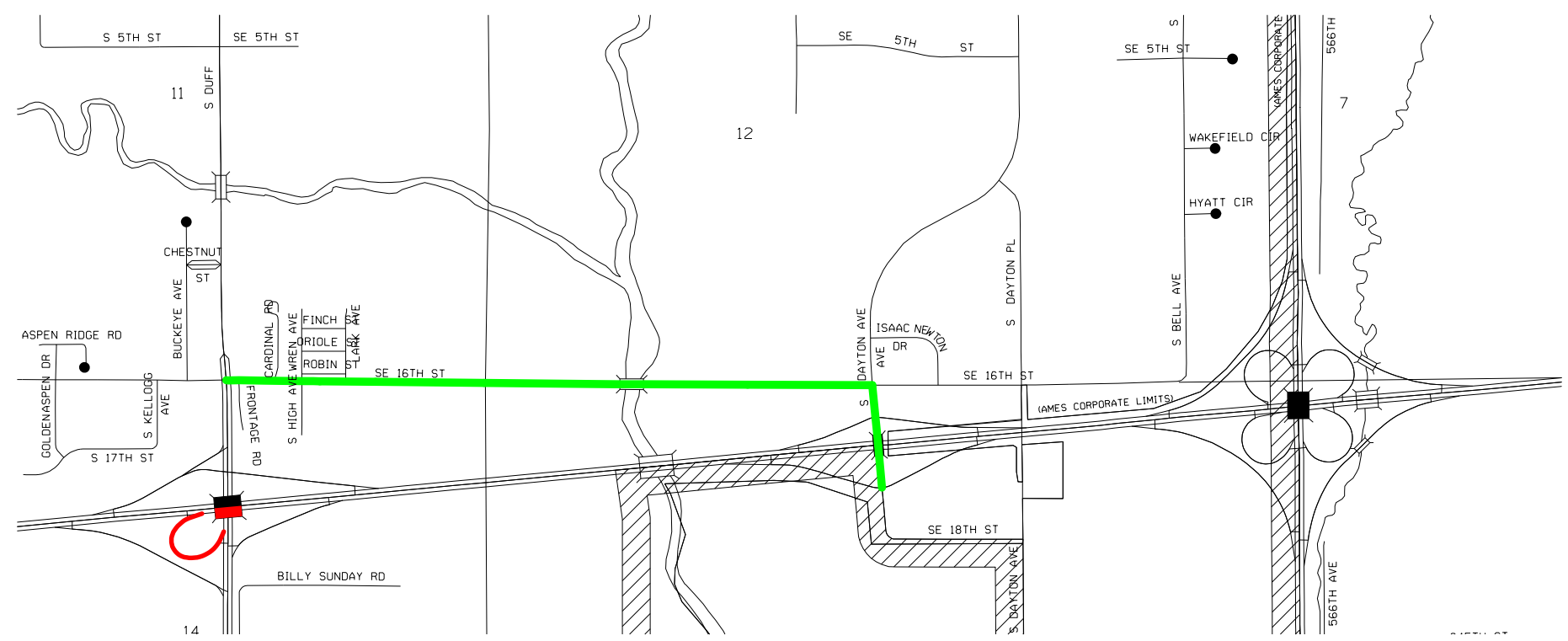
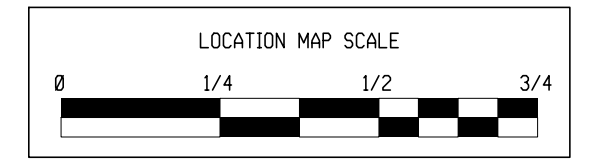
Mike Kinyon, IA DOT, District 1


Lance Starbuck, IA DOT, District 1

Jim Van Sickle, IA DOT, District 1

File

- County Border
- Detour Route
- Construction Area  or



  
 US 30  
 Story County  
 BRFN-030-5(241)--39-85



**AGREEMENT FOR DOT-INITIATED DETOUR OF PRIMARY HIGHWAYS ONTO LOCAL ROADS**

This Agreement is entered into by and between the Iowa Department of Transportation, hereinafter known as the Department; and the

City of Ames, hereinafter known as the Local Public Agency (LPA).

WHEREAS, the Department has determined the necessity to temporarily close primary highway US 30 Interchange Loop Ramp  
from southbound US 69 to eastbound US 30  
for the purpose of construction, reconstruction, maintenance, natural disasters, or other emergencies; and

WHEREAS, it is necessary to provide a detour for the primary highway closure period; and

WHEREAS, the LPA agrees to permit the use of its roads as a detour, more particularly described as follows:

On SE 16<sup>th</sup> Street in Ames, from US 69 to Dayton Avenue

On Dayton Avenue in Ames, from SE 16<sup>th</sup> Street to south ramp terminal of the US 30 interchange

; and

WHEREAS, Authorized representatives of both the Department and the LPA shall jointly execute and sign a written report concerning the condition of the proposed detour, after jointly inspecting said road, the subject of the proposed detour; said report to be in sufficient detail as to reasonably reflect the condition of the roadway base, surface, shoulders and bridges; and

WHEREAS, the Department will review, and inspect when necessary, the bridges on the detour route and determine the maximum vehicle weight (up to 156,000 pounds) that can be safely carried on these bridges and submit this information to the LPA for its review. The LPA may choose to restrict detour traffic to only vehicles of legal weight or size. If the LPA allows oversize or overweight loads, it shall notify the Department in writing. The Department shall approve the routing of overweight vehicles on the detour route, up to the limits specified by the LPA; and

WHEREAS, the Department agrees to perform the following pre-detour maintenance, if any: none; and

WHEREAS, the Department agrees to maintain the detour and provide all traffic control devices required by the Manual of Uniform Traffic Control Devices (MUTCD), as adopted by the Department pursuant to 761 IAC 130, including the marking of no-passing zones during the period the local agency road(s) and structure(s) are being utilized as a primary road detour; and

WHEREAS, Prior to revocation of the detour, the Department shall restore the local agency road to as nearly as possible as good condition as it was prior to its designation as a temporary primary road, or adequately compensate the local agency for excessive traffic upon the local agency road during the period it was used as a temporary primary road, in accordance with Section 313.28 or Section 313.29 of the Iowa Code and Iowa DOT Policy 600.05; and

WHEREAS, The detour period is estimated to begin 5/15/2015 and end 6/30/2015; and  
(date) (date)

WHEREAS, the parties agree to the following additional provisions, if any: none

NOW, THEREFORE, BE IT AGREED that the described road be used as a detour under stipulations outlined above.

IN WITNESS WHEREOF, The parties hereto have caused this agreement to be executed by proper officers thereunto duly authorized as of the dates below indicated.

\_\_\_\_\_  
District Engineer (or designee) Date  
Iowa Department of Transportation

\_\_\_\_\_  
City representative Date

\_\_\_\_\_  
Printed name and title of city representative

\_\_\_\_\_  
County representative Date

\_\_\_\_\_  
Printed name and title of county representative

**COUNCIL ACTION FORM**

**SUBJECT: RAIN DATE FOR FRIDAY AFTERNOON CELEBRATION IN CAMPUSTOWN**

**BACKGROUND:**

In July the City Council approved requests from the Campustown Action Association (CAA) to hold its Friday Afternoon Celebration event on Friday, August 29 (see attached original CAF). The event did not take place due to inclement weather, and no rain date was proposed for approval at the time the original request was considered.

CAA has now proposed holding the event on Friday, October 10. If the event cannot be held on October 10 due to weather, it will be cancelled for the year. The specific requests for this event are as follows:

- Closure of Welch Lot T from 12:00 to 11:00 p.m. on October 10, including a waiver of fees and enforcement (approximately \$57 loss to Parking Fund)
- Blanket Vending License and waiver of license fee (\$50 loss to City Clerk's Office)
- Blanket Temporary Obstruction Permit
- Class B Beer Permit with Outdoor Service Privilege

**ALTERNATIVES:**

1. Approve the requests for the Friday Afternoon Celebration on October 10, 2014, as requested by the Campustown Action Association, contingent on the submission of a certificate of insurance.
2. Approve the requests for lot closure and blanket permits contingent on the submission of an insurance certificate, but require CAA to pay the \$50 Vending License fee and reimburse the City for lost revenue to the Parking Fund.
3. Deny the requests.

**MANAGER'S RECOMMENDED ACTION:**

This event was previously approved by the City Council, but was not held due to inclement weather. Council approval is now needed to reschedule the event for an alternate date.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the requests for the Friday Afternoon Celebration on October 10, 2014, as requested by the Campustown Action Association, contingent on the submission of a certificate of insurance.



# License Application ( )

## Applicant

Name of Applicant:	<u>Matthew Enterprises, LLC</u>		
Name of Business (DBA):	<u>CAA FAC 2014</u>		
Address of Premises:	<u>lot T, City of Ames public Parking Lot</u>		
City: <u>Ames</u>	County: <u>Story</u>	Zip: <u>50014</u>	
Business Phone:	<u>(515) 441-0460</u>		
Mailing Address:	<u>2019 Friley</u>		
City: <u>Ames</u>	State: <u>IA</u>	Zip: <u>50014</u>	

## Contact Person

Name:	<u>Matthew Goodman</u>		
Phone:	<u>(515) 441-0460</u>	Email Address:	<u>mg@fightingburrito.com</u>

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

Term: 5 days

Effective Date: 10/10/2014

Expiration Date: 01/01/1900

Privileges:

Class B Beer (BB) (Includes Wine Coolers)  
Outdoor Service

## Status of Business

BusinessType:	<u>Limited Liability Company</u>		
Corporate ID Number:	<u>386345</u>	Federal Employer ID #	<u>220919525</u>

## Ownership

**Matthew Goodman**

First Name: Matthew

Last Name: Goodman

City: Ames

State: Iowa

Zip: 50014

Position Owner

% of Ownership 49.00 %

U.S. Citizen

## Insurance Company Information

Insurance Company:	<u>Scottsdale Insurance Company</u>		
Policy Effective Date:	<u>10/10/2014</u>	Policy Expiration Date:	<u>10/15/2014</u>
Bond Effective Continuously:		Dram Cancel Date:	
Outdoor Service Effective Date:		Outdoor Service Expiration Date:	
Temp Transfer Effective Date:		Temp Transfer Expiration Date:	



campustown  
action  
association

September 4, 2014

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

Dear Honorable Mayor Campbell and City Council,

Due to weather, Friday Afternoon in Campustown was forced to postpone on Friday, August 29. Campustown Action Association would like to reschedule the event to Friday, October 10 to coincide with ISU Homecoming. The purpose of this event is to bring Iowa State fans and alumni to Campustown and bring in a more diverse mix of customers to our business district. At this time, CAA requests the Council to consider these specific requests:

1. CAA requests the closure of Welch Lot T on October 10 between 7am and 10pm to host the Friday Afternoon in Campustown celebration.
2. CAA requests a Blanket Temporary Obstruction Permit for the same space (Welch Lot T) to enclose part of the sidewalks and the parking lot with double fencing to host the beer garden and event space. CAA requests the permit for October 10 between the hours of 12pm and 9pm. Set up for fencing will begin at 12pm after the parking lot closure.
3. CAA requests a Blanket Vending License for various food and retail vendors within the beer garden, and further request that the fee for the license be waived.
4. CAA requests the use of all metered parking spaces within the confines of the beer garden in Welch Lot T to place the music stage, beer tent, tables, and guests. CAA further requests that the parking lot fees be waived.

We thank you for your continued support of our work and activities in Campustown and hope to see you at the event on Friday, October 10.

Sincerely,

Kim Hanna  
Director, Campustown Action Association

**COUNCIL ACTION FORM**

**SUBJECT: CAMPUSTOWN ACTION ASSOCIATION REQUESTS FOR “FRIDAY AFTERNOON CELEBRATION”**

**BACKGROUND:**

The Campustown Action Association (CAA) plans to host the third annual Friday Afternoon Celebration (FAC) in Campustown on August 29, 2014. Organizers propose to host a beer garden and live band in Welch Lot T from 5:00 to 9:00 p.m. The purpose of the event is to bring ISU alumni who are in Ames for the first home football game into the Campustown business district.

In order to facilitate this event, organizers are requesting the closure of Welch Lot T from 12:00 to 11:00 p.m. on August 29, including a waiver of parking meter fees and enforcement. Lost revenue would equate to approximately \$57. CAA is also requesting a Blanket Vending License and waiver of fee for the license (\$50), and a Blanket Temporary Obstruction Permit for the area.

CAA also requests approval of a Class B Beer Permit with Outdoor Service to provide alcoholic beverage service at the beer garden.

Public Works will provide barricades for the event. Organizers will obtain a noise permit through the Police Department. In the previous two iterations of this event, the Police Department required the hiring of one police officer to monitor the event. Due to the success of the safety planning the past two years, the Police Department will not require an officer to be hired this year.

The Ames Chamber of Commerce is providing liability insurance coverage for this event, as the CAA is an affiliate organization of the Chamber.

**ALTERNATIVES:**

1. Approve the requests for the Friday Afternoon Celebration on August 29, 2014, as requested by the Campustown Action Association.
2. Approve requests for lot closure and blanket permits, but require CAA to pay the \$50 Vending License fee and reimburse the City for lost revenue to the Parking Fund.
3. Deny the requests.

**MANAGER'S RECOMMENDED ACTION:**

The 2012 and 2013 FAC events, held during ISU Homecoming weekend, went well with no reports of any major issues. City staff and the Association will continue to closely monitor the success of the event, and to note any corrective actions which may be needed in future years. It is to the benefit of the entire community that the CAA is successful in promoting the Campustown area.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the requests as stated by the CAA for Friday Afternoon Celebration on August 29, 2014.



campustown  
action  
association

July 14, 2014

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

Dear Honorable Mayor Campbell and City Council,

The Campustown Action Association is planning to hold our third annual Friday Afternoon in Campustown event to coincide with the start of the 2014 ISU football season on Friday, August 29 from 5pm to 9pm. The purpose of this event is to bring Iowa State fans and alumni to Campustown and bring in a more diverse mix of customers to our business district. At this time, CAA requests the Council to consider these specific requests:

1. CAA requests the closure of Welch Lot T on August 29 between 12pm and 11pm to host the Friday Afternoon in Campustown celebration.
2. CAA requests a Blanket Temporary Obstruction Permit for the same space (Welch Lot T) to enclose part of the sidewalks and the parking lot with double fencing to host the beer garden and event space. CAA requests the permit for August 29 between the hours of 12pm and 9pm. Set up for fencing will begin at 12pm after the parking lot closure.
3. CAA requests a Blanket Vending License for various food and retail vendors within the beer garden, and further request that the fee for the license be waived.
4. CAA requests the use of all metered parking spaces within the confines of the beer garden in Welch Lot T to place the music stage, beer tent, tables, and guests. CAA further requests that the parking lot fees be waived.

Matthew Goodman, owner of Battles Barbeque has agreed to apply for a Class B Beer Permit with Outdoor Service to provide alcoholic beverage service for the event. The CAA is supportive of the application and asks that the City Council also approve the application.

Thank you for your consideration of these requests and continued support of the Campustown Action Association. We thank you for your support in the 2012 and 2013 FACs and your assistance in making these events a success. Please save the date to attend on August 29, 2014.

Sincerely,

Kim Hanna  
Director, Campustown Action Association

**COUNCIL ACTION FORM**

**SUBJECT: PUBLIC UTILITY EASEMENT VACATION – 2810, 2824 WAKEFIELD CIRCLE**

**BACKGROUND:**

Staff was contacted by the property owner of 2810 and 2824 Wakefield Circle in the Ames Community Development Park about developing those two properties as a single development. The properties currently have a 10-foot public utility easement along the property line between them. The property owner requested that the easement be vacated to accommodate development as one parcel. The site will be brought before the City Council at a later date to combine the two lots into one.

Public Works staff contacted all registered right-of-way users to determine the extent of the utilities in the area and received responses back from all users stating there are no utilities within the easement.

The attached map provides more information on the affected area.

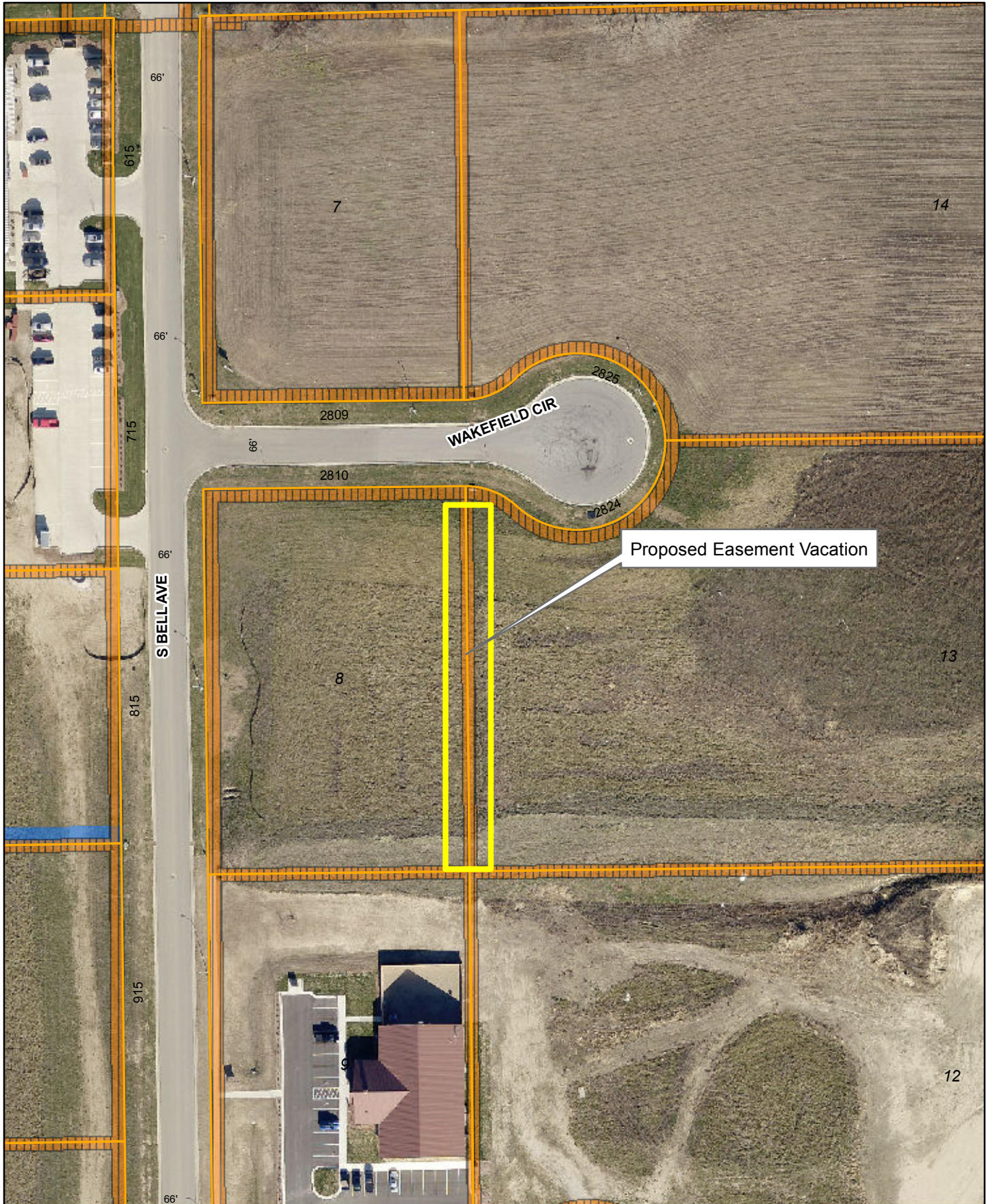
**ALTERNATIVES:**

1. Approve the proposal to vacate the existing easement shown in Attachment A between 2810 and 2824 Wakefield Circle, and set the date of public hearing for this vacation for October 14, 2014.
2. Direct staff or the property owner to pursue other options.

**MANAGER'S RECOMMENDED ACTION:**

There are no utilities in the existing easement, and vacation of the easement will allow the developer to develop the property as one lot.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the vacation of the existing public utility easement between 2810 and 2814 Wakefield Circle, and setting the date of public hearing for October 14, 2014.



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



**Proposed Public Utility Easement Vacation**  
 2810-2824 Wakefiled Circle



Scale: 1 in = 100 ft  
 Date: 9/9/2014

**COUNCIL ACTION FORM**

**SUBJECT: REQUESTS FROM ISU STUDENT ALUMNI LEADERSHIP COUNCIL FOR ISU HOMECOMING EVENTS**

**BACKGROUND:**

On Friday, October 10, 2014, the Student Alumni Leadership Council at Iowa State University is again planning ExCYtement in the Streets in connection with Homecoming Weekend at Iowa State. The event is scheduled to begin at approximately 8:00 p.m. and continue until 10:00 p.m. Music and tours of the lawn displays built to celebrate Homecoming will be the featured entertainment for attendees.

To facilitate this event, organizers are asking the City Council to approve the following items:

1. Closure of Sunset Drive from Ash to just west of the intersection with Beach Avenue\*
2. Closure of Ash Avenue from Gable Lane to Knapp Street (Knapp and Gable will remain open)
3. Closure of Gray Avenue from its intersection with Gable to Greeley Street\*
4. Closure of Pearson Avenue between Greeley and Sunset\*
5. Closure of on-street parking on the west side of Welch Avenue from Knapp Street to the south approximately 50 feet to allow for viewing of a lawn display at 407 Welch Avenue.
6. Temporary Obstruction Permit to cover the closed areas as well as the Greek Triangle, which will be used for judging displays
7. Fireworks permit for ground effects fireworks display on Central Campus to begin at midnight (12:00 a.m.) on Friday, October 10.

*\*denotes a street also closed for Glow Run – details below*

Streets will be closed by approximately 6:30 p.m. and will be reopened by 11:00 p.m. On-street parking will also be prohibited on these streets from 7:00 p.m. on Thursday, October 9, to 11:00 p.m. on Friday, October 10.

The Student Alumni Leadership Council also plans to hold a Glow Run on Saturday, October 4, to kick off the festivities. Runners will begin at the Alumni Center and complete a route on the streets of the Greek neighborhood, then on sidewalks and paths down Ash Avenue, Mortensen Parkway, and Beach Avenue back to the Alumni Center. To facilitate this event, the following streets will be closed from approximately 8:45 p.m. to 9:30 p.m. on October 4:



1. Beach Avenue from Country Club Boulevard to Sunset Drive
2. Gable Lane from Ash Avenue to Gray Avenue
3. Greeley Street from Pearson Avenue to Beach Avenue
4. The streets indicated with asterisks from the list above

Public Works will provide the barricades necessary for the street closures along with “No Parking” signs. Organizers will be responsible for staffing the barricades as long as they are in place. Organizers have been asked to work with residents in accessing the area, particularly during the early evening setup hours. Additionally, organizers will work with the construction firms working on Greek house in the area to ensure the security of the site and safety of the participants.

**ALTERNATIVES:**

1. The City Council can approve the requests from the Student Alumni Leadership Council for street closures and parking prohibitions on portions of Ash, Gray, Pearson, Welch, Beach, Greeley, Gable, and Sunset as outlined above, on October 4 and October 10, 2014, to facilitate the celebration of Homecoming at Iowa State, as well as the Fireworks Permit for midnight on October 10, 2014.
2. The City Council can direct staff to seek alternative locations for the event.
3. The City Council can deny this request.

**MANAGER'S RECOMMENDED ACTION:**

ExCYtement in the Streets is enjoyed by hundreds of members of our community each year. This event will provide our citizens with another opportunity to enjoy the lawn displays and some of the activities associated with Homecoming at Iowa State University. It is a time for interaction between long-time residents and students at Iowa State.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the above requests from the Student Alumni Leadership Council associated with the celebration of Homecoming at Iowa State.



September 5, 2014

Mayor and Ames City Council Members:

The Iowa State University Alumni Association and the Student Alumni Leadership Council (SALC) are preparing to celebrate the 102<sup>nd</sup> anniversary of Homecoming at Iowa State, Oct. 1 – Oct. 11 on the ISU campus and in the Ames community. The 2014 Homecoming celebration will include a wide variety of events for students, alumni, and members of the community, including a celebration of Cy's 60<sup>th</sup> birthday! Some of them include:

- **Saturday, October 4, Ames "Light up the Night" Glow Run, 9 p.m.**  
Homecoming Central is proud to coordinate the Blue Sky Days 5K run through the South Campus neighborhood. Glow sticks, necklaces, and bracelets will highlight this 5K fundraiser for Lutheran Services in Iowa.
- **Friday, October 10, Pep Rally & Homecoming Celebration, ISU Alumni Center, 5-9 p.m., free**  
The ISU Homecoming pep rally will be held on grounds of the ISU Alumni Center, 420 Beach Ave., adjacent to the Iowa State Center parking lot. The pep rally program featuring Cyclone football coach Paul Rhoads, members of the football and basketball teams, and the finals of the annual Yell-Like-Hell competition, will begin at 7 p.m.
- **Friday, Oct. 10, ExCYtement in the Streets, Greek Community, 8 p.m., free**  
Following the Pep Rally & Homecoming Celebration, Iowa Staters are encouraged to head into the nearby Greek Community to view Homecoming lawn displays. The self-guided "still parade" is a Homecoming classic.
- **Friday, Oct. 10, Pancake Feed, central campus, 10 p.m.-midnight, \$3**  
Join us on central campus for all-you-care-to-eat pancakes.
- **Friday, Oct. 10, Fireworks and Mass Campaniling, central campus, midnight-1 a.m., free**  
A breathtaking fireworks display will follow Iowa Staters creating their own fireworks under the landmark Campanile.
- **Saturday, Oct. 11, Cyclone Central Homecoming Tailgate, ISU Alumni Center, 3 hours prior to kickoff, free**  
As always, the ISU Alumni Association will be hosting a pregame football tailgate at the ISU Alumni Center to celebrate Homecoming. Admission is free, though fans wanting catered meals from Hickory Park Restaurant must register and pay in advance at [www.isualum.org/cyclonecentral](http://www.isualum.org/cyclonecentral).
- **Saturday, Oct. 11, Cyclone Football vs. TCU, Jack Trice Stadium, 2:30 p.m.**  
The Iowa State football team will face Baylor in its annual Homecoming football game.

The full schedule of events can be found at [www.isualum.org/homecoming2014](http://www.isualum.org/homecoming2014).

The Student Alumni Leadership Council is requesting the City of Ames approve the related street closures, permits, and fireworks display as a part of the Homecoming celebration. We look forward to the event and the community and campus connections it provides. We are excited to celebrate Homecoming 2014: The Tradition Continues!

Sincerely,

Evan Fritz and Matt Nelson  
ISU Homecoming 2014 General Co-Chairs



*Caring People  
Quality Programs  
Exceptional Service*

**16**

**TO:** Ames City Council and Mayor

**FROM:** Department of Planning and Housing

**DATE:** September 19, 2014

**SUBJECT:** Sidewalk Deferment Agreement for 712 S. 16<sup>th</sup> Street, Copper Beech

At the July 22, 2014 meeting, Council approved deferment of a portion of the public sidewalk and driveway access ramps for the Copper Beech project at 712 S. 16<sup>th</sup> Street. The Council directed staff to draft an agreement with the condition that the sidewalk and ramps be installed at such time as are determined appropriate by the City for the sidewalk connection to the east property line or when improvements are made to the intersection of South 16<sup>th</sup> Street and South Grand Avenue requiring the need to complete the pedestrian crossing. Under this approval, the deferment agreement was required to be accompanied by financial security for such deferral.

A signed deferment agreement has been submitted with the agreed upon financial security for the sidewalk improvement. The signed agreement is attached for Council approval.

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**DO NOT WRITE IN THE SPACE ABOVE THIS LINE; RESERVED FOR RECORDER**

Prepared by: Jessica D. Spoden, City of Ames Legal Department, 515 Clark Ave., Ames, IA 50010; 515-239-5146  
Return to: Ames City Clerk, Ames City Hall, 515 Clark Ave., P.O. Box 511, Ames, IA 50010

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**AGREEMENT FOR DEFERMENT OF SIDEWALK INSTALLATION  
WITH CB AT AMES, LLC, FOR  
COPPER BEECH APARTMENT PROJECT AT 712 SOUTH 16<sup>TH</sup> STREET**

The parties to this Agreement are CB at Ames, LLC, its successors and assigns (hereinafter referred to as "Owner") and the City of Ames, Iowa (hereinafter referred to as "City").

**WHEREAS**, the property located at 712 South 16<sup>th</sup> Street (hereinafter referred to as "Copper Beech") is a multi-family residential apartment development located between Creekside Mobile Home Park and Pheasant Run Apartments along the south side of South 16<sup>th</sup> Street; and

**WHEREAS**, the Site Development Plan approved for the site shows a public sidewalk running the full frontage of the lot; and

**WHEREAS**, the Owner agrees to install the public sidewalk from the west property line to the west side of the site's access drive; and

**WHEREAS**, the installation of a public sidewalk is one of the public infrastructure improvements required to approve Copper Beech; however, it is agreed that the sidewalk access ramps along the south side of South 16<sup>th</sup> Street, approximately 20 linear feet, from the west and

east side of the site's access drive to the east property line shall be constructed as requested at a later date; and

**WHEREAS**, the installation of sidewalk access ramps from the west and east side of the site's access drive to the east property line is premature as there is no connection to public sidewalk along the south side of South 16<sup>th</sup> Street, except Aspen Business Park property 500 feet further east on South 16<sup>th</sup> Street; and



**WHEREAS**, the installation of sidewalk and access ramps shall be deferred until such time as the sidewalk is installed east of this property or when the City deems appropriate.

**NOW, THEREFORE**, in consideration of the premises, it is hereby understood and agreed that:

1. The approved site plan calls for construction of a sidewalk along the south side of South 16<sup>th</sup> Street, which is the Owner's responsibility.
2. In lieu of construction of a portion of the sidewalk as aforementioned, Owner agrees to pay \$3,000.00 to the City to be held in escrow by the City for future construction of a sidewalk and sidewalk access ramps. Deferment of construction is appropriate as installation is premature and is authorized by ordinance upon execution of this agreement, as there is no connection to existing public sidewalk to the east of Copper Beech.
3. The City has the authority to require installation of the sidewalk and sidewalk access ramps at such time as is determined appropriate by the City for the sidewalk connection to the east property line or when improvements are made to the intersection of South 16<sup>th</sup> Street and South Grand Avenue requiring the need to complete the pedestrian crossing.
4. This agreement shall be filed for record in the office of the Story County Recorder and all covenants, agreements, promises and representations herein stated shall be deemed to be

covenants running with the land and shall endure and be binding on the parties hereto, their successors and assigns, for a period of 21 years from the date of the recording of these covenants, unless claims to continue any interest in the covenants are filed as provided by law.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

<p>CB AT AMES, LLC</p> <p>By <u></u> Donald L. Bobbit, Manager of Manager</p> <p>STATE OF NORTH CAROLINA, COUNTY OF MECKLENBURG, ss:</p> <p>This instrument was acknowledged before me on <u>September 9</u>, 2014, by Donald L. Bobbit, Manager of Managers of CB at Ames, LLC.</p> <p><u></u> Notary Public in and for the State of North Carolina</p> <div data-bbox="341 1081 730 1228" style="border: 2px solid black; padding: 5px; text-align: center;"><p><b>NAOMI MCGINNIS</b> Notary Public, North Carolina Mecklenburg County My Commission Expires <b>September 30, 2018</b></p></div>	<p>CITY OF AMES, IOWA</p> <p>By _____ Ann H. Campell, Mayor</p> <p>Attest _____ Diane R. Voss, City Clerk</p> <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. 14-413 adopted by the City Council on the 22nd day of July, 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>
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**COUNCIL ACTION FORM**

**SUBJECT: AMES FIRE STATION #3 – HVAC MODIFICATIONS**

**BACKGROUND:**

Fire Station No. 3, built in 2002, uses a hydronic heating system (boilers, piping, heat exchangers, etc.) to heat the entire facility. A roof mounted air-handler is used to cool the living quarters and administrative area of the fire station. The configuration of the system inhibits the flow of heating water to the living quarters and administrative area, resulting in inconsistent and insufficient heat during winter months. Due to the system's complexity, the nearest qualified service and repair provider is from Des Moines. Travel charges for a technician from Des Moines add to the maintenance and repair costs. Parts and service for this complex system are significantly more expensive than a more typical heating, ventilation and air conditioning (HVAC) system.

Over the past 11 years, repairs to the existing system have cost \$50,203 as of June 2014, with no significant improvement in the system's poor performance. Repair and routine maintenance costs for this system average \$6,593 annually. Retaining the existing system and reconfiguring it for improved comfort levels is estimated to cost \$40,000. However, maintenance costs would still be at least \$2,000 per year.

The existing system was evaluated by LMV Engineering, L.C., and a new HVAC system was designed for the living quarters and administrative area. The proposed system utilizes a more conventional gas furnace and air conditioning system, which could be serviced by several local vendors at an estimated annual cost of \$830, which is \$1,200 per year less than existing maintenance costs. A further \$4,563 in average annual unexpected repair costs would likely be avoided with the new system, and energy cost savings would total \$1,047 per year compared to the existing system.

The cost to design the proposed system was \$3,800 and the engineer's estimate for installation of a replacement system is \$66,300 for a total project cost of \$70,100. Since this project will result in substantial energy savings, funds from the Cool Cities account will be used to finance the installation. The Cool Cities account balance is currently \$70,957. This project is eligible for several utility rebates, which would be returned to the Cool Cities account to be used for future energy efficiency projects.

**ALTERNATIVES:**

1. Approve the Ames Fire Station #3 HVAC Modifications by establishing October 22, 2014, as the date of letting and October 28, 2014, as the date for report of bids.

2. Direct staff to revise the project.

**MANAGER'S RECOMMENDED ACTION:**

The high maintenance costs and poor performance of the Fire Station #3 HVAC system have necessitated exploring a simpler and more reliable HVAC system design. A new system will improve occupant comfort, and will also result in maintenance and energy savings over the current configuration. **The estimated payback from this investment is approximately ten years. In addition, if this purchase is not made, it will cost at least \$40,000 to repair the existing system.**

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the Ames Fire Station #3 HVAC Modifications by establishing October 22, 2014, as the date of letting and October 28, 2014, as the date for report of bids.





# MEMO

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

**From:** City Clerk's Office

**Date:** September 19, 2014

**Subject:** Contract and Bond Approval

There are no Council Action Forms for Item Nos.   18   and   19  . Council approval of the contract and bond for these projects is simply fulfilling a *State Code* requirement.

/jr



**Public Works Department**  
515 Clark Avenue, Ames, Iowa 50010  
Phone 515-239-5160 ♦ Fax 515-239-5404

20

September 8, 2014

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

Ladies and Gentlemen:

I hereby certify that the asphalt street surfacing required as a condition for approval of the final plat of **South Fork, 3<sup>rd</sup> Addition** has been completed in an acceptable manner by **Manatts, Inc. of Ames, IA**. The above-mentioned improvements have been inspected by the Engineering Division of the Public Works Department of the City of Ames, Iowa and found to meet City specifications and standards.

As a result of this certification, it is recommended that the financial security for public improvements on file with the City for this subdivision be reduced to **\$3,454**. The remaining work covered by this financial security includes pedestrian sidewalk ramps.

Sincerely,

John C. Joiner, P.E.  
Director

JJ/jc

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

Description	Unit	Quantity
Class 13 Excavation	CY	1400
Sub-grade Preparation	SY	2520
4" Sanitary Sewer Service (8" or 10" Saddle Connection)	EA	8
Storm Sewer, Trenched, 18"	LF	152
Storm Sewer, Trenched, 24"	LF	114
Footing Drain Collector, 8"	LF	345
Footing Drain Cleanout	EA	1
Footing Drain Outlet and Connection, 8"	EA	3
Storm Sewer Service Stub, PVC, 1-1/2"	EA	8
Water main, Trenched, PVC, SDR18, 8"	LF	640
Water Service Connection, Curb Stop & Box, 1"	EA	8
Gate Valve & Box, 8"	EA	2
8" MJ Tee	EA	1
Fire Hydrant Assembly	EA	1
Remove and Relocate Hydrant Assembly	EA	1
Intake, Type SW-502	EA	4
Pipe Apron, 24" RCP W/Guard and Footing	EA	1
Manhole/Intake Adjustment, Minor	EA	2
Manhole/Intake Adjustment, Major	EA	2
Silt Fence-Install, Maint. & Removal	LF	400
Seeding, Type 1 Lawn Mix	ACRE	4
Inlet Protection Device-Install, Maint. & Removal	EA	6
Sidewalk, 6" PCC	SY	55
Truncated Domes	SF	32
Pavement, HMA, 8"-Beedle	SY	670
Pavement, HMA, 9.5"-Cochrane	SY	1185
30" PCC Curb and Gutter	LF	1335



**Public Works Department**  
515 Clark Avenue, Ames, Iowa 50010  
Phone 515-239-5160 ♦ Fax 515-239-5404

**21**

September 8, 2014

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

Ladies and Gentlemen:

I hereby certify that the asphalt street surfacing required as a condition for approval of the final plat of **South Fork, 4<sup>th</sup> Addition** has been completed in an acceptable manner by **Manatts, Inc. of Ames, IA**. The above-mentioned improvements have been inspected by the Engineering Division of the Public Works Department of the City of Ames, Iowa and found to meet City specifications and standards.

As a result of this certification, it is recommended that the financial security for public improvements on file with the City for this subdivision be released in full.

Sincerely,

John C. Joiner, P.E.  
Director

JJ/jc

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

Description	Unit	Quantity
Class 13 Excavation	CY	900
Sub-grade Preparation	SY	1030
4" Sanitary Sewer Service (8" or 10" Saddle Connection)	EA	12
Sanitary Sewer Main, 8"	LF	16
Footing Drain Collector, 6"	LF	220
Footing Drain Cleanout	EA	1
Footing Drain Outlet and Connection, 6"	EA	1
Storm Sewer Service Stub, PVC, 1-1/2"	EA	12
Water main, Trenched, PVC, SDR18, 8"	LF	220
Water Service Connection, Curb Stop & Box, 1"	EA	12
Gate Valve & Box, 8"	EA	1
Fire Hydrant Assembly (includes gate valve, boot, 6" pipe and fittings)	EA	1
Remove and Relocate Hydrant Assembly	EA	1
Manhole/Intake Adjustment, Minor	EA	1
Manhole/Intake Adjustment, Major	EA	1
Silt Fence-Install, Maint. & Removal	LF	240
Seeding, Type 1 Lawn Mix	ACRE	1
Inlet Protection Device-Install, Maint. & Removal	EA	4
Remove Asphalt Pavement	SY	80
Pavement, HMA, 8" - Marigold	SY	495
Pavement, PCC, 6" - Alley	SY	330
30" PCC Curb and Gutter	LF	420



**Public Works Department**  
515 Clark Avenue, Ames, Iowa 50010  
Phone 515-239-5160 ♦ Fax 515-239-5404

22

September 8, 2014

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

Ladies and Gentlemen:

I hereby certify that the asphalt street surfacing required as a condition for approval of the final plat of **South Fork, 5<sup>th</sup> Addition** has been completed in an acceptable manner by **Manatts, Inc. of Ames, IA**. The above-mentioned improvements have been inspected by the Engineering Division of the Public Works Department of the City of Ames, Iowa and found to meet City specifications and standards.

As a result of this certification, it is recommended that the financial security for public improvements on file with the City for this subdivision be reduced to **\$2,960**. The remaining work covered by this financial security includes the pedestrian sidewalk ramps.

Sincerely,

John C. Joiner, P.E.  
Director

JJ/jc

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

Description	Unit	Quantity
Class 13 Excavation	CY	2000
Sub-grade Preparation	SY	1815
4" Sanitary Sewer Service (8" Saddle Connection)	EA	19
Sanitary Sewer Main, 8"	LF	477
Sanitary Sewer Plug, 8"	EA	2
Storm Sewer Service Stub, PVC, 1-1/2"	EA	19
Water main, Trenched, PVC, SDR18, 8"	LF	517
Water Service Connection, Curb Stop & Box, 1"	EA	19
Gate Valve & Box, 8"	EA	2
8" Ductile Water main Tee	EA	1
Fire Hydrant Assembly (includes gate valve, boot, 6" pipe and fittings)	EA	2
Remove and Relocate Hydrant Assembly	EA	1
Install Temporary Blowoff Hydrant	EA	1
Manhole/Intake Adjustment, Major	EA	1
Silt Fence-Install, Maint. & Removal	LF	350
Seeding, Type 1 Lawn Mix	ACRE	2.5
Inlet Protection Device-Install, Maint. & Removal	EA	9
Pavement, HMA, 8"- Marigold, Sunflower	SY	1100
Pavement, PCC, 6" – Alley and Pedestrian Ramps	SY	230
Truncated Domes	SF	48
30" PCC Curb and Gutter	LF	860
15" Storm Sewer RCP Class III	LF	275
18" Storm Sewer RCP Class III	LF	180
21" Storm Sewer RCP Class III	LF	208
15" Storm Sewer Plug	EA	2
SW 401 Sanitary Sewer Manhole	EA	1
Intake SW 501	EA	5
SW 502 Storm Manhole	EA	1
Intake SW 503	EA	1



**Public Works Department**  
515 Clark Avenue, Ames, Iowa 50010  
Phone 515-239-5160 ♦ Fax 515-239-5404

23

September 8, 2014

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

Ladies and Gentlemen:

I hereby certify that the a portion of the asphalt street surfacing along Marigold Drive as a condition for approval of the final plat of **South Fork, 7<sup>th</sup> Addition** has been completed in an acceptable manner by **Manatts, Inc. of Ames, IA**. The above-mentioned improvements have been inspected by the Engineering Division of the Public Works Department of the City of Ames, Iowa and found to meet City specifications and standards.

As a result of this certification, it is recommended that the financial security for public improvements on file with the City for this subdivision be reduced to **\$4,000**. The remaining work covered by this financial security includes street lighting along Marigold Drive.

Note that an additional financial security remains in the amount of **\$28,558.60** for the above referenced subdivision that covers the remaining asphalt surfacing, street lighting, erosion control, pedestrian ramps, and final utility fixture adjustments along Dotson Drive and Harris Street.

Sincerely,

John C. Joiner, P.E.  
Director

JJ/jc

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



South Fork, 7<sup>th</sup> Addition  
 September 8, 2014  
 Page 2

Description	Unit	Quantity
Class 13 Excavation	CY	2,000
Sub-grade Preparation	SY	2,310
8" Sanitary Sewer Main, PVC	LF	156
4" Sanitary Sewer Service, PVC	EA	8
Storm Sewer, RCP 15", CL 3	LF	213
Storm Sewer Service Stub, PVC, 1-1/2"	EA	8
Water main, Trenched, PVC, 8"	LF	116
Water Service Connection, Curb Stop & Box, 1"	EA	8
Manhole, SW 301, 48"	EA	1
Intake, SW 501	EA	1
Intake, SW 503	EA	1
Manhole Adjustment, Major	EA	7
Sidewalk, PCC, 6"	SY	40
30" PCC Curb and Gutter	LF	1,400
Pavement, 8" HMA	SY	653
Pavement, 10" HMA	SY	1,087
Seeding, Type 1 Lawn Mix	ACRE	1
Silt Fence-Install, Maint. & Removal	LF	300
Inlet Protection Device-Install, Maint. & Removal	EA	3
Stabilized Construction Entrance	EA	1

Description	Unit	Quantity
Class 13 Excavation	CY	2,050
Sub-grade Preparation	SY	1,570
8" Sanitary Sewer Main, PVC	LF	304
4" Sanitary Sewer Service, PVC	EA	13
Storm Sewer, RCP 15", CL 3	LF	182
Footing Drain Collector, 6"	LF	165
Footing Drain Cleanout, 6"	EA	1
Footing Drain Outlet and Connection, 6"	EA	1
Storm Sewer Service Stub, PVC, 1-1/2"	EA	13
Water main, Trenched, PVC, 8"	LF	324
Water Service Connection, Curb Stop & Box, 1"	EA	13
8" Tee	EA	1

Fire Hydrant Assembly (includes gate valve, boot, 6" pipe and fittings)	EA	1
Intake, SW501	EA	2
Manhole Adjustment, Major	EA	1
Pavement, 6" PCC	SY	365
30" PCC Curb and Gutter	LF	654
Pavement, 8" HMA	SY	945
Pavement Removal	SY	134
Seeding, Type 1 Lawn Mix	ACRE	1
Inlet Protection Device, Install, Maintain, Remove	EA	1
Stabilized Construction Entrance	EA	1

**COUNCIL ACTION FORM**

**SUBJECT: WPC FACILITY PUMP REPLACEMENT PROJECT**

**BACKGROUND:**

On September 8, 2009, City Council awarded a contract to Flowserve Corporation of Taneytown, Maryland to provide four new vertical turbine pumps to replace the failing first stage trickling filter pump station pumps at the City's Water Pollution Control (WPC) Facility. The total amount of the contract was \$219,492.

The pumps exhibited a number of performance issues upon delivery, and the City and Flowserve entered into an extended discussion as to the cause and possible remedies. Those discussions culminated in an agreement approved by the Council on May 13, 2014, whereby Flowserve agreed to 1) accept a reduced purchase price for one pump performing below the design requirements, 2) modify one pump and provide an extended warranty period, and 3) accept the return of two of the pumps and motors with full credit to the City.

All of the terms of the agreement have been fulfilled by both parties, and no additional funds are due from either party. Therefore, it is appropriate for Council to accept as complete the contract with Flowserve Corporation.

**ALTERNATIVES:**

1. Accept completion of the WPC Facility Pump Replacement Project with Flowserve Corporation in a final amount of \$104,250.70 in accordance with the agreement authorized by Council on May 13, 2014.
2. Do not accept completion of the agreement at this time.

**MANAGER'S RECOMMENDED ACTION:**

The pumps provided under this contract did not initially perform as required by the contract documents. Staff negotiated an agreement with Flowserve Corporation whereby Flowserve would accept a reduced price for one pump, would modify one pump, and would cancel the order for two pumps.

The terms of that agreement, approved by Council on May 13, 2014, have been fulfilled, and staff is recommending that the contract be closed out. Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby accepting completion of the WPC Facility Pump Replacement Project with Flowserve Corporation in a final amount of \$104,250.70.

**COUNCIL ACTION FORM**

**SUBJECT: RE-ROOFING OF CITY MAINTENANCE FACILITY – PHASE 1**

**BACKGROUND:**

The City's 34,600 square foot Maintenance Facility is located at 2207 Edison Street. A significant portion of the City's Public Works and Fleet Services Departments operate from this location. The building has been expanded three times over the past 45 years to accommodate increased requirements for services to the growing community. The first and second sections, approximately 20,000 sq. ft., were completed in 1968. These two sections are referred to as the (East) and (Center) sections. In 1977, the addition on the (West) side of the existing building added another 11,000 sq. ft., and the most recent expansion northward onto the (West) section occurred in 1993, bringing the total under roof to 34,600 square feet. The East section was 27 years old and was replaced as Phase 1 in this proposed plan.

On June 24, 2014, City Council awarded the project to Ida Grove Roofing and Improvement, Inc. of Ida Grove, IA for \$85,574, with a purchase of 150 walking pads at \$28.60 each, for a total of \$89,864. Construction was completed in the amount of \$89,864. The plans and specifications for this project were prepared by Haila Architecture for \$14,300 for all three phases, bringing total projected expenses to approximately \$104,164.

The re-roof project will occur over the next three fiscal years, beginning in FY14/15 as approved in the 5 year CIP Plan. Phase 1 funding as budgeted for FY 14/15 will be shared between the following:

Water Utility	\$ 30,625
Sewer Utility	\$ 30,625
Road Use Tax	\$ 30,625
Fleet Services	<u>\$ 30,625</u>
	\$122,500

While working on the roof, City staff became aware of other issues that will need to be repaired. This includes the replacement of heat stacks and two exhaust fans. It is recommended that a portion of the remaining funds from the Phase 1 CIP project be authorized to cover these expenses, which are estimated at \$10,000.

**ALTERNATIVES:**

- 1a. Accept the Maintenance Facility Energy Efficiency Projects as completed by Ida Grove Roofing and Improvement, Inc. of Ida Grove, IA for the Re-roofing of the

City Maintenance Facility, Phase 1, with a 60 mil membrane, for \$85,574, with a purchase of 150 walking pads at \$28.60 each, for a total cost of \$89,864.

- b. Authorize the use of a portion of the remaining funds from the Phase 1 Re-Roofing project in the amount of \$10,000 to make additional repairs to the Maintenance Facility.
2. Direct staff to pursue modifications to the project.

**MANAGER'S RECOMMENDED ACTION:**

The roof on the City Maintenance Facility had exceeded its useful life and needed to be replaced. The roof was frequently being patched for leaks, and the deteriorating condition increased the potential for costly structural damage or damage to the contents of the building. Work under this contract has now been completed.

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

**COUNCIL ACTION FORM**

**SUBJECT:** PLAT OF SURVEY FOR 3334 LINCOLN WAY

**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 four existing platted lots at the southeast corner of Lincoln Way and Franklin Avenue, the site of the old Wendy's restaurant.** (See Attachment A, Location Map) The properties are currently owned by First National Bank of Ames. (See Attachment B, Proposed Plat of Survey)

Electric Services has asked that a ten-foot electric easement be established along the east property line of Parcel A for the existing overhead lines. The Public Works Department is also asking that an easement be granted to encompass the existing traffic signal located at the northwest corner of the lot. These two requested easement areas are shown on the Map of Easement. (See Attachment C) No other improvements are needed or required in conjunction with the merger of the lots. **Staff notes that the planned intersection improvements for Franklin and Lincoln Way are not affected by the proposed lot consolidation and no additional easements or right-of-way dedication are requested at this time.**

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. Release of the Plat of Survey for recording will not be completed by Planning and Housing until all easement documents have been reviewed by the Legal Department and signed by the property owner. Once all easement documents are ready, the Plat and the easements will be recorded for the property.

**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 3334 LINCOLN WAY**

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: First National Bank, Ames, Ia

Existing Street Addresses: 3334 Lincoln Way

Assessor's Parcel #: 09-08-225-010

Legal Description: Lots One (1), Two (2), Three (3), and Four (4) in Block Two (2) of West Ames Addition to the 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 ten foot electric easement be approved for the existing overhead lines along the east property line of the new Parcel A. It is also requested that an easement be granted to encompass the exiting traffic signal equipment located at the northwest corner of the property.

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.

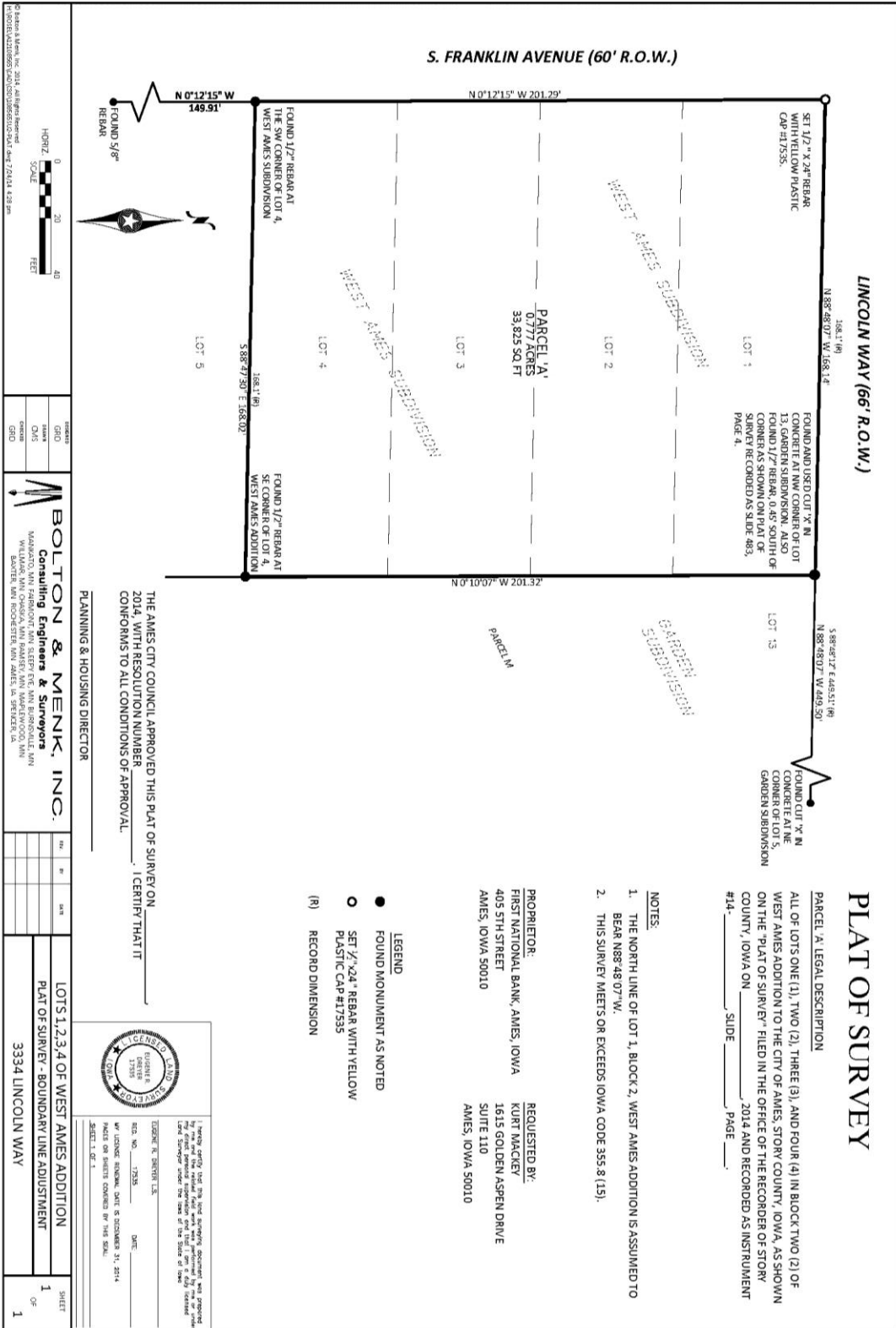


# ATTACHMENT A LOCATION MAP

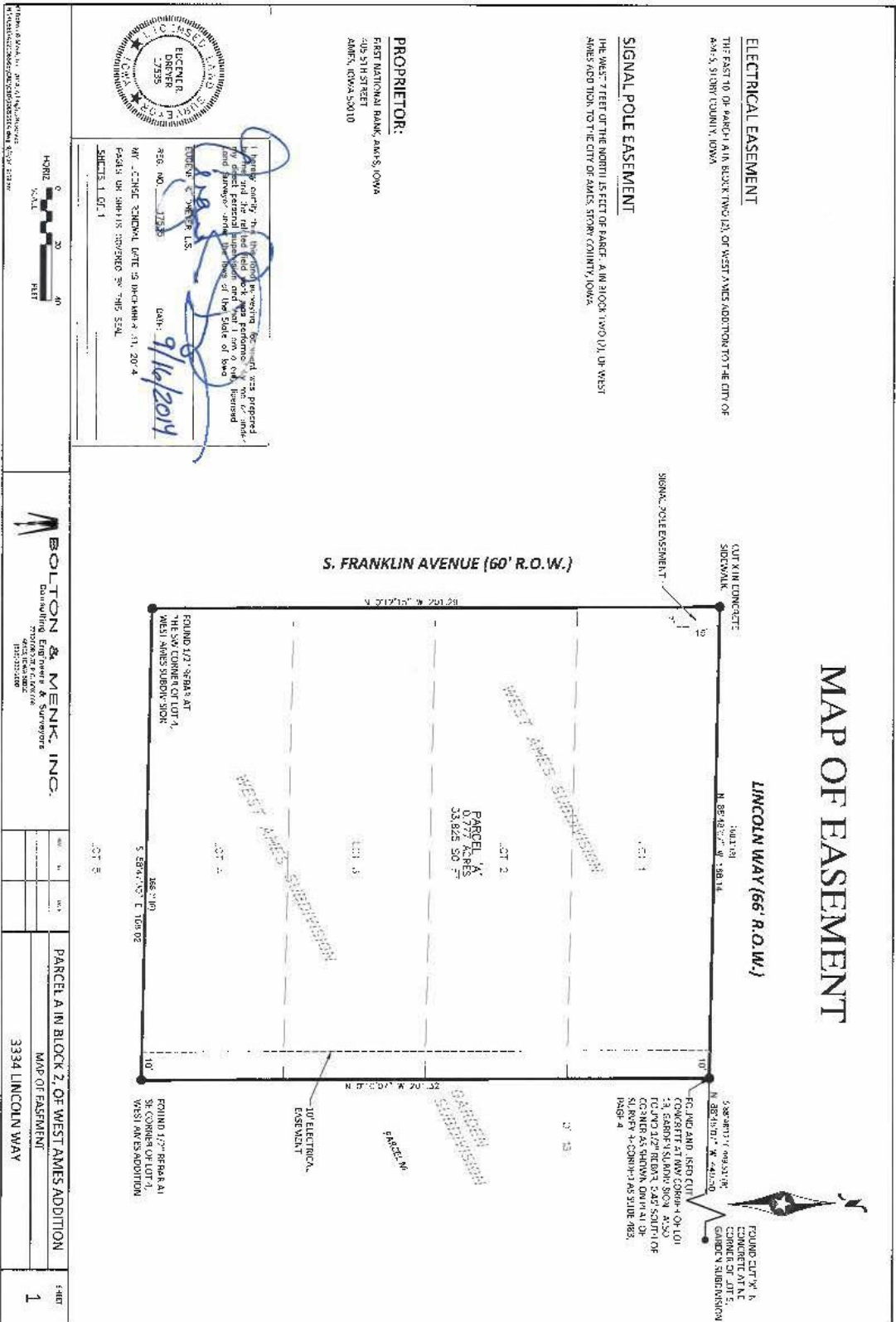


Location Map  
3334 Lincoln Way

# ATTACHMENT B PROPOSED PLAT OF SURVEY



# ATTACHMENT C MAP OF EASEMENTS



**COUNCIL ACTION FORM**

**SUBJECT:** PLAT OF SURVEY FOR 3707, 3711 & 3715 MARIGOLD 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 proposed Plat of Survey is for a boundary line adjustment of three existing platted lots in South Fork Subdivision, 7<sup>th</sup> Addition, on Marigold Drive.** (See Attachment A, Location Map) The properties are currently owned by Pinnacle Properties Ames, LLC. The lots on the north side of Marigold Drive were originally platted to accommodate twin-homes. However, an odd number of lots requires either a three-unit townhouse or a twin-home in conjunction with a single-family house to be built on these three remainder lots. None of the lots are of the appropriate width to allow for a single-family detached home to be constructed. In this instance, the owner seeks to reconfigure the lots to allow for a three-unit town-house. The Plat of Survey adjusts the boundary lines of the three existing properties into three parcels with more suitable dimensions for the three-unit townhouse. (See Attachment B, Proposed Plat of Survey) The three unit attached single-family structure will be subject to Minor Site Plan review prior to its construction.

No improvements are needed or required in conjunction with the adjustment of the lot lines. Improvement requirements are already incorporated into the original final plat approval of the overall subdivision.

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 3707, 3711, and 3715 MARIGOLD 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: Pinnacle Properties Ames, LLC

Existing Street Addresses: 3707, 3711, and 3715 Marigold Drive

Assessor's Parcel #: 0908215030, 0908215040, 0908215050

Legal Description: Lots 15, 16, and 17, South Fork Subdivision, Seventh Addition to City of Ames, Story County, Iowa

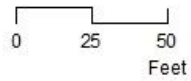
**Public Improvements:**

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.

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



**Existing Lots**  
2013 Aerial



# ATTACHMENT B: PROPOSED PLAT OF SURVEY

PREPARED BY AND RETURN TO: EUGENE DREYER BOLTON & MENK, INC. 2730 FORD STREET AMES, IA (515) 233-6100

## PLAT OF SURVEY - BOUNDARY LINE ADJUSTMENT SOUTH FORK SUBDIVISION SEVENTH ADDITION

**RECEIVED**  
SEP 05 2014  
CITY OF AMES, IOWA  
DEPT. OF PLANNING & HOUSING

**LEGAL DESCRIPTION - PARCELS A**  
ALL OF LOT 17, AND THE WEST FIVE FEET OF LOT 16, SOUTH FORK SUBDIVISION, SEVENTH ADDITION TO THE CITY OF AMES, STORY COUNTY, IOWA, AS SHOWN ON THE PLAT OF SURVEY RECORDED ON \_\_\_\_\_, 2014 IN THE OFFICE OF THE RECORDER OF STORY COUNTY, IOWA AS INSTRUMENT #14-\_\_\_\_\_.

**LEGAL DESCRIPTION - PARCELS B**  
ALL OF LOT 16, EXCEPT THE EAST FIVE FEET OF LOT 16, AND ALSO EXCEPT THE WEST FIVE FEET OF LOT 16, SOUTH FORK SUBDIVISION, SEVENTH ADDITION TO THE CITY OF AMES, STORY COUNTY, IOWA, AS SHOWN ON THE PLAT OF SURVEY RECORDED ON \_\_\_\_\_, 2014 IN THE OFFICE OF THE RECORDER OF STORY COUNTY, IOWA AS INSTRUMENT #14-\_\_\_\_\_.

**LEGAL DESCRIPTION - PARCELS C**  
ALL OF LOT 15, AND THE EAST FIVE FEET OF LOT 16, SOUTH FORK SUBDIVISION, SEVENTH ADDITION TO THE CITY OF AMES, STORY COUNTY, IOWA, AS SHOWN ON THE PLAT OF SURVEY RECORDED ON \_\_\_\_\_, 2014 IN THE OFFICE OF THE RECORDER OF STORY COUNTY, IOWA AS INSTRUMENT #14-\_\_\_\_\_.

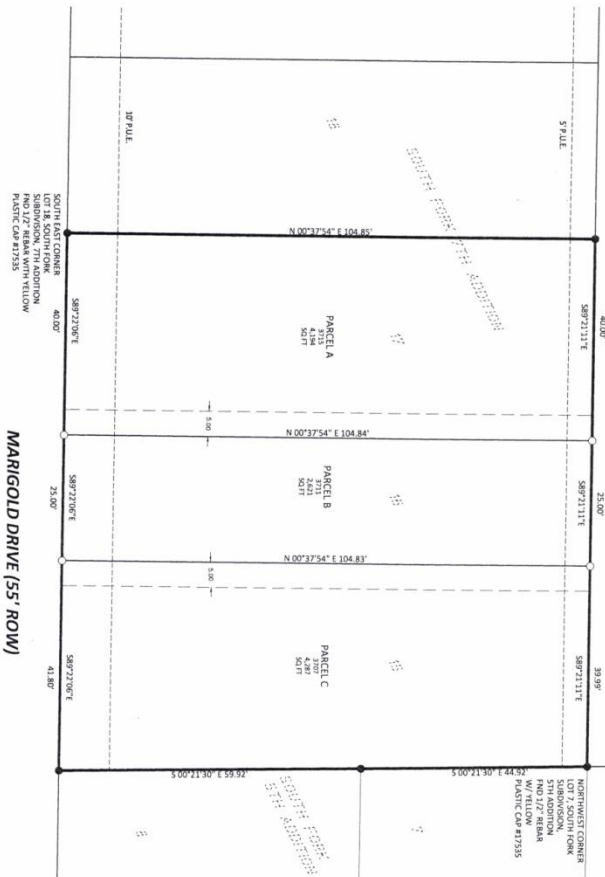
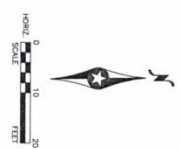
**NOTES:**  
1. THE WEST LINE OF LOT 18 IS ASSUMED TO BEAR TO THE WEST LINE OF LOT 17.  
2. SOIL BORINGS ARE REQUIRED IN AREAS WITHIN THIS PLAT HAVING SOILS NOT CLASSIFIED BY THE STATE OF IOWA AS CLASS I OR CLASS II. THE DEPTH OF BORINGS SHALL BE AT LEAST 10 FEET. THIS SURVEY MEETS OR EXCEEDS IOWA CODE 335.8(15).

- LEGEND**
- FOUND 1/2" REBAR WITH YELLOW PLASTIC CAP #17535 (UNLESS OTHERWISE NOTED)
  - ▲ FOUND SECTION CORNER
  - SET 1/2" OR REBAR WITH YELLOW PLASTIC CAP #17535
  - SET 5/8" OR REBAR WITH YELLOW PLASTIC CAP #17535
  - (R) RECORDED DIMENSION
  - PILE PUBLIC UTILITY EASIMENT

**PROPRIETOR AND REQUESTED BY:**  
FRANKLIN PROPERTIES AMES, LLC  
FRANKLIN  
AMES, IOWA 50014

THE AMES CITY COUNCIL APPROVED THIS PLAT OF SURVEY ON \_\_\_\_\_, 2014, WITH RESOLUTION NUMBER \_\_\_\_\_, I CERTIFY THAT IT CONFORMS TO ALL CONDITIONS OF APPROVAL.

PLANNING & HOUSING DIRECTOR \_\_\_\_\_



BOUNDARY LINE ADJUSTMENT - SOUTH FORK SEVENTH ADDITION  
CITY OF AMES, IOWA

**BOLTON & MENK, INC.**  
Consulting Engineers & Surveyors  
MANASSAS, VA FARMINGTON, NH SLEEPY HOLE, NH BURLINGAME, CA  
WILLIAM, MN CHASKA, MN RAINSBY, MN MARLEWOOD, MN  
BAXTER, MN ROCKFORD, MN AMES, IA SPRINGFIELD, IL



I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED BY ME AND THE RELATED FIELD WORK WAS PERFORMED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A FULLY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

EUGENE K. DREYER, L.S.  
REG. NO. 1735  
BY EUGENE DREYER, DATE 9 DECEMBER 2014  
PAGE(S) OR SHEET(S) COVERED BY THIS SEAL: 1 OF 1



**COUNCIL ACTION FORM**

**SUBJECT: PUBLIC HEARING ON 2013-14 CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER) FOR CDBG PROGRAM**

**BACKGROUND:**

Community Development Block Grant (CDBG) regulations require that, within 90 days of the end of its fiscal year, the City must prepare a Consolidated Annual Performance and Evaluation Report (CAPER). This report must be submitted to the Department of Housing and Urban Development (HUD) by September 29, 2014.

The 2013-14 CAPER reports accomplishments in relation to goals and objectives identified in the City's 2009-2014 Consolidated Plan requirements for the use of Community Development Block Grant (CDBG), and in the Annual Action Plan for fiscal year July 1, 2013 through June 30, 2014. The regulations require that the CAPER be available for a 15-day public review and comment period, which occurred from September 4 through September 18.

**Attached for Council review and approval is a copy of the Executive Summary of the 2013-14 CAPER. This summary reports that, of the \$1,185,041 budgeted, \$653,162 was expensed as follows: 16% on housing-related activities, 68% on the neighborhood infrastructure improvements program activity, and the remaining 16% on program administration. Approximately \$101,650 of program income was generated from the sale and repayments of single-family homes sold through the Homebuyer Assistance Program. Overall, 545 low- and moderate-income households were assisted.**

A full copy of the CAPER and attachments are available for review on the City's web site at [www.cityofames.org/housing](http://www.cityofames.org/housing).

**ALTERNATIVES:**

1. The City Council can authorize submittal of the City's 2013-14 Consolidated Annual Performance and Evaluation Report (CAPER).
2. The City Council can withhold authorization to submit the City's 2013-14 Consolidated Annual Performance and Evaluation Report.

**MANAGER'S RECOMMENDED ACTION:**

The CAPER accurately reports on the City's CDBG expenditures for the periods specified above.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative #1, thereby authorizing submittal of the City's 2013-14 Consolidated Annual Performance and Evaluation Report (CAPER).



**CONSOLIDATED ANNUAL PERFORMANCE AND  
EVALUATION REPORTS (CAPER) FOR**

**FEDERAL FISCAL YEAR 2013 – 2014**

**CITY OF AMES FISCAL YEAR  
JULY 1, 2013 THROUGH JUNE 30, 2014**



**Public Comment Period:**

**September 4, 2014 thru September 18, 2014**

## Table of Contents

Executive Summary	1
General Questions	5
Managing the Process	10
Citizen Participation	10
Institutional Structure	11
Monitoring	12
Lead-based Paint	15
Housing Needs	16
Specific Housing Objectives	16
Public Housing Strategy	21
Barriers to Affordable Housing	21
HOME/American Dream Down Payment Initiative	22
Homeless Needs	23
Specific Homeless Prevention Elements	24
Emergency Shelter Grants (ESG)	25
Community Development	26
Antipoverty Strategy	33
Non-Homeless Special Needs	34
Specific HOPWA Objectives	34
Other Narrative	36
Appendix I - Integrated Disbursement and Information System Reports (IDIS)	
Appendix II - Program Maps and Budgets	
Appendix III - ASSET Priorities & Funding, Housing Inventory Chart, Point in Time Count	
Appendix IV - Project Worksheets	
Appendix V - City of Ames Impediments to Fair Housing Action Plan	
Appendix VI - 5-Year Objectives and Outcomes Table	



# Fifth Program Year CAPER

The CPMP Consolidated Annual Performance and Evaluation Report includes Narrative Responses to CAPER questions that CDBG, HOME, HOPWA, and ESG grantees must respond to each year in order to be compliant with the Consolidated Planning Regulations. The Executive Summary narratives are optional.

The grantee must submit an updated Financial Summary Report (PR26).

## GENERAL

### Executive Summary

This module is optional but encouraged. If you choose to complete it, provide a brief overview that includes major initiatives and highlights that were proposed and executed throughout the first year.

Program Year 4 CAPER Executive Summary response:

The City of Ames Planning & Housing Department has prepared a Consolidated Housing and Community Development Plan for the five-year plan period of 2009-14 that provides a continued strategic vision for the community. The Plan has been approved by the Department of Housing and Urban Development (HUD). Information regarding program rules, regulations, and other related information can be found on the HUD web site at [www.hud.gov/offices/cpd/index.cfm](http://www.hud.gov/offices/cpd/index.cfm). The Executive Summary and other materials regarding the program in the City of Ames can be found on the City of Ames web site at [www.cityofames.org/housing](http://www.cityofames.org/housing). Please contact the City of Ames Planning & Housing Department at (515) 239-5400 for additional information.

As part of this Consolidated Plan and Annual Action Plan period, the City of Ames's strategies toward serving the needs of extremely low-income, low-income, and moderate-income families are to continue to seek public input, to continue to invest resources both physical and financial, and to continue to implement programs that will address the community's priority needs. The main areas of focus to be carried out over the five (5) years will be **to continue** to utilize CDBG and other local and/or state funds to address the following priority need categories listed below:

1. CDBG funds should be used to strengthen neighborhoods by implementing affordable housing programs and services through acquiring, demolishing, and rehabilitating housing units that support homeowners, homebuyers, and renters to obtain and remain in affordable housing;
2. CDBG funds should be used to promote one community by implementing programs that support a continuum of new or expanded housing and services targeted for the homeless, transitional housing clients, and persons with special needs; and
3. CDBG funds should be used to strengthen neighborhoods by implementing programs that will increase or improve public facilities, infrastructure, and services.

Based on community input, and after examining the five priority needs that were created in the 2004-2009 strategic planning period, it was clear that the above priority needs provided the most positive impacts on addressing the needs of very low-, low- and moderate-income households in the community. The City, during its first five years and now starting its fifth year

of its second five-year plan, has been very successful in implementing the program activities that led to having exceeded the 70% low- and moderate-income benefit expenditure requirement by approximately 25%. To continue this success rate, the City, during this last year of the second five-year period, will continue to administer and focus its programming in the above three priority need areas.

One of the City Council's goals that drives the three priority needs is to **continue** to address the need to Strengthen Neighborhoods. Therefore, in 2013-14 the Annual Action Plan projects set out to focus on various activities that would continue to strengthen **neighborhoods** by implementing housing-related activities (e.g., homeownership assistance, rehabilitation, deposit and/or first month's rent assistance, etc.) and by implementing public infrastructure activities (e.g., sidewalks, street and curb repair, water, sewer improvements, etc.). Additionally, the City Council's priority is to continue to participate in and fund the ASSET (The Assault Care Center Extending Shelter and Support) process. The ASSET process is a successful vehicle for providing financial assistance for the needs of and service delivery to persons with incomes at 50% or less of the Story County median income limit, and to the homeless.

The City of Ames's Consolidated Annual Performance and Evaluation Report (CAPER) will cover the progress in carrying out the City's Consolidated Plan, the three priority goals, and the Annual Action Plan project goals for the fiscal year 2013-14. The Annual Action Plan was the fourth plan based on the five-year Consolidated Plan for the fiscal years 2009-2014.

The following is a summary of the Annual Action Plan projects and expenditures that **were accomplished** in conjunction with the priority goals for the July 1, 2013, to June 30, 2014, program year.

1. HOUSING ACTIVITIES OBJECTIVES: CDBG funds should be used to strengthen neighborhoods by implementing affordable housing programs and services through acquiring, demolishing, and rehabilitating housing units that support homeowners, homebuyers, and renters to obtain and remain in affordable housing.

The Neighborhood Sustainability Program is the umbrella program that contains the following core program components: Homebuyer Assistance, Operation/Repair of Foreclosure Properties (Acquisition/Reuse), Dangerous Building Program (Slum and Blight program), Renter Affordability Program (Public Service), and the Neighborhood Housing Improvement Program (Housing). For the 2013-14 program year \$611,033 (not including administration) was allocated to cover the implementation of **all or some** of the above five project activities.

- a) The Homebuyer Assistance Program was designed to assist low- and moderate-income first-time homebuyers (80% or less of AMI) with the purchase of a single-family home. The overall goal of the Homebuyer Assistance Program is to allow low- and moderate-income households to gain access to housing and/or improve their housing status. For the 2013-14 program year \$105,000 was allocated for this activity. Applications for the program were solicited during the year. Seven (7) applicants applied for the program and six (6) applicants participated and completed the Homebuyer Educational Seminar. Of the six, three (3) applicants were determined eligible to receive assistance to purchase a home; however, the closing will likely occur in the 2014-15 program year. For 2013-14, \$10,000 was expensed assisting one household (who applied in the 2012-13 program year), in purchasing a City-owned property.

- b) The Operation/Repair of Foreclosure Properties was designed to improve foreclosed properties needing repair to make them available to low- and moderate-income, first time homebuyers through the Homebuyer Assistance Program. The overall goal of the program was to increase the availability of affordable housing to low-income families and to maintain decent, safe, and sanitary housing stock in existing neighborhoods. For the 2013-14 program year \$103,000 was allocated for this activity. There are five (5) properties that were purchased under the Acquisition/Reuse Program over the last six years that fall under the Operation/Repair of Foreclosure Program, to be rehabilitated and sold to first-time homebuyers.

To date, the rehabilitation of one of the five was completed in the 2012-13 program year and was sold to a qualified first-time homebuyer in 2013-14. In 2013-14, the rehabilitation of three of the remaining four began and it is anticipated that two of three will be sold in the beginning of the 2014-15 program year. Of the remaining two, one will be complete by late fall and the second one by early spring 2015. For the 2013-14-program year, approximately \$63,122 was spent on property maintenance and rehabilitation of these four properties.

- c) The Neighborhood Home Improvement Program was designed to provide financial assistance to qualified low- and moderate-income single-family homeowners at or below 80% of the area median income limits to improve the physical condition of their single-family homes in residentially-zoned areas. The overall goal of the Neighborhood Housing Improvement Program is to allow single-family homeowners to reside in decent, safe, and sanitary housing that will enhance neighborhood sustainability. For 2013-14, the initial budget was \$278,012. However, the program continued to be delayed from being implemented due to the City not being able to complete a Programmatic Agreement with the State Historic Preservation Office (SHPO) in order to streamline and expedite requirements when processing program applicants and that is also a HUD requirement. The City will continue to work with SHPO to complete an agreement.
- d) The Dangerous Buildings (Slum and Blight Program) was designed to demolish deteriorated properties that have been identified by City code regulations as being unsafe and in need of immediate repair or need to be demolished. The program budget for 2013-14 is approximately \$48,021 (including administrative cost). The objectives are to protect and maintain safe neighborhoods and floodplains by the removal of blighted or other environmentally unsafe areas throughout the City. Due to increased efforts to work with property owners to maintain their units or have them removed, there were no properties that were identified for this activity. Therefore program funding for the program was moved to the Operation/Repair of Foreclosed Properties that were owned by the City of Ames.

2. PUBLIC SERVICES OBJECTIVE: CDBG funds should be used to promote "one community" by implementing programs that support a continuum of new or expanded housing and services targeted for the homeless, transitional housing clients, and persons with special needs.

- a) Under the Renter Affordability Program, a Deposit and/or First Month's Rent activity was implemented. The Deposit and/or First Month's Rent activity is designed to assist households with incomes at 50% or less of the area median income with funding to rent decent, safe, affordable rental units. The program budget allocated for 2013-14 was \$77,000 (based on the 15% program cap set by HUD). Under this activity, approximately \$21,780 was spent and thirty-five (35) households were assisted during this program year.

3. PUBLIC FACILITIES OBJECTIVE: CDBG funds should be used to strengthen neighborhoods by implementing programs that will increase or improve public facilities, infrastructure, and services.

The Public Facilities Program is the umbrella program that contains the following core program activities: the Public Facilities Improvement Program and the Neighborhood Public Infrastructure Program.

- a) The Facilities Improvement activity was designed to assist non-profit organizations with financial assistance to make repair to their facilities that house and/or provide services to homeless, very-low, and low-income residents. For the 2012-13 program year no funds were allocated for the Public Facilities Program.
- b). The Neighborhood Infrastructure Improvement Program was designed to improve and enhance the viability and aesthetics of our core existing neighborhoods by replacing the deteriorated infrastructure such as streets, curbs and gutters, driveway approaches, sanitary sewer, water mains upgrades, and installing handicapped accessible sidewalks and dome pads. For the 2012-13-program year, in census tract 10 \$450,000 was initially allocated. Under this activity for 2013-14, approximately \$442,125 was spent on infrastructure improvements completed in Census Tract 10 (which is a HUD designated low- and moderate-income area) that included South Maple Avenue between Lincoln Way and South Fourth Street. The activity included the installation of 3,394 square yards of new full depth pavement (street, sidewalks, curb and gutter, and driveway approaches, where needed); the installation of 72 square feet of pedestrian ramp upgrades (truncated dome pads); 148.5 linear feet of water main; and 2,222 linear feet of storm sewer. The population of LMI households that were benefitted in this census tract is 509 or 59%.

**Amended 2013-14 Action Plan Expenditure Budget:**

<u>Programs</u>	<u>Budget</u>
Dangerous Building Program (Slum & Blight)	48,021
Renter Affordability Program (Deposit & Rent)	77,000
Neighborhood Housing Improvement Program	278,012
Operation and Repair of Foreclosure Property	103,000
Homebuyer Assistance Program	105,000
Neighborhood Infrastructure Improvements Program	450,000
2013-14 Program Administration	<u>124,008</u>
Total	\$1,185,041

**The 2013-14 Activity Expenditures were as follows:**

<u>Programs</u>	<u>Budget</u>
Homebuyer Assistance Program	10,000
Operation and Repair of Foreclosure Property	69,922
Renter Affordability Program	21,780
Neighborhood Infrastructure Improvements Program	442,124
2013-14 Program Administration	<u>109,336</u>
Total	\$653,162

Approximately \$101,650 of program income was generated in 2013-14, which reduced the overall expenditure outcome as follows: \$15,028 towards the cost the program administration and \$86,622 towards the cost of the Neighborhood Infrastructure Improvements Program.

Of the \$543,826 (including program income, but not including administration costs) that was spent on the above programs during the program year, \$101,702 was spent on housing-related activities and \$442,124 was spent on Neighborhood Sustainability Infrastructure-related activities.

In addition to the above programs, in 2013-14 the City budgeted approximately \$1,184,786 to the ASSET Program to support the local Human Service Agencies shelter and preventive needs of homeless and low-income families in the community and spent approximately \$1,041,277.

(See Appendix III).

AMI=Area Median Income; LMI=Low and Moderate-Income



**COUNCIL ACTION FORM**

**SUBJECT: AWARD OF CONTRACT - INFORMATION TECHNOLOGY FIBER OPTIC DEPLOYMENT**

**BACKGROUND:**

At the March 26, 2013 meeting, Council approved a 28E Intergovernmental Agreement with the Iowa Department of Transportation (IDOT) for the use of IDOT’s Intelligent Transportation System (ITS) network. The ITS is a network consisting of cameras, sensors, and dynamic message boards in the Ames area and I-35 corridor to assist in traffic operations and information dissemination in and around the Ames area. The 28E agreement between the City and IDOT provides for City access to the ITS network for low-cost expansion of the City network as well as access to data provided by the ITS. The City is responsible for the cost of connections between the ITS and City facilities.

On August 12, 2014, Council approved plans and specifications and issued a Notice to Bidders for the Fiber Optic Deployment project to connect to the Water Pollution Control Plant, Fire Station 3, and the Animal Shelter to the ITS network. The Fiber Optic Deployment project also includes network connections to Fire Station 2 through the Ames Intermodal Facility. On September 10, 2014, project bids were opened; two bids were received and are summarized below:

<u>Bidder</u>	<u>Bid Amount</u>
Communication Innovators, Inc., Pleasant Hill, IA	\$74,518.00
Precision Underground Utilities, LLC, Cambridge, IA	\$81,357.83

Funding for the Information Technology Fiber Optic Deployment project will be from a larger pool of funding budgeted for City network infrastructure improvements and City network equipment replacement and improvements. The cost estimate for the project was \$70,303.35. The low bid of \$74,518 was slightly above estimate, but within the approved budget for network expansion projects.

**ALTERNATIVES:**

1. Accept the report of bids for the Information Technology Fiber Optic Deployment project and award the contract to Communication Innovators, Inc. of Pleasant Hill, IA in the amount of \$74,518.
2. Do not move forward with the project at this time.

**MANAGER'S RECOMMENDED ACTION:**

This project will provide for expansion of City network connectivity and greatly improve data and telephone service to several of the City's remote locations. Funding for the project will be provided from the current City Council adopted budget for network improvements.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby accepting the report of bids for the Information Technology Fiber Optic Deployment project and awarding the contract to Communication Innovators, Inc. of Pleasant Hill, IA in the amount of \$74,518.

**COUNCIL ACTION FORM**

**SUBJECT: 2012/13 STORM SEWER OUTLET EROSION CONTROL (PINEHURST DRIVE IN GREEN SUBDIVISION – 5<sup>TH</sup> ADDITION)**

**BACKGROUND:**

This annual program provides for stabilization of eroded areas due to discharges of the storm sewer system into streams, channels, swales, gullies, or drainage ways in residential areas. This program provides a more permanent control of the erosion and reduces recurring maintenance costs in these areas.

The 2012/13 project outlet locations include Pinehurst Drive in the Green Subdivision 5<sup>th</sup> Addition and behind Windsor Oaks at 1100 Adams Street. The work anticipated for the Windsor Oaks area is the management/removal of crown vetch that has grown in the area. This invasive plant will continue to grow and spread throughout the area and will be detrimental to native plants in the area.

**This particular project is for re-stabilization of the creek channel at Pinehurst Drive in Green Subdivision 5<sup>th</sup> Addition.** The area has seen erosion of the banks that were stabilized with treated timbers. Those timbers have passed their useful functionality and need to be replaced.

Staff contracted with Clappsaddle Garber Associates (CGA) to analyze the creek flows and develop options for the stabilization. Staff and CGA met with area residents on-site to review options. All residents agreed on the work to be performed, but wanted the length of the stabilization increased to protect an additional downstream area. As such, a bid alternate for the additional length was added to the project. This bid alternate would have only been recommended for award if pricing remained within budget.

**Unfortunately, when this project was bid on September 17, 2014, no bids were received.**

After receiving no bids, staff followed up with the plan holders to find out why they had not bid. The general response was that they are too busy to perform the work, or that the relatively small amount of work is not cost effective for them due to the distance that out of town bidders would need to travel to Ames.

**ALTERNATIVES:**

- 1a. Accept the report of no bids for the 2012/13 Storm Sewer Outlet Erosion Control (Pinehurst Drive in Green Subdivision 5<sup>th</sup> Addition).

- b. Direct staff to evaluate alternatives for accomplishing the creek stabilization this year.
2. Direct staff to immediately rebid the project

**MANAGER'S RECOMMENDED ACTION:**

It was hoped that this project would make it possible to repair the creek banks yet this fall. In light of the lack of bids, staff has begun to communicate with potential bidders regarding the best way to package the work and attract bids or quotes to accomplish this goal.

Therefore, it is the recommendation of the City Manager that the City Council approve Alternative #1, thereby accepting the report of no bids for this project and directing staff to evaluate alternatives for accomplishing the creek stabilization this year.

COUNCIL ACTION FORM

**SUBJECT: REZONING WITH MASTER PLAN AND CONTRACT REZONING  
FOR PROPERTY AT 601 STATE AVENUE**

**BACKGROUND:**

On August 26, 2014, City Council held a public hearing for the requested FS-RL rezoning with Master Plan for the property located at 601 State Avenue and to consider draft terms of a contract rezoning to accompany the rezoning request. A combined motion was then made to approve the FS-RL rezoning with a master plan and to develop a contract rezoning prior to third reading of the rezoning ordinance.

Council voted 4-2 on the motion, but it was not approved because approval required a three-quarters majority vote (5 affirmative votes), due to a submitted protest of the rezoning petition. It was determined that while the vote could not approve the rezoning in that particular form due to the filing of the protest petition, the action had not been a final denial of all options which would preclude the applicant from submitting a changed proposal.

Therefore, on September 10, 2014, staff accepted a revised master plan for the FS-RL rezoning request and the applicant has included a signed Zoning Agreement for the Master Plan and a signed Contract Rezoning request. (See Attachments G,H, and I) The latest proposed Master Plan is for rezoning of a 29 acre site from "S-GA" (Government/Airport) to "RL" Residential Low Density for approximately 1.63 acres north of College Creek, and for rezoning of approximately 27.37 acres of land south of College Creek, from "S-GA" (Government/Airport) to "FS-RL" (Floating Suburban Residential Low Density). **The proposed zoning districts remain the same as before, but the development details have changed since August.** A complete review of the proposed project is included in the attached addendum.

Number of units per net acre and building type

Identified within the Master Plan is a maximum net acreage for the entire property of 14 net acres. At 14 net acres there would be a total of 53 to 140 proposed units on the property. The 14 net acres are for the entire site, not just the FS-RL area, and it would not increase to include the current 1.7 acres of the bike path in the net acres if it was to be approved to be relocated at a later date. The applicant described a range of 0-20 detached single-family homes and 110 to 140 single family attached units, at the maximum allowed density per net acre. The maximum number of rental bedrooms would be three per unit for a total of 420 bedrooms under the Ames Rental Housing Code. **Compared to the August 26, 2014 master plan, this master plan is a reduction from a maximum of 17 net acres, 172 dwelling units, and 450 bedrooms.**

### Bike Path Location

The Master Plan also indicates a potential rerouting of the bike path through the site. **Staff notes that with approval of the master plan as submitted, the potential rerouting of the shared use path is conceptual at this stage and is still subject to City Council agreement and approval with a subsequent subdivision.**

### Master Plan Zoning Agreement

Also included with the revised rezoning application is a signed Master Plan Zoning Agreement and a Contract Rezoning agreement. These are attached to this report. The Master Plan Zoning Agreement effectuates the Master Plan's described development limitations on the property owner. A Master Planning Zoning Agreement is a requirement of Ames Municipal Code for a project that includes a master plan.

### Contract Rezoning Agreement

Additionally, there is a Contract Rezoning agreement that identifies further obligations for the developer in consideration of receiving FS-RL zoning. Contract Rezoning is permissible under Chapter 414.4 of the Code of Iowa upon mutual agreement of the applicant and the City Council. The attached contract addresses three main items:

1. The Parties agree that the bike path shall be relocated upon mutual agreement. It is provided that City specifications on design apply, and relocation will be at the cost of the developer. Also included is the understanding that if the path were to be relocated as identified on the Master Plan, agreement with Iowa State University to move the State Avenue crossing further north to match the rerouted path, and approval and granting of an easement by the Ames Community School District for the realignment of the path indicated on the Middle School property, will both be required.
2. The maximum net developable acres for the property will be 14 acres, regardless of zoning, and may be less upon review of more specific project details and application of City standards for development of a site.
3. The developer will pay a proportionate share of intersection improvements at Mortenson and State Avenue, regardless of type of improvement. The agreed upon share is based on the number of trips through the intersection calculated from both the previously zoned middle parcel at 321 State and the subject south parcel at 601 State Avenue.

The Developer's Share of these costs is estimated at 36%, based upon the applicant's December 2013 traffic study for the estimated number of persons within the development. The developer will post security with the City for its share and provide payment to the City at the time of award of contract for construction of the project. The applicant's share of the cost may proportionately decrease if less development is approved than analyzed in the traffic study.

### Subsequent Review Steps

If the property is rezoned as requested, the site will then require subdivision review and approval by the City Council prior to initiating development of homes. To develop the site in conformance with the proposed contract rezone and master plan, the single family and single-family attached residential building types proposed will require the developer to complete a preliminary plat for a major subdivision and a final plat for the property before development of any of the proposed residential units. Council will have the opportunity to review the subdivision plan in accordance with the standards and approval criteria of the subdivision ordinance, which includes the following provisions:

- (a) safe and convenient pedestrian and vehicular access to the subdivision;
- (b) appropriate preservation and integration of natural features within the subdivision;
- (c) the capacity and capability of infrastructure facilities, utility service and community facility service; and
- (d) minimizing overall lengths of public ways and infrastructure facilities while limiting the use of dead-end streets and cul-de-sacs.

The plat will also be required to conform to relevant and applicable design and improvement standards in the subdivision regulations and to other City ordinances and standards. In particular, the City Council shall determine whether the subdivision conforms to minimum levels of service standards set forth in the Land Use Policy Plan for public infrastructure and shall give due consideration to the possible burden of the proposed subdivision on public improvements in determining whether to require the installation of additional public improvements as a condition for approval. Elements of the design standards of the Subdivision Code which will also be reviewed include such items as lot and block layout; street type, location, and layout; lot conformance with natural features; sidewalk and bike path locations and safety; landscape requirements such as street trees; public infrastructure improvements for water and sewer, as well as storm water control; and improvement agreements needed for the installation or completion of the public improvements on the property.

Because the Master Plan identifies an attached single-family home type for the FS-RL portion of the property, once a Final Plat has been approved by the Council and recorded for the property to create the new lots, minor site plan review will be required for each property to review for compliance with the zone development standards (Article 12, FS Zoning) and the general development standards (Article 4) of the zoning code before subsequent building permits can be issued for any of the proposed units. Minor Site Plan review is an administrative review by staff.

### **ALTERNATIVES:**

1. The City Council can approve the first reading of an ordinance for rezoning of approximately 1.63 acres north of College Creek from "S-GA" (Government/Airport) to "RL" Residential Low Density, and rezoning of approximately 27.37 acres of land

south of College Creek, from “S-GA” (Government/Airport) to “FS-RL” (Floating Suburban Residential Low Density), all located at 601 State Avenue, with the signed Master Plan Zoning Agreement and the Contract Rezoning Agreement.

2. The City Council can deny the request for rezoning of approximately 29 acres of land located at 601 State Avenue from “S-GA” (Government/Airport) to “RL” (Residential Low Density) and “FS-RL” (Floating Suburban Residential Low Density).
3. Action on this request can be postponed and referred back to staff and the applicant for specified information.

### **MANAGER’S RECOMMENDED ACTION:**

The proposed zoning change to FS-RL and a portion of the site as R-L is consistent with the Land Use Policy Plan Future Land Use Map designation of Village/Suburban Residential and Low Density Residential. Within the requested base zoning districts, the master plan described by the developer includes a project with a maximum of 14 net acres for the overall site. This limits the density of the development to a total of 140 units for the property. There may be a mix of single family detached and single family attached residential units within the FS-RL, while there would be a limit of only detached single-family in the RL area. Development density would be consistent with the underlying base zoning at a maximum density of 7.26 units per acre in the RL zone and 10 units per net acre in the FS-RL zone.

Staff finds the submitted revised master plan to be consistent with available information about future development of the site with the limitation that future development will not exceed 14 net acres. The plan indicates a broad range of area that is developable in consideration of where utility and stormwater infrastructure may be located to serve future development. **However, final determination on design and layout and actual net acreage of development will occur at the time of subdivision review. It is important to emphasize that subdivision review may result in less net acreage and fewer units than the upper range reflected on the master plan.**

The Contract Rezoning supports the rezoning request due to the commitments by the developer to pay their proportionate share of future intersection improvements that are selected by the City in cooperation with Iowa State University for the right-of-way under institutional control at Mortenson Road and State Avenue.

**Therefore, it is the recommendation of the City Manager that the City Council accept Alternative #1, thereby approving the first reading of an ordinance for rezoning of approximately 1.63 acres north of College Creek from “S-GA” (Government/Airport) to “RL” Residential Low Density, and rezoning of approximately 27.37 acres of land south of College Creek, from “S-GA” (Government/Airport) to “FS-RL” (Floating Suburban Residential Low Density), all located at 601 State Avenue, with the signed Master Plan Zoning Agreement and Contract Rezoning Agreement.**



Council should remember that a protest of the zone change application signed by 17 property owners representing 19 of the 31 properties within 200 feet of the subject site has been submitted to the City. As a result of this protest, action to rezone the site to any zoning district except RL (Low Density Residential) will require five affirmative votes by the City Council.

If the requested rezoning does not pass with five affirmative votes, it is recommended that the Council make a subsequent motion to clarify their intent of whether to deny the rezoning request or to allow further opportunity for the developer to make revisions to their rezoning application. If the application is then denied by a majority of four City Council votes, the applicant may not submit a substantially similar zoning amendment request for 12 months as prescribed by Section 29.1507 of Ames Municipal Code.

## ADDENDUM

### **BACKGROUND INFORMATION:**

Breckenridge Group Ames Iowa, LLC initially approached the City to develop/redevelop three parcels of land located at 205 S. Wilmoth Avenue (North Parcel), 321 State Avenue (Middle Parcel), and 601 State Avenue (South Parcel). See Attachment A. The three properties are currently designated as Low Density Residential or Village/Suburban Residential in the Land Use Policy Plan. The south parcel is currently zoned Special-Government/Airport (S-G/A) and the north and middle parcels were recently zoned to RL (Residential Low Density). See Attachment B, Future Land Use Map, and Attachment C, Existing Zoning Map. The development concept traditionally used by the applicant is for a new student housing rental development that differs from traditional apartment type student housing developments. The concept had been for small individual buildings rather than a development of larger apartment buildings. For this lot however, a mix of residential unit types is being identified by the applicant within the master plan. Development of the properties requires a rezoning to allow for development consistent with an underlying land use designation.

**The subject request is for rezoning of 601 State Avenue, the south parcel, from S-GA (Special-Government/Airport) to RL (Residential Low Density) north of College Creek and FS-RL (Floating Suburban Residential Low Density) south of College Creek with a master plan for development of 53 to 140 dwelling units. See Attachment D Proposed Zoning.**

The rezoning request and master plan submitted for review for the south parcel are for a RL and FS-RL development with a mix of single-family detached homes and single-family attached units (row houses). (See Attachment G) The master plan identifies 14 net acres for development. The range of units proposed for the site based on three development parcels identified in the master plan is between 53 and 140 units. This range of units could yield up to 420 beds for the property at a maximum of three bedrooms per unit to be rented by the property owner. The revised Master Plan submitted indicates a development proposal which incorporates the follow details for the development:

#### For the Overall Property (29 acres):

- Rezoning of 1.63 acres north of the creek to RL (Low Density),
- Rezoning of 27.37 acres south of the creek to FS-RL (Floating Suburban Low Density),
- 14 net acres for the entire property,
- No development within the Floodplain or Easement areas (Conservation, water or sewer easements),
- Potential relocation of the bike path, subject to subsequent agreement
- Range of total units for the overall property from 53 to 140 units,
- Both Single Family Detached and Single Family Attached residential unit types for the site,
- Single Family units will range from 0-20 units for the property and Single Family attached units will range from 110 to 140 units for the property,
- Single Family Attached units will range from 2-12 units per building.

For RL portion (north of College Creek):

- Two areas identified for RL zoning (1.63 acres),
- A range of 3 to 4 lots (maximum density of 7.26 units/acre)
- Only single family detached dwellings are permitted by code
- Potential access from South Franklin right of way

For FS-RL portion (south of College Creek):

- One development area for FS-RL zoning (19.99 acres)
- A range of 53 to 140 units ( density of 3.75 to 10 units/acre)
- Single family detached and single family attached residential units types,
- Two access points off State Street,
- Potential relocation of the bike path.

The master plan indicates public street improvements for the site with access to State Street through two points of ingress and egress to the site. The master plan does note the intent for an additional access point at South Franklin if parcel #2 is developed, but this type of detail will be reviewed as part a subsequent subdivision application and not as a master plan component.

The Master Plan identifies existing easements on the site including water and sewer, a conservation easement and a bike easement. Staff notes that there appear to be some additional mains that are not currently identified in easements which will need to be addressed at the time of subdivision review. One such line may hinder the development of Parcel 1 as indicated on the Master Plan.

A conservation easement, which was included on the Plat when the lot was created, is indicated on the Master Plan and exempted from the net acreage calculation by the applicant as required by code. A question about the validity of the easement has been raised and staff is reviewing the claim that the easement is “expired”. Staff would request that a formal easement document for the existing Conservation Easement be drafted and approved for the area in conjunction with any approval for rezoning of the property to affirm the clear intent of the easement on the plat.

The applicant has also requested as part of the master plan that the existing bike trail easement be relocated as shown in green on the master plan to remove circulation conflicts with internal streets of the potential development. Staff notes that with approval of the master plan as submitted, the potential rerouting of the shared use path is conceptual at this stage and is still subject to City Council agreement and approval with a subsequent subdivision. Public Works and Parks and Recreation staff are generally accepting of the design with certain specifications. Agreement with Iowa State University to move the State Avenue crossing further north to match the rerouted path, rather than circulate people north and south along State Avenue to the existing crossing will be required for the potential new location of the path. It will also require approval and granting of an easement by the School District for the realignment of the path indicated on the Middle School property.

## Project Analysis

**Land Use Designation/Zoning.** The subject parcel was included within the citywide Land Use Policy Plan map amendment study for assigning government land a land use designation for future reuse. The City Council adopted a resolution changing this site and all other properties under government control to the southwest of the site from Government use to Village/Suburban Residential on February 26, 2008. At the time of the change, the subject site was not an individual parcel.

The current LUPP future land use designation for the subject site generally is represented as split by College Creek. It is Low Density on two areas north of the creek, development parcel 1 along South Wilmoth and development parcel 2 at the end of the South Franklin ROW. Development parcels 1 and 2 total 1.63 acres. The subject site is also designated as Village Suburban Residential on all areas south of College Creek for a total of 19.99 acres. See Attachment D.

The Low-Density Residential designation of the LUPP is intended for such uses as single-family residential with the Residential Low Density (RL) zone and compatible with the adjacent established neighborhood. Rezoning development parcels 1 and 2 to RL will limit the areas to single-family residential dwellings with a maximum density of 7.26 dwelling units per acre.

The Village Suburban designation is intended for one of two types of development: the village concept or the suburban residential concept. Suburban residential developments are intended for remaining in-fill areas and new lands area where the village residential development is not chosen. However, Suburban residential designated areas are anticipated to develop similar to past residential development patterns, such that it is generally a singular residential use pattern with little design integration as compared to a village. This concept generally requires that landscape buffering be used as a separation of land use types. The LUPP intends for Suburban Residential, however while vehicular focused, to provide for improved pedestrian connection to parks, schools and open space areas using such amenities as sidewalks on both sides of the street, bike connections, and open space area. It is also required that the conservation of designated natural resources areas, such as designated environmental sensitive areas, be protected through design features incorporated into the development. **The requested rezoning from the current Government/Airport (S-GA) to the Residential Low Density (RL) and Floating Suburban Residential Low Density (FS-RL) zone is consistent with the intent of the LUPP designation.**

The FS Zoning District supplemental development standards within Table 29.1202(6) describe types of constraints that may be exempted for a net acreage calculation, such as areas of right-of-way, areas of steep slopes, detention/retention areas, and the area within the 100-foot stream buffer as required exceptions from the density calculation. However, at the master plan level, those areas have not all been identified as undevelopable and would be further refined with subdivision. The City Council would ultimately decide what areas to exempt from the net acreage calculation with subdivision review.

The density range established for the FS-RL zone is 3.75 units per acre to 10 units to net acre. Based on the applicant's master plan for 14 net acres, the range of units under an FS-RL zoning could be 53 to 140, after exempting out undevelopable areas for floodplain, the conservation easement area. This is in line with the range of development identified by the applicant.

**Planned Residential Development zoning** is also provided for in the LUPP and the zoning code. Property developed according to the F-PRD (Planned Residence District) requirements is to allow for innovative housing types and create a development pattern that is more aesthetic in design and sensitive to the natural features of the site and to surrounding uses of land than would customarily result from the application of the requirements of other residential zoning districts. Development is to include a mix of housing types, integrated design, open space, site amenities, and landscaping that exceeds the requirements that exist in other residential zone development standards. If the City Council determines that a PRD is suitable for the site, and if that zoning is acceptable to the developer, then a major site development plan would be required before F-PRD zoning could be approved for the property.

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

Direction from Subject Property	Existing Land Uses/ Ownership of Properties
Subject Property	Vacant Breckenridge Ames Iowa, LLC
North	Single Family Homes/Former Ames Middle School Rental and Owner Occupied/Breckenridge Ames Iowa, LLC
East	Undeveloped Park and Open Space Iowa State University
South	Undeveloped Park and Open Space Iowa State University
West	Single-Family Homes/ Current Middle School Site Rental and Owner Occupied/Ames Community School District

**Access.** The master plan submitted indicates two access points to the site along State Avenue. Public streets are noted in the submitted master plan documents. However, identification of public streets is not a required element of the master plan submittal by the zoning code and would typically be addressed at the time of subdivision. Provision of parking on the public streets is also noted on the master plan and that too would be evaluated with a subsequent preliminary plat application. Two points of access will be required to serve the site and meet Fire Code access requirements upon development of the site. Based on the two access points proposed, staff notes a concern for safety of the bike trail crossing. The proposed relocation, subject to city approval at the time of subdivision, could mitigate most of these concerns for the developer.

**Infrastructure.** The subject area is an undeveloped lot. Public utility mains for water and sewer are immediately adjacent to the subject property. Utility connections and storm water management will be verified at the time of site development based on the use(s) and site layout proposed. It is noted that some existing water and sewer mains exist within the site. The location and easements for each will need to be verified at the time of subdivision for the site when design and layout is better understood. This affects the areas north of the creek and their viability for construction of homes.

Electric service will need to be run to the site, potentially from the intersection of State Avenue and Mortenson Road. Any costs associated with getting electric service to the site will need to be reviewed for the property at the time of development.

**Transportation Impacts.** The Long Range Transportation Plan (LRTP) currently does not plan for any new residential units within the areas of the previous school district owned sites as they were government owned and not expected for near term development when it was adopted. The traffic impact analysis submitted by the applicant is intended to identify areas of increased traffic for vehicular movements at surrounding major intersections based on the projected number of new residential units for the sites. The City considers operational capacity at intersections when evaluating the effectiveness of the transportation network. The LUPP Transportation Chapter targets Level of Service (LOS) "C" for intersections.

The applicant intends to develop the existing vacant site with the noted potential mix of uses ranging from 53 to 140 residential units for student housing rentals at 601 State Avenue. The applicant's traffic study accounted for 570 bedrooms or approximately 200 units, depending on type. The traffic study also accounted for the pending rezoning of 321 State Avenue and considered the combined impacts of both projects. The applicant appropriately used assumptions of trips per person rather than units because of the intention for the development as student housing versus standard single-family homes. The applicant then applied a 20% discount in trip generation due to expected lower car utilization based on a survey of parking utilization at Campus Crest Communities apartments on South 16<sup>th</sup> Street in Ames. While staff does not concur with the method for creating the 20% trip reduction, the overall results of the study do demonstrate the expected magnitude of impacts of cumulative development of the south and middle parcels.

City staff provided the trip distribution for the new development based upon the City's traffic model. The applicant then added their new project trips with a generalized distribution to the existing traffic counts in order to estimate operational levels at the time the development is built. Based on the submitted traffic impact analysis, there are some off-site impacts of the new development when considered in conjunction with the pending south site rezoning application. **The highest level of impact is to the intersection of Mortensen Road and State Avenue during the PM Peak Hour where service degrades by one level.**

Derived from a needs assessment done for the current LRTP, a planned improvement for this intersection of a roundabout would mitigate the projected project impacts of both

321 and 601 State Avenue. Alternatively signalization of the intersection with lane widening would meet City standards for intersection operations.

The existing conditions of the intersection do show a need for improvement and it is identified on a LRTP priority list for improvement within the 10-year planning cycle. However the current priorities do not show the improvement planned in the current 5-year Capital Improvement Program (CIP). The development of these parcels as described in the TIA may cause a need for the City to accelerate the planned improvements before the City's planned LRTP timeline. **Development of the subject site could be accountable for a portion of the improvement needed to mitigate the impact as a condition of the rezoning as the City has not planned for this improvement in the near term. As such, the developer has agreed to a 36% proportional share of the cost of an improvement, either roundabout or signalization for the intersection. This commitment is detailed in the Contract Rezoning agreement.**

Existing transit service to the general area occurs by way of existing routes and stops on Lincoln Way. These routes are approximately 2,000 feet from developable area on the edge of the site along State Street. CyRide has provided comment that service in the area is already at capacity. CyRide also indicated they would not alter routes to provide service on State Avenue for direct service to the site. CyRide does not currently have the financial means necessary to increase the level of service to the area with bus capacity or routes to accommodate the cumulative increase of new development in the area. Even with a large concentration of student housing on this site that would need and desire bus service, there is unlikely to be public bus service in the near future.

**Goals of the Land Use Policy Plan (LUPP).** Several of the ten goal statements of the LUPP speak indirectly to this request for rezoning. However, Goal No. 5 seems to address the rezoning proposal most directly since it states that "it is the goal of Ames to establish a cost-effective and efficient growth pattern for development in new areas and in a limited number of existing areas for intensification..." Objective 5.C.states: "Ames seeks continuance of development in emerging and infill areas where there is existing public infrastructure and where capacity permits." Additionally, Goal No. 6 speaks to the supply of housing and Objective 6.C. describes that higher densities in existing areas shall be established with compatibility of use and appearance among existing development.

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

**Applicant's Statement.** The applicant has provided a description of the proposed rezoning with master plan request (**See Attachment G**).

**Findings of Fact.** Based upon an analysis of the proposed rezoning and laws pertinent to the applicant's request, staff makes the following findings of fact that may be incorporated into final decision on the project:

1. The subject site is a vacant lot zoned S-GA. S-GA allows for uses associated with federal, state, county, school districts, or municipal governmental authorities, such as publically owned facilities used for administration, services or general aviation functions.
2. *Ames Municipal Code Section 29.1507(2)* allows owners of 50 percent or more of the area of the lots in any district desired for rezoning to file an application requesting that the City Council rezone the property. The property represented by the applicant is entirely under one ownership representing 100 percent of the property requested for rezoning.
3. The subject property has been designated on the Land Use Policy Plan (LUPP) Future Land Use Map as “Residential Low Density” north of College Creek and “Village/Suburban Residential” south of College Creek. The City completed an analysis of government lands in 2008 and designated this site accordingly to accommodate a desired increase in low-density single-family development and for compatibility with surrounding neighborhood.
4. The LUPP identifies a greenway overlay across the site in support of the natural area of College Creek and the existing bike trail.
5. The “Village/Suburban Residential” land use designation supports multiple zoning district choices. The proposed “Suburban Residential Floating Residential Low Density” (FS-RL) zoning designation request for the site for areas south of College Creek. Under “FS-RL” zoning the proposed uses as identified in the master plan are permitted. The applicant will be required to subdivide the property through a preliminary and final plat to allow for each single-family attached residential unit to be located on individual lots.
6. *Ames Municipal Code Sec. 29.1507(5)* requires approval of a zoning agreement for an application with a master plan and that all subsequent development comply with the master plan.
7. Public infrastructure is generally available to serve the proposed development and pending development. However, the project contributes incremental negative impacts to intersection operations in the area of the site and contributes additional riders to the bus system that currently operates at capacity.
8. Development of the project would accelerate the need to implement traffic mitigation at the intersection of Mortensen and State that is not programmed within the City’s Capital Improvement Plan. The applicant has committed to paying a proportionate share of the needed improvement.
9. CyRide bus service does not have a route in service or planned for convenient access to the site.
10. The City owns an easement for a bike trail used for recreation and transportation purposes through the site and connects across State Street at the middle of the



site. Development around the bike path would negatively affect safety for users if crossed frequently by vehicles. Development surrounding the path would negatively affect its setting within a natural area as a greenway amenity.

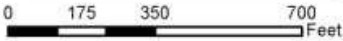
11. The site includes a number of natural constraints to development that include a flood plain, natural areas, creek channel, and a substantial amount of acreage of the site in excess of 15 percent slopes. Development of these areas would be disruptive to the setting of the site and require substantial engineering and grading to manage stormwater runoff and soil stability for appropriate building sites of homes.

**Public Notice.** Notice was mailed to property owners within 200 feet of the rezoning area and a sign was posted on the subject property.

**Attachment A**  
**Location Map**



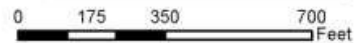
**Location Map**  
**Breckenridge Development Properties**



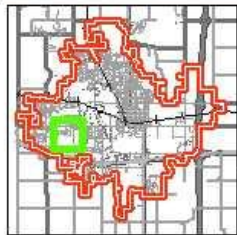
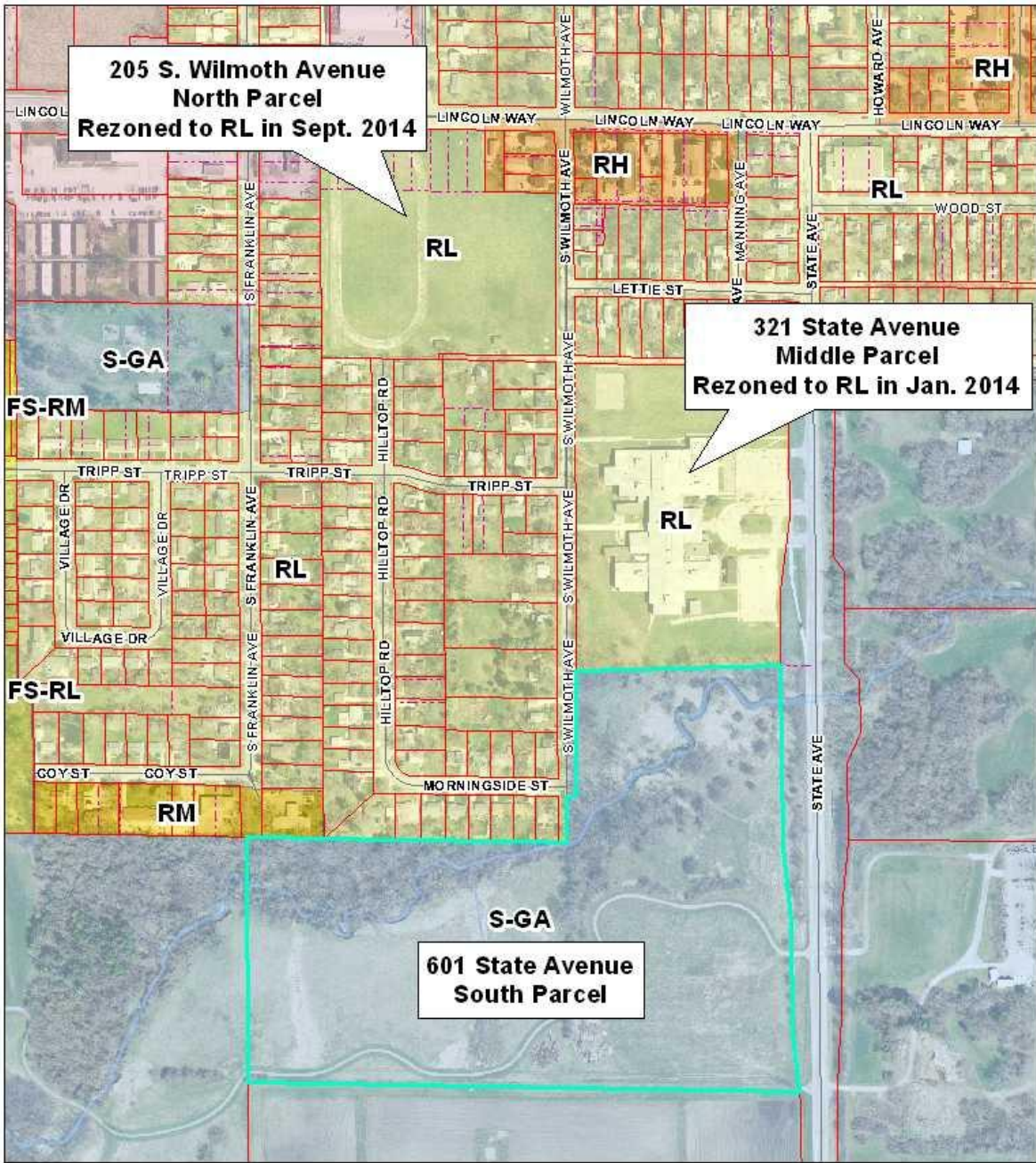
**Attachment B**  
**LUPP Future Land Use Map**



**Existing Land Use Policy Plan Map**  
**Breckenridge Development Properties**

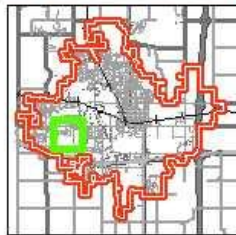
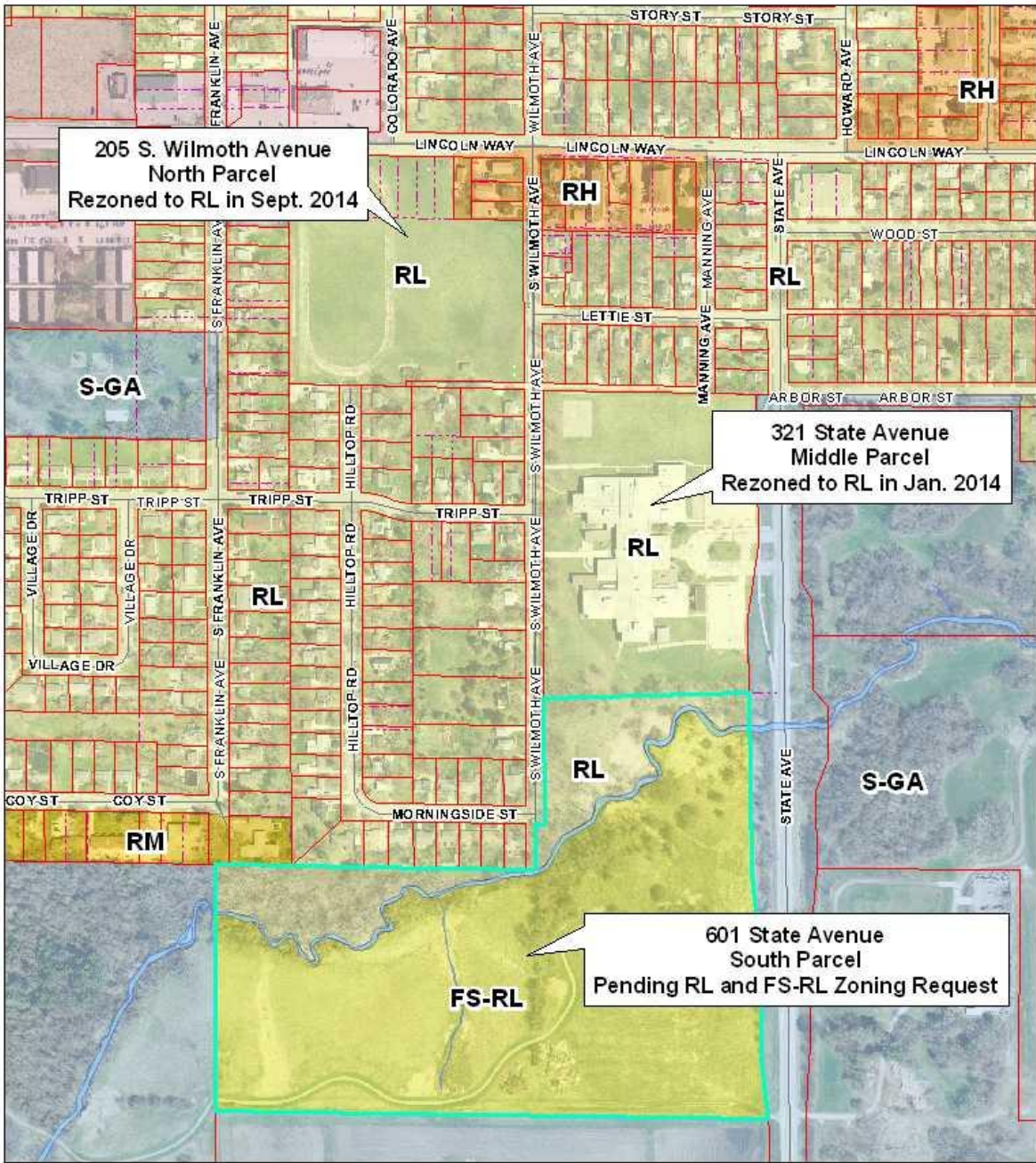


**Attachment C  
Existing Zoning**



Existing Zoning Map

# Attachment D Proposed Zoning



Proposed Zoning Map

**Attachment E**  
***Code Requirements for a master plan***

**Per Section 29.1507(4): master plan Submittal Requirements:**

- a. Name of the applicant and the name of the owner of record.
- b. Legal description of the property.
- c. North arrow, graphic scale, and date.
- d. Existing conditions within the proposed zoning boundary and within 200 feet of the proposed zoning boundary: Project boundary; all internal property boundaries; public rights-of-way on and adjacent to the site, utilities; easements; existing structures; topography (contours at two-foot intervals); areas of different vegetation types; designated wetlands; flood plain and floodway boundaries; areas designated by the Ames Land Use Policy Plan as Greenways and Environmentally Sensitive Areas
- e. Proposed zoning boundary lines.
- f. Outline and size in acres of areas to be protected from impacts of development
- g. Outline and size in acres of areas proposed of each separate land use and for each residential unit type
- h. Pattern of arterial streets and trails and off-site transportation connections
- i. For proposed residential development provide the number of unit type for each area, expressed in a range of the minimum to maximum number to be developed in each area
- j. For proposed residential development provide a summary table describing all uses of the total site area, including the number of units per net acre for each unit type and each zoning area.

## **Attachment F**

### ***Applicable Laws and Policies***

The laws applicable to the proposed rezoning at 601 State Avenue are as follows:

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

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

- *Ames Municipal Code* Chapter 29, Section 1507, Zoning Text and Map Amendments, includes requirements for owners of land to submit a petition for amendment, a provision to allow the City Council to impose conditions on map amendments, provisions for notice to the public, and time limits for the processing of rezoning proposals.
- *Ames Municipal Code* Chapter 29, Section 701, Residential Low Density (RL) Zone, includes a list of uses that are permitted in the Residential Low Density zoning district and the zone development standards that apply to properties in that zone.
- *Ames Municipal Code* Chapter 29, Section 1200, Floating Zones, includes a list of uses that are permitted in the Village Residential, Suburban Residential and Planned Residential zoning districts and the zone development standards that apply to properties in those zones.

# **Attachment G**

## ***Applicant Statement and Master Plan***

### **MASTER PLAN SUBMITTAL REQUIREMENTS as per City Code Section 29-1507(4)**

**(i) Name of the applicant and the name of the owner of record**

Greg Henry  
Manager  
Breckenridge Group Ames Iowa, L.L.C.  
1301 S. Capital of Texas Highway  
Suite B-201  
Austin, Texas 78746

**(ii) Legal description of the property**

Reference attached boundary survey.

**(iii) North arrow, graphic scale, and date**

Shown.

**(iv) Existing conditions within the proposed zoning boundary and within 200 feet of the proposed zoning boundary: Project boundary; all internal property boundaries; public rights-of-way on and adjacent to the site, utilities; easements; existing structures; topography (contours at two-foot intervals); areas of different vegetation types; designated wetlands; flood plain and floodway boundaries; areas designated by the Ames Land Use Policy Plan as Greenways and Environmentally Sensitive Areas**

Easements are shown from available City record. Reference attached City utility maps. Location of utility and easement to be confirmed in design.  
Floodplains from available FEMA information to be confirmed during design. All areas in the floodway or flood fringe are designated as Environmentally Sensitive Areas. It is expected some water, storm sewer and sanitary sewer utility work as well as bike and walking paths will occur in the floodway and flood fringe. There are no designated wetlands - though it is assumed some wetlands exist within the flood plain.  
Topography is from LIDAR information. Aerial photography was taken in April 2012. There are no existing buildings on this property.

**(v) Proposed zoning boundary lines**

Zoning boundaries are divided by the creek. North of creek will be zoned RL (Residential Low Density) and south of the creek will be FS-RL (Suburban Residential Low Density).

**(vi) Outline and size in acres of areas to be protected from impacts of development**

No development in the flood plain or conservation easement areas. Size of the floodplain and conservation easement is 7.525 acres. There are numerous easements for sanitary sewer that will need to be protected from development - though most are already in the flood plain. A new bike path easement will need to be prepared for the relocated bike path if the bike path is moved.

**(vii) Outline and size in acres of areas proposed of each separate land use and for each residential unit type**

There are 3 development parcels divided by the conservation easement. The two areas north of the creek are RL zoned and the area south of the creek is FS-RL.  
Development Parcel No. 1 - Small 0.637 acre area adjacent to South Wilmoth Avenue - RL Zoning.  
Development Parcel No. 2 - Small 0.993 acre area off the end of South Franklin Avenue - RL Zoning.  
Development Parcel No. 3 - Large 19.85 bordered by the flood plain to the north - FS-RL Zoning.

**(viii) Pattern of arterial streets and trails and off-site transportation connections**

There are two planned connections to State Avenue - north and south. Two connections are needed for internal connectivity and fire protection requirements.  
A private drive connection to South Franklin Avenue is proposed in the event Development Parcel No. 2 is constructed.  
Existing bike trail on State Avenue is unaffected. The bike trail from State Avenue to the Ames Middle School will be relocated.

**(ix) For proposed residential development provide the number of unit type for each area, expressed in a range of the minimum to maximum number to be developed in each area.**



## **Attachment G**

### ***Applicant Statement and Master Plan***

Development Parcel No. 1 (RL) - A minimum of 2 lots or maximum of 3 lots.

Development Parcel No. 2 (RL) - One unit is planned for this parcel.

Development Parcel No. 3 (FS-RL) - A minimum of 110 lots or a maximum of 140 lots.

**(x) For proposed residential development provide a summary table describing all uses of the total site area, including the number of units per net acre for each unit type and each zoning area.**

Zoning requested is RL and FS-RL

Total Site Area = 29.00 acres

Undevelopable area in the floodplain or conservation easement = 7.525 acres. Note - this area can be included in the lots, just is not buildable.

Area in the bike trail easement = 1.700 acres. Note - this area can be included in the lots, just is not buildable.

Approximate developable area = 21.48 acres

Uses in accordance with the zoning designation

Maximum density in the RL zone is 7.26 units per acre. No minimum density.

Minimum density in the FS-RL is 3.75 units per net acre

Minimum number of units required in the FS-RL area = determined on the net developable acres.

Net developable acres for the parcel = a maximum 14.0 acres as per agreement with the City of Ames.

Minimum required number of units = 53 units at 3.75 units per net acre.

Maximum number of units allowed by FS-RL = 140 units at 10.0 units per net acre. Unit types are single family detached and single family attached in accordance with the zoning requirements for each zone.

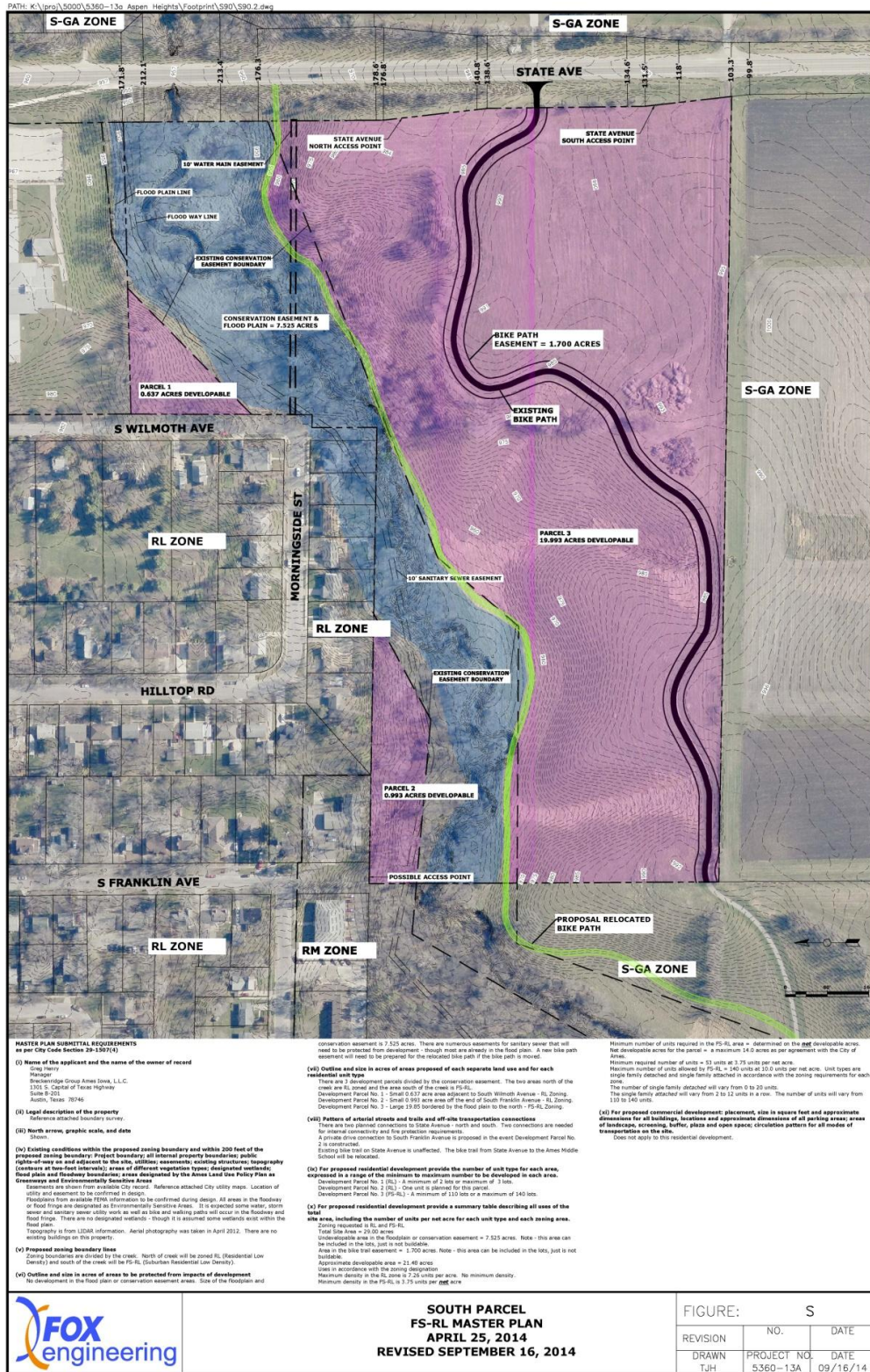
The number of single family *detached* will vary from 0 to 20 units.

The single family *attached* will vary from 2 to 12 units in a row. The number of units will vary from 110 to 140 units.

**(xi) For proposed commercial development: placement, size in square feet and approximate dimensions for all buildings, locations and approximate dimensions of all parking areas; areas of landscape, screening, buffer, plaza and open space; circulation pattern for all modes of transportation on the site.**

Does not apply to this residential development.

# Attachment G, Cont. Applicant Statement and Master Plan



**MASTER PLAN INSTRUMENTAL REQUIREMENTS**  
as per City Code Section 20-1307(4)

(I) **Name of the applicant and the name of the owner of record**  
City Name: Mustang  
Responsible Group: Ames Iowa, L.L.C.  
1301 S. Capital of Texas Highway  
Suite 201  
North, Texas 75061

(II) **Legal description of the property**  
Reference attached boundary survey.

(III) **North arrow, graphic scale, and date**  
Shown.

(IV) **Existing conditions within the proposed zoning boundary and within 200 feet of the proposed zoning boundary.** Project boundary, all internal property boundaries, public right-of-way as adjacent to the site, utilities, easements, existing structures, topography features, and four-foot intervals. Areas of different vegetation types, designated methods, Road plan and Floodway boundaries, areas designated by the Ames Land Use Policy Plan as Greenways and Environmentally Sensitive Areas.  
Easements are shown from available City records. Reference attached City utility maps. Location of utility and easement to be confirmed in design.  
Floodway information from available FEMA information to be confirmed during design. All areas in the floodway or flood fringe are designated as Environmentally Sensitive Areas. If it is practical, some water, shore, dune and ordinary waveable areas, as well as bays and wetlands shall occur in the floodway and flood fringe. There are no designated wetlands, though it is assumed some wetlands exist within the flood plain.  
Topography is from LIDAR information. Aerial photography was taken in April 2012. There are no existing buildings on this property.

(V) **Proposed zoning boundary lines**  
Zoning boundaries are divided by the creek. North of creek will be zoned RL (Residential Low Density) and south of the creek will be FS-RL (C subdivision Residential Low Density).

(VI) **Outline and size in acres of areas to be protected from impacts of development**  
No development in the flood plain or conservation easement areas. Size of the floodplain and

conservation easement is 7.523 acres. There are easements for sanitary sewer that will need to be protected from development - though most are already in the flood plain. A new bike path easement will need to be prepared for the relocated bike path if the bike path is moved.

(VII) **Outline and size in acres of areas proposed of each separate land use and for each residential unit type**  
There are 2 development parcels divided by the conservation easement. The two areas north of the creek are RL zoned and the area south of the creek is FS-RL.  
Development Parcel No. 1 - Small 0.637 acre area adjacent to South Willmoth Avenue - RL Zoning  
Development Parcel No. 2 - Small 0.993 acre area off the east of South Franklin Avenue - RL Zoning  
Development Parcel No. 3 - Large 19.993 bordered by the flood plain to the north - FS-RL Zoning

(VIII) **Pattern of arterial streets and trails and off-site transportation connections**  
There are two planned connectors to State Avenue - north and south. Two connectors are needed for internal connectivity and fire protection requirements.  
A private drive connector to South Franklin Avenue is proposed in the event Development Parcel No. 2 is constructed.  
Existing bike trail on State Avenue is unaffected. The bike trail from State Avenue to the Ames Middle School will be relocated.

(IX) **For proposed residential development provide the number of unit type for each area, expressed as a range of the minimum to maximum number to be developed in each area.**  
Development Parcel No. 1 (RL) - A minimum of 2 lots or maximum of 3 lots.  
Development Parcel No. 2 (RL) - One unit is planned for this parcel.  
Development Parcel No. 3 (FS-RL) - A minimum of 130 units or a maximum of 140 units.

(X) **For proposed residential development provide a summary table describing all uses of the site area, including the number of units per acre for each unit type and each zoning area.**  
Zoning Area: FS-RL  
Total Site Area = 29.00 acres  
Conservation area in the floodplain or conservation easement = 7.523 acres. Note: this area can be included in the site, just is not buildable.  
Area in the bike trail easement = 1.700 acres. Note: this area can be included in the site, just is not buildable.  
Approximate developable area = 21.40 acres  
Uses in accordance with the zoning designation  
Maximum density in the RL zone is 2.00 units per acre. No minimum density.  
Maximum density in the FS-RL is 3.75 units per acre.

Minimum number of units required in the FS-RL area = determined on the net developable acres, net developable acres for the parcel = a maximum 14.0 acres as per agreement with the City of Ames.  
Minimum required number of units = 13 units at 3.75 units per net acre.  
Maximum number of units allowed by FS-RL = 140 units at 10.0 units per net acre. Unit types are single family detached and single family attached in accordance with the zoning requirements for each zone.  
The number of single family detached will vary from 0 to 20 units.  
The single family attached will vary from 2 to 12 units in a row. The number of units will vary from 100 to 140 units.

(XI) **For proposed commercial development, placement, size in square feet and approximate dimensions for all buildings, locations and approximate dimensions of all parking areas, areas of landscaping, screening, buffer, plaza and open space, circulation pattern for all modes of transportation on the site.**  
Does not apply to this residential development.

	<b>SOUTH PARCEL FS-RL MASTER PLAN APRIL 25, 2014 REVISED SEPTEMBER 16, 2014</b>		<b>FIGURE: S</b>
	REVISION	NO.	DATE
	DRAWN TJH	PROJECT NO. 5360-13A	DATE 09/16/14

## **BRECKENRIDGE MASTER PLAN ZONING AGREEMENT**

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**DO NOT WRITE IN THE SPACE ABOVE THIS LINE; RESERVED FOR RECORDER**

Prepared by: Judy K. Parks, Ames City Attorney, 515 Clark Ave., Ames, IA 50010; (515) 239-5146

Return to: Ames City Clerk, Ames City Hall, P.O. Box 811, Ames, IA 50010

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### **AGREEMENT FOR ADOPTION OF THE MASTER PLAN FOR PROPERTY AT 601 STATE AVENUE**

**THIS AGREEMENT**, (this "Agreement") made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2014, by and between the City of Ames, Iowa (hereinafter called "City") and Breckenridge Group Ames Iowa LLC (hereinafter called "Developer"), its successors and assigns, both collectively being referred to as the "Parties,"

#### **WITNESSETH THAT:**

**WHEREAS**, the Parties hereto desire the improvement and development of land located at 601 State Avenue (hereinafter referred to as the "Site"); and

**WHEREAS**, the Site is designated on the Land Use Policy Plan as Village/Suburban Residential, and the Developer is seeking rezoning of the Site from SG-A – Government/Airport zoning to FS-RL - Suburban Low Density Residential for that portion of the parcel south of College Creek, and RL (Low Density Residential) for that portion of the parcel north of College Creek, consistent with the LUPP designations; and

**WHEREAS**, the City Council resolved that a Master Plan accompany this rezoning, pursuant to Ames Municipal Code section 29.1507(3), and the Developer has submitted a Master Plan in conformance with the requirements set forth in Ames Municipal Code section 29.1507(4); and

**WHEREAS**, Ames Municipal Code section 29.1507(5) requires approval of a zoning agreement when a Master Plan is required and that all development of the Site comply with the Master Plan.

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

**I.**  
**601 STATE AVENUE MASTER PLAN ADOPTED**

The Master Plan set forth at Attachment A and incorporated by reference in this agreement shall be the Master Plan for 601 State Avenue.

**II.**  
**NON-INCLUSION OF OTHER OBLIGATIONS**

The Parties acknowledge and agree that this Agreement is being executed to fulfill a specific requirement of section 29.1507(5) of the Ames Municipal Code. It is also understood that this Agreement supplements but does not replace or supersede any agreements made with the City or third parties as necessary to complete development.

The Parties understand that the Master Plan adopts a general conceptual plan for development, without review or approval of specific plats or site plans for development of the Site. The Parties therefore acknowledge that the Master Plan adoption does not anticipate or incorporate all the additional approvals or requirements that may be required to properly and completely develop the Site and does not relieve the Developer of compliance with other provisions of the Ames Municipal Code, the Iowa Code, SUDAS or other federal, state or local laws or regulations.

Notwithstanding anything in this Agreement to the contrary, including, but not limited to, language in this Article II concerning the requirement of the Developer to comply with ordinances, regulations and policies (collectively, the "Ordinances") of the City related to the development of the Site, the Developer hereby reserves the right to dispute, challenge, seek a waiver of and/or variance for or otherwise contest any and all of such Ordinances and the City and the Developer hereby understand, acknowledge and agree that the execution of this Agreement shall not, in any manner, be deemed a waiver of any right of the Developer with respect to the applicability of or compliance with the Ordinances.

**III.**  
**MODIFICATION OF AGREEMENT**

Any modifications or changes to the Master Plan shall be undertaken in accordance with the process provided for in Ames Municipal Code section 29.1507(5).

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed effective as of the date first above written.

CITY OF AMES, IOWA

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

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

STATE OF IOWA, COUNTY OF STORY, ss:

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, who, being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of Ames, Iowa; that the seal affixed to the foregoing instrument is the corporate seal of the corporation; and that the instrument was signed and sealed on behalf of the corporation by authority of its City Council, as contained in Resolution No. \_\_\_\_\_ adopted by the City Council on the \_\_\_\_ day of \_\_\_\_\_, 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.

\_\_\_\_\_  
Notary Public in and for the State of Iowa

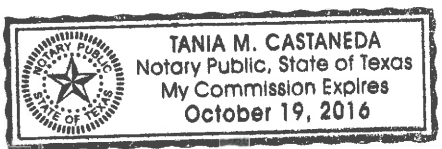
BRECKENRIDGE GROUP AMES  
IOWA LLC

By \_\_\_\_\_  
Greg Henry, Manager

STATE OF Tx, COUNTY OF Travis ss:

This instrument was acknowledged before me on September 19, 2014, by Greg Henry as CEO of Breckenridge Group Ames Iowa LLC.

[Signature]  
Notary Public in and for the State of TEXAS



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**DO NOT WRITE IN THE SPACE ABOVE THIS LINE; RESERVED FOR RECORDER**

Prepared by: Judy K. Parks, Ames City Attorney, 515 Clark Ave., Ames, IA 50010; 515-239-5146

Return to: Ames City Clerk, Ames City Hall, P.O. Box 811, Ames, IA 50010

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**CONTRACT REZONING AGREEMENT BETWEEN BRECKENRIDGE GROUP  
AMES IOWA LLC AND THE CITY OF AMES**

**THIS AGREEMENT**, (this "Agreement") made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2014, by and between the City of Ames, Iowa (hereinafter called "City") and Breckenridge Group Ames Iowa LLC (hereinafter called "Developer"), their successors and assigns.

**WITNESSETH THAT:**

**WHEREAS**, the parties hereto desire the improvement and development of an area located at 601 State Avenue and legally described as set out on Attachment A and depicted in Attachment B (collectively, the "South Parcel"); and

**WHEREAS**, Developer has applied to the City for rezoning of the South Parcel from its present designation as S-GA (Government/Airport) to FS-RL (Floating Suburban Residential Low Density) and RL (Residential Low Density), consistent with the Land Use Policy Plan; and

**WHEREAS**, Developer has previously obtained rezoning for an adjacent parcel located at 321 State Avenue (the "Middle Parcel") (the South Parcel and the Middle Parcel are sometimes collectively referred to herein as the "Parcels"); and

**WHEREAS**, Developer and the City desire to enter into an agreement related to the development of the South Parcel and addressing off-site traffic impacts of the Parcels in addition to granting the base zoning for the South Parcel, as provided for under Iowa Code section 414.5.

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

**I.**  
**INTENT AND PURPOSE**

- A. It is the intent of this Agreement to:
1. Recognize that the Developer is owner of the South Parcel which is being rezoned but expressly agrees to the imposition of additional conditions as authorized pursuant to Iowa Code section 414.5.
  2. Provide for a certain intensity of development on the South Parcel.
  3. Provide for proportional cost sharing of off-site traffic improvements required for the development which is contemplated to occur on the Parcels.
  4. Allow for relocation of the bike path across the South Parcel.

**II.**  
**INTENSITY OF DEVELOPMENT OF PARCEL**

With regard to the intensity of development of the South Parcel, the calculations to determine with precision how many net acres will be developed and to what level those will be developed depend on factors that become known only as a result of processes that occur after the South Parcel is rezoned. Since those steps have not occurred, the precise amount of developable area is not yet known and a maximum range is being estimated. In order to provide a limit to the intensity of development prior to site layout stage, the Developer agrees that it will limit the entire development of the South Parcel to no more than fourteen (14) net acres, excluding the area of the bike path in the event a mutually agreeable location for the relocation of said bike path is not determined in accordance with Article IV herein. The parties recognize that these are maximum limits based on the Ames Municipal Code effective as of the date this Agreement is executed and acknowledge that upon completion of the final design steps, the actual net acreage may differ in accordance with the then existing requirements of the City of Ames Municipal Code.

**III.**  
**OFF-SITE TRAFFIC IMPROVEMENT COSTS**

A. Off-Site Traffic Improvement Costs. With regard to off-site improvements, the Developer agrees that it shall pay its proportionate cost for improvements to the intersection of Mortensen Road and State Avenue, to include roadway and other infrastructure improvements at that intersection, as needed to safely absorb the additional pedestrian and vehicular traffic generated by the development contemplated on the Parcels. For the contemplated improvements of that intersection, the Developer's share would be no more than thirty-six percent (36%) (the "Developer's Share") of the City's engineer's estimate for cost of the traffic improvements. The Developer's Share shall be financially secured to the City with an annual update of the estimated cost; the current estimated cost is approximately \$320,000. Financial security shall be provided to the City prior to final plat approval or issuance of the first building permit for construction of a dwelling unit on either of the Parcels, whichever occurs first.

At the time the City authorizes the first contract or contracts related to the construction of the traffic improvements, the final amount due for the Developer's Share shall be calculated by the City and the Developer shall pay the difference between the amount held as security and the construction contract cost. Payment of the Developer's Share is due within 30 days of notice from the City. Upon full payment of the Developer's Share to the City, the Developer has no further mitigation responsibility in regards to Mortensen Road and State Avenue intersection for development of the Parcels. The Developer hereby understands, acknowledges and agrees that the Developer shall be responsible for the Developer's Share regardless of the type or nature of the traffic improvements being constructed at the intersection. The City hereby understands, acknowledges and agrees that the Developer's Share is a maximum percentage based on gross number of trips generated by projected persons within the development of the Parcels from the analysis of the traffic study dated December 23, 2013, and subsequent addendum, and that as a result of the decrease in intensity of the development of the Parcels since said traffic impact study was prepared, the Developer's Share should be less than the actual percentage stated herein.

B. Non-Inclusion of Other Improvement Obligations. The parties acknowledge and agree that this Agreement is being executed in contemplation of a conceptual plan for development, without further review or approval of subsequent specific plans for development of the South Parcel. The parties acknowledge and agree that it is not possible to anticipate all the infrastructure requirements that the Developer may be required to complete to properly develop the South Parcel. Therefore, the parties agree that all work done by and on behalf of the Developer with respect to, but not limited to, landscaping, sidewalks, bike paths, building design, building construction and utilities, both on-site and off-site, shall be made in compliance with Iowa Code, SUDAS and all other federal, state and local laws and policies of general application, including but not limited to the Ordinances (as defined in Article V(D) herein), whether or not such requirements are specifically stated in this Agreement.

#### IV. BIKE PATH RELOCATION

A. Bike Path. The parties agree that the bike path through the South Parcel shall be relocated to another location, which shall be mutually agreed upon, to minimize the amount of development-related traffic that crosses the bike path. The parties shall use their best efforts and negotiate in good faith with respect to the relocation of the bike path. It is understood relocation of the bike path shall be to City specifications and at the sole expense of the Developer. It is further understood that relocation may require the Developer to take additional measures at its sole expense, including securing permission from third parties, to relocate portions of the path on property outside the boundaries of the South Parcel in order to ensure connectivity of the path with other segments of the path.

#### V. GENERAL PROVISIONS

A. Modification. The parties agree that this Agreement may be modified, amended or supplemented only by written agreement of the parties.



B. General Applicability of Other Laws and Ordinances. The Developer understands and agrees that all work done by or on behalf of the Developer with respect to streets, sidewalks, shared use paths, building design and construction, and utilities (both on-site and off-site) shall be made in compliance with Iowa Code, the Ames Municipal Code, Iowa Statewide Urban Design and Specifications and all other federal, state and local laws of general application, whether or not such requirements are specifically stated in this Agreement. All ordinances, regulations and policies of the City now existing, or as may hereafter be enacted, shall apply to activity or uses on the South Parcel.

C. Incorporation of Recitals and Exhibits. The recitals, together with any and all exhibits attached hereto, are confirmed by the parties as true and incorporated herein by reference as if fully set forth verbatim. The recitals and exhibits are a substantive contractual part of this Agreement.

D. Reservation of Rights. Notwithstanding anything in this Agreement to the contrary, including, but not limited to, language in Articles II, III(B) and V(B) herein concerning the requirement of the Developer to comply with ordinances, regulations and policies (collectively, the "Ordinances") of the City related to the development of the Parcels, the Developer hereby reserves the right to dispute, challenge, seek a waiver of and/or variance for or otherwise contest any and all of such Ordinances and the City and the Developer hereby understand, acknowledge and agree that the execution of this Agreement shall not, in any manner, be deemed a waiver of any right of the Developer with respect to the applicability of or compliance with the Ordinances.

## VI. COVENANTS RUN WITH THE LAND

This Agreement shall run with the Parcels and shall be binding upon the Developer, its successors, subsequent purchasers and assigns. Each party hereto agrees to cooperate with the other in executing a Memorandum of Agreement that may be recorded in place of this document.

**IN WITNESS WHEREOF**, the parties hereto have caused this instrument to be executed effective as of the date first above written.

**(SIGNATURE PAGE FOLLOWS)**

**CITY OF AMES, IOWA**

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

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

(Notarization on following page)

STATE OF IOWA, COUNTY OF STORY, ss:

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, who, being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of Ames, Iowa; that the seal affixed to the foregoing instrument is the corporate seal of the corporation, and that the instrument was signed and sealed on behalf of the corporation by authority of its City Council, as contained in Resolution No. \_\_\_\_\_ adopted by the City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 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.

\_\_\_\_\_  
Notary Public in and for the State of Iowa

**BRECKENRIDGE GROUP AMES IOWA LLC**

By \_\_\_\_\_  
Greg Henry, Manager

(Notarization on following page)

STATE OF TX, COUNTY OF TARRANT ss:

This instrument was acknowledged before me on Sept. 19, 2014, by Greg Henry, CEO of Breckenridge Group Ames Iowa LLC.

\_\_\_\_\_  
Notary Public in and for the State of TX



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

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

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

Section 1: The Official Zoning Map of the City of Ames, Iowa, as provided for in Section 29.301 of the *Municipal Code* of the City of Ames, Iowa, is amended by changing the boundaries of the districts established and shown on said Map in the manner authorized by Section 29.1507 of the *Municipal Code* of the City of Ames, Iowa, as follows: That the real estate, generally located at 601 State Avenue, is rezoned with a Revised Master Plan from Special Government/Airport (S-GA) to Residential Low Density (RL) and Floating Suburban Residential Low Density (FS-RL).

**Real Estate Description:** North Tract: That part of Lot 2, Ames Middle School 2003, Plat 2 lying North of the centerline of an existing creek and being more particularly described as follows: Beginning at the Northeast Corner of said Lot 2; thence S00°48'56"E, 97.42 feet along the East line thereof to the approximate centerline of said creek; thence following said line S79°47'00"W, 67.81 feet; thence N61°44'50"W, 133.74 feet; thence S27°29'01"W, 217.58 feet; thence S62°33'38"W, 122.40 feet; thence S06°19'30"E, 90.87 feet; thence S74°57'15"W, 150.40 feet; thence S32°58'47"W, 79.43 feet; thence S89°05'41"W, 61.87 feet; thence S76°47'10"W, 218.20 feet; thence S63°12'57"W, 133.13 feet; thence S42°05'28"W, 125.26 feet; thence N89°34'38"W, 239.77 feet; thence N59°27'19"W, 195.77 feet to the West line of said Lot 2; thence N00°15'00"W, 123.82 feet to the Northwest Corner thereof; thence following the boundary of said Lot 2 S89°10'19"E, 210.71 feet; thence S89°14'16"E, 665.23 feet; thence N00°18'11"W, 125.01 feet; thence S89°22'29"E, 27.50 feet; thence N00°18'11"W, 342.83 feet; thence N88°29'30"E, 555.97 feet to the point of beginning, containing 242400.13 s.f.

South Tract:

That part of Lot 2, Ames Middle School 2003, Plat 2 lying South of the centerline of an existing creek and being more particularly described as follows: Commencing at the Northeast Corner of said Lot 2; thence S00°48'56"E, 97.42 feet along the East line thereof to the point of beginning; thence continuing S00°48'56"E, 396.10 feet; thence S06°31'20"E, 200.95 feet; thence S00°47'57"E, 300.01 feet; thence S06°33'03"E, 167.66 feet to the Southeast Corner of said Lot 2; thence N89°08'56"W, 1507.08 feet to the Southwest Corner thereof; thence N00°15'00"W, 543.21 feet along the West line thereof to the approximate centerline of said creek; thence following said line S59°27'19"E, 195.77 feet; thence S89°34'38"E, 239.77 feet; thence N42°05'28"E, 125.26 feet; thence N63°12'57"E, 133.13 feet; thence N76°47'10"E, 218.20 feet; thence N89°05'41"E, 61.87 feet; thence N32°58'47"E, 79.43 feet; thence N74°57'15"E, 150.40 feet; thence N06°19'30"W, 90.87 feet; thence N62°33'38"E, 122.40 feet; thence N27°29'01"E, 217.58 feet; thence S61°44'50"E, 133.74 feet; thence N79°47'00"E, 67.81 feet to the point of beginning, containing 1020749.98 s.f.

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

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

ADOPTED THIS \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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

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

## Staff Report

**REZONING OF 601 STATE AVENUE  
TO RESIDENTIAL LOW DENSITY (RL)**

September 23, 2014

Background

At its September 9th meeting, the City Council directed staff to prepare a report explaining the process to rezone the entire 29 acres of 601 State Avenue to Residential Low (R-L) density. This site is currently zoned Government/Airport District (S-GA). As a Special Purpose District, it is intended for areas owned by governmental authorities or for uses related to governmental authorities. The site was acquired on March 11, 2013 by a private property owner, Breckenridge Group LLC. Previously the subject site had been owned by Iowa State University before its sale to the Ames Community School District.

This site currently has two designations on the Land Use Policy Plan Future Land Use Map (LUPP Map) with a Residential Low Density designation represented north of College Creek and a Village/Suburban Residential designation represented south of College Creek. A Greenway designation also exists over the site in support of the natural areas of College Creek and the City's bike/multi-use path through the property. See Attachments A and B for zoning and land use maps, respectively.

Rezoning Process

The City's process for rezoning is described as part of §29.1507 of the Ames Municipal Code. In addition, Chapter 414.4 of the Code of Iowa describes the process for amending zoning and is incorporated by reference into the City's Municipal Code. City Council may initiate a Zoning Map Amendment as described in §29.1507(1):

*(1) Authorization. The City Council may, from time to time, on its own initiative, on petition, or on recommendation of the Planning and Zoning Commission, after public notice and hearings, and after a report by the Planning and Zoning Commission, or after 30 days written notice to said Commission, amend, supplement or change the regulations, districts, or Official Zoning Map herein or subsequently established.*

A property owner of an area proposed for a zoning change would have the ability to file a petition to protest the change under §29.1507(8) and trigger a requirement for five affirmative votes by the City Council to approve a proposed zoning change initiated by the Council.

*(8) Vote Required When Amendment Protested. If a written protest against any proposed amendment, supplement or change has been filed with the City Clerk, signed by the owners of 20% or more of the area of the lots included in the proposed amendment, supplement or change or by the owners of 20% or more of the property that is located within 200 feet of the exterior boundaries of the property for which the amendment, supplement or change is proposed, such amendment, supplement or change shall not become effective except by favorable vote of at least ¾ of all members of the City Council.*

The process for amending the Zoning Map would include a noticed public hearing with the Planning and Zoning Commission and a noticed public hearing with the City Council. The Planning and Zoning Commission would have 90 days to make a recommendation to the City Council on the proposed change, or to make a recommendation within 30 days of a written notice by the Council to the Planning and Zoning Commission to proceed with a recommendation. Subsequent to the Planning and Zoning Commission recommendation, the City Council may at its next regularly scheduled meeting, consistent with public notification requirements, then hold a public hearing and consider approval of the zoning amendment. Zoning amendments become effective through approval of an ordinance that requires three readings and publication of the approved ordinance.

#### Approval Criteria For Rezoning

A zoning amendment must be consistent with Chapter 414 of the Code of Iowa and the City's own requirements of Chapter 29 for zoning map amendments. In accordance with these two laws, **approval of a zoning amendment must be in the public's interest of promoting health, safety, and general welfare. The Code of Iowa also requires a zoning decision to be consistent with a comprehensive plan.**

#### Land Use Policy Plan

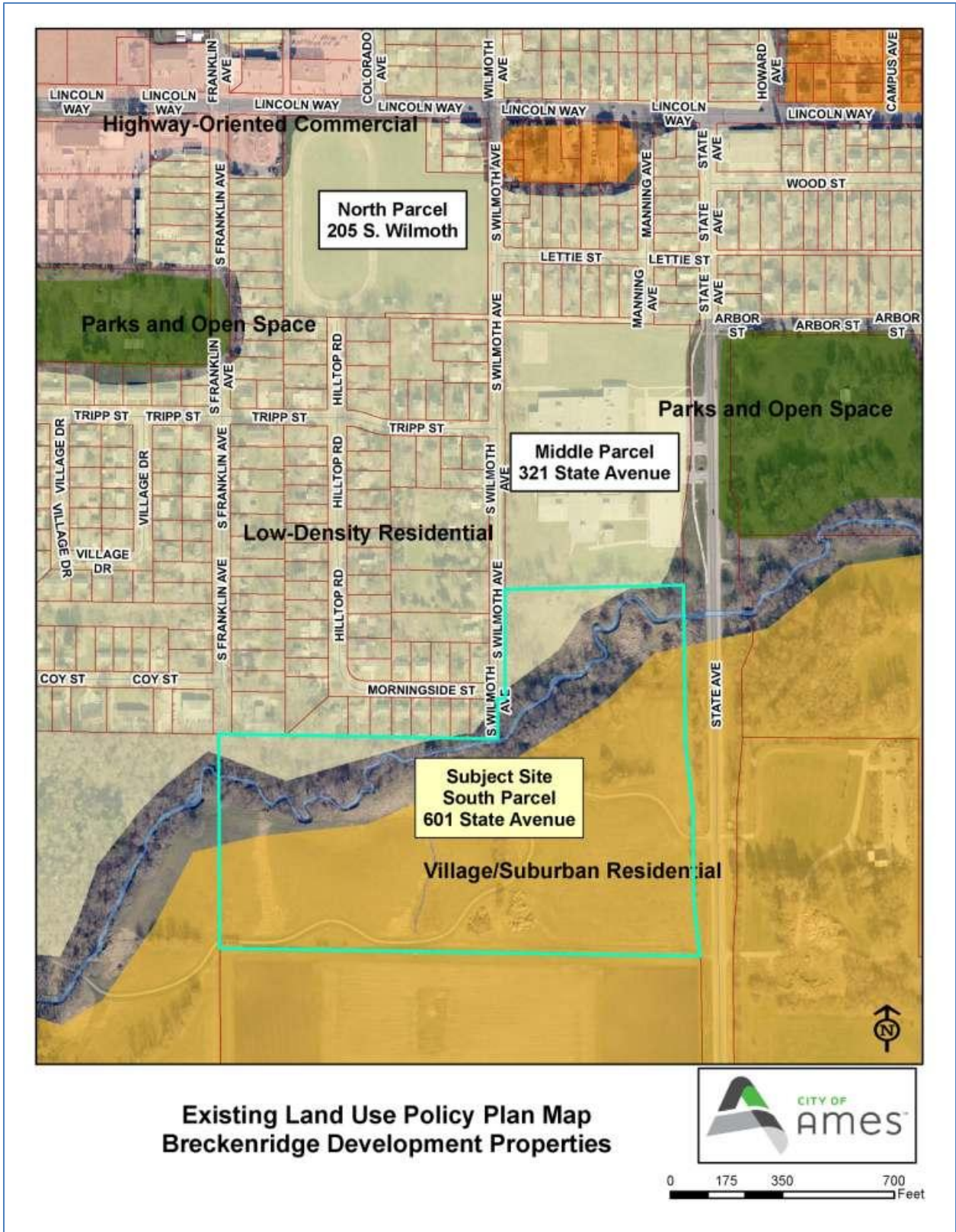
The City of Ames' comprehensive plan is known as the Land Use Policy Plan (LUPP). The LUPP includes a far ranging discussion within the text of the document of issues relevant to land use for the City. It includes the City's vision for the community and specific goals and objectives. The LUPP also includes maps depicting concepts of the text of the plan, including a Future Land Use Map that is intended to guide decisions about particular types of land use.

#### City Council Decision on Proceeding With RL Zoning

**It is important to note that, prior to pursuing a change in the zoning of this area to RL, the City Council must first decide whether or not to amend the LUPP and Future Land Use Map. These two options are possible because the boundaries of the Future Land Use Map are general in nature and not parcel specific. Because of the general nature of these boundaries, the City Council needs to consider the**

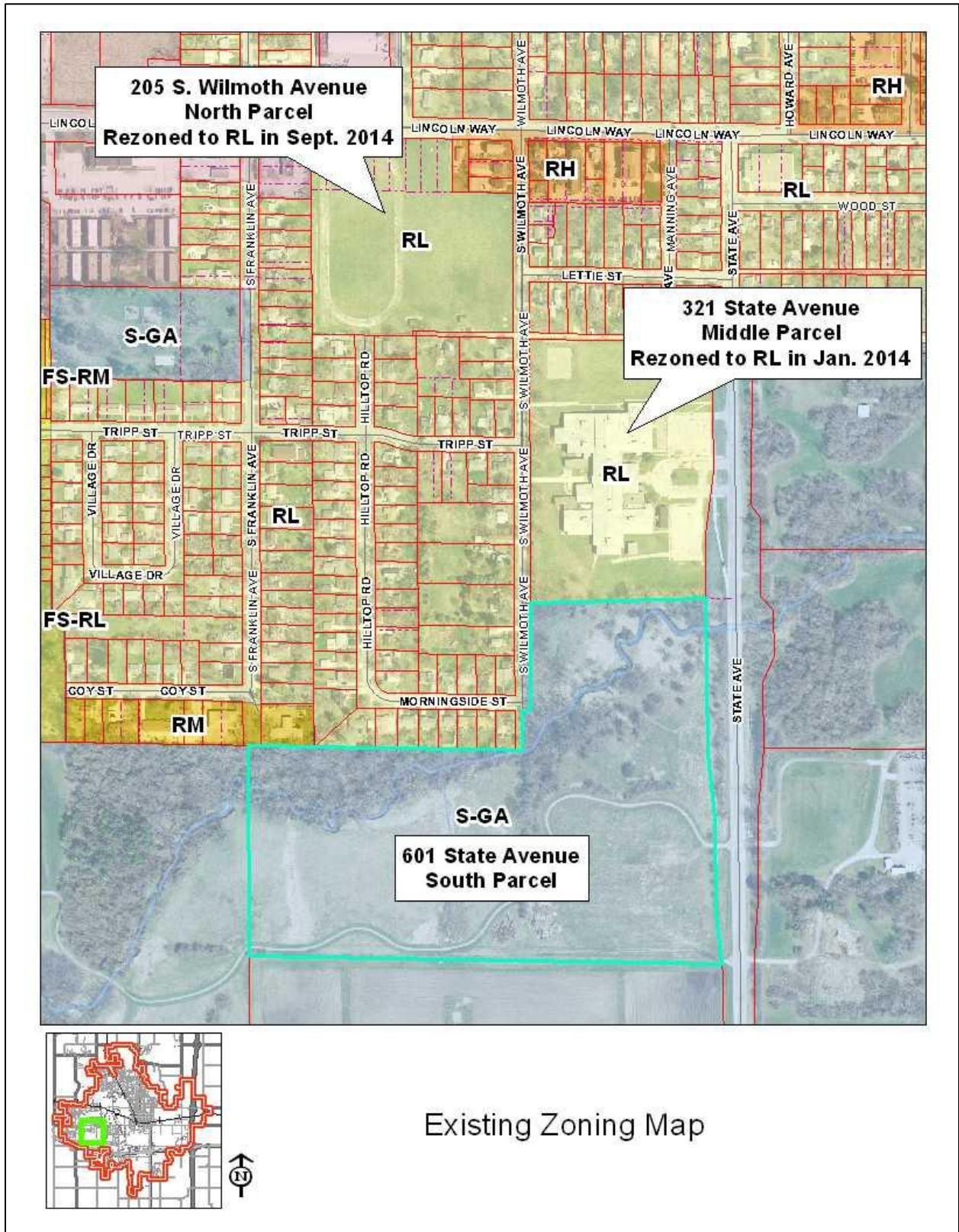
goals, objectives, and text of the LUPP to determine if a zoning amendment is consistent with the LUPP. In this case, because of the neighboring existing single-family development, RL zoning could be interpreted to be consistent with the existing LUPP, and no minor amendment is needed to the LUPP Map. However, the City Council could also interpret the boundary in a manner that supports the FS-RL zoning, and which thereby could warrant consideration of a minor LUPP amendment prior to rezoning to RL.

Attachment A





Attachment B



**COUNCIL ACTION FORM**

**SUBJECT: OUTLINE OF 28E AGREEMENT FOR STUDENT/COMMUNITY ISSUE  
TASK FORCES**

**BACKGROUND:**

The *Municipal Code* has provided for a Student Affairs Commission (SAC) since 2006. During that time, the Commission has had repeated challenges related to continuity of membership, obtaining a quorum, and identifying appropriate topics to address. At a recent meeting between Mayor Campbell, City staff, and Government of the Student Body (GSB) leadership from ISU, it was determined that there is interest in pursuing a new model to address issues that affect students and the community.

GSB President Hillary Kletscher, City Council Student Liaison Lissa Villa, and six other students met in late August to outline concepts for how a 28E agreement might be created between the City and GSB. This agreement would provide for ad-hoc joint task forces to address identified issues. City staff was present during this discussion to provide guidance. The specific concepts proposed by GSB at the meeting are as follows:

1. Either the GSB President or the Mayor could initiate a meeting with the other to discuss any issue of mutual interest and determine if a task force should be created. If a task force is determined to be in the interests of both parties, the Mayor and GSB President would identify the charge of the task force and the key policy questions to be investigated.
2. The Mayor would appoint Ames community members to the task force, and the GSB President would appoint student members. A chair would be identified jointly by the Mayor and GSB President. The City Council Student Liaison would assist in coordinating the work of the task forces and reporting on progress to the City Council and to GSB.
3. Task force meetings would be open to the public and would conform to all Iowa Open Meetings and Open Records Law requirements.
4. Upon completion of its charge, the task force would submit its final report to the GSB Senate and to the City Council. Either body could act on the final report through their powers according to law. If further investigation was requested by either the City Council or GSB Senate, and the other body agrees, the task force would reconvene and submit an addendum to its report. If no further questions remain, the task force would dissolve.

City staff further recommends including in the agreement a provision that the City Manager would appoint a City staff member to staff task force meetings as a resource for the task force members, similarly to how the SAC had been staffed. Additionally, the SAC ordinance allows for meetings to be held in alternative locations such as the ISU campus or other locations where access might be more convenient for those affected by the discussion. City staff recommends that the agreement provide for the use of alternative venues in a similar manner.

The students have requested that this task force agreement be adopted for a period of one year, as a means of testing the model and determining if it should be agreed to in perpetuity. During this time, the students have requested that the Student Affairs Commission ordinance remain in *Municipal Code*. This request has been made to allow the ordinance to act as a fallback in the event that the task forces model is unsuccessful.

There does not appear to be any explicit prohibition in Iowa law against maintaining the SAC ordinance in the *Municipal Code*, even if its provisions are not actively being used. However, retaining the ordinance may be confusing to residents who might discover the ordinance and would like to participate in the Commission's proceedings. Additionally, it is clear from past history that if not replaced on a permanent basis by the task force agreement, the provisions of the existing ordinance will need to be modified to assure a more effective Commission. **Therefore, City staff recommends that the City Council repeal the Student Affairs Commission ordinance at the same time it enters into agreement with GSB.** Should the task force model prove ineffective, the City Council could use that opportunity to bring back the Student Affairs Commission ordinance with modifications to make it more effective.

#### **ALTERNATIVES:**

1. Direct staff to prepare a 28E agreement outlining the concepts as described above, and further direct staff to prepare an ordinance repealing the Student Affairs Commission.
2. Direct staff to prepare a 28E agreement outlining the concepts as described above, and retain the Student Affairs Commission ordinance in the *Municipal Code*. After one year under the 28E agreement, City staff would bring back to the City Council a discussion about repealing or modifying the Student Affairs Commission ordinance. (This alternative is the GSB preference.)
3. Direct staff to work with GSB to find another method to address issues with the Student Affairs Commission.
4. Do nothing.

**MANAGER'S RECOMMENDED ACTION:**

Although well intended, the Student Affairs Commission has had challenges in functioning for several years. A model in which issue-specific task forces are developed as needed to address issues of mutual interest may be a more effective way to continue building relationships between the community and students. Repealing the Student Affairs Commission ordinance at the same time would reduce the possibility of confusion among those who might expect to have it available.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby directing staff to prepare a 28E agreement outlining the task force concepts described above, and further directing staff to prepare an ordinance repealing the Student Affairs Commission.

**COUNCIL ACTION FORM**

**SUBJECT: WORKIVA ECONOMIC DEVELOPMENT PROPERTY TAX EXEMPTION  
INCENTIVE AGREEMENT**

**BACKGROUND:**

Workiva (formerly WebFilings) is a company that has developed an internet-based service to provide support for preparing and submitting documents required by the Securities and Exchange Commission (SEC), as well as other reporting products. Workiva has software development, sales and marketing support operations located in the ISU Research Park. Workiva has received economic development assistance for a project that included an additional 60,000 square foot building at the ISU Research Park, the addition of 700 new full-time positions, and designation of the Ames complex as the company's corporate headquarters.

To incentivize Workiva's jobs creation, the Iowa Economic Development Authority (IEDA) has agreed to provide \$5,500,000 in incentives to the company (\$500,000 in sales tax rebates, \$2,500,000 in the form of a no interest loan, and a \$2,500,000 grant). A condition of this financial package is that the City of Ames provides a tax abatement incentive totaling \$2,740,000 as a local match to the State funding. At the October 29, 2013 meeting, the City Council approved general terms of an agreement to provide a local match and directed City Staff to develop a contract that met the following terms:

- Provide a 100% tax abatement on the incremental value of the improvement of the new building for up to \$2,740,000 or ten years, whichever comes first.
- Require a minimum assessment agreement at a taxable value that will assure the required abatement incentive is provided in at least ten years. The assessed value could be higher or increase over the term of the agreement, but could not go lower.
- Include a provision that the property owner can not apply for or be eligible for other abatement programs during the term of the agreement for property included in the agreement.
- Include a commitment that employment in Ames will be increased by 700 full-time employees meeting the pay and benefits qualifications and time requirement (5 years to meet target) in the IEDA agreement.
- Make a commitment that Ames is designated as the Workiva headquarters.
- Include a provision that any abatement or reduction in property tax due to the provisions of the State of Iowa Property Tax Reform Bill of 2013 will be counted towards the maximum abatement amount.
- Include penalty provisions that will discontinue the property tax abatement if terms of the agreement (for example: job creation, continuation of operations

within Ames, and designation of Ames as the company headquarters) are not met.

- Require the payment of pro rata penalties to the City if job creation numbers are not met. (\$3,915 per job not created)

The agreement will also include other provisions typical of this type of incentive agreement.

City staff has worked out an agreement with Workiva that meets all of the basic terms set by the City Council. Council can now proceed with action to approve the local match requirements for the IEDA economic development assistance for business expansion in Ames.

**ALTERNATIVES:**

1. Approve an economic development property tax exemption agreement with Workiva in an amount not to exceed \$2,740,000 as a local match to IEDA economic development assistance.
2. Do not approve the agreement and refer this item back to staff.

**MANAGER'S RECOMMENDED ACTION:**

Workiva is a rapidly growing software company in Ames that is making a significant investment of capital to expand high paying jobs. In keeping with the Council's goal to promote economic development, this project will significantly expand the number of quality jobs within our City.

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

**CITY OF AMES  
ECONOMIC DEVELOPMENT  
TAX EXEMPTION INCENTIVE  
AGREEMENT  
Workiva LLC**

**ARTICLE 1.0 – GENERAL**

1.1 Identification of Parties. This Agreement is entered into by and between the City of Ames, Iowa (hereinafter referred to as “City”) and Workiva LLC (hereinafter referred to as “Workiva”).

1.2 Statement of Purpose.

**WHEREAS**, as part of their policy to foster economic development, the City has adopted a program of financial assistance to selected business enterprises by means of property tax abatement made in accordance with the Code of Iowa § 15.332 Value-Added Property Tax Exemption; and

**WHEREAS**, Workiva has made application to the City for this property tax exemption; and

**WHEREAS**, Workiva has qualified and been approved for such property tax exemption and has agreed to the conditions of the receipt of such property tax exemption.

**NOW, THEREFORE**, the parties hereto, in consideration of the premises, do agree as follows.

1.3 Property Tax Abatement. The City agrees, upon the terms and conditions hereinafter set forth, to make abatement of property taxes to Workiva for improvement to property located at 2900 University Boulevard, Ames, Iowa for a period of ten years, or a total amount not to exceed \$2,740,000, whichever comes first, in order to assist in the financing of the project described in Article 2.2 of this agreement.

1.4 Reports. Workiva shall submit reports to provide verification of employment requirements for this agreement in the same manner as reporting to the Iowa Department of Economic Development related to employment levels at the Ames location.

**ARTICLE 2.0 – WORKIVA’S PROJECT**

2.1 Statement of Work and Services. Workiva shall perform in a satisfactory and proper manner, as determined by the City, the activities described in the approved application, Attachment “A” to this agreement. This attachment is hereby made a part of this agreement by reference.

2.2 Project Description. As more specifically described in Workiva's approved application to the City, the Project shall be:

To expand the software development and sales and customer support activities in Ames, Iowa, for newly developed Securities and Exchange Commission reporting products. This project will increase fulltime employment at the Ames, Iowa, site by 700 employees and designate the Ames site as the corporate headquarters.

2.3 Conveyance or Disposition of Project. Workiva shall not sell, transfer, convey, lease or otherwise dispose of the Project, or any part thereof, during the term of this agreement without the consent of the City.

### **ARTICLE 3.0 – TERMS OF THE PROPERTY TAX ABATEMENT**

3.1 Maximum Amount of Abatement. It is expressly understood and agreed that the maximum amount of the property tax abatement to Workiva by the City shall be \$2,740,000.

3.2 Abatement Term. The City and Workiva agree that the term of the property tax abatement shall be the earlier of ten years or when the maximum amount of abatement is attained.

3.3 Determination of Abatement Amount. The records of the City Assessor and Story County Auditor will be used to determine the amount of the abatement under this agreement. The abatement under this agreement will be calculated on the base valuation for Workiva's property located at 2900 University Boulevard, specifically the 60,266 square foot addition generally referenced in the Property Record file of the Ames City Assessor as Phase II of the Workiva development. Any abatement or rollback in valuation for the property under the provisions of the State of Iowa Property Tax Reform passed by the Iowa Legislature in 2013 that is not reimbursed by the State of Iowa will be calculated against the maximum amount of abatement under this agreement.

3.4 Minimum Assessment Agreement. Workiva agrees that it shall execute a Minimum Assessment on the date of execution of this agreement in form and content to be mutually agreed, but substantially as set forth in Attachment B, which attachment is hereby made a part of this agreement by reference (the "Assessment Agreement"). The Assessment Agreement shall set forth the minimum value of the land and completed improvements on the land until the termination date specified therein. The agreement shall provide that the land and any improvements constructed by the Developer shall have an agreed taxable valuation of not less than \$13,036,647 by January 1, 2015, subject to the terms and conditions therein.

3.5 Application for Other Tax Abatement. During the term of this agreement, Workiva will not apply for and will not be eligible for any other property tax abatement programs for the property under this agreement. Workiva agrees to terminate the industrial abatement for the portion of the property described in this agreement.



3.6 Penalties. If, at the time of employment measurement by the Iowa Economic Development Authority approximately five years after the date of this agreement, Workiva has not met the employment requirement of 700 new fulltime employees, the abatement of property taxes will cease. If, at the end of the term of the agreement, a total of 700 fulltime equivalent positions of employment have not been created, a penalty of total abatement provided divided by 700, then times each promised job not created, will be imposed. If, during the term of this agreement, Workiva ceases operations in Ames or designates another location as the company headquarters, a penalty equal to the total amount of abated property taxes will be imposed.

#### **ARTICLE 4.0 – ADMINISTRATIVE REQUIREMENTS**

4.1 Accounts and Records. Workiva shall maintain books, records, documents and other evidence pertaining to all provisions of this agreement.

4.2 Inspection of Records. Any time during normal business hours, upon 24 hours notice by the City, and as frequently as is deemed necessary, Workiva shall make available to the City, for its examination, all of its records, contracts, payrolls, personnel records, conditions of employment and all other matters not covered by this agreement. The City's access to Workiva' records will be for the sole purpose and granted only to the extent necessary to verify compliance with this agreement.

4.3 Monitoring by City. The City shall have the right to make scheduled and unscheduled visits to Workiva in order to monitor project performance and compliance with this agreement. The City's access to Workiva' records will be for the sole purpose and granted only to the extent necessary to verify compliance with this agreement.

#### **ARTICLE 5.0 – OTHER CONDITIONS**

5.1 This agreement and other documents and agreements required by this agreement, when delivered hereunder or pursuant hereto, shall be legal, valid and binding obligations of Workiva and enforceable against Workiva in accordance with their respective terms.

5.2 Neither the execution, delivery or performance of this agreement, nor the consummation of the transactions contemplated hereby, nor the fulfillment of or compliance with the terms and conditions of this agreement, conflict with or result in a breach of any of the terms, conditions or provisions of any restriction in any organizational document or any agreement or instrument to which Workiva is now a party or by which Workiva is bound, or constitute a default under any of the foregoing, or result in the creation or imposition of any lien, charge or encumbrance whatsoever upon any of the property or assets of Workiva under the terms of any instrument or agreement, other than as provided in this loan agreement.

5.3 There is no litigation or proceeding pending, or to the knowledge of Workiva threatened, against Workiva affecting in any manner whatsoever the right of Workiva to execute this agreement or the other agreements required to be executed by Workiva under this agreement, or the ability of Workiva to pay the payments required hereunder or to otherwise comply with Workiva' obligations contained herein or therein.

5.4 Workiva will comply in all material respects with all applicable laws, rules, ordinances, regulations and orders, such compliance to include, without limitation, paying before the same become delinquent all taxes, assessments and governmental charges imposed upon Workiva or upon Workiva's property, except to the extent contested in good faith.

5.5 Workiva agrees that the City shall have no responsibility nor incur any expense for maintenance or preservation of the Project or for the payment of any taxes, assessments or other governmental charges assessed or levied with respect to the Project.

## **ARTICLE 6.0 – MISCELLANEOUS**

### 6.1 Agreement Coverage.

- a. This instrument, and any referenced attachments hereto or documents referred to herein, contains the entire agreement between the parties and any statements, inducements or promises not contained herein shall not be binding upon said parties. This agreement shall be binding upon the successor in interest of the respective parties.
- b. If any of the provisions herein shall be in conflict with the laws of the State of Iowa, or shall be declared to be invalid by any court of record of this state, such invalidity shall be construed to affect only such portions as are declared invalid or in conflict with the law, and such remaining portion or portions of the agreement shall remain in effect and shall be construed as if such invalid or conflicting portion of such agreement were not contained herein.

6.2 Term of the Agreement. This agreement shall be in full force and effect from the date hereof and shall continue in effect so long as tax abatement is being provided.

6.3 Maintenance of the Project and Insurance. Workiva covenants that, so long as the loan is outstanding and unpaid, shall keep, or cause to be kept, the property in as good repair and condition, as same may be, or may be hereafter placed upon completion, ordinary wear and tear only excepted; and shall not suffer or commit waste or damage upon the property. In addition, Workiva may be required to keep in force insurance, premiums therefore to be prepaid without notice or demand, against loss by fire, tornado and other hazards, casualties and contingencies as the City may reasonably require on the property. Workiva may be required to deposit such policies with proper riders with the City.

6.4 Amendment of this Agreement. The City or Workiva may, during the duration of this agreement, deem it necessary to make alterations to the provisions of this agreement. Any changes to this agreement, which are approved by the City, shall be incorporated into this agreement. The provisions of the amendment shall be in effect as of the date of the amendment unless otherwise specified within the amendment. A waiver of any condition of this agreement must be in writing from the duly authorized official of the City.

6.5 Indemnity, Fees and Expenses.

- a. Except for any action involving negligence, willful misconduct or a breach of this agreement by the City, its officers, or employees, Workiva will indemnify and save harmless the City, its officers and employees from and against any and all losses, by it or them while it or they are acting in good faith to carry out the transactions contemplated by this agreement or to safeguard its or their interests or ascertain, determine or carry out its or their obligations under this agreement or any law or contract applicable to said transaction.
- b. Workiva shall, upon demand, pay to the City the amount of any and all reasonable expenses, including the reasonable fees and expenses of its counsel and of any experts and agents, which the City may incur in connection with the exercise or enforcement of any of the rights of the City hereunder, the failure by Workiva to perform or observe any of the provisions hereof, the collection of payments due under this agreement and any other reasonable expenses of the City related to the Project or this financing (including reasonable attorney's fees) which are not otherwise expressly required to be paid by Workiva under the terms of this agreement.
- c. Workiva agrees to pay all appraisal fees, survey fees, recording fees, license and permit fees and insurance premiums related to Workiva's Project.
- d. It is the intention of the parties that the City shall not incur pecuniary liability by reason of the terms of this agreement and Workiva shall indemnify and hold harmless the City (including any person at any time serving as an officer or employee of the City) against claims arising from the terms of this agreement, by or on behalf of any person, firm or corporation arising out of the same, and all costs and expenses incurred in connection with such claim; provided however, such claims do not arise out of the negligence, willful misconduct, or a breach of this agreement by the City, its officers or its employees. .

The obligations of the parties under this section shall survive the termination of this agreement.

6.6 Binding Effect; Governing Law. This agreement shall be binding upon and inure to the benefit of Workiva and the City, and their respective successors and assigns, except that Workiva shall not have the right to assign its rights hereunder or any interest herein without the prior written consent of the City. This agreement shall also inure to the benefit of the City. This agreement shall be governed by, and construed in accordance with, the laws of the State of Iowa.

6.7 Obligations of Workiva Hereunder Unconditional. The obligations of Workiva to make the payments required in Attachment “A” and other articles hereof, and to perform and observe the other agreements contained herein, shall be absolute and unconditional and shall not be subject to any defense or any right of set-off, counterclaim or recoupment arising out of any breach by the City of any obligation to Workiva, whether hereunder or otherwise, or out of any indebtedness or liability at any time owing to Workiva by the City and until such time as the principal shall have been fully paid or provision for the payment thereof shall have been made in accordance with the agreement. Workiva (i) will not suspend or discontinue any payments provided for in Attachment “A” hereof; (ii) will perform and observe all other agreements contained in this agreement; and (iii) shall not terminate this agreement for any cause, it being the intention of the parties that the payments required hereunder will be paid in full when due without any delay or diminution whatsoever.

6.8 Waivers. No waiver by the City of any default hereunder shall operate as a waiver of any other default or of the same default on a future occasion. No delay on the part of the City in exercising any right or remedy hereunder shall operate as a waiver thereof. No single or partial exercise of any right or remedy by the City shall preclude future exercise thereof or the exercise of any other right or remedy.

6.9 Additional Provisions. The following items or requirements are also agreed to:

- a. Workiva represents that it will take actions necessary, on a commercially reasonable efforts basis, to secure the accomplishment of the following benefits to the City:

To create 700 permanent jobs, after the contract date, in the city of Ames, Iowa, in addition to the current employee total.

6.10 Suspension and Termination of this Agreement.

- a. Suspension. If Workiva fails to comply with the conditions of this agreement, the City may, after notice to Workiva, suspend the agreement and withhold further payments or prohibit Workiva from incurring additional obligations of funds, pending corrective action by Workiva or a decision to terminate. The City may determine to allow such necessary and proper costs which Workiva could not reasonably avoid during the period of suspension.
- b. Termination for Cause. The City may terminate this agreement, in whole or in part, at any time before the date of completion whenever it is determined that Workiva has failed to comply with the conditions of the agreement. The City shall promptly notify Workiva in writing of the determination and the reasons for the termination, together with the effective date. Payments made to Workiva or recoveries by the City under agreements terminated for cause shall be in accord with the legal rights and liabilities of the parties. Payments and recoveries may include, but are

not limited to the following: payments may be allowed for costs determined to be in compliance with this agreement up to the date of termination, based on accepted audits.

6.11 Litigation. Workiva agrees to pay the costs of any litigation arising from the failure of Workiva to comply with this agreement. Furthermore, Workiva shall indemnify and save harmless the City from suits, actions or claim of any character brought for or on account of any injuries or damages received by any person or property resulting from operations of Workiva, or any persons working under it, carrying out the terms of this agreement.

6.12 Resolution of Disagreement. In the event of any disagreement between and the City relating to the requirements of this agreement, the decision of the City shall prevail. However, the City will consider reasonable proposals for alternative performance or payment deemed by the City to be of equal or greater value compared to the requirements of this agreement.

**IN WITNESS WHEREOF**, the parties hereto have executed this agreement on the day and year last specified below.

**WORKIVA LLC**

**CITY OF AMES, IOWA**

By \_\_\_\_\_

By \_\_\_\_\_  
Ann Campbell, Mayor

By \_\_\_\_\_

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

Date \_\_\_\_\_

Date \_\_\_\_\_

**CHAMBER OF COMMERCE**

Approved as to Form:

By \_\_\_\_\_

\_\_\_\_\_  
Judy K. Parks, Ames City Attorney

Attest \_\_\_\_\_

Date \_\_\_\_\_

---

**DO NOT WRITE IN THE SPACE ABOVE THIS LINE; RESERVED FOR RECORDER**

Prepared by: Judy K. Parks, Ames City Attorney, 515 Clark Ave., Ames, IA 50010; (515) 239-5146  
Return recorded document to: Ames City Clerk, 515 Clark Ave., P.O. Box 811, Ames, IA 50010

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**WORKIVA LLC MINIMUM ASSESSMENT AGREEMENT**

This Minimum Assessment Agreement is entered into this \_\_\_\_ day of \_\_\_\_\_, 2014, by and between the City of Ames, Iowa (hereinafter "City"), Workiva LLC, an Iowa corporation (hereinafter "Developer"), and the City Assessor for the City of Ames, Iowa (hereinafter "Assessor").

**WITNESSETH:**

**WHEREAS**, on or about \_\_\_\_\_, City and Developer have entered into a Economic Development Agreement with Tax Abatement Incentives and Project Development Requirements (the "Development Agreement") regarding certain real property located in City; and

**WHEREAS**, it is contemplated that pursuant to said Agreement, Developer will undertake the additional improvements of developed property within City within the Iowa State University Research Park (hereinafter referred to as "Property") which is described as follows:

Phase II of the Workiva (f/k/a Webfilings) development, and specifically, the 60,266 square foot building addition located generally at 2900 University Boulevard, Ames, Story County, Iowa

and

**WHEREAS**, pursuant to section 403.6 of the Code of Iowa, as amended, City and Developer desire to establish a minimum actual value for the improvements to be constructed or placed upon the Property by Developer pursuant to the Agreement, which shall be effective upon substantial completion of such improvements and from then until this Agreement is terminated pursuant to the terms herein and which is intended to reflect the minimum actual value of such improvements, exclusive of the value of the unimproved land; and

**WHEREAS**, City and the Assessor have reviewed the preliminary plans and specifications including the Developer's agreement applicable to the improvements contemplated to be erected.

**NOW, THEREFORE**, the parties to this Minimum Assessment Agreement, in consideration of the promises, covenants and agreements made by each other, do hereby agree as follows:

1. Upon substantial completion of construction of the improvements described in the Development Agreement for the Property, the Assessor shall establish a minimum actual taxable value for assessment purposes on the land and buildings that are constructed on said Property of at least **\$13,036,647.00**. This minimum assessment amount shall commence and be in effect by January 1, 2015, and shall remain in effect until January 1, 2025, or until the amount of property tax abatement that the property has received equals \$2,740,000, whichever occurs first.
2. Nothing herein shall be deemed to waive Developer's rights under Iowa Code section 403.6(19), as amended, to contest that portion of any actual value assignment made by the Assessor in excess of the Minimum Actual Value established herein. In no event, however, shall Developer seek to reduce the actual value assigned below the Minimum Actual Value established during the term of this Agreement.
3. In the event that any portion of the Property is taken through the exercise of the power of eminent domain, the Minimum Actual Value shall be reduced by the same proportion as the value of the portion of such Property so taken bears to the value of such Property in its entirety immediately prior to such taking.
4. This Minimum Assessment Agreement shall be promptly recorded by Developer with the Recorder of Story County, Iowa. Developer shall pay all costs of recording.
5. Neither the preambles nor provisions of this Minimum Assessment Agreement are intended to, or shall be construed as, modifying the terms of the Development Agreement between City and Developer.
6. This Minimum Assessment Agreement shall inure to the benefit of and be binding upon the successors and assigns of the parties.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be signed by their authorized representatives as of the date first above written.

CITY OF AMES, IOWA

WORKIVA LLC

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

By \_\_\_\_\_

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

By \_\_\_\_\_

STATE OF IOWA, STORY COUNTY ss:

STATE OF IOWA, COUNTY OF STORY, ss:

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, being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of Ames, Iowa; that the seal affixed to the foregoing instrument is the corporate seal of the corporation, and that the instrument was signed and sealed on behalf of the corporation, by authority of its City Council, as contained in Resolution No. \_\_\_\_\_ adopted by the City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 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.

This instrument was acknowledged before me on \_\_\_\_\_, 2014, by \_\_\_\_\_ and \_\_\_\_\_, as \_\_\_\_\_ and \_\_\_\_\_, respectively, of Workiva LLC.

\_\_\_\_\_  
Notary Public in and for the State of Iowa

\_\_\_\_\_  
Notary Public in and for the State of Iowa

CERTIFICATE OF ASSESSOR

The undersigned, having reviewed the plans and specifications for the improvements to be constructed upon the land described in the Development Agreement, and the market value assigned to such improvements, and being of the opinion that the minimum market value contained in the foregoing Minimum Assessment Agreement appears reasonable, hereby certifies as follows: The undersigned Assessor, being legally responsible for the assessment of the Property as described above, upon completion of improvements to be made on it and in accordance with the Minimum Assessment Agreement, certifies that the actual value assigned to land, building, equipment and other improvements shall be thirteen million thirty six thousand six hundred forty-seven dollars (\$13,036,647.00), until termination of this Minimum Assessment Agreement pursuant to the terms hereof.

Date: \_\_\_\_\_, 2014



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Gregory P. Lynch, Ames City Assessor

STATE OF IOWA, COUNTY OF STORY, ss:

On this \_\_\_\_\_ day of \_\_\_\_\_, 2014, before me, the undersigned, a Notary Public in and for said State, personally appeared Gregory P. Lynch, Ames City Assessor, to me known to be the identical person named in and who executed the foregoing instrument, and acknowledged that he executed the same as his voluntary act and deed.

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Notary Public in and for the State of Iowa