

AGENDA
REGULAR MEETING OF THE AMES CITY COUNCIL
COUNCIL CHAMBERS - CITY HALL
OCTOBER 28, 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.

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.

1. Motion approving payment of claims
2. Motion approving minutes of Regular Meeting of October 14, 2014
3. Motion approving Report of Contract Change Orders for October 1 - 15, 2014
4. Motion approving renewal of the following beer permits, wine permits, and liquor licenses:
 - a. Class C Liquor – Score!, 124 Welch Avenue
 - b. Class C Beer & B Wine – Southgate Expresse, 110 Airport Road
 - c. Class C Liquor - London Underground, 212 Main Street
5. Motion approving 5-day licenses for Olde Main Brewing Company at the ISU Alumni Center, 420 Beach Avenue:
 - a. Class C Liquor (October 28 - November 1)
 - b. Class C Liquor (November 4 - November 8)
 - c. Special Class C Liquor (November 11 - November 15)
6. Motion approving new Class C Liquor - The Other Place, 631 Lincoln Way (pending approval of Food Establishment License, inspection, and a satisfactory background check)
7. Motion approving new Class B Beer Permit - Southgate Expresse, 110 Airport Road
8. Motion approving new Class C Liquor and Outdoor Service - The District, 2518 Lincoln Way (pending approval of Food Establishment License, inspection, and a satisfactory background check)
9. Motion approving sign encroachment permit for Campustown Properties, 200 Stanton Avenue
10. Resolution approving updated Affirmative Action Plan
11. Resolution approving annual Human Relations Commission Contract with Iowa Civil Rights Commission
12. Resolution approving Iowa Department of Transportation Federal-Aid Agreement for 2014/15 CyRide Route Pavement Improvements
13. Resolution approving amendment to adjust term of Master Engineering Services Agreement with FOX Engineering for design of New Water Plant Project
14. Resolution approving/motion denying request from Iowa State University Chapter of the Student Society of Landscape Architects for waiver of parking meter fees for Space 125 on Kellogg Avenue from October 29 - November 9, 2014 for demonstration of a “parklet”
15. Requests from the Arthritis Foundation for Jingle Bell Run on December 6, 2014:
 - a. Resolution approving closure of westbound lane of Mortensen Road from approximately 8:45 a.m. to 9:30 a.m.

16. Resolution approving preliminary plans and specifications for Unit #7 Feedwater Heater Replacement; setting November 26, 2014, as bid due date and December 9, 2014, as the date of public hearing
17. Resolution approving preliminary plans and specifications for Water Pollution Control Trickling Filter Pumping Station Pump Check Valves Replacement; setting November 26, 2014, as bid due date and December 9, 2014, as date of public hearing
18. Resolution approving preliminary plans and specifications for Controls and Relaying Panels for Dayton and Stange Substations; setting November 26, 2014, as bid due date and December 9, 2014, as date of public hearing
19. Resolution approving contract and bond for new Ames Water Treatment Plant - Contract 2
20. Resolution approving continued use of a 2009 Caterpillar Wheel Dozer at the Power Plant beyond 6,000 hours/5 years and forfeiting buy-back guarantee
21. Resolution approving Change Order No. 20 with A&P/Samuels Group for Library Renovation and Expansion Project
22. Resolution approving Change Order to Engineering Services Agreement for Skunk River Trail Expansion (South River Valley Park to Southeast 16th Street) with Foth Infrastructure and Environment, LLC, of Johnston, Iowa, in an amount not to exceed \$74,590
23. Resolution accepting completion of Furnishing Substation Electrical Materials - Bid No. 3 (Furnish Lightning Arresters) with Fletcher-Reinhardt Company, at a total cost of \$11,308.83
24. Resolution accepting completion of 2012/13 Asphalt Street Reconstruction Program (Pierce Court, Westbend Drive, Westbend Circle, Southbend Drive)
25. Resolution accepting completion of 2012/13 Asphalt Resurfacing and Seal Coat Removal/Asphalt Reconstruction Program and 2012/13 Water Main Replacement (South Wilmoth Avenue, Morningside Drive, Hilltop Road, Tripp Street)
26. Resolution accepting completion of 2012/13 CyRide Route Pavement Improvement (Lincoln Way - Franklin Avenue to Hayward Avenue)
27. Resolution approving Plat of Survey for 2810 and 2824 Wakefield Circle
28. Northridge Heights Subdivision, 17th Addition:
 - a. Resolution waiving requirement for financial security for sidewalks and approving Agreement for Sidewalk and Street Trees
29. Scenic Valley Subdivision, 1st Addition:
 - a. Resolution waiving requirement for financial security for sidewalks and approving Agreement for Sidewalk and Street Trees

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.**

ADMINISTRATION:

30. Presentation of results of Resident Satisfaction Survey
31. Presentation of revisions to Vending Code
32. Resolution approving funding for facilitation of HIRTA-related issues

PUBLIC WORKS:

33. Follow-up report on Speed Study on North Duff Avenue:
 - a. Motion providing direction to staff
34. Resolution approving closure of Lynn Avenue to facilitate installation of utility services for new development at 2300 Lincoln Way

HEARINGS:

35. Hearing on Amendments to Fiscal Year 2014/15 Budget:
 - a. Resolution amending current budget for Fiscal Year ending June 30, 2015, for carryover amounts from Fiscal Year 2013/14
36. Hearing on Major Site Development Plan for 4710 Mortensen Road:
 - a. Resolution approving Major Site Development Plan for three apartment buildings comprising a total of 35 dwelling units
37. Hearing on Fire Station #3 HVAC Modifications:
 - a. Resolution approving final plans and specifications and awarding contract to Converse Conditioned Air of Ames, Iowa, in the amount of \$58,588

ORDINANCES:

38. First passage of Ordinance pertaining to Fats, Oils, and Grease

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 JOINT MEETING OF THE AMES CITY COUNCIL
AND ELECTRIC UTILITY OPERATIONS REVIEW & ADVISORY BOARD
AND REGULAR MEETING OF THE AMES CITY COUNCIL**

AMES, IOWA

OCTOBER 14, 2014

**JOINT MEETING OF THE AMES CITY COUNCIL AND
ELECTRIC UTILITY OPERATIONS REVIEW & ADVISORY BOARD**

The Ames City Council met in joint session with the Electric Utility Operations Review & Advisory Board (EUORAB) at 5:30 p.m. on the 14th day of October, 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, Chris Nelson, and Peter Orazem. Council Member Goodman arrived at 5:50 p.m. *Ex officio* Member Lissandra Villa arrived at 7:03 p.m. Members of the EUORAB present were Cathy Brown, Jim Converse, Justin Dodge, and John Russell. Steve Goodhue, EUORAB Member, was absent.

NATURAL GAS DELIVERY TO AMES POWER PLANT: Donald Kom, Director of Electric Services stated that the Power Plant conversion project is required to meet future Environmental Protection Agency (EPA) air quality requirements for electric generating power plants. In recent years, the electric utility industry, particularly utilities with fossil-fueled generation resources, has been challenged by the introduction of several major environmental regulations promulgated by the EPA. At the same time, the price and supply of natural gas has dropped significantly in the United States. These two factors together have caused the industry to reevaluate its strategies of how to generate electric power.

According to Mr. Dom, the City of Ames, with its two coal-fired generating units (47 and 32 years old), has carefully assessed its future role of supplying power for the City's electric ratepayers. On October 30, 2013, the EUORAB voted to recommend that City Council approve conversion of the City's power plant from coal to natural gas. On November 12, 2013, the City Council voted to convert the City's power plant from coal to natural gas.

Director Kom explained why the City has chosen not to continue to use coal. In the years preceding Council's decision to convert to natural gas, Electric Services staff and contracted consultants had been carefully studying electric generating and power supply options to meet the community's future needs. Under consideration were current, pending, and anticipated environmental rules, as well as increased availability and reduced pricing of natural gas. Staff's research had determined the two most viable options were to continue to burn coal and install emission-reducing technology or convert the boilers to burn natural gas. Both choices were expensive. Because the decision has long-term impacts on electric rates and other community aspects, the Electric Utility Operations Review and Advisory Board (EUORAB) held two public forums. Input from those forums was shared with the City Council. After considering the input and information provided to date, Electric Services staff recommended to the EUORAB and to the City Council that Power Plant Units 7 & 8 be converted to natural gas. The considerations that justified that decision were given as follows:

1. The Black & Veatch Study indicated that the new and proposed rules from the Environmental Protection Agency could be met using either a coal/RDF-fueled power plant or a natural gas/RDF-fueled power plant.
2. Capital and operating cost comparisons of the two options did not indicate one to be a clear lower cost option.

3. Further analysis by staff regarding environmental, social, fuel sourcing, constructability, and regulatory comparisons clearly indicated that conversion to natural gas/RDF operation is the correct recommendation at this time

Mr. Kom advised that implementing the decision to convert to natural gas requires a significant amount of engineering, installation of equipment, and modification and construction in the Power Plant. He further stated that it is known that the existing gas transportation system, i.e., pipeline, to Ames is inadequate to support operating the power plant on natural gas. An adequate source of gas exists in the form of two Northern Natural Gas (NNG) large-capacity, high-volume, and high-pressure pipelines running east and west near Story City. A tap line is needed from one of those pipelines to Ames and into the Power Plant. According to Mr. Kom, the issue before the City Council and EUORAB is to determine how best to provide gas transportation service from the Northern Natural Gas transmission line to the Ames Power Plant.

Director Kom then outlined the next issue, which was who should build and own the gas transmission line. He said that, to assist in making that decision, staff analyzed two options to eliminate the gas transportation limitation. The first was to construct a 13-mile gas line to be owned and operated by the City, and the second was to enter into a gas delivery contract with Alliant Energy a/k/a Iowa Power and Light (IPL) with IPL building, owning, and operating the gas line. The two options were explained in more detail by Director Kom. Regarding Option 1 (City builds, owns, and operates), it is estimated that, taking into account debt service and annual operating costs over a 30-year period, the present value cost would be \$20,272,000. For Option 2 (IPL builds, owns, and operates), the present value cost over a 30-year period is \$23,490,000.

Mr. Kom noted that the present value cost of the City contracting with IPL for gas transportation service is approximately 16% more expensive than the City building its own gas transmission line. He advised, however, that there are several factors that weigh in favor of contracting with IPL. Those factors were explained, as follows:

1. Costs related to construction and operation of the pipeline will be fixed and identifiable for the first ten years of the contract. The only uncertainty is in the area of rate increases after Year 10. Those increases would be tied to rate adjustments approved by the Iowa Utilities Board (IUB) and will create some minor uncertainty under Option 2. In contrast, for the City-build option (Option 1), there is greater uncertainty in the material cost, construction cost, easement costs, and operational costs. A slight deviation from those estimated costs could easily wipe out the expected financial advantage of the City-build.
2. Iowa Power & Light has already received IUB approval, acquired easements, and nearly completed construction of the majority of the line to Barilla. Approval of the IUB is only needed for the final 4.5 miles up to the Power Plant, and most of that is located within the City of Ames. In contrast, the City-build option will require the development of a route from Story City to Ames, which then needs to be filed with the IUB for the entire 13-mile section of the line.
3. The new requirements of the Environmental Protection Agency (EPA) go into effect for the Ames' Power Plant on April 16, 2016. There are several components within the City-build option that are outside the control of the City, including delays in gaining a franchise, delays in easement procurement, material or construction delays - all which could cause the City

to miss that deadline. Contracting with IPL will have far less risk, as IPL is much further along in the process.

4. No City staff time will be needed to manage the construction project. Administrative staff can focus its resources on the Plant conversion itself.
5. After the first ten years of the contract, the City can continue the contract for up to an additional 20 years, or stop taking service. This gives the City more flexibility to determine how best to adjust to changing utility needs in the future. In contrast, the City-build option is designed with continued debt payments for a total of 30 years.

Director Kom stated that careful consideration was made to build flexibility into the agreement to handle expected changes in the electric industry. A summary of the components of the proposed contract with IPL to build and operate the gas line was given, as follows:

1. Term. The initial term of the agreement is ten years. The City reserves the right to extend the agreement for one (1) additional ten-year term followed by up to two additional five-year terms. That flexibility allows the City to have a long-term contract if needed or to shorten it if the City's generation needs change.
2. Service Quantities. Gas contracts are priced based on two components: demand and throughput. The gas is measured in dekatherms (Dth), which was defined as the quantity of heat energy which is equivalent to one million Btu.

Mr. Kom defined *demand* as "renting" space on the pipe. He stated that the City will request that a specified amount of space be reserved for its use in the pipe at all times. The City would pay for that regardless of the amount of gas that flows through the pipe. According to Mr. Kom, the City's maximum daily demand if Units 7 and 8 were both run wide open is 30,900 Dth/day. However, based on the Power Plant's operating criteria in the summer and winter, the City would contract for 19,000 Dth initially, which is based on the amount of natural gas used by Unit 8 at its peak operating level in the winter season. The contract specifies that the demand level cannot be lowered below 19,000 Dth in the first ten years of the contract, but can be increased if the City desires. Following Year 10 of the agreement, the contract allows the City to adjust that amount up or down.

Mark Lambert, Assistant City Attorney, answered a question posed by Council Member Goodman pertaining to rate increases allowed by the IUB. Mr. Lambert said that his experience while working on the IUB was that it never denied a rate increase requested by an entity. The Demand Rate varies over the term of the agreement.

According to Director Kom, for the initial five-year term of the agreement, the Demand Rate is \$6.90/Dth-month. At the contracted amount of 19,000 Dth, that would equate to \$1,573,200 over a year. For Years 6 - 10 of the agreement, the Demand Rate would drop to \$3.20/Dth/month. At the contracted amount of 19,000 Dth, it would equate to \$729,600 over a year. For Years 11 - 20 of the agreement, IPL has the right to adjust the Demand Rate equal to the percentage change in its Large General Service Transportation Rate approved by the IUB that occurred over the first ten years of the agreement. For Years 21 - 25 of the agreement, IPL has the right to adjust the Demand Rate equal to the percentage change in

its Large General Service Transportation Rate approved by the IUB that occurred between year 11 and 20 of the agreement. For Years 26 - 30 of the agreement, IPL has the right to adjust the Demand Rate equal to the percentage change in its Large General Service Transportation Rate approved by the IUB that occurred between year 21 and year 25 of the agreement.

Council Member Orazem inquired whether the City could go back to burning coal if the need were to arise. Director Kom answered that the City could not based on the EPA regulations.

Per Mr. Kom, based on the current Plant operating parameters, it is estimated that the Plant will use 4,000,000 Dth/year over each of the next ten years. Director Kom defined *throughput* as “use” of the pipe and is based on the amount of gas that flows through the pipe. The throughput level is a measure of the volume of gas actually transported. Each year of the first ten years of the agreement, the City would be billed based on the higher of: (1) 3,100,000 Dth/year or (2) the actual amount transported. If the City transports less than 3,100,000 Dth in a given year, the City is billed for 3,100,000 Dth. Following Year 10 of the agreement, the 3,100,000 Dth floor goes away and the City is only billed based on the volume of gas transported. According to Mr. Kom the Throughput Rate would vary over the term of the agreement. For the initial five-year term of the agreement, the throughput rate would be \$0.1725 per Dth. At the estimated year’s usage of 4,000,000 Dth from above, that would equate to \$690,000 per year. For Years 6 - 10 of the agreement, the throughput rate drops to \$0.08026/Dth/month. At the estimated year’s usage of 4,000,000 Dth, it would equate to \$321,040/year. For Years 11 – 20 of the agreement, IPL would have the right to adjust the throughput rate equal to the percentage change in its Large General Service Transportation Rate approved by the IUB that occurred over the first ten years of the agreement. For Years 21 - 25 of the agreement, IPL would have the right to adjust the throughput rate equal to the percentage changed in its Large General Service Transportation Rate approved by the IUB that occurred between Year 11 and Year 20 of the agreement. For years 26 - 30 of the agreement, IPL has the right to adjust the throughput rate equal to the percentage changed in its Large General Service Transportation Rate approved by the IUB that occurred between Year 21 and Year 25 of the agreement.

3. Contribution in Aid to Construction. Under the agreement, IPL would be constructing an additional 4.5 miles of gas pipeline from the IPL-DuPont Regulation Station. Because the City desires to maintain the ability to increase its demand level to as high as 30,900 Dth in the future, IPL must oversize the 4.5 miles of pipeline today. The City’s share of the cost to install the larger pipe is \$4,529,140. The contract requires the City to pay IPL 15 equal installments beginning with the first month following the approval of the agreement. In exchange, the City is guaranteed rights to 30,900 Dth of capacity in the 4.5 mile section over the life of the agreement.

Director Kom advised that the FY 2014/15 Capital Improvements Plan previously approved by the City Council includes \$17,000,000 for the purpose of constructing a gas line. The prepayment of \$4,529,140 would be funded from that CIP project. The monthly demand and throughput charges from IPL will be funded on a year-by-year basis from the Electric Services Operation & Maintenance budget.

4. Other Significant Features of the Agreement. Mr. Kom explained that IPL is committed to complete the gas line prior to April 16, 2016 - the date by which the City needs to be

converted to natural gas to meet the EPA deadline. The City is required to begin paying the demand charge in April 2016, even if the City is not ready to accept gas. The throughput payments can be delayed up to six months, if necessary, should the City's conversion not yet be complete. Subject to some restrictions, the City is allowed to tap the proposed line to add additional service points for future City gas needs. The City can add additional generation and use the new line to provide gas to the Plant at the same rates in effect at the time. For Years 6 – 10, the City can sell/transfer a portion of the throughput floor (3,100,00 Dth) to DuPont, Iowa State University, or Lincolnway Energy. Mr. Kom noted that that would be advantageous to the City in the event plant operations change in the future.

5. Alliant Agreement to Deliver Coal Prior to the Conversion. Mr. Kom noted that, presently, the City receives coal deliveries for the Power Plant from Williams Bulk Transport (WBT), which is a separate subsidiary of Alliant Energy (IPL). That coal contract will expire on December 31, 2015, which is prior to the time that the Power Plant will be entirely converted over to natural gas; that means that arrangements are still needed for WBT to supply coal after December 31, 2015, until the time the Plant conversion is complete. According to Mr. Kom, WBT has offered to stockpile additional coal at its site using train deliveries through December 31, 2015. WBT will then deliver that coal by truck to Ames beginning in 2016 at the same price in effect in 2015. In addition, the City can store approximately 40,000 tons of coal on site; which is enough to operate the plant for roughly 65 days.

According to Director Kom, in view of the fact that IPL is the community's only provider of natural gas delivery, prior to approving this agreement, the City Council will need to waive the competitive bidding requirements of the City's Purchasing Policies and Procedures.

Cathy Brown, Chairperson of the EUORAB, the Board reviewed this item at a special meeting on October 9 and recommended that the City Council waive its formal bidding requirements and award a contract to Interstate Power & Light (IPL) for natural gas delivery service from a Northern Natural Gas pipeline near Story City to the Ames Power Plant, subject to the following: (1) The summary of future rate increases be corrected in the EUORAB Action Form, and (2) the City obtain an acceptable letter from WBT ensuring that the City has coal delivery as needed.

Moved by Orazem, seconded by Corrieri, to waive the City's formal bidding requirement and approve the contract with Interstate Power & Light (IPL) for natural gas delivery service from the Northern Natural Gas pipelines near Story City to the Ames Power Plant, contingent upon the City staff and Williams Bulk Transport reaching an acceptable agreement on continuation of coal supply, as needed, in 2016.

Dee Brown, Director of Gas Planning, Engineering, and Services for Alliant Energy, explained how the costs are calculated that would be charged to the City. Ms. Brown believes what would be charged to the City would be its fair share of capacity.

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

ADJOURNMENT: Moved by Nelson, seconded by Corrieri, to adjourn the meeting at 6:46 p.m. Motion declared carried unanimously.

REGULAR MEETING OF THE AMES CITY COUNCIL

The Regular Meeting of the Ames City Council was called to order by Mayor Campbell at 6:54 p.m. on the 14th day of October, 2014, in the City Council Chambers in City Hall, 515 Clark Avenue. Present from the Ames City Council were Gloria Betcher, Amber Corrieri, Tim Gartin, Matthew Goodman, Chris Nelson, and Peter Orazem. *Ex officio* Member Lissandra Villa was also present.

Mayor Campbell announced that the Council would be working from an Amended Agenda. The wording was changed for Item 1c under Administration, i.e., Iowa State University Research Park, Phase III. The amended wording now reflects that a Resolution of Necessity to establish an Urban Renewal Area and to set the date of public hearing for November 10, 2014, will be needed.

IOWA STATE UNIVERSITY RESEARCH PARK, PHASE III: City Manager Steve Schainker pointed out that many of the recent economic development successes that the City of Ames has experienced were attributable to the presence of the Iowa State University (ISU) Research Park within the city limits. He noted that the City reaps the benefits of the increase in high-quality job opportunities from businesses locating in the Research Park. The City has also benefitted because the improvements continue to generate property tax revenues to help fund City operations and fully developed land can be offered to attract prospective companies as an incentive at a below-market rate.

Mr. Schainker said that it appeared that the most viable source of funding for Phase III would be through a tax increment financing incentive. He noted that staff had warned the Council in the past that use of the tax increment financing incentive poses a level of risk should the property not develop as quickly as hoped. That risk is heightened when a debt is incurred to build public infrastructure in advance of sufficient incremental tax valuation growth to cover the debt payments. It was emphasized by Mr. Schainker that, while the staff has included many provisions in the Agreement that somewhat mitigate the risk, it still remains. He said staff believes that, given the overwhelming success of Phases I and II, the benefits associated with the further expansion of the Research Park outweigh the level of risk involved with the next phase.

Steve Carter, President of the ISU Research Park, noted that in years past, the City of Ames had played a major role in the development of the initial two phases of the Research Park. With Phase II of the Research Park nearly full, Mr. Carter believes that it is now time to begin development of the next phase. To assist with this new venture, the Research Park Corporation is once again seeking substantial financial assistance from the City.

Mr. Schainker stated that the proposed Development Agreement outlines the parties' responsibilities to accomplish Phase III. The Agreement is basically patterned after the previous agreements for the initial two phases of the Research Park, as well as after the Development Agreement for the Ames Community Development Park in East Ames, and anticipates that City funding will come from a tax increment financing (TIF) incentive.

City Manager Schainker provided a summary of the Development Agreement's components:

1. **The Project.** Phase III will include a total of approximately 79 gross acres with approximately 34 acres of that total available for development. Through the financial assistance from the State of Iowa, \$12 million was appropriated to the Research Park for construction of the first building in this Phase (Hub building). It is anticipated that most of

the economic development support offices that are currently spread throughout the ISU campus will be centralized in that new Hub building. In addition, many of the tenants occupying buildings adjacent to the Hub building will be businesses that provide professional and commercial support services to Research Park companies and employees.

Mr. Schainker said that the City Council would need to approve a new zoning classification for the Research Park to accommodate the types of mixed uses, i.e., industrial/commercial/retail.

2. City Responsibilities. Section IV(A) of the Agreement outlines the City's responsibilities for designing and installing water mains, sanitary sewer mains, and street improvements. The street improvements will primarily be funded by IDOT through a RISE grant, which covers 80 percent of the costs up to \$3,778,833. That will cover improvements related to street lighting, associated storm water facilities, a sidewalk on the west side of University Boulevard, on-street bike paths, and roundabouts.

Mr. Schainker advised that, although the parking areas along North Drive were included in the approved RISE grant application, IDOT staff recently informed City staff that RISE funds could not be used to pay for those parking areas. Unless that interpretation is altered, the parking costs will need to be borne locally. In that event, the Agreement provides that the City will pay one-third and the Research Park will pay two-thirds of the cost of providing on-street parking.

The City's only other responsibility is to share equally with Iowa State University in the cost of one off-site traffic improvement project. That traffic improvement project is the signalization of the westbound off-ramp at Highway 30 and University Boulevard, which is estimated to cost \$250,000.

City Manager Schainker stated that, based on the most recent cost estimates, the City's financial obligation associated with the Phase III Agreement is \$2,897,324 for the following improvements: street (\$944,708), on-street parking [Hub loop] (\$83,334), water (\$900,000), sanitary sewer (\$505,000), and contingency for projects (\$339,283). The total TIF-funded City obligation would be \$2,772,324. Pertaining to off-site traffic improvements, the City's obligation (through Road Use Tax) would be \$125,000.

3. Research Park Corporation's Responsibilities. Section IV(B) of the Agreement specifies that, in addition to paying for two-thirds of the cost of the on-street parking area for the Loop Drive, all other improvements needed to fully develop Phase III are the responsibility of the Research Park Corporation. The design and installation of the other improvements will be accomplished by the Research Park itself or else delegated to some other entity through a separate agreement.

Mr. Schainker credited Story County for its consideration of creative ways to become a partner in this type of economic development because of the positive financial impact this project will have on the County as a whole. To accomplish that participation, it is anticipated that the County will finance the improvement of the large open space situated between Phase II and Phase III. That area will serve as a naturalized storm water conveyance area for Phase III and will also provide green space for the development. That area will be designated as a County park to be maintained by Story County.

4. Job Creation. In order to qualify for the RISE grant, the City must guarantee to the IDOT that 365 new jobs will be created at Workiva (formerly WebFilings) within three years of the completion of the road improvements. Failure to accomplish that job creation would subject the City to a financial penalty. Mr. Schainker noted that the City is very optimistic that Workiva will continue to experience success with its corresponding job growth; however, there is still a risk to the City by entering into the RISE grant agreement. To mitigate that risk, Section VII of the Agreement provides for the Research Park to share equally in any amount the City is required to reimburse the State for non-attainment of jobs.
5. Cap On Land Price. The City's justification for financial participation in the development of its research and industrial parks includes the City's interest to facilitate growth in high-paying jobs, to provide below-market land cost as an incentive to companies new to or expanding within the community, and to permanently expand the City's property tax base. In order to ensure that the lots within the TIF districts are not sold for the going market rate, even though their development costs were reduced substantially by City subsidy, the TIF area Development Agreements have historically included a provision that caps the amount for which the land can be sold; that helps ensure that the subsidy provided by the City is passed on to the companies creating jobs, rather than being retained by the land owner. Due to the reduction in State support over the years, proceeds from the sale of land have become a major source of revenue to finance the operations of the Research Park. It was pointed out by City Manager Schainker that Section VI of the Agreement offers a unique twist to the City's standard approach in that it will allow the Research Park and City both to generate additional operating funds from the sale of land. A per-acre selling point of \$72,000 has been established that will allow the Research Park to recapture the cost of its land-related responsibilities specified in Section IV(B) of the Agreement. It includes such expenses as land, rural water buyout, natural gas, electric and landscaping. In accordance with Section VI, the Research Park will be entitled to retain the first \$72,000 per-acre in land sale price. However, it is further agreed that the parties will share equally in proceeds from the sale of land that exceeds \$72,000 per acre. The City will agree to utilize those funds for incentives to encourage existing businesses to expand or new businesses to locate in the Research Park or to reduce our debt service obligation.
6. Property Taxes. City Manager Schainker reiterated that the City's financial investment in this project is justified in part because of the on-going property taxes that will be generated. That revenue stream will help cover the City's operating costs to serve this area, which include street maintenance, snow removal, fire/medical assistance services, police protection, etc. In order to ensure that the growth within this area pays property taxes, Section IX of the Agreement was included. Per that Section, all improvements on the land in Phase III will be subject to real estate taxes, even if they obtain a tax exempt or abatement status. Mr. Schainker emphasized that should the land and improvements become tax exempt, the Research Park Corporation will be required to pay the City an amount equivalent to the tax receipts the City and other taxing jurisdictions would have received had the property not become tax exempt or abated.

According to Mr. Schainker, Research Park officials feel very strongly that at least a portion of the first building constructed, the Hub building, should be tax exempt. That building will house many of the economic development support University offices that are currently scattered throughout the ISU campus. In breaking with previous requirements, the

Agreement will allow the Research Park Corporation to apply for tax exempt status for the Hub building. For the portion of the Hub building that becomes tax exempt, the University would be required to make payments in lieu of tax until the time that the City's TIF debt incurred to pay for the public improvement costs is totally retired.

7. Minimum Assessment. Two techniques have been utilized in previous agreements to minimize the City's risk associated with this type of TIF-funded venture: establish minimum assessments and require that the developer build speculative buildings to ensure that there is some level of taxable value to pay a portion of the annual debt payment. In this case, the annual debt service is estimated to be approximately \$300,000. Section X of the proposed agreement provides for a minimum assessment for all buildings that are constructed within the TIF District, except for the Hub building. For the other buildings, the minimum assessment agreed to is \$500,000 per acre.

City Manager Schainker advised that, even if the Hub building gains some level of tax exempt or tax abatement status, the Agreement provides for the Research Park to make property tax payments to the City based on a minimum value of \$11 million. That obligation will continue until the City's debt for the outstanding public infrastructure is totally retired. In return for the minimum assessment commitments, the Agreement specifies that (1) for every additional dollar of non-abated taxable valuation added in the TIF district for all lots except the Hub building, the minimum assessment on the Hub building will be reduced by \$.50; and (2) the minimum assessment and payment requirement for the Hub building will not take effect until January 1, 2016, for taxes payable beginning September 2017.

8. TIF District. Mr. Schainker said that it was staff's recommendation that the City Council enter into deals that result in a ten-year payback for TIF-funded projects. Since there are only four developable lots in Phase III to generate TIF proceeds, staff will be recommending that the TIF District be extended to include the majority of the undeveloped lots in Phase II of the Research Park. Staff is hopeful that the addition of those lots will ensure an earlier payback of the TIF debt. City Manager Schainker noted that the Phase II Agreement includes no prohibition for tax exemption for the lots in that Phase. The incremental taxes generated from Phase II lots will be delayed due to the availability of five-year industrial tax abatements.
9. Rural Water Buyout. Assistant City Manager Bob Kindred advised that Section XII(E) of the Agreement requires the Research Park Corporation to pay the Xenia Rural Water District for any buyout of service territory. Even though City staff strongly believes that the right to serve the northern portion of Phase III was never transferred to Xenia, the Research Park has felt compelled to negotiate a buyout agreement with Xenia whereby Xenia will be paid \$687,234 to release its claims to the Phase III and Phase IV land. Because of the urgency of completing the Hub building by June 2016, as required by the State appropriation, the Research Park does not want to become involved in protracted City/Xenia negotiations or legal actions to verify the City's right to serve the northern half of Phase III. As is the case with most of its other development costs, the Research Park Corporation will cover this expenditure out of proceeds from the sale of lots in this phase.
10. Zoning Ordinance Text Amendments. According to City Manager Schainker, in order to accomplish the proposed Phase III expansion as envisioned by Research Park officials, the

City Council must be willing to make two significant changes to the City's Zoning Ordinance:

- A. The existing Research Park is currently zoned Planned Industrial (PI). The new vision is to locate a limited array of retail and commercial land uses within the Park to provide services to Park tenants in proximity to their offices and laboratories. This would include such uses as restaurants, attorneys' offices, laundries and child care facilities, among others. This vision will necessitate the creation of a new zoning category that will be unique to Research Parks. The City's LUPP does not identify a precise commercial node for this location, but adding commercial may fit the parameters of having additional services available to neighborhoods and districts. It is likely that the new zoning would apply to both the existing Research Park and to the new expansion area and would require a Master Plan for implementation. A draft zoning ordinance will be presented to the Council this winter. Therefore, the Hub building will originally be started under PI zoning and end up being completed under the new zoning district.
- B. In order to reap the efficiencies of combining Loop Road with parking for the Hub building, the Hub building has been designed without off-street parking. Instead, it is envisioned that all parking needs for this centralized facility will be accommodated with expanded public parking around the Hub loop. This will be similar to the parking arrangement found in many county seat communities where the centralized County Courthouse is surrounded by on-street parking. A special provision will need to be added in the Zoning Ordinance to relieve the Hub building from any on-site parking requirements and to consider the adjacent on-street parking supply on the Plaza Loop. Per Section XII(F) of the Agreement, it is contemplated that the Research Park will assume responsibility for maintaining Loop Road and for administering its associated parking spaces. The parties have agreed that, should the IDOT not provide RISE grant funding for this on-street parking, the City will pay one-third and the Research Park will pay two-thirds of the cost of constructing this parking area.

Mr. Schainker noted that, during the staff's discussions with the Research Park officials, an inquiry was made regarding the possibility of including mixed-use housing in Phase III. It was noted that, after checking with the City's bond attorney, it was determined that the *Iowa Code* places more restrictions when TIF-financed projects include a housing component. Two critical requirements are that the TIF must be completely paid off within ten years and that a certain percentage of the TIF proceeds must be directed to affordable housing and not used to pay off the infrastructure debt. Since there is not a specific housing proposal to analyze at this time, it was agreed that the Urban Renewal Plan/TIF project for Phase III will only allow for industrial/commercial/retail uses. According to Mr. Schainker, staff has indicated its willingness to consider a housing component once a specific proposal is offered that can be analyzed for compliance to the *Iowa Code*.

- 11. Off-Site Transportation Improvements. A traffic study was conducted to identify off-site traffic system improvements that might be needed due to the growth of Phase III. It appears from that study that only one off-site location will need improvements due to Phase III growth, i.e., the intersection of U.S. Highway 30 and University Boulevard, where motorists have challenges on the westbound off-ramp when attempting to turn south. The addition of a traffic signal at that intersection will be needed by the time Phase III is built out, at an estimated cost of \$250,000.

Mr. Schainker noted that the traffic study indicated that the current situation already justifies this traffic improvement because of traffic from Phases I and II of the Research Park and other City traffic. Because of that, Phase III will make a challenging situation even worse. It was reported by City Manager Schainker that, realizing that both the City and the University have some responsibility for that traffic improvement, Warren Madden, Senior Vice President for Business and Finance, has indicated that the University is committed to share equally in the cost of this traffic signal. The City's share of this project would be programmed into the next Capital Improvements Plan from Road Use Tax funds. Any other needed future traffic improvements will be studied prior to the Council's approval of subsequent phases of the Research Park.

Council Member Goodman inquired if it were possible to leverage the roll-back for residential being part of the building, i.e., if residential was put on the top floor of a three-story building. City Manager Schainker believes that the entire building would receive the residential roll-back, which would hurt the City tax-wise. Mr. Goodman expressed his desire to take the residential piece out as a separate parcel, so that the City could get the amount of revenue that it is anticipated from its very large investment. To him, that is an essential piece of the final agreement. City Manager Schainker pointed out that if housing is included, it would have to pay back in ten years. If it does not, it would mean that a "balloon payment would need to be made." Council Member Goodman reiterated that he did not want to see a perpetual roll-back on the valuations.

Assistant City Manager Bob Kindred stated that, after the Development Agreement and the RISE Agreement are signed, the City Council must take a number of additional actions in order to facilitate Phase III. The next steps are time-sensitive since construction on the Hub building must begin early next spring in order for it to be completed and occupied by June 2016. City Manager Schainker advised that, with annexation already completed, the following subsequent steps must also take place:

- Establish Urban Renewal Area (URA)
- Establish Tax Increment Financing District
- Hire engineering firm to design streets, water and sewer infrastructure
- Award contract for construction of infrastructure
- Rezone one existing parcel to Planned Industrial to facilitate Hub building
- Approve minor site development plan (administrative action)
- Issue building permit for Hub building (administrative action)
- Develop zoning text amendment to create new Research Park zone
- Rezone entire Research Park to new zoning designation

Urban Renewal Area (URA). City Manager Schainker noted that staff was also bringing the URA to City Council for action at this meeting. It includes a draft Urban Renewal Plan detailing the intended uses for the area and the types of projects anticipated in support of economic development. It is anticipated that the URA process and creation of the TIF District can be completed by November 10. Creating a TIF District requires adoption of an ordinance, and that action on November 10 will require Council approval of all three ordinance readings in order to authorize expenditures for the engineering design contract that same evening. Engineering design must begin in November in order for infrastructure bids to be taken in January or February. Installation of the water main will hopefully begin in March, since construction on the

Hub building requires a public water supply. Prior to approval of the building permit, the Hub lot must also be rezoned to Planned Industrial and the site plan must be approved.

Council Member Betcher asked if the buy-out of Xenia affect the City's efforts to maintain that it actually has the rights to the properties. Mr. Kindred stated that it did not, but might make it somewhat of a moot point at least for the 80-acre block on the north. He noted that the City is working diligently with Xenia to get this resolved. However, the Research Park had reached a separate agreement to pay Xenia as if it were its territory, it is a moot question.

Assistant City Manager Kindred pointed out that there was a revised Page 2 from Exhibit F of the Development Agreement, which had been placed around the dais. At the request of the Research Park attorney, a few modifications had been made to basically just clarify what the intent was.

Moved by Nelson, seconded by Orazem, to adopt RESOLUTION NO. 14-517 approving the Development Agreement with ISU Research Park Corporation.

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

Moved by Orazem, seconded by Corrieri, to adopt RESOLUTION NO. 14-518 approving the RISE Grant Agreement with the Iowa Department of Transportation.

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

Planning and Housing Director Kelly Diekmann advised that the Urban Renewal Area (URA) will be broader than what was initially thought; it is anticipating a Phase IV.

Moved by Goodman, seconded by Nelson, to adopt RESOLUTION OF NECESSITY NO. 14-519 establishing an Urban Renewal Area and setting date of public hearing for November 10, 2014.

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

EMERALD ASH BORER (EAB) RESPONSE PLAN AND URBAN FOREST DIVERSIFICATION & RE-FORESTATION PROGRAM:

Assistant City Manager Kindred emphasized that staff was asking the City Council to approve a plan for dealing with City trees on public property and to provide general direction for dealing with private trees. Staff needs to immediately pursue implementation of the Plan for City trees and needs direction to finalize a plan for private trees in utility easements and on private property.

Fleet Services Manager Corey Mellies provided the goal statement created for the EAB Response Plan and for an Urban Forest Diversification and Reforestation Program: To extend the environmental, social, and economic benefits of the City's ash trees and to increase the diversity of the urban forest, while being fiscally responsible to the citizens of Ames. He detailed the proposed response for City trees on public property. It would be a phased treatment and removal process. That strategy would involve removing certain ash trees within the first five years based on public safety, tree defects, size, and benefit/costs. The remaining ash trees would be treated every three years. The City would set a goal for removals every year to assist in spreading out costs over a longer time period while also allowing for the City to extend the

environmental, social, and economic benefits of the City's ash trees as stated in the goal. This would also allow staff to re-evaluate the Plan regularly to make sure the overall goal is being met. It would include a phased approach on streets lined with ash to spread out the impact of removals. The goal of the phased removal process would not be to save the ash trees that are still healthy at this time. Rather, it would be to meet the specified goal of extending the social and environmental benefits while beginning a diversified reforestation effort while being fiscally responsible.

According to Mr. Mellies, a vital part of the Plan would be extensive public outreach on the approved Plan and its impact on Ames citizens and businesses. This will be done in a variety of ways to reach property owners and citizens. There will be a multi-step integrated public awareness campaign that focuses on public education of both the problem and the opportunity and that invites public input throughout the implementation phase, which would include attending neighborhood meetings, one-on-one discussions, civil outreach, posting trees, door hangers, email, Web sites, and social media. Staff will also initiate educational efforts for the owners of private ash trees, which will include how to identify ash trees, private removal and treatment options, and suggestions on how to hire reputable tree contractors.

Concerning removals of public trees, Mr. Mellies stated it would involve prioritizing trees for removal based on several factors. The first priority would be any hazardous ash trees. Based on the inventory, those trees were identified as any ash tree showing a defect. The defects could be that the tree was in poor condition or external factors including sidewalk damage and power line presence. The trees that are most subject to infestation or are not candidates for treatment would have to be removed within three to five years for public safety. The second priority would be any ash trees that are not considered good candidates for treatment.

Staff is recommending removal of all smaller ash trees that are at a six-inch Diameter at Breast Height (DBH) measurement or less. That is due to the higher life cycle cost for treating these smaller trees in relation to the limited canopy benefits compared to larger trees. The proposed 20-year approach recommends removing all three six-inch DBH and less in four years. Removal of the smaller trees would be staggered to avoid removing all of the trees at one time on streets that are predominantly lined with ash trees. The Plan assumes that all trees 18-inch DBH and less can be removed by City staff and private contractors will be needed to remove all trees larger than 18-inch DBH. To accomplish the phased removal plan, it is recommended that City Council modify Chapter 27 of the *Municipal Code* to allow for pre-emptive removals of public trees that have been identified for removal to handle infestations and diseases that could cause trees to become hazardous to the public. That modification would remove the current public posting and appeal provisions for trees that are being removed as part of a tree management plan. However, the posting and appealing provisions would remain for healthy trees not identified as part of a management plan.

Treatment. Director Mellies advised that the proposed Response Plan includes chemical treatment of many mature ash trees to extend their lives until an orderly replacement can occur. For treatment, staff is recommending that only trunk injection be allowed for public trees. That is due to the stormwater and groundwater benefits of injection versus soil drenching options. Treatment is not being proposed for trees six-inch or less since trunk injection is more difficult for those trees and other treatment options would not meet the stormwater benefits of trunk injection. The proposed Plan assumes that treatment will be carried out by contracted forces. Contracts for treatment would need to be overseen by a licensed arborist. The City has the

services of the Urban Forester through the IDNR pilot project. Mr. Mellies introduced Urban Forester Shane Donegan. He has offered his services to examine the condition of the City's ash trees. At some time in the future, City staff could also become trained to perform treatment for the trees, and if done, the costs could be 50% lower than that of the contracted treatment.

Urban Forest Diversification and Reforestation. Director Mellies stated that the challenges posed to the community by the EAB also presents Ames with an unexpected opportunity to bring much greater diversity to the public trees in the City. The results of the current public tree inventory were given, which showed that Ames is heavily populated with maple and ash trees. Assistant City Manager Kindred noted that it is important to plan a diverse mix of species to maintain canopy health since most insects and diseases target a specific genus or species of trees. The recommendations advise that one genus make up no more than 20% of the tree population and that a single species not make up more than 10% of the total urban forest. Staff then recommended that the City Council initiate a parallel new initiative to replace all removed public ash trees with a much greater diversity or genus that does not include maples.

The new initiative would include a 20-year program to replant trees on a one-to-one basis for all ash trees removed under the EAB Response Plan. As part of the removals and replanting, tree stumps would be ground away, and both contractors and City staff would make sure that the areas are restored to a safe condition and that suitable turf be reestablished.

20-Year Plan. Director Mellies showed a table depicting the EAB removal plan and its estimated impacts. He reported that 2,355 trees in the City's rights-of-way and parks and facilities would be removed over the next 20 years. Another table showing the reforestation efforts and respective costs for City staff and contracted services was explained by Mr. Mellies.

Cost Assumptions. The assumptions used to arrive at the estimated costs of the 20-year plan were provided by Director Mellies. He noted that the costs did not consider any impacts of wood waste. Options still need to be explored pertaining to mulching, firewood, taking larger trees to sawmills, using planks for picnic tables and other projects, and/or auction of larger logs. City staff had also been approached by a local civic organization to consider a partnership to institute a tree diversity program that would build off of the positive response to the Ames 150 Legacy Tree Planting. It was also reported by Mr. Mellies that some communities had instituted an "Adopt-a-Tree" Program to allow homeowners to pay for the treatment of public trees adjacent to their properties. If City Council would like to add that component, staff would recommend that the trees be treated by the City and that property owners pay for the City's contracted cost of treatment along with an administrative fee for the tracking of that particular tree.

Budget Impacts. According to Director Mellies, the largest impact to the City's budget would be in the first five years. He noted that funding for Public Works tree management comes from Road Use Tax funds. Parks and Recreation tree management is funded through the General Fund. For the proposed Plan, it was recommended that the added costs for the first five years be funded through a combination of Road Use Tax, General, and/or Local Option Sales Tax funds. Road Use Tax may only be used for trees in the rights-of-way.

City Manager Schainker stated that to meet the removal plan over the next five years, a team of employees will work together to complete the required removals. In addition, implementation of the Plan will involve a redistribution of staff time, so future program budgets might reflect

increases or decreases in personnel. There will also be a need for temporary employees and new and/or upgraded equipment. There is a need to upgrade the current chipper and to purchase an additional chipper at a total anticipated cost of \$60,000.

Current Budget Year Impacts. It was noted that to begin work on the Plan in the current fiscal year as recommended, \$60,000 in funding for the chippers needs to be identified. Staff recommended that the \$60,000 come equally from the General Fund and Road Use Tax Fund balances. Another \$232,000 will also be needed in this fiscal year for removals, treatment, and stump grinding; that funding will be identified during the Council's budget approval process in February 2015.

Moved by Goodman, seconded by Orazem, to adopt RESOLUTION NO. 14-520 approving the EAB Response Plan and Urban Forest Diversification & Reforestation Program for treatment, phased removal, and replacement of public ash trees over a 20-year period.

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

Moved by Goodman, seconded by Corrieri, to direct staff to explore a requirement for diversification of private and public street trees in new subdivisions.

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

Moved by Goodman, seconded by Corrieri, to direct staff to draft an amendment to Chapter 27 of the *Municipal Code* for correction or removal of privately owned hazardous trees.

Council Member Goodman suggested that staff check with other communities to see how they are doing this.

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

Council Member Goodman also recommended that staff not rule out pursuing an "Adopt a Tree" Program. Council Member Corrieri conveyed her idea that a small rebate be available to property owners who wish to treat ash trees on public property. Council Member Goodman felt it should be a possibility to provide assistance for removal, treatment, and or replacement of private trees. Council Member Orazem believes that information should be provided to citizens on whom to call for assistance, but not have the City provide the assistance directly. It was noted that a referral to staff had been made previously pertaining to requiring the licensing of three surgeons for work on public and private trees.

Council Member Gartin expressed his concerns about the State's trees. Mr. Mellies responded that Iowa State has a plan in place and there is a plan in place for Federal trees; however, the Railroad has not responded to him to indicate whether it has a plan or not. The Ames School District has not responded either, but City staff will be contacting them again. Council Member Gartin said he would like City staff to reach out to the Railroad again to glean information as to whether it has a plan.

Moved by Gartin, seconded by Corrieri, to direct staff to increase public education outreach on EAB.
Vote on Motion: 6-0. Motion declared carried unanimously.

Moved by Gartin, seconded by Corrieri, to adopt RESOLUTION NO. 14-521 authorizing funding for a Chipper Upgrade and the purchase of an additional Chipper.

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

Richard Deyo, 505-8th Street, Ames, gave his recommendation on how to save ash trees.

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

1. Motion approving payment of claims
2. Motion approving minutes of Regular Meeting of September 23, 2014, and Special Meetings of September 29, 2014; October 1, 2014; and October 8, 2014
3. Motion approving certification of civil service applicants
4. Motion approving Report of Contract Change Orders for September 16-30, 2014
5. Motion approving renewal of the following beer permits, wine permits, and liquor licenses:
 - a. Class C Beer & B Wine – Aldi, Inc. #48, 1301 Buckeye Avenue
 - b. Class E Liquor, C Beer, & B Wine – Target Store T-1170, 320 South Duff Avenue
 - c. Special Class C Liquor – Creative Spirits Ames, 4820 Mortensen Road, Ste. 101
6. Motion approving 5-day (October 23-28) Class C Liquor License for Olde Main Brewing Company at the ISU Alumni Center, 420 Beach Avenue
7. Motion approving transfer of Class C Liquor License for Wallaby's Grille from 3720 West Lincoln Way to 2733 Stange Road
8. Motion approving Fireworks at 9:30 p.m. on October 23, 2014, for Iowa Hazardous Materials Symposium: Emergency Response Training on ISU Campus at Recreational Athletic Field (Lot G7)
9. RESOLUTION NO. 14-522 approving one additional Library Full-Time Equivalent (FTE) position
10. RESOLUTION NO. 14-523 authorizing Mayor to sign Certificate of Consistency with City's 2014-2018 Community Development Block Grant Consolidated Plan on behalf of Youth and Shelter Services
11. RESOLUTION NO. 14-524 approving Investment Report for quarter ending September 30, 2014
12. RESOLUTION NO. 14-525 approving 28E Agreement with Iowa Alcoholic Beverages Division for Tobacco, Alternative Nicotine, and Vapor Product Enforcement
13. RESOLUTION NO. 14-526 approving Central Iowa Waste Management Association 2014 Comprehensive Solid Waste Management Plan Update
14. RESOLUTION NO. 14-527 approving preliminary plans and specifications for 2013/14 CyRide Route Pavement Improvements Program #2 (Garden Road, Garnet Drive, Viola Mae Avenue); setting November 5, 2014, as bid due date and November 10, 2014, as date of public hearing
15. RESOLUTION NO. 14-528 approving preliminary plans and specifications for 2014/15 Arterial Street Pavement Improvements (Lincoln Way); setting November 5, 2014, as bid due date and November 10, 2014, as date of public hearing
16. 2012/13 Storm Sewer Outlet Erosion Control:
 - a. RESOLUTION NO. 14-529 reallocating \$28,344 from 2009/10 Low-Point Drainage Improvement Program
 - b. Motion accepting quotation from Central Landscape of Ames, Iowa
 - c. RESOLUTION NO. 14-530 approving Purchase Order to Central Landscape of Ames, Iowa, in the amount of \$76,189.33
17. RESOLUTION NO. 14-531 approving contract and bond for GT2 Control Room and Shop Preaction Sprinkler System and Fire Alarm Upgrade
18. RESOLUTION NO. 14-532 approving contract and bond for Information Technology Fiber Optic Deployment
19. RESOLUTION NO. 14-533 approving Change Order No. 3 for 2012/13 Arterial Street Pavement Improvements (State Avenue)
20. RESOLUTION NO. 14-534 approving renewal of Winter & Summer Street Tree Trimming contract for Public Works with LawnPro, LLC, of Colo, Iowa, in an amount not to exceed \$75,000
21. RESOLUTION NO. 14-535 releasing security for Lincoln Way/Dotson improvements in connection with South Fork Subdivision, 3rd Addition
22. 2012/13 Flood Response and Mitigation Project (Northridge Parkway) and 2009/10 Storm Water Facility Rehabilitation (Moore Memorial Park):
 - a. RESOLUTION NO. 14-536 approving Change Order No. 1
 - b. RESOLUTION NO. 14-537 accepting completion
23. Woodview Drive Water and Sewer Project:

- a. RESOLUTION NO. 14-538 accepting as complete and satisfactory the contract for Woodview Drive Water and Sewer Project, ordering final payment, determining amount to be assessed, and ordering final plat and schedule
 - b. RESOLUTION NO. 14-539 adopting final assessment and levying assessments
24. Roll Call Vote: 6-0. Resolutions/Motions declared adopted/carried unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

PUBLIC FORUM: Steven Schroder, 1524 Roosevelt Avenue, Ames, noted the free yard waste days that had been set. He would like to see a permanent site where citizens could take their yard waste year-round at no charge. Mr. Schroeder noted that there is only one date where brush may be included at no charge. He pointed out that, with only one date, there are often very long lines to dispose of brush; it can consume an entire day depending on how much brush a person has. Mayor Campbell suggested Mr. Schroeder express his concerns to the Public Works Department.

Richard Deyo, 505-8th Street, #2; Ames, shared what he would like to name the Purple Dragon. He saw at the Octagon Arts Festival that there was or had been a contest asking people what the artwork should be entitled.

No one else requested to speak, and the Mayor closed Public Forum.

REQUEST TO PURCHASE RIGHT-OF-WAY ON OLD AIRPORT ROAD: Public Works Director John Joiner explained that the property owner of 2400 University Boulevard, Steve Burgason, had extended an offer to purchase a portion of the right-of-way on old Airport Road east of University Avenue. Mr. Burgason is interested in the right-of-way in order to make improvements that would enhance the area around his business (Gateway Expresse) and to secure additional long-term parking for that business. Mr. Burgason had offered \$7,000 for the right-of-way. The right-of-way is a dead-end street that does not connect to North Loop Drive, but does provide access to the Gateway Expresse.

Mr. Joiner stated that the total value of the old Airport Road right-of-way is estimated to be \$52,389. He noted that an ISU Research Park tenant, Biova, has an approved Site Plan that provides for an additional access to its facility from the right-of-way. The new Biova is currently under construction. According to Mr. Joiner, Mr. Burgason expressed interest in providing and maintaining the necessary access for the Biova entrance.

According to Director Joiner, according to the City Council's established policy for disposing of excess right-of-way, the adjacent property owner, ISU Research Park, was approached to determine its interest in purchasing half of the right-of-way. At that time, the Research Park indicated that it had no interest in purchasing its respective half.

Director Joiner reported that the City has no compelling reason to retain the right-of-way in question; however, there are numerous utility lines in existence at that location, so there would need to be easements granted to the City.

Mike Slotter, 2710 Thompson Drive, Ames, said he was present as the representative for Steve Burgason, who was unable to attend.

Upon being asked by Mayor Campbell, Andrew Burgason, 2011 Kildee Street, Ames, replied that the \$7,000 amount was arrived at based on a value-added to the Burgason's current business. Mr. Burgason said that the property has not changed in 20 years and is an eyesore. It is located at the entryway to the Burgason's business, and they would like it to be more aesthetically pleasing. He also noted that the land in question is not buildable.

Nathan Easter, representing the Research Park, said that they now may have a tenant who might be interested in the land. He asked to be included in the City's normal process for requests of this type.

Council Member Gartin asked for more information as to where the \$52,389 figure came from. Director Joiner replied that it was determined per the City Council's policy of taking the average value of the adjacent properties, deducting ten (10) percent for a Quit Claim Deed, and deducting an additional 15 percent for easements to be established on the property for access to existing utilities. He noted that the cost of the easements and costs associated with any required survey should be borne by the purchasing property owner. City Manager Schainker noted that the Council has waived that its policy in the past.

Mr. Gartin expressed his desire for the City Assessor to appraise the right-of-way to determine its value.

Council Member Goodman offered that he did not believe the fact that nothing can be built on the subject right-of-way had any bearing on its value.

Council Member Orazem pointed out that it appeared to him that Mr. Burgason is interested in the south part of the parcel and the Research Park is interested in the north parcel. He felt that would be workable.

Moved by Goodman, seconded by Gartin, to direct staff to get the assessed value of the right-of-way in question from the City Assessor and determine if the Research Park is truly interested in the subject land. Vote on Motion: 6-0. Motion declared carried unanimously.

The meeting recessed at 9:03 p.m. and reconvened at 9:13 p.m.

PARKING STANDARDS FOR FRATERNITIES AND SORORITIES: City Planner Karen Marren reminded the Council that it had directed staff on April 22, 2014, to initiate public outreach regarding reducing parking standards for fraternities and sororities and to provide a staff report on options for parking changes. This was in response to concerns from the Greek community on potential issues with expansion and reconstruction of Greek houses. It had been stated that many fraternities and sororities face issues of older residences built during a time when students commonly did not have automobiles and some of the properties are not large enough to accommodate the automobile usage of modern students.

According to Ms. Marren, there are 40 Greek chapters represented in the area south of Campus, with six chapters located in the West Impact Area and 34 located in the East Impact Area. There are approximately 3,100 members affiliated within the Greek system with approximately 2,000 of those members living within one of the 40 Greek houses in the Campustown area. Current house capacities for the chapters range from 29 beds to 89 beds per house.

It was pointed out by Planner Marren that the vast majority of Greek houses are concentrated in the East University Impact District Overlay (EUI) between Beach Avenue and Lynn Avenue. The EUI is intended to preserve the current residential character of the area with its mix of houses, landscape, and high concentration of Greek houses. There are a few Greek houses located in the area of Welch that are within the West University Impact District Overlay.

Ms. Marren noted that, under the current parking standards, Greek houses are required to meet a basic requirement of one parking space per bed. Greek houses within the EUI are subject to Council approval for any proposed demolition and rebuild based upon stated criteria related to reasonable use of the property and a hardship if a structure is required to remain. All new construction must comply with current zoning standards for setbacks, landscaping, parking, etc. Demolition and construction of new houses have a much different relationship to parking standards than houses that only wish to expand an existing house.

Director Kelly Diekmann advised that the representatives of the Greek chapters and the Greek Alumni Alliance are in support of a general reduction in the parking requirements to a 3-bed-to-1-parking space ratio so that the homes could be in compliance with standards, but also noted the potential acceptance with a remote parking option.

Planner Marren reported that staff had held an open meeting on October 2 with the Greek Alumni Alliance, the Greek Chapters, ISU, and the surrounding neighborhood residents to discuss the current parking standards for Greek houses as well as any concerns about possible revisions. Ms. Marren provided a summary of the discussion.

Jeremy Davis, 711 Beach Avenue, Ames, said that he was speaking on behalf of the Greek Alumni Alliance. He stated that the Alliance does support the lowering of the parking ratio for Greek housing. It is necessary in order to meet the students' needs through renovations and expansions. He pointed out that the City's LUPP supports retaining Greek houses in the South Campus Area.

Roger Underwood, North Dayton Road, Ames, has been an advisory of fraternities for quite some time. He asked the Council to vote for Option 1, which is to lower the parking ratio for Greek houses. Students have bicycles and CyRide passes; most do not have cars.

Martha Atkins, 419 Pearson Avenue, Ames, told the Council that residents in adjacent neighborhoods were asking the Council for three things: (1) They do not want the any of the parking regulations in the area changes, as they are working well. (2) They believe that remote parking seems to be a good option. (3) The residents do not want front-yard parking.

Council Member Betcher said that she believes the Greek houses are historic structures, and she does not want to incentivize demolition of any of the structures. In the opinion of Ms. Betcher, the parking regulations should be left as is, but she would like to encourage remote parking.

Ex officio Member Villa advised that the students whom she had spoken with supported lowering the parking ratio for Greek housing.

Council Member Goodman pointed out that the change in ratio would result in changes on the sites, which could result in a change in an historic resource. He is concerned that expansion has the possibility of being deleterious to an historic resource.

Moved by Goodman, seconded by Nelson, to approve Option 1 (to lower the parking ratio for Greek housing). Vote on Motion: 4-2. Voting aye: Corrieri, Gartin, Goodman, Nelson. Voting nay: Betcher, Orazem. Motion declared carried.

SITE PLAN AMENDMENT TO DEERY BROTHERS DEVELOPMENT AGREEMENT: City Planner

Charlie Kuester provided background. The City entered into a Development Agreement with a legal entity known as Deery, Deery, and Deery, which included provisions in addition to the requirements of the Urban Revitalization Plan. It included a requirement that all of the improvements of the Development Agreement were to be completed within two years of approval of the Agreement, which would be October 23, 2014. Those improvements included the buildings, grading, landscaping, parking, borrow pit, and channel straightening. The Deery Brothers automotive dealership has been built and is open. The required Skunk River channel straightening work is underway at this time. The applicant believes that they will complete the required improvements, including the seeding, by the October 23, 2014, deadline. During a meeting with City staff, representatives of Deery indicated that the borrow pit on the west outlot was not excavated as initially approved. It is about eight to ten feet shallower than originally presented to the City Council. While the borrow pit still meets the site's stormwater management requirements, it does not have the original estimated water storage capacity. According to Mr. Kuester, the applicant had explained that the projected amount of borrow from the pit to fill other parts of the site was overestimated and not necessary to be fully excavated.

Scott Renaud, FOX Engineering, Ames, provided information on the mechanics of the pond. The pond does not have an outlet to the river and does not have an impact on the no-rise. The no-rise is only achieved by straightening the channel.

Brian Torresi, Davis Brown Law Firm, Ames, noted that the Agreement was written to ensure that the Deery Brothers development met the six criteria and to ensure that the City had a clawback clause. Mr. Torresi advised that, as of October 23, 2014, all six qualifying criteria will have been met. He noted that the developer was asking for replacement of the original site plans with the as-built site plans.

Joe Rippetoe, 419 Pearson Avenue, Ames, advised that he was present at the August 8, 2008, ZBA meeting. He reviewed significant errors or omissions that he felt had been made at that meeting. Mr. Rippetoe noted that *Municipal Code* Section 9.4 Floodway Overlay District does not allow for excavation; it only allows for extraction. The ZBA was told that it needed to approve it "because the Council wants it." Mr. Rippetoe took issue that former Director of Planning and Housing Steve Osguthorpe was not able to tell the ZBA members how much money was at stake if the tax abatement were granted.

Fred Rose, developer and builder of the Deery project, responded to Mr. Rippetoe's allegations. He noted that the Corps of Engineers Permit took over a year and one-half, the DNR Permits were not rubber-stamped. According to Mr. Rose, there was no intent on the part of the Deery

Moved by Orazem, seconded by Betcher, to adopt RESOLUTION NO. 14-540 amending the Development Agreement by substituting a new Exhibit C and adding a list of changes as Exhibit D, with the requirement that the compliance to the No-Rise expectation will be made by the City Council in February 2015 prior to granting tax abatement.

Roll Call Vote: 5-1. Voting aye: Betcher, Corrieri, Gartin, Nelson, Orazem. Voting nay: Goodman. Resolution declared adopted, signed by the Mayor, and hereby made a portion of these Minutes.

LAND USE POLICY PLAN AMENDMENT OF FUTURE LAND USE MAP FOR 516 SOUTH 17TH

STREET: Planning and Housing Director Diekmann recalled that the Council, on April 8, 2014, had granted the request of CPM Properties and Roars Investments to apply for a Minor Land Use Policy Plan Amendment to change the land use designation of property located at 516 S. 17th Street. The developer is interested in changing approximately 12 acres of land from Highway-Oriented Commercial to High-Density Residential to develop approximately 300 apartments. Mr. Diekmann provided an analysis performed by staff of the request. According to Director Diekmann, the Planning and Zoning Commission, at its meeting on September 3, 2014, had voted 4-1-1 to recommend to the City Council to approve an amendment to the LUPP Future Land Use Map with the expectation that site development issues will be addressed prior to approval of a rezoning request.

Council Member Gartin stated that his biggest concern is that the volume of traffic in this area seems to grow and grow. He wants to ensure that, as changes are made to the area in question, the City takes into account how they are going to move the traffic. Mr. Gartin indicated that he also wanted to make sure that the City and the University are having discussions about that issue.

Jeff Koch, developer, advised that traffic study has been initiated. They are also taking a look at the potential impacts to CyRide.

In Council Member Orazem's opinion, the location in question is a very logical use for the subject parcel.

Moved by Orazem, seconded by Gartin, to adopt RESOLUTION NO. 14-541 approving an amendment to the LUPP Future Land Use Map to change the land use designation of the property located at 516 S. 17th Street from Highway-Oriented Commercial to High-Density Residential.

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

HEARING ON NEW AMES WATER TREATMENT PLANT - CONTRACT 2: John Dunn, Director of Water and Pollution Control, reported that bids were opened on September 24, 2014. Four bids were received. Staff is recommending awarding the contract to Knutson Construction Services from

Minneapolis in the amount of its base bid of \$52,497,000. According to Mr. Dunn, the base bid included construction of the treatment facility. Bid Alternate A proposed to use painted carbon steel instead of the specified stainless steel for the Solids Contact Units. Bid Alternate B was to provide an alternate carbon dioxide feed system.

Director Dunn advised that, during the design process, staff performed a life-cycle cost analysis for constructing the Solids SCUs out of painted carbon steel versus unpainted stainless steel. The capital cost of the stainless steel option was believed to be approximately \$1,000,000 higher, but over the next 50 years would result in a savings of \$1,700,000 (or a net savings of \$700,000) from not needing to repaint the Units every 15-20 years. Staff chose to include the higher cost stainless steel option in the base bid, but wanted to obtain firm pricing on the carbon steel option to ensure that the anticipated life cycle savings would be realized. Mr. Dunn reported that the actual bid deductions offered by all four bidders were substantially less than anticipated, which meant the life cycle cost savings from using stainless steel SCUs was even greater than what staff had projected. Given that information, staff was recommending that Bid Alternate A be rejected. Concerning Alternate B, Mr. Dunn stated that, since the system included in the base bid was the system preferred by staff and since it would cost more to select the alternate system, staff was recommending that Bid Alternate B also be rejected.

The Council was informed by Mr. Dunn that Knutson Construction's bid came in \$3,067,000 below the Engineer's Estimate; that will result in annual savings of approximately \$180,000/year in debt service. In addition, the project also has been awarded a loan forgiveness of approximately \$6,224,000 for constructing the facility to a LEED-certified standard.

Mayor Campbell opened the public hearing. No one asked to speak, and the hearing was closed.

Moved by Orazem, seconded by Betcher, to adopt RESOLUTION NO. 14-542 approving final plans and specifications and awarding a contract to Knutson Construction of Minneapolis, Minnesota, in the amount of \$52,497,000.

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

HEARING ON FURNISHING OF 69kV SF6 CIRCUIT BREAKERS FOR ELECTRIC SERVICES:

The public hearing was opened by Mayor Campbell. She closed the hearing after no one came forward to speak.

Moved by Goodman, seconded by Orazem, to adopt RESOLUTION NO. 14-543 approving final plans and specifications and awarding a contract to Alstom Grid, Inc., of Charleroi, Pennsylvania, in the amount of \$166,169.40 (inclusive of Iowa sales tax).

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

HEARING ON NATURAL GAS CONVERSION EQUIPMENT: The Mayor opened the public hearing and closed same after there was no one wishing to speak.

Moved by Goodman, seconded by Corrieri, to accept the report of bids.

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

HEARING ON NON-ASBESTOS INSULATION AND RELATED SERVICES AND SUPPLIES FOR POWER PLANT: Mayor Campbell opened the public hearing. No one came forward to speak, and the hearing was closed.

Moved by Betcher, seconded by Goodman, to accept the report of no bids and direct staff to re-bid project.

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

Moved by Goodman, seconded by Corrieri, to adopt RESOLUTION NO. 14-544 approving preliminary plans and specifications; setting November 12, 2014, as bid due date and November 25, 2014, as date of public hearing.

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

HEARING ON VACATING PUBLIC UTILITY EASEMENT LOCATED AT 2810-2824

WAKEFIELD CIRCLE: The public hearing was opened by the Mayor. There was no one wishing to speak, and the hearing was closed.

Moved by Goodman, seconded by Nelson, to adopt RESOLUTION NO. 14-545 vacating the public utility easement.

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

HEARING ON MAJOR SITE DEVELOPMENT PLAN FOR LOTS 6, 7, AND 8 IN RIGGENBERG PARK SUBDIVISION, 4TH ADDITION:

The hearing was opened by the Mayor. She closed same after no one came forward to speak.

Moved by Nelson, seconded by Corrieri, to adopt RESOLUTION NO. 14-546 approving the Major Site Development Plan to allow construction of three, 12-unit apartment buildings.

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

REZONING OF QUARRY ESTATES SUBDIVISION:

Moved by Orazem, seconded by Corrieri, to adopt RESOLUTION NO. 14-547 approving the Rezoning Agreement.

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

Moved by Goodman, seconded by Corrieri, to pass on third reading and adopt ORDINANCE NO. 4196 rezoning Quarry Estates Subdivision from Agricultural (A) to Floating Suburban Residential Low-Density (FS-RL) and Floating Suburban Residential Medium-Density (FS-RM).

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 Orazem, seconded by Goodman, to refer to staff the letter from Mark Reisinger, on behalf of the Ames Christian School, pertaining to the speed limit on SE 16th Street.

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

Moved by Nelson, seconded by Orazem, to direct staff to initiating the annexation process as requested by Hunziker Development of two properties on George Washington Carver Avenue.

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

Moved by Goodman, seconded by Corrieri, to refer to staff the email from Transportation Engineer Damion Pregitzer concerning the pedestrian needs in the new Edwards School area.

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

Moved by Gartin, seconded by Goodman, to refer to staff the email from George Belitsos dated September 30, 2014, to get input of the Police Department on the concept of an ordinance to eliminate e-cigarette devices from all public places.

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

Moved by Goodman, seconded by Corrieri, to direct staff to respond to Gamma Pi of Delta Tau Delta, Inc., to convey that the City Council is not interesting in pursuing a tax abatement program for new construction.

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

Moved by Gartin, seconded by Nelson, to refer to staff the letter from Heartland Baptist Church to start the process for a text amendment for steeple height.

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

Moved by Gartin, seconded by Corrieri, to refer to staff to defer the request to change the LUPP for Eastgate (Dayton/E. 13th Street) for discussion at a later date.

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

ADJOURNMENT: Moved by Orazem to adjourn the meeting at 11:20 p.m.

Diane Voss, City Clerk

Ann H. Campbell, Mayor



REPORT OF CONTRACT CHANGE ORDERS

Period:	<input checked="" type="checkbox"/>	1 st – 15 th
	<input type="checkbox"/>	16 th – End of Month
Month & Year:	October 2014	
For City Council Date:	October 28, 2014	

Department	General Description of Contract	Contract Change No.	Original Contract Amount	Contractor/ Vendor	Total of Prior Change Orders	Amount this Change Order	Change Approved By	Purchasing Contact (Buyer)
Water & Pollution Control	Engineering & Design for New Water Plant	7	\$8,240,000.00	FOX Engineering Associates, Inc.	\$598,392.91	\$17,861.37	K. Evans	MA
Public Works	Woodview Drive Sanitary Sewer & Water Main	1	\$215,822.00	Keller Excavating, Inc.	\$0.00	\$7,275.80	T. Warner	MA
Public Works	2012/13 Concrete Pavement Improvements (Contract #1: Wheeler St.)	1	\$307,345.10	Con-Struct, Inc.	\$0.00	\$25,536.90	B. Kindred	MA
Public Works	2012/13 Asphalt/Seal Coat Reconstruction & 2012/13 Water Main Replacement	3	\$957,521.70	Manatt's Inc.	\$6,474.50	\$-(1,604.02)	T. Warner	MA
Water & Pollution Control	WPCF Ultraviolet Wastewater Disinfection Project	2	\$1,984,600.00	Garney Companies, Inc.	\$124,080.96	\$-(17,633.25)	C. Murphy	MA
			\$		\$	\$		

TO: Mayor Ann Campbell and Ames City Council Members

FROM: Lieutenant Jeff Brinkley – Ames Police Department

DATE: September 18, 2014

SUBJECT: Beer Permits & Liquor License Renewal Reference City Council Agenda
October 28, 2014

The Council agenda for October 28, 2014, includes a beer and wine liquor license renewal for the following:

- Class C Beer and B Wine – Southgate Expresse, 110 Airport Rd
- Class C Liquor – Score, 124 Welch Ave
- Class C Liquor – London Underground – 212 Main St

A routine check of police records for the past twelve months found no violations for Southgate Expresse. The police department would recommend renewal of this license.

Two arrests for public intoxication were made at calls for service to London Underground, one in March and one in June. There were no other violations. At this time, the police department would recommend renewal.

We have had one liquor law violation at Score since they opened. An employee was cited on May 3, 2014, for dispensing alcohol after hours. The violation was paid and there have been no similar incidents. We would recommend renewal at this time and we will continue to monitor compliance.

License Application ()

Applicant

Name of Applicant: LJPS Inc

Name of Business (DBA): Olde Main Brewing Company

Address of Premises: 420 Beach Ave

City: Ames

County: Story

Zip: 50010

Business Phone: (515) 232-0553

Mailing Address: PO Box 1928

City: Ames

State: IA

Zip: 50010

Contact Person

Name: Matt Sinnwell

Phone: (515) 232-0553

Email Address: mattombc@gmail.com

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

Term: 5 days

Effective Date: 10/28/2014

Expiration Date: 01/01/1900

Privileges:

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

Status of Business

BusinessType: Privately Held Corporation

Corporate ID Number: 286196

Federal Employer ID # 77-0613629

Ownership

Daniel GriffenFirst Name: DanielLast Name: GriffenCity: PotomacState: MarylandZip: 24854Position Owner% of Ownership 25.00 %

U.S. Citizen

Scott GriffenFirst Name: ScottLast Name: GriffenCity: AmesState: IowaZip: 50010Position Owner% of Ownership 50.00 %

U.S. Citizen

Susan GriffenFirst Name: SusanLast Name: GriffenCity: PotomacState: MarylandZip: 24854Position Owner% of Ownership 25.00 %

U.S. Citizen

Insurance Company InformationInsurance 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: LJPS, Inc.

Name of Business (DBA): Olde Main Brewing Company

Address of Premises: 420 Beach Ave

City: Ames

County: Story

Zip: 50010

Business Phone: (515) 232-0553

Mailing Address: PO Box 1928

City: Ames

State: IA

Zip: 50010

Contact Person

Name: Matt Sinnwell

Phone: (505) 400-5981

Email Address: mattombc@gmail.com

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

Term: 5 days

Effective Date: 11/04/2014

Expiration Date: 01/01/1900

Privileges:

Class C Liquor License (LC) (Commercial)

Status of Business

BusinessType: Privately Held Corporation

Corporate ID Number: 286196

Federal Employer ID # 77-0613629

Ownership

Daniel GriffenFirst Name: DanielLast Name: GriffenCity: PotomacState: MarylandZip: 24854Position Owner% of Ownership 25.00 %

U.S. Citizen

Scott GriffenFirst Name: ScottLast Name: GriffenCity: AmesState: IowaZip: 50010Position Owner% of Ownership 50.00 %

U.S. Citizen

Susan GriffenFirst Name: SusanLast Name: GriffenCity: PotomacState: MarylandZip: 24854Position Owner% of Ownership 25.00 %

U.S. Citizen

Insurance Company InformationInsurance 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: LJPS, Inc.

Name of Business (DBA): Olde Main Brewing Compay

Address of Premises: 420 Beach Ave

City: Ames County: Story Zip: 50010

Business Phone: (515) 232-0553

Mailing Address: PO Box 1928

City: Ames State: IA Zip: 50010

Contact Person

Name: Matt Sinnwell

Phone: (515) 232-0553 Email Address: mattombc@gmail.com

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

Term: 5 days

Effective Date: 11/11/2014

Expiration Date: 01/01/1900

Privileges:

Class C Liquor License (LC) (Commercial)

Status of Business

BusinessType: Privately Held Corporation

Corporate ID Number: 286196 Federal Employer ID # 77-0613629

Ownership

Daniel GriffenFirst Name: DanielLast Name: GriffenCity: PotomacState: MarylandZip: 24854Position Owner% of Ownership 25.00 %

U.S. Citizen

Scott GriffenFirst Name: ScottLast Name: GriffenCity: AmesState: IowaZip: 50010Position Owner% of Ownership 50.00 %

U.S. Citizen

Susan GriffenFirst Name: SusanLast Name: GriffenCity: PotomacState: MarylandZip: 24854Position Owner% of Ownership 25.00 %

U.S. Citizen

Insurance Company InformationInsurance 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: The Other Place - Ames, Inc.

Name of Business (DBA): The Other Place

Address of Premises: 631 Lincoln Way

City: Ames

County: Iowa

Zip: 50010

Business Phone: (515) 233-9494

Mailing Address: 631 Lincoln Way

City: Ames

State: IA

Zip: 50010

Contact Person

Name: Brian White

Phone: (816) 506-0096

Email Address: b.white@theotherplace.com

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

Term: 12 months

Effective Date: 10/27/2014

Expiration Date: 01/01/1900

Privileges:

Class C Liquor License (LC) (Commercial)

Sunday Sales

Status of Business

BusinessType: Privately Held Corporation

Corporate ID Number: 480941

Federal Employer ID # 47-1140760

Ownership

Brian White**First Name:** Brian**Last Name:** White**City:** Olathe**State:** Kansas**Zip:** 66062**Position** N/A**% of Ownership** 10.00 %**U.S. Citizen****Pamela Stedman****First Name:** Pamela**Last Name:** Stedman**City:** Overland Park**State:** Kansas**Zip:** 66213**Position** N/A**% of Ownership** 15.00 %**U.S. Citizen****Troy Stedman****First Name:** Troy**Last Name:** Stedman**City:** Overland Park**State:** Kansas**Zip:** 66213**Position** President**% of Ownership** 75.00 %**U.S. Citizen*****Insurance Company Information*****Insurance Company:** Society 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:**

License Application ()

Applicant

Name of Applicant:	<u>Gateway Management Co. LLC.</u>		
Name of Business (DBA):	<u>Southgate Expresse</u>		
Address of Premises:	<u>110 Airport Road</u>		
City: <u>Ames</u>	County: <u>Story</u>	Zip: <u>50010</u>	
Business Phone:	<u>(515) 233-0979</u>		
Mailing Address:	<u>110 Airport Road</u>		
City: <u>Ames</u>	State: <u>IA</u>	Zip: <u>50010</u>	

Contact Person

Name:	<u>Jeanette</u>		
Phone:	<u>(515) 451-2695</u>	Email Address:	<u>jj52tt@yahoo.com</u>

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

Term: 12 months

Effective Date: 10/22/2014

Expiration Date: 01/01/1900

Privileges:

Class B Beer (BB) (Includes Wine Coolers)
Sunday Sales

Status of Business

BusinessType:	<u>Limited Liability Company</u>		
Corporate ID Number:	<u>1</u>	Federal Employer ID #	<u>421470368</u>

Ownership

Steve Burgason

First Name: Steve

Last Name: Burgason

City: Ames

State: Iowa

Zip: 50014

Position Owner

% of Ownership 100.00 %

U.S. Citizen

Insurance Company Information

Insurance Company:	<u>Allied Insurance</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

Name of Applicant:	<u>Ted Van Hove</u>		
Name of Business (DBA):	<u>Blue Pine Lawn and Landscaping LLC</u>		
Address of Premises:	<u>2518 Lincoln Way</u>		
City: <u>Ames</u>	County: <u>Iowa</u>	Zip: <u>50014</u>	
Business Phone:	<u>(515) 451-5259</u>		
Mailing Address:	<u>911 mesa verde place</u>		
City: <u>Ames</u>	State: <u>IA</u>	Zip: <u>50014</u>	

Contact Person

Name:	<u>Ted Van Hove</u>		
Phone:	<u>(515) 451-5259</u>	Email Address:	<u>vanhovefick@gmail.com</u>

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

Term: 12 months

Effective Date: 10/29/2014

Expiration Date: 01/01/1900

Privileges:

Class C Liquor License (LC) (Commercial)

Outdoor Service

Sunday Sales

Status of Business

BusinessType:	<u>Limited Liability Company</u>		
Corporate ID Number:	<u>46-5562507</u>	Federal Employer ID #	<u>483-23-0265</u>

Ownership

Ted Van Hove

First Name: Ted

Last Name: Van Hove

City: ames

State: Iowa

Zip: 50014

Position owner

% of Ownership 100.00 %

U.S. Citizen

Insurance Company Information

Insurance Company:	
Policy Effective Date:	Policy Expiration Date:
Bond Effective Continuously:	Dram Cancel Date:
Outdoor Service Effective Date:	Outdoor Service Expiration Date:
Temp Transfer Effective Date:	Temp Transfer Expiration Date:

COUNCIL ACTION FORM

SUBJECT: ENCROACHMENT PERMIT FOR SIGN AT 200 STANTON AVENUE

BACKGROUND:

The owner of the building at 200 Stanton Avenue, American Campus Communities, has requested an encroachment permit to allow a new sign to encroach on the City right-of-way. The proposed sign is 18.12 square feet, and should not impair the operation of the roadway or the sidewalk.

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

ALTERNATIVES:

1. Approve the encroachment permit request for a sign at 200 Stanton Avenue.
2. Deny the request.

MANAGER'S RECOMMENDED ACTION:

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

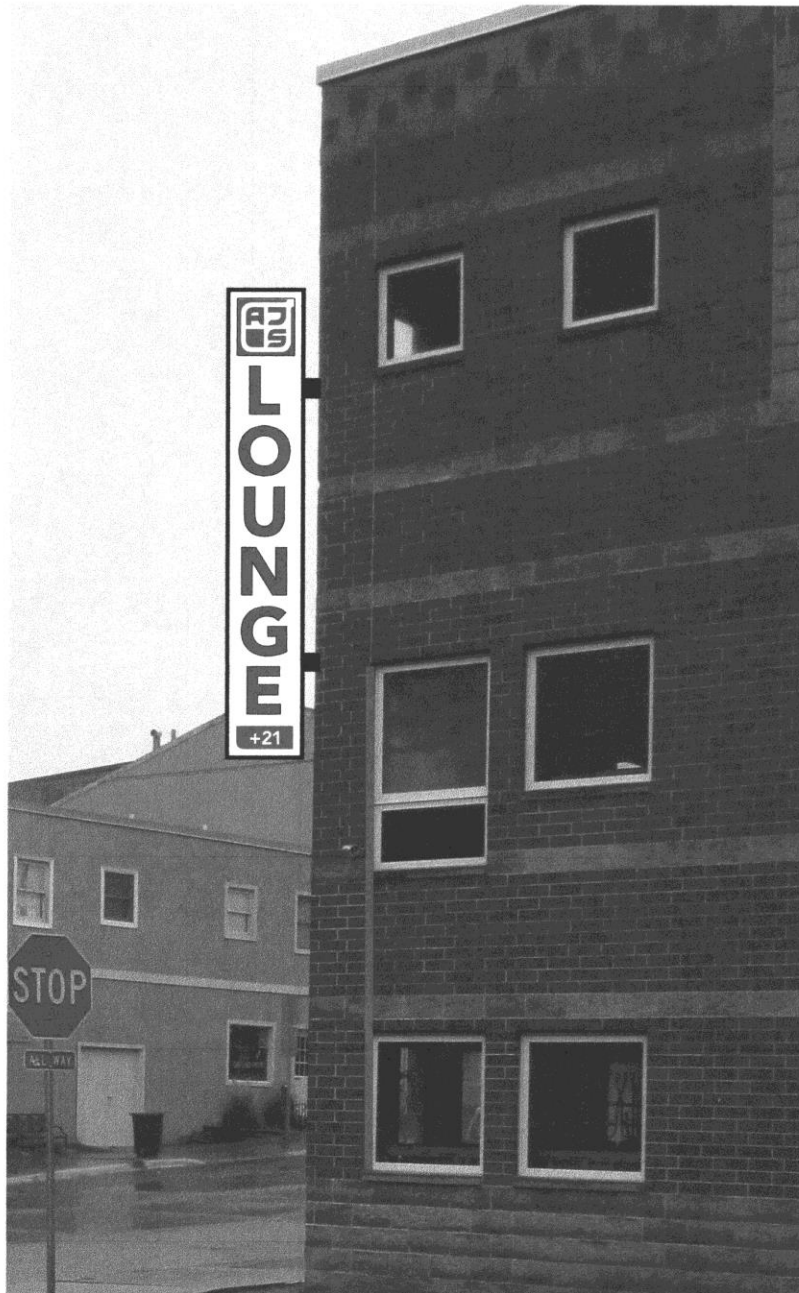


client: _____
phone: _____
contact: Scott Tanner
ph/fax: 232-4738 / 232-2202

proof accepted

CUSTOMER INITIALS

First Class SIGNS
720 E. Lincoln Way Ames, Iowa 50010



- 20" x 10' aluminum cabinet
- 2 sided
- LED channel letters mounted on both sides

This design is property of First Class SIGNS, and is not to be reproduced or copied without the express written consent of First Class SIGNS.

THE COLORS REPRESENTED IN THIS PRINT MAY NOT MATCH THE PMS CHIP, VINYL, OR PAINT EXACTLY.

If not returned within 30 days from date, we reserve the right to charge for creative time involved in development.





City of Ames, Iowa

AFFIRMATIVE ACTION PROGRESS REPORT

Executive Summary

July 1, 2013 – June 30, 2014

10

The City of Ames is strongly committed to maintaining a work environment that is free from illegal discrimination. In addition, the City is also committed to working toward a work force that mirrors the gender and racial/ethnic characteristics of the qualified available population, and the diversity of the Ames community.

Each year, in accordance with the City of Ames Affirmative Action Policy and Plan, the Affirmative Action Officer prepares a report describing the City's progress toward attaining this goal. The information contained within this report summarizes the City of Ames workforce, as it existed during the fiscal year between July 1, 2013 and June 30, 2014. This information is used to determine the changes that have occurred in the gender and racial/ethnic characteristics of the workforce.

The City of Ames benchmarks population data obtained from the U.S. Census Bureau. The data provided also reflects the estimated number of residents by gender and race in Story County and Iowa during the 2013 calendar year. The City of Ames and Story County population data includes the Iowa State University student population.

INTRODUCTION

Hiring affirmatively in the current job market has been a challenge. According to a recent IPMA (International Public Management Association) report¹, national employment surveys have indicated “four-year highs in the need for manufacturing and service-sector hiring. With increased hiring levels, employers also reported having a more difficult time recruiting for key positions.” The survey findings have been realized in the City’s recruitment data. Of the 41 permanent job postings advertised in FY 2013/14 nearly half were in the areas of administrative support or skilled craft. As the IPMA report suggests, the job market is becoming more competitive in these areas.

During the past fiscal year only 2028 applications were received (down 8% from FY 2011/12). With fewer applications received, so too is the probability of realizing a strong minority representation, particularly when recruiting for positions in the areas of administrative support and skilled crafts which are generally hourly positions. Job seekers here often look for local opportunities. Given the fact that the demographics for Ames and the State of Iowa have a relatively small minority representation we would expect to see fewer minority applicants.

Of the 57 full-time and other than full-time job postings, nearly 25% were for the selection of new managers and other high level professionals. Although candidates seeking opportunities at this level are generally looking in areas beyond their local market, fewer applicants are expressing an interest as employers are tightening their employee retention practices in light of increasing competition.

The City is continuing to see improvement in our recruitment data. Our Affirmative Action reports reveal that a majority (56.1%) of new hires are external as well as an increase in the number of females hired (up 56% over FY 2011/12). The increase in female hires can largely be attributed to the number of administrative support opportunities available where females are predominate. Asian/Pacific Islander representation has also increased, doubling from 2 to 4 in full time employee category.

GENDER REPRESENTATION

Females represented approximately 48%¹ of the Story County population, 47%¹ of the Ames population, and 50%¹ of the statewide population.

The following data is based on the City of Ames female workforce.

- The number of full-time female employees slightly increased from 25.71% in FY 11/12 to 26.27% in FY 13/14.
- The number of full-time female new hires increased from 26.3% in FY 11/12 to 34.6% in FY 13/14.
- The total City female workforce has increased from 42.01% in FY 11/12 to 43.67% in FY 13/14. (The total City workforce includes full-time and other than full-time employees.)

The number of female applications received and that corresponding percentage has increased significantly from the FY 2011/2012 fiscal year largely due to the type of positions open. Nearly a third of all full and part-time permanent positions that were recruited for during that year were in the area of Administrative Support. This area has historically been dominated by females.

- FY 2013/14 – received 883 female applications (43.5% of total)
- FY 2011/12 – received 554 female applications (25.05% of total)

¹ State & Local Workforce: 2014 Trends http://ipma-hr.org/files/surveys/workforce_trends_2014.pdf

MINORITY REPRESENTATION

Racial and ethnic minorities represent approximately 14.51%¹ of the Story County population and 17.42%¹ of the Ames population.

The following data is based on the City of Ames minority workforce.

- The number of full-time minority employees increased slightly, .4%, to 2.4% in FY 2013/14 over FY 2011/12.
- The number of full-time minority new hires was 2 for the FY 2013/14, an increase over prior years.
- The total City minority workforce decreased from 3.45% in FY 2011/12 to 3.42% in FY 2013/14. (The total City workforce includes full-time and other than full-time employees.)

The number of minority applications received by the City of Ames Human Resources department has increased from the previous fiscal year.

- FY 2013/14 – received 255 minority applications (12.6% of total)
- FY 2011/12 – received 253 minority applications (11.44% of total)

¹ = 2013 Census Data for Story County & 2010 Census Data for Ames.

Minority individuals applied for a variety of full and part-time vacancies in FY 2013/14. There were only a few recruitments that did not yield minority candidates. Those included: maintenance worker, lane worker, power plant fireworker, power plant operator, senior heavy equipment operator, heavy equipment operator, electric lineworker, and senior engineering technician. Most of these recruitments were promotional opportunities.

Each recruitment selection process was unique and included different consideration factors such as a qualifications review, written, oral, and performance testing. Based on the applicant tracking data, only a small percentage (5.9%) of the minority applicants elected to end the selection process by either not scheduling for or not showing for the written exam (see below). Great care is taken to ensure that selection procedures are job-related.

Not qualified	210
Did not Schedule Written Exam	5
No Show for Written Exam	10
Written Exam	22
Withdrew from Exam process	0
Oral Board	5
Training & Experience	8
Incomplete Applications	0
Phone Interview	11

CONCLUSION

The City of Ames affirms its commitment to providing Equal Employment Opportunity for applicants by utilizing a variety of resources for diversity recruitment. Job postings are distributed to diverse sources such as Iowa Workforce Development, NAACP, Mid Iowa Community Action, local community colleges and churches, ISU Minority Student Affairs Office, and the Department of Human Services to ensure public knowledge of vacancies.

The City of Ames continued to accept on-line applications through NEOGOV, a technology leader in on-demand workforce management for the public sector which makes it easier for applicants to apply for positions on-line. The total number of vacancies was up by 7 from FY 2011/12, however, the total number of applications received was down supporting the IPMA paper on public sector recruiting trends.

During FY 2013/2014, the City realized 28 terminations, 10 of which were attributed to retirement, as well as additions to staff that led to a total 57 recruitments. As our aging workforce transitions into retirement we can expect a great deal of effort to be spent in recruiting for the replacement of several top performing, high level professionals over the next several years giving us opportunity to increase our efforts in affirmative recruitment and hiring.

The City of Ames continues to explore new initiatives to strengthen the minority recruiting efforts. For example, the recruitment team has instituted a best practice to leave all open recruitment positions open for a period of no less than 10 business days. By leaving positions open over the course of at least one weekend period we are able to provide greater opportunity for outside candidates to express interest, and apply, for open positions.

Initiatives for FY 2014/15 include:

- Beginning in 2015 additional efforts will be made to ensure positions are being advertised to protected veterans through websites and publications that are specifically targeted to that audience.
- Limited English Proficiency (LEP) guidelines and practices will be incorporated into the recruitment process.
- Send an HR representative to the 2nd Annual Iowa Civil Rights Commission *Be the Change* Symposium.
- Have HR representation at Ames Human Relations Commission and have those attending individuals share relevant insights to the HR recruitment team during monthly meetings.
- Offer an all-employee EDC course in Interviewing Skills and Best Practices.
- Work with hiring managers to encourage women and minority representation during on-site interviews.

The City of Ames Affirmative Action Policy and Plan will continue to provide guidance to City departments and employees with the duty to promote the City's values by defining and supporting diversity in the working and learning environments; by creating an environment that provides fair and equal opportunities for all employees, and by maintaining compliance with federal/state laws and regulations. The City will continue to follow the guidelines presented in the policy with a goal of maintaining a work place that is free of any illegal discrimination and mirrors the qualified available population.

The City of Ames Affirmative Action Policy and Plan will provide complaint and investigation procedures that provide both applicants and current employees recourse for objective investigation for complaints of illegal discrimination.

FEDERAL EEO-4 JOB CATEGORIES

1. **Officials and Administrators:** Occupations in which employees set broad policies, exercise overall responsibility for execution of these policies, or direct individual departments or special phases of the agency's operations, or provide specialized consultation on a regional, district or area basis. Includes: department heads, fire and police chiefs, and superintendents.
2. **Professionals:** Occupations which require specialized and theoretical knowledge which is usually acquired through college training or through work experience and other training which provides comparable knowledge. Includes: human resource officers, systems analysts, and accountants.
3. **Technicians:** Occupations which require a combination of basic scientific or technical knowledge and manual skill, which can be obtained through specialized post-secondary school education or through equivalent on-the-job training. Includes: engineering technicians, inspectors, and police and fire sergeants.
4. **Protective Service Workers:** Occupations in which workers are entrusted with public safety, security and protection from destructive forces. Includes: police officers and firefighters.
5. **Paraprofessionals:** Occupations in which workers perform some of the duties of a professional or technician in a supportive role, which usually requires less formal training and/or experience normally required for professional or technical status. Includes: library assistants, recreation coordinators, and administrative assistants.
6. **Administrative Support:** Occupations in which workers are responsible for internal and external communication, recording and retrieval of data and/or information and other paperwork required in an office. Includes: principal clerks and senior clerks.
7. **Skilled Craft Workers:** Occupations in which workers perform jobs which require special manual skill and a thorough and comprehensive knowledge of the processes involved in the work which is acquired through on-the-job training and experience or through apprenticeship or other formal training programs. Includes: mechanics, plant operators, and equipment operators.
8. **Service-Maintenance:** Occupations in which workers perform duties which result in or contribute to the comfort, convenience, hygiene or safety of the general public or which contribute to the upkeep and care of buildings, facilities or grounds of public property. Workers in this group may operate machinery. Includes: transit drivers, RRP process maintenance workers and maintenance workers.

City of Ames Salary Analysis
Full Time Employees
July 1, 2013 - June 30, 2014

Racial/Ethnic Minorities							
July 1, 2013 - June 30, 2014 Salary Level		White #	Asian / Pacific #	American Indian/ Alaskan Native #	Black or African American #	Hispanic or Latino #	Women Only #
25,000 - 32,999	13/14	0					0
	11/12	0					0
33,000 - 42,999	13/14	23					8
	11/12	28					13
43,000 - 54,999	13/14	136	3		0		56
	11/12	164	1		1		54
55,000 - 69,999	13/14	213	0		2	3	32
	11/12	191	1		2	3	39
70,000 Plus	13/14	119			2	1	25
	11/12	101			1	1	21
Total Full Time Employees	13/14	491	3	0	4	4	121
	11/12	484	2	0	4	4	127

City of Ames Turnover Analysis
Full Time Employees
July 1, 2013 - June 30, 2014

New Hires	09/10	10/11	11/12	13/14
White	22	26	19	26
Asian/Pacific Islander	0	0	0	0
American Indian/Alaskan Native	0	0	0	0
Black/African American	0	0	0	0
Hispanic/Latino	0	0	0	0
Female	4	7	5	9
Separations	09/10	10/11	11/12	13/14
White	22	24	22	29
Asian/Pacific Islander	0	0	0	0
American Indian/Alaskan Native	0	0	0	0
Black/African American	0	0	0	0
Hispanic/Latino	0	0	0	0
Female	5	3	9	11



COUNCIL ACTION FORM

SUBJECT: COOPERATIVE AGREEMENT BETWEEN AMES HUMAN
RELATIONS COMMISSION AND IOWA CIVIL RIGHTS COMMISSION

BACKGROUND:

The Ames Human Relations Commission (AHRC) is recommending that the City continue its cooperative agreement with the Iowa Civil Rights Commission (ICRC). The agreement, which has been approved as to form by the City Attorney, will provide assistance to AHRC in resolving discrimination complaints that are beyond the ability of the City's volunteer investigators and will also assist with backlogs should they occur for the AHRC investigators or hearing officers.

The agreement also provides per case compensation for sending complaints to ICRC. ICRC is seeking to limit backlogs for cases in municipalities through their monetary incentive program. ICRC pays municipalities to turn over cases that they are not able to investigate within a 30-60 day window. The ICRC has dedicated staff that can respond to cases immediately and are using this program to ensure a prompt response to these concerns within the State of Iowa.

The deadline to file was October 1, 2014. Since the agreement was not received by the City of Ames until mid-October, the ICRC has agreed to extend the deadline for the City's approval.

ALTERNATIVES:

1. Approve the resolution for a cooperative agreement between the AHRC and ICRC.
2. Do not approve the resolution for a cooperative agreement between AHRC and ICRC.

MANAGER'S RECOMMENDED ACTION:

This agreement will formalize the work between AHRC and ICRC, which has been in place for many years. It will also provides incentive to the City of Ames to turn over cases that it cannot swiftly address, with ICRC compensating the City of Ames for promptly turning over a claim for investigation.

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

COOPERATIVE AGREEMENT
Between Ames Human Relations Commission
&
IOWA CIVIL RIGHTS COMMISSION

1. **Definitions:** As used in this Cooperative Agreement the following terms are defined as follows:
 - a) “ICRC” means the Iowa Civil Rights Commission.
 - b) “Fiscal year 2014” runs from July 1, 2014 to June 30, 2015.
2. **Authority:** In order to effectuate the purposes of the “Iowa Civil Rights Act,” (ICRA) the ICRC now enters into a Cooperative Agreement with the Ames Human Relations Commission. Iowa Code §216.19.
3. **Purpose:** Our purpose is to assist local agencies in resolving discrimination complaints and to reduce case backlogs without compromising quality or the integrity of the system. We have designed criteria to ensure an efficient, effective, and coordinated effort between the ICRC and local agencies.
4. **Scope:** Under this Cooperative Agreement, ICRC contracts with the Ames Human Relations Commission for the satisfactory intake and resolution of complaints whose allegations fall within the prohibitions of Iowa Code §§216.6, 216.7, 216.8, 216.8A, 216.9, 216.10 and 216.11.
5. **Period:** This Cooperative Agreement will run during Fiscal Year 2015. There is no commitment on the part of ICRC to contract with the Ames Human Relations Commission for the resolution of complaints after June 30, 2015.
6. **Total Amount:** The total amount ICRC can be required to spend, as aggregate compensation to all contracting local commissions for work performed under this agreement for Fiscal Year 15 is \$45,000 maximum. If insufficient funds exist for payment of all cases tendered for payment by the contracting Local Commissions, payment shall be allocated on a first-come first-served basis, according to the date of submission of the intakes or resolutions.
7. **Payment Date:** ICRC agrees to provide payment on a quarterly basis based upon satisfaction of the conditions established in this agreement. Payment will be provided for work performed and accepted under this Agreement by the ICRC. Payment will be provided only for cases that are determined by the ICRC to be jurisdictional under the ICRA and assuming the complaints are timely received by the ICRC. In the case of payment for intake services, ICRC accepts the work when ICRC opens the case file corresponding to the intake. Payment is conditioned upon execution of this contract which must be accomplished and returned to the ICRC no later than October 1, 2014. Agreements presented after that date will be rejected by the ICRC absent prior written approval for late submission by the Director of the ICRC.
8. **Payment Schedule***:**
 - (a) **Intakes** – See chart below for breakdown of reimbursement rates based on the timing of receipt of the complaint for housing and non-housing referrals to the ICRC. For purposes of the contract, intake is defined as receipt by the ICRC of a completed, signed, jurisdictional complaint in any area covered by the ICRA,

including housing, that are forwarded to the ICRC for processing and investigation. No payment will be made for non-housing intakes that are more than 60 days old or housing intakes that are more than 30 days old on the date received by the ICRC.

(b) Resolutions – See chart below for rate of payment based on time received. For purposes of the contract, resolution includes case closures resulting in Satisfactory Adjustments, Administrative Closures for reasons *other than* failure to cooperate or unable to locate, No Probable Cause Orders, Probable Cause Orders or closures after Public Hearings. In the case of administrative closures for failure to cooperate or failure to locate complainant, no reimbursement will be provided. Further, this clause does not apply to resolutions submitted by the local agency to the EEOC or HUD for contract credit or payment by the federal agencies in which case, the ICRC will provide no payment. Settlement agreements for cross filed EEOC cases **cannot include** a no rehire clause and **must** indicate in the agreement itself that the agreement was signed voluntarily. These are EEOC requirements that will not be waived by the EEOC and cannot be waived by the ICRC. Any agreements with language that includes the impermissible language will be rejected by the ICRC (and EEOC) and no payment will be made until the settlement agreements are revised accordingly.

(c) Jurisdictional – Any and all complaints submitted for credit and payment, must be jurisdictional including meeting the 300 day limit when the complaint **is received by the ICRC** and must be a claim under the Iowa Civil Rights Act.

9. **Maintenance of Effort:** Iowa Code §216.19(2) provides that a local government required to maintain a human rights agency shall structure and adequately fund the local human/civil rights agency in order to effect cooperative undertakings with ICRC and to aid in effectuating the purposes of the “Iowa Civil Rights Act.”

10. **Reports:** The local agency agrees to submit quarterly reports to ICRC listing each intake and resolution submitted for contract credit or payment under this Agreement. Quarterly Reports are due, as applicable, on **October 1, 2014** (for July 1 – September 30, 2014 activity); **January 2, 2015** (October 1 – December 31, 2014); **April 1, 2015** (for January 1 - March 31, 2015 activity), and **July 1, 2015** (for April 1 - June 30, 2015 activity). Payments under this contract will be made after the Quarterly Reports are completed and submitted to the ICRC. Failure to provide Quarterly reports within 30 days of due date will result in forfeiture of funds for the quarter for which the quarterly report is not timely filed. As a condition of final payment, the local commission must submit, and ICRC must have received, all cases no later than July 15, 2014. Cases submitted after July 15, 2015 will not be paid.

11. **Training.** ICRC and the local agency will cooperate in planning, sponsoring, and conducting necessary complaint processing training for staff and commissioners.

12. This contract recognizes the 300-day filing period for initial complaints, which is set out in Iowa Code Ch. 216 begins the day the complaint *is received by the ICRC*, not the day received by the local. Therefore, local commissions **are responsible for ensuring that cases are received by the ICRC within 300 days of the date of the last incident of discrimination**. The local agency agrees that complaints that are not received by the ICRC within the 300 day time limit **are not jurisdictional** on their face and **no payment will be made in that case**. To be considered received by the ICRC, the complaint must be physically received by the ICRC either through mail, fax, personal delivery or electronically, by 4:30 pm, Monday through Friday. Complaints received after 4:30 pm will be considered filed on the next business day.

13. **Closures.** Closure submissions must include the following closing documents from the local commission: Copies of closures notices sent to all parties by the local commission, copy of the local commission's findings/decision. **All closure documents including settlement agreements and withdrawals must include local and state case numbers, and when cross filed with EEOC, federal case numbers.** Payment may be denied if closure papers or settlement agreements do not include case numbers, or if any case number is incorrect. ICRC may be required to obtain a full copy of the case file maintained by the local commission. The copies should be provided to ICRC at no cost and within two weeks of request.

If required by your local protocol, ordinance or practice, separate signature lines have been provided for your Mayor and Commission Chair.

Chairperson, Ames Human Relations Commission

Date

Mayor

Date

Director, Iowa Civil Rights Commission, Beth Townsend

Date

***The following summarizes the payment schedules.

Intake: (See definition for Intake below)	Complaint sent to ICRC for processing and investigation within 7 days (housing) or 30 days (non-housing) of initial filing date with local agency.	\$500 for housing cases; \$250 for non-housing cases
	Complaint sent to ICRC for processing and investigation greater than 7 days but less than 30 days (housing); 30 days but less than 60 days (non-housing) of initial filing date with local agency.	\$250 for housing cases; \$150 for non-housing cases
	Complaint sent to ICRC for processing and investigation greater than 30 days (housing) or 60 days (non-housing) of initial filing date with local agency.	\$0
Resolutions for Non-housing Cases: (See definition for Resolutions below)	Complaint Resolutions sent to ICRC for closure processing within 180 days of initial filing date with local agency.	\$325
	Complaint Resolutions sent to ICRC for closure processing greater than 180 days but less than 600 days of initial filing date with local agency.	\$200
	Complaint Resolutions sent to ICRC for closure processing greater than 600 days of initial filing date with local agency.	\$0

For the purpose of this contract the definition for the terms of payments are as follows:

“INTAKE”

A completed and signed complaint that meets the jurisdictional requirements of ICRA and forwarded to the ICRC for initial processing and investigation.

“RESOLUTIONS”

Case closures resulting in an administrative closure (except for failure to cooperate or locate Complainant); conciliated and settled cases; satisfactory adjustments; No Probable Cause Orders; Probable Cause Orders; and closures after Public Hearing.

COUNCIL ACTION FORM

SUBJECT: 2014/15 CYRIDE ROUTE PAVEMENT IMPROVEMENT (24TH ST. & BLOOMINGTON RD.) – IOWA DEPARTMENT OF TRANSPORTATION FEDERAL AID FUNDING AGREEMENT

BACKGROUND:

This is the annual program for pavement improvements to streets that are or were bus routes. These streets were originally designed and built for lighter residential traffic. With these streets designated as bus routes, accelerated deterioration of the street pavement occurred. Pavement improvements will now restore or improve these street sections to carry projected traffic volumes.

The 2014/15 program location is 24th Street (Union Pacific Railroad to Northwestern Avenue) and Bloomington Road (Eisenhower Avenue to 500' west. This project is programmed utilizing Metropolitan Planning Organization/Surface Transportation Program (MPO/STP) funding and General Obligation Bonds. It is anticipated that the project will have a January 2015 letting, which will be through the Iowa Department of Transportation (Iowa DOT), with construction in 2015. Public input for the roadway design commenced in July 2014.

Funding for this program has been identified in the 2014/15 Capital Improvements Plan (CIP) in the amount of \$525,000 from General Obligation Bonds and \$1,292,000 from STP funds through the Ames Area Metropolitan Planning Organization (AAMPO) and \$15,000 from the Electric Utility Fund for a total program funding of \$1,832,000.

ALTERNATIVES:

1. Approve the Iowa DOT Agreement for MPO/STP funding for the 2014/15 CyRide Route Pavement Improvements (24th Street & Bloomington Road).
2. Reject the Agreement.

MANAGER'S RECOMMENDED ACTION:

Approval of this agreement with the Iowa DOT is needed to move the STP funding from the AAMPO to the City of Ames. This must happen before moving forward with the pavement improvement of 24th Street and Bloomington Road during the 2015 construction season. Delay or rejection of this agreement could delay the pavement improvements by at least one year.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the Iowa DOT Agreement for MPO/STP funding for the 2014/15 CyRide Route Pavement Improvements (24th Street & Bloomington Road).

COUNCIL ACTION FORM

SUBJECT: CLARIFICATION OF TERMINATION DATE IN CONTRACT FOR DESIGN AND CONSTRUCTION OF NEW WATER TREATMENT PLANT

BACKGROUND:

On September 8, 2009, Council awarded a professional services agreement to FOX Engineering Associates of Ames to initiate the final design, bidding, and construction of the new Water Treatment Plant. That agreement was executed in the form of a Master Agreement that included all of the over-arching terms and conditions, as well as a series of task orders executed over time that contain details of the specific work elements to be provided.

There is a discrepancy in the termination date of the agreement between the Master Agreement and one of the task orders. The Master Agreement, approved by the City Council on October 13, 2009, calls out in Paragraph 3.01(A) that, "This Agreement shall be effective and applicable to Task Orders issued hereunder for five (5) years from the Effective Date of the Agreement." The effective date of the agreement was the date of Council authorization, giving a termination date of October 13, 2014.

Task Order 4.1, approved by the City Council on August 28, 2012, included a statement that the term of work shall be "...24 months following the issuance of the Notice of Final Acceptance of the construction work related to this project." The completion date for Knutson Construction Services under Contract 2 is July 25, 2017. Based on this clause, the effective termination date of the Master Agreement would be July 25, 2019.

Staff felt it was appropriate to issue an addendum to the Master Agreement, clarifying the existing language in Paragraph 3.01(A) to read, "This Agreement shall be effective and applicable to Task Orders issued hereunder for five (5) years from the Effective Date of the Agreement, *except in the event that final construction is not completed within five years, in which event the term of the Master Agreement shall be extended to 24 months following the issuance of the Notice of Final Acceptance of the construction work related to this project, as provided for in paragraph 5(a) of Task Order 4.1.*" **With this change, both the Master Agreement and Task Order 4.1 would be in agreement and would call for the same end date to the Master Agreement.**

ALTERNATIVES:

1. Approve the amendment to the Master Agreement with FOX Engineering to adjust the term of the agreement to run until 24 months following issuance of the Notice of Final Acceptance of the construction work related to the new Water Treatment Plant project.

2. Do not approve the recommended contract amendment.

MANAGER'S RECOMMENDED ACTION:

This amendment corrects the minor discrepancy in the professional services agreement with FOX Engineering related to the new water treatment plant.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving an amendment to the Master Agreement with FOX Engineering to adjust the term of the agreement for professional engineering services related to the new Water Treatment Plant.

COUNCIL ACTION FORM

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

BACKGROUND:

The College of Design, Landscape Architecture Student Association, is requesting suspension of parking regulations and enforcement for the Downtown Business District for 9 hours a day from October 29 - November 9, 2014 to install a parklet. **The approximate estimated lost revenue to the Parking Fund from the waiver of enforcement is \$22.50 for space 125 on Kellogg Avenue.**

A parklet is a parking space that has been converted to a "park" to provide enhanced amenities and/or green space for people in business districts where sidewalk space is limited like Campustown and Downtown Ames. The Landscape Architecture Student Association is also working on a design concept for a new parklet to be installed by the Memorial Union (see attached). **The existing parklet that was placed in Campustown previously will be installed Downtown from October 29-November 9, 2014. (see below)**



ALTERNATIVES:

1. The City Council can approve the placement of the parklet and the suspension of parking regulations and enforcement for **parking space 125 on Kellogg Avenue** from October 29 - November 9, 2014.

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

2. The City Council can deny approval of the parklet and the suspension of parking regulations and enforcement for parking space 125 on Kellogg Avenue from October 29 - November 9, 2014.
3. The City Council can consider the placement of a parklet at a different location and/or on different dates.

MANAGER'S RECOMMENDED ACTION:

The Landscape Architecture Student Association is excited to display this urban landscape design to the community of Ames and Iowa State University.

As long as the City reserves the right under this authorization to have the Landscape Architecture Student Association remove the parklet if a concern for public safety arises, then it is the recommendation of the City Manager that the City Council adopt Alternative No. 1. This alternative also directs staff to suspend parking regulations and enforcement for parking space 125 on Kellogg Avenue from October 29 - November 9, 2014.

October 15, 2014

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

Dear Honorable Mayor and City Council:

The Student Society of Landscape Architects (SSLA) at Iowa State University proposes to build and install a parklet (or small, public, gathering space) on top of a single, metered parking space. We have selected the first space to the south of Main St. on the west side of Kellogg Avenue, along the east side of The Cupcake Emporium (300 Main Street). The installation would be in place from Wednesday, October 29, 2015 through Sunday, November 2nd. At this time, the Student Society of Landscape Architects respectfully requests that the City Council consider waiving parking meter fees and enforcement during the time that the parklet is in place.

We ask that the Council refer this request to City staff for placement on the October 28th City Council agenda.

Sincerely,

Hannah Luloff and Kyle Thiessen – Parklet Chairs

Student Society of Landscape Architects

COUNCIL ACTION FORM

SUBJECT: JINGLE BELL RUN/WALK FOR ARTHRITIS

BACKGROUND:

The Arthritis Foundation is proposing to hold the 4th annual Jingle Bell Run/Walk on Saturday, December 6, 2014, beginning at 9:00 a.m. and concluding by noon. The event includes a 5K run and a fun run/walk. Organizers anticipate between 250 and 500 participants, and an increase in volunteers is planned to handle coordination of street closures. For the second year, the event will take place near the Ames Middle School, utilizing the same route as Run for the Roses.

In order to facilitate the race, organizers are requesting the closure of the westbound lane of Mortensen Road, from State Avenue to Dotson Drive, from approximately 8:45 a.m. to 9:30 a.m. Runners will transition to the shared use path just east of the Middle School, and Mortensen Road will be reopened as soon as the last participant is through. Roadway surfaces will be used on Hayward Avenue, Knapp Street, Sheldon Avenue, and Arbor Street, requiring the temporary closure of those streets until runners have passed. State Avenue will be closed from Arbor to Mortensen until the last runner has crossed State on the return leg back to the Middle School.

The CyRide red route enters the Middle School turnaround at 9:06 and leaves on the westbound lane of Mortensen at approximately 9:11. Organizers will move the barricades for the bus to ensure that it remains on schedule, and the race will begin shortly after CyRide is through.

The Police Department has reviewed the race plans and is not requiring any off-duty officers for this event. Public Works will provide barricades and cones for the race.

Event organizers plan to mail notification letters to residents along the streets that will be closed for the race. Additionally, Public Works staff will place a message board on Mortensen Road announcing the closure during the week prior to the race.

ALTERNATIVES:

1. The City Council can approve the closure of Mortensen Road, Hayward Avenue, Knapp Street, Sheldon Avenue, and Arbor Street as detailed above.
2. The City Council can deny the request.

MANAGER'S RECOMMENDED ACTION:

Previous Jingle Bell Runs have been successful events. Last year was the first year the event was moved out of Downtown, in an effort to eliminate the disruption to Downtown businesses and residents. This new route minimizes the number of residents affected by street closures.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the street closures for the Jingle Bell Run/Walk as outlined above.

COUNCIL ACTION FORM

SUBJECT: **POWER PLANT UNIT #7 FEEDWATER HEATER
REPLACEMENT**

BACKGROUND:

This proposed project is for a contractor to supply and replace feedwater heaters on Power Plant Unit #7. Feedwater heaters are devices that use extraction steam from the turbine to preheat the feedwater prior to returning to the boiler. This increases the efficiency of the entire steam generating system.

Due to the high number of failures over the past 30 years of operation, the units are now operated in partial bypass mode. This results in the use of more fuel being needed to produce electricity. Staff has determined that the failures were due to the thinning and wear of the feedwater heater tubes. The need for replacement of these heaters is due to long term corrosion and wear. Twenty-five percent of the tubes have been plugged and replacement of the feedwater heaters is now required. Water testing and continuous monitoring is currently in place to reduce future corrosion rates and optimize tube life.

The Engineer's estimate of the total contractor cost for this project is \$850,000. The 2014/15 Capital Improvements Plan includes \$980,000 for the Feedwater Tube Replacement for Unit #7 project.

ALTERNATIVES:

1. Approve the preliminary plans and specifications for the Unit #7 Feedwater Heater Replacement and set November 26, 2014, as the bid due date and December 9, 2014, as the date of hearing and award of contract.
2. Delay the replacement of the Unit 7 feedwater heaters.

MANAGER'S RECOMMENDED ACTION:

Feedwater heaters are subject to long-term corrosion and wear due to operating conditions within the Plant. Replacement is required in order to maintain operability and high efficiency. Heater payback is about 4 months of continuous operation. As is noted above, poorly maintained feedwater heaters increase costs for the utility, and there is a risk of damage to the boiler due to a higher firing rate.

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

COUNCIL ACTION FORM

SUBJECT: WATER POLLUTION CONTROL FACILITY TRICKLING FILTER
PUMPING STATION CHECK VALVE REPLACEMENT

BACKGROUND:

The Water Pollution Control Facility (WPCF) was constructed in 1989. The pump check valves in place at the Trickling Filter Pumping Station (TFPS) are original to the 1989 construction. The check valves on the TFPS's four process pumps have reached the end of their useful life and are beginning to fail. The check valves are needed to ensure that process flows are conveyed to the next step of the treatment process without short circuiting through pumps that are not running.

Staff has prepared plans and specifications for the replacement of four check valves. The estimated cost for this project is as follows:

Check Valve Replacement	\$62,000
Contingency, 15%	\$ 9,300
<hr/>	
Total Valve Cost	\$71,300

The FY 14/15 Capital Improvements Plan includes \$73,000 for this check valve replacement project.

ALTERNATIVES:

1. Issue preliminary approval of plans and specifications for the replacement of the WPC Trickling Filter Pumping Station pump check valves and issue a notice to bidders setting November 26, 2014 as the bid due date and December 9, 2014 as the date of public hearing.
2. Do not issue preliminary approval of plans and specifications and a notice to bidders at this time.

MANAGER'S RECOMMENDED ACTION:

These pump check valves are critical for the operation of the WPCF, and failing to address these issues now could result in significant failures in the future that could result in environmental harm.

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

COUNCIL ACTION FORM

**SUBJECT: CONTROLS AND RELAYING PANELS FOR 69KV SUBSTATIONS –
DAYTON AND STANGE ELECTRIC SUBSTATIONS**

BACKGROUND:

There is a CIP project that was approved in FY 2013/14 to replace the 69kV switchyard relay and controls at Electric Services' Ames Plant switchyard, as well as to replace the relay panels at the Stange Road, Dayton Avenue, and Haber Road substations.

The existing relays at the four substations are obsolete electro-mechanical devices which are becoming difficult to maintain and repair since replacement parts are no longer manufactured. This relay work at the Dayton and Stange substations is being accomplished as part of the overall project to complete a coordinated 69kV looped scheme using the utility's fiber-optic communications loop.

This specific portion of the “Ames Plant 69KV Switchyard Relay & Control Replacement” CIP project is for the purchase of controls and relaying panels for the Dayton and Stange Substations.

Project 1: Dayton Avenue Substation Relay Panel Upgrades

Three existing panels with electromechanical relays are to be replaced at the Dayton Substation. These panels provide relay protection and controls for the transmission line terminal breaker, the circuit switcher that protects the distribution transformer, and the substation bus panel.

Project 2: Stange Road 69kV Substation Relay Panel and Circuit Breaker Upgrades

Four existing panels with electromechanical relays are to be replaced at the Stange Road 69kV Substation. These panels also provide relay protection and control for two transmission terminal breakers, a circuit switcher that protects the distribution transformer, and the substation bus panel.

The Engineer's estimate of the cost for this phase of the project is \$ 279,000.

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

\$1,700,000.00	Amount Budgeted for the Total Project
\$162,200.00	Encumbered Engineering for Ames Plant Switchyard (includes change orders 1 and 2)
\$56,377.35	Actual cost for SF6 circuit breakers
\$122,502.60*	Actual cost for electrical materials (*This amount includes applicable sales taxes to be paid directly by Ames to the State of Iowa)
\$198,469.55	Actual cost for Ames Plant Substation control panels.
\$397,069.40	Actual cost for materials installation phase for the Ames Plant Switchyard Project (includes change order 1 & 2)
\$98,755.20	Actual cost for Control Panels for Haber Road Substation (includes change order 1)
\$160,435	Actual cost of Ames Plant area commissioning
\$123,688.30	Encumbered Engineering for Dayton Avenue and Stange Road Substation Relay and Control Panels (includes change order 1 and 2)
<u>\$1,319,497.40</u>	Total committed to Date
\$279,000	Estimated cost for Controls and Relaying Panels for the Dayton and Stange Substations - this item (pending Council approval of plans and specifications for this agenda item)
\$101, 502.60	Amount available to complete project. (There is no other known material or construction work to be contracted for on this project.)

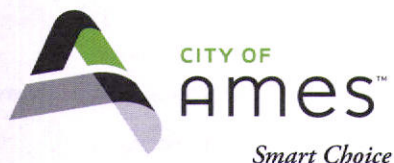
ALTERNATIVES:

1. Approve the plans and specifications for the Controls and Relaying Panels for Dayton and Stange Substations and set November 26, 2014, as the bid due date and December 9, 2014, as the date of hearing and award of contract.
2. Do not approve the plans and specifications at this time.

MANAGER'S RECOMMENDED ACTION:

These projects are necessary for Electric Services to continue providing safe, reliable service to the customers in the City. By installing modern, programmable relays, and updated controls in these locations, long-term reliability can be improved.

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



To: Mayor and Members of the City Council

From: City Clerk's Office

Date: October 24, 2014

Subject: Contract and Bond Approval

There is no Council Action Form for Item No. 19. Council approval of the contract and bond for this project is simply fulfilling a *State Code* requirement.

/jr

COUNCIL ACTION FORM

SUBJECT: **POWER PLANT COAL DOZER REPLACEMENT**

BACKGROUND:

A rubber tired 2009 Caterpillar Wheel Dozer is operated in the Power Plant's coal yard to move and compact coal. In 2009, Council awarded a bid to Ziegler Caterpillar of Altoona, Iowa to purchase the current wheel loader for \$621,502. The purchase contract included a \$250,000 buyback guarantee. Ziegler Caterpillar's buyback guarantee is for five years and 6,000 hours of use. The wheel loader was purchased based on the net low evaluated cost by using the cost of the machine less the guaranteed buy back.

As of October 16, 2014, this wheel loader had approximately 2,960 hours on the hour meter after three years of use.

Typically the option to exercise the buyback guarantee significantly benefits the City when the hours and replacement cycle of the wheel dozer follows the anticipated usage schedule. Another option, however, is to keep the machine in service and not exercise the buyback. **Choosing to keep the wheel dozer in service for an extended time period, and thereby diminishing or forgoing the buyback, could be a better financial decision if the existing wheel dozer's condition is acceptable to be used for the extended period.** Fleet Services has evaluated the condition of this wheel loader and feels confident that the condition is satisfactory to continue use in the same capacity for three more years. With Council's approval, the City can choose to keep the current wheel dozer in service beyond the limits of the buyback, without penalty, with the understanding that the buyback will be diminished or foregone.

The anticipated schedule for converting the Power Plant from coal to natural gas calls for the transition to be completed in the first half of 2016. Upon completion of the transition, the City will no longer need this piece of equipment to move coal. After it is determined that the equipment is no longer needed, it will be sold. This salvage value will not be guaranteed and could be higher or lower than then the current contracted buyback guarantee from Ziegler.

ALTERNATIVES:

1. Authorize continuing use of the existing wheel dozer at the Power Plant's coal yard, beyond 6,000 hours and five years, resulting in forgoing the \$250,000 buyback guarantee from Ziegler Caterpillar of Altoona, IA.
2. Exercise the buyback in the amount of \$250,000 to Ziegler Caterpillar of Altoona, IA, and use the accumulated escrow and the buyback to purchase a new wheel dozer.

3. Reject both alternatives 1 and 2 and instruct staff to further analyze other options.

MANAGER'S RECOMMENDED ACTION:

With the impending conversion away from coal to natural gas, combined with the good condition of the current wheel dozer, keeping the current wheel dozer in service appears to be the most cost effective and the best alternative for the City.

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

COUNCIL ACTION FORM

SUBJECT: LIBRARY RENOVATION AND EXPANSION PROJECT
CHANGE ORDER NO. 20 WITH A&P/SAMUELS GROUP

BACKGROUND:

The City Council is being asked to approve Change Order #20 with A&P/The Samuels Group for the Library Renovation and Expansion Project. This request includes the following items at a total cost of \$36,230:

- 1) Add \$7,324 for staining the 1984 exterior brick;
- 2) Add \$17,324 for additional painting, tuck pointing, and pavers on the exterior of the building;
- 3) Add \$6,989 for installing concrete stoops in lieu of pavers at the entrances; and
- 4) Add \$4,593 for miscellaneous electrical work.

The Samuels Group's contract cost history is summarized below.

Original Contract Sum	\$12,543,350
Net changes authorized by Change Orders #1-19	\$752,005
Contract Sum after processing Change Order #19	\$13,295,355
Contract Sum increase by approval of Change Order #10	\$36,230
New Contract Sum including Change Order #20	\$13,331,585

After processing Change Order #19, the allowance reserved by the Library Board for the prime contractor's potential contract change orders was \$247,995. With approval of Change Order #20, the change order allowance will be reduced to \$211,765.

ALTERNATIVES:

1. Approve Change Order #20 with A&P/Samuels Group, A Joint Venture, as detailed above for a net increase in the contract sum of \$36,230.
2. Do not approve Change Order #20.

MANAGER'S RECOMMENDED ACTION:

Change Order #20 requests revisions to The Samuels Group's construction contract for the additional work identified above. The Library staff and project architect have reviewed this request and have recommended approval of the change order.

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



CITY OF
Ames™

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MEMO

To: Mayor and City Council

From: Bob Kindred

Date: October 24, 2014

Subject: Item #22 Pulled

Item #22 has been pulled from the agenda and will be presented at a later date.

COUNCIL ACTION FORM

**SUBJECT: ACCEPTANCE OF SUBSTATION ELECTRICAL MATERIALS –
LIGHTNING ARRESTORS**

BACKGROUND

On June 11, 2013, City Council approved preliminary plans and specifications for certain electrical materials associated with the replacement of the 69kV switchyard relay controls at the Ames Plant Substation. This portion of the project is for the purchase of electrical materials consisting of 69kV Switches, Instrument Transformers, Lightning Arrestors and Steel Structures. The Engineer's estimated cost of these materials is \$175,000. A budget of \$1,700,000 is included in the 2013/14 CIP for the entire project.

On June 26, 2013, bids were received and evaluated by Electric Services staff and an engineer from Dewild Grant Reckert & Associates (DGR) Company. The recommended awards were as followed:

- Bid No. 1 69kV Switch – Hamby-Young, Aurora, OH for \$52,552.84*
- Bid No. 2 Instrument Transformers - RESCO, Ankeny, IA for \$65,779.59*
- **Bid No. 3 Lightning Arresters – Fletcher-Reinhardt Company, Bridgeton, MO for \$11,273.52***

****Award amounts for Bid No.'s 1-3 are inclusive of Iowa Sales Tax***

- Bid No. 4 Steel Structures – Galvanizers, Inc., West Fargo, ND for \$2,189.62, plus applicable sales taxes (in the amount of \$137.72) to be paid directly by the City of Ames to the State of Iowa.

The total cost of all four of these awards (including all applicable sales tax) was \$131,933.29.

Fletcher-Reinhardt Company has now delivered all of the lightning arrestors, and the Project Engineer has provided a certificate of completion for this portion of the electrical materials. One Contract Change Order was administratively approved in the amount of \$35.31 for changing the rating of six lightning arrestors from 8.4kV to 12.7kV. The total contract amount including the one change order is \$11,308.83.

ALTERNATIVES:

- 1) Accept completion of the contract for the lightning arrestors portion of the Substation Electrical Materials with Fletcher-Reinhardt Company, at a total cost of \$11,308.83, and authorize final payment to the contractor.

2) Delay acceptance of this portion of the project.

MANAGER'S RECOMMENDED ACTION:

The contractor for the lightning arrestors portion of the Substation Electrical Materials has delivered all of the materials specified under the contract. The Project Engineer has issued a certificate of completion on the work, and the City is legally required to make final payment. The City is awaiting receipt of the 69kV Switches, Instrument Transformers, Lightning Arrestors and Steel Structures yet to be delivered.

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

COUNCIL ACTION FORM

SUBJECT: 2012/13 ASPHALT STREET RECONSTRUCTION PROGRAM (PIERCE COURT, WESTBEND DRIVE, WESTBEND CIRCLE, SOUTHBEND DRIVE)

BACKGROUND:

This program was created in accordance with City Council's goal of strengthening our neighborhoods, and is an annual program for reconstruction of full-depth asphalt streets, typically located within residential neighborhoods. Streets within residential subdivisions have been installed using full-depth asphalt pavement since mid-1970. Full-depth replacement of these streets has become necessary due to structural pavement failure. The locations for this year were Pierce Court, Westbend Drive, Westbend Circle, and Southbend Drive.

On March 26, 2013, City Council awarded this project to Manatts, Inc of Ames, Iowa, in the amount of \$770,765.63. A balancing change order, a deduction in the amount of \$14,884.70, was administratively approved by staff. That change order reflected actual quantities installed in the field. Construction has been completed in the amount of \$755,880.92. Engineering and contract administration costs totaled \$119,100, bringing overall project costs to \$874,980.92.

The project is financed in the amount of \$928,000 with General Obligation Bonds. Remaining bond funding will be used for future projects.

ALTERNATIVES:

1. Accept the 2012/13 Asphalt Street Reconstruction Program (Pierce Court, Westbend Drive, Westbend Circle, and Southbend Drive) as completed by Manatt's, Inc., of Ames, Iowa, in the amount of \$755,880.92.
2. Direct staff to pursue modifications to the project.

MANAGER'S RECOMMENDED ACTION:

The project has now been completed in accordance with approved plans and specifications, and is within the approved budget.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby accepting the 2012/13 Asphalt Street Reconstruction Program (Pierce Court, Westbend Drive, Westbend Circle, and Southbend Drive) as completed by Manatt's, Inc., of Ames, Iowa, in the amount of \$755,880.92.

COUNCIL ACTION FORM

SUBJECT: 2012/13 ASPHALT RESURFACING AND SEAL COAT REMOVAL/
ASPHALT RECONSTRUCTION PROGRAM & 2012/13 WATER MAIN
REPLACEMENT (SOUTH WILMOTH AVENUE, MORNINGSIDE DRIVE,
HILLTOP ROAD AND TRIPP STREET)

BACKGROUND:

This is an annual program for removal of built-up seal coat from streets with asphalt surface, as well as asphalt resurfacing of various streets. This program restores surface texture, corrects structural deficiencies, removes built-up seal coat, and prevents deterioration of various streets. Built-up seal coat on streets causes excessive crown which results in vehicles dragging at driveway entrances. Complete removal of this built-up seal coat allows for repair to curb and gutter and placement of a new asphalt surface. This resurfacing process results in better riding surfaces, increased safety with improved surface texture, and increased life expectancy of streets.

Since this area was also in need of a water main replacement, this project also included the water main work in an effort to minimize inconvenience to area residents by consolidating these projects into one construction season. Additionally, this provided cost savings to the City by minimizing patching costs related to the water main work.

The locations in this contract for asphalt resurfacing and seal coat removal/asphalt reconstruction and water main replacement included South Wilmoth Street (Lincoln Way to Morningside Street), Morningside Street, Hilltop Road, and Tripp Street (South Wilmoth to Hilltop Road). Final acceptance was held over to 2014 to ensure proper vegetative restoration growth.

On February 26, 2013, City Council awarded this project to Manatts, Inc. of Ames, Iowa, in the amount of \$957,521.70. Three change orders were administratively approved by staff. Change Order No. 1, in the amount of \$1,200.00, included the removal of an abandoned sanitary structure under Tripp Street. Change Order No. 2 in the amount of \$5,274.50 included interior plumbing work for service transfers and an extension for a fire hydrant. Change Order No. 3, a deduction in the amount of \$1,604.03, was the balancing change order and reflects the actual quantities installed in the field. Construction was completed in the amount of \$962,392.18.

Programmed funding and projected expenses are summarized below:

	<u>Expenses</u>	<u>Funding</u>
G.O. Bonds		\$ 620,500
Road Use Tax		\$ 650,000
Water Funds		\$ 489,750
2012/13 Seal Coat Rem./Asphalt Recon. (actual)	\$ 579,433	
2012/13 Water System Improvements (actual)	\$ 382,959	
Engineering (actual)	<u>\$ 163,507</u>	<u> </u>
Totals	\$1,125,899	\$1,760,250

Remaining funds will be utilized on additional future projects.

ALTERNATIVES:

- 1a. Accept the 2012/13 Asphalt Resurfacing and Seal Coat Removal/Asphalt Reconstruction Program and 2012/13 Water Main Replacement (South Wilmoth Avenue, Morningside Drive, Hilltop Road, and Tripp Street) as completed by Manatts, Inc. of Ames, Iowa, in the amount of \$962,392.18.
2. Direct staff to pursue modification to the project.

MANAGER'S RECOMMENDED ACTION:

This project was completed in accordance with the approved plans and specifications and is within the approved budget.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby accepting the 2012/13 Asphalt Resurfacing and Seal Coat Removal/Asphalt Reconstruction Program and 2012/13 Water Main Replacement (South Wilmoth Avenue, Morningside Drive, Hilltop Road, and Tripp Street) as completed by Manatt's Inc, of Ames, Iowa, in the amount of \$962,392.18.

COUNCIL ACTION FORM

SUBJECT: 2012/13 CYRIDE ROUTE PAVEMENT IMPROVEMENTS
(LINCOLN WAY: FRANKLIN AVENUE TO HAYWARD AVENUE)

BACKGROUND:

This is the annual program for pavement improvements to streets that are, or were, bus routes. These streets were originally designed and built for lighter residential traffic. With these streets designated as bus routes, accelerated deterioration of the street pavement occurred. Pavement improvements will now restore or improve these street sections to carry projected traffic volumes.

The 2012/13 project locations were Todd Drive from South Dakota Avenue to Allcott Drive, and Lincoln Way from Franklin Avenue to Hayward Avenue. **This project was for Lincoln Way** and work involved a mill and overlay of the existing pavement, as well as sanitary sewer and storm sewer repairs identified during the design.

On April 23, 2013, City Council awarded this project to Manatts, Inc. of Ames, Iowa, in the amount \$649,697.97. City Council approved Change Order No. 1 in the amount of \$54,034.31 on January 28, 2014, which included necessary concrete patching and balanced the actual field installed quantities. Construction was completed in the amount of \$703,732.28. Final acceptance of the project by City Council was delayed until 2014 to ensure that vegetative restoration was well established.

A table with the funding and cost breakdown, including engineering and administrative costs between the different locations, is shown below:

Engineering/Admin (overall program)	\$ 136,076.09
Todd Drive – South Dakota to Alcott (actual)	\$ 203,439.25
Lincoln Way – Franklin to Hayward (actual)	<u>\$ 703,732.28</u>
	\$1,043,247.62

This program is financed in the amount of \$1,420,000 with General Obligation Bonds for both projects. \$374,828 of the remaining G.O. Bond funding is being used for the North Growth Area Utility Extension Project as authorized by City Council on May 15, 2014.

ALTERNATIVES:

1. Accept the 2012/13 CyRide Route Pavement Improvements (Lincoln Way: Franklin Avenue - Hayward Avenue) as completed by Manatts, Inc. of Ames, Iowa, in the amount of \$703,732.28.

2. Direct staff to pursue modifications to the project.

MANAGER'S RECOMMENDED ACTION:

This project was completed in accordance with the approved plans and specifications and is within the approved budget.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby accepting the 2012/13 CyRide Route Pavement Improvements (Lincoln Way: Franklin Avenue - Hayward Avenue) as completed by Manatts, Inc. of Ames, Iowa, in the amount of \$703,732.28.

COUNCIL ACTION FORM

SUBJECT: PLAT OF SURVEY FOR 2810 & 2824 WAKEFIELD CIRCLE

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.

This particular Plat of Survey is for a proposed boundary line adjustment of two existing platted lots in Ames Community Industrial Park, 4th Addition, southeast of the intersection of Wakefield Circle and S. Bell Avenue. (See Attachment A, Location Map) The properties are currently owned by Dayton Park, LLC. In this instance, the owner seeks to combine the two lots into a single parcel for future industrial development. The Plat of Survey eliminates the boundary line between existing Lots 8 and 13 of Ames Community Development Park, 4th Addition (See Attachment B, Existing Conditions, and Attachment C, Plat of Survey). A vacation of easements was approved by City Council at its last meeting.

Public improvement requirements were incorporated into the original final plat approval of the overall subdivision, which includes sidewalk along the boundaries of the new parcel that abut Wakefield Circle and S. Bell Avenue. **Staff also notes this site is within the South Bell TIF Developer's Agreement area. The site will be subject to large lot requirements of the agreement and its other development provisions.**

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 2810 & 2824 WAKEFIELD CIRCLE

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: Dayton Park, LLC

Existing Street Addresses: 2810 and 2824 Wakefield Circle

Assessor's Parcel #: 1007325040 and 1007325030

Legal Description: Lots 8 and 13, Ames Community Development Park, 4th Addition to City of Ames, Story County, Iowa

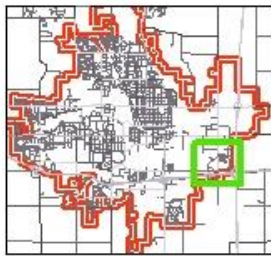
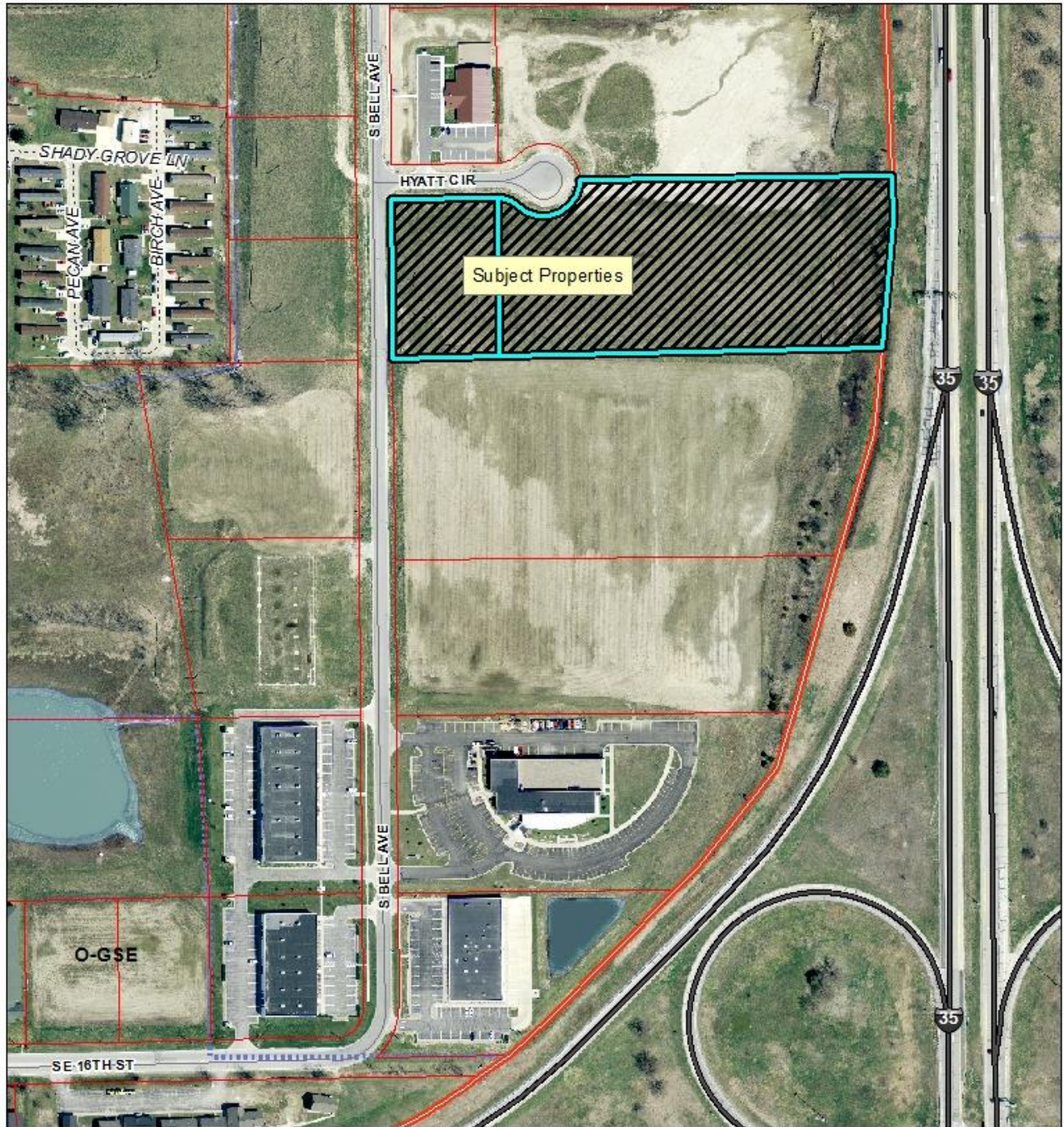
Public Improvements:

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



Location Map
2810 & 2824 Wakefield Circle

0 90 180 360 540 Feet



ATTACHMENT B: EXISTING CONDITIONS



PLAT OF SURVEY - PARCEL 'A'



COUNCIL ACTION FORM

SUBJECT: MAJOR FINAL PLAT FOR NORTHRIDGE HEIGHTS SUBDIVISION 17TH ADDITION

BACKGROUND:

On June 28, 2011, the City Council approved the most recent revised Preliminary Plat for Northridge Heights Subdivision. The property owner, Uthe Development Company, is now requesting approval of a Final Plat for the Northridge Heights Subdivision 17th Addition. This proposed subdivision includes 25 residential lots for single-family detached homes and one outlot for the future construction of residential lots, an extension of Stange Road, and Weston Drive, as well as the construction of Aberdeen Drive on approximately 19.72 acres (*see Attachments A & B*).

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

Public improvements are required for subdivision. Financial security, in the form of a Letter of Credit in the amount of \$240,750, has been received and placed on file with the City Clerk's Office for the remaining public improvements for the 17th Addition. These remaining public improvements include curb and gutter, asphalt surfacing, street lighting, pedestrian ramps, seeding and erosion control. As part of the final plat submittal, an "Agreement for Public Improvements" has been included for recording with the approved Final Plat, which requires the owner to construct the remaining public improvements. The Letter of Credit will then be released upon satisfactory completion of the public improvements.

There is no financial security on file with the City Clerk's office for sidewalks or street trees. As an alternative to installing sidewalks before lots are platted and homes are constructed, Section 23.403 (14) allows deferment of sidewalks with financial security when installation is considered premature. However, the City's past practice has been to accept a signed, written Agreement for sidewalk and street trees from the owner specifying that, in lieu of financial security, occupancy of new structures will not be permitted by the City until the sidewalks and street trees associated with the individual lot are installed. Consistent with this practice, the City Council may wish to waive this condition and approve the Final Plat with the accompanying Agreement for Sidewalk and street trees, allowing sidewalks and street trees to be deferred until occupancy of structures on abutting sites.

Except for the need for a waiver of the requirement for financial security for sidewalks, the proposed subdivision complies with all relevant and applicable design and improvement standards of the Subdivision Regulations, to the City's Land Use Policy Plan, to other adopted City plans, ordinances and standards, and to the City's Zoning Ordinance.

ALTERNATIVES:

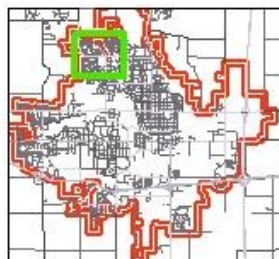
1. The City Council can:
 - A. Waive the subdivision code requirement for financial security for sidewalks in this 17th Addition, since the Developer has signed the “Agreement for Sidewalk and Street Trees” requiring the installation of these improvements prior to occupancy or within 24 months of issuance of a building permit; and,
 - B. Approve the Final Plat of Northridge Heights Subdivision, 17th Addition, based upon the findings and conclusions stated above.
2. The City Council can deny the Final Plat for Northridge Heights 17th Addition if it finds that the development creates a burden on existing public improvements or creates a need for new public improvements that have not yet been installed. (The *Municipal Code* requires a final decision regarding final plat approval be rendered by the City Council within 60 days of the complete application for Final Plat approval of a Major Subdivision. City Council must approve, approve subject to conditions, or disapprove this Final Plat application no later than November 25, 2014, to meet the 60 day deadline.)
3. The City Council can refer this request back to staff or the applicant for additional information. (The *Municipal Code* requires a final decision regarding final plat approval be rendered by the City Council within 60 days of the complete application for Final Plat approval of a Major Subdivision. (City Council must approve, approve subject to conditions, or disapprove this Final Plat application no later than November 25, 2014, to meet the 60 day deadline.)

CITY MANAGER’S RECOMMENDED ACTION:

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

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

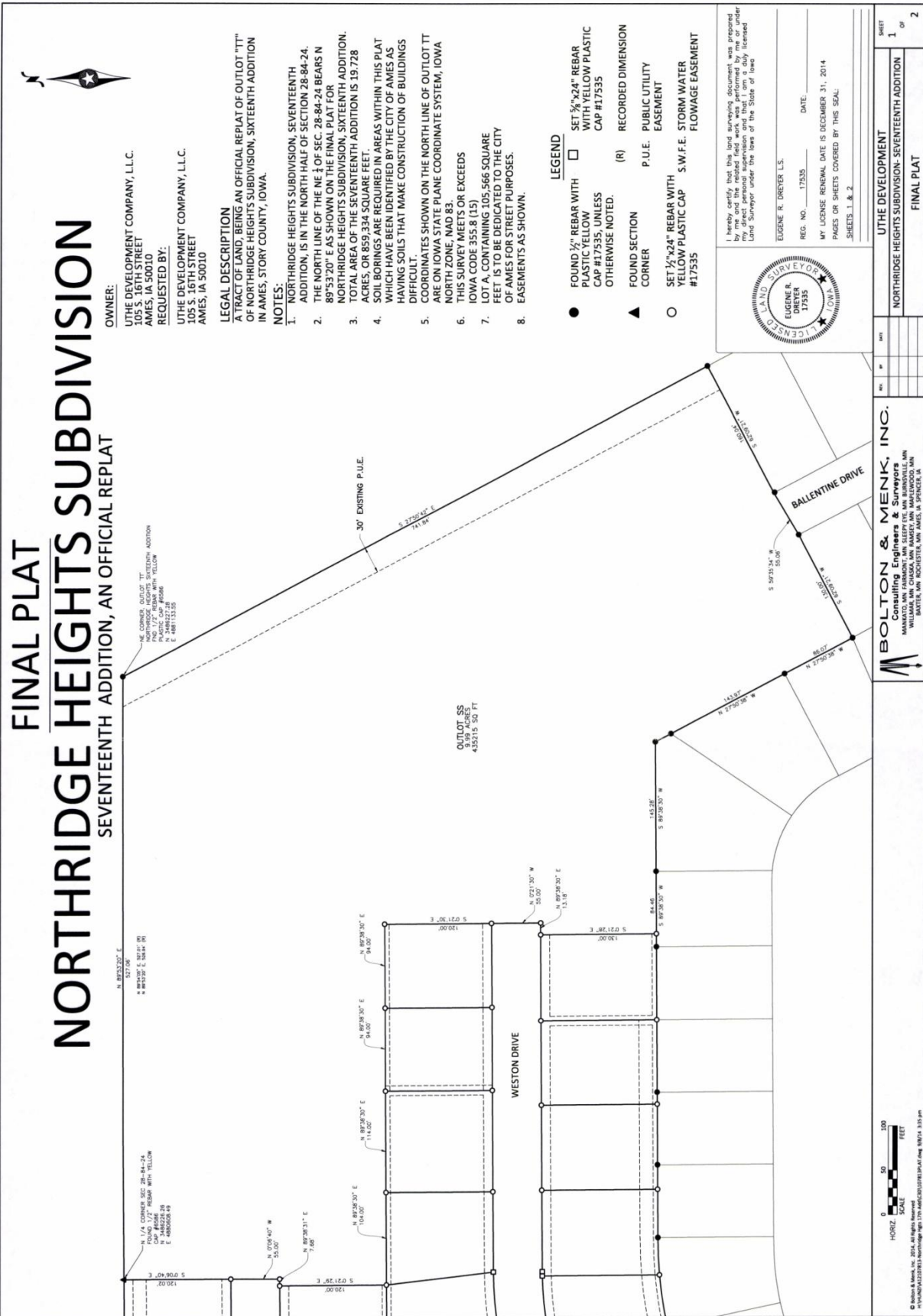
Attachment A



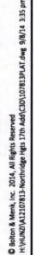
Location Map Northridge Heights Subdivision 17th Addition.

0 155 310 620 930 Feet





5



Attachment C

Applicable Laws and Policies Pertaining to Final Plat Approval

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

Code of Iowa, Chapter 354.8 states in part:

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

Ames Municipal Code Section 23.302

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

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

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

(c) The City Council may:

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

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

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

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

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

COUNCIL ACTION FORM

SUBJECT: SCENIC VALLEY 1ST SUBDIVISION, MAJOR FINAL PLAT

BACKGROUND:

The Hunziker Development Company has submitted a final subdivision plat for Scenic Valley Subdivision, First Addition. The subdivision is zoned as FS-RL (Suburban Low Density), which allows exclusively for single-family residential development. The Scenic Valley development lies west of George Washington Carver Avenue and east of Squaw Creek.

The proposed final plat (attached) includes 42 residential lots for single family attached and detached housing. It plats about the southern one third of the area of the preliminary plat. This first addition includes an extension of Weston Drive west of George Washington Carver Avenue. It also includes the partial construction of Aldrin Avenue and Cartier Avenue. The south end of Cartier Avenue ends in a cul-de-sac, while the north end of Cartier and the north and south ends of Aldrin Avenue will terminate in temporary fire truck turnarounds. These roads will be extended through the subdivision and completed at a later phase.

The developer has provided a letter of credit in the amount of \$1,306,882 for the completion of the improvements, which the City Council is asked to accept.

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

Only the sidewalks adjacent to the residential lots are being deferred until the occupancy of individual homes. The interior sidewalks and the sidewalk along the west side of George Washington Carver are included in the letter of credit and will be completed as part of the public infrastructure, regardless of the timing of the construction of the abutting homes.

The approval of the preliminary plat included two conditions. The first is that, "prior to final plat approval, the street light and street planting plan for the attached single-family home portion of Aldrin Avenue south of Weston Drive...be prepared and

presented to the Planning and Housing Department for review and approval to ensure appropriate space is reserved for off-street parking coordinated with driveway placement.” The Department has reviewed the plan and finds it acceptable. There will be approximately 11 parking spaces along Aldrin upon its completion.

The second condition is that an “easement document or similar restriction...be prepared for City staff review that contains specific language regarding the protection of trees and slopes as described in the master plan.” Such language has been incorporated into the easement language and has been approved by Planning and Legal staff. It states:

The purpose of the Greenbelt Easements (as defined herein) is to maintain a natural and healthy wooded area for its scenic and aesthetic value and to protect and maintain the sloped terrain within the Greenbelt Easement Areas (as defined herein) from degradation and erosion. The undersigned further grants unto the **CITY OF AMES, IOWA**, and its successors and assigns, greenbelt easements (collectively, the “Greenbelt Easements”) upon, underground, over or across the following-described real estate (collectively, the “Greenbelt Easement Areas”): [Legal Description here]

With respect to the Greenbelt Easement Areas, the following shall apply:

- a. No habitable structures shall be erected within the Greenbelt Easement Areas;
- b. Ash trees may be removed from within the Greenbelt Easement Areas at any time, and dead, dangerous, and/or diseased trees may be removed from the Greenbelt Easement Areas;
- c. Other trees and scrub vegetation may selectively be removed from the Greenbelt Easement Areas with the purpose of promoting the health of the overall woods and protection of the sloped terrain, and accordingly, the clearing of large areas of trees from within the Greenbelt Easement Areas is prohibited unless the City of Ames, Iowa concurs with a report from a certified arborist with respect to the need for a large clearing of trees in support of the aforementioned purpose;
- d. Gazebos and other non-habitable structures are permitted within Outlot F, subject to the requirements of the flood plain zoning regulations;
- e. Non-habitable structures are permitted within the Greenbelt Easement Areas, other than Outlot F, when such non-habitable structures are placed or constructed in a manner that does not cause erosion or the degradation of the sloped terrain;
- f. Walking paths are permitted within the Greenbelt Easement Areas when such walking paths are constructed in a manner that does not cause erosion or the degradation of the sloped terrain; and
- g. Representatives of the City of Ames, Iowa may access the Greenbelt Easement Areas, with reasonable notice, for purposes of reviewing the condition of the land and vegetation within the Greenbelt Easement Areas and consistency with the purpose of the Greenbelt Easements; however, the City of Ames, Iowa has no obligation for maintenance or improvement of the land or vegetation within the Greenbelt Easement Areas.

The foregoing rights are granted upon the express condition that the users of the granted rights will assume liability for all damage to the real estate described herein and any adjacent real estate caused by the failure to use due care in the exercise of the granted rights.

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

ALTERNATIVES:

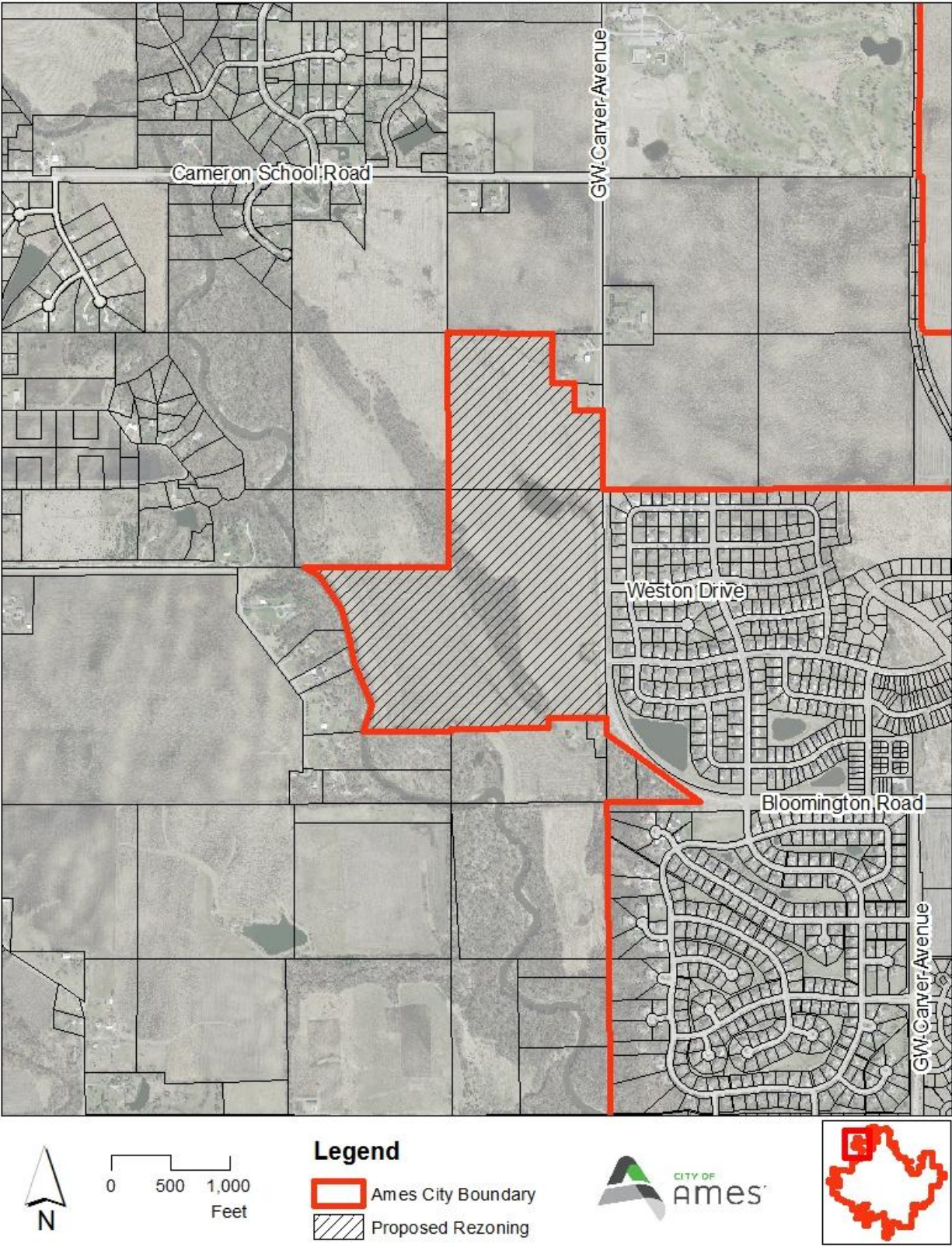
1. The City Council can take the following two actions:
 - A. Waive the subdivision code requirement for financial security for sidewalks and street trees in the Scenic Valley Subdivision, First Addition, since the Developer has signed the “Agreement for Sidewalk and Street Trees” requiring the installation of these improvements prior to occupancy or within 24 months of issuance of a building permit, whichever occurs first; and,
 - B. Approve the Final Plat of Scenic Valley Subdivision, First Addition, based upon findings that the Final Plat conforms to relevant and applicable design standards, ordinances, policies, and plans with an Improvement Agreement and financial security and approve the financial security in lieu of the installation of the required improvements.
2. The City Council can deny the Final Plat for Scenic Valley Subdivision, First Addition if it finds that the development creates a burden on existing public improvements or creates a need for new public improvements that have not yet been installed.
3. The City Council can refer this request back to staff or the applicant for additional information. (The *Municipal Code* requires a final decision regarding final plat approval be rendered by the City Council within 60 days of the complete application for Final Plat approval of a Major Subdivision. (City Council must approve, approve subject to conditions, or disapprove this Final Plat application no later than November 25, 2014, to meet the 60 day deadline.)

CITY MANAGER’S RECOMMENDED ACTION:

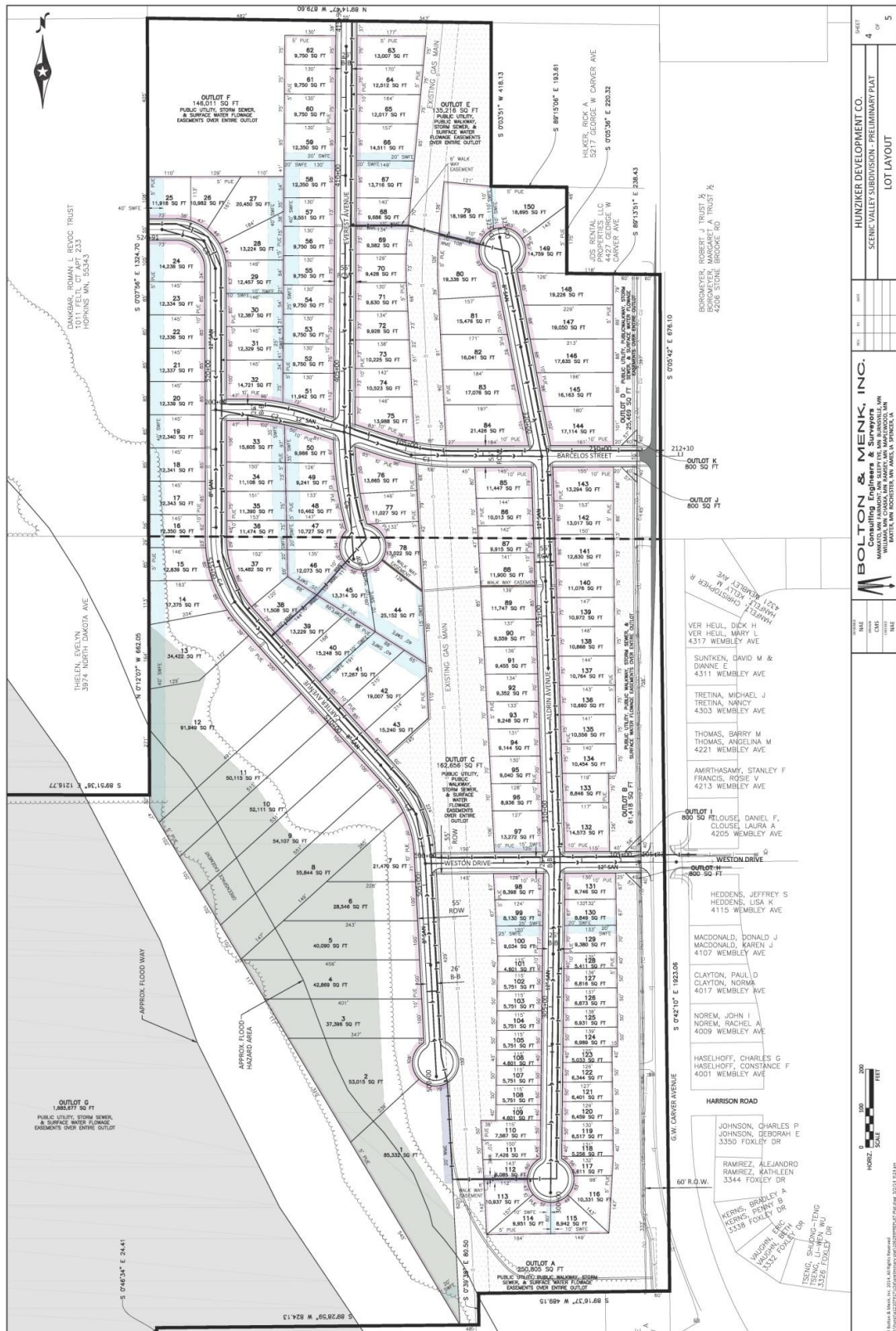
City staff has evaluated the proposed final subdivision plat and determined that the proposal is consistent with the preliminary plat approved by City Council and that the plat conforms to the adopted ordinances and policies of the City as required by Code.

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

Location Map



Approved Preliminary Plat



Scenic Valley Subdivision, First Addition

FINAL PLAT SCENIC VALLEY SUBDIVISION FIRST ADDITION



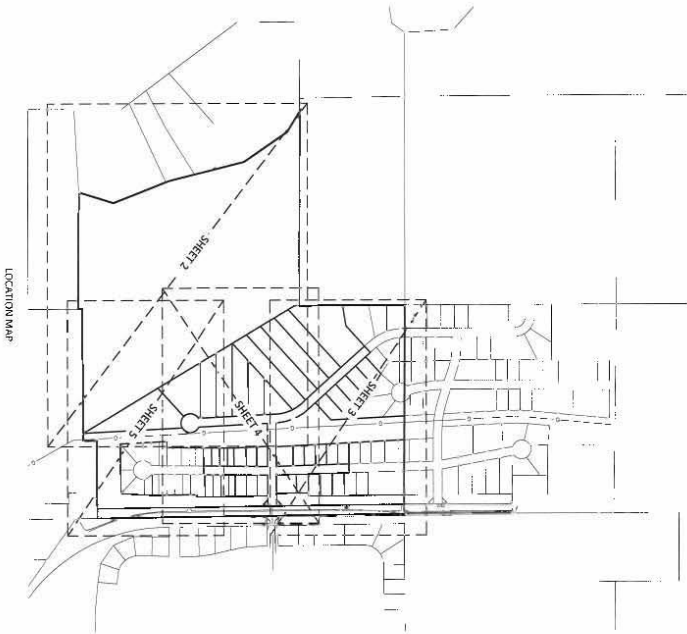
OWNER:
HUNZIKER DEVELOPMENT COMPANY LLC,
1005 S. 10TH STREET
AMES, IA 50010

REQUESTED BY:
HUNZIKER DEVELOPMENT COMPANY LLC,
1005 S. 10TH STREET
AMES, IA 50010

LEGAL DESCRIPTION
SUBDIVISION OF THE EAST QUARTER IN 1/4 OF
SECTION 28, TOWNSHIP 84 NORTH, RANGE 24 WEST OF
THE 5TH P.M., STORY COUNTY, IOWA, AS SHOWN ON THE
PLAT OF SURVEY FILED IN THE OFFICE OF THE RECORDER
OF STORY COUNTY, IOWA, ON MAY 8TH, 2012, AS BOOK
81-2097-14, AND ON JUNE 25TH, 2016, AS BOOK
81-2097-14, AND ON JUNE 25TH, 2016, AS BOOK

LEGEND

- FOUND 5/4" REBAR WITH
PLASTIC YELLOW
CAP #17358, UNLESS
OTHERWISE NOTED.
- ▲ FOUND SECTION
CORNER
- SET 5/4" REBAR WITH
YELLOW PLASTIC CAP
#17358
- SET 3/4" REBAR
WITH YELLOW PLASTIC
CAP #17358
- (R) RECORDED DIMENSION
- PILE PUBLIC UTILITY
FASWENT
- S.W.F.E. STORM WATER
FLOWAGE EASEMENT



BOLTON & MENK, INC.
Consulting Engineers & Surveyors
AMES, IOWA 50010
TEL: 562-3333

- NOTES:
1. SCENIC VALLEY SUBDIVISION, FIRST ADDITION IS LOCATED IN THE
N.E.1/4 OF SECTION 29 OF TOWNSHIP 84 NORTH, RANGE 24 WEST
OF THE 5TH P.M., CITY OF AMES, STORY COUNTY, IOWA.
 2. THE EAST LINE OF THE N.E.1/4 OF SEC. 29-84-24 IS ASSUMED TO
BE THE EAST LINE OF THE N.E.1/4 OF SEC. 29-84-24.
 3. TOTAL AREA OF THE FIRST ADDITION IS 86.67 ACRES, OR
3,775,709 SQUARE FEET.
 4. SOIL BORINGS ARE REQUIRED IN AREAS WITHIN THIS PLAT WHICH
HAVE BEEN IDENTIFIED BY THE CITY OF AMES AS HAVING SOILS
COORDINATES SHOWN ARE ON IOWA STATE PLANT COORDINATE
SYSTEM, IOWA NORTH ZONE, NAD 83.
 5. THIS SURVEY MEETS OR EXCEEDS IOWA CODE 85.2 & 85.3
CONFORMANCE STANDARDS FOR SURVEYING.
 6. CONFORMANCE STANDARDS FOR SURVEYING ARE TO BE DEDICATED TO THE CITY
OF AMES FOR STREET PURPOSES.
 7. EASEMENTS ARE SHOWN.
 8. OUTLOT IS SUBJECT TO, AND IN ACCORDANCE WITH THE
SUBDIVISION FIRST ADDITION, AMES, STORY COUNTY, IOWA.
 - 9.



I hereby certify that the plat and surveying data were prepared by a duly
licensed and qualified surveyor, and that the same are true and correct.
Surveyor's Name: John A. Menk Date: 10/24/14
Firm: Bolton & Menk, Inc.
Address: 1005 S. 10th Street, Ames, IA 50010
Phone: 562-3333

Project Name	HUNZIKER DEVELOPMENT CO.
Project Address	SCENIC VALLEY SUBDIVISION - FIRST ADDITION
Plat Title	FINAL PLAT
Sheet No.	1 of 5

Applicable Laws and Policies Pertaining to Final Plat Approval

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

Ames Municipal Code Section 23.302

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

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

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

(c) The City Council may:

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

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

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

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

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

Staff Report

VENDING CODE REVISIONS

Municipal Code, Chapter 22

October 28, 2014

Background

After receiving several complaints regarding vending carts along Main Street and experiencing difficulty in administering the current ordinance language on vending, City staff is offering proposed revisions to Chapter 22, Division III of the City Code that pertains to vending on public rights-of-way. Staff has worked with the Main Street Cultural District and the Campustown Action Association to obtain input from the districts members as well as with vendors over the last year. Additionally, City staff from the City Clerk's Office, Fire Department-Inspections Division, Police Department, Planning and Housing, and Public Works were requested to provide input to ensure clear information is provided to those wanting to vend on public rights-of-way. The input from all parties was used to create the draft ordinance changes, applications, and administrative policies. Examples of these changes are attached.

As a final follow up prior to coming back to City Council on October 28, 2014, vending cart owners were invited to discuss the draft ordinance and administrative policies with staff on Thursday, September 18, 2014. Only two of the 14 vendors attended this meeting. The two in attendance were very satisfied with the revisions and appreciated that the application contained a copy of the administrative policies and pertinent ordinance language for them to refer to when necessary. They recommended staff consider adding a decibel limit to music being played by vending carts that would allow for conversations with patrons. Staff has addressed this concern and added a decibel limit for vending carts as part of the revisions to the code. The vendor recommendation on decibels also addresses a concern submitted to the City Council about noise emitted by vending carts where there are residents living in buildings above businesses.

Staff has attached specific Municipal Code and administrative policies changes that are being proposed for each of the six uses laid out in this section of the code: Vending Carts, Vendor Persons, Mobile Vending Vehicle (Ice Cream Trucks), and Sidewalk Sales. Staff feels that the current regulations in Chapter 22, Division III for these very different vending functions do not work well for either the City or the vendors. The present code only provides definitions for Stand and Vendor. The new code provides a comprehensive set of definitions and administrative policies to allow for equitable implementation of the Code. The revisions as presented do not include sidewalk cafes, however, definitions for sidewalk cafes are included as part of the new definitions section, since work is wrapping up on the sidewalk cafe revisions. Sidewalk cafe revisions will be brought back to the City Council at a later date for a separate discussion.

Overall changes to the ordinance include for all types of vending:

- limits vending to Downtown Service Center, Campustown Service Center, and Village Zoning Districts - except for mobile vending vehicles
- requires display of vending permit at all times
- requires background checks; those with a felony in the last five years are not eligible for a permit
- provides the City Manager the ability to issue, renew, revoke a permit as well as relocate the site of vending (due to construction), subject to appeal right to the City Council
- provides the Police Chief, Fire Chief, or their designees the ability to temporarily suspend a permit for public safety reasons
- requires specific insurance limits per the recommendations of the City's Risk Manager
- requires private waste disposal
- prohibits the sale, transfer, or assignment of the permit to another party
- provides specific appeals process
- requires specific information if the business is a partnership, LLC, or corporation be submitted, not just a contact name of an individual
- requires a four foot clearance for pedestrian flow

The following is a listing of changes to a particular type of vending:

Vending Cart (formerly vending stand) requirements

- a photo or picture of proposed cart
- allows for 24 hour a day operations, no restrictions
- cart site plan
- restricted to 100 square feet of space for operations
- noise making devices are prohibited, except music, which is limited based to reflect the residential noise control levels in Chapter 16 of the Ames Municipal Code (65 decibels from 7:00 a.m. to Midnight & 55 decibels from Midnight to 7:00 a.m.)
- non-task specific illumination is prohibited
- signage is restricted to name of business and menu
- permits are issued for a year on a first come first serve basis and allow for annual renewal (As proposed, this right to renew ceases for new permit holder)

Vendor Person

- no noise making devices or illumination
- allows for 24 hour a day operations, no restrictions
- cannot stand in one location and never move
- must be able to carry all items at one time that are for sale or distribution
- permit issued for up to seven days at a time, unless for a special event as approved by City Council

Mobile Vending Vehicle

- only allows ice cream trucks to be a mobile vending vehicle (this is current Code requirement)
- operation restricted to daylight hours
- restricts where they can stop, prohibits stops on arterials and major collector streets
- cannot park in one spot and not move
- prohibits operating in parks, city parking lots, by CyRide bus stops and other areas that would endanger pedestrians
- annual permit

Sidewalk Sales

- requires that sales do not impede pedestrian movement and allow for 4 foot of clearance for pedestrians
- only allowed during assigned hours, business hours, unless there is a special reason for exception
- no noise making devices or illumination
- seven day permit for individual business
- multiple options for business district permits

STAFF COMMENTS

The changes that are detailed above are an attempt to balance the concerns that have been presented to staff by all stakeholders. They also provide improved guidance to vendors for use of the City's right-of-way. The spirit of these changes seeks 1) to achieve the purpose of vending on public rights-of-way which is to promote the public interest by contributing to an active and attractive pedestrian environment and 2) to protect the public health, safety, and welfare.

As you might imagine, creating a vending ordinance that satisfies all interested parties is extremely difficult. Therefore, it is realized that through your deliberations, the proposed ordinance might be further modified.

ORDINANCE NO.

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY REPEALING CHAPTER 22, SECTION 22.11 THROUGH 22.24 AND ENACTING A NEW SECTION 22.11 THROUGH 22.28 THEREOF, FOR THE PURPOSE OF SETTING FORTH THE CONDITIONS AND REQUIREMENTS UNDER WHICH A VENDOR, AS DEFINED, MAY BE PERMITTED TO OPERATE WITHIN THE CITY OF AMES PUBLIC RIGHT-OF-WAY; REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; AND ESTABLISHING AN EFFECTIVE DATE.

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

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

“22.11. FINDINGS AND PURPOSE. It is found and declared that:

- 1) Vending on the public streets and sidewalks may promote the public interest by contributing to an active and attractive pedestrian environment. The purpose of accommodating vending carts, sidewalk sales, newspaper dispensers, vendor persons and sidewalk dining in pedestrian oriented commercial areas is to add activity, attract pedestrians, extend their visits and enhance overall community quality of life.
- 2) Reasonable regulation of street and sidewalk vending is necessary to protect the public health, safety, welfare and meet the primary purpose as described in Division III. 22.11.

22.12. DEFINITIONS. The following words, terms, and phrases, when used in this Division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Where words and phrases used in this Division are defined by state law, such definitions shall apply to the use of such words and phrases in this Division and are adopted by reference. Those definitions so adopted that are further defined or are reiterated in this Division shall have the meanings set out in this Division.

- 1) Alcoholic beverages - means any beverage containing more than one-half of one percent of alcohol by volume including alcoholic liquor, wine, and beer.
- 2) Applicant - a person who applies for a permit as provided in this division.
- 3) Mobile Vending Vehicle - a motorized structure that is used for vending ice cream or similar frozen desserts from public streets.
- 4) Mobile Vending Location - an appropriate area to operate a mobile vending vehicle as approved in writing by the City Manager or designee in writing. Mobile vending vehicles are allowed to operate on public streets. Mobile vending vehicles are prohibited from operating on sidewalks, alleys, walkways, bicycle lane right-of-way or public way, designated for bicycle or pedestrian travel.
- 5) Mobile Vending Vehicle Permit - means a permit issued by the City for operation of a mobile vehicle business that meets all of the requirements of this Division and all other applicable ordinances of the City and all State laws.
- 6) Pedestrian - any person traveling on foot or with an assistive device.
- 7) Person - any person, business association or other business entity including, but not limited to, a corporation, a limited liability company, a partnership, a sole proprietorship, a political subdivision, a public or private agency of any kind, a utility, a successor or assignee of any of the foregoing, or any other legal entity.
- 8) Public Right-of-Way - means any public street, alley, roadway, sidewalk, walkway, highway, bicycle lane right-of-way, or public way designed for vehicular, bicycle, or pedestrian travel that is dedicated to public use and/or publicly owned.

9) Public Sidewalk - means the improved portion of the public right-of-way lying between the traveled portion of the street and the private property line or building line that is intended primarily for pedestrian use.

10) Sidewalk Cafe - an outdoor area located on a public right-of-way, contiguous to a building wherein a restaurant is located and where food and beverages are taken for consumption by persons sitting or standing at tables in that area. Permitted sidewalk cafes must abide by the requirements and limitations as determined by the City.

11) Sidewalk Cafe Elements - means all tables, chairs, fencing, planters and plants, and any other privately owned property comprising the sidewalk cafe, which is approved for use in a sidewalk cafe by this division or in a sidewalk cafe permit.

12) Sidewalk Cafe Permit - means a permit issued by the City for operation of a sidewalk cafe which meets all of the requirements of this division and all other applicable ordinances of the city and all state laws.

13) Vendor - means any person engaged in selling, or offering for sale, of food, beverages, or other merchandise from a stand, motor vehicle or from the vendors person, on the public streets, alleys, parking lots, sidewalks, thoroughfares, and public rights-of-way.

14) Vending Cart - is defined as a non-motorized wheeled carrier that is pushed or pulled into place on the sidewalk. A vending cart is not designed for human enclosure or occupancy. And is used for outdoor display and vending of food and non-alcoholic beverages, unless it is for a special event as designated by the City Council, it may also include merchandise. Vending carts may include light cooking and final preparation of food products. Any components associated with the vending cart operation must be either integrated into the cart, or able to be stored on the cart for mobility. Separate counters or appliances that cannot be folded and easily stored on the vending cart are not allowed. The vending cart and its components cannot be more than one hundred (100) square feet in size. Vending carts must be removed and stored in a non-public location when not in use. Vending carts are intended to be used by walk-by patrons and may not include sit-down dining.

15) Vending Cart Location - the area assigned on the Vending Permit as determined by the City Manager, or designee, in writing for the operation of vending carts.

16) Vending Cart Permit - that a permit issued by the City for operation of a vending cart business which meets all of the requirements of this Division and all other applicable ordinances of the City and all state laws. Each vending permit shall carry with it the authorization to operate at one designated location during valid dates of operation as stated on the permit.

17) Vendor Person - any person operating a vending business that does not require a vending cart or is not attached to an adjacent business to conduct a sidewalk sale.

18) Vendor Person Permit - means a permit issued by the City for operation of a vendor person business which meets all of the requirements of this Division and all other applicable ordinances of the City and all State laws.

22.13. USE OF PUBLIC SIDEWALKS RESTRICTED: Use of public sidewalks for any commercial purpose, including sidewalk cafes and all forms of vending, shall be unlawful except as specifically provided herein or as specifically authorized by this Division.

22.14. VENDING PERMIT REQUIRED: It shall be unlawful to sell, or offer for sale, any food, beverage, merchandise, or service on any street, sidewalk, alley, City parking lot or other thoroughfare or public right-of-way without first obtaining the applicable vending permit for the following:

- 1) Vending Cart
- 2) Vendor Person
- 3) Sidewalk Sales
- 4) Mobile Vending Vehicle-Ice Cream Truck
- 5) Newspaper Dispenser
- 6) Sidewalk Cafe
- 7) or other private uses of the public right-of-way

22.15. VENDING ON PUBLIC RIGHT-OF-WAY

1) Where Permissible. The Downtown Service Center, Campustown Service Center and Village-Town Center Zoning Districts are allowed for the operation of vending on public right-of-way. Mobile Vending Vehicle-ice cream is allowed on public streets, except the Hospital-Medical zoning district.

2) Vending in City Parks is regulated by the Parks and Recreation Commission and the City of Ames Park System Vending Policy.

22.16. FILING APPLICATION:

1) Applications for all Permits in Division III, Sec. 4 will be available in the Office of the City Clerk.

2) An application for a Permit shall be filed with the City Manager or designee by any person or group of persons desiring to use the public right-of-way as provided in this Division. Applications shall be made on forms prepared by the City Manager or designee.

3) The City will not issue a permit any earlier than three business days from receipt of the application.

22.17. CONSIDERATION OF APPLICATIONS FOR VENDING:

1) All permits are granted on a first come, first served basis.

2) In the event that two or more applications are received for the same location, the earliest application, if approved, shall be awarded the location if otherwise qualified and acceptable.

22.18. VENDING PERMIT TERM:

1) A vending cart, sidewalk cafe, newspaper dispensers, and mobile vending vehicle - ice cream permits may be used for up to one year.

2) A vendor person and sidewalk sales permits no more than five business days.

3) A permit for vending during a special event or celebration shall be limited to no longer than the stated duration of such event or celebration. Sidewalk cafe and newspaper dispenser permits will remain valid during special events or celebrations.

4) Permits may be temporally suspended for a special event or celebration that compasses the permit location.

5) The sale, transfer, or assignment of a permit is prohibited.

22.19. RENEWAL. All permits are valid for the entire period as stated in the application, as approved, unless revoked or suspended prior to expiration. Permittees may renew their permit to maintain a location based on the following stipulations:

1) An application for vending cart permit may be renewed no earlier than 60 days before the expiration date.

2) Vending cart applicants must file for renewal more than 30 days before the expiration date in order to maintain seniority.

22.20. REVOCATION OR DENIAL OF A PERMIT

1) The City Manager or designee may revoke or deny a Vending Permit if:

a. It is determined by the Chief of Police or Fire Chief and/or their designees that public safety requires such revocation or denial.

b. The application is incomplete;

c. The application is determined to be fraudulent, to include a misrepresentation, or to contain a false statement;

d. The applicant has had a permit revoked by the City for any reason within the preceding two (2) years;

e. The applicant or permittee has been convicted, under the laws of the State of Iowa or of any other jurisdiction, of a felony or of a crime involving dishonesty within the preceding five (5) years; or
f. The applicant or permittee has an outstanding arrest warrant in this or any other jurisdiction, or is a fugitive from this or from any other jurisdiction.
g. The permittee is operating a vending operation in violation of the terms of the Permit.
h. The permittee's insurance has been canceled.
i. The permittee violates any Requirements or Operating Policies of the Vendor Permit Administrative Policies.

2) A Vending Permit may be revoked by the City Manager, or designee, at any time, without advanced notice, for any violation of this ordinance, other City of Ames ordinances, or State or federal laws or to evaluate or ensure the safety of the community.

22.21. TEMPORARY SUSPENSION

1) A permit may be temporarily suspended, if it is determined by the Chief of Police or Fire Chief and/or their designees that, by reason of disaster, public calamity, riot, or other emergency, the public safety requires such suspension. A temporary suspension may also be issued due to any of the items noted in Division III, 22.20
2) As stated elsewhere, a temporary suspension may be issued due to a special event or celebration on public right-of-way.

22.22. CONSTRUCTION RELATED TO THE PUBLIC RIGHT-OF-WAY

1) Permittees may be required to accommodate construction on or adjacent to the public right-of-way, including construction on private property that requires use of the public right-of-way. Construction on public right-of-way might also require suspension or revocation of the permit.

22.23. APPEAL PROCESS: Any party aggrieved by the City Manager's or designee's decision to deny, revoke, or issue a permit may appeal the determination to the City Council if, within ten (10) working days after the decision, the party files a written notice of appeal with the City Clerk. In such event, a hearing shall be held by the City Council no later than its next regularly scheduled meeting, assuming the appeal is filed in time to allow notice of said appeal in accordance with Chapter 21 of the Iowa Code. Upon such hearing, the City Council may, based upon the standards enumerated herein, reverse, affirm or modify in any regard the City Manager's or designee's decision. The City Council's decision is the final decision.

22.24. ADMINISTRATIVE RULES AND REGULATIONS: Separate administrative rules and regulations not inconsistent with any ordinance will be established by the City Council. A copy of said rules and regulations shall be on file with the City Clerk.

22.25. DISPLAY OF PERMIT. All permits shall be displayed at all times during the operation of the vending business.

22.26. FEE. A fee for the permit and inspection shall be charged based upon the direct and indirect costs of administration, inspection, and enforcement as set by resolution of the City Council.

22.27. BLANKET VENDING PERMITS AND OTHER EXCEPTIONS TO VENDING ON PUBLIC RIGHTS OF WAY.

1) Organized business districts' are allowed to apply for a vending permit for the entire district. Blanket Vending Permits can only be issued in the Downtown Service Center, Campustown Service Center, Village Town Center Zoning Districts, and any farmers market located in these three organized business districts.

22.28. HEALTH AND SANITATION REQUIREMENTS FOR FOOD AND BEVERAGE VENDING.

Vendors of food and beverages shall comply with the inspection provisions and standards as stated by the Iowa Department of Inspections and Appeals and all other applicable State of Iowa requirements for health and sanitation.”

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

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

Passed this _____ day of _____, _____.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor

APPLICATION FOR A

VENDING PERMIT

Vending Cart

(Chapter 22, Division - Code of Ames)



Business Name

APPLICATION RECD _____

PROOF OF INSURANCE RECD _____

Questions should be directed to the City Manager's Office, at 515 239-5101.

APPLICATION FOR VENDING CART PERMIT

If the applicant is not a natural person (for example, a partnership, an LLC, or a corporation, or represents another), please complete the addendum.

1. **APPLICANT'S NAME:** _____
FIRST LAST

2. **DATE OF BIRTH:** ____/____/____
MONTH DAY YEAR

3. **ADDRESSES (Permanent Address, provide local address if permanent address is outside of the State of Iowa. Business mailing address):**

PERMANENT STREET APT# CITY State ZIP CODE

BUSINESS STREET APT# CITY State ZIP CODE

4. **EMAIL ADDRESS:** _____

5. **PHONE NUMBER(S):** _____

6. Attach a brief description of the activity to be permitted, including the nature of the applicant's business and the goods or services to be offered. Attach a list of products or menus.

7. Attach copy of applicant's government issued photo identification and or driver license. If driving is required for operating under this permit, then a valid driver's license will be required.

8. Attach a typed description of any and all vehicles, including license plate numbers to be used.

9. I acknowledge that I will be subject to a background check.

10. **DESCRIPTION OF VENDING CART:** Attach a photo of your cart as it appears today, or a picture of the proposed cart. Please provide dimensions of cart (length, width, height of counter, height of entire cart including any awnings or umbrellas) in addition to materials to be used. Details of proposed signage must also be submitted.

11. **IOWA SALES TAX NO.** (Required if approved, prior to issuance of permit): _____

12. **HAVE YOU HELD A VENDING CART PERMIT BEFORE?** YES _____ NO _____

13. **LOCATION AND HOURS, IF HELD PRIOR:** _____

14. **IF YES, NAME OF CART** _____ **NUMBER OF YEARS** _____

WAS IT OPERATED IN 2013 FOR THE FULL SEASON? YES _____ NO _____

15. **REQUESTED LOCATION(S) OF OPERATION AND HOURS (Please complete addendum Cart Site Plan):** _____

16. Provide attached a letter(s) of support from adjacent property owner(s) and management of businesses located in those properties.

17. If I am selling food or drinks, I acknowledge that I have contacted the Iowa Department of Inspections and Appeals and met all other applicable State of Iowa requirements.

18. **ELECTRICAL APPLIANCE(S) TO BE USED (Please note where you will get power from for these appliances):**

19. **WILL FUEL BE USED TO POWER EQUIPMENT?** YES _____ NO _____

What type of fuel will be used? (See regulations for use in Administrative Policy Governing Vending Carts)

20. ARE YOU USING A CHARCOAL GRILL?

YES_____ **NO**_____

21. INDEMNIFICATION AGREEMENT

The applicant agrees to:

Each Vendor assumes full responsibility for any injury to persons or property resulting from the display, sale, exchange or use of Vendor's food, drink, merchandise, vehicles, equipment, or other property; or of the assigned ground space occupied by Vendor and/or Vendor's employees or agents. Vendor further agrees to indemnify the City of Ames from all liabilities, claims, and damages, and to hold them free and harmless and to defend them at Vendor's sole expense, against all such liabilities, claims and damages.

22. Provide along with this application a certificate of insurance as required by the Administrative Policy Governing Vendors.

23. Applicant acknowledges that it must compile with all applicable Federal and State laws and City ordinances, including reporting of sales taxes.

24. If the applicant is not an individual, the person signing this application acknowledges that he or she has the authority to act on behalf of the group that is requesting the permit.

Applicant: Return completed application to:
City Manager's Office
City of Ames
515 Clark Street
Ames, Iowa 50010

Any questions can be directed to the City Manager's office at 515-239-5101.

Signature of Applicant

Date

APPEAL RIGHTS

Any party aggrieved by the City Manager's or designee's decision to grant or deny a permit under Chapter 22, Division III may appeal the determination to the City Council if, within five (5) working days after the decision, the party files a written notice of appeal with the City Clerk. In such event, a hearing shall be held by the City Council no later than the next regularly scheduled meeting, assuming the appeal is filed in time to allow notice of said appeal in accordance with Chapter 21 of the Iowa Code.

FOR CITY USE ONLY:

NOTICE OF DECISION GRANTING OR DENYING THE APPLICATION

The application is approved. _____

The application is denied because _____

City Manager or Designee

Date

ADDENDUM TO APPLICATION FOR VENDING PERMIT NOT NATURAL PERSON

To be completed only if applicant is not a natural person (for example, a partnership, an LLC, or a corporation).

1. If the applicant is a partnership, list all partners and the share of partnership distribution.

Name of Partner

% share in partnership distribution

Name of Partner

% share in partnership distribution

Name of Partner

% share in partnership distribution

2. If the applicant is a corporation, list all shareholders and their percentage ownership.

Name of Shareholder

% of stock owned

Name of Shareholder

% of stock owned

Name of Shareholder

% of stock owned

3. If applicant is a limited liability company, list all members and their membership interest.

Name of Member

Membership interest

Name of Member

Membership interest

Name of Member

Membership interest

4. If the applicant has had a permit previously, has the information on the Addendum changed, and if so, how (e.g., new partner, change in how much stock a shareholder owns)?

5. In what State was this entity established: _____

ADDENDUM TO APPLICATION FOR VENDING PERMIT CART SITE PLAN

Please provide enough information for the City Manager or designee to determine the exact location within the Downtown Service Center and Campustown Service Center and Village Zoning Districts. Additionally, provide notation of other significant features of the site (i.e street lights, trash cans, over head signs or awnings, planters, benches, trees or parking meters that would impede the flow of traffic for vehicles or pedestrians with the placement of the cart.) The applicant is responsible for maintaining a minimum of four (4) foot of unobstructed sidewalk between the front and sides of the vendor cart. The serving area needs to be large enough for workers to operate safely and cannot impact vehicular or pedestrian traffic flow.

The vending space for cart operations cannot be more than one hundred (100) square feet in size.



ADMINISTRATIVE POLICY GOVERNING VENDING CARTS

(09-2014)

Section 22 of the Code of Ordinances of the City of Ames provides that the City Manager may establish an administrative policy for vending. Reference to the "City" in the following administrative policy shall mean the City Manager or his/her appointed designee.

I. APPLICATION

Applications for Vending Permits must be submitted on the form provided by the City that can be obtained from the Office of the City Manager or on the City website at www.cityofames.org. Applications for vending permits must be submitted to the office of the City Manager. The City will notify each applicant as soon as possible whether the application has been approved. The City will limit the number of vendor permits for carts in the Downtown Service Center and Campustown Service Center and Village Zoning Districts based on ability to meet the requirements for pedestrian and vehicular traffic flow as well as any other factors deemed necessary as delineated in these Administrative Policy Governing Vendors. Additionally, the City has the right to deny permits for all types of vending permits that do not meet the requirements for pedestrian and vehicular traffic flow.

Applicants must contact the Iowa Department of Inspections and Appeals prior to submission of the City application to review health code compliance requirements, related to sale of food and beverages. Visit <http://dia.iowa.gov/> for information and contact numbers for the department.

II. REQUIREMENTS

The City Manager or designee shall issue a permit if the following conditions have been met:

Application for a Vending Cart Permit shall include at a minimum:

- 1) The applicant's name, business information, date of birth, address, email address, home and business address, and phone numbers
- 2) A description of the vending cart and description of the type of food, non-alcoholic beverage or merchandise to be sold. A photo or rendering of proposed vending cart must be provided at time of application.
- 3) A copy of the applicant's government issued photo identification and or drivers license, if driving is required for the operation.
- 4) A list of any and all vehicles to be used, including license plate numbers. Registration must be current.
- 5) A copy of the Iowa Sales Tax Permit to be used for this business.
- 6) A description of the proposed location and hours of operations of the vending cart for consideration, including a cart site plan.
- 7) A letter of support from adjacent property owners and management of businesses located in those properties.
- 8) A copy of food license issued by the Iowa Department of Inspections and Appeals.
- 9) A signed indemnification agreement and certificate of insurance as requirement.
- 10) A drawing of the area to be used.

Administrative Rules shall be established by the City Manager to effectively carry out this Division of the City Code, including:

- 1) A vending location is available which will not interfere with free movement within the emergency/service lane.
- 2) The vending location will not interfere with an existing outdoor service area.
- 3) The vending shall be placed so as not to obstruct visibility at street intersections or to obstruct driveway entrances or to unreasonably obstruct the view of merchandising displays of other businesses abutting the sidewalk.
- 4) The applicant's proposed mode of operation will not impede the free flow of pedestrian traffic along the public right of way or in or out of adjacent properties. It must meet a minimum four foot clearance (4') to the sides and front of the vendor area and provide safe flow of movement for pedestrians.
- 5) The applicant agrees to operate the applicant's business only at the assigned vending location or on the routes as stated in the application. The applicant also agrees to only operate during assigned hours.
- 6) Vending items should only be those stated in the application.
- 7) No tobacco or alcoholic beverages shall be offered for sale.
- 8) All vending from motor vehicles shall be conducted in such a way as not to restrict or interfere with the ingress or egress of the abutting property, create a public nuisance, increase traffic congestion or delay, constitute a hazard to traffic, life, property, or be an obstruction to adequate access to fire, police or sanitation vehicles.

- 9) Cart vendor may sell any type of food or non-alcoholic beverage or merchandise.
- 10) Noise making devices are prohibited, except music playing devices, which are limited to no more than 65 decibels from 7 a.m. to midnight and 55 decibels from midnight to 7 a.m. Non-task specific illumination is prohibited. Signage can only be affixed to the vending cart stating the name of the business and menu options with pricing. No other signage is allowed, other than the mandatory display of the City vending permit.
- 11) The appearance of the vending cart or vehicle will be taken into consideration. If an applicant has previously operated such a cart or vehicle, the history of maintenance of its appearance will be taken into account. Cart or vehicle must maintain the same appearance for the entire vending season as that submitted at the time of application. If enhancements to the cart or vehicle are to be made, the enhancements must comply with this Division and must be approved by the City Manager or designee prior to the enhancements being made.
- 12) Authorization to complete a background check will be required of the applicants for vending cart permit. The City of Ames conducts background investigations to determine if applicants and their proposed business meet licensing requirements. Although time-consuming, these background investigations play an important role in the issuance of permits. Background investigations protect both the permittee and the public. To be eligible to hold a street vending permit, the permit applicant is required to meet the standards of 'good moral character'. Applicants are considered to be of 'good moral character' if the applicant fulfills the following criteria:
 - a) Business entities that are required to register with the Iowa Secretary of State must be registered and in good standing with the Iowa Secretary of State and must maintain their registration in good standing while the vending permit is active.
 - b) Has not been convicted of a felony during the past five years. If an applicant has a felony conviction, the applicant is not eligible to hold a permit unless the felony conviction is more than five years old and the applicant's rights of citizenship have been restored.
 - c) Has not had any financial interest in vending or consumer service business permit, that was revoked during the past two years. Has 'financial standing' and 'good reputation' to indicate that the applicant will comply with all laws and rules governing the permit. **Note:** *In evaluating the applicant's 'financial standing,' the City of Ames may consider verified sources of financial support and adequate operating capital for the permittee's business, record of prompt payment of state and local taxes, fees and charges for municipal utilities and municipal services, etc. In evaluating the applicant's 'good reputation,' the City of Ames may consider pattern and practice of disregard for the law including convictions for prohibited sales practices, zoning violations, or other similar disregard for municipal or state regulations. All applicants and their employees are expected to fully comply with sales tax collection and reporting requirements.*
 - d) All requirements apply to all officers, directors and shareholders of a corporation, all general partners in a partnership, or the individual owner if the business is operated as a sole proprietorship.
 - e) The applicant has signed the Vending Permit Application and agreed to the Indemnification Agreement.
- 13) Each Vendor shall provide the City of Ames with an original certificate of insurance, lawfully transacted, which sets forth the following information:
 - a) That the City of Ames is made an additional insured.
 - b) The dates of inception and expiration of the insurance. Applicant agrees to provide the certificate of insurance to the City by the last working day prior to the first day of vending operation.
 - c) The named insured must be either the Vendor to whom the space is issued, or if the named insured is a company, the Vendor must also be listed as an additional insured.
 - d) The amounts of liability coverage of not less than \$500,000 per occurrence/\$1,000,000 general aggregate annually (where an aggregate limit is applicable to the policy), for all hazards (including contractual liability and completed operations), for all damages caused by personal injury, bodily injury, and property damage.
 - e) A statement by the insurance company that it will not cancel said policy or policies without giving thirty (30) days prior notice to the insured and to the City of Ames.
 - f) When a permitted motor vehicle of any type is utilized to move equipment used by the Vendor for purposes of conducting the activities for which the Permit is issued, the Vendor shall, in addition to Commercial General Liability, shall provide evidence of Automobile Liability Insurance with minimum limits of \$500,000 Combined Single Limit (CSL) Bodily Injury and Property Damage.
 - g) THE CITY OF AMES, AT ITS SOLE DISCRETION, MAY REQUIRE HIGHER LIMITS AND/OR ADDITIONAL COVERAGE FOR SUCH ACTIVITIES OR PRODUCTS AS IT MAY DEEM NECESSARY.
- 14) The applicant is responsible for keeping the information provided in the Application for Vending Permit current with the City of Ames.
- 15) The application contains no material falsehood or misrepresentation.
- 16) The applicant and or employee(s) must comply with lawful requests made by City staff, including the Ames Police Department

- 17) The applicant has not damaged city property, and if the applicant has, the damage has been paid in full, and the applicant has paid all other outstanding and unpaid debts to the City.
- 18) The use or activity intended by the applicant is not prohibited by law.
- 19) All applicable fees have been paid to the City of Ames.
- 20) The application is fully completed and executed.

III. SELECTION CRITERIA

Criteria for the selection of vendors shall include, but not be limited to, the following:

There are limited sites available for vendor carts in the Downtown Service Center, Campustown Service Center, and Village Zoning Districts and therefore there will be a limited number of available spaces for this type of permits. All Permits are granted on a first come first serve basis. If the applicant is not a natural person (for example, a partnership, an LLC, or a corporation) and if the applicant has had a vendor permit previously, the applicant will not retain its seniority if there has been a substantial change, as determined by the City, in the stock ownership, membership interest, or partnership distribution.

In the event that two or more applications are received for the same location, the earliest application, if approved, shall be awarded the location if otherwise qualified and acceptable.

IV. FEES AND CHARGES

Fees for all permits are established by resolution of the City Council and must be paid promptly and prior to the deadlines specified. No permit holder shall be allowed to operate until the appropriate fee has been paid to the City.

Any vendor who operates his/her vending business before all required fees and charges have been received by the City, or who operates while under order from the City to cease operation for lack of payment or any other valid reason, shall have his/her permit revoked for the remainder of the current vending season and will not be considered for a permit for the following year's vending season.

V. OPERATING POLICIES ON PUBLIC RIGHTS OF WAY FOR VENDING

- 1) Operating vending carts on public rights of way
 - a. Vending cart operations must be contained to the assigned area and utilizing no more than a one hundred (100) square foot area. No storage of vending items is allowed on public benches, planters, or other fixtures.
 - b. Power cords must be in good condition, be kept dry and not create a tripping hazard.
 - c. Any cords/wiring must be securely fastened to the ground and covered by a cord protector.
 - d. LP gas cylinders shall be limited to those required for the cooking device and one spare. Maximum cylinder size is 100 pounds.
 - e. All compressed gas cylinders are required to be nested or restrained to prevent tip over.
 - f. LP cylinders must be kept 15' from building openings. Stored cylinders need kept in a ventilated area.
 - g. Open flame cooking operations, including charcoal grills, must be kept 10 ft. away from combustible construction.
 - h. All cooking operations are required to have multipurpose ABC extinguisher with a minimum rating of 2A 10BC.
 - i. Cooking operations that deep fry using oil are required to have a class K extinguisher.
 - j. All extinguishers are required to be readily accessible to the operator, and have a current annual service tag.
 - k. Refueling of gasoline powered equipment, such as generators is prohibited.
 - l. Permittees must take proper care to ensure that no grease or other substances are spilled or allowed to drip on the ground; and, if this accidentally occurs, ensure prompt and complete clean-up.

- m. Operators must privately dispose of all wastepaper and other waste materials in a lawful manner. All vendors must supply a waste receptacle for patrons, in addition to their own waste.
- n. All vending carts must be attended at all times and removed during hours of non-operation. Driving or backing onto the sidewalks are prohibited.
- o. A specific location has been designated for the vending permit. The permit is required to be displayed at all times in visible and plain sight.

VI. VENDING PERMIT TERM:

- 1) A vending cart permit may be used for up to one year.
 - a) A permit for vending during a special event or celebration shall be limited to no longer than the stated duration of such event or celebration.
 - b) Permits may be temporally suspended for a special event or celebration that compasses the permit location.
 - c) The sale, transfer, or assignment of a permit is prohibited.

VII. RENEWAL. All permits are valid for the entire period as stated in the application, as approved, unless revoked or suspended prior to expiration. Permittees may renew their permit to maintain a location based on the following stipulations:

- 1) An application for vending cart permit may be renewed no earlier than 60 days before the expiration date.
- 2) Vending cart applicants must file for renewal more than 30 days before the expiration date in order to maintain seniority.

VIII. REVOCATION OR DENIAL OF A PERMIT

- 1) The City Manager or designee may revoke or deny a Vending Permit if:
 - a) It is determined by the Chief of Police or Fire Chief that public safety requires such revocation or denial.
 - b) The application is incomplete;
 - c) The application is determined to be fraudulent, to include a misrepresentation, or to contain a false statement;
 - d) The applicant has had a permit revoked by the City for any reason within the preceding two (2) years;
 - e) The applicant or permittee has been convicted, under the laws of the State of Iowa or of any other jurisdiction, of a felony or of a crime involving dishonesty within the preceding five (5) years; or
 - f) The applicant or permittee has an outstanding arrest warrant in this or any other jurisdiction, or is a fugitive from this or from any other jurisdiction.
 - g) The permittee is operating a vending operation in violation of the terms of the Permit.
 - h) The permittee's insurance has been canceled.
 - i) The permittee violates any Requirements or Operating Policies of the Vendor Permit Administrative Policies.
- 2) A Vending Permit may be revoked by the City Manager, or designee, at any time, without advanced notice, for any violation of this ordinance, other City of Ames ordinances, or State or federal laws or to evaluate or ensure the safety of the community.

IX. TEMPORARY SUSPENSION

- 1) A permit may be temporarily suspended, if it is determined by the Chief of Police or Fire Chief that, by reason of disaster, public calamity, riot, or other emergency, the public safety requires such suspension. A temporary suspension may also be issued due to any of the items noted in Division III, 9.
- 2) As stated elsewhere, a temporary suspension may be issued due to a special event or celebration on public right-of-way.

X. CONSTRUCTION RELATED TO THE PUBLIC RIGHT-OF-WAY

- 1) Permittees may be required to accommodate construction on or adjacent to the public right-of-way, including construction on private property that requires use of the public right-of-way. Construction on public right-of-way might also require suspension or revocation of the permit.

XI. APPEAL PROCESS: Any party aggrieved by the City Manager's or designee's decision to deny, revoke, or issue a permit may appeal the determination to the City Council if, within ten (10) working days after the decision, the party files a written notice of appeal with the City Clerk. In such event, a hearing shall be held by the City Council no later than its next regularly scheduled meeting, assuming the appeal is filed in time to allow notice of

said appeal in accordance with Chapter 21 of the Iowa Code. Upon such hearing, the City Council may, based upon the standards enumerated herein, reverse, affirm or modify in any regard the City Manager's or designee's decision. The City Council's decision is the final decision.

XII. DISPLAY OF PERMIT. All permits shall be displayed at all times during the operation of the vending business.

APPLICATION FOR A
VENDING PERMIT
Mobile Vending Vehicle-Ice Cream Trucks
(Chapter 22, Division - Code of Ames)



Business Name

APPLICATION RECD _____

PROOF OF INSURANCE RECD _____

Questions should be directed to the City Manager's Office, at 515 239-5101.

APPLICATION FOR MOBILE VENDING VEHICLE PERMIT-ICE CREAM

If the applicant is not a natural person (for example, a partnership, an LLC, or a corporation, or represents another), please complete the addendum.

1. **APPLICANT'S NAME:** _____

FIRST

LAST

2. **DATE OF BIRTH:** ____/____/____
MONTH DAY YEAR

3. **ADDRESSES (Permanent Address, provide local address if permanent address is outside of the State of Iowa. Business mailing address):**

PERMANENT

STREET

APT#

CITY

State

ZIP CODE

BUSINESS

STREET

APT#

CITY

State

ZIP CODE

4. **EMAIL ADDRESS:** _____

5. **PHONE NUMBER(S):** _____

6. Attach a brief description of the activity to be permitted, including the nature of the applicant's business and the goods or services to be offered.

7. Attach copy of applicant's government issued photo identification and or driver license. If driving is required for operating under this permit, then a valid driver's license will be required.

8. Attach a typed description of any and all vehicles, including license plate numbers to be used.

9. I acknowledge that I will be subject to a background check.

10. **DESCRIPTION OF MOBILE VENDING VEHICLE:** Attach a photo of your mobile vending vehicle as it appears today, or a picture of the proposed vehicle. Details of proposed signage must also be submitted.

11. **IOWA SALES TAX NO.** (Required if approved, prior to issuance of permit): _____

12. **HAVE YOU HELD A VENDING PERMIT BEFORE?** YES _____ NO _____

13. **LOCATION AND HOURS, IF HELD PRIOR:** _____

14. **IF YES, NAME OF VEHICLE** _____ **NUMBER OF YEARS** _____

WAS IT OPERATED IN 2012 FOR THE FULL SEASON? YES _____ NO _____

15. **REQUESTED LOCATION(S) OF OPERATION AND HOURS:** _____

16. If I am selling food or drinks, I acknowledge that I have contacted the Iowa Department of Inspections and Appeals and met all other applicable State of Iowa requirements.

17. INDEMNIFICATION AGREEMENT

The applicant agrees to:

Each Vendor assumes full responsibility for any injury to persons or property resulting from the display, sale, exchange or use of Vendor's food, drink, merchandise, vehicles, equipment, or other property; or of the assigned ground space occupied by Vendor and/or Vendor's employees or agents. Vendor further agrees to indemnify the City of Ames from all liabilities, claims, and damages, and to hold them free and harmless and to defend them at Vendor's sole expense, against all such liabilities, claims and damages.

18. Provide along with this application a certificate of insurance as required by the Administrative Policy Governing Vendors.
19. Applicant acknowledges that it must compile with all applicable Federal and State laws and City ordinances, including reporting of sales taxes.
20. If the applicant is not an individual, the person signing this application acknowledges that he or she has the authority to act on behalf of the group that is requesting the permit.

Applicant: Return completed application to:
City Manager's Office
City of Ames
515 Clark Street
Ames, Iowa 50010

Any questions can be directed to the City Manager's office at 515-239-5101.

Signature of Applicant

Date

APPEAL RIGHTS

Any party aggrieved by the City Manager's or designee's decision to grant or deny a permit under this Chapter may appeal the determination to the City Council if, within five (5) working days after the decision, the party files a written notice of appeal with the City Clerk. In such event, a hearing shall be held by the City Council no later than the next regularly scheduled meeting, assuming the appeal is filed in time to allow notice of said appeal in accordance with Chapter 21 of the Iowa Code.

FOR CITY USE ONLY:

NOTICE OF DECISION GRANTING OR DENYING THE APPLICATION

The application is approved. _____

The application is denied because _____

City Manager or Designee

Date

ADDENDUM TO APPLICATION FOR VENDING PERMIT NOT NATURAL PERSON

To be completed only if applicant is not a natural person (for example, a partnership, an LLC, or a corporation).

1. If the applicant is a partnership, list all partners and the share of partnership distribution.

Name of Partner

% share in partnership distribution

Name of Partner

% share in partnership distribution

Name of Partner

% share in partnership distribution

2. If the applicant is a corporation, list all shareholders and their percentage ownership.

Name of Shareholder

% of stock owned

Name of Shareholder

% of stock owned

Name of Shareholder

% of stock owned

3. If applicant is a limited liability company, list all members and their membership interest.

Name of Member

Membership interest

Name of Member

Membership interest

Name of Member

Membership interest

4. If the applicant has had a permit previously, has the information on the Addendum changed, and if so, how (e.g., new partner, change in how much stock a shareholder owns)?

5. In what State was this entity established: _____

ADMINISTRATIVE POLICY GOVERNING MOBILE VENDING VEHICLE (09-2014)

Section 22 of the Code of Ordinances of the City of Ames provides that the City Manager may establish an administrative policy for vending. Reference to the "City" in the following administrative policy shall mean the City Manager or his/her appointed designee.

I. APPLICATION

Applications for Vending Permits must be submitted on the form provided by the City that can be obtained from the Office of the City Manager or on the City website at www.cityofames.org. Applications for vending permits must be submitted to the office of the City Manager. The City will notify each applicant as soon as possible whether the application has been approved. The City will limit the number of vendor permits for carts in the Downtown Service Center and Campustown Service Center and Village Zoning Districts based on ability to meet the requirements for pedestrian and vehicular traffic flow as well as any other factors deemed necessary as delineated in these Administrative Policy Governing Vendors. Additionally, the City has the right to deny permits for all types of vending permits that do not meet the requirements for pedestrian and vehicular traffic flow.

Applicants must contact the Iowa Department of Inspections and Appeals prior to submission of the City application to review health code compliance requirements, related to sale of food and beverages. Visit <http://dia.iowa.gov/> for information and contact numbers for the department.

II. REQUIREMENTS

The City Manager or designee shall issue a permit if the following conditions have been met:

- 1) Application for a mobile vending vehicle permit shall include at a minimum:
 - a) The applicant's name, business information, date of birth, address, email address, home and business address, and phone numbers.
 - b) A photo and description of mobile vending vehicle-ice cream truck and a list of the items to be sold.
 - c) A copy of the applicant's government issued photo identification and or drivers license, if driving is required for the operation.
 - d) A copy of the drivers license for all the operators of the mobile vending vehicle. Must be kept up to date with the City at all times.
 - e) A list of any and all vehicles to be use, including license plate numbers.
 - f) The Iowa Sales Tax Number to be used for this business.
 - g) A statement acknowledging that the mobile vending business will meet all requirements by the Iowa Department of Inspections and Appeals and will comply with all applicable Federal and State laws and City Ordinances.
 - h) A signed indemnification agreement and certificate of insurance as requirement.
- 2) Administrative Policies shall be established by the City Manager to effectively carry out this section of the City Code, including:
 - a) The applicant agrees to operate the applicant's business only on the approved public street routes. The applicant also agrees to only operate during hours approved by the permit.
 - b) Mobile vending items should only be those stated in the application.
 - c) No tobacco or alcoholic beverages shall be offered for sale.
 - d) All vending from motor vehicles shall be conducted in such a way as not to restrict or interfere with the ingress or egress of the abutting property, create a public nuisance, increase traffic congestion or delay, constitute a hazard to traffic, life, property, or be an obstruction to adequate access to fire, police or sanitation vehicles.
 - e) The mobile vending vehicle shall not obstruct visibility at street intersections or obstruct driveway entrances or unreasonably obstruct the view of pedestrians or other vehicles while using public rights of way.
 - f) No signage other than signs that are printed on or attached to the vehicle; no freestanding signage is allowed.
 - g) No additional illumination other than safety devices required to operate the vehicle (i.e. headlights and turn signals).

- h) The appearance of the mobile vending vehicle will be taken into consideration. If an applicant has previously operated such a vehicle, the history of maintenance of its appearance will be taken into account. Vehicle must maintain the same appearance for the entire vending season as that submitted at the time of application.
- i) Authorization to complete a background check will be required of the applicants for mobile vending vehicle permit. The City of Ames conducts background investigations to determine if applicants and their proposed business meet licensing requirements. Although time-consuming, these background investigations play an important role in the issuance of permits. Background investigations protect both the permittee and the public. To be eligible to hold a street vending permit, the permit applicant is required to meet the standards of 'good moral character'. Applicants are considered to be of 'good moral character' if the permittee fulfills the following criteria:
 - i) The corporation must be registered and in good standing with the Iowa Secretary of State's office.
 - ii) Has not been convicted of a felony during the past five years. If an applicant has a felony conviction, the applicant is not eligible to hold permit unless the felony conviction is more than five years old and the applicant's rights of citizenship have been restored.
 - iii) Has not had any financial interest in vending or consumer service business permit, that was revoked during the past two years. Has 'financial standing' and 'good reputation' to indicate that the applicant will comply with all laws and rules governing the permit. **Note:** *In evaluating the applicant's 'financial standing,' the City may consider verified sources of financial support and adequate operating capital for the permittee's business, record of prompt payment of state and local taxes, fees and charges for municipal utilities and municipal services, etc. In evaluating the permittees 'good reputation,' the City of Ames may consider pattern and practice of disregard for the law including convictions for prohibited sales practices, zoning violations, or other similar disregard for municipal or state regulations. All permittees and their employees are expected to fully comply with sales tax collection and reporting requirements.*
 - iv) All requirements apply to all officers, directors and shareholders of a corporation, all general partners in a partnership, or the individual owner if the business is operated as a sole proprietorship.
 - v) The applicant has signed the Vending Permit Application and agreed to the Indemnification Agreement.
- j) Each Vendor shall provide the City with an original certificate of insurance, lawfully transacted, which sets forth the following information:
 - i) That the City of Ames is named an additional insured.
 - ii) The dates of inception and expiration of the insurance. Applicant agrees to provide the certificate of insurance to the City by the last working day prior to the first day of vending operation.
 - iii) The named insured must be either the Vendor to whom the space is issued, or if the named insured is a company, the Vendor must also be listed as an additional insured.
 - iv) The amounts of liability coverage of not less than \$500,000 per occurrence/\$1,000,000 general aggregate annually (where an aggregate limit is applicable to the policy), for all hazards (including contractual liability and completed operations), for all damages caused by personal injury, bodily injury, and property damage.
 - v) A statement by the insurance company that it will not cancel said policy or policies without giving thirty (30) days prior notice to the insured and to the City of Ames.
 - vi) When a permitted motor vehicle of any type is utilized to move equipment used by the Vendor for purposes of conducting the activities for which the Permit is issued, the Vendor shall, in addition to Commercial General Liability, shall provide evidence of Automobile Liability Insurance with minimum limits of \$500,000 Combined Single Limit (CSL) Bodily Injury and Property Damage.
 - vii) THE CITY OF AMES, AT ITS SOLE DISCRETION, MAY REQUIRE HIGHER LIMITS AND/OR ADDITIONAL COVERAGE FOR SUCH ACTIVITIES OR PRODUCTS AS IT MAY DEEM NECESSARY.
- 3) The applicant is responsible for keeping the information provided in the Application for Vending Permit current with the City of Ames.
- 4) The applicant is responsible for keeping the information provided in the Application for Vending Permit current with the City of Ames.
- 5) The application contains no material falsehood or misrepresentation.

- 6) The applicant and or employee(s) must comply with lawful requests made by City staff, including the Ames Police Department
- 7) The applicant has not damaged city property, and if the applicant has, the damage has been paid in full, and the applicant has paid all other outstanding and unpaid debts to the City.
- 8) The use or activity intended by the applicant is not prohibited by law.
- 9) All applicable fees have been paid to the City of Ames.
- 10) The application is fully completed and executed.

III. FEES AND CHARGES

Fees for all permits are established by resolution of the City Council and must be paid promptly and prior to the deadlines specified. No permit holder shall be allowed to operate until the appropriate fee has been paid to the City.

Any vendor who operates his/her vending business before all required fees and charges have been received by the City, or who operates while under order from the City to cease operation for lack of payment or any other valid reason, shall have his/her permit revoked for the remainder of the current vending season and will not be considered for a permit for the following year's vending season.

IV. OPERATING POLICIES ON PUBLIC RIGHTS OF WAY FOR VENDING

- 1) Mobile Vending Vehicle-Ice Cream Sales
 - a. Cannot park in one location and never move.
 - b. Mobile curbside vending is permitted in residential neighborhoods during daylight hours with the following stipulations:
 - i. sales shall be made from the side of the vehicle closest to the curb;
 - ii. all City parking regulations shall apply to the vehicle;
 - iii. the vehicle must park at least fifty feet (50') back from the facing edge line of any cross street
 - c. Sales to patrons may not be made from metered parking stalls, in parking lots or city parks,. Sales to patrons may not be made from public right-of-way metered parking stalls, in City parking lots or parks, CyRide bus stops, or other areas that obstruct the flow of traffic, endanger pedestrian or bicycle safety.
 - d. Sales to patrons on streets defined by the federal government as arterials and major collectors is prohibited.
- 2) Operators must privately dispose of all wastepaper and other waste materials in a lawful manner. All vendors must supply a waste receptacle for patrons, in addition to their own waste.
- 3) The mobile vending permit is required to be displayed at all times in visible and plain sight.
- 4) The applicant shall obtain and display all necessary permits required by the Iowa Department of Inspections and Appeals. (A copy must be supplied to the office of the City Manager prior to operation).

V. VENDING PERMIT TERM:

- 1) Mobile vending vehicle - ice cream permits may be used for up to one year.
- 2) A permit for vending during a special event or celebration shall be limited to no longer than the stated duration of such event or celebration.
- 3) Permits may be temporally suspended for a special event or celebration that compasses the permit location.
- 4) The sale, transfer, or assignment of a permit is prohibited.

VI. RENEWAL. All permits are valid for the entire period as stated in the application, as approved, unless revoked or suspended prior to expiration

VII. REVOCATION OR DENIAL OF A PERMIT

The City Manager or designee may revoke or deny a Vending Permit if:

- 1) It is determined by the Chief of Police or Fire Chief that public safety requires such revocation or denial.
- 2) The application is incomplete;
- 3) The application is determined to be fraudulent, to include a misrepresentation, or to contain a false statement;
- 4) The applicant has had a permit revoked by the City for any reason within the preceding two (2) years;
- 5) The applicant or permittee has been convicted, under the laws of the State of Iowa or of any other jurisdiction, of a felony or of a crime involving dishonesty within the preceding five (5) years; or

- 6) The applicant or permittee has an outstanding arrest warrant in this or any other jurisdiction, or is a fugitive from this or from any other jurisdiction.
- 7) The permittee is operating a vending operation in violation of the terms of the Permit.
- 8) The permittee's insurance has been canceled.
- 9) The permittee violates any Requirements or Operating Policies of the Vendor Permit Administrative Policies.
- 10) A Vending Permit may be revoked by the City Manager, or designee, at any time, without advanced notice, for any violation of this ordinance, other City of Ames ordinances, or State or federal laws or to evaluate or ensure the safety of the community.

VIII. TEMPORARY SUSPENSION

- 1) A permit may be temporarily suspended, if it is determined by the Chief of Police or Fire Chief that, by reason of disaster, public calamity, riot, or other emergency, the public safety requires such suspension. A temporary suspension may also be issued due to any of the items noted in Division III, 9.
- 2) As stated elsewhere, a temporary suspension may be issued due to a special event or celebration on public right-of-way.

IX. CONSTRUCTION RELATED TO THE PUBLIC RIGHT-OF-WAY

- 1) Permittees may be required to accommodate construction on or adjacent to the public right-of-way, including construction on private property that requires use of the public right-of-way. Construction on public right-of-way might also require suspension or revocation of the permit.

X. APPEAL PROCESS: Any party aggrieved by the City Manager's or designee's decision to deny, revoke, or issue a permit may appeal the determination to the City Council if, within ten (10) working days after the decision, the party files a written notice of appeal with the City Clerk. In such event, a hearing shall be held by the City Council no later than its next regularly scheduled meeting, assuming the appeal is filed in time to allow notice of said appeal in accordance with Chapter 21 of the Iowa Code. Upon such hearing, the City Council may, based upon the standards enumerated herein, reverse, affirm or modify in any regard the City Manager's or designee's decision. The City Council's decision is the final decision.

XI. DISPLAY OF PERMIT. All permits shall be displayed at all times during the operation of the vending business.

APPLICATION FOR A VENDING PERMIT Vendor Person

(Chapter 22, Division - Code of Ames)



Business Name

APPLICATION RECD _____

PROOF OF INSURANCE RECD _____

Questions should be directed to the City Manager's Office, at 515 239-5101.

APPLICATION FOR VENDING PERSON PERMIT

If the applicant is not a natural person (for example, a partnership, an LLC, or a corporation, or represents another), please complete the addendum.

1. **APPLICANT'S NAME:** _____
FIRST LAST

2. **DATE OF BIRTH:** ____/____/____
MONTH DAY YEAR

3. **ADDRESSES (Permanent Address, provide local address if permanent address is outside of the State of Iowa. Business mailing address):**

PERMANENT STREET APT# CITY State ZIP CODE

BUSINESS STREET APT# CITY State ZIP CODE

4. **EMAIL ADDRESS:** _____

5. **PHONE NUMBER(S):** _____

6. Attach a brief description of the activity to be permitted, including the nature of the applicant's business and the goods or services to be offered.

7. Attach copy of applicant's government issued photo identification and or driver license. If driving is required for operating under this permit, then a valid driver's license will be required.

8. Attach a typed description of any and all vehicles, including license plate numbers to be used.

9. I acknowledge that I will be subject to a background check.

10. **IOWA SALES TAX NO.** (Required if approved, prior to issuance of permit): _____

11. **HAVE YOU HELD A VENDING PERSON PERMIT BEFORE?** YES _____ NO _____

12. **REQUESTED LOCATION(S) OF OPERATION AND HOURS:** _____

13. If I am selling food or drinks, I acknowledge that I have contacted the Iowa Department of Inspections and Appeals and met all other applicable State of Iowa requirements.

14. INDEMNIFICATION AGREEMENT

The applicant agrees to:

Each Vendor assumes full responsibility for any injury to persons or property resulting from the display, sale, exchange or use of Vendor's food, drink, merchandise, vehicles, equipment, or other property; or of the assigned ground space occupied by Vendor and/or Vendor's employees or agents. Vendor further agrees to indemnify the City of Ames from all liabilities, claims, and damages, and to hold them free and harmless and to defend them at Vendor's sole expense, against all such liabilities, claims and damages.

15. Provide along with this application a certificate of insurance as required by the Administrative Policy Governing Vendors.

16. Applicant acknowledges that it must comply with all applicable Federal and State laws and City ordinances, including reporting of sales taxes.

17. If the applicant is not an individual, the person signing this application acknowledges that he or she has the authority to act on behalf of the group that is requesting the permit.

Applicant: Return completed application to:
City Manager's Office
City of Ames
515 Clark Street
Ames, Iowa 50010

Any questions can be directed to the City Manager's office at 515-239-5101.

Signature of Applicant

Date

APPEAL RIGHTS

Any party aggrieved by the City Manager's or designee's decision to grant or deny a permit under this Chapter may appeal the determination to the City Council if, within five (5) working days after the decision, the party files a written notice of appeal with the City Clerk. In such event, a hearing shall be held by the City Council no later than the next regularly scheduled meeting, assuming the appeal is filed in time to allow notice of said appeal in accordance with Chapter 21 of the Iowa Code.

FOR CITY USE ONLY:

NOTICE OF DECISION GRANTING OR DENYING THE APPLICATION

The application is approved. _____

The application is denied because _____

City Manager or Designee

Date

ADDENDUM TO APPLICATION FOR VENDING PERMIT NOT NATURAL PERSON

To be completed only if applicant is not a natural person (for example, a partnership, an LLC, or a corporation).

1. If the applicant is a partnership, list all partners and the share of partnership distribution.

Name of Partner

% share in partnership distribution

Name of Partner

% share in partnership distribution

Name of Partner

% share in partnership distribution

2. If the applicant is a corporation, list all shareholders and their percentage ownership.

Name of Shareholder

% of stock owned

Name of Shareholder

% of stock owned

Name of Shareholder

% of stock owned

3. If applicant is a limited liability company, list all members and their membership interest.

Name of Member

Membership interest

Name of Member

Membership interest

Name of Member

Membership interest

4. If the applicant has had a permit previously, has the information on the Addendum changed, and if so, how (e.g., new partner, change in how much stock a shareholder owns)?

5. In what State was this entity established: _____

ADMINISTRATIVE POLICY GOVERNING VENDOR PERSONS

(09-2014)

Section 22 of the Code of Ordinances of the City of Ames provides that the City Manager may establish an administrative policy for vending. Reference to the "City" in the following administrative policy shall mean the City Manager or his/her appointed designee.

I. APPLICATION

Applications for Vending Permits must be submitted on the form provided by the City that can be obtained from the Office of the City Manager or on the City website at www.cityofames.org. Applications for vending permits must be submitted to the office of the City Manager. The City will notify each applicant as soon as possible whether the application has been approved. The City will limit the number of vendor permits for carts in the Downtown Service Center and Campustown Service Center and Village Zoning Districts based on ability to meet the requirements for pedestrian and vehicular traffic flow as well as any other factors deemed necessary as delineated in these Administrative Policy Governing Vendors. Additionally, the City has the right to deny permits for all types of vending permits that do not meet the requirements for pedestrian and vehicular traffic flow.

Applicants must contact the Iowa Department of Inspections and Appeals prior to submission of the City application to review health code compliance requirements, related to sale of food and beverages. Visit <http://dia.iowa.gov/> for information and contact numbers for the department.

II. REQUIREMENTS

The City Manager or designee shall issue a permit if the following conditions have been met:

- 1) Application for a vendor person permit shall include at a minimum:
 - a) The applicant's name, business information, date of birth, address, email address, home and business address, and phone numbers
 - b) A description vending activity and description goods or merchandise to be sold.
 - c) A copy of the applicant's government issued photo identification and or drivers license, if driving is required for the operation.
 - d) A list of any and all vehicles to be used, including permit plate numbers.
 - e) A copy of the Iowa Sales Tax Permit to be used for this business.
 - f) A description of the location and hours of operations.
 - g) A statement acknowledging that the vending business will meet all requirements by the Iowa Department of Inspections and Appeals and will compile with all applicable Federal and State laws and City Ordinances.
 - h) A signed indemnification agreement and certificate of insurance as required.
- 2) Administrative Policies shall be established by the City Manager to effectively carry out this section of the City Code, including:
 - a) A vendor person will not interfere with free movement within the emergency/service lane.
 - b) The vendor person will not interfere with an existing outdoor service area.
 - c) The vendor person shall not to obstruct visibility at street intersections or to obstruct driveway entrances or to unreasonably obstruct the view of merchandising displays of other businesses abutting the sidewalk.
 - d) The applicant's proposed mode of operation will not impede the free flow of pedestrian traffic along the public right of way or in or out of adjacent properties. It must meet a minimum four foot clearance (4') to the sides and front of the vendor area and provide safe flow of movement for pedestrians.
 - e) The applicant agrees to operate the applicant's business only at the assigned vending area(s) as stated in the application. The applicant also agrees to only operate during assigned hours.
 - f) Vending items should only be those stated in the application.
 - g) No tobacco or alcoholic beverages shall be offered for sale.
 - h) All vending shall be conducted in such a way as not to restrict or interfere with the ingress or egress of the abutting property, create a public nuisance, increase traffic congestion or delay, constitute a hazard to traffic, life, property, or be an obstruction to adequate access to fire, police or sanitation vehicles.
 - i) Noise making devises and non-task specific illumination are prohibited. Signage can only be affixed to the vendor person. No other signage is allowed to be place on the public right-of-way.
 - j) Authorization to complete a background check will be required of the applicants for vendor person permit. The City of Ames conducts background investigations to determine if applicants and their proposed business meet permit requirements. Although time-consuming, these background investigations play an

important role in the issuance of permits. Background investigations protect both the permittee and the public. To be eligible to hold a vendor permit, the permit applicant is required to meet the standards of 'good moral character'. Applicants are considered to be of 'good moral character' if the permittee fulfills the following criteria:

- i) The corporation must be registered and in good standing with the Iowa Secretary of State's office.
- ii) Has not been convicted of a felony during the past five years. If an applicant has a felony conviction, the applicant is not eligible to hold permit unless the felony conviction is more than five years old and the applicant's rights of citizenship have been restored.
- iii) Has not had any financial interest in vending or consumer service business permit, that was revoked during the past two years. Has 'financial standing' and 'good reputation' to indicate that the applicant will comply with all laws and rules governing the permit. **Note:** *In evaluating the applicant's 'financial standing,' the City of Ames may consider verified sources of financial support and adequate operating capital for the permittee's business, record of prompt payment of state and local taxes, fees and charges for municipal utilities and municipal services, etc. In evaluating the applicant's 'good reputation,' the City of Ames may consider pattern and practice of disregard for the law including convictions for prohibited sales practices, zoning violations, or other similar disregard for municipal or state regulations. All permittees and their employees are expected to fully comply with sales tax collection and reporting requirements.*
- iv) All requirements apply to all officers, directors and shareholders of a corporation, all general partners in a partnership, or the individual owner if the business is operated as a sole proprietorship.
- v) The applicant has signed the Vending Permit Application and agreed to the Indemnification Agreement.
- k) Each Vendor shall provide The City of Ames with an original certificate of insurance, lawfully transacted, which sets forth the following information:
 - i) That the City of Ames is named an additional insured.
 - ii) The dates of inception and expiration of the insurance. Applicant agrees to provide the certificate of insurance to the City by the last working day prior to the first day of vending operation.
 - iii) The named insured must be either the Vendor to whom the space is issued, or if the named insured is a company, the Vendor must also be listed as an additional insured.
 - iv) The amounts of liability coverage of not less than \$500,000 per occurrence/\$1,000,000 general aggregate annually (where an aggregate limit is applicable to the policy), for all hazards (including contractual liability and completed operations), for all damages caused by personal injury, bodily injury, and property damage.
 - v) A statement by the insurance company that it will not cancel said policy or policies without giving thirty (30) days prior notice to the insured and to the City of Ames.
 - vi) THE CITY OF AMES, AT ITS SOLE DISCRETION, MAY REQUIRE HIGHER LIMITS AND/OR ADDITIONAL COVERAGE FOR SUCH ACTIVITIES OR PRODUCTS AS IT MAY DEEM NECESSARY.
- l) The applicant is responsible for keeping the information provided in the Application for Vending Permit current with the City of Ames.

III. SELECTION CRITERIA

Criteria for the selection of vendors shall include, but not be limited to, the following:

There are limited sites available for vendor carts in the Downtown Service Center, Campustown Service Center, and Village Zoning Districts and therefore there will be a limited number of available spaces for this type of permits. All Permits are granted on a first come first serve basis. If the applicant is not a natural person (for example, a partnership, an LLC, or a corporation) and if the applicant has had a vendor permit previously, the applicant will not retain its seniority if there has been a substantial change, as determined by the City, in the stock ownership, membership interest, or partnership distribution.

IV. FEES AND CHARGES

Fees for all permits are established by resolution of the City Council and must be paid promptly and prior to the deadlines specified. No permit holder shall be allowed to operate until the appropriate fee has been paid to the City.

Any vendor who operates his/her vending business before all required fees and charges have been received by the City, or who operates while under order from the City to cease operation for lack of payment or any other valid reason, shall have his/her permit revoked for the remainder of the current vending season and will not be considered for a permit for the following year's vending season.

V. OPERATING POLICIES ON PUBLIC RIGHTS OF WAY FOR VENDING

1) Vendor Persons

- a) Permittees must take proper care to ensure that no grease or other substances are spilled or allowed to drip on the ground; and, if this accidentally occurs, ensure prompt and complete clean-up.
- b) Operators must privately dispose of all wastepaper and other waste materials in a legal manner. All vendors must supply a waste receptacle for patrons, in addition to their own waste.
- c) Specific locations have been designated for the vending permit. It is required to be displayed at all times in visible and plain sight.
- d) Cannot stand in one location and never move. Must be able to carry all items at one time that are for sale or distribution.
- e) The applicant shall obtain and display all necessary permits required by the Iowa Department of Inspections and Appeals. (A copy must be supplied to the office of the City Manager prior to operation).
- f) The sale, transfer, or assignment of a vending permit is expressly prohibited.

VI. CONSIDERATION OF APPLICATIONS FOR VENDING:

- a. All permits are granted on a first come, first served basis.
- b. In the event that two or more applications are received for the same location, the earliest application, if approved, shall be awarded the location if otherwise qualified and acceptable.

VII. VENDING PERMIT TERM:

- 1) A vendor person permit no more than seven business days.
- 2) A permit for vending during a special event or celebration shall be limited to no longer than the stated duration of such event or celebration.
- 3) Permits may be temporally suspended for a special event or celebration that compasses the permit location.
- 4) The sale, transfer, or assignment of a permit is prohibited.

VIII. RENEWAL. All permits are valid for the entire period as stated in the application, as approved, unless revoked or suspended prior to expiration.

IX. REVOCATION OR DENIAL OF A PERMIT

- 1) The City Manager or designee may revoke or deny a Vending Permit if:
 - a) It is determined by the Chief of Police or Fire Chief that public safety requires such revocation or denial.
 - b) The application is incomplete;
 - c) The application is determined to be fraudulent, to include a misrepresentation, or to contain a false statement;
 - d) The applicant has had a permit revoked by the City for any reason within the preceding two (2) years;
 - e) The applicant or permittee has been convicted, under the laws of the State of Iowa or of any other jurisdiction, of a felony or of a crime involving dishonesty within the preceding five (5) years; or
 - f) The applicant or permittee has an outstanding arrest warrant in this or any other jurisdiction, or is a fugitive from this or from any other jurisdiction.
 - g) The permittee is operating a vending operation in violation of the terms of the Permit.
 - h) The permittee's insurance has been canceled.
 - i) The permittee violates any Requirements or Operating Policies of the Vendor Permit Administrative Policies.
- 2) A Vending Permit may be revoked by the City Manager, or designee, at any time, without advanced notice, for any violation of this ordinance, other City of Ames ordinances, or State or federal laws or to evaluate or ensure the safety of the community.

TEMPORARY SUSPENSION

- 1) A permit may be temporarily suspended, if it is determined by the Chief of Police or Fire Chief that, by reason of disaster, public calamity, riot, or other emergency, the public safety requires such suspension. A temporary suspension may also be issued due to any of the items noted in Division III, 9.
- 2) As stated elsewhere, a temporary suspension may be issued due to a special event or celebration on public right-of-way.

CONSTRUCTION RELATED TO THE PUBLIC RIGHT-OF-WAY

- 1) Permittees may be required to accommodate construction on or adjacent to the public right-of-way, including construction on private property that requires use of the public right-of-way. Construction on public right-of-way might also require suspension or revocation of the permit.

APPEAL PROCESS: Any party aggrieved by the City Manager's or designee's decision to deny, revoke, or issue a permit may appeal the determination to the City Council if, within ten (10) working days after the decision, the party files a written notice of appeal with the City Clerk. In such event, a hearing shall be held by the City Council no later than its next regularly scheduled meeting, assuming the appeal is filed in time to allow notice of said appeal in accordance with Chapter 21 of the Iowa Code. Upon such hearing, the City Council may, based upon the standards enumerated herein, reverse, affirm or modify in any regard the City Manager's or designee's decision. The City Council's decision is the final decision.

DISPLAY OF PERMIT. All permits shall be displayed at all times during the operation of the vending business.

APPLICATION FOR A VENDING PERMIT Sidewalk Sales

(Chapter 22, Division - Code of Ames)



Business Name

APPLICATION RECD _____

PROOF OF INSURANCE RECD _____

Questions should be directed to the City Manager's Office, at 515 239-5101.

APPLICATION FOR SIDEWALK SALES PERMIT

If the applicant is not a natural person (for example, a partnership, an LLC, or a corporation, or represents another), please complete the addendum.

1. **APPLICANT'S NAME:** _____

FIRST

LAST

2. **DATE OF BIRTH:** ____/____/____

MONTH DAY YEAR

3. **ADDRESSES (Permanent Address, provide local address if permanent address is outside of the State of Iowa. Business mailing address):**

PERMANENT

STREET

APT#

CITY

State

ZIP CODE

BUSINESS

STREET

APT#

CITY

State

ZIP CODE

OR

4. **BUSINESS DISTRICT ORGANIZATION:** _____

5. **BUSINESS DISTRICT CONTACT NAME:** _____

FIRST

LAST

6. **EMAIL ADDRESS:** _____

7. **PHONE NUMBER(S):** _____

8. **DESCRIPTION OF THE SALE EVENT, please note if it is for a business district:**

9. **HAVE YOU HELD A SIDEWALK SALES PERMIT BEFORE? YES**____ **NO**____

10. **REQUESTED LOCATION(S) OF OPERATION AND HOURS, IF FOR A DISTRICT PLEASE ATTACH LIST OF PARTICIPATING MERCHANTS:** _____

11. **WHICH OF THE FOLLOWING ARE YOU APPLYING FOR:**

Seven Day _____, From _____ to _____ **for individual businesses**

Seasonal (4 mos.) _____, From _____ to _____ *for business districts*

Annual _____, From _____ to _____ *for business districts*

Other -- Please explain this request in detail and note that a permit will not be issued for more than one year to a *business district*.

12. If I am selling food or drinks, I acknowledge that I have contacted the Iowa Department of Inspections and Appeals and met all other applicable State of Iowa requirements.

13. **ELECTRICAL TO BE USED (Please note where you will get power from for these device and which kind):**

14. **INDEMNIFICATION AGREEMENT**

The applicant agrees to:

Each Vendor assumes full responsibility for any injury to persons or property resulting from the display, sale, exchange or use of Vendor's food, drink, merchandise, vehicles, equipment, or other property; or of the assigned ground space occupied by Vendor and/or Vendor's employees or agents. Vendor further agrees to indemnify the City of Ames from all liabilities, claims, and damages, and to hold them free and harmless and to defend them at Vendor's sole expense, against all such liabilities, claims and damages.

15. Provide along with this application a certificate of insurance as required by the Administrative Policy Governing Vendors.
16. Applicant acknowledges that it must compile with all applicable Federal and State laws and City ordinances, including reporting of sales taxes.
17. If the applicant is not an individual, the person signing this application acknowledges that he or she has the authority to act on behalf of the group that is requesting the permit.

Applicant: Return completed application to:
City Manager's Office
City of Ames
515 Clark Street
Ames, Iowa 50010

Any questions can be directed to the City Manager's office at 515-239-5101.

Signature of Applicant

Date

APPEAL RIGHTS

Any party aggrieved by the City Manager's or designee's decision to grant or deny a permit under this Chapter may appeal the determination to the City Council if, within five (5) working days after the decision, the party files a written notice of appeal with the City Clerk. In such event, a hearing shall be held by the City Council no later than the next regularly scheduled meeting, assuming the appeal is filed in time to allow notice of said appeal in accordance with Chapter 21 of the Iowa Code.

FOR CITY USE ONLY:

NOTICE OF DECISION GRANTING OR DENYING THE APPLICATION

The application is approved. _____

The application is denied because _____

City Manager or Designee

Date

ADDENDUM TO APPLICATION FOR VENDING PERMIT NOT NATURAL PERSON

To be completed only if applicant is not a natural person (for example, a partnership, an LLC, or a corporation).

1. If the applicant is a partnership, list all partners and the share of partnership distribution.

Name of Partner

% share in partnership distribution

Name of Partner

% share in partnership distribution

Name of Partner

% share in partnership distribution

2. If the applicant is a corporation, list all shareholders and their percentage ownership.

Name of Shareholder

% of stock owned

Name of Shareholder

% of stock owned

Name of Shareholder

% of stock owned

3. If applicant is a limited liability company, list all members and their membership interest.

Name of Member

Membership interest

Name of Member

Membership interest

Name of Member

Membership interest

4. If the applicant has had a permit previously, has the information on the Addendum changed, and if so, how (e.g., new partner, change in how much stock a shareholder owns)?

5. In what State was this entity established: _____

ADMINISTRATIVE POLICY GOVERNING SIDEWALK SALES

(09-2014)

Section 22 of the Code of Ordinances of the City of Ames provides that the City Manager may establish an administrative policy for vending. Reference to the "City" in the following administrative policy shall mean the City Manager or his/her appointed designee.

I. APPLICATION

Applications for Vending Permits must be submitted on the form provided by the City that can be obtained from the Office of the City Manager or on the City website at www.cityofames.org. Applications for vending permits must be submitted to the office of the City Manager. The City will notify each applicant as soon as possible whether the application has been approved. The City will limit the number of vendor permits for carts in the Downtown Service Center and Campustown Service Center and Village Zoning Districts based on ability to meet the requirements for pedestrian and vehicular traffic flow as well as any other factors deemed necessary as delineated in these Administrative Policy Governing Vendors. Additionally, the City has the right to deny permits for all types of vending permits that do not meet the requirements for pedestrian and vehicular traffic flow.

Applicants must contact the Iowa Department of Inspections and Appeals prior to submission of the City application to review health code compliance requirements, related to sale of food and beverages. Visit <http://dia.iowa.gov/> for information and contact numbers for the department.

II. REQUIREMENTS

The City Manager or designee shall issue a permit if the following conditions have been met:

- 1) Application for a sidewalk sales permit shall include at a minimum:
 - a) The applicant's name, business information, date of birth, address, email address, home and business address, and phone numbers
 - b) A description of the type of food, non-alcoholic beverage or merchandise to be sold.
 - c) The Iowa Sales Tax Permit to be used for this business.
 - d) A description of the location and hours of operations.
 - e) A signed indemnification agreement and certificate of insurance as requirement
 - f) A drawing of the area to be used.
- 2) Administrative Policies shall be established by the City Manager to effectively carry out this section of the City Code, including:
 - a) A sidewalk sale location is available which will not interfere with free movement within the emergency/service lane.
 - b) The sidewalk sale location will not interfere with an existing outdoor service area.
 - c) The sidewalk sale shall be placed so as not to obstruct visibility at street intersections or to obstruct driveway entrances or to unreasonably obstruct the view of merchandising displays of other businesses abutting the sidewalk.
 - d) The applicant's sidewalk sale will not impede the free flow of pedestrian traffic along the public right of way or in or out of adjacent properties. It must meet a minimum four foot clearance (4') to the sides and front of the vendor area and provide safe flow of movement for pedestrians.
 - e) The applicant agrees to operate the applicant's business only at the assigned sidewalk sale location as stated in the application. The applicant also agrees to only operate during assigned hours.
 - f) Sidewalk sales items should only be those stated in the application.
 - g) No tobacco or alcoholic beverages shall be offered for sale.
 - h) All vending shall be conducted in such a way as not to restrict or interfere with the ingress or egress of the abutting property, create a public nuisance, increase traffic congestion or delay, constitute a hazard to traffic, life, property, or be an obstruction to adequate access to fire, police or sanitation vehicles.
 - i) Noise making devices are prohibited. Signage is not allowed. No additional illumination is allowed.
 - j) Each Vendor shall provide The City of Ames with an original certificate of insurance, lawfully transacted, which sets forth the following information:
 - i) That the City of Ames is named an additional insured.
 - ii) The dates of inception and expiration of the insurance. Applicant agrees to provide the certificate of insurance to the City by the last working day prior to the first day of vending operation.

- iii) The named insured must be either the Vendor to whom the space is issued, or if the named insured is a company, the Vendor must also be listed as an additional insured.
 - iv) The amounts of liability coverage of not less than \$500,000 per occurrence/\$1,000,000 general aggregate annually (where an aggregate limit is applicable to the policy), for all hazards (including contractual liability and completed operations), for all damages caused by personal injury, bodily injury, and property damage.
 - v) A statement by the insurance company that it will not cancel said policy or policies without giving thirty (30) days prior notice to the insured and to the City of Ames.
 - vi) THE CITY OF AMES, AT ITS SOLE DISCRETION, MAY REQUIRE HIGHER LIMITS AND/OR ADDITIONAL COVERAGE FOR SUCH ACTIVITIES OR PRODUCTS AS IT MAY DEEM NECESSARY.
- 3) The applicant is responsible for keeping the information provided in the Application for Vending Permit current with the City of Ames.
 - 4) The application contains no material falsehood or misrepresentation.
 - 5) The applicant and or employee(s) must comply with lawful requests made by City staff, including the Ames Police Department
 - 6) The applicant has not damaged city property, and if the applicant has, the damage has been paid in full, and the applicant has paid all other outstanding and unpaid debts to the City.
 - 7) The use or activity intended by the applicant is not prohibited by law.
 - 8) All applicable fees have been paid to the City of Ames.
 - 9) The application is fully completed and executed.

III. FEES AND CHARGES

Fees for all permits are established by resolution of the City Council and must be paid promptly and prior to the deadlines specified. No permit holder shall be allowed to operate until the appropriate fee has been paid to the City.

Any vendor who operates his/her vending business before all required fees and charges have been received by the City, or who operates while under order from the City to cease operation for lack of payment or any other valid reason, shall have his/her permit revoked for the remainder of the current vending season and will not be considered for a permit for the following year's vending season.

IV. OPERATING POLICIES ON PUBLIC RIGHTS OF WAY FOR VENDING

- 1) Sidewalk Sales:
 - a. Power cords must be in good condition, be kept dry and not create a tripping hazard.
 - b. Any cords/wiring must be securely fastened to the ground and covered by a cord protector.
 - c. Permittees must take proper care to ensure that no grease or other substances are spilled or allowed to drip on the ground; and, if this accidentally occurs, ensure prompt and complete clean-up.
 - d. Operators must privately dispose of all wastepaper and other waste materials in a legal manner. All vendors must supply a waste receptacle for patrons, in addition to their own waste.
 - e. All sidewalk sales must be attended at all times and removed during hours of non-operation.
 - f. Specific locations have been designated for the vending permit. It is required to be displayed at all times in visible and plain sight.
- 2) The applicant shall obtain and display all necessary permits required by the Iowa Department of Inspections and Appeals. (A copy must be supplied to the office of the City Manager prior to operation).
- 3) The sale, transfer, or assignment of a vending permit is expressly prohibited.

V. CONSIDERATION OF APPLICATIONS FOR VENDING:

- 1) All permits are granted on a first come, first served basis.
- 2) In the event that two or more applications are received for the same location, the earliest application, if approved, shall be awarded the location if otherwise qualified and acceptable.

VI. VENDING PERMIT TERM:

- 1) Sidewalk sales permits no more than seven business days in a row, unless being requested an organized business districts.
- 2) Organized business districts are allowed to apply for a sidewalk sales permit for the entire district. Blanket Vending Permits for sidewalk sales can only be issued in the Downtown Service Center, Campustown Service Center, Village Town Center Zoning Districts, and any farmers market located in these three organized business districts. (Use blanket vending permit for this need.)

- 3) A permit for vending during a special event or celebration shall be limited to no longer than the stated duration of such event or celebration.
- 4) Permits may be temporally suspended for a special event or celebration that compasses the permit location.
- 5) The sale, transfer, or assignment of a permit is prohibited.

VII. RENEWAL. All permits are valid for the entire period as stated in the application, as approved, unless revoked or suspended prior to expiration.

VIII. REVOCATION OR DENIAL OF A PERMIT

- 1) The City Manager or designee may revoke or deny a Vending Permit if:
 - a) It is determined by the Chief of Police or Fire Chief that public safety requires such revocation or denial.
 - b) The application is incomplete;
 - c) The application is determined to be fraudulent, to include a misrepresentation, or to contain a false statement;
 - d) The applicant has had a permit revoked by the City for any reason within the preceding two (2) years;
 - e) The applicant or permittee has been convicted, under the laws of the State of Iowa or of any other jurisdiction, of a felony or of a crime involving dishonesty within the preceding five (5) years; or
 - f) The applicant or permittee has an outstanding arrest warrant in this or any other jurisdiction, or is a fugitive from this or from any other jurisdiction.
 - g) The permittee is operating a vending operation in violation of the terms of the Permit.
 - h) The permittee's insurance has been canceled.
 - i) The permittee violates any Requirements or Operating Policies of the Vendor Permit Administrative Policies.
- 2) A Vending Permit may be revoked by the City Manager, or designee, at any time, without advanced notice, for any violation of this ordinance, other City of Ames ordinances, or State or federal laws or to evaluate or ensure the safety of the community.

IX. TEMPORARY SUSPENSION

- 1) A permit may be temporarily suspended, if it is determined by the Chief of Police or Fire Chief that, by reason of disaster, public calamity, riot, or other emergency, the public safety requires such suspension. A temporary suspension may also be issued due to any of the items noted in Division III, 9.
- 2) As stated elsewhere, a temporary suspension may be issued due to a special event or celebration on public right-of-way.

X. CONSTRUCTION RELATED TO THE PUBLIC RIGHT-OF-WAY

- 1) Permittees may be required to accommodate construction on or adjacent to the public right-of-way, including construction on private property that requires use of the public right-of-way. Construction on public right-of-way might also require suspension or revocation of the permit.

XI. APPEAL PROCESS: Any party aggrieved by the City Manager's or designee's decision to deny, revoke, or issue a permit may appeal the determination to the City Council if, within ten (10) working days after the decision, the party files a written notice of appeal with the City Clerk. In such event, a hearing shall be held by the City Council no later than its next regularly scheduled meeting, assuming the appeal is filed in time to allow notice of said appeal in accordance with Chapter 21 of the Iowa Code. Upon such hearing, the City Council may, based upon the standards enumerated herein, reverse, affirm or modify in any regard the City Manager's or designee's decision. The City Council's decision is the final decision.

XII. DISPLAY OF PERMIT. All permits shall be displayed at all times during the operation of the vending business.

COUNCIL ACTION FORM

SUBJECT: APPROVAL OF FUNDS FOR FACILITATION OF HIRTA RELATED ISSUES

BACKGROUND:

At the City Council's request, staff presented a report regarding HIRTA Services at the May 13, 2014 Council meeting. At that meeting, several Council members expressed concerns that had been shared by constituents and human service agencies regarding the delivery of HIRTA services within the community. One specific request that resulted from this meeting was a desire to gain input from these agencies to better understand their challenges and to determine if there were solutions that could be identified to address these concerns.

After discussions with ASSET's administrative staff, HIRTA and CyRide, it was determined that a facilitated conversation needed to be held with impacted organizations. Staff sought out a facilitator that understands human service agency operations and individual rider needs, as well as the challenges associated with HIRTA services. Utilizing the skills of such a facilitator should allow for a more successful outcome of the conversations around HIRTA services and provide staff with direction to improve the community's demand response transportation services provided by HIRTA.

The amount of time required for these facilitated conversations is estimated to total 20-25 hours for meeting preparation and facilitation of four meetings. The structure of these meetings would be as follows:

- Human service agencies that work with a significant number of individuals using demand response service will be invited to these meetings to discuss what is currently working and their challenges with existing HIRTA services.
- Transportation providers will examine the challenges and place the challenges into categories such as: either cannot be accommodated for regulatory/legal reasons, can be accommodated within existing resources/budget, would require additional resources/budget.
- Agencies and transportation providers would work together to develop a joint action plan identifying responsibilities and tasks for each action.
- Review a draft document of the action plan steps and develop a future communication plan to successfully address challenges in the future.

The estimated cost to facilitate the above tasks is \$2,500. The Story County Board of Supervisors will be considering a proposal to fund half of this cost at their October 28, 2014 meeting. The City has available funding to cover its half of this cost from

unallocated ASSET dollars in fiscal year 2013/2014. In 2013/14, ASSET organizations did not draw down \$43,700 of the \$1,084,978 available.

ALTERNATIVES:

1. Approve half of the funding required to facilitate HIRTA service discussions in the amount of \$1,250, to be secured from ASSET funding previously budgeted by the City Council.
2. Approve full funding required to facilitate HIRTA service discussions in the amount of \$2,500 to be secured from ASSET funding previously budgeted by the City Council.
3. Do not approve funding for facilitation of HIRTA service meetings.

MANAGER'S RECOMMENDED ACTION:

Discussions regarding HIRTA transportation service within the City of Ames have become a challenging topic with varying perspectives on how and what could be accomplished to modify these services. Facilitated discussions for those involved could assist in finding steps to improve the delivery of these services within the community.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving up to \$1,250 for facilitation of demand response service discussions from ASSET funding previously budgeted by the City Council.

COUNCIL ACTION FORM

SUBJECT: **SPEED STUDY FOR DUFF AVENUE
(6TH STREET TO 10TH STREET)**

BACKGROUND:

On June 10, 2014, staff presented to City Council the findings of a speed study conducted on the 600 to 1000 blocks of North Duff Avenue in the Historic Old Town Association (HOTA) neighborhood. During the meeting, staff provided a summary of the speed data, by block, and outlined the criteria used in Ames to evaluate the need for traffic calming devices. At that time, members of the HOTA expressed concern in not having enough time to review the report in advance of the meeting to provide feedback. Therefore, the City Council directed staff to hold an additional meeting with the HOTA neighbors and bring back the study with options at a later date.

On August 11, 2014, staff met with members of the HOTA at one of their homes to discuss the report in greater detail. **To address the higher speeds seen along North Duff, the majority the neighbors supported the idea of installing dynamic feedback signs in the area of the 600 to 800 blocks, as supported by the data. In addition, those in attendance supported creating a high visibility pedestrian crossing for east-west pedestrians at the 8th Street and Duff Avenue intersection to accommodate the high number of people accessing the CyRide bus stop along the east side. Staff and neighbors also agreed that increased traffic enforcement would be needed in the early time period following installation of any dynamic feedback signs to reinforce good driving habits related to the signs.**

It should be noted that the neighbors felt that, if this approach is not successful in reducing those higher range speeds, the City should entertain other options. Those could include programming more costly physical improvements to calm traffic or adopting an ordinance to reduce the posted speed limit.

The cost to install a pair of dynamic feedback speed signs, poles, and power is estimated to be approximately \$9,200. The \$9,200 would be added to the adjusted 2014/15 Traffic Sign Maintenance budget (Road Use Tax Fund). Modern dynamic feedback signs have the flexibility to be set to any posted speed limit, and come with built-in "before-and-after" study data collection capabilities that staff can use to evaluate their affect. Any additional cost to sign and paint a high-visibility crossing at 8th Street and Duff Avenue can be accounted for using existing maintenance budgets.

One additional issue that was discussed involved the traffic signal timing plan in the North Duff Avenue corridor, specifically concerning the fact that the signals are coordinated to promote efficient traffic flow along North Duff Avenue at the posted

speed limit of 30 MPH. Typical engineering practice when creating traffic signal timing plans is to coordinate the offset of the green phases in the major directions of travel along a coordinated street segment to minimize delay experienced by stopping vehicles. By following this national practice, cities create reliable travel corridors throughout their communities and minimize environmental impacts due to vehicle emissions.

During the neighborhood meeting, a concern was expressed that the 30 MPH signal coordination contributes to the higher speeds shown by the previous study data. That data showed that the 85th Percentile Speed for this corridor is 4 to 5 MPH over the posted speed limit of 30 MPH. (Refer to the attached North Duff Speed Study Report dated 6/10/14.) The 85th Percentile Speed is a common speed metric used in traffic engineering practice, which is defined as the speed at which 85% of the vehicles are travelling at or below. This is used as a benchmark to determine the speed at which the large majority of motorists feel they can safely travel.

It is possible to design traffic signal timing plans to use various types of transportation performance measures to maximize the benefit to its users. An example of using unique performance measures comes from a project conducted along Valencia Street in San Francisco. The project included retiming of traffic signal progression along the corridor to be set less than the posted speed limit for a traveling speed of 13 MPH. This was done to accommodate the high percentage of cyclists in that area.

In the case of North Duff Avenue, it would be possible for staff to retime the traffic signals at 25 MPH, which would be less than the posted speed limit of 30 MPH. The 25 MPH speed would be similar to the speed limits along residential streets across the city, and would be 8-9 MPH slower than the 85th Percentile Speed of traffic through this area. Were this option to be selected, signs would be posted along the street stating that signal timing is set at 25 MPH, thereby reinforcing that this is the expected speed along this section of Duff Avenue. This low-cost solution could be implemented rather quickly, and would be analyzed by staff to see how effective it is on slowing speeds. Because staff has no experience using this technique, the traffic impact on the surrounding neighborhood is unknown and would need to be closely monitored.

It should be noted that, as one of five north-south arterials in Ames, this segment of Duff Avenue is travelled by approximately 11,700 vehicles per day.

ALTERNATIVES:

1. Direct staff to take the following actions:
 - a. Install two dynamic feedback signs along North Duff Avenue, at a total estimated cost of \$9,200, with funding to come from unobligated Road Use Tax funds.
 - b. Sign and mark an east-west high-visibility crossing at 8th Street and Duff Avenue.

- c. Temporarily increase traffic enforcement activities by the Ames Police Department after the installation of the dynamic feedback sign.
- 2. Direct staff to take the following actions:
 - a. Install two dynamic feedback signs along North Duff Avenue, at a total estimated cost of \$9,200, with funding to come from unobligated Road Use Tax funds.
 - b. Sign and mark an east-west high-visibility crossing at 8th Street and Duff Avenue.
 - c. Temporarily increase traffic enforcement activities by the Ames Police Department after the installation of the dynamic feedback sign.
 - d. Direct staff to modify the traffic signal timing plan along North Duff Avenue to be set for 25 MPH, while retaining the 30 MPH speed limit.
- 3. Direct staff to pursue other options.
- 4. Direct staff to maintain the current conditions.

MANAGER'S RECOMMENDED ACTION:

Duff Avenue is one of Ames' few north-south arterial streets. This requires balancing the mobility needs of the overall community with those of the various neighborhoods through which Duff Avenue passes. The approach outlined in Alternative 1 provides several awareness tools that will help reinforce the appropriate character of this section of Duff Avenue as a residential area. The impacts to the surrounding neighborhood and the success of these measures could then be monitored and analyzed.

Therefore, it is the recommendation of the City Manager that the City Council accept Alternative No. 1, thereby directing staff to conduct the noted measures.

Under this alternative, a traffic study will be conducted after these three measures are implemented to determine their success in reducing speeds along Duff Avenue without negatively impacting the adjoining neighborhoods or creating other challenges to the City-wide transportation system. **Should the measures under Alternative No. 1 not prove successful, staff will bring this item back to Council for consideration of other options such as a change in the traffic signal timing plan.**

COUNCIL ACTION FORM

SUBJECT: STREET CLOSURE FOR UTILITY SERVICE INSTALLATION AT 2300
LINCOLN WAY

BACKGROUND:

The property owner at 2300 Lincoln Way is currently in the process of constructing a new apartment building in place of the old Campus Book Store. The site requires a new water service for fire protection and domestic water, a new sanitary sewer service, and reconnecting the existing storm sewer. In order to properly install these utility connections, closure of Lynn Avenue will be necessary to perform the work. A map of the area is shown in Attachment A.

The Municipal Code requires that City Council approve temporary closures of those streets that are classified as arterials or are active CyRide routes, which is the case with Lynn Avenue (Gold Route #22).

Due to the locations of the utility connections, this work will require the closure of Lynn Avenue for approximately 15 calendar days to safely accommodate the new water service installation. The property owner has proposed to begin the work the week of Saturday, November 15, to allow for any complications due to weather. Access to the University Towers and the Memorial Lutheran Church will be maintained at all times, as well as safe pedestrian access through the area. The timing of the work will minimize the impact to CyRide and to area students by taking advantage of the Iowa State University Thanksgiving holiday break. Should the work be completed sooner than the total 15 day closure request, the street will be reopened to traffic at that time.

Staff worked with the project manager for this development to contact the property owners on Lynn Avenue from Lincoln Way to Chamberlain regarding the closure. The letter distributed to the property owners is included in Attachment A. CyRide will re-route bus service during the street closure by continuing the route to the west on Knapp Street and then north on Welch Avenue.

ALTERNATIVES:

1. Approve the closure of Lynn Avenue, as noted above, to facilitate the installation of the needed utility services.
2. Direct staff to work with the property owner to determine exact alternate dates to conduct the utility service installation.

MANAGER'S RECOMMENDED ACTION:

By granting the closure Lynn Avenue, City Council would be facilitating the best possible coordination between the City and the property owner for this project, as well as providing the means to keep this major Campustown renovation project on schedule.

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

October 16, 2014

University Towers
111 Lynn Avenue
Ames, IA 50014

Dear Property Manager,

The purpose of this letter is to notify you of a pending request to the Ames City Council for closure of Lynn Avenue at the Lincoln Way intersection for a short duration this fall 2014. As many of you know, Opus is well underway with construction of a new 6 story mixed-use building known as "The Foundry" located at the corner of Lincoln Way and Lynn Avenue (2300 Lincoln Way).

Our objective is to gain permission to close Lynn Avenue in order to install water, sanitary, and storm connections to the existing city utility services located in the street. We have already accomplished redesign efforts in order to minimize our work in the city's right-of-way, such as locating connections in close proximity to one another. By doing this, we have reduced the size of street excavation required to install the new underground utility services.

The specific area of street closure will be along our eastern property line extending across Lynn Avenue. It is our plan for our neighbors (University Towers to the south and Memorial Lutheran Church to the East) to maintain access to Lynn Avenue throughout construction. We also plan to maintain safe pedestrian traffic by keeping the city sidewalk east of Lynn Avenue open during this time. Please refer to the attached "Lynn Street Closure Map" dated 09-26-2014 for a visual.

We are specifically requesting the permission to close down Lynn Avenue for a period of approximately (2) two weeks starting on Saturday, November 15th 2014 and ending on Sunday, November 30th 2014. The reason we selected these dates was to minimize (as much as possible) the disruption to local bus routes as well as student traffic. During these 15 calendar days, we plan to install our required utility lines and repair the street to allow for normal traffic starting Monday, December 1st 2014.

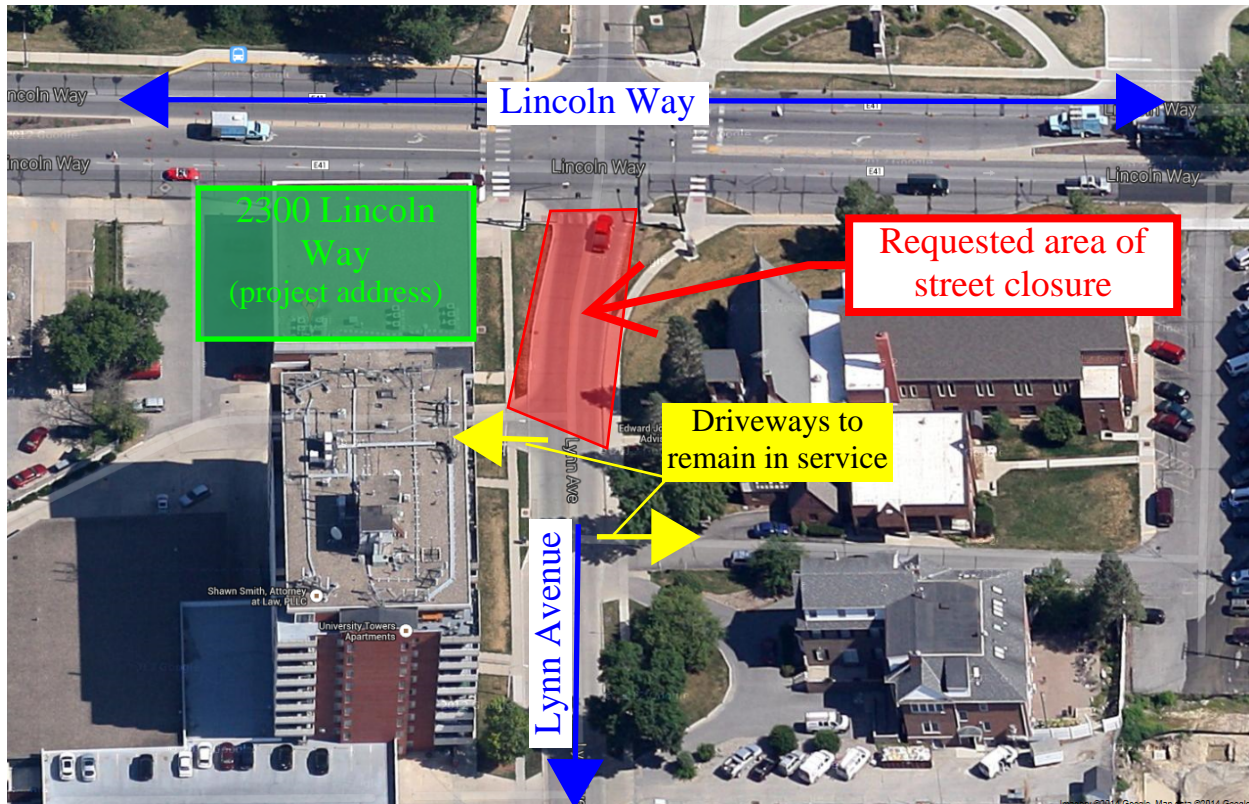
We appreciate your consideration and cooperation.

Respectfully,

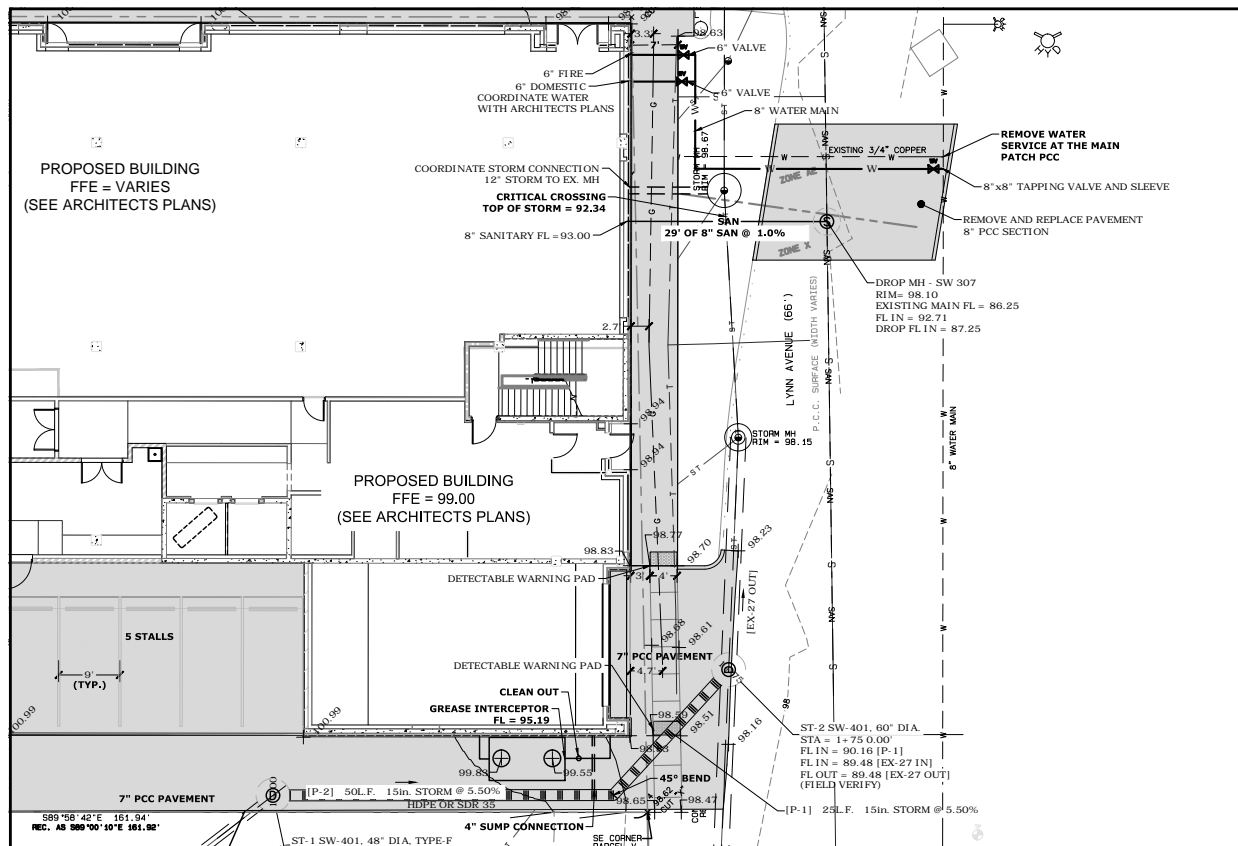
Colin E. Judd
Associate Project Manager
Opus Design Build, L.L.C.

Jeff Mertens
Senior Project Manager
Opus Design Build, L.L.C.

Lynn Avenue Closure Map 09-26-2014



Utility Plan 09-26-2014



COUNCIL ACTION FORM

SUBJECT: AMENDMENT TO FISCAL YEAR 2014/15 ADOPTED BUDGET FOR CARRYOVERS FROM FISCAL YEAR 2013/14

BACKGROUND:

Each year the City has capital projects and specific operating projects that either span fiscal years or are delayed due to unforeseen circumstances. In prior years, the unspent budget for these approved projects was added as an amendment to the current year's adopted budget concurrent with the approval of the next fiscal year's budget. This meant that the amendment for unspent funds did not receive official City Council approval until just prior to the March 15 annual budget certification deadline.

The Code of Iowa requires that city spending by program not exceed Council approved budget amounts at any time during the year. The City of Ames monitors spending against the approved budget and has maintained compliance with Iowa Code. **However, delays in large construction projects such as the electric power plant fuel conversion and the new water treatment plant revealed situations where spending in excess of approved budget amounts could potentially occur if we wait to amend the budget for carryover amounts until March.**

After researching how other cities handle this situation, staff determined that a fall amendment to add the carryover projects from the prior year to the current adopted budget would be the best solution. A summary is attached describing the carryovers from fiscal year 2013/14, which total \$43,542,852.

Please note that all the projects and associated budgeted expenditures and funding sources were approved by City Council as part of the fiscal year 2013/14 budget, but were not completed during the year. The amendment provides formal Council authority to carry forward the appropriation for projects and other work that will not be spent until fiscal year 2014/15.

Amending the budget for carry over amounts at this time, rather than waiting until March, also improves the ability of departments to monitor project spending and for Finance staff to track budget compliance. If Council approves of this new approach, staff anticipates that we will process a fall budget amendment for carry over amounts each year in the future.

ALTERNATIVES:

1. Adopt a resolution amending the fiscal year 2014/15 budget upwards by \$43,542,852 for carryover amounts from fiscal year 2013/14.

2. Refer this item back to staff for additional information or other adjustments to the amendments.

MANAGER'S RECOMMENDED ACTION:

Amending the FY 2014/15 budget for carryover amounts from the FY 2013/14 budget early in the fiscal year will provide for improved budget monitoring and tracking. It will also provide assurance that Council approved projects and work not completed in the prior year will not be delayed for spending authority.

Therefore it is recommended that City Council approve Alternative No. 1, thereby adopting a resolution amending the fiscal year 2014/15 budget upwards by \$43,542,852 for carryover amounts from fiscal year 2013/14.

CITY OF AMES, IOWA

2013/14

CARRYOVER REPORT

Included in this report are the carryovers from the fiscal year 2013/14 budget. Expenditure summaries are shown, followed by explanations of carryovers by program. A summary of the changes by fund is provided at the end of the explanatory section.

The date of public hearing for these amendments has been scheduled for October 28, 2014.

Please contact me if you have any questions.

Nancy Masteller
Budget Officer

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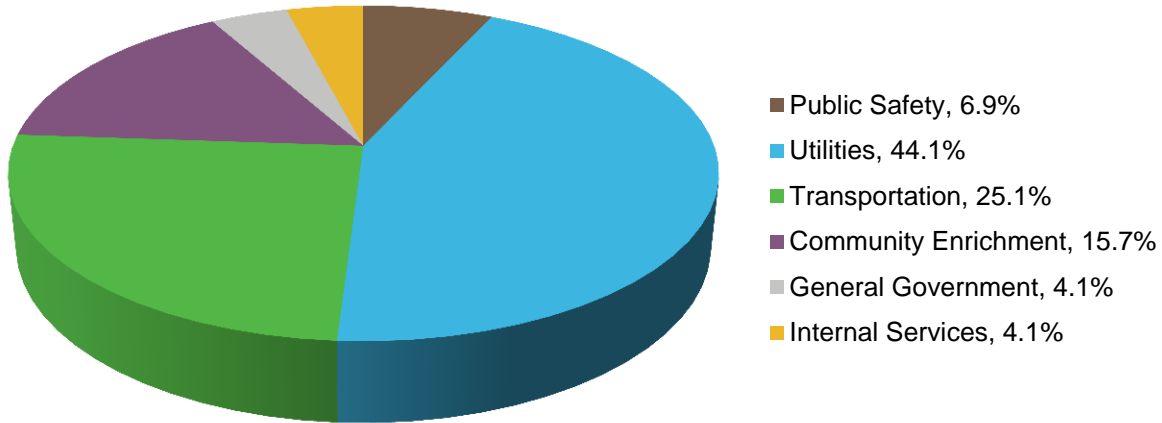
EXPENDITURE CHANGES BY PROGRAM

	2014/15 Adopted	2013/14 Carryover	2014/15 Adjusted	% Change from Adopted
Public Safety:				
Law Enforcement	8,614,405	13,427	8,627,832	0.2%
Fire Safety	6,412,166	10,000	6,422,166	0.2%
Building Safety	1,385,906	26,000	1,411,906	1.9%
Traffic Control	928,044	29,200	957,244	3.2%
Animal Control	386,464	4,100	390,564	1.1%
Other Public Safety	734,500	-	734,500	0.0%
Public Safety CIP	717,175	2,929,861	3,647,036	408.5%
Total Public Safety	19,178,660	3,012,588	22,191,248	15.7%
Utilities:				
Resource Recovery	3,730,439	-	3,730,439	0.0%
Water Operations	2,971,583	-	2,971,583	0.0%
Storm Sewer Maintenance	207,579	-	207,579	0.0%
Water Pollution Control	2,840,560	-	2,840,560	0.0%
Electric Services	49,880,481	364,000	50,244,481	0.7%
Utility Support Services	4,268,403	9,200	4,277,603	0.2%
Utilities CIP	63,594,850	18,835,713	82,430,563	29.6%
Total Utilities	127,493,895	19,208,913	146,702,808	15.1%
Transportation:				
Street System	3,646,002	10,000	3,656,002	0.3%
Public Parking	838,985	1,700	840,685	0.2%
Transit System	9,440,489	-	9,440,489	0.0%
Airport	123,068	-	123,068	0.0%
Transportation CIP	15,220,170	10,913,420	26,133,590	71.7%
Total Transportation	29,268,714	10,925,120	40,193,834	37.3%
Community Enrichment:				
Parks and Recreation	3,991,646	-	3,991,646	0.0%
Library Services	3,891,464	64,816	3,956,280	1.7%
Human Services	1,155,850	-	1,155,850	0.0%
Art Services	181,401	25,547	206,948	14.1%
Cemetery	148,693	-	148,693	0.0%
City-Wide Housing	42,898	-	42,898	0.0%
Comm Dev Block Grant	523,489	502,734	1,026,223	96.0%
Economic Development	231,291	-	231,291	0.0%
Cable TV	124,991	7,855	132,846	6.3%
Community Enrichment CIP	1,276,500	6,230,497	7,506,997	488.1%
Total Comm Enrichment	11,568,223	6,831,449	18,399,672	59.1%
General Government:				
City Council	342,770	42,290	385,060	12.3%
City Clerk	341,187	15,000	356,187	4.4%

EXPENDITURE CHANGES BY PROGRAM, continued

	2014/15 Adopted	2013/14 Carryover	2014/15 Adjusted	% Change from Adopted
City Manager	692,031	-	692,031	0.0%
Financial Services	1,719,344	12,000	1,731,344	0.7%
Administrative Services	1,992,693	283,677	2,276,370	14.2%
Public Works	1,204,946	62,010	1,266,956	5.2%
Facilities	535,809	2,500	538,309	0.5%
Merit Adjustment	174,111	-	174,111	0.0%
General Government CIP	50,000	1,363,301	1,413,301	2726.6%
Total General Government	7,052,891	1,780,778	8,833,669	25.3%
Debt Service:				
General Obligation Bonds	9,800,973	-	9,800,973	0.0%
SRF Loan Payments	-	-	-	
Bond Costs	-	-	-	
Total Debt Service	9,800,973	-	9,800,973	0.0%
Internal Services:				
Fleet Services	4,071,485	1,319,000	5,390,485	32.4%
Information Technology	2,201,223	440,763	2,641,986	20.0%
Risk Management	2,349,903	-	2,349,903	0.0%
Health Insurance	7,613,656	12,500	7,626,156	0.2%
Internal Services CIP	122,500	11,741	134,241	9.6%
Total Internal Services	16,358,767	1,784,004	18,142,771	10.9%
Total Expenditures Before Transfers	220,722,123	43,542,852	264,264,975	19.7%
Transfers:				
Transfers	14,962,382	-	14,962,382	0.0%
Hotel/Motel Pass Through	1,178,571	-	1,178,571	0.0%
Total Transfers	16,140,953	-	16,140,953	0.0%
Grand Total Expenditures	236,863,076	43,542,852	280,405,928	18.4%

BREAKDOWN BY PROGRAM 2013/14 CARRYOVERS



Excluding Transfers

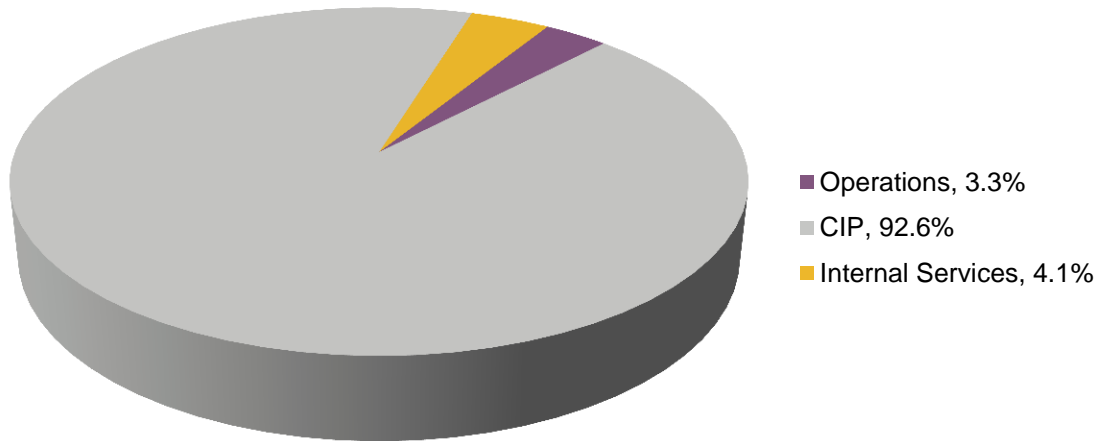
EXPENDITURE CHANGES BY CATEGORY

	2014/15 Adopted	2013/14 Carryover	2014/15 Adjusted	% Change from Adopted
Personal Services	54,627,441	-	54,627,441	0.0%
Contractual	42,985,607	757,884	43,743,491	1.8%
Commodities	24,393,680	346,509	24,740,189	1.4%
Capital	81,949,246	42,438,459	124,387,705	51.8%
Debt	9,800,973	-	9,800,973	0.0%
Other (Refunds, Insurance Claims, etc)	6,965,176	-	6,965,176	0.0%
Total Expenditures Before Transfers	220,722,123	43,542,852	264,264,975	19.7%
Transfers	16,140,953	-	16,140,953	0.0%
Total Expenditures	236,863,076	43,542,852	280,405,928	18.4%

EXPENDITURE CHANGES BY TYPE

	2014/15 Adopted	2013/14 Carryover	2014/15 Adjusted	% Change from Adopted
Operations	113,703,688	1,486,056	115,189,744	1.3%
CIP	80,981,195	40,284,533	121,265,728	49.8%
Debt	9,800,973	-	9,800,973	0.0%
Internal Services	16,236,267	1,772,263	18,008,530	10.9%
Total Expenditures Before Transfers	220,722,123	43,542,852	264,264,975	19.7%
Transfers	16,140,953	-	16,140,953	0.0%
Total Expenditures	236,863,076	43,542,852	280,405,928	18.4%

BREAKDOWN BY TYPE 2013/14 CARRYOVERS



Excluding Transfers

2013/14 CARRYOVERS BY PROGRAM

Public Safety Program \$3,012,588

Public Safety operating expenses are being increased by \$82,727 for delayed equipment and capital purchases for the Police Department, Fire Department, and the Traffic Division of Public Works. Many of the carryovers are related to the City Hall basement remodeling project.

\$2,929,861 is being carried over in Public Safety CIP funds, related to the following projects:

- Shared use path projects:
 - *Skunk River Trail* \$1,380,720
 - *Oakwood Road Shared Use Path* 73,101
 - *Shared Use Path Lighting/Signage* 17,054
- Dotson/Lincoln Way intersection improvements 414,727
- Traffic engineering studies 372,036
- Permanent traffic count stations 223,750
- Traffic signal replacements 129,031
- Railroad medians 100,000
- Multi-modal roadway improvements 95,565
- Police CAD equipment and mobile terminals 54,240
- Traffic calming program 36,000
- Fire station improvements 33,637

Utilities Program \$19,208,913

Operating expenses of \$373,200 are being carried over in the Utilities program. \$250,000 of this amount is related to electric improvements at the Research Park. The \$123,200 balance is for delayed equipment purchases for Electric Services and Public Works.

\$18,835,713 of Utility CIP project funds are being carried over for the following projects:

- Electric Utility CIP projects:
 - *Plant 69kV switchyard relay & control* \$1,228,433
 - *Plant fire protection system* 869,526
 - *Inlet heating for GT2* 823,812
 - *Substation switchgear & feeder extension* 766,314
 - *Unit 8 mercury capital* 600,000
 - *Other Electric CIP projects* 1,406,384
- WPC Plant CIP projects:
 - *Lift station improvements* 1,029,272
 - *Digester improvements* 797,495
 - *Residuals handling improvements* 523,582
 - *Plant road repairs* 450,000
 - *Vertical turbine pumps* 426,146
 - *Electrical system improvements* 242,591
 - *Other plant improvements* 872,817

- Storm sewer CIP projects:
 - *Flood response/mitigation projects* \$1,435,079
 - *Teagarden/middle branch improvements* 555,000
 - *Low point drainage projects* 358,530
 - *Storm sewer improvement projects* 319,658
 - *Storm sewer rehabilitation program* 293,759
 - *Outlet erosion control projects* 162,990
 - *Teagarden area study* 12,775
- North Ames sanitary sewer extension 1,522,036
- New Water Treatment Plant 1,104,377
- North Ames water extension 814,793
- Other water distribution improvements 697,264
- Other sanitary sewer system improvements 593,866
- Other Water production CIP projects 425,000
- Resource Recovery improvements 268,761
- Sanitary sewer system evaluation 235,453

Transportation Program \$10,925,120

\$11,700 is being carried forward in operating expenses by the Public Works department. \$10,000 of this funding is for downtown streetscape rehabilitation, and the remaining \$1,700 is for a delayed GPS equipment purchase.

Transportation CIP funding carryovers total \$10,913,420 and consist of the following programs and projects:

- Street construction projects:
 - *Jewel Drive/Ken Maril Road* \$1,489,898
 - *West Lincoln Way* 1,058,923
 - *5th Street from Duff to Burnett* 1,058,209
 - *Asphalt pavement improvements* 1,357,385
 - *Concrete pavement improvements* 1,874,712
 - *Seal coat pavement improvements* 1,699,731
 - *Mortensen Road improvements* 494,747
 - *South Grand extension* 392,067
 - *Other street improvement projects* 866,287
- Sidewalk safety program 175,479
- Right-of-way enhancements 156,063
- Neighborhood curb program 139,729
- Shared use path maintenance 117,115
- Airport improvements 25,925
- Pavement restoration program 7,150

Community Enrichment Program \$6,831,449

Community Enrichment operating expenses of \$600,952 are being carried forward. \$502,734 of this amount is the carryover in Community Development Block Grant funds from 2013/14. The balance consists of \$64,816 in operating expenses for the Ames Public Library related to the

expansion project, \$25,547 in the Public Art program, and \$7,855 in delayed equipment purchases for Cable TV.

\$6,230,497 in funding is being carried over for the following Community Enrichment CIP projects:

• Library renovation project	\$4,944,629
• Parks and Recreation CIP projects:	
○ <i>Northridge Heights Park</i>	150,649
○ <i>Municipal Pool improvements</i>	121,423
○ <i>Sand volleyball complex</i>	103,800
○ <i>Ada Hayden improvements</i>	88,771
○ <i>Playground and park equipment</i>	75,431
○ <i>School gymnasium partnership</i>	55,000
○ <i>Ice Arena improvements</i>	45,664
○ <i>Other park and facility improvements</i>	313,962
• Library RFID tagging project	146,033
• Cemetery lane improvements	85,712
• Downtown Façade program	79,423
• Campustown Façade program	20,000

General Government Program \$1,780,778

Operating expenses of \$417,477 are being carried forward in the General Government program. \$248,020 is funding for the Planning department to hire outside professional assistance for working on projects such as the Land Use Policy Plan update. Planning is also carrying forward \$17,657 that is earmarked for historic preservation, and \$18,000 for their participation in the new software being purchased by the Inspections division. In City Council funding, \$37,061 is being carried over in unspent contingency funds, and unspent Council allocations of \$2,800 to the Historic Preservation Commission and \$2,429 to the Ames International Partner City Association are being carried forward. The remaining balance of \$91,510 consists of delayed equipment and furniture purchases for multiple departments, much of it related to the City Hall renovation project.

The General Government CIP carryover of \$1,363,301 is for the following projects:

• City Hall basement renovation project	\$1,071,998
• City Hall improvements	220,346
• Cool Cities project funding	70,957

Internal Services: \$1,784,004

Internal Services has \$1,772,263 in operating carryovers consisting of the following:

• Fleet equipment purchases	\$1,319,000
• Inspections software	229,631
• Information Technology equipment	96,364
• Phone system equipment	62,761

• City Hall renovation furniture	43,487
• Delayed employee health screenings	12,500
• Information Technology operations	8,520

There is also an Internal Service CIP carryover of \$11,741 for improvements at the Fleet Maintenance facility.

Total Carryovers \$43,542,852

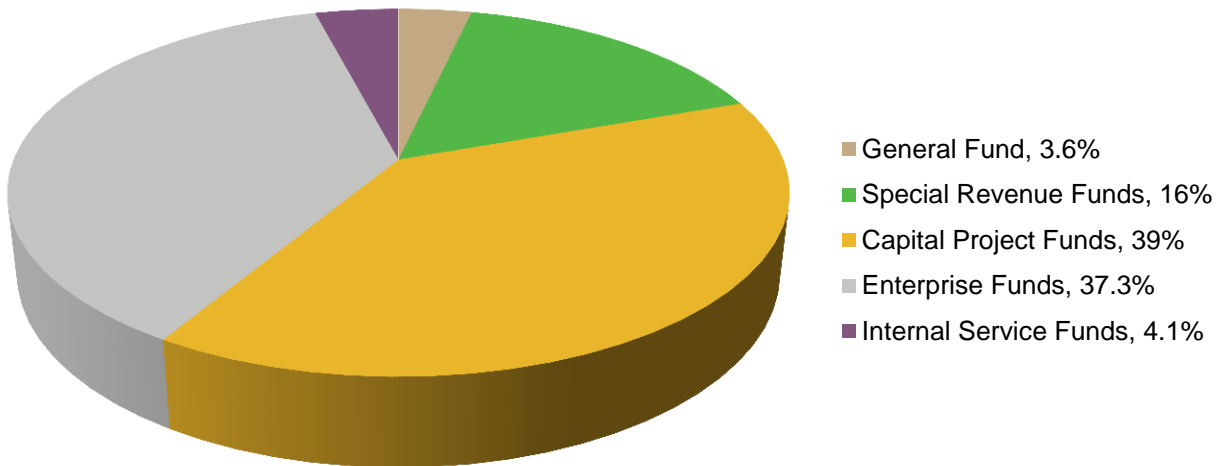
2013/14 CARRYOVERS BY FUND

	2014/15 Adopted	2013/14 Carryover	2014/15 Adjusted	% Change from Adopted
General Fund	31,983,354	1,565,412	33,548,766	4.9%
Special Revenue Funds:				
Local Option Sales Tax	7,231,426	2,975,220	10,206,646	41.1%
Hotel/Motel Tax	1,573,896	17,657	1,591,553	1.1%
Road Use Tax	6,432,984	2,488,050	8,921,034	38.7%
Public Safety Special Revenues	37,690	17,054	54,744	45.3%
City-Wide Housing Programs	42,898	-	42,898	0.0%
CDBG Program	524,281	502,734	1,027,015	95.9%
Tax Increment Financing (TIF)	117,251	-	117,251	0.0%
Employee Benefit Property Tax	1,881,243	-	1,881,243	0.0%
Police/Fire Pension	313,477	-	313,477	0.0%
Parks & Rec Grants/Donations	-	20,000	20,000	
Library Friends Foundation	50,000	711,532	761,532	1423.1%
Library Grants/Donations	76,092	213,445	289,537	280.5%
Utility Assistance	17,900	-	17,900	0.0%
Developer Projects	-	5,500	5,500	
	18,299,138	6,951,192	25,250,330	38.0%
Debt Service	9,800,973	-	9,800,973	0.0%
Capital Project Funds:				
Special Assessments	445,929	115,591	561,520	25.9%
Street Construction	1,763,791	2,039,904	3,803,695	115.7%
Airport Construction	-	25,925	25,925	
General Obligation Bond Funds	9,598,705	14,827,265	24,425,970	154.5%
	11,808,425	17,008,685	28,817,110	144.0%
Enterprise Funds:				
Water Utility	8,129,511	1,316,133	9,445,644	16.2%
Water Construction	26,714,000	953,163	27,667,163	3.6%
Sewer Utility	7,048,272	3,577,976	10,626,248	50.8%
Sewer Construction	4,953,000	1,837,280	6,790,280	37.1%
Electric Utility	80,491,706	6,156,924	86,648,630	7.7%
Parking	924,031	1,700	925,731	0.2%
Transit Operations	10,390,489	-	10,390,489	0.0%
Transit GSB Trust	96,170	-	96,170	0.0%
Transit Capital Reserve	2,752,170	-	2,752,170	0.0%
Storm Sewer Utility	1,049,025	2,236,645	3,285,670	213.2%
Ames/ISU Ice Arena	495,037	-	495,037	0.0%
Ice Arena Capital Reserve	215,000	45,664	260,664	21.2%
Homewood Golf Course	239,368	-	239,368	0.0%
Resource Recovery	4,933,249	108,074	5,041,323	2.2%
	148,431,028	16,233,559	164,664,587	10.9%

2013/14 CARRYOVERS BY FUND, continued

	2014/15 Adopted	2013/14 Carryover	2014/15 Adjusted	% Change from Adopted
Internal Service Funds:				
Fleet Services	2,485,829	11,741	2,497,570	0.5%
Fleet Reserve Fund	1,879,350	1,319,000	3,198,350	70.2%
Information Technology	1,688,495	52,007	1,740,502	3.1%
Technology Reserve Fund	520,542	388,756	909,298	74.7%
Risk Insurance Fund	2,350,889	-	2,350,889	0.0%
Health Insurance Fund	7,615,053	12,500	7,627,553	0.2%
	16,540,158	1,784,004	18,324,162	10.8%
Totals	236,863,076	43,542,852	280,405,928	18.4%

BREAKDOWN BY FUND 2013/14 CARRYOVERS



**NOTICE OF PUBLIC HEARING
AMENDMENT OF CURRENT CITY BUDGET**

Form 653.C1

The City Council of Ames in STORY County, Iowa
will meet at City Hall, 515 Clark Avenue, Ames, IA
at 7:00 PM on October 28, 2014
(hour) (Date)

for the purpose of amending the current budget of the city for the fiscal year ending June 30, 2015
(year)

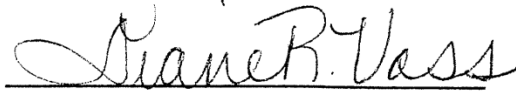
by changing estimates of revenue and expenditure appropriations in the following programs for the reasons given. Additional detail is available at the city clerk's office showing revenues and expenditures by fund type and by activity.

		Total Budget as certified or last amended	Current Amendment	Total Budget after Current Amendment
Revenues & Other Financing Sources				
Taxes Levied on Property	1	25,487,263	0	25,487,263
Less: Uncollected Property Taxes-Levy Year	2	0	0	0
Net Current Property Taxes	3	25,487,263	0	25,487,263
Delinquent Property Taxes	4	0	0	0
TIF Revenues	5	37,866	0	37,866
Other City Taxes	6	8,860,251	0	8,860,251
Licenses & Permits	7	1,381,200	0	1,381,200
Use of Money and Property	8	11,218,921	0	11,218,921
Intergovernmental	9	18,664,393	0	18,664,393
Charges for Services	10	261,361,973	0	261,361,973
Special Assessments	11	441,075	0	441,075
Miscellaneous	12	2,767,861	0	2,767,861
Other Financing Sources	13	79,691,882	0	79,691,882
Total Revenues and Other Sources	14	409,912,685	0	409,912,685
Expenditures & Other Financing Uses				
Public Safety	15	16,813,441	53,527	16,866,968
Public Works	16	5,740,623	73,835	5,814,458
Health and Social Services	17	1,155,850	0	1,155,850
Culture and Recreation	18	7,624,855	95,592	7,720,447
Community and Economic Development	19	2,905,826	893,689	3,799,515
General Government	20	2,431,531	66,561	2,498,092
Debt Service	21	9,800,973	0	9,800,973
Capital Projects	22	14,291,025	24,342,085	38,633,110
Total Government Activities Expenditures	23	60,764,124	25,525,289	86,289,413
Business Type / Enterprises	24	321,115,429	18,017,563	339,132,992
Total Gov Activities & Business Expenditures	25	381,879,553	43,542,852	425,422,405
Transfers Out	26	14,962,382	0	14,962,382
Total Expenditures/Transfers Out	27	396,841,935	43,542,852	440,384,787
Excess Revenues & Other Sources Over (Under) Expenditures/Transfers Out for Fiscal Year	28	13,070,750	-43,542,852	-30,472,102
Beginning Fund Balance July 1	29	516,512,169	0	516,512,169
Ending Fund Balance June 30	30	529,582,919	-43,542,852	486,040,067

Explanation of increases or decreases in revenue estimates, appropriations, or available cash:

The hospital revenues and expenses were erroneously understated in the first amendment by about \$4 million. The rest of the City, excluding the hospital, had a net decrease of \$576,818 in fund balance. Building permit revenue and FAA funding for airport construction were both higher than anticipated. However, expenses increased due to higher than anticipated capital improvement costs, higher snow and ice control costs due to a harsh winter, and the addition of SRF loan debt service payments.

There will be no increase in tax levies to be paid in the current fiscal year named above. Any increase in expenditures set out above will be met from the increased non-property tax revenues and cash balances not budgeted or considered in this current budget. This will provide for a balanced budget.


City Clerk/Finance Officer

Public Art Commission - Carryover Requests

Carryover funds from 6/30/14

TOTAL PAC Request - \$25,547.01

AAOSE

AAOSE is asking to carryover the **\$4,326.01** balance from 6/30/14. The current exhibition includes some larger sculptures. Because of their size and because of plans to have larger sculptures in the future, this money would be used to replace some 3' x 3' pads with 4' x 4' pads to accommodate the larger sculpture in the exhibition.

Neighborhood Sculpture

Neighborhood Sculpture would like to carry forward their 6/30/14 balance of **\$6,015.00**. This amount would be for installation and signage of the four sculptures purchased in the spring of 2014 that are to be installed soon by City staff. If any funds remain after that, they would be available to put toward new art at the Ames Animal Shelter. The art work there has been removed and the neighborhood sculpture committee has met with Brian Phillips and Ron Edwards regarding their wishes for art at the Shelter.

Art in the Parks

Art in the Parks usually carries their balance forward for several years to get enough to fund the expense of the art in the parks project. These projects involve bringing in an artist to work with the community creating art in the parks and are quite expensive. They are asking to carryover their **\$12,206.00** balance. Projected project in Spring/Summer 2016.

PR/ Marketing

total requested to roll over \$2,000

Acrylic Ballot Box - with 2 side pockets for brochures or ballots and 2 display panels for 8.5x11 posters (\$105.94) - this is in addition to the ballot box Tim created since we'll need a second one for collecting name suggestions for the Name the Dragon campaign

EZ Up Tent Weight Bags - (\$69 for set of 4; sand not included)

EZ Up Stretch Fit Table Cover - Approx. \$399 for 6' or \$539 for 8', quantity of 2 needed - full color digital imprint on top & sides

Vinyl Mesh Sidewall (for EZ Up Tent) - waiting for custom quote (est. \$500)

Collections and Archives

Sculpture maintenance **\$1,000.**

COUNCIL ACTION FORM

SUBJECT: MAJOR SITE DEVELOPMENT PLAN FOR 4710 MORTENSEN ROAD
(THREE PROPOSED APARTMENTS)

BACKGROUND:

The applicant, Westowne Apartments, represented by Matt Eller, owns land at 4710 Mortensen Road in southwest Ames which the City Council recently rezoned from Community Commercial/Residential (CCR) to Floating Suburban Residential Medium density (FS-RM). The site has no frontage on Mortensen Road, but is accessible by way of easements through the adjacent West Towne Apartments and Hilton Garden Inn. US Highway 30 lies to the south and Hilton Garden Inn on Dickinson Avenue is to the east. A location map is found in Attachment A.

The owner wishes to construct three apartment buildings for a total of 35 units on the 1.7 acre lot. Prior to obtaining a building permit, the City Council is being asked to approve a major site development plan for the project.

This parcel was originally intended to be the eighth building of the adjacent West Towne Apartments under the CCR zoning district. These mixed use buildings are located to the north and west of this parcel. Some of the original parking improvements for that project were built on this site and are being incorporated into this development to serve the new apartment buildings.

Project Summary

The owner proposes three apartment buildings containing a total of 35 units. The area of the site is 1.71 acres, which limits the total number of units to 35. They are configured as two 12-unit buildings and one 11-unit building. Within those 35 units are 115 bedrooms for an average of 3.3 bedrooms per unit. (See following addendum for full analysis.) The site plan is found in Attachment B.

The development follows a similar pattern and orientation as the surrounding mixed use apartment buildings. As noted above, a row of existing parking improvements exists on the west side of site and the spaces are included with the new improvements on the site. Additional parking will also be constructed on the east side of the site. Access to the site is from Mortensen Road through the existing West Towne Apartments. A secondary access to Dickinson Avenue is through an easement to the south of Hilton Garden Inn.

In addition to requiring Major Site Development Plan review, FS-RM has more restrictive standards in terms of height, coverage, open space, and separation than standard high-density residential apartment developments reviewed by staff as Minor Site Development Plans. Within these standards, the applicant proposes three buildings

that are four stories in height and of the same appearance and mass as each other. The building design incorporates a flat roof and includes a projecting bay on each facade. Materials are principally vinyl siding of various orientations with accents of brackets and a small amount of stone veneer. (See color elevations Attachment C)

PLANNING AND ZONING COMMISSION RECOMMENDATION:

At its meeting of October 15, 2014, the Planning and Zoning Commission reviewed the proposed major site plan discussing its location, context, and architecture. Commission members focused their comments on the lack of prominence of the entries. By a vote of 6-0, the Commission recommended that the City Council approve the Major Site Development Plan for these three apartment buildings. The Commission also encouraged the developer to “work on details to better define the entryway.”

In response to the Commission’s comments, the applicant has submitted an updated façade design since that meeting. The applicant’s design modifications include increasing the length of the overhang along the west parking lot façade (the main entry) to better define the main entryway to each building. The covered entry has a depth of approximately 2 feet in front of the building with a recessed doorway. The space is defined by a stone veneer and supporting columns. The side entrance between buildings is more modest in scale with smaller overhang sheltering the doorway and includes decorative columns. Each façade also includes an element of a stone veneer to tie the architectural treatment of the base of the building together with the each entrance.

ALTERNATIVES:

1. The City Council can approve the Major Site Development Plan for the proposed site and three apartment buildings as shown in the attachments.
2. The City Council can deny the Major Site Development Plan for the proposed site and three apartment buildings.
3. Action on this request can be postponed and referred back to City staff and/or the applicant for additional information.

CITY MANAGER RECOMMENDED ACTION:

The applicant requested rezoning to a residential district because another mixed use commercial/residential development did not seem feasible. The Major Site Development Plan review is to determine conformance with development standards and for the appropriate arrangement and design of the use of the site.

FS-RM allows only residential uses in structures containing no more than 12 dwelling units. The project includes uniformly designed buildings with either 12 or 11 units per building. The building design has a basic apartment aesthetic in terms of exterior materials, design interest, and coloring. The buildings are taller than the mixed use buildings to the north and the east, but are of compatible height. The proposed buildings appear bulky in their design due to the shape and size. However, in this location behind

other buildings and with its commercial surroundings, it does not negatively impact the surrounding character. The arrangement of the site has a more residential appearance than the surrounding sites due to the larger amounts of building separation and intent to build apartments rather than commercial mixed-use buildings. Parking and access meet the requirements for the use. Landscaping and open space has been incorporated appropriately into the site and includes trees for screening of Highway 30 to the south.

The proposed changes in response to the encouragement by the Planning and Zoning Commission to enhance the design are responsive and a reasonable approach to defining the entries and providing more interest to the building design and to address the buildings scale. The Major Site Development plan proposal meets the applicable design standards and criteria of the Zoning Ordinance.

Therefore, it is the recommendation of the City Manager that the City Council accept Alternative #1, thereby approving the Major Site Development Plan for this property.

ADDENDUM

PROJECT DESCRIPTION:

The project site is 1.71 acres, which allows 35 dwelling units. The zoning district allows a maximum apartment size of 12 dwelling units. The owner has configured these 35 units into two 12-unit and one 11-unit buildings. The density of this project is 20.47 dwelling units per acre, lying between the required minimum of 10.0 and maximum of 22.31 dwelling units per acre. The units vary in size from 3 bedrooms to 5 bedrooms. Within the three buildings, there are 115 bedrooms.

The project requires one parking space per bedroom. Using the existing parking that was installed in anticipation, a decade ago, of the eighth West Towne Apartment, and creating additional spaces, there are 120 spaces. The parking is configured as two separate double loaded aisles. There is access for vehicles and emergency vehicles through these aisles.

The project creates 13,410 square feet of building footprint, added to 42,225 square feet of additional impervious surface (parking, sidewalks). Landscaped open space accounts for the remainder, comprising 25.4% of the parcel. The required 10% of common open space is accounted for in areas adjacent to and between the three buildings. FS development standards require 10% open space that meets the intent of accessible and useable by residents. Open space is a subset of the overall landscape area. No specific improvements are proposed by the applicant for the open space other than seeding as lawn.

Landscape requirements are met with the installation of L2 screening adjacent to the commercial zone to the east. There are additional landscaping requirements for apartment buildings in the FS-RM district and these are met with the landscaping along the US Highway 30 frontage. Refuse receptacles and mechanical units are screened according to the ordinance. Normally, landscaping on the west side of the parking area would be required with a new development, but in this case the applicant is keeping the existing parking and has not been required to provide the 5-foot landscape strip between parking areas.

Pedestrian connections are provided through the existing West Towne Apartments and sidewalks connect with existing sidewalks to the north and west, providing access to the sidewalk along Mortensen Road.

The three buildings are similar in size and shape, being about 71 feet by 63 feet. Entrances are oriented to the north and west for each building. The buildings are about 49 feet tall, with an additional parapet at the southwest corner of each building reaching to 50.5 feet. Although the height limit of the district is 50 feet, parapets are allowed to extend up to ten feet above that. This extends 0.5 feet and complies.

The façades of each building are similar, with stone treatments applied near the entrances and lap vinyl siding over the rest of the building. Lap siding is a combination of light and dark tans with a whiter accent banding between floors. Small overhangs are located at each entrance. Each façade has some degree of bump out to provide some relief of the vertical sides.

MAJOR SITE DEVELOPMENT PLAN CRITERIA

Additional criteria and standards for review of all Major Site Development Plans are found in Ames *Municipal Code* Section 29.1502(4)(d) and include the following requirements.

When acting upon an application for a Major Site Development Plan approval, the Planning and Zoning Commission and the City Council shall rely upon generally accepted site planning criteria and design standards. These criteria and standards are necessary to fulfill the intent of the Zoning Ordinance, the Land Use Policy Plan, and are the minimum necessary to safeguard the public health, safety, aesthetics, and general welfare.

- 1. The design of the proposed development shall make adequate provisions for surface and subsurface drainage to limit the rate of increased runoff of surface water to adjacent and down stream property.***

The public works department has reviewed the storm water management plan and finds that the proposed development has met the required storm water quantity and quality measures by use of the existing regional detention facility on the east side of Dickinson Avenue.

- 2. The design of the proposed development shall make adequate provision for connection to water, sanitary sewer, electrical, and other utility lines within the capacity limits of those utility lines.***

The existing utilities were reviewed and found adequate to support the anticipated load of 35 dwelling units comprising 115 bedrooms.

- 3. The design of the proposed development shall make adequate provision for fire protection through building placement, acceptable location of flammable materials, and other measures to ensure fire safety.***

The fire inspector has reviewed access and fire truck circulation and found that the needs of the fire department are met. The fire access lane is specifically on the east side of the site.

- 4. The design of the proposed development shall not increase the danger of erosion, flooding, landslide, or other endangerment to adjoining and surrounding property.***

It is not anticipated that this proposed development will be a danger due to its location on the site.

- 5. Natural topographic and landscape features of the site shall be incorporated into the development design.***

Minimal grading will occur for the construction of the buildings. The site is relatively flat and grading will occur mostly to direct storm water where required.

- 6. The design of the interior vehicle and pedestrian circulation shall provide for convenient flow of vehicles and movement of pedestrians and shall prevent hazards to adjacent streets or property.**

Access to this site from Mortensen Road is through the existing mixed-use development to the north. Vehicular and pedestrian access is accommodated between and among the various buildings within and adjacent to this development. The on-site sidewalks will connect with the external stubbed connections to allow for circulation amongst the sites and out to Mortenson. A secondary access to Dickinson Road for vehicular traffic is provided within an easement to the south of Hilton Garden Inn.

- 7. The design of outdoor parking areas, storage yards, trash and dumpster areas, and other exterior features shall be adequately landscaped or screened to minimize potential nuisance and impairment to the use of adjoining property.**

The general development standards of the zoning ordinance have been met. Dumpsters are in the northwest corner of the site and shared with adjacent mixed use building. Parking design follows the existing pattern of the area.

- 8. The proposed development shall limit entrances and exits upon adjacent streets in order to prevent congestion on adjacent and surrounding streets and in order to provide for safe and orderly vehicle movement.**

No new access to a public street will be created. Access to Mortensen Road and Dickinson Avenue will be through existing driveways. There is capacity within those existing driveways to accommodate the expected traffic from this residential development, which is expected to be similar to that of the previously approved mixed use development.

- 9. Exterior lighting shall relate to the scale and location of the development in order to maintain adequate security, while preventing a nuisance or hardship to adjacent property or streets.**

No lighting information has been submitted. In such instances, the city requires a note on the plan indicating that no exterior lighting will be installed unless approved by the department of planning and housing.

- 10. The proposed development shall ensure that dust and other forms of air pollution, noise disturbances, odor, glare, and other nuisances will be limited to acceptable levels as prescribed in other applicable State and City regulations.**

The proposed residential uses are not expected to generate nuisances in this commercial area.

11. Site coverage, building scale, setbacks, and open spaces shall be in proportion with the development property and with existing and planned development and structures, in adjacent and surrounding property.

The three buildings provide less building coverage and more green space than under the adjacent mixed-use development. Even with approximately 25 percent green space, the site has maximized the development by reaching the limits of the number of units allowed by the lot size (35 units). The density is maximized by the efficiency of the layout of the site in a manner similar to its surroundings. The building design is also efficient in its uniform appearance and arrangement. Even with the bulky appearance it is compatible with the character and scale of its surroundings. Appropriate separation of the homes from Highway 30 with buffering is included. Open areas and landscaped areas meet the quantitative standards of the code and would allow for use by the residential for informal activities.

The Development Review Committee has reviewed the Major Site Development Plan and found that it complies with all other requirements of the Ames Municipal Code.

S:\PLAN_SHR\Council Boards Commissions\CC\Major Site Development Plans\4710_Mortensen_Major_SDP-10-28-14.docx

ATTACHMENT A: LOCATION MAP



WEST TOWNE LOFTS

AMES, IOWA

A map of the project area showing the intersection of Highway 25 and Highway 100. The map includes labels for 'PROJECT', 'CITY OF MANAS', and 'Hwy 100'. The map also shows the 'Hwy 25' and 'Hwy 100' roads, and the 'CITY OF MANAS' boundary.

PROPERTY IS SUBJECT TO ALL EASEMENTS OF RECORD

PROJECT SITE ADDRESS

4710 WESTCHURCH ROAD

DEVELOPMENT SUMMARY

CRUISE COMPANIES CERTAIN LLC
CONTACT: MATT OLDER
104 CAMDEN DRIVE, SUITE 200
MIDLAND, TEXAS 79704

RESEARCH DESIGN CONSULTANTS, P.A.
CONTACT: 504-833-7777
401 CLARK AVENUE, SUITE 200
AAE, IOWA 50010
PH (515) 252-0880
FX (515) 252-3882

THE TEXAS AGRICULTURAL LTD
CONTACT: MARK KILPATRICK
2405 DE GRASSO ROAD, SUITE 9
DALLAS, TEXAS 75211
PH: (214) 388-4400
FX: (214) 388-4410

THE VISION SYSTEMS INC.
CONTACT: MRC PROJECT
3405 15TH AVENUE, SUITE 9
SPRING, TEXAS 79111
PH: (214) 381-4400
FX: (214) 381-4410

- 3755 PLOAN SUBMITTED TO CITY #1	8/23/14
- 3756 PLOAN SUBMITTED TO CITY #2	12/23/14

[illegible]

- 1 COVER SHEET
- 2 OVERALL SITE PLAN
- 3 BUILDING AND LANDSCAPE PLAN
- 4 GRADING AND UTILITY PLAN

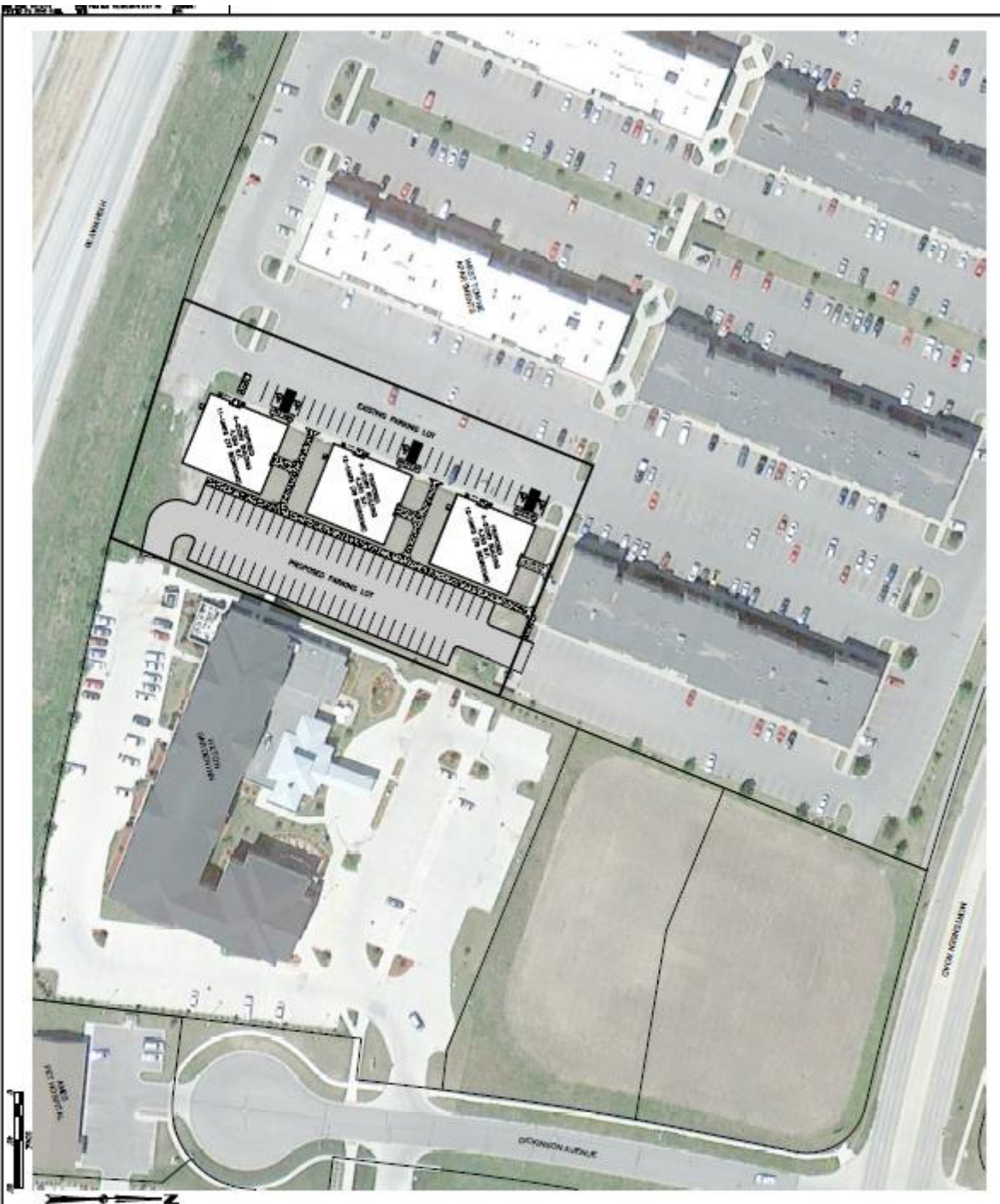
IOWA
ONE CALL
1-800-292-8888
www.iowadiversion.com

THE TUBES THEMSELVES HAVE BEEN LOADED FROM FIELD STATIONS AND SCANNED BY THE SATELLITE. THE SATELLITE HAS NO KNOWLEDGE OF THE TUBES' EXACT COORDINATES. ALL THE SITES IN THE AREA OTHER THAN SCIENCE OR RESEARCH STATIONS ARE LOCATED BY THE TUBES THEMSELVES. THE TUBES THEMSELVES ARE IN THE FIELD LOCATIONS. A RECONNAISSANCE WAS MADE TO FIND OUT THE LOCATION OF THE TUBES. THE TUBES THEMSELVES ARE IN THE FIELD LOCATIONS.

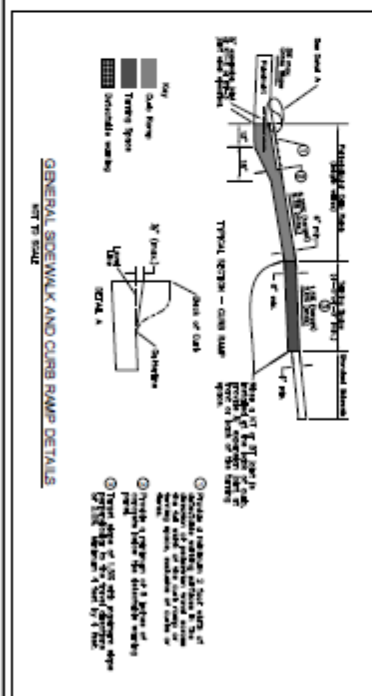
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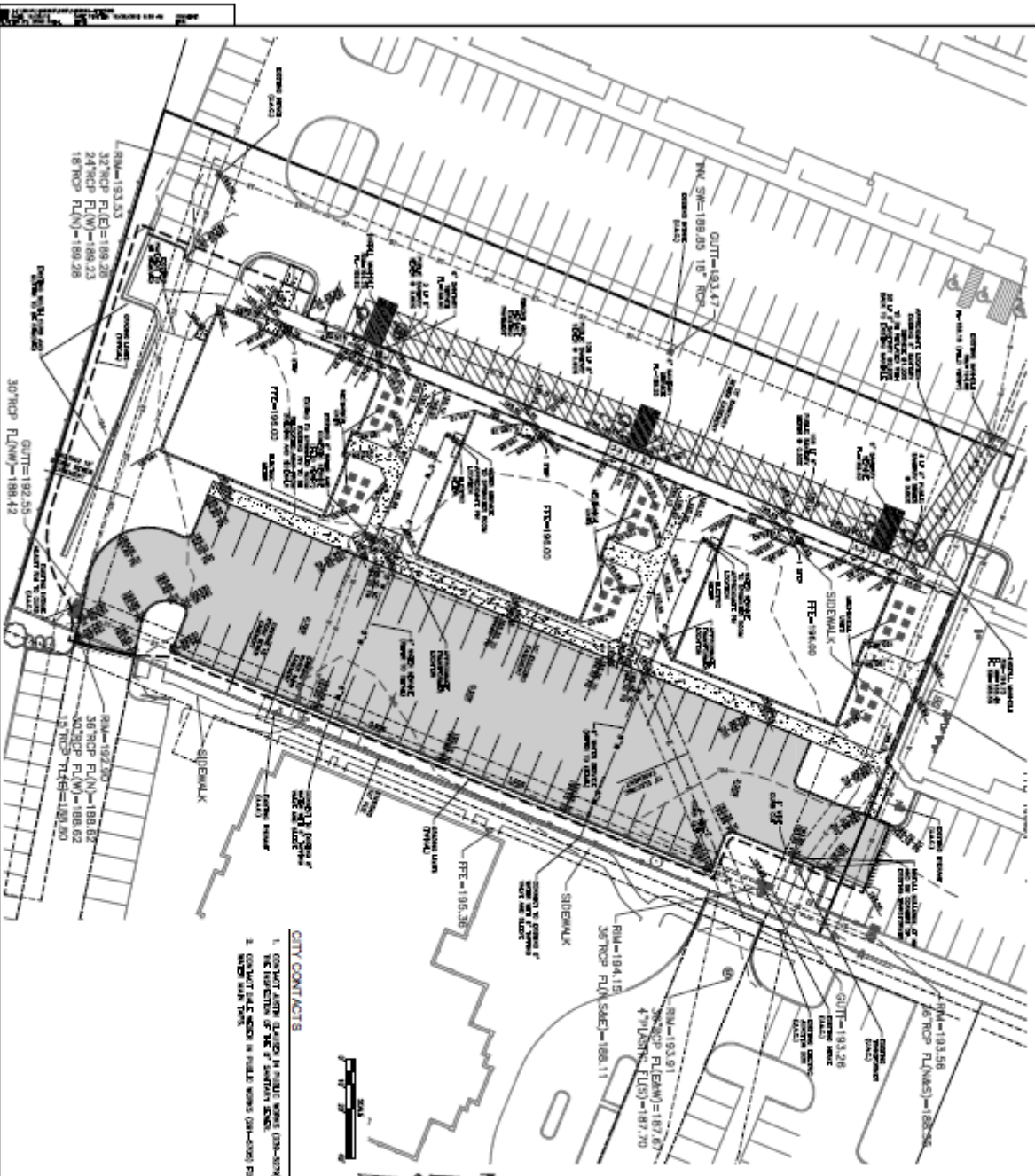
CIVIL DESIGN ADVANTAGE
3405 SE CROSSROADS DR. SUITE 0, GRIMES (IONA 5011)
(208) 358-1300 • FAX (208) 358-1301

[illegible]



GENERAL NOTES

[illegible]



GENERAL NOTES

UTILITY NOTES

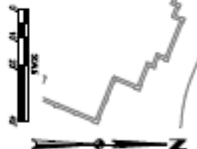
- [illegible]

GRADING NOTES

- [illegible]

CITY CONTACTS

1. CONTACT AUSTIN QUALITY IN PUBLIC WORKS (281-5579) FOR THE INSPECTION OF THE 8' SOUTHERLY LEG.
2. CONTACT DALLAS AECOM IN PUBLIC WORKS (281-6506) FOR THE NORTH EAST TIE.



WATER SERVICE DETAIL



CLASS "A" INTEGRAL CURB AND SIDEWALK
SPOT ELEVATION REFERENCE DETAIL



WEST TOWNE LOFTS
PARCEL H, LOT 2, DAUNTLESS 7TH ADDITION
GRADING AND UTILITY PLAN JAMES EMAN



3405 S.E. CROSSROADS DRIVE, SUITE G
GRIMES, IOWA 50111
PHONE: (515) 389-4400 FAX: (515) 389-4410

ENGINEER:	TECH:
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REPORTING PERIOD	DATE
REPORTING PERIOD	DATE

ATTACHMENT C: BUILDING ELEVATION



WEST ELEVATION

SCALE: NOT TO SCALE



EAST ELEVATION

SCALE: NOT TO SCALE



SOUTH ELEVATION

SCALE: NOT TO SCALE



NORTH ELEVATION

SCALE: NOT TO SCALE

	Benjamin Design Collaborative, P.C. 401 Clark Avenue, Suite 200, Ames, IA 50010 Phone: 515.233.9999 Fax: 515.233.9999 www.bdcinc.com				
	WESTTOWNE APARTMENTS, LLC. PRO COMMERCIAL, INC. 4720 MORTENSEN ROAD, AMES, IA				
DATE 10-08-14	PROJECT NO. 37410	FILE NAME TOWN HOME	TEAM CITY CONVENTIN	BUILDING ELEVATIONS 10-22-14	SHEET NO. A1

COUNCIL ACTION FORM

SUBJECT: **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 current 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 maintenance and repair costs. Further, 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.

In order to evaluate alternative ways to heat and cool this facility, the existing system was evaluated by LMV Engineering, L.C., and a new heating, ventilation and cooling (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 also likely be avoided with the new system, and energy cost savings would total \$1,047 per year compared to the existing system. The bid package includes an alternate to convert to a hybrid system with heat pumps replacing conventional condensing units. This would improve the efficiency of the system even more over the conventional system.

On October 21, 2014, bids on this project were received as follows

	<u>Base Bid</u>	<u>Alternate #1</u>	<u>Base Bid + Alt. 1</u>
Engineers Estimate	\$66,300		
Converse Conditioned Air	\$56,444	\$2,144	\$58,588
Mechanical Comfort, Inc.	\$68,360	\$1,816	\$70,446
Neighbor's Heating & Cooling	\$69,923	\$1,965	\$71,888
Proctor Mechanical Corp.	\$89,259	\$1,900	\$91,159

Two bids received were considered non-responsive for not completing the proper forms and submitting a bid bond.

The cost to design the proposed system was \$3,800, bringing total project costs to \$62,388. Since this project will result in substantial energy savings, funds from the City's Cool Cities account can be used to finance the installation. The Cool Cities funding was established by the City Council in order to increase energy efficiency and sustainability within City of Ames operations and to reduce our overall carbon footprint. 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:

- 1a. Accept the report of bids for the Ames Fire Station #3 –HVAC Modifications.
 - b. Approve the final plans and specifications for Ames Fire Station #3 –HVAC Modifications.
 - c. Award the Ames Fire Station #3 –HVAC Modifications to Converse Conditioned Air of Ames, IA, including Alternate #1, in the amount of \$58,588.
2. Do not approve this 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 result in significant 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 as described above.

COUNCIL ACTION FORM

SUBJECT: **FATS, OILS, AND GREASE CONTROL ORDINANCE**

BACKGROUND:

Fats, Oils, and Grease (FOG) is a wastewater pollutant that contributes to sewer blockages, environmental and health concerns, and economic losses. FOG can be introduced into wastewater from a variety of sources, although restaurants can be major contributors. The City's Plumbing Code has requirements for installation of grease interceptors or traps in new restaurants and upon certain upgrades to existing restaurants. However, the Plumbing Code does not address ongoing cleaning and maintenance of that equipment, nor does it address other practices that should be used to reduce the introduction of FOG into the public sewer system.

Since 2010, City staff has been working on the development of a FOG Control Program that addresses the problems that FOG causes in the collection system and at the Water Pollution Control Facility. During this time there have been multiple rounds of stakeholder engagement, with each round resulting in improvements and refinements to craft a program that meets the unique needs of the City of Ames and its customers.

The process began in October 2010 with the first public meetings on the topic. In September 2011, a City Council Workshop was held in which City staff gave background on FOG, options that are available for FOG control, and proposed next steps. Research and additional stakeholder engagement continued through 2012 and 2013.

In October 2013, a survey was sent to all local Food Service Establishments (FSEs) to learn about current FOG practices, as well as thoughts and preferences for development of a local FOG Control Program. In January 2014 two public meetings were held on the development of the FOG Control Program. All stakeholder input was then taken into account by the team of City staff working to develop the FOG Control Program.

In April 2014, City staff presented the City Council with a concept for a FOG Control Program. Following that presentation, the City Council directed staff to draft a FOG Control Ordinance. Staff prepared an ordinance and presented it to the FSEs in two meetings held on October 15, 2014. Fourteen individuals were in attendance at those meetings representing different FSEs.

It should be noted that, during the multiple rounds of stakeholder engagement, very little opposition to the purpose or intent of the ordinance was expressed to City staff by area Food Services Establishments. Understandably, there were

questions about how best to comply without becoming burdensome either in cost or paperwork. Several existing restaurants have expressed strong support for the program, and have been complimentary of the flexible approach being taken by the City.

City staff has prepared the attached ordinance designed to ensure that FOG discharge into the sanitary sewer system is reduced. The proposed ordinance includes the following key elements:

1. All state-licensed food service establishments would be subject to a new wastewater surcharge rate, called a *Restaurant Surcharge*. ***However, FSEs could receive an exemption from the Restaurant Surcharge (and therefore pay the normal wastewater rate) through any one of three methods outlined in the FOG Control Ordinance.*** Exemptions would apply for a six month period based on verification provided by the FSE in the preceding six month period. The three methods to qualify for an exemption are as follows:
 - a. **Cleanout Exemption.** The FSE provides records from a grease hauler indicating that the grease interceptor has been cleaned out, that it was in good repair, and that the interceptor averaged less than 25% full at the time of the cleaning (with no single instance of an interceptor being more than 35% full).
 - b. **FOG Strength Exemption.** The FSE has been plumbed with a grab sample port, and has conducted a laboratory test for Oil and Grease during its busy hours. The test result must indicate an Oil and Grease concentration of less than 300 mg/L.
 - c. **Best Practices Exemption.** The FSE maintains a logbook of its activities related to FOG control. The logbook includes activities such as training, installation of warning signage, and interceptor cleanout and maintenance. This logbook would be spot-checked for compliance by City staff.
2. Add FOG as a measured pollutant in the existing High-Strength Wastewater Surcharge Program. This program is in place for the few customers whose wastewater discharge exceeds normal domestic strength. The customers' wastewater is sampled at intervals to determine the content, and the customers pay surcharges based on the cost to treat those pollutants. Under this revision, any customer with a surcharge rate calculated through the High-Strength Wastewater Surcharge Program, that also has a licensed food service establishment, would have a surcharge rate calculated on wastewater exceeding normal domestic strength for Oil and Grease.
3. The City would be authorized to inspect the plumbing or observe the FOG practices of an FSE on rare occasions when evidence is found of FOG

accumulation in the sewer system that may reasonably be believed to have come from that FSE.

4. Increase the penalty for causing a sewer blockage from a fine of \$1,000 to the fine plus the cost of cleanup. If the blockage can be attributed to several customers, the cost of cleanup can be pro-rated among the utility customers responsible for the blockage.
5. The Restaurant Surcharge would be initially set at \$0.00/100 cubic feet during the implementation period. This provides a 'trial period' where restaurants can learn how best to achieve compliance with the ordinance without becoming subject to the surcharge. However, all customers would immediately be subject to the changes in the penalty for actually causing a sewer blockage.

IMPLEMENTATION TIMELINE:

The implementation of this ordinance change is unique due to the way it provides FSE's a year-long window to learn how best to comply with the program requirements before any surcharge fee would be implemented. City staff is proposing the following timeline.

October 28, 2014	First reading of ordinance
November 10, 2014	Second reading of ordinance
November 25, 2014	Final reading and adoption of ordinance
January 1, 2015	Ordinance becomes effective, but with no surcharge rate.
January 1, 2016	Surcharge rate becomes effective.
July 1, 2016	FSE's who failed to comply with the ordinance during the first half of 2016 would receive their first bill with a surcharge added.

During this period, FSE's will receive reminder letters from the City informing them that a deadline is approaching to provide verification/certification of compliance during the prior six months. Surveys will also be sent to FSEs during this period to continue to gauge the ease and cost of compliance. Periodic written updates will also be provided to the City Council during the first year.

Staff plans to return to Council in late 2015 to insert the Restaurant Surcharge into the Municipal Code, and to potentially make other modifications to the ordinance based on the feedback gathered during the implementation period.

While reviewing the proposed ordinance, two minor errors in the existing ordinance were discovered that are not related to FOG. The proposed ordinance also corrects those errors.

ALTERNATIVES:

1. Approve the attached ordinance implementing a Fats, Oils and Grease Control Program.
2. Direct City staff to modify the attached ordinance.
3. Do not approve the ordinance implementing a Fats, Oils and Grease Control Program.

MANAGER'S RECOMMENDED ACTION:

An effective fats, oils and grease control program will improve the operation of the City's sanitary sewer collection system and Water Pollution Control Facility, will decrease the likelihood of environmental damage, and will reduce hazards to human health. Over the last several years, staff has evaluated programs from several other communities. City staff has also worked extensively with local restaurants and grease haulers to receive feedback and suggestions, many of which have been incorporated into the proposed ordinance. The overall response from local FSE's has ranged from neutral to very supportive.

The proposed program implements a Restaurant Surcharge of \$0.00/100 cubic feet during the 2015 implementation period, allowing time for restaurant operators to understand the process and develop internal procedures for compliance. This period also allows City staff the opportunity to gather information about the program implementation and to receive feedback on how the program is working before requesting approval from City Council to adopt the actual Restaurant Surcharge rate a year from now.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the attached ordinance implementing a Fats, Oils and Grease Control Program.

FOG Ordinance Implementation Timeline

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2014										First Ordinance Reading	Second and Third Ordinance Readings	

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2015	First Submittal Review Period, Education/Outreach						Second Submittal Review Period, Simulated billing each month based on submittals from <u>first review period</u>					
	Ordinance in Effect						Staff analyzes data from first two review periods, develops surcharge rate and identifies any needed modifications					Restaurant Surcharge codified, effective January 1, 2016

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2016	THIRD SUBMITTAL REVIEW PERIOD (SURCHARGE IN EFFECT NEXT CYCLE UNLESS EXEMPT), Simulated billing based on submittals from <u>second review period</u>						SURCHARGES APPLY FOR NON-COMPLIANCE BASED ON SUBMITTALS FROM THIRD REVIEW PERIOD, Review periods continue on six-month cycles					

ORDINANCE NO.

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY REPEALING SECTIONS 28.302(5), 28.304(1), 28.304(8)(D), APPENDIX N CHAPTER 28, UTILITIES SECTION 28.306, APPENDIX Q, WATER METER DIVISION HIGH-STRENGTH SURCHARGE RATES AND ENACTING NEW SECTIONS 28.302(5),(18),(19), (20), 28.304(1), 28.304(8)(D), (11), 28.306 (11), 28.308 AND APPENDIX N CHAPTER 28, UTILITIES SECTION 28.306, APPENDIX Q WATER METER DIVISION HIGH-STRENGTH SURCHARGE RATES THEREOF, FOR THE PURPOSE OF ESTABLISHING A FATS, OILS, AND GREASE CONTROL PROGRAM ; REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; AND ESTABLISHING AN EFFECTIVE DATE.

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

Section One. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by enacting a new Sections 28.302(5),(18),(19), (20), 28.304(1), 28.304(8)(D), (11), 28.306 (11), 28.308 as follows:

“Sec. 28.302. DEFINITIONS.

...

(5) **‘Normal Domestic Wastewater’** shall mean, for the purposes of surcharge Program implementation, wastewater that has constituent concentrations at or below the values shown in the following table, expressed in milligrams per liter (mg/L).

<u>Constituent</u>	<u>Concentration,mg/L</u>
Oxygen Demand	
CBOD ₅	250
COD	550
Nitrogen	
NH ₃ -N	30
TKN	45
Solids	
TSS	300
Fats, Oils, and Grease	
Oil and Grease	300

...

(18) **‘FOG’** (denoting Fats, Oils, and Grease) shall mean organic polar compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures in 40 CFR 136, as may be amended from time to time. All are sometimes referred to herein as “grease”, “greases”, and “oil and grease”.

(19) **‘FSE’** (denoting Food Service Establishment) shall mean an operation or enterprise that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption, and which is licensed by the state of Iowa for such activities. Such facilities may include, but are not limited to, those that process meat or other food ingredients as an intermediate step or for final human consumption, food service operations in a summer

camp, residential substance abuse treatment facility, halfway house, correctional facility, school, restaurant, commercial kitchen, caterer, church, hotel, hospital, prison, correctional facility, care institution or similar facility.

(20) **‘Grease Interceptor’** shall mean a tank that serves one or more fixtures and captures wastewater from garbage disposals, floor drains, pot and pan sinks and trenches as allowed by local plumbing codes. Dishwashers may in some instances also be connected to a grease interceptor as allowed by local plumbing codes. A grease interceptor reduces the amount of FOG in wastewater prior to its discharge into the POTW and may be a multi-compartment tank located underground or a small device located within a building.

...

Sec. 28.304. SEWER RATES ESTABLISHED.

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

...

(8)

...

(d) The sewer service charge will be billed only on the difference between the water meter reading and the yard meter reading.

...

(11) For those users which operate Food Service Establishments licensed by the state of Iowa, a Restaurant Surcharge, in addition to the normal user charge, shall be collected. The Restaurant Surcharge shall be listed in Appendix Q. Customers who participate in the City of Ames Non-Domestic Waste Pretreatment Program shall not be subject to the Restaurant Surcharge, but will instead be assessed a High-Strength Surcharge Rate that includes the surcharge for Oil and Grease as calculated based on their sampling results.

...

Sec. 28.306. GENERAL PROHIBITIONS FOR WASTE DISPOSAL IN THE SEWER.

...

(11) Any additive or emulsifier designed for the purpose of reducing the accumulation of Fats, Oils, and Grease in plumbing, grease interceptor equipment, or the POTW, except those additives or emulsifiers that have been approved for such use by the Director of Water and Pollution Control.

...

Sec. 28.308 FATS, OILS, AND GREASE CONTROL PROGRAM.

The purpose of this section shall be to aid in the prevention of sanitary sewer blockages and obstructions from contribution and accumulation of Fats, Oils, and Grease (FOG) into the POTW. Such discharges from commercial kitchens, restaurants, food processing facilities and all other establishments, where FOG of vegetable or animal origin is discharged directly or indirectly into the POTW, can contribute to line blockages and/or spills in violation of Title 40, Code of Federal Regulations 40 CFR, Part 403, as it may be amended from time to time.

(1) Any customer which operates a Food Service Establishment (FSE) licensed by the state of Iowa, and which is connected to the City’s Treatment Works, shall be subject to the FOG Control Program.

(2) Any costs for compliance with the regulations set forth in the FOG Control Program shall be the responsibility of the customer.

(3) FSEs subject to the FOG Control Program may apply for exemption from the Restaurant Surcharge. Exemptions shall utilize evidence gathered in the preceding six (6) month period to determine whether an FSE is exempt from the Restaurant Surcharge for sewer bills mailed during the following six (6) month period. Exemption periods shall be from January to June and from July to December.

(4) The Director of Water and Pollution Control, or designee, may exempt an FSE from the Restaurant Surcharge for a six (6) month period if one of the following criteria is met during the preceding six (6) month period:

(a) Submission of records from a contractor who specializes in the disposal of restaurant grease. Such records shall include the following information:

(i) The name and employer of the individual performing the grease interceptor cleaning(s).

(ii) The date(s) on which grease was removed from each grease interceptor controlled by the customer.

(iii) The quantity of grease removed during each cleaning. In the case of a gravity-flow grease interceptor, the quantity of grease shall be calculated by comparing the depth of the floating fats, oils, and grease, plus the depth of the accumulated solids, and dividing that depth by the total depth of the unit (the design liquid level), expressed as a percentage. In instances where an interceptor requires cleaning multiple times during the six (6) month review period, records shall be submitted for each cleanout. The owner or operator of the FSE shall cause the grease interceptor to be cleaned when FOG and solids reach 25% or less of the design liquid level of the grease interceptor. When multiple cleanouts are required during a review interval, the level of FOG and solids from each cleanout shall average less than 25%, and no single instance shall equal or exceed 35%.

(iv) Verification that the place of disposal of hauled grease is a facility designed for such a purpose and is licensed or certified in accordance with local, state, and federal regulations, as appropriate.

(v) Verification that the method of transporting hauled grease is appropriate for such a purpose and complies with local, state, and federal regulations, as appropriate.

(vi) Verification that any grease interceptor from which grease is removed is inspected and found to be in proper working order. This inspection shall include verification that the sanitary “tees” on the inlet and outlet sides of the grease interceptor are not obstructed, loose, or missing, verification that any baffles are secure and in place, verification that no cracks or defects in the tank are present, and verification that lids are securely and properly seated following completion of the cleaning. If any component of the grease interceptor is not in proper working order, records shall indicate what defect(s) exist and when, how, and by whom such defect(s) are remedied.

(b) Submission of a laboratory test to determine the oil and grease content of typical wastewater discharge. Such tests shall be conducted by a laboratory certified by the state of Iowa to test oil and grease under the procedures specified in Chapter 567.83 of the Iowa Administrative Code. Laboratory tests shall conform to the following conditions:

(i) The sample shall be obtained by use of a “grab sampling” method, in which the sample flask is held under a free-flowing outfall of water from a sampling port designed for such uses.

(ii) Staff of the Water Pollution Control Department shall select the date and time during which a sample may be obtained, the timing of which shall be selected to coincide with a peak customer demand.

(iii) The sample shall not exceed 300 mg/L oil and grease.

(c) Submission of a written logbook that details the grease control activities in the FSE. Such records shall be spot-checked for compliance by the Water and Pollution Control Department staff. The logbook shall at all times be kept and maintained on a day-to-day basis, and records shall be kept secure at the premises of the FSE for a continuous period of at least three years. The logbook shall record the following activities:

(i) Each cleaning of the FSE's grease interceptor(s), including the date of cleaning, quantity of grease removed, method by which removed grease is disposed, the operating condition of the grease interceptor, and any repairs to the grease interceptor or associated plumbing.

(ii) Training held for the FSE's staff regarding practices that will reduce the introduction of FOG into the sanitary sewer.

(iii) Self-inspection for presence and proper use of drain screens, clean and grease-free nature of exhaust hood equipment, and presence of spill clean-up kits, warning signage over sinks regarding FOG practices, and informational posters regarding FOG.

(iv) Introduction of any additive or emulsifier designed for the purpose of treating Fats, Oils, and Grease and reducing its accumulation in grease interceptor equipment or the POTW. The FSE shall verify before use that any additive or emulsifier to be used has been approved by the Director of Water and Pollution Control.

(v) Any other activities undertaken by the FSE's staff to prevent or mitigate the introduction of FOG into the Treatment Works or into the environment.

(5) The Director of Water and Pollution Control may, upon finding evidence of accumulated FOG in the Treatment Works, authorize an inspection of any FSE that may reasonably be believed to have introduced that accumulation of FOG. Such inspection may occur at any reasonable time and without prior notification. Inspections shall be limited to the equipment and practices related to the introduction of FOG and waste water into the Treatment Works. The FSE shall allow the individual performing this inspection, bearing proper credentials and identification, to enter upon or into the building, facility, or property housing the FSE for the purpose of inspection, observation, measurement, sampling, testing, or record review. Upon request of the individual performing the inspection, the FSE shall open any grease interceptor for the purpose of confirming that maintenance frequency is appropriate, that all necessary parts of the installation are in place, and that all grease interceptors and related equipment and piping are maintained in efficient operating condition. Inspections may be undertaken as many times as necessary to identify the source of FOG entering the Treatment Works.

Section Two. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by enacting a new Appendix N, Chapter 28, Utilities as follows:

APPENDIX N

CHAPTER 28, UTILITIES

All sections of this chapter carry the standard penalty, except the following:

Sec. 28.306(1) AND 28.306(3) THROUGH 28.306(11). WASTE DISPOSAL.

Up to \$1,000.00 for the 1st and each subsequent offense.

Sec. 28.306(2). WASTE DISPOSAL

Up to \$1,000.00, in addition to the actual cost of cleanup for any sanitary sewer overflow caused by an introduction of substances as described in Sec. 28.306, for the 1st and each subsequent offense. In the event that more than one utility customer is responsible for the overflow, the municipal infraction may be levied upon each customer, and the cost of cleanup shall be prorated among those responsible.

Section Three. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by enacting a new Appendix Q, High-Strength Surcharge Rates and Restaurant Surcharge as follows:

High-Strength Surcharge Rates

<u>Parameter</u>	<u>Surcharge Rate</u>
Oxygen Demand	
CBOD ₅	\$0.41/lb.
COD	\$0.15/lb.
Nitrogen	
NH ₃ -N	\$1.44/lb.
TKN	\$0.93/lb.
Solids	
TSS	\$0.60/lb.
Fats, Oils, and Grease	
Oil and Grease	\$0.00/lb.

Restaurant Surcharge

Restaurant surcharge on sewer use for customers operating Food Service Establishments	\$0.00/100 cubic ft.”
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Section Four. Violation of the provisions of this ordinance shall constitute a municipal infraction punishable as set out by law.

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

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

Passed this _____ day of _____, _____.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor