

AGENDA
REGULAR MEETING OF THE AMES CITY COUNCIL
COUNCIL CHAMBERS - CITY HALL
DECEMBER 9, 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 Special Meeting of November 18, 2014, and Regular Meeting of November 25, 2014
3. Motion approving Report of Contract Change Orders for November 16-30, 2014
4. Motion approving renewal of the following beer permits, wine permits, and liquor licenses:
 - a. Class C Liquor & Outdoor Service – The Café, 2616 Northridge Parkway
 - b. Class C Liquor & Outdoor Service – Thumbs Bar, 2816 West Street
 - c. Class C Beer – Swift Stop #6, 125 6th Street
 - d. Class C Beer – Swift Stop #7, 2700 Lincoln Way
 - e. Class C Liquor & Outdoor Service – Aunt Maude’s, 543-547 Main Street
 - f. Class C Liquor – Tip Top Lounge, 201 East Lincoln Way
 - g. Class C Beer – Casey’s General Store #2298, 428 Lincoln Way
5. Resolution approving appointment of Council Member Peter Orazem to Ames Convention & Visitors Bureau Board of Directors
6. Requests for Ames 150 Sesquicentennial Platting Day in Downtown Ames, December 17:
 - a. Motion approving closure of a portion of Douglas Avenue from 8 a.m. to 4 p.m.
 - b. Motion approving a Blanket Temporary Obstruction Permit
 - c. Motion approving the closure of 14 parking spaces on Douglas Avenue from 8 a.m. to 4 p.m.
7. Resolution approving amendments to Records Retention Schedule
8. Resolution approving CyRide Fuel Purchase for Calendar Year 2015
9. Resolution approving release of Development Agreement for Renewable Energy Group property at 215 Alexander Avenue and releasing property from terms of Agreement
10. Motor Repair for Power Plant:
 - a. Resolution approving contract renewal with Electrical Engineering and Equipment Company of Windsor Heights, Iowa, in an amount not to exceed \$115,000
 - b. Resolution approving Performance Bond

PUBLIC FORUM: This is a time set aside for comments from the public on topics of City business other than those listed on this agenda. Please understand that the Council will not take any action on your comments at this meeting due to requirements of the Open Meetings Law, but may do so at a future meeting. The Mayor and City Council welcome comments from the public;

however, at no time is it appropriate to use profane, obscene, or slanderous language. **The Mayor may limit each speaker to five minutes.**

HEARINGS:

11. Hearing on Zoning Ordinance text amendment to Section 29.401(4)(b) to increase allowable height for certain architectural features in all zoning districts:
 - a. First passage of ordinance
12. Hearing on Zoning Ordinance text amendment to Section 29.406(7) to include an allowance for front-yard parking in limited circumstances:
 - a. First passage of ordinance
13. Hearing on Loan and Disbursement Agreement with Iowa Finance Authority in an amount not to exceed \$76,606,000 for planning, designing, and constructing improvements and extensions to Municipal Waterworks System:
 - a. Resolution approving Agreement
14. Hearing on Lease Agreement with Verizon Wireless for cellular antenna on City property at 600 South Maple Avenue:
 - a. Resolution approving Lease
15. Hearing on vacation and sale of portion of alley located on Grand Avenue between 11th and 12th Streets:
 - a. Resolution approving Vacating and Sale
16. Hearing on Controls and Relaying Panels for 69kV Substation Panel and Transmission Line Terminal Upgrades - Dayton and Stange Substations:
 - a. Motion accepting report of bids and directing staff to rebid project
 - b. Resolution approving updated preliminary plans and specifications for re-issuance of project; setting January 15, 2015, as bid due date and January 27, 2015, as date of public hearing
17. Hearing on Unit #7 Feedwater Heater Replacement:
 - a. Resolution approving final plans and specifications and awarding contract to American Exchanger Services, Inc., of Hartford, Wisconsin, in the amount of \$283,705 (plus applicable sales taxes)
18. Hearing on Water Pollution Control Plant Trickling Filter Check Valve Replacement:
 - a. Resolution approving final plans and specifications and awarding contract to Story Construction Co. of Ames, Iowa, in the amount of \$56,700
19. Hearing on 2014/15 Asphalt Pavement Improvements (Ferndale Avenue and Coy Street) and 2014/15 Water System Improvements (South Franklin Avenue and Coy Street):
 - a. Resolution approving final plans and specifications and awarding contract to Manatt's, Inc., of Ames, Iowa, in the amount of \$1,217,069.78
20. Hearing on 2014/15 Mortensen Road Improvements (South Dakota Avenue to Dotson Drive):
 - a. Resolution approving final plans and specifications and awarding contract to Manatt's, Inc., of Ames, Iowa, in the amount of \$357,904.62
21. Hearing on 2014/15 Traffic Signal Program (Union Drive and Lincoln Way):
 - a. Resolution approving final plans and specifications and awarding contract to Voltmer, Inc., of Decorah, Iowa, in the amount of \$211,251.64
22. Hearing on 2014/15 Traffic Signal Program (13th Street and Stange Road):
 - a. Resolution approving final plans and specifications and awarding contract to KWS, Inc., of Cedar Falls, Iowa, in the amount of \$266,072.75

PLANNING & HOUSING:

23. Resolution approving Final Plat for Prairie Village Subdivision (1204 South 4th Street adjacent to Riverside Manor)

ADMINISTRATION:

24. Follow-up report on HIRTA Demand Response Facilitation discussions Open Meetings request
25. Follow-up on Revisions to Vending Ordinance:
 - a. Motion directing City Attorney to prepare Ordinance
26. Progress report from Sustainability Coordinator regarding July - December 2014 activities

PUBLIC WORKS:

27. Emerald Ash Borer (EAB):
 - a. Resolution amending EAB Response Plan and Urban Forest Diversification & Reforestation Program
 - b. First passage of ordinance amending Chapter 27, Trees and Shrubs (**second and third passages and adoption requested**)
28. Resolution approving Federal Airport Improvement Program

LEGAL:

29. Judicial Determination of Preemption of Lap Dance Ordinance:
 - a. Direction to staff regarding pursuit of legal appeal process
 - b. Direction to staff regarding pursuit of legislative amendments

ORDINANCES:

30. Second passage of ordinance rezoning properties for ISU Research Park Phase III Project from Agricultural (A) to Planned Industrial (PI)
31. Second passage of ordinance making zoning text amendments to reduce on-site parking required for fraternities and sororities
32. Third passage and adoption of ORDINANCE NO. 4200 rezoning 601 State Avenue from Special Government/Airport (S-GA) to Residential Low-Density (RL)

COUNCIL COMMENTS:

ADJOURNMENT:

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

MINUTES OF THE SPECIAL MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

NOVEMBER 18, 2014

The Ames City Council met in special session at 7:00 p.m. on the 18th day of November, 2014, in the City Council Chambers in City Hall, 515 Clark Avenue, pursuant to law with Mayor Ann Campbell presiding and the following Council Members present: Gloria Betcher, Tim Gartin, Matthew Goodman, Chris Nelson, and Peter Orazem. Council Member Amber Corrieri and *Ex officio* Member Lissa Villa were absent.

DISCUSSION OF PROPOSED CAMPUSTOWN FAÇADE PROGRAM: Mayor Campbell asked permission to reverse the order of the agenda to discuss the proposed campustown façade program first. She introduced Planning and Housing Director Kelly Diekmann and Planner Jeff Benson. Mr. Benson stated the Council goal of strengthening campustown, and explained starting a façade grant program would enhance campustown appearance and activity. He reviewed the process so far.

Mr. Benson said Haila Architecture Structure Planning Ltd. was retained for the project, and that Art Baumgartner and Sam Stagg have been working on the project. Mr. Stagg said they have enjoyed helping Campustown Action Association (CAA) and City staff arrive at some principles and guidelines. He said with the diversity of campustown and the different styles and uniqueness, they wanted a different approach, so they focused on some guidelines based on good ideas for urban development. Mr. Stagg said an idea book was created with some general concepts and guidelines for users, featuring real projects that have been used in the United States to show application of the concepts. Mr. Baumgartner told the group that the work has boiled down to five design concepts: Transparent Campustown, Social Campustown, Diverse Campustown, Identifiable Campustown, and Historic Campustown. He reviewed details of each concept. Mr. Baumgartner said ten successful projects are listed in the idea book, and are included because each one is very successful in at least one of the design concepts.

Mr. Benson said the CAA Board of Directors unanimously recommended these principles be the foundation for pilot project applications coming to the City for the façade grant program. He said staff believes these will encourage the creativity needed and provide a manageable façade grant program. Mr. Benson explained that the proposed area for soliciting these pilot projects will be the area known as the Campustown Service Area Center. Mr. Benson told the Council that at next week's meeting it would be asked to take action to direct staff to use this idea book as a guide and solicit pilot projects. Then, Planning would work with the grantees to implement the projects in the spring, and come back to Council with a report and evaluation on the projects and design principles of the pilot projects. Mr. Gartin asked if input has been received from Iowa State University (ISU). Mr. Benson said there are ISU staff members on CAA and committees that have been involved. Mayor Campbell noted the ISU representatives present. Mr. Gartin said he wants to make sure meaningful input is received from ISU on issues such as parking. Mr. Diekmann said he met with the ISU Planning Department and they had no initial concerns. Mr. Orazem asked if an evaluation was done on the physical state of the buildings. He said it wouldn't make sense to put a new façade on a building that doesn't have much life left. Mr. Benson said an evaluation was not done, but the façade grant program process for

downtown involves steps that include having the Building Official look at the buildings from the exterior, and if it appears there could be structural issues, an inspection of the inside would take place. If structural issues are seen, then a structural engineer is involved and any issues that would affect the façade would become part of the program. Mr. Orazem asked if there will be a preference for any specific building types. Mr. Benson said when Council determines it would like to move forward with the grant program, then those things would be built into the guidelines.

Mr. Diekmann said the idea book and its concepts will be used for the pilot project, and then a program has been developed that could administer something long term. He also said that Haila Architecture Structure Planning Ltd. will be the City's advisor during pilot projects and the assessment afterwards. Mr. Orazem said there may be a need to look at how the middle parking area will fit into the rest of what is happening in campustown. Mr. Diekmann said the parking lot is not part of this project. Ms. Betcher said she is excited about this and said she has a concern that the City might be subsidizing facades that may not remain attractive for many years. She also said many tenants are renting the space, and said she is concerned about the facades when there is turnover. Mr. Benson said it will be between the tenant and owner to decide what they want to do. Mr. Diekmann showed some examples, and said that this program is not as formulaic as downtown, so there will be a balance between uniqueness and elements that can be reused when new businesses come in. Mr. Stagg said there is a certain level of subjectivity to be weighed when applications are reviewed and that there is a foundation provided for valid ideas while still allowing for creativity.

Mr. Goodman asked if the Council will have a role in sign ordinances, or what businesses are able to put in the windows. Mr. Benson said agreements could be made with those awarded grants. Mr. Gartin asked if energy efficiency will be part of the application. Mr. Benson said sustainability is an overarching standard. Mr. Baumgartner said if a project is large enough, it will be subject to the International Energy Code as well as other building codes. Mr. Stagg said good architecture is inherently sustainable and uses durable materials. Mr. Diekmann told the Council that the action items on the agenda for next week include moving forward with the pilot program, as well as agreement on geographic boundaries for the pilot program. Mr. Gartin said West Street should be included.

HOUSING DEVELOPMENT OVERVIEW AND DISCUSSION: Mr. Diekmann said at the City Council meeting on September 23, 2014 Council asked for a future agenda item to discuss housing development, specifically focusing on high density. He said some numbers and maps have been gathered to show what has happened over the last few years. Mr. Diekmann reviewed the Land Use Policy Plan (LUPP) goals. He said ISU's current enrollment is at 34,000 and staff doesn't see a present need for more student housing, but that doesn't mean there won't be any interest in building. Mr. Gartin said there are other commercial interests bringing people to Ames that want to rent and cannot find appropriate rental housing. Discussion ensued. Mr. Diekmann reviewed the projected new development map that shows currently approved projects.

Mr. Diekmann showed the current Residential High Density (RH) Development map and the requested RH areas. Single family development was also discussed. Mr. Gartin wondered about comparing Ames to other comparable cities in Iowa instead of the state of Iowa. Mr. Orazem

said Ames has been adding single family homes faster than Iowa City. Mr. Diekmann reviewed some estimates on the next wave of single family development, noting that those would occur to the north. Housing statistics and LUPP assumptions were reviewed. Mr. Diekmann reviewed the Council goal to address housing needs and the three objectives of the goal: explore ways to encourage availability of all types of housing, investigate ways to increase availability of affordable housing, and reevaluate building and zoning codes to determine if changes should be made to improve the existing housing stock at a lower cost.

Discussion ensued regarding demand for housing. Mr. Diekmann said LUPP amendments should have an RH component. Council Member Goodman said discussions will be needed concerning existing RH, achieving neighborhood, and transit. Member Nelson said the principles for guiding goals include those things. He also said the benefit will be had when the LUPP is updated. Mayor Campbell said it would be pretty overwhelming to update the LUPP all at once. Mr. Diekmann said there are elements that can be looked at one by one. City Manager Steve Schainker said the key question is if Council wants to be able to step back and look at a higher level before proceeding on the requests received, or if Council wants to continue receiving requests on a case by case basis.

Council Member Orazem asked about commercial and industrial demands. Mr. Diekmann said that is a more difficult issue to discuss since it hasn't been visited for many years. Mr. Schainker said Council can continue to review these requests case by case reactively, or put them all off for a year while the LUPP can be updated comprehensively, which doesn't meet immediate needs. He asked if Planning could quickly put together some decision making criteria so Council would be making decisions based on the priorities it has established. Mr. Goodman said he wants to see an RH category created that is based on LUPP goals. He said a conversation needs to be had on other elements such as impact on commercial, transit, and any other elements RH would have encompassed if it were in the Plan. Mr. Schainker asked if this is something that can be done quickly. Mr. Diekmann said yes.

Mr. Gartin confirmed the vacancy rate, which Mr. Diekmann said is about 3%. Mr. Gartin said that must have a big impact on the affordability of units for rent. Mr. Gartin asked if another 1400 units are added, if that would just meet the anticipated need or if it would relieve some pressure and create more affordability. Mr. Diekmann said 1400 units is 10% of the current multifamily stock in the city, which is a huge jump and would have to affect availability and occupancy levels, assuming ISU enrollment stays steady. Mr. Diekmann said he will create an assessment tool capturing the elements heard tonight including elements of RH that would be encompassed in the LUPP if it were included. Mr. Goodman said he would like to have a conversation outside of the projects that is based on goals and values in context of the LUPP, then apply that process to the projects. Mr. Diekmann said Planning can create the tool, then Council can decide what schedule it wants to apply to the requests. Mr. Schainker summarized that an evaluation of the criteria utilizing elements from the Plan will be used to create an assessment tool for RH using elements of the Plan for new uses of RH .

Mr. Goodman said some communities require a certain percentage of housing be affordable. Ms. Betcher said it is called inclusionary zoning. Mr. Goodman said he would like to see more information on the idea. Mr. Gartin said it can be made a priority even if it looks different than

that. Mr. Orazem said a high vacancy rate due to lower rents is not how it works. He said some housing that was subsidized is no longer subsidized, and said tax abatements could be used. Discussion ensued. Ms. Betcher said she wonders how the new projects will address the needs.

Moved by Goodman and seconded by Betcher to ask staff to return to Council as soon as is reasonable with a pilot tool (created by using LUPP goals and presented to Planning & Zoning Commission for feedback) to evaluate RH (Residential High Density) projects.
Vote on Motion: 6-0. Motion carried unanimously.

Mr. Goodman asked when this could come back. Mr. Diekmann said he is hopeful for January.

CITY COUNCIL COMMENTS: Council Member Betcher discussed the email received regarding the transportation task force discussions not being open meetings. Moved by Betcher and seconded by Gartin to refer the email to staff and to place this item on the next City Council agenda for staff to explain the task force structure.

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

Moved by Gartin and seconded by Goodman to ask staff to accept the email request from Dickson Jensen dated November 14, 2014, deferring any action until Council has received an acceptable RH evaluation tool from the Planning Department.
Vote on Motion: 6-0. Motion carried unanimously.

ADJOURNMENT: The meeting adjourned at 9:20 p.m.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor

Erin Thompson, Recording Secretary

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

AMES, IOWA

NOVEMBER 25, 2014

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

The Ames Area Metropolitan Planning Organization (AAMPO) Transportation Policy Committee meeting was called to order by Ames Mayor Ann Campbell at 7:00 p.m. on the 25th day of November, 2014, in the City Council Chambers in City Hall, 515 Clark Avenue, pursuant to law with the following voting members present: Gloria Betcher, City of Ames; Amber Corrieri, City of Ames; Tim Gartin, City of Ames; Matthew Goodman, City of Ames; Chris Nelson, City of Ames; and Peter Orazem, City of Ames. AAMPO Administrator John Joiner and Transportation Planner Tony Filippini were also present.

HEARING ON AMENDED FY 2015-2018 TRANSPORTATION IMPROVEMENT PROGRAM (TIP): City of Ames Transportation Planner Tony Filippini stated that the FY 2015-18 TIP had been approved by the AAMPO Policy Committee on July 8, 2014. The project being proposed to be added to the 2015 TIP is to grade and pave a half-mile portion of the Skunk River Trail from Bloomington Road north to Ada Hayden Park. It was originally anticipated that the project would be let during FY 2014; therefore, it was not included in the FY 2015-18 TIP. However, because the project schedule was moved to a February 2015 letting date, the project must now be added to the FY 2015 program year. The total project funding from Local Option Sales Tax has also been changed from \$441,000 to \$473,660 based on project item costs for construction in 2015. The federal aid portion is \$250,000.

Moved by Goodman, seconded by Nelson, to approve the Amended FY 2015-2018 TIP.
Vote on Motion: 7-0. Motion declared carried unanimously.

ADJOURNMENT: Moved by Corrieri, seconded by Betcher, to adjourn the AAMPO Policy Committee meeting at 7:06 p.m.
Vote on Motion: 7-0. Motion declared carried unanimously.

REGULAR MEETING OF THE AMES CITY COUNCIL

The Regular Meeting of the Ames City Council was called to order by Mayor Campbell at 7:07 p.m. on the 25th day of November, 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 absent.

PRESENTATION OF GOVERNMENT FINANCE OFFICERS ASSOCIATION DISTINGUISHED BUDGET PRESENTATION AWARD: The Mayor presented the Award to Finance Director Duane Pitcher and Budget Officer Nancy Masteller. Mr. Pitcher reported that the City had received this Award for the past 30 years. Ms. Masteller stated that, out of a possible 1,400, only eight cities, two counties, and two school districts in Iowa received the Award.

CONSENT AGENDA: Council Member Betcher requested to pull Item No. 9 (Campustown Facade Program) and Council Member Goodman asked to pull Item No. 10 (Annual Urban Renewal Report) for separate discussion.

Moved by Nelson, seconded by Goodman, to approve the following items on the Consent Agenda:

1. Motion approving payment of claims
2. Motion approving minutes of Regular Meeting of November 10, 2014
3. Motion approving certification of civil service applicants
4. Motion approving Report of Contract Change Orders for November 1-15, 2014
5. Motion setting December 16, 2014, as Regular City Council Meeting date and canceling December 23, 2014
6. Motion approving renewal of the following beer permits, wine permits, and liquor licenses:
 - a. Class C Liquor & Outdoor Service – Outlaws, 2522 Chamberlain Street
 - b. Class B Native Wine – Chocolaterie Stam, 230 Main Street
 - c. Class C Beer – Swift Stop #8, 705 24th Street
7. Motion approving 5-day Class C Liquor license (December 1 - December 5) for Olde Main Brewing Company at the ISU Alumni Center, 420 Beach Avenue
8. RESOLUTION NO. 14-596 setting December 9, 2014, as date of public hearing on Agreement with Iowa Finance Authority for State Revolving Fund Loan for the new Water Treatment Plant project
9. RESOLUTION NO. 14-597 approving appointments of Lisa Ailshie and Julieanne Sthay to fill vacancies on Public Art Commission
10. RESOLUTION NO. 14-598 approving changes to the Health Care Flexible Spending Account Plan with Wellmark Blue Cross Blue Shield of Iowa
11. RESOLUTION NO. 14-599 approving Agreement with Wellmark for Flexible Benefits Administration
12. RESOLUTION NO. 14-600 approving contract for Special Inspections associated with new Water Treatment Plant with Terracon Consultants, Inc., of Ames, Iowa, on a time and materials basis, in an amount not to exceed \$199,782
13. RESOLUTION NO. 14-601 approving preliminary plans and specifications for Demolition of North Dakota Elevated Tank; setting January 14, 2015, as bid due date and January 27, 2015, as date of public hearing
14. RESOLUTION NO. 14-602 awarding contract to Altec Industries, Inc., of St. Joseph, Missouri, in the amount of \$120,048 for Utility Body and 55-foot Aerial Platform and installation onto truck chassis for Electric Services Department
15. RESOLUTION NO. 14-603 awarding contract to Altec Industries, Inc., of St. Joseph, Missouri, in the amount of \$126,462 for Flatbed Body and Digger Derrick and installation onto truck chassis for Electric Services Department
16. RESOLUTION NO. 14-604 awarding contract to ABM Equipment & Supply, LLC, of Hopkins, Minnesota, in the amount of \$85,552 for Utility Body and Lift Platform and installation onto truck chassis for Public Works Department
17. RESOLUTION NO. 14-605 approving contract and bond for Fire Station #3 HVAC Modifications
18. RESOLUTION NO. 14-606 approving contract and bond for 2014/15 Arterial Street Paving Improvements Program
19. RESOLUTION NO. 14-607 approving contract and bond for 2014/15 CyRide Route Paving Improvements Program #2
20. RESOLUTION NO. 14-608 accepting partial completion of public improvements required for Northridge Heights Subdivision, 16th Addition, and reducing security being held
21. RESOLUTION NO. 14-609 accepting completion of Control Panels for Ames Plant Switchyard
22. RESOLUTION NO. 14-610 accepting completion of 2012/13 Traffic Signal Program (Lincoln Way and Hayward Avenue)
23. RESOLUTION NO. 14-611 accepting completion of 2013/14 Traffic Signal Program (20th Street and Grand Avenue)

24. RESOLUTION NO. 14-612 accepting completion of Sunset Ridge Subdivision, 5th Addition, HMA Paving Project
25. RESOLUTION NO. 14-613 accepting completion of WPC Raw Water Pump Station Make-Up Air Unit
Roll Call Vote: 6-0. Resolution/Motions declared adopted/approved unanimously, signed by the Mayor, and hereby made a part of these Minutes.

CAMPUSTOWN FACADE PROGRAM: Council Member Betcher stated that she still had concerns about facades applied to the fronts of buildings that might actually damage the buildings. She explained that she did not want the City to incentivize bad design choices. Ms. Betcher said that she would like to see something added to the design concepts or the review process that the facades would be reversible, i.e., the future occupants of the buildings would be able to un-do what had been done without causing damage to the building or without great expense. She clarified that she would like that included in the pilot projects. Ms. Betcher referenced pictures that were included in the Design Ideas Book, specifically, one that had some wavy wood sticking out of the front of the building; that would be the sort of thing that she would like to see removable in the future. It was pointed out by Ms. Betcher that there are treatments that can be applied that are not just paint. Council Member Gartin stated his opinion that the decision on the facade design should be left to the building owner. He believes that the design choices would be significantly limited if they were made to be reversible. Ms. Betcher pointed out that the difference between Campustown and the Downtown is that the Downtown Facade Program has historic guidelines attached to it. She noted that owners may do whatever they want to their buildings, but she does not want the City to incentivize something that can't be un-done by a future owner. It was clarified by Ms. Betcher that she was talking about something that would be applied to the outside of the building, not windows. She would like the wording to state, "Additions to the facade of a building shall be undertaken in such a manner that if removed in the future the essential form and integrity of the property would be unimpaired."

Planning and Housing Director Kelly Diekmann noted that what was being recommended is only in the pilot project phase. Staff would welcome direction on the techniques that are a part of the pilot projects. Mr. Diekmann advised that the Council is not being asked to adopt any program at this meeting.

Moved by Betcher, seconded by Goodman, to direct staff to seek applications for pilot projects to be located in Campustown Service Center zoning district and Neighborhood Commercial zoning district on West Street and to direct staff to incorporate an understanding of how a facade change would affect the building.

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

ANNUAL URBAN RENEWAL REPORT: Noting the complexity of the urban renewal program, Council Member Goodman asked for a summary of the Annual Report to be presented. City Manager Steve Schainker stated that, during FY 2013/14, there was one active Tax Increment Financing (TIF) District on South Bell. Bonds were issued in October 2009, with proceeds used for infrastructure improvements. The project expenses were lower than expected and excess proceeds were available in the TIF Fund to pay principal and interest payments in its early years. According to Mr. Schainker, the incremental property valuation in the District has not grown as fast as expected, and there is a negative balance of \$68,083. Total incremental tax revenue in the District for the reporting year was \$10,456 while debt service was \$117,055. That shortfall along with interest charged to the Fund due to a negative balance resulted in a FY 2013/14 ending balance of (\$175,731). Mr. Schainker stated that the

City does not expect to generate adequate incremental revenue to fund the debt service in FY 2014/15. However, with new projects in the District, incremental revenue will grow and eventually cover debt service as well as the accumulated negative Fund balance.

Council Member Goodman acknowledged that every TIF project is unique; however, he believed that one of the ways that the City could have been more aggressive was to require a higher minimum assessment. For investment, he sees that as reasonable. Also, Mr. Goodman felt it is good to know that the argument for establishing a TIF District is long-term tax base. In Mr. Goodman's opinion, when the TIF is paid-off, it is reasonable for a future Council to attempt to maximum the taxpayers' return and encourage five-year abatements only on areas of the community that have not been under a TIF District.

City Manager Schainker advised that the Department of Economic Development is now saying that if tax credits are received from the state, one of the required matches for the City is the value of a five-year tax abatement. This is not a problem unless the business locates in one of the TIF parks. Mr. Schainker cautioned that there will be conflicts once in a while.

Finance Director Pitcher explained the documents that are required to be filed related to the TIF Districts with the State Department of Management.

Moved by Gartin, seconded by Goodman, to direct that staff provide Council with a projection of the cash flow on the South Bell TIF project.

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

Moved by Betcher, seconded by Goodman, to adopt RESOLUTION NO. 14-595 approving the Annual Urban Renewal Report.

Roll Call Vote: 6-0. Resolution declared adopted unanimously.

PUBLIC FORUM: No one requested to speak, and the Mayor closed Public Forum.

HEARING ON REZONING PROPERTIES FOR ISU RESEARCH PARK PHASE III PROJECT FROM AGRICULTURAL (A) TO PLANNED INDUSTRIAL (PI): Mayor Campbell opened the public hearing. No one asked to speak, and the hearing was closed.

Moved by Corrieri, seconded by Nelson, to pass on first reading an ordinance rezoning properties for ISU Research Park Phase III Project from Agricultural (A) to Planned Industrial (PI).

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

HEARING ON ZONING ORDINANCE TEXT AMENDMENTS TO REDUCE ON-SITE PARKING REQUIRED FOR FRATERNITIES: The public hearing was opened by the Mayor.

Jeremy Davis, 711 Beach Avenue, Ames, said that he was representing the Greek Alumni Alliance. Mr. Davis advised that the Greek Alumni Alliance supported the staff's recommendation. Council Member Goodman said that he would prefer a ratio of 1:2 (one space per two beds) and asked Mr. Davis why the Greek Alumni Alliance felt a 1:3 (one space per three beds) ratio was necessary. Mr. Davis replied that the 1:3 ratio would allow the majority of the Greek facilities to come into compliance. Also, for the majority of the properties that want to make renovations, it would allow them to nearly maintain the existing parking without having to construct parking structures. Council Member Nelson noted that the majority of the properties are land-locked.

Khayree Fidten, 2120 Lincoln Way, Ames said that he was currently serving as the Intrafraternity Council Senator with the GSB. Mr. Fidten urged the City Council to pass the amendment as recommended by City staff and the City Manager. He said he was a member of Beta Theta Pi, and its Alumni Housing Board is currently looking to undertake specific renovations. Mr. Fidten stated that the difference between 1:2 and 1:3 would be potentially detrimental of the renovation project.

The Mayor closed the hearing after there was no one else wishing to speak.

Moved by Orazem, seconded by Nelson, to pass on first reading an ordinance making zoning text amendments to Table 29.406(2) reducing the on-site parking required for fraternity and sorority housing from one space per bed to one space per three beds and revise Section 29.406(2)(b) and 29.406(2)c for text clarification.

Council Member Goodman acknowledged the concerns expressed in a letter from a property owner in the area who owns apartments and believes that the Council would be setting a different standard for Greek Houses if it approved the above-listed action. Mr. Goodman stated his opinion that Greek housing is different than rental housing; the Greek Community is a very different product than apartment buildings.

Council Member Orazem said that he believes the Council should look at other possible options for enforcement of the existing parking regulations in the area in question.

Council Member Betcher shared that citizens in the affected neighborhood who have contacted her do not want to see any changes. She commented that she would be able to support a 2:3 ratio, but not a 1:3.

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

HEARING ON PROPOSED AMENDMENTS TO CHAPTER 31 OF *MUNICIPAL CODE* PERTAINING TO DEFINITIONS AND RULES OF CONSTRUCTION, DESIGN GUIDELINES FOR ALTERATIONS, AND DESIGN GUIDELINES FOR NEW CONSTRUCTION SPECIFIC TO HISTORIC PRESERVATION DISTRICTS: Director Diekmann stated that, based on the work that is going into the revisions, staff had not yet prepared a final Ordinance. He advised that the hearing needed to be opened and closed; Public Notice of the hearing would need to be published.

The Mayor opened the public hearing and closed same; the process will start over.

HEARING ON NON-ASBESTOS INSULATION AND RELATED SERVICES AND SUPPLIES FOR POWER PLANT: The public hearing was opened by Mayor Campbell. She closed same after no one came forward to speak.

Moved by Nelson, seconded by Corrieri, to accept the report of bids and direct staff to rebid the project.

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

Moved by Nelson, seconded by Corrieri, to adopt RESOLUTION NO. 14-614 approving updated preliminary plans and specifications for re-issuance of the project; setting December 17, 2014, as bid due date and January 13, 2015, as the date of public hearing.

At the request of Council Member Orazem, Finance Director Donald Kom informed the Council that there are not a lot of bidders with the type of expertise needed. Mr. Kom explained why the one bid received was deemed non-responsive.

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

HEARING ON AMENDMENT TO LEASE AGREEMENT WITH SPRINT SPECTRUM FOR BLOOMINGTON ROAD (BRET) WATER TOWER: Mayor Campbell opened the public hearing. There being no one wishing to speak, the Mayor closed the hearing.

Moved by Goodman, seconded by Corrieri, to adopt RESOLUTION NO. 14-615 approving an amendment to the Lease Agreement with Sprint Spectrum Realty Company, LP, to allow the installation of additional antennae on the BRET water tower in exchange for doubling the rental payments to \$2,760/month.

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

SALE OF ALLEY BETWEEN 11TH AND 12TH STREETS FROM GRAND AVENUE TO THE ALLEY EAST OF GRAND AVENUE: Civil Engineer Eric Cowles explained that all of the property owners adjacent to the alley are interested in purchasing their respective portions.

Moved by Betcher, seconded by Goodman, to adopt RESOLUTION NO. 14-616 setting the date of hearing for December 9, 2014, on sale of alley between 11th and 12th Streets from Grand Avenue to the alley east of Grand Avenue and direct the City Clerk to publish notice.

Council Member Gartin recommended that the City contact each of the owners to ascertain how they want title.

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

REQUEST TO PURCHASE OLD AIRPORT ROAD RIGHT-OF-WAY: Civil Engineer Cowles recalled that the Council had directed staff, on October 14, 2014, to ask City Assessor Greg Lynch about the method of valuation for the subject piece of City-owned property. Mr. Lynch had determined that the appropriate valuation would be \$6.91/square foot if the land were combined with the Burgason parcel. Using that value and the standard policy of deductions for retaining easements and using a Quit Claim Deed, the subject property would be valued at \$85,853. Also at the Council's direction, staff again contacted the ISU Research Park and Steve Burgason to confirm interest in purchasing the parcel. The ISU Research Park indicated that it had no interest in the property. Mr. Burgason stated that he was still interested in purchasing the property. Under his most-recent proposal, Mr. Burgason asked to be granted a ten-year purchase option at a price of \$54,000. The price would be valid and not change during the ten-year period, and a \$2,000 deposit would be made to the City as earnest money. If Mr. Burgason were not to exercise that option prior to its expiration, he would forfeit the \$2,000.

Moved by Goodman to retain the land and deny Mr. Burgason's request to purchase the old Airport Road right-of-way adjacent to his business.

Mr. Goodman explained that he did not believe that the land should be held for ten years in case Mr. Burgason wanted to purchase it. Other people might want to purchase the land and improve it during that ten years.

Motion withdrawn.

Moved by Goodman, seconded by Nelson, to direct that staff advise Steve Burgason that the City would sell the subject land to him if he agreed to:

1. Pay for the land in the amount of \$52,389.
2. Execute an easement with the City that allows the existing public and private utilities in the area to remain in their current locations and includes a provision for the property owner to be responsible for any site restoration if maintenance is needed on the utilities.
3. Execute an access easement, as necessary, with the ISU Research Park to ensure continued street access to Biova and the Research Park.

Council Member Goodman noted that if Mr. Burgason is agreeable to that, the City Council would then set a date for public hearing on the sale. He saw no reason to set the date of hearing if Mr. Burgason was not agreeable to purchase the property under those conditions.

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

ENGINEERING SERVICES AGREEMENT FOR ISU RESEARCH PARK, PHASE III: Moved by Nelson, seconded by Corrieri, to adopt RESOLUTION NO. 14-617 approving the Engineering Services Agreement with Shive Hattery of West Des Moines, Iowa, in an amount not to exceed \$375,000.

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

DISTRIBUTED CONTROL SYSTEM FOR POWER PLANT: Electric Services Director Kom recalled that on May 27, 2014, the City Council awarded a contract to Sargent & Lundy, LLC, of Chicago, Illinois, for Engineering Services required to convert the Power Plant to natural gas in an amount not-to-exceed \$1,995,000. He told the Council that, as part of Sargent & Lundy's (S&L) original scope of work, they were tasked to review and evaluate the Power Plant's existing Emerson Ovation Distributed Control System (DCS). The DCS is the dedicated control system used for boiler controls and power plant systems. S&L's contract included an assessment of whether the current DCS could handle the conversion to natural gas. The contract also required S&L to develop plans and specifications for new DCS hardware and software. That task would occur whether the new hardware and software augmented or replaced the current DCS.

According to Director Kom, City staff received S&L's DCS report in September. The report confirmed that the pre-2000 Era Emerson Ovation System is no longer supported by the manufacturer. This includes both the hardware and software of the existing System. More recent equipment shipped to the Power Plant in 2007 for a previous upgrade project was also found to no longer be supported since it is based on a Windows XP operating system. Based on S&L's evaluation, staff has confirmed that it

is clearly in the City's best interest to incorporate replacement of the existing DCS into the larger gas conversion project.

Mr. Kom advised that, with the replacement of the DCS, two additional challenges are created: (1) Additional climate- and dust-controlled space is needed to house the additional equipment control cabinets required for the new DCS; (2) the DCS would need to be tied into the existing Main Control Board and the Auxiliary Control Board.

Council Member Goodman asked if this work was initially included as a bid alternate. Assistant Electric Services Director Brian Trower explained that the City had gone through a very thorough process in 2010 before a contract was awarded to Sargent & Lundy. It was very clear to staff at that time that this was the only firm that had the expertise and experience to do the work. He explained that the City could not have presented the type of information at that time to include it as a bid alternate.

Moved by Gartin, seconded by Corrieri, to adopt RESOLUTION NO. 14-618 approving Change Order No. 1 to Engineering Services Agreement with Sargent & Lundy of Chicago, Illinois, in an amount not to exceed \$2,395,000.

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

Moved by Gartin, seconded by Corrieri, to adopt RESOLUTION NO. 14-619 approving preliminary plans and specifications for Distributed Control System for the Power Plant; setting January 14, 2015, as bid due date and January 27, 2015, 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.

REPAIR OF GT1 COMBUSTION TURBINE: Moved by Nelson, seconded by Corrieri, to adopt RESOLUTION NO. 14-620 approving the contract with Black & Veatch for engineering services pertaining to repair of the GT1 Combustion Turbine.

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

It had been suggested to Mayor Campbell that the HIRTA discussion precede the Budget Guidelines. All Council members concurred.

HIRTA DEMAND RESPONSE FACILITATION: City Manager Schainker reported that the Transit Board requested Matthew Goodman and John Haila to set up a meeting with the ASSET Administrative Team, comprised of Jean Kresse of the United Way of Story County, Deb Schildroth of Story County, and Melissa Mundt, Assistant City Manager, to discuss issues pertaining to HIRTA Demand Response Services. The meeting was held between Transit Board representatives, the CyRide Director, and ASSET Administrative Team on September 12, 2014. The discussion resulted in an agreement to have the ASSET Administrative Team host a facilitated process between impacted agencies/organizations and HIRTA to address concerns around demand response services in Story County and Ames. Just prior to the first facilitation meeting, which was held on November 19, 2014, the Story County Board of Supervisors received a resident inquiry asking why the meetings would not open to the public. The Assistant City Manager also sought clarification as to why the meetings could not be open and recommended that they be open if at all possible. The other participants advised that there were concerns about medical privacy. Additionally, it was stated that personnel matters would

be discussed pertaining to HIRTA. Finally, it was noted that meetings were not required to be open, since the meetings were not established by executive order of either governing body.

Moved by Goodman, seconded by Gartin, to request that staff go back to the group and indicate the City's desire to have the meetings open to the public.

Council Member Gartin asked if there were legitimate concerns about privacy that would warrant closed sessions. City Manager Schainker advised that that was the reason given by some of the members of the group as to why the meetings should be closed. There were no specific names or issues discussed at the first meeting that would justify closed meetings. If those issues were to be raised, that would warrant closing the meeting to the public. Mr. Schainker said he did not believe that the discussions would get into that type of specificity. Council Member Corrieri concurred, stating that the organizations involved are very much aware of the HIPAA Laws.

Lauris Olson, 1705 Buchanan Drive, Ames, expounded on the HIPAA Law as it would pertain to the HIRTA discussions. She urged the Council to support open meetings.

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

Council Member Betcher added that the component about having public input after the sessions are over is important; it is different from being able to attend an open meeting.

Moved by Betcher, seconded by Gartin, to add a public input component to obtain feedback on the work of the agencies and HIRTA.

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

Council Member Corrieri asked what would happen if the other agencies will not agree to open the meetings. City Manager Schainker stated that staff would report that back to the City Council.

Council Member Goodman expressed his appreciation to the ASSET Administrative Team and organizations for agreeing to meet on the concerns around demand response services in Story County and Ames.

BUDGET GUIDELINES: City Manager Schainker said that, near the beginning of each year's budget preparation cycle, he and Finance staff present City Council with a budget overview. The presentation's purpose is to: present the "big picture" of the coming year's budget, including factors that might impact Council's later decisions on the budget, share budget-related input and requests that have been received from local citizens and organizations, seek Council direction on select components of the budget, such as overall funding levels for human services and arts, and to receive any general funding or service level direction Council wishes to incorporate into the budget.

Mr. Schainker summarized that the City's overall financial situation continues to remain relatively strong. For FY 15/16, improvement in retail sales and overall property valuation are expected to have a positive financial impact on the City budget. However, some of this positive impact will be offset by higher-than-average increases in health care, property and liability insurance costs, and the impact of the property tax reform.

Finance Director Pitcher advised that, overall, modest increases in assessed property valuations are expected. An increase in the rollback rate will increase taxable valuation for residential property, while

the second step of commercial and industrial property tax reform will reduce taxable value. Road Use Tax revenue from fuel sales is expected to equal the budgeted revenues for the current year, and the IDOT is forecasting a modest increase for FY 2015/16. Interest revenues for the City have improved slightly, but will very likely remain low for FY 15/16. That also means that the City will be able to continue to issue G.O. Bonds at low interest rates.

Mr. Pitcher shared that the General Fund balance ended FY 13/14 better than budgeted with the General Fund balance at 35% of expenditures, up from 23.3% in the adopted budget. Around \$1,600,000 of the approximately \$2,755,000 in excess balance is due to uncompleted projects, which will be carried forward into the adjusted budget. Major projects carried over include the second phase of City Hall improvements and the update to the Land Use Policy Plan. Two categories of revenue improvements – building permit revenue at \$538,445 and Hotel/Motel Tax revenue at \$182,470 – accounted for about two thirds of the net \$1,155,000 increase in the General Fund balance. The remaining third was distributed across various areas of revenue and expenditure in the fund. City Manager Schainker noted that the Council could decide to use some amount of the additional balance to subsidize operating costs and thereby reduce property tax levels in FY 15/16. He again warned, however, that that strategy would only lead to a larger increase the following year, since one-time monies would need to be replaced with a more permanent revenue source. He also stated that, in similar past situations, the Council had used those one-time increases in the available balance to fund one-time expenditures in the current year. That could include the possible purchase of capital items in FY 14/15 that would otherwise be budgeted in FY 15/16. The unexpected balance could also be used to address needed capital improvements at City Hall, e.g., replacement of the roof (\$700,000) or replacement of the west parking lot (\$350,000 to 500,000).

Mr. Schainker reported that, to continue with current service levels, modest fee increases will likely be needed for some fee-based services and will be a part of the budget process. Also, as in past years, modest increases in fees related to recreation activities are expected.

Finance Director Pitcher stated that improved investment returns and changes in funding plans for the Municipal Fire and Police Retirement System of Iowa (MFPRSI) have resulted in a decrease in the City's pension contribution rate from 30.41% of covered wages in FY 14/15 to 27.77% in FY 15/16. The rate remains well above the City's minimum contribution rate of 17% and is expected to remain so in the foreseeable future. As expected, FY 14/15 was the peak contribution year for the City, and it is expected that the City's contribution rate will slowly fall in the future.

Iowa Public Employees' Retirement System (IPERS). According to Director Pitcher, the City's contribution rate will not increase.

Health Insurance. The Council was told that, due to the recent less-favorable claims experience and additional costs related to the Patient Protection and Affordable Care Act (PPACA), an 8% increase in health rates for the FY 13/14 budget and a 6% increase for the current year are necessary. Based on recent claims experience, a 9% increase in health insurance rates for the FY 2015/16 will be in the recommended budget. Even with the 9% rate increase and projected expenses, a small draw down in the fund balance will be necessary. City Manager Schainker reminded the Council that the City is self-insurance and the balance will still be above those requirements and provide adequate reserves to fund possible claims fluctuations.

Rollback. Director Pitcher highlighted several major changes that were made during the 2013 Legislative Session. He stated that, for each assessment year beginning in 2013, residential and

agricultural property value growth will now be capped at 3 percent, or whichever is lowest between the two classes (the coupling provision remains). Commercial, industrial, and railroad property will now have their own rollback, which will be 95 percent for valuations established during the 2013 assessment year (affecting FY 2015/16) and 90 percent for the 2014 assessment year and thereafter. The rollback percentage for these properties will remain fixed at 90 percent regardless of how fast or slow valuations grow. The legislature created a standing appropriation, beginning in FY 2014/15, to reimburse local governments for the property tax reductions resulting from the new rollback for commercial and industrial property (railroad not included). The backfill was funded at 100 percent by the legislature for FY 2014/15, and cities receive the funds in a similar manner as property tax revenue. Future backfill appropriations will be capped at the FY 2016/17 level. A new property class was established for multi-residential property, which takes effect in FY 2016/17 and will likely have long-term impacts for many cities around the state. The definition of multi-residential property is broad and includes: mobile home parks, manufactured home communities, land-leased communities, assisted living facilities, property primarily used or intended for human habitation containing three or more separate living quarters. Also, rollback percentages will be phased-in over eight years for certain classes, beginning in budget year FY 16/17. There is no backfill provision for this class, and estimated valuation in Ames is \$124 million. This will lead to a reduction of property tax dollars of approximately \$185,000. Other changes include a new business property tax credit funded by the State that can be claimed by commercial, industrial and railroad property owners and an extension of the Property Assessment Appeal Board to 2018. City Manager Schainker cautioned that, with the sweeping changes to the property tax system, it will be challenging for the City to accurately forecast how the budget will be affected.

Airport Improvements. City Manager Schainker informed the Council that the Capital Improvements Plan included the construction of a new large hangar to temporarily house aircraft visiting Ames, as well as a new 6,500-square-foot terminal building. The Plan calls for those improvements to be built in FY 2015/16. A critical component of that \$3,300,000 project is the expectation that the City, ISU, and the private sector will share equally in the financing of these improvements, after taking into account the anticipated support from federal and state revenue sources (\$600,000). This obligation amounts to approximately \$867,000 from each of the funding partners. This cost sharing arrangement established by the City Council was influenced by user input regarding who would be using the new facilities the most. City staff has been working closely with representatives from the ISU administration and the private sector to determine if these funding expectations are achievable. It appears it may be difficult for the private sector and the University to contribute \$866,000 each to the City in cash. Mr. Schainker alerted the City Council that other funding strategies are being explored to facilitate the completion of these improvements. To accomplish that the three parties are working to develop alternative ways to finance the airport improvements. According to City Manager Schainker, staff intends to present a new financing strategy to the Council before final budget decisions are made in February 2015.

East Lincoln Way Industrial Development. City Manager Schainker noted that a major goal of the City Council is to Promote Economic Development. Towards this end, staff has an objective to pursue development of the industrial park opportunity east of Interstate 35 along Lincoln Way. In FY 2012/13, the previous City Council approved a 0.7% water rate increase and a 4.2% sanitary sewer rate increase to finance the extension of these City utilities east to 590th Street. However, actual construction was deferred, since the City Council had no specific economic development project against which to evaluate the benefits and costs of those investments. Those costs were \$800,000 for the water main extension (which is now estimated at \$900,000) and \$3,500,000 for the sanitary sewer extension (now estimated at \$3,800,000). The Council then took action to be in a position to respond more rapidly

should a specific economic development project be identified along East Lincoln Way in the near future. In the FY 2014/15 revised budget, Council approved funds to extend the City's existing sanitary sewer line to just east of the Interstate 35. However, that investment of approximately \$2,400,000 was not to take place until a service territory buy-out agreement was reached with the Central Iowa Water Association (CIWA). To accomplish that task, a proposed agreement is being finalized for transmittal to the CIWA. There is no way to predict how long it will take to reach a mutually acceptable buy-out agreement. Mr. Schainker noted that, at the October 7, 2014, Town Budget Meeting, the Director of the Ames Economic Development Commission requested that the City Council consider moving ahead with the design of the water and sanitary sewer extensions to 590th Street to avoid delays when a specific proposal brought forward.

Local Option Sales Tax. Finance Director Pitcher advised, that for the current year, local option sales tax receipts are expected to be \$7,996,943, up \$874,588 or 12.3% from the adopted budget. Last year's early numbers indicated a recovery in local option sales tax collections that has now materialized. All of the increased local option revenue for the current year is due to the adjustment payment received earlier this month. The adjustment payment reflects an underestimate of local option sales tax revenue by the Iowa Department of Revenue and Finance for FY 2013/14. Mr. Pitcher stated that had that amount been distributed in FY 2013/14, the City would have ended the year slightly above the adopted budget instead of well below. At this point, staff forecasts that local option sales tax revenue for FY 2015/16 will up five percent from the FY 2014/15 adopted budget, or \$7,484,605. A summary of the Local Option Sales Tax Fund with an illustrative option for the FY 2015/16 budget was given. Mr. Schainker cautioned that the summary was by no means a recommendation for the upcoming budget. Staff is requesting Council direction on total funding levels for COTA, as well as total funding direction for other outside organizations.

ASSET. City Manager Schainker noted that City staff typically requests ASSET funding as part of the November budget overview. However, the funding amount to be allocated to ASSET is not needed for the volunteers until later in December. By waiting until December, City staff will have time to get direction from the other funders, including Story County and United Way, regarding their funding considerations. Additionally, this year ASSET has two agencies that are making budget revisions for 2015/16 at the request of ASSET. Those requested changes are not due into ASSET until Friday, November 28. According to Mr. Schainker, staff had determined it would be best to wait to bring the City Council detailed information by funding priorities at the December 9 meeting.

COTA. City Manager Schainker stated that the Commission on the Arts (COTA) allocation for FY 14/15 is \$144,401, which was 2.5% higher than the \$140,879 allocated in FY 13/14. For FY 15/16 COTA organizations have requested funding in the amount of \$173,476 (excluding special Spring and Fall Grants). This is a 24% (\$33,246) increase over the FY 14/15 appropriation. Assistant City Manager Melissa Mundt told the Council that no new groups have applied for COTA funds for FY 15/16.

Council Member Gartin inquired about the justification for a 24% increase. Ms. Mundt explained how the COTA process works. She said that the 24% was a total of all of the agencies' requests.

Moved by Goodman, seconded by Betcher, to increase COTA's allocation by 3%.

Council Member Orazem noted that he had hoped for a larger increase this year since the General Fund balance was higher than anticipated. He had hoped for a 4% increase for the COTA.

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

Road Conditions/Road Use Tax Fund. Director Pitcher reported that Road Use Tax (RUT) revenue is expected to be slightly higher than the budgeted amount for FY 14/15 and to increase by 1.0% for FY 15/16. He noted that those forecasts do not assume any changes in the fuel tax rate.

CyRide. City Manager Schainker noted that CyRide ridership is expected to continue to increase; however, federal funding is going down. The Transit Board of Trustees discussed the three-party funding agreement last fall and reconfirmed current shares, with the City providing 24% of the local dollars needed to fund CyRide. Over 92% of the ridership are ISU students; ISU pays approximately 66%. Council Member Goodman, who represents the City Council on the Transit Board, summarized discussions of the Transit Board concerning equitably sharing of the costs. Currently, the City's cost/ride is \$1.39. The cost per students is \$.60/ride. The fare for non-students is \$1.25/ride. Mr. Goodman asked the Council members if they wanted to have a discussion about the equality of the funding for fare-free CyRide. Mayor Campbell offered that a benefit of taking that number of vehicle off the road is an important factor to consider.

Moved by Corrieri, seconded by Betcher, to direct staff to place on a future agenda a discussion of CyRide funding for FY 2016/17.

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

Outside Funding Requests. City Manager Schainker referenced the Ames Fall Grant Program process. The total amount allocated for Outside Funding Requests in FY 2014/15 was \$147,000; however, those requests included \$11,500 in one-time funding for the Ames 150 Steering Committee and \$7,000 in one-time funding for MSCD's sesquicentennial activities. Additionally, the \$8,000 allocated to VEISHEA was not spent due to the cancellation of VEISHEA. The total 2015/16 request is \$154,100, which is a 4.8% increase over the 2014/15 total. It is a 27.9% increase over the 2014/15 amount when one-time activities and VEISHEA are excluded.

The Council's attention was brought to the table listing the requests. City Manager Schainker said that staff is not assuming that the City Council will approve these requests. However, the past practice has been to include the requests and amount approved for the prior fiscal year in the recommended budget; the amount would only be a placeholder.

Moved by Goodman to allocate \$120,500, excluding one-time requests.
Motion withdrawn.

Discussion ensued as to where the amount of \$120,500 had come from and what it included.

Moved by Corrieri, seconded by Goodman, to allocate \$120,500 towards Outside Funding Requests.
Vote on Motion: 5-1. Voting aye: Betcher, Corrieri, Gartin, Goodman, Nelson. Voting nay: Orazem.
Motion declared carried.

Other Budget-Related Items. Moved by Corrieri, seconded by Goodman, to direct staff to prepare a report regarding overtime and illegal parking fees and fines.
Vote on Motion: 6-0. Motion declared carried unanimously.

Moved by Corrieri, seconded by Goodman, what the cost impact in tax dollars would be for the Grand Avenue Extension.

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

Moved by Gartin, seconded by Goodman, to direct staff to provide a report on the current level of maintenance on all trails during the winter months.

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

Discussion ensued on requests made by citizens at the Town Budget Meeting. It was decided that Council members should bring those issues up during Council Comments.

ORDINANCE REZONING 601 STATE AVENUE: Moved by Goodman, seconded by Nelson, to pass on second reading an ordinance rezoning 601 State Avenue from Special Government/Airport (S-GA) to Residential Low-Density (RL).

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

FATS, OILS, AND GREASE CONTROL ORDINANCE: Moved by Goodman, seconded by Corrieri, to pass on third reading the Fats, Oils, and Grease Control ORDINANCE NO. 4199.

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

COUNCIL COMMENTS: Council Member Betcher referenced the request made by Kim Hanna, Campustown Action Association Director, at the Town Budget Meeting Held on October 7, 2014, for the creation of a safe pedestrian crossing at Stanton and Lincoln Way.

Moved by Betcher, seconded by Goodman, to request a report from staff on what it would take to create a safe pedestrian crossing at Stanton and Lincoln Way.

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

Moved by Betcher, seconded by Goodman, to request a report from staff on the process of changing the ACVB funding mechanism.

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

At the request of Council Member Goodman, Planning and Housing Director Diekmann provided an explanation of the request made by William Ludwig on behalf of Rose Prairie Development, i.e., a residential and commercial LUPP Amendment for 5571 Grant Avenue.

Moved by Gartin, seconded by Nelson, to direct staff to initiate an Minor Amendment for Village/Suburban Residential and Neighborhood Commercial for 5571 Grant Avenue.

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

Moved by Gartin, seconded by Goodman, to refer to staff the letter from the Ames Foundation dated November 19, 2014, offering to partner with the City on replacing trees in accordance with the City's adopted Emerald Ash Borer Plan.

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

Moved by Goodman, seconded by Corrieri, referred to staff the letter from Steve Burgason dated June 25, 2014, asking to initiate an Amendment to the Ames Urban Fringe Plan for a 9.72-acre parcel owned by Burgason Enterprises to add to the list of Planning projects near the end of the list.
Vote on Motion: 6-0. Motion declared carried unanimously.

ADJOURNMENT: Moved by Gartin to adjourn the meeting at 10:02 p.m.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor



REPORT OF CONTRACT CHANGE ORDERS

Period:	<input type="checkbox"/>	1 st – 15 th
	<input checked="" type="checkbox"/>	16 th – End of Month
Month & Year:	November 2014	
For City Council Date:	December 9, 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)
Public Works	Sunset Ridge Subdivision 5 th Addition HMA Paving	1	\$144,060.00	Manatt's, Inc.	\$0.00	\$-(6,927.51)	T. Warner	MA
Fleet Services	Ames Public Library Bookmobile	1	\$240,475.00	OBS, Inc.	\$0.00	\$12,000.00	C. Mellies	MA
Transit	CyRide Bus Facility Expansion	42	\$4,489,000.00	Henkel Construction Company	\$494,403.70	\$2,244.00	S. Kyras	MA
Library	Ames Public Library - Furniture Purchase - Group FF Allsteel	2	\$182,165.69	Storey-Kenworthy Company	\$3,384.20	\$7,356.63	K. Thompson	MA
			\$		\$	\$		
			\$		\$	\$		

*Caring People
Quality Programs
Exceptional Service*

4a-g

TO: Mayor Ann Campbell and Ames City Council Members

FROM: Lieutenant Jeff Brinkley – Ames Police Department

DATE: November 17, 2014

SUBJECT: Beer Permits & Liquor License Renewal Reference City Council Agenda
December 9, 2014

The Council agenda for December 9, 2014, includes beer permits and liquor license renewals for:

- Class C Liquor & Outdoor Service – The Café, 2616 Northridge Pkwy
- Class C Liquor & Outdoor Service – Thumbs Bar, 2816 West St
- Class C Beer – Swift Stop #6, 125 6th Street
- Class C Beer – Swift Stop #7, 2700 Lincoln Way
- Class C Liquor & Outdoor Service – Aunt Maude’s, 543-547 Main St
- Class C Beer – Casey’s General Store #2298, 428 Lincoln Way
- Class C Liquor – Tip Top Lounge, 201 E Lincoln Way

A routine check of police records for the past twelve months found no violations for The Café, Thumbs, Swift Stop #6, Swift Stop #7, Aunt Maude’s, or Casey’s. The police department would recommend renewal of these licenses.

Our records showed one arrest in June 2014 at the Tip Top for public intoxication. We are continuing to monitor compliance and recommend renewal at this time.

To: Members of the City Council

From: Ann H. Campbell, Mayor

Date: December 5, 2014

Subject: Council Appointments to Ames Convention and Visitors Bureau (ACVB) Board of Directors

Due to Council Member Tim Gartin's term of office expiring on the Ames Convention and Visitors Bureau Board of Directors, it will be necessary to appoint another Council member to serve in this capacity.

Peter Orazem has agreed to serve on the Board. Therefore, I request that the City Council approve the appointment of Council Member Orazem to serve a two-year term on the Board of Directors for the Ames Convention and Visitors Bureau beginning January 1, 2015.

COUNCIL ACTION FORM

SUBJECT: REQUESTS FOR PLATTING DAY

BACKGROUND:

The Ames 150 Steering Committee has proposed hosting Platting Day to commemorate the platting of the first 12 blocks of the City of Ames. This final event in the year-long celebration of Ames' sesquicentennial will take place on December 17, with activities beginning at 11:45 a.m. and concluding at 7:00 p.m. The event will include:

- A ceremony at 11:45 a.m. near the corner of Douglas Avenue and Fifth Street, including the dedication of a time capsule
- Carriage rides downtown and refreshments at downtown establishments
- A progressive reception from 5:00 p.m. to 7:00 p.m. at downtown locations
- A birthday cake celebration at City Auditorium beginning at 6:30 p.m. with several speeches discussing the possibilities of the next 50 years of Ames

To facilitate this event, organizers have requested the closure of Douglas Avenue from Fifth Street to Main Street from 8:00 a.m. to 4:00 p.m. on December 17th. Fourteen metered parking spaces would be affected by this closure (\$19.60 loss to the Parking Fund). A Temporary Obstruction Permit will be required to place a tent on the street. In the event of inclement weather, the ceremony will be moved to the City Hall Auditorium.

Organizers will use City Hall Lot M as a pickup/dropoff point for the horse-drawn carriage rides. However, no parking spaces will be closed in this lot. The carriage will take participants to the Ames History Center on Douglas Avenue. Event organizers have requested permission to place sandwich board signs at pickup/dropoff locations. In the event that weather is too cold for horse-drawn carriages, a tractor-drawn carriage may be used instead.

The Main Street Cultural District has reviewed this event and has submitted a letter of support. Platting Day activities are being undertaken in conjunction with the City of Ames. Therefore, the City carries the insurance certificate for this event.

ALTERNATIVES:

1. Approve a blanket Temporary Obstruction Permit and closure of a portion of Douglas Avenue and 14 parking spaces from 8:00 a.m. to 4:00 p.m. on December 17. Organizers will be required to reimburse the Parking Fund \$19.60.
2. Do not approve the request.

MANAGER'S RECOMMENDED ACTION:

Platting day is the final community activity planned during the year-long sesquicentennial celebration. It marks a significant historic event for the Ames community. Event organizers have planned an event that will showcase Ames' history and preserve a time capsule for the future.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving a blanket Temporary Obstruction Permit and closure of a portion of Douglas Avenue and 14 parking spaces from 8:00 a.m. to 4:00 p.m. on December 17. Organizers will be required to reimburse the Parking Fund \$19.60.

Main Street

CULTURAL DISTRICT

Ames, Iowa

December 5, 2014

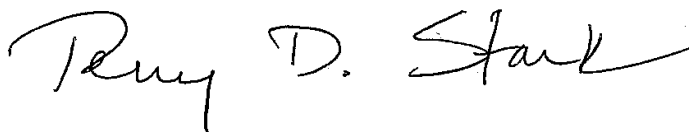
Mayor and City Council
City of Ames
515 Clark Ave
Ames, IA 50010

Mayor Campbell and City Council,

The Main Street Cultural District (MSCD) supports the Platters Day special event . This involves the closure of Douglas Avenue from Main Street to 5th St. on Wednesday, December 17, 2014 from 8 a.m. to 4 p.m. We understand a part of the event is an 11:45 a.m. ceremony recognizing 150 years of Ames.

The MSCD Board of Directors is fully in support of this special Plating Day event and ask that Council request be granted. Thank you for your consideration and your continued support of the Main Street Cultural District.

Sincerely,



Terry D. Stark
2014 President
Main Street Cultural District

Cc: Brian Phillips, Melissa Mundt

COUNCIL ACTION FORM

SUBJECT: RECORDS RETENTION SCHEDULE AMENDMENTS

BACKGROUND:

The City's Records Retention Schedule, originally adopted in 1998, was revised in its entirety on July 12, 2011. The purpose of mandatory compliance with the Records Retention Schedule is to enable Records Stewards to provide requested documents to the public and internal customers in the most accurate and cost-efficient manner. Therefore, it is crucial that the Schedule be revised whenever records are added to or deleted from a Department or Division's inventory.

The attached table lists the additions, deletions, and/or revisions that are being presented to the City Council for approval at this time.

ALTERNATIVES:

1. Adopt a resolution approving the amendments, as listed on the attached table, to the City of Ames Records Retention Schedule.
2. Do not approve the amendments listed on the attached table, to the City of Ames Records Retention Schedule.

MANAGER'S RECOMMENDED ACTION:

Updating the Records Retention Schedule will help ensure that City staff provides requested documents in the most accurate and cost-efficient manner.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative #1, thereby approving the amendments to the City of Ames Records Retention Schedule listed on the attached table.

DEPARTMENT/DIVISION	ADDITION/DELETION/ REVISION	CATEGORY/RECORD TITLE	CHANGE
Animal Control	Addition	Animals	Animal Release Form
	Addition	Animals	Emergency Sheltering & Protective Custody Agreements
	Addition	Finance	Daily hrs worked
Electric	Addition	Miscellaneous	Radiation Safety Program Record
	Addition	MISO - MAPP	MISO Organization of MISO States Long Term Resource Adequacy Survey
	Deletion	Radiation Safety & Reporting	Entire Section
	Deletion	MISO-MAPP	Ames Load at MISO Peak.xls
	Addition	MISO - MAPP	Coincident Demand Projections.xls
	Addition	MISO - MAPP	MAPP Load & Capability Data Request
	Addition	MISO - MAPP	MISO Planning Resource Auction Cost Sharing.xls & supporting documents
	Deletion	Utility Reports – Federal Government	FERC 727, demand response survey & supporting documents
	Deletion	Utility Reports – Federal Government	FERC 728, advanced metering infrastructure survey & supporting documents

DEPARTMENT	ADDITION/DELETION/REVISION	CATEGORY/RECORD TITLE	CHANGE
	Addition	Wind - Recs	IUB MISO/OMS Resource Adequacy Study
	Addition	MISO-Transmission Owner/NITS	MISO – Transmission Owner/NITS
	Addition	MISO- Transmission Onwer/NITS	Network Operating Agreement
Electric Distribution	Deletion	Payroll Documents	Leave Report
	Deletion	Purchasing Records	Budget Amendment Forms
	Addition	Safety	Entry Permit/Atmosphere Test Record
	Revision	Training	Individual Training Records prior to July 1, 2007
	Revision	Training	Individual Training Records July 1, 2007, to Present
	Revision	Training	OSHA Training Prior to July 1, 2007
	Revision	Training	OSHA Training July 1, 2007, to Present
	Revision	Worksheets	Weekly Work Plan June 15, 2009 – January 4, 2013
Finance/Information Services	Deletion	Electronic Back-ups	All Records
	Deletion	General/Miscellaneous	Computer equipment inventory

DEPARTMENT	ADDITION/DELETION/REVISION	CATEGORY/RECORD TITLE	CHANGE
	Deletion	General/Miscellaneous	Contracts
	Deletion	Telephone	Long distance charges; monthly system costs
	Addition	Backup and Recovery Copies of Electronic Records	Email Server(s)
	Addition	Backup and Recovery Copies of Electronic Records	Financial System
	Addition	Backup and Recovery Copies of Electronic Records	Database Server
	Addition	Backup and Recovery Copies of Electronic Records	File Server(s)
	Addition	Backup and Recovery Copies of Electronic Records	Payroll Year End
	Addition	General/Miscellaneous	Contracts and License Agreements
	Addition	General/Miscellaneous	Depreciation Reports and Records
	Addition	General/Miscellaneous	Information Technology Service Request and Response
	Addition	General/Miscellaneous	Hardware and Software Inventory Records
	Addition	General/Miscellaneous	Design and Implementation Project Files
	Addition	General Miscellaneous	System and Data Documentation

DEPARTMENT	ADDITION/DELETION/REVISION	CATEGORY/RECORD TITLE	CHANGE
	Addition	Telephone	Monthly System Costs
	Addition	Telephone	Telephone Billing Records
Police Administration	Addition	Employees/Staff listing	OSHA 300
	Addition	Employees/Staff listing	OSHA 301
Police/Records	Addition	Video Recordings	Surveillance – City Hall & PD
	Revision	Other	Tow Sheets & Related Audit Documents
Public Works	Addition	Miscellaneous	Construction Project Documents with SRF Financing (Bids, architectural, engineering, any and all outside firms, all contracts, drawings, blueprints, invoices and payment records, payroll for contractors and subcontractors, purchase orders, change orders, and any/all other projects documentation generated from project.)
Water & Pollution Control/Admin and Engineering	Addition	CIP/Construction Projects	Construction Project Documents with SRF Financing (Bids, architectural, engineering, any and all outside firms, all contracts, drawings, blueprints, invoices and payment records, payroll for contractors and

DEPARTMENT	ADDITION/DELETION/ REVISION	CATEGORY/RECORD TITLE	CHANGE
			subcontractors, purchase orders, change orders, and any/all other projects documentation generated from project.)

COUNCIL ACTION FORM

SUBJECT: CYRIDE FUEL PURCHASE FOR CALENDAR YEAR 2015

BACKGROUND:

CyRide purchases approximately 350,000 gallons of fuel each year that it divides into smaller purchases every seven to fourteen days. In order to procure fuel, CyRide, in cooperation with the City's Purchasing Division, bid fuel annually for both diesel and biodiesel. Biodiesel usage varies depending on the weather and season as noted below:

Month(s)	% Biodiesel
January – April	5%
May	10%
June – August	20%
September	10%
October – December	5%

For the 2015 calendar year, fuel bids were received November 20, 2014.

The bid document states that fuel will be purchased at the market rate at the time of purchase and the competition for the bid is the vendor's charge above or below that market rate for delivery of the fuel. The following bids were received:

Company	Diesel Cost Over/Under Market Rate	Biodiesel Cost Over/Under Market Rate
Petroleum Traders Corporation	-\$0.0090	\$0.0150
Keck Energy	-\$0.0021	\$0.4600
New Century	\$0.0100	\$0.0100
Elliott Oil Company	\$0.0100	\$0.0100
REG Energy	\$0.0245	-\$0.9000
Fausser Energy Resources	\$0.0485	\$0.0485
Key Cooperative	\$0.0750	\$0.0750

Two firms (Petroleum Traders Corporation and Elliott Oil Company) were significantly higher on both diesel and biodiesel for the above and below market rate. However, two bids (Keck Energy and REG Energy) were very competitive. **Based on a fuel delivery cost analysis of the two competitive bids, REG Energy was determined to be the low bidder by \$4,768.39.** The analysis was based what CyRide would have paid under the two firms pricing for diesel and biodiesel over the previous twelve month period.

In addition to awarding the fuel bid, CyRide will establish a maximum or total contract amount for fuel costs so that the Transit Agency may order fuel when needed every seven to fourteen days under the successful bidder's contract. In estimating CyRide's maximum fuel cost for calendar year 2015, staff estimated its fuel usage for the year and multiplied this times the budgeted price per gallon for the current and next year. (The award spans over two fiscal years, January 2015 through December 2015. This calculation is as follows:

January – June 2015		
172,035 gallons x \$3.50 (2014-2015 budgeted price) =		\$602,122.50
July – December 2015		
178,622 gallons x \$3.35 (2015-2016 budgeted price) =		<u>\$598,383.70</u>
TOTAL ESTIMATED COST		\$1,200,506.20

CyRide received approval for the award and fuel cost from the Transit Board of Trustees at their December 4, 2014 meeting.

ALTERNATIVES:

1. Award the purchase of fuel during calendar year 2015 to REG Energy with the lowest evaluated cost at \$0.0245 above the market rate for diesel and -\$0.9000 below the market rate for biodiesel as well as establish the maximum total contract amount for fuel and delivery not to exceed \$1,200,506.20.
2. Do not accept the bids and request staff to rebid its fuel purchases.
3. Do not accept bids and complete a fuel bid every 7 – 14 days.

MANAGER'S RECOMMENDED ACTION:

This bid reflects the lowest cost to purchase CyRide's fuel from a single vendor and will reduce the administrative burden by eliminating the need to pursue fuel purchases up to every seven days during the year.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby purchasing fuel from REG Energy during calendar year 2015.

COUNCIL ACTION FORM

SUBJECT: **RELEASE FROM DEVELOPMENT AGREEMENT FOR PROPERTY
AT 215 ALEXANDER AVENUE**

BACKGROUND:

Renewable Energy Group (REG) is seeking to have the City Council affirm that the terms of the 1992 development agreement with the City have been satisfied in order to allow a clean title for the purchase of 215 Alexander Avenue.

The City of Ames and Ford Street Development Co., L.C. entered into a development agreement on June 1, 1992 (and subsequently amended) with the establishment of the Ames Community Industrial Park Tax Increment Finance District.

The development agreement specified a timeframe by which the developer had to construct speculative buildings. In addition, the sale prices of vacant land were capped in order to avoid speculative purchases. The agreement also established minimum assessed valuations in order to finance the public improvements within the subdivision.

REG is located at 416 S. Bell Avenue. Prior to their closing on that building, they asked the City Council to approve a resolution that the development agreement regarding that property was satisfied and that there were no further obligations due the City. The City Council approved that resolution on July 8, 2014.

REG is now expanding their operations into a building they wish to purchase at 215 Alexander Avenue. That building is also subject to a development agreement and REG is seeking a resolution expressing that the terms of the agreement have been satisfied.

Staff has reviewed the terms of the agreement and find that they have been satisfied in regards to this property. In addition, the Finance Director has verified there is no outstanding TIF debt for this district.

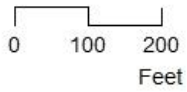
ALTERNATIVES:

1. The City Council can approve the resolution stating that the terms of the 1997 development agreement, as they apply to 215 Alexander Avenue, have been satisfied and that this property is released from the development agreement.
2. The City Council can deny the request.
3. The City Council can refer this item to staff for further information.


MANAGER'S RECOMMENDATION:

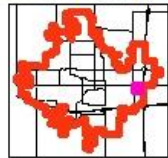
Because this TIF district is fully developed and the debt issued to pay for the infrastructure improvements has been paid off, there is no benefit to the City to retain the company's participation in with the terms of the agreement. Therefore, it is the recommendation of the City Manager that the City Council approve Alternative #1, thereby acknowledging that the terms of the 1997 development agreement, as they apply to 215 Alexander Avenue, have been satisfied and approving the release of this property from the development agreement.

LOCATION MAP



Legend

 215 Alexander Ave.



COUNCIL ACTION FORM

SUBJECT: POWER PLANT MOTOR REPAIR CONTRACT RENEWAL

BACKGROUND:

Electric Services' two coal-fired, high-pressure steam turbine electric generating units are referred to as Units No. 7 and 8. These units require regular professional maintenance and repair. This work consists of regularly planned repairs and services during scheduled outages, as well as emergency service. The repair of these generating units requires professional trade workers such as boilermakers, electricians/control technicians, steam/pipe fitters, and millwrights, to list a few. The units operate under environmental conditions with high heat and high pressure.

Due to these operational conditions, numerous motors are necessary to safely and reliably operate the Power Plant. All of this equipment must be professionally maintained, serviced, adjusted, repaired, and rebuilt. It is not possible for staff to adequately maintain this electrical equipment due to manpower constraints and the specialized nature of the repairs.

Rather than bid and obtain prices for this work multiple times per year with the inconsistency of work and quality as different vendors participate, this work is outsourced on an annual renewable contract basis. This process reduces the City's exposure to market forces regarding prices and availability for labor, travel, and supplies in preparation for a scheduled outage. City staff will save considerable time obtaining quotes, evaluating proposals, preparing specifications, and other procurement documentation.

On February 25, 2014, City Council awarded a contract to Electrical Engineering and Equipment Co., Windsor Heights, IA, for motor repairs to be performed as requested from award date through December 31, 2014, in an amount not-to-exceed \$94,000.

This contract has an option for the City to renew in one-year increments for up to four additional years. This option includes a rate provision which increases rates at fixed percentages above the previous fiscal year contracted rates at time of renewal. The fixed rates for 2015 include labor increases of 1.5% and travel & subsistence increases of 1%. These increases are in accordance with the contract terms initially established. Council should note that is the first out of four possible renewals.

The approved FY 2014/15 operating budget for Electric Production includes \$115,000 for this work. Payments would be calculated on unit prices bid and actual work performed, up to the available budget amount. Council should note that this contract is

off-cycle with our normal budgeting year. Money not spent in FY14/15 will be rolled into the FY 15/16 budget year.

ALTERNATIVES:

1. Approve the contract renewal with Electrical Engineering and Equipment Co., Windsor Heights, IA, for the Motor Repair Contract, IA, for the one-year period from January 1, 2015, through December 31, 2015, and approve the associated contract and bond. Repairs will be scheduled on an as needed basis and payments will be based on unit prices bid and actual work performed. Total repairs for 2015 shall be an amount not-to-exceed \$115,000.
2. Do not renew the agreement and instruct staff to seek new competitive bids.

MANAGER'S RECOMMENDED ACTION:

This contract is necessary to properly maintain motors and to carry out emergency and scheduled repairs resulting from equipment failures. This contract should achieve a consistent, high quality diagnosis, repair and/or overhaul of a motor, and to return it to good operating condition with a minimum of delay and cost.

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

COUNCIL ACTION FORM

SUBJECT: TEXT AMENDMENT FOR MAXIMUM HEIGHT OF ARCHITECTURAL FEATURES IN ALL ZONING DISTRICTS

BACKGROUND:

Heartland Baptist Church is seeking an amendment to the Zoning Ordinance regarding the maximum allowable height for steeples and other architectural features of principle structures. The Church is seeking to construct a new facility on a 21-acre site at 3333 Stange Road where the proposed steeple is 72 feet in height where only 60 feet is allowed. The site is zoned Suburban Low-Density Residential (FS-RL).

Currently, Section 29.401 (4) (b) limits the height of such architectural features to 150% of the maximum height allowed in the zone. This allowance applies to features that have a footprint of 200 square feet or less. For low-density residential zones, the height of a structure is limited to 40 feet. The corresponding overall height, then, is 60 feet to the top of a steeple. For most medium-density zones, the height limit is 50 feet, which allows an overall height of 75 feet to the top of a steeple. High density residential and also commercial zones allow for even higher heights of architectural features.

During review of the Church's plans, it was determined that the proposed steeple was at 72 feet, exceeding the height limit in the low-density zoning district. Several options were presented to the Church. Church representatives chose to request a zoning text amendment rather than rezoning the property to medium density or reducing the height. The City Council authorized proceeding with considering a Zoning Text Amendment at their meeting on October 14.

Proposed Amendment

The proposed amendment allows architectural features, such as steeples, spires, etc. to be either the greater of one and one-half times the maximum height limit in the zone or 75 feet. The full text can be found in the attachment, but the relevant portion is here.

- (b) Architectural features. Steeples, spires, cupolas, clock towers and similar features with a footprint of less than 200 square feet are permitted above the building height limit. The building height, including the architectural feature, shall not exceed the building height limit by the greater of one and one-half times either the maximum allowable height or a total height of 75 feet.

Planning and Zoning Commission Recommendation. The Planning and Zoning Commission met on November 19th and **recommended denial (3-2)** of the proposed text amendment. Those commissioners who recommended denial felt that the amendment was being proposed to serve a particular development project rather than affecting the city as a whole. Some also were concerned about the unintended

consequences of allowing this increase in height in a residential zone as it would apply to all uses and a wide variety of architectural features.

Those commissioners supporting the request believed all text amendments that have been considered by the Commission in the past have been as a result of a particular development project.

The applicant, Pastor Randy Abell of Heartland Baptist Church, indicated that the scale and proportions of the church are best served by the proposed steeple and that reducing it in height would alter the architectural proportions of the building. Pastor Abell noted that a rezoning to RH would solve the height problem.

ALTERNATIVES:

1. The City Council can approve on first reading an ordinance to amend Section 29.401 (4) of the Ames *Municipal Code* to increase the allowable height for architectural features as proposed above.
2. The City Council can deny the proposed amendments as recommended by the Planning and Zoning Commission.
3. The City Council can refer the proposed amendments to the Zoning Ordinance back to staff for specific further information or for further options.

MANAGER'S RECOMMENDED ACTION:

The proposed amendment identifies a problem associated with a pending development project. It would have an impact on only low-density residential districts (RL, FS-RL), the urban-core medium density district (UCRM), and the some commercial districts (NC, CCN, and CCR), all of which have a maximum height limit of 40 feet or less. The change would allow an additional 15-23 feet of height for architectural features for these areas compared to the current limitations.

Staff notes that in all these districts (except the NC), the approval of religious institutions that would likely include a steeple or spire requires a Special Use Permit approved by the Zoning Board of Adjustment (ZBA). Among other things, the ZBA is required to consider the scale of the proposal and its context within the neighborhood as part of its review. Staff believes through this process that a proposed substantial architectural element that may be out of place could be modified to better suit its surroundings.

Uses other than religious institutions do not typically utilize architectural features exceeding the height limit and therefore are unlikely to have wide spread use in the City even with the proposed change.

Therefore, it is the recommendation of the City Manager that the City Council act in accordance with Alternative #1, which is to amend Section 29.406 (4) of the Ames *Municipal Code* to increase the allowable height for architectural features that are less than 200 square feet in size.

ATTACHMENT 1: SECTION 29.401 (4)

Existing:

(4) **Maximum Height Exceptions.** Maximum heights for structures are listed in the individual Zone Development Standards Tables. Exceptions to the maximum heights are set forth below.

- (a) Projections allowed. Chimneys, flag poles, radio and television antennae, satellite receiving dishes, and other similar items with a width, depth or diameter of 5 feet or less may rise above the height limit if within 5 feet above the highest point of the roof. Elevator mechanical equipment may extend up to 16 feet above the height limit. Other rooftop mechanical equipment which cumulatively covers no more than 10% of the roof area may extend 10 feet above the height limit. Parapet walls may extend 10 feet above the height limit.
- (b) Architectural features. Steeples, spires, cupolas, clock towers and similar features with a footprint of less than 200 square feet are permitted above the height limit, but may not exceed one and one-half times the allowable height.

Proposed:

(4) **Maximum Height Exceptions.** Maximum heights for structures are listed in the individual Zone Development Standards Tables. Exceptions to the maximum heights are set forth below.

- (a) Projections allowed. Chimneys, flag poles, radio and television antennae, satellite receiving dishes, and other similar items with a width, depth or diameter of 5 feet or less may rise above the height limit if within 5 feet above the highest point of the roof. Elevator mechanical equipment may extend up to 16 feet above the height limit. Other rooftop mechanical equipment which cumulatively covers no more than 10% of the roof area may extend 10 feet above the height limit. Parapet walls may extend 10 feet above the height limit.
- (b) Architectural features. Steeples, spires, cupolas, clock towers and similar features with a footprint of less than 200 square feet are permitted above the building height limit. The building height, including the architectural feature, shall not exceed the building height limit by the greater of one and one-half times either the maximum allowable height or a total height of 75 feet.

ORDINANCE NO.

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY REPEALING SECTION 29.401(4)(b) & ENACTING A NEW SECTION 29.401(4)(b) THEREOF, FOR THE PURPOSE OF INCREASING THE ALLOWABLE HEIGHT FOR CERTAIN ARCHITECTURAL FEATURES ; REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; PROVIDING A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.

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

Section One. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by repealing Section 29.401(4)(b) and enacting a new Section 29.401(4)(b) as follows:

“Section 29.401 (4)

...

(b) Architectural features. Steeples, spires, cupolas, clock towers, and similar features with a footprint of less than 200 square feet are permitted above the building height limit. The building height, including the architectural feature, shall not exceed the building height limit by the greater of either one and one-half times the maximum allowable height or a total height of 75 feet.”

Section Two. Violation of the provisions of this ordinance shall constitute a municipal infraction punishable as set out by law.

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

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

Passed this _____ day of _____, _____.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor

COUNCIL ACTION FORM

SUBJECT: TEXT AMENDMENT TO ALLOW FRONT YARD PARKING IN RESIDENTIAL DISTRICTS FOR GROUP LIVING USES

BACKGROUND:

The developer of the Northridge Village at 3300 George Washington Carver is a residential development with a continuum of skilled care, assisted living, and independent senior living uses. The developer requested that City Council authorize an application for a text amendment to allow for parking in front of their main building entrance where parking is prohibited in front yards of residential buildings. The Ames City Council referred their request on August 12, 2014 to consider a text amendment for front yard parking.

The Ames Zoning Ordinance prohibits parking and creating parking spaces in the front yards of residential uses and buildings (e.g. single-family homes, apartments, duplexes) in specified residential districts. See current zoning regulations of Chapter 29 Article 4 in Attachment 1. Within the residential zoning districts there is some variability of parking requirements related to non-residential uses, such as for churches and schools, which are not covered by that prohibition. But the developer's uses of skilled care facilities (nursing homes), assisted living, and senior living are classified as Group Living residential uses subject to the restriction on front yard parking.

The developer's project has been approved by the Zoning Board of Adjustment and is currently under construction. The project was approved with a drop-off looped driveway to the main entrance, but without any long term parking spaces. Northridge Village now seeks the inclusion of front entrance visitor parking spaces to accommodate friends, caregivers, and family of residents. Currently visitor parking is situated near side entrances to the building.

Proposed Amendments

The City has grappled with the issues of front yard parking standards a number of times over the past ten years. The changes have been to clarify the restrictions and ensure residential parking is not located between the fronts of buildings except on driveways. These requirements are based on a combination of need for enforcement against illegal parking and aesthetic concerns of parking areas near a street, especially since many intense residential uses can be found adjacent to single-family homes. Even single-family homes are subject to the restriction about having parking spaces in the area between the street and the house, except upon a driveway. While some non-conforming parking can be found, it mostly predates the current Zoning Ordinance of October, 2000. Front yard parking language was most recently amended in 2008 to create the current standards and diagram within the Zoning Ordinance.

Staff has crafted an amendment that will accommodate some degree of front yard parking for certain residential uses. Group Living is a category of residential uses that include assisted living and skilled care facilities as well as boarding houses, dormitories, fraternities, and sororities. It would not apply to Household Living uses such as apartments, single-family homes, etc. See Attachment 2 for information on Residential Use types from the Zoning Ordinance.

The current ordinance specifically describes where the front yard is located for residential uses and buildings. See the diagram in Attachment 1. In that diagram, the front yard is shown as the area between the street and any façade, whether primary, recessed, or secondary. See Attachment 3 for the definitions from the Zoning Ordinance of these facades.

The proposed amendment would require parking to be behind the primary façade only. For a structure that has an “ell” or “wing” extending toward the street creating a primary facade, parking in the front yard can be accommodated as long as it is behind the forward-most portion of the building and meets the required setback. The proposed amendment retains the prohibition for corner lots. This is due to the highly visible nature of corner lots.

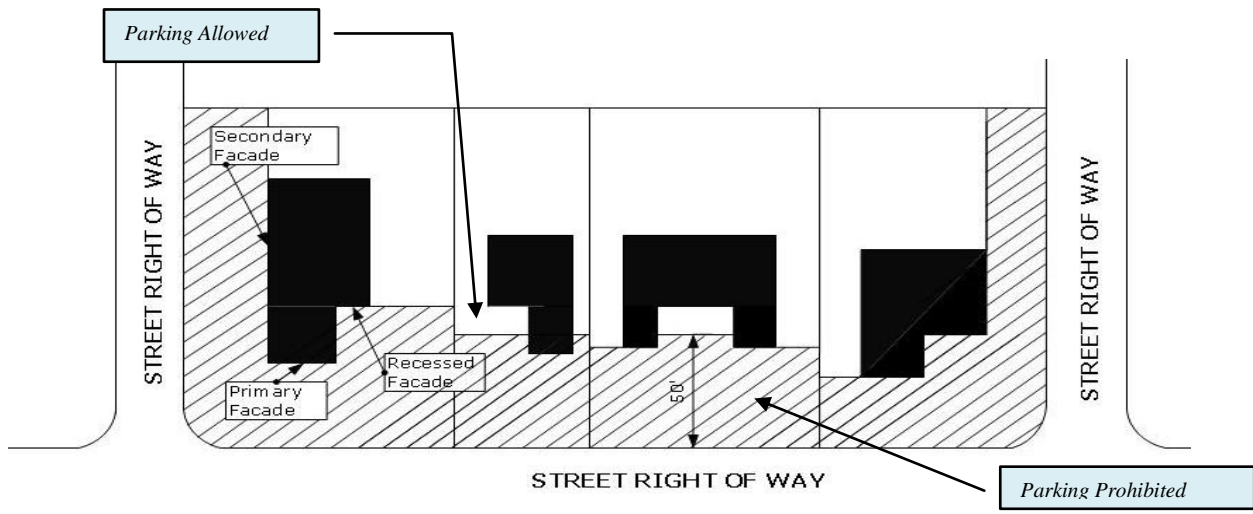
The proposed amendment also imposes a greater setback of 50 feet for this front yard parking. To be compatible with the aesthetic interest of limiting parking in front of buildings, staff recommends adding a large setback in combination with being behind the primary façade. This setback would be a minimum of 50 feet, rather than the typical minimum of 25 feet for a building. All such parking areas are also subject to the landscaping requirements of Section 29.403.

The proposed amendment inserts a new paragraph (c) and relabels the existing corresponding sections:

(c) For Group Living uses in any “RL”, “RM”, “RH”, “UCRM, FS-RL”, or “FS-RM” zone, no parking shall be permitted between the primary façade and the street on an interior lot. In addition, any parking between a recessed façade and the street shall require a setback of 50 feet. Parking is permitted in the side or rear yard. On a corner lot, no parking is allowed between the street and any secondary façade.

The next paragraph in the existing ordinance is amended to refer to Household Living and Short-term Lodging only and maintains the language for the current standards.

While not a part of the ordinance, the following diagram indicates where parking would continue to be prohibited for Group Living and where it would be allowed.



City staff considered other alternatives, but discounted them as being impractical or creating a broader range of instances when front yard parking is allowed. These include:

- Allowing front yard parking for Group Living without any other standard for setback. This is problematic as it would apply to the great number of Greek facilities, which largely are adjacent to residential uses, and change neighborhood character.
- Allowing for front yard parking areas only if approved through a Special Use Permit. Group Living uses do not require a Special Use Permit in all residential zoning districts. To do this would require that they become special use permits in all zones.
- Allowing for a limited number of “visitor” parking at a main entrance. This alternative was not considered practical from an enforcement aspect.
- Eliminating the restriction of front yard parking between building and street would have a substantial impact on community character.

Planning and Zoning Commission Recommendation. The Planning and Zoning Commission met on November 4th and recommended approval (5-0) of the proposed text amendment. The commissioners wondered how this would affect parking for Greek houses and dormitories (both Group Living uses) but, following the explanation from staff, felt assured that existing Greek houses would not be able to use this provision. Staff explained that in the University Impact Areas lot configurations and zoning standards for facades make use of the new front yard provision unlikely.

The applicant, Gib Wood of Scenic Development, stated the need for front yard parking is due to the limited mobility of some of the visitors, the interior location of the main reception area, and the central access to the three wings of the building from the main front entrance. In their design, the parking would be behind the primary façade and blend into the site.

ALTERNATIVES:

1. The City Council can approve on first reading the ordinance to amend Section 29.406 (7) of the *Ames Municipal Code* with an allowance for front yard parking for Group Living based on the proposed language above.
2. The City Council can decline the first reading of the ordinance for the proposed amendment.
3. The City Council can refer the proposed amendments back to staff for specific further information or for further options.

MANAGER'S RECOMMENDED ACTION:

Front yard parking is an important issue for community character and convenience. Parking demand is high for residential uses in general with nearly every household having at least one vehicle and, often, several. Multi-family properties, in particular, often have a vehicle for every resident. Maintaining a pleasant streetscape in residential neighborhoods has been an important goal of this section of the Zoning Ordinance. The Zoning Ordinance language matches that of the City's parking restrictions in Chapter 18 to allow for uniform enforcement.

However, some uses, although classified as residential, can be considered almost institutional in their function—having a larger degree of temporary visitors. In the case of skilled care and assisted living, visitors can include family, friends, care-givers, visiting physicians and other health care providers, and social workers. For these uses, having convenient parking near the front entrance or front lobby may be an important consideration for the siting of these types of projects.

Staff has crafted an amendment that allows for such front yard parking in limited circumstances. Allowing parking behind a primary façade still emphasizes development of the lot with the building as the primary focus rather than a parking lot. The 50-foot setback requires a parcel large enough to accommodate that setback in addition to the principle structure. In relation to Greek homes that are classified as Group Living, it would be unlikely that the change would promote front yard parking for those existing properties due to the limited size of the existing sites. The proposed language will address the applicant's particular site as the building has "wings" on the ends extending towards the street and the area between the inner recessed façade and the street is setback more than 50 feet from the roadway.

Therefore, it is the recommendation of the City Manager that the City Council act in accordance with Alternative #1, which is to amend Section 29.406 (7) of the *Ames Municipal Code* to include an allowance for front yard parking based on the above proposed language.

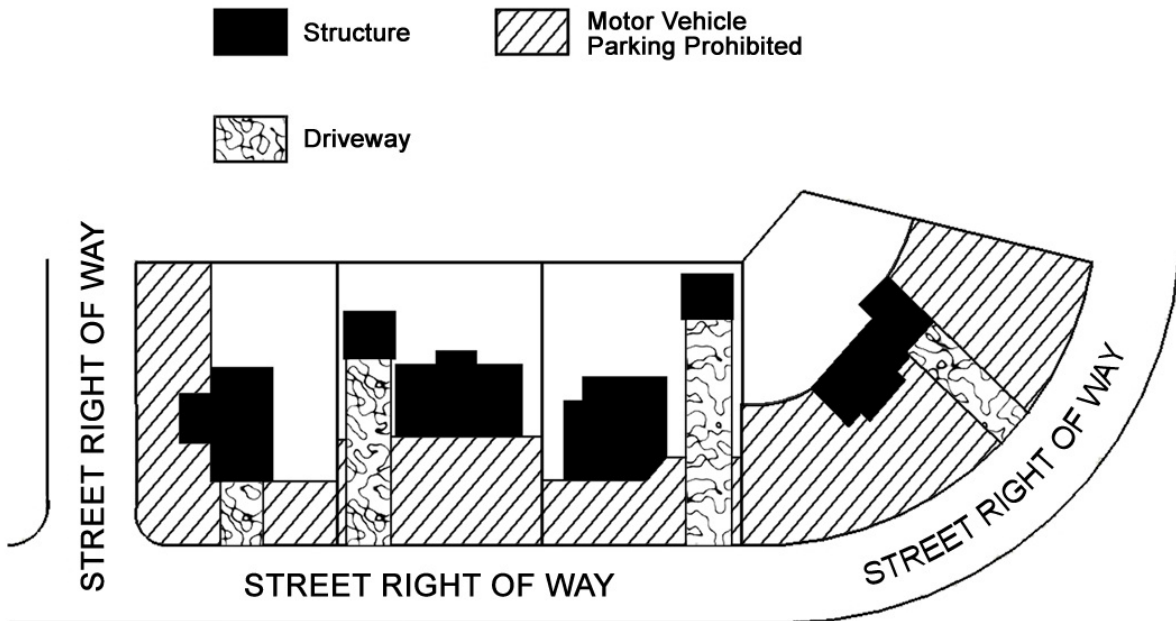
ATTACHMENT 1: EXISTING SECTION 29.406 (7) [EXCERPT]

(c) Under no circumstances shall vehicular parking be permitted in the front yard of any residential building in any "RL", "RM", "RH", "UCRM", "FS-RL", or "FS-RM" zones, except upon a driveway that leads to the side or rear yard or to an attached garage; and, one parking space is permitted in the front yard in the case where there is an existing, one car attached garage and there is insufficient room between the side of the attached garage and the side property line. Such space shall meet the following requirements:

- i) The parking space shall not exceed nine (9) feet in width;
- ii) The parking space shall be contiguous to and parallel to the existing driveway; and,
- iii) The parking space shall be located between the existing driveway and the side property line.

There shall be no installation at grade of any expanse of asphalt, concrete, gravel, brick, or other form of paving by any material whatsoever without the written authorization of the Zoning Enforcement Officer. Such authorization shall be granted only if under the facts and circumstances of the particular situation it is unlikely that the paving will facilitate the use of the front yard, or any part thereof, for the parking of vehicles, except on a driveway as stated.

(e) As used in this section, front yard means the open space in that portion of a yard between the street and the face of the structure and a line originating from the left side of the lot and extending to the right side of the lot. The line, as viewed from the street, shall extend parallel to the street to the nearest corner of the principal structure and then along the face of the principal structure to the right corner, and from that point on a line parallel to the street to a point on the right lot line. As used in this section, the face of a principal structure shall be any and all portions of the structure fronting on a street. The front yard shall not include any portion of the city right-of-way. A corner lot shall be deemed to have two front yards.



ATTACHMENT 2: RESIDENTIAL USE TYPES [EXCERPT OF TABLE 29.501(4)-1]

Group Living

Definition. Residential occupancy of a structure by a group of people who do not meet the Household Living definition. Size is larger than the average household size. Average length of stay is 60 days or longer. Structures generally have a common eating area for residents. Residents may receive any combination of care, training, or treatment, or none of these, as long as they also reside at the site.

Uses Included

- Assistant Living Facilities
- Boarding, rooming or lodging houses and single room occupancy (SRO) hotels with more than 6 units
- Congregate housing
- Dormitories or residence halls
- Fraternities and sororities
- Hospices
- Nursing and convalescent homes
- Residences for the physically disabled, mentally retarded, or emotionally disturbed which do not meet the definition of Family Home
- Transitional Living Facilities, such as halfway houses for former offenders

Household Living

Definition. Residential occupancy of a dwelling unit by a family, where the average length of stay is 60 days or longer.

Uses Included

- Apartment Building
- Manufactured Housing
- Other structures with self-contained dwelling units
- Single Family Attached Dwellings
- Single and Two-family houses
- Single Room Occupancy Housing (SRO's), if the average length of stay is 60 days or longer, there are no common dining facilities, and there are 6 units or less

Short-Term Lodging

Definition. Facilities offering transient lodging accommodations to the general public, where the average length of stay is less than 60 days.

Uses Included

- Boarding, rooming or lodging houses and single room occupancy (SRO) hotels, where the average length of stay is less than 60 days.
- Bed and breakfasts
- Hotels
- Motels
- Recreational vehicle parks

ATTACHMENT 3: SECTION 29.201 [EXCERPT]

(69) **Facade, Primary** means the front or face of a building which faces the front yard and is located nearest the front property line.

(70) **Facade, Recessed** means the front or face of a building which faces the front yard and is set back from the front property line a distance greater than that of the Primary Facade.

(71) **Facade, Secondary** means that portion of a building which is adjacent to the side yard and faces the street. A secondary facade only occurs on a corner lot.

ORDINANCE NO.

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY REPEALING SECTION 29.406 (7)(c), (d), & (e) AND ENACTING A NEW SECTION 29.406(7)(c), (d), & (e) AND ADDING A NEW SECTION 29.406(7)(f) THEREOF, FOR THE PURPOSE OF ALLOWING FRONT YARD PARKING IN RESIDENTIAL DISTRICTS FOR GROUP LIVING USES; 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 29.406(7)(c), (d), (e), and adding Section 29.406(7)(f) as follows:

“Sec. 29.406. OFF-STREET PARKING.

...

(7) Locating Parking Spaces in Front Yard.

...

(c) For Group Living uses in any “RL,” “RM,” “RH,” “UCRM,” “FS-RL,” or “FS-RM” zone, no parking shall be permitted between the primary façade and the street on an interior lot. In addition, any parking between a recessed façade and the street shall require a setback of 50 feet. Parking is permitted in the side or rear yard. On a corner lot, no parking is allowed between the street and any secondary façade.

(d) Under no circumstances shall vehicular parking be permitted in the front yard of any Household Living or Short Term Lodging uses in any "RL", "RM", "RH", "UCRM", "FS-RL", or "FS-RM" zones, except upon a driveway that leads to the side or rear yard or to an attached garage; and, one parking space is permitted in the front yard in the case where there is an existing, one car attached garage and there is insufficient room between the side of the attached garage and the side property line. Such space shall meet the following requirements:

- i) The parking space shall not exceed nine (9) feet in width;
- ii) The parking space shall be contiguous to and parallel to the existing driveway; and,
- iii) The parking space shall be located between the existing driveway and the side

property line.

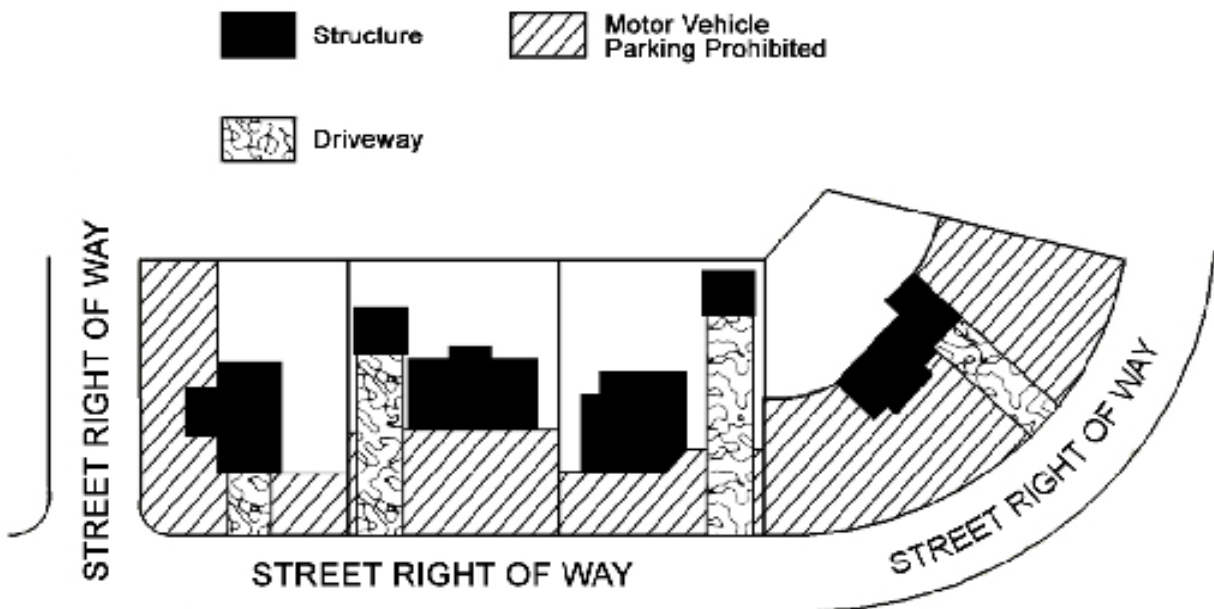
There shall be no installation at grade of any expanse of asphalt, concrete, gravel, brick, or other form of paving by any material whatsoever without the written authorization of the Zoning Enforcement Officer. Such authorization shall be granted only if under the facts and circumstances of the particular situation it is unlikely that the paving will facilitate the use of the front yard, or any part thereof, for the parking of vehicles, except on a driveway as stated.

(Ord. No. 3591, 10-10-00, Ord. No. 3675, 8-27-02).

(e) For one and two family dwellings with access only from either Grand Avenue, Thirteenth Street, Duff Avenue, or Lincoln Way, and located on a segment of one of those streets where the Public Works Department can confirm an average weekday traffic count of not less than 12,000 vehicles per day, there may be a paved area appended to the driveway as a space in which a motor vehicle can be turned around to avoid backing

onto the street. The dimensions of the said turning space shall be no greater than reasonably convenient to that purpose. The dimensions and configuration of that space shall be approved in writing by the Department of Planning and Housing prior to construction. A Building/Zoning Permit per Section 29.1501 shall be required for installation of the turn-around.

(f) As used in this section, front yard means the open space in that portion of a yard between the street and the face of the structure and a line originating from the left side of the lot and extending to the right side of the lot. The line, as viewed from the street, shall extend parallel to the street to the nearest corner of the principal structure and then along the face of the principal structure to the right corner, and from that point on a line parallel to the street to a point on the right lot line. As used in this section, the face of a principal structure shall be any and all portions of the structure fronting on a street. The front yard shall not include any portion of the city right-of-way. A corner lot shall be deemed to have two front yards.



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

ITEM # 11
DATE: ~~11-25-14~~

COUNCIL ACTION FORM

SUBJECT: CONSTRUCTION LOAN FOR NEW WATER TREATMENT PLANT

BACKGROUND:

In financing the City's new 15-million-gallon-per-day water treatment plant, the City Council determined that the most economical financing option for construction of the plant is the Iowa Drinking Water State Revolving Fund (DW SRF).

On January 24, 2012, Council authorized the use of a DW SRF planning and design loan to fund the design of the new treatment plant. These design loans can be rolled into a DW SRF construction loan or be repaid when another form of permanent financing is in place.

The most economical way to finance the entire plant – including both design and construction – is to enter into one permanent loan for all work associated with the water plant project. This will include plant design, plant construction, special inspections, construction of the pipeline between the old and new plants, lime sludge disposal and pond modifications, and easements.

The consolidated construction loan amount requested includes these **estimated** expenses:

Planning and Design Expenses (includes land)	\$	6,870,000
Easement Acquisition		50,000
Water Plant Construction		52,497,000
Engineering Construction Administration		3,574,000
Special Inspections		400,000
Lime Sludge Disposal		1,573,000
<u>Pipeline Construction</u>		<u>5,281,000</u>
Subtotal		70,245,000
<u>Contingency, ~ 10% of construction activities</u>		<u>5,980,000</u>
Total Construction Estimate		76,225,000
<u>SRF Loan Origination Fee (0.5% of loan)</u>		<u>381,000</u>
Total SRF Loan		76,606,000

Repayment of the SRF loan will be from revenues generated in the Water Fund. Water Fund balance projections shared with the City Council in April 2014 accounted for the anticipated debt service for this project, and the user rate increases needed to fund the

project are already complete. The project was placed on the DW SRF Intended Use Plan in December of 2009, a step that needed to be accomplished prior to entering into the loan agreement. The next step is for the City to hold a public hearing prior to taking action to incur debt. Immediately following the hearing, Council can authorize execution of the construction loan.

ALTERNATIVES:

1. Establish December 9, 2014 as the date to hold a public hearing and take action on a loan agreement with the Iowa Finance Authority to construct a new water treatment plant in an amount not to exceed \$76,606,000.
2. Establish December 9, 2014 as the date to hold a public hearing and take action on a loan agreement with the Iowa Finance Authority to plan and design for a new water treatment plant in some other amount.
3. Direct staff to seek alternative financing options for the construction expenses.

MANAGER'S RECOMMENDED ACTION:

Entering into this loan agreement is necessary to complete financing for the new water treatment plant. Moving forward utilizing the Drinking Water State Revolving Fund is the most economical way to finance the project for our utility customers.

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

COUNCIL ACTION FORM

SUBJECT: LEASE WITH VERIZON WIRELESS TO PLACE A CELLULAR ANTENNA AT SQUAW CREEK COMMUNITY GARDENS

BACKGROUND:

Since March 2012, City staff has been in discussions with a firm representing Verizon Wireless to place a cellular antenna on City property. Following these negotiations, City staff and Verizon have tentatively agreed to terms for leasing this property.

Proposed Site:

The proposed site is located south of the Department of Transportation approximately 350 feet east of South Maple Avenue near the Park and Recreation Department's Squaw Creek Community Gardens. The proposed lease area is approximately 3,800 square feet. Verizon would install an equipment shed and a monopole antenna, both enclosed by a fence. The antenna would be 129 feet tall and could accommodate Verizon and two future wireless carriers. Each future carrier would require its own equipment shed within the site.

Although the antenna is 129 feet in height, the lower half is shielded by mature trees. This situation is similar to the cellular antenna on City property at Homewood Golf Course, which is set into the forested area and shielded from most public exposures.

Because this site is located in the floodway fringe, Verizon must obtain a Conditional Use Permit from the Zoning Board of Adjustment (ZBA) prior to development. This permit requires three key conditions: 1) All electrical connections on site must be elevated to three feet above the base flood elevation, 2) No fuels or other materials that could become a hazard in the event of a flood may be stored on site, 3) A licensed engineer must certify that a 100-year flood would rise no higher with this installation. Verizon has already met this final requirement.

At its meeting on December 19, 2013, the Parks and Recreation Commission unanimously recommended that the City Council approve a contract for Verizon to use this location. In January 2014, City Council approved an agreement providing Verizon temporary access to the site to conduct tests and take measurements.

Although cellular antennas are a visual disruption, this site minimizes this issue compared to other potential locations in this area. Trees would shield the antenna from view for several hundred yards to the east, west, or south. The northern exposure of the antenna would be visible from the DOT's equipment lot, but the nearest public right of way with a clear view of this antenna is approximately 800 feet to the north.

With this antenna installation and another antenna project at Jack Trice Stadium, it is anticipated that Verizon will no longer need to place temporary antennas outside Jack Trice Stadium to effectively serve its customers during the ISU football season. It should be noted that the City's emergency responders rely on Verizon's network for a substantial part of their communications equipment. Improving Verizon service is anticipated to be very helpful to emergency communications in this area, particularly during football game days.

Proposed Lease Terms:

The proposed lease term is for five years, which automatically renews five times (for a total of 30 years). Verizon would make a one-time payment of \$4,800 to the City. Monthly rent would be \$1,800, which would increase by 3% annually. The City and Verizon would equally divide the rent from any future sub-lessees. Revenues from this agreement would be deposited in the General Fund. In consideration of the installation of the antenna on park property, City staff recommends that the one-time payment be deposited in the Park Development Reserve portion of the Local Option Sales Tax Fund. The proposed lease terms are competitive with the City's other wireless antenna leases and leases with public entities elsewhere in the state.

Should the City Council approve a lease with Verizon for this area, Verizon would be required to obtain a Special Use Permit prior to construction of an antenna. To do this, Verizon must present evidence to the ZBA to justify this particular location and design. According to the lease, monthly rental payments begin when construction commences.

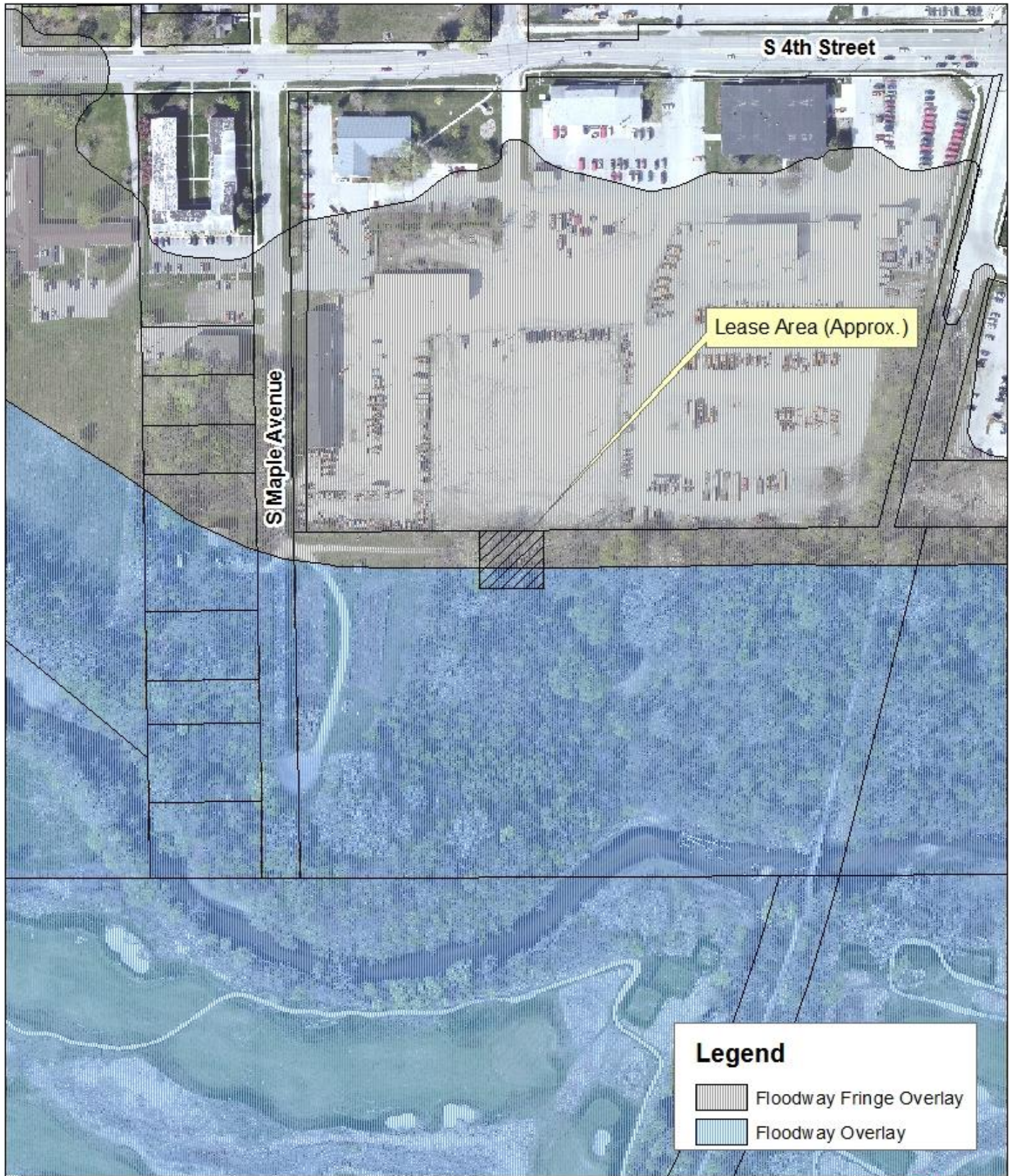
ALTERNATIVES:

1. Approve a lease agreement with Verizon Wireless to place a cellular antenna on City property near the Squaw Creek Community Gardens.
2. Direct staff to modify the proposed lease agreement with Verizon Wireless.
3. Do not approve a lease with Verizon Wireless.

MANAGER'S RECOMMENDED ACTION:

The City has previously entered into contracts with a number of cellular providers to use City property for cellular antennas. This location would help Verizon improve network coverage at Iowa State athletics facilities and in the adjacent area. This location would also benefit City emergency responders who rely on Verizon's network. Additionally, Verizon would fairly compensate the City for the use of this property.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving a lease agreement with Verizon Wireless to place a cellular antenna on City property near the Squaw Creek Community Gardens.





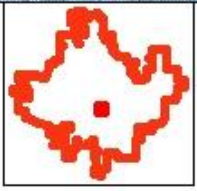
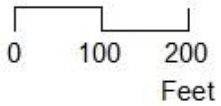
S 4th Street

S Maple Avenue

Lease Area (Approx.)

Legend

-  Floodway Fringe Overlay
-  Floodway Overlay



COUNCIL ACTION FORM

SUBJECT: REQUESTED PURCHASE OF ALLEY BETWEEN 11TH STREET AND 12TH STREET – GRAND AVENUE TO THE ALLEY EAST OF GRAND AVENUE

BACKGROUND:

On July 8, 2014 City Council referred a request from the property owner at 620 - 12th Street regarding the possible purchase of the alley behind the property. That area is shown in Attachment A.

After reviewing documents regarding the existing alley, staff determined that the alley was vacated on April 14, 1992 by Ordinance 3166. The north half (8') of the western 100' and the alley was quit claim deeded to the property owner of 1118 Grand Avenue, while the south half (8') of the western 100' was quit claim deeded to the property owner at 1112 Grand Avenue. The south 8' of the alley was sold to the property at 621 - 11th Street, but staff was unable to find the official record other than the Story County Assessor's website. These areas, as well as the total areas being considered for sale, are also shown in Attachment A. It should be noted that the property at 620 - 12th Street would not be able to purchase their piece unless either they or the property owner(s) of 1112 and or 1118 purchase the pieces adjacent to 1112 and 1118 Grand, as this would create an island parcel of City land.

In accordance with City Policy, Staff performed a valuation of the requested area as well as the adjacent areas within the alley. These valuations were then sent to all adjacent property owners along with an inquiry as to the property owners' interest in purchasing the alley portions immediately adjacent to their property. **To date, all property owners are interested in the purchase of their respective portions of the alley.** These areas and the property valuations are shown in Attachment B. All existing easements will remain in place.

ALTERNATIVES:

1. Initiate the process for the sale and conveyance of these parcels, set December 9, 2014 as the date of public hearing, and direct the City Clerk to publish notice of these proposed sales as follows:
 - Piece A to Jessica Jane in the amount of \$1,339.20;
 - Piece B to Catherine and William Byrd in the amount of \$1,339.20;

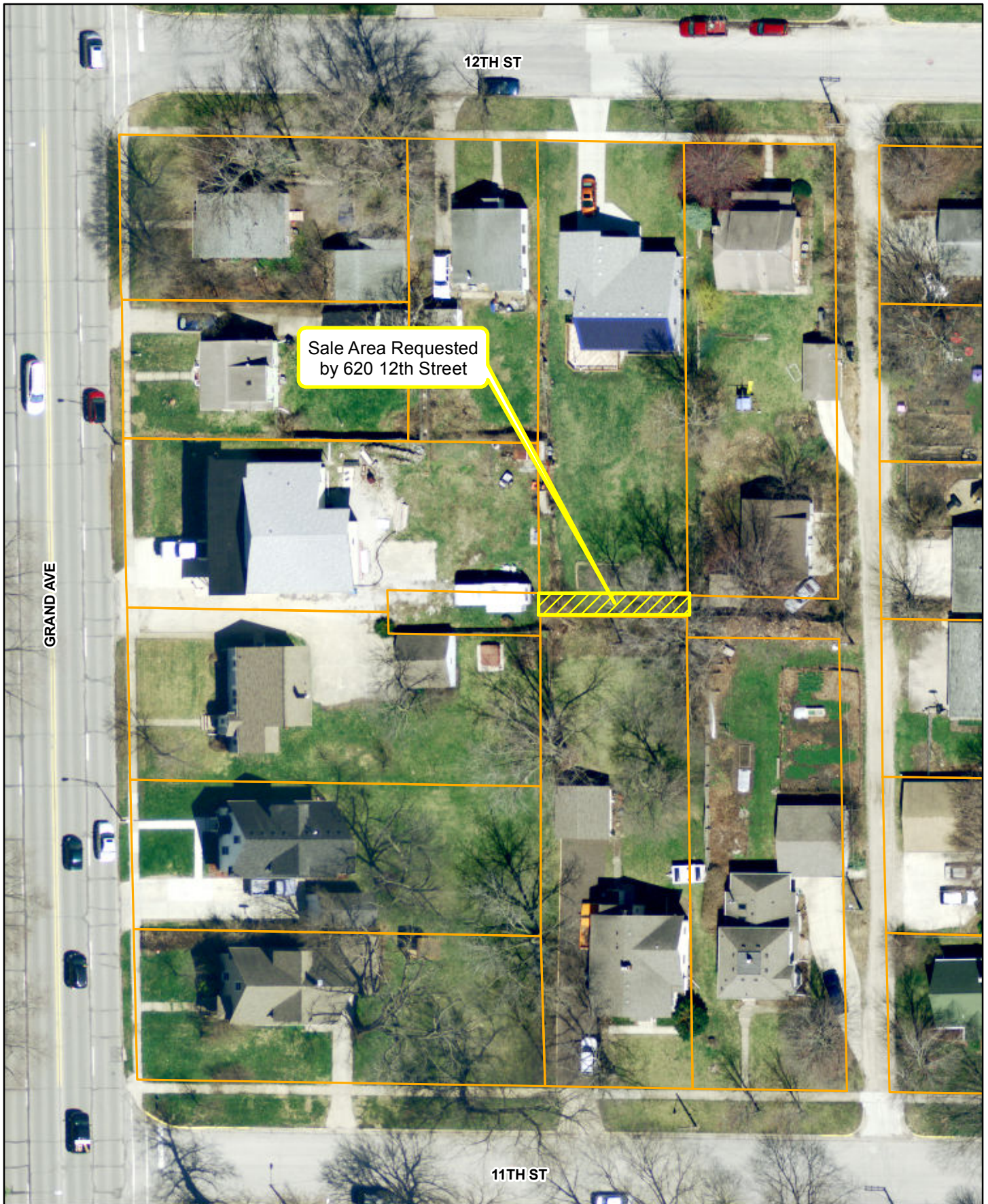
- Piece C to Nirmalendu and Srimati Majumdar in the amount of \$1,267.78;
- Piece D to Laura Jesse in the amount of \$1,267.78;
- Piece E to Matthew Leibman in the amount of \$ \$1,276.70.

2. Retain the land and deny the request to purchase the alley.

MANAGER'S RECOMMENDED ACTION:

These alley remnants no longer function as a connection to Grand Avenue. All of the adjacent property owners are willing to purchase their respective pieces, as well as to maintain all existing easements.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby initiating the process for the sale and conveyance of these parcels, setting December 9, 2014 as the date of public hearing, and directing the City Clerk to publish notice as shown above.



Sale Area Requested
by 620 12th Street

GRAND AVE

12TH ST

11TH ST

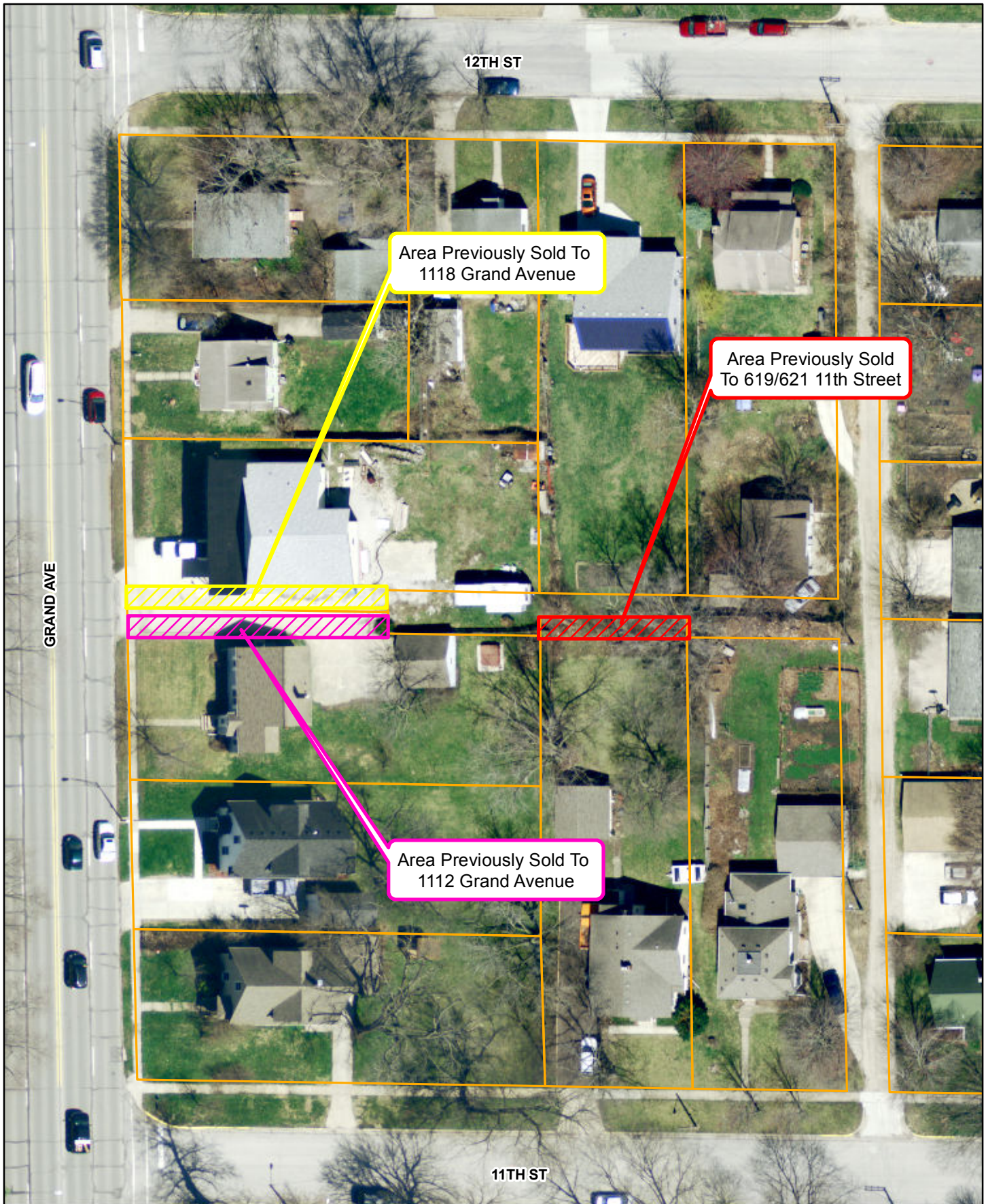
Geographic Information System (GIS) Product Disclaimer: City of Ames GIS map data does not replace or modify land surveys, deeds, and/or other legal instruments defining land ownership & land use nor does it replace field surveys of utilities or other features contained in the data. All features represented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



11th-12th Street Grand to Alley East of Grand Attachment A



Scale: 1 in = 50 ft
Date: 11/21/2014



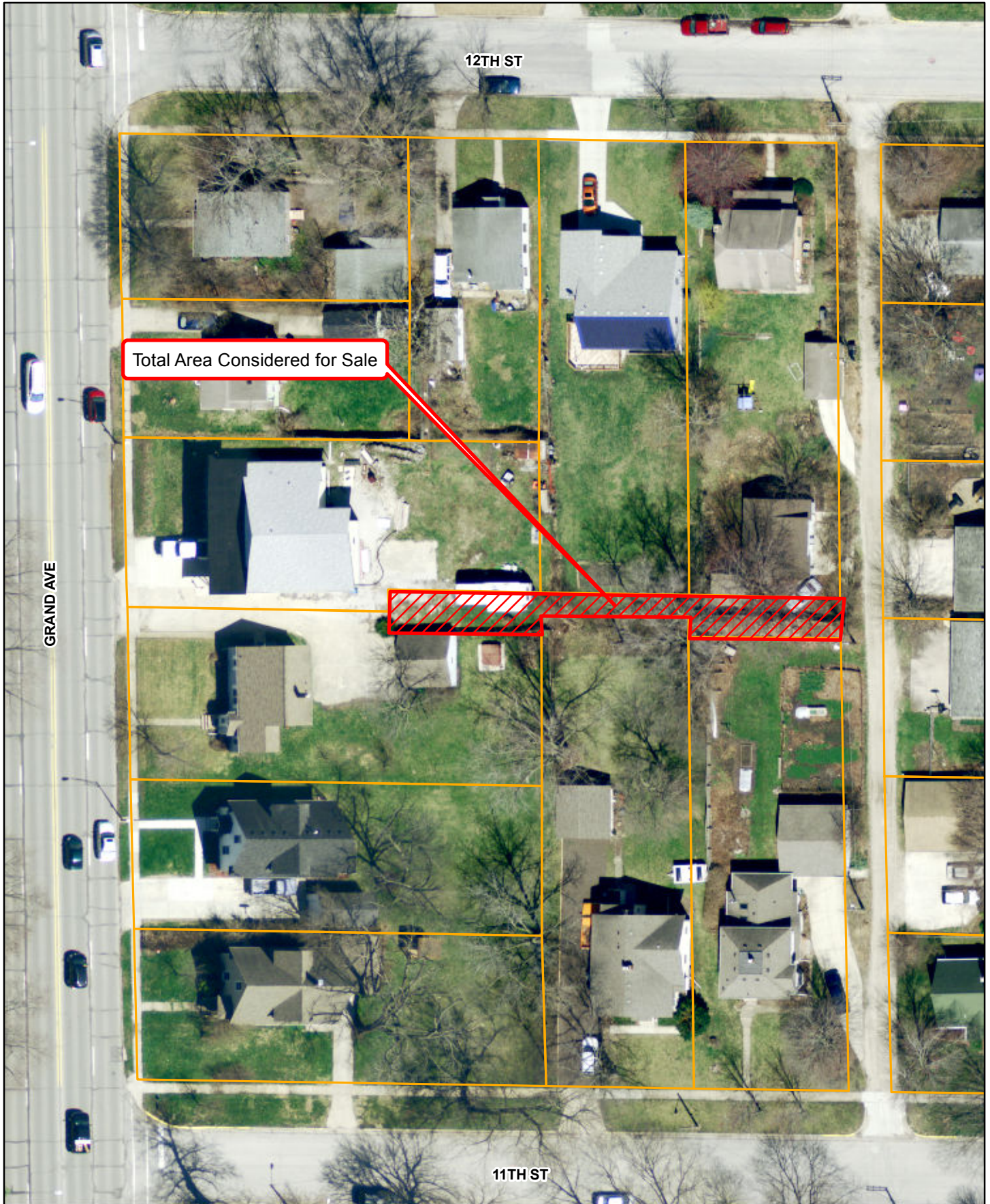
Geographic Information System (GIS) Product Disclaimer: City of Ames GIS map data does not replace or modify land surveys, deeds, and/or other legal instruments defining land ownership & land use nor does it replace field surveys of utilities or other features contained in the data. All features represented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



11th-12th Street Grand to Alley East of Grand
Attachment A



Scale: 1 in = 50 ft
Date: 11/21/2014



Total Area Considered for Sale

GRAND AVE

12TH ST

11TH ST

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



11th-12th Street Grand to Alley East of Grand
Attachment A



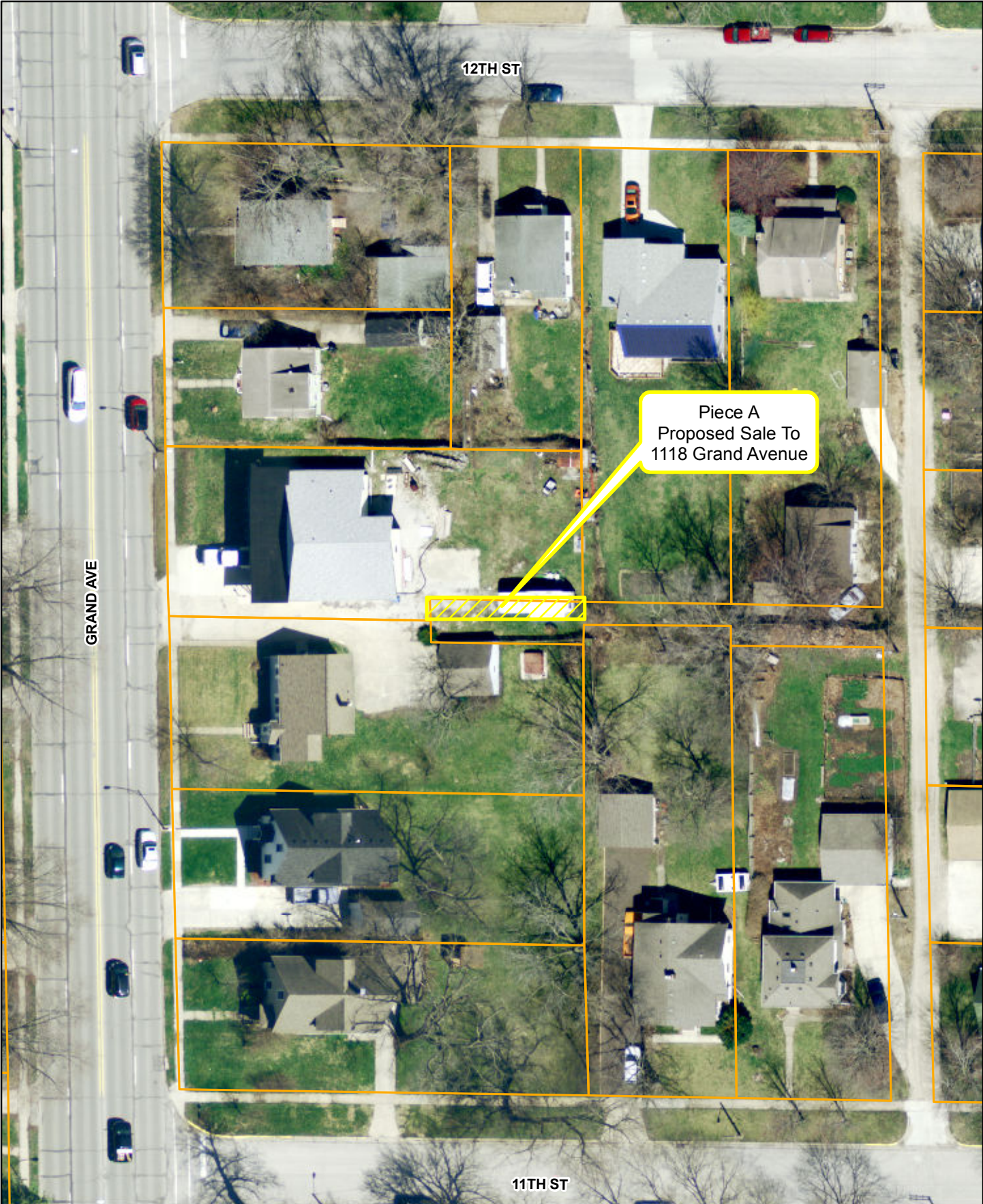
Scale: 1 in = 50 ft
Date: 11/21/2014

**PROPOSED SALE OF CITY LAND
 ALLEY BETWEEN 11TH & 12TH, GRAND TO WILSON
 ATTACHMENT B**

Piece	Address	Assessed SF	Assessed Land Value	\$/SF
A	1118 Grand Avenue	9,984	\$ 32,400	\$ 3.25
B	1112 Grand Avenue	9,984	\$ 35,300	\$ 3.54
C	620 12th Street	9,786	\$ 38,800	\$ 3.96
D	618 12th Street	9,781	\$ 38,400	\$ 3.93
E	615 11th Street	9,849	\$ 38,400	\$ 3.90

Average SF Cost	\$ 3.72
------------------------	----------------

Piece	Alley ROW Abutting Address	Sale Area	Value of Sale Area	Value Minus Deed & Easement
A	1118 Grand (60' x 8')	480.0	\$ 1,785.60	\$ 1,339.20
B	1112 Grand (60' x 8')	480.0	\$ 1,785.60	\$ 1,339.20
C	620 12th (56.8' x 8')	454.4	\$ 1,690.37	\$ 1,267.78
D	618 12th (56.8' x 8')	454.4	\$ 1,690.37	\$ 1,267.78
E	615 11th (57.2' x 8')	457.6	\$ 1,702.27	\$ 1,276.70



12TH ST

GRAND AVE

Piece A
Proposed Sale To
1118 Grand Avenue

11TH ST

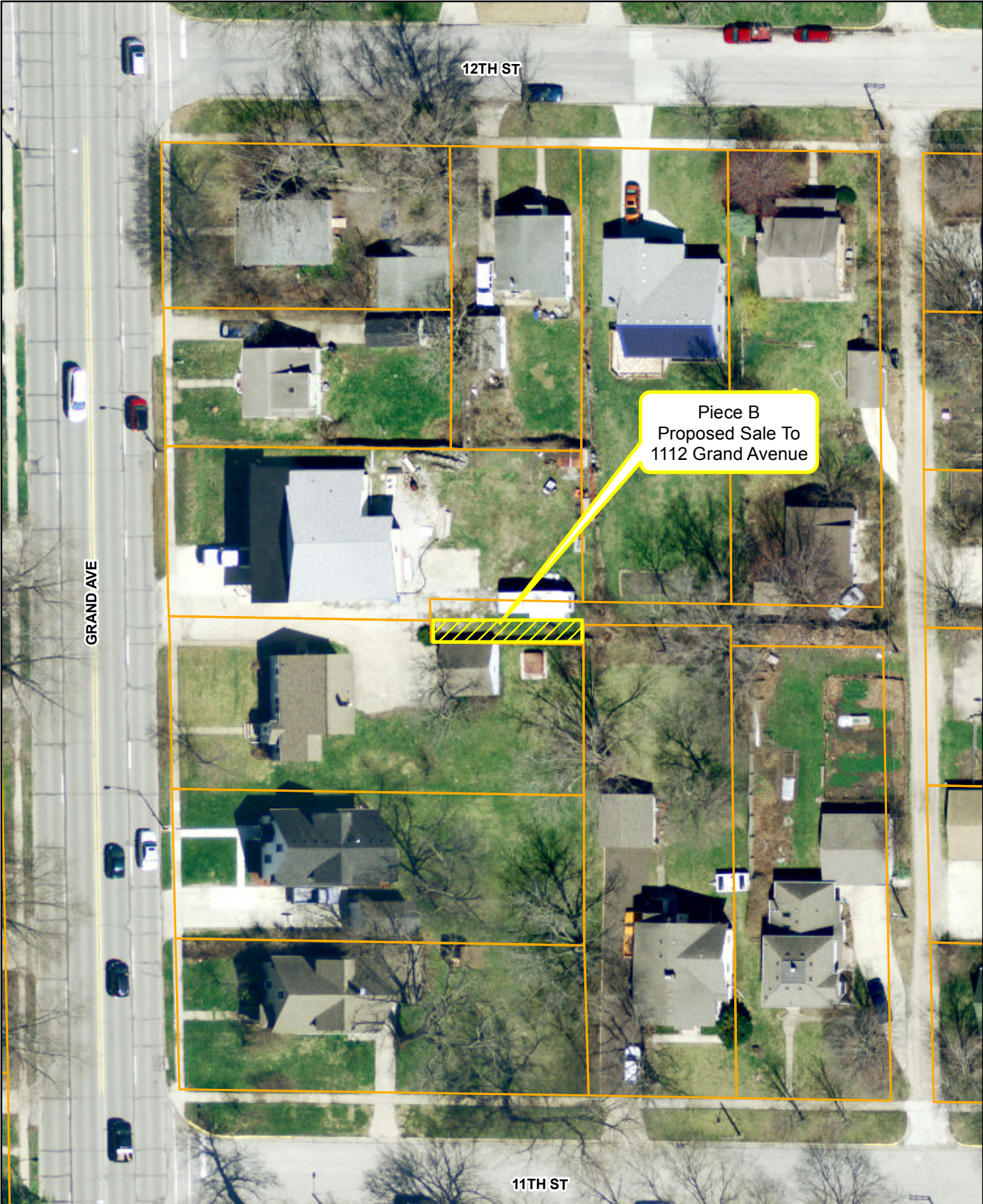
Geographic Information System (GIS) Product Disclaimer: City of Ames GIS map data does not replace or modify land surveys, deeds, and/or other legal instruments defining land ownership & land use nor does it replace field surveys of utilities or other features contained in the data. All features represented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



11th-12th Street Grand to Alley East of Grand
Attachment B



Scale: 1 in = 50 ft
Date: 11/21/2014



Piece B
Proposed Sale To
1112 Grand Avenue



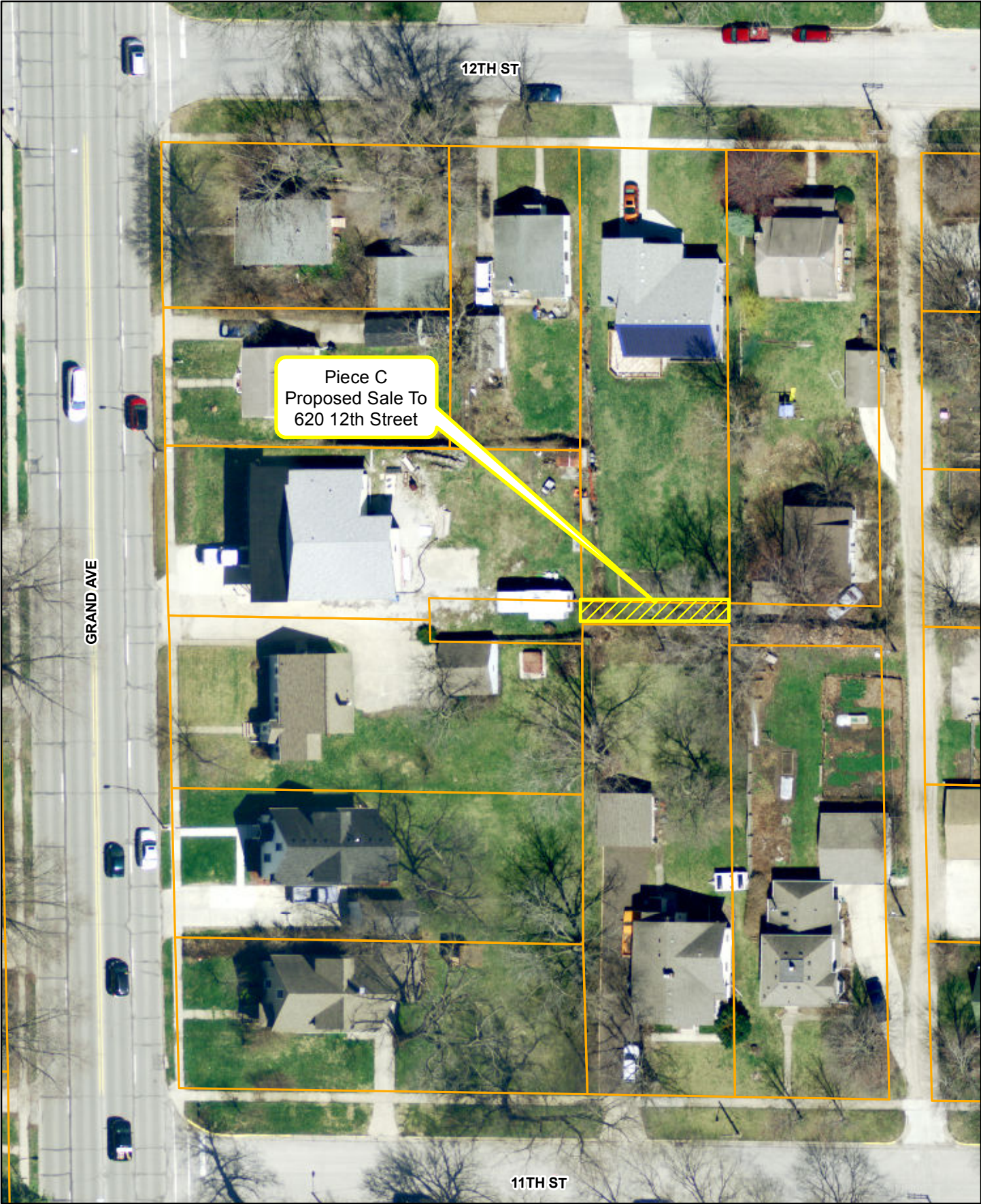
Geographic Information System (GIS) Product Disclaimer: City of Ames GIS map data does not replace or modify land surveys, deeds, and/or other legal instruments defining land ownership & land use nor does it replace field surveys of utilities or other features contained in the data. All features represented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



11th-12th Street Grand to Alley East of Grand
Attachment B



Scale: 1 in = 50 ft
Date: 11/21/2014



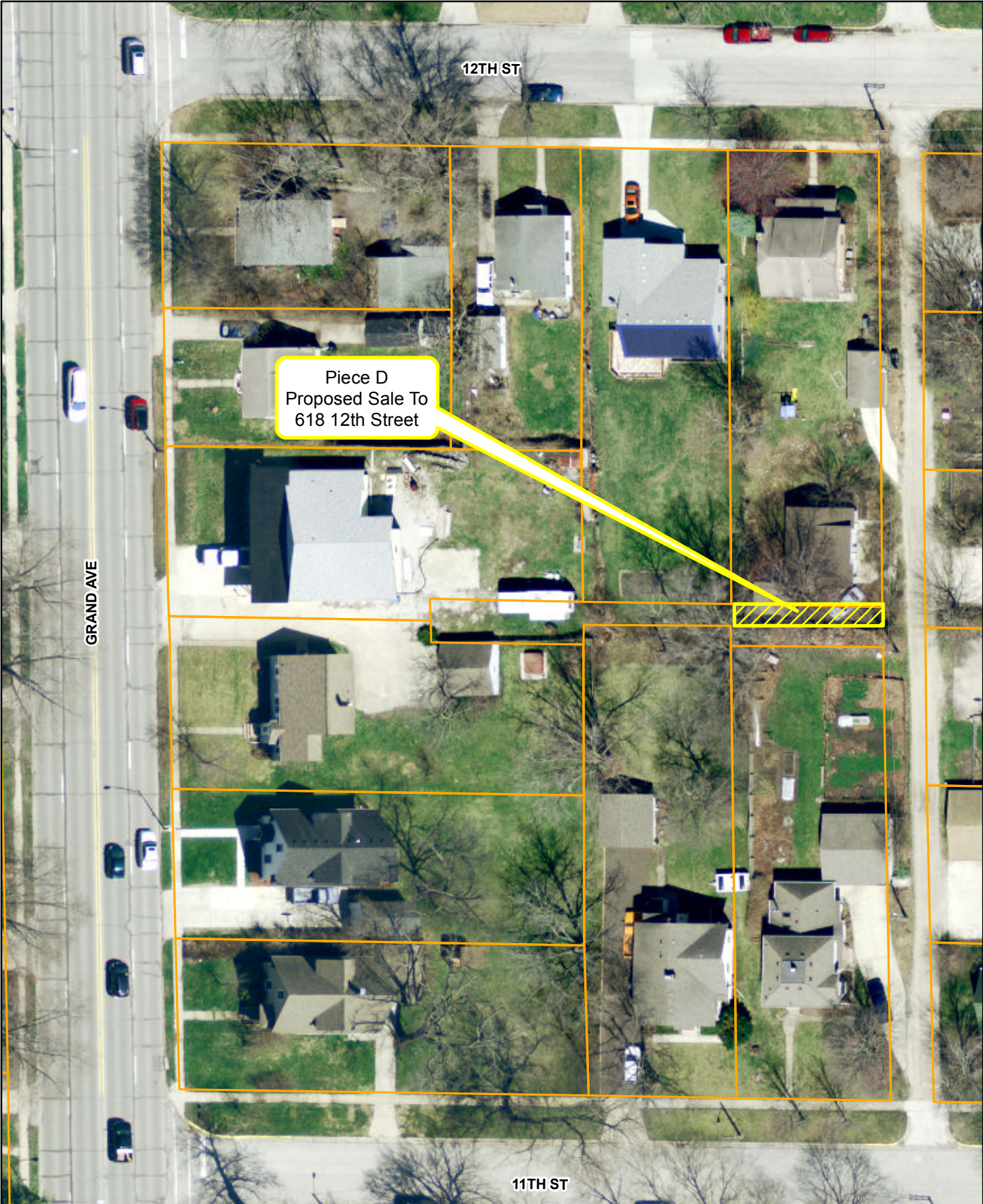
Geographic Information System (GIS) Product Disclaimer: City of Ames GIS map data does not replace or modify land surveys, deeds, and/or other legal instruments defining land ownership & land use nor does it replace field surveys of utilities or other features contained in the data. All features represented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



11th-12th Street Grand to Alley East of Grand
Attachment B



Scale: 1 in = 50 ft
Date: 11/21/2014



Piece D
Proposed Sale To
618 12th Street

GRAND AVE

12TH ST

11TH ST

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



11th-12th Street Grand to Alley East of Grand
Attachment B



Scale: 1 in = 50 ft
Date: 11/21/2014



12TH ST

GRAND AVE

Piece E
Proposed Sale To
615 11th Street

11TH ST

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



11th-12th Street Grand to Alley East of Grand
Attachment B



Scale: 1 in = 50 ft
Date: 11/21/2014

COUNCIL ACTION FORM

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

BACKGROUND:

On October 28, 2014, City Council approved preliminary plans and specifications for the Controls and Relaying Panels for Dayton and Stange Substations.

Bid documents were issued to seventeen potential bidders. The bid was advertised on the Current Bid Opportunities section of the Purchasing webpage and a Legal Notice was published in the Ames Tribune. It was also sent to one planroom.

On November 26, 2014, four bids were received as shown below:

BIDDER	DAYTON	STANGE	TOTAL
Energis High Voltage Resources, Inc Green Bay, WI	\$162,359.00	\$202,557.00	\$364,916.00
Saginaw Power & Automation Saginaw, MN	\$240,061.00	\$265,189.00	\$505,250.00
RSI Global, Inc Harvey, LA	Non-responsive		
Electrical Power Products, Inc Des Moines, IA	Non-responsive		

Electric Services staff reviewed the bids along with an engineer from Black & Veatch Corporation. After the initial evaluation, they determined that the bids submitted by RSI Global, Inc. and Electrical Power Products, Inc. were both non-responsive. RSI Global, Inc.'s bid was non-responsive because they took multiple exceptions to the following critical portions of the bid: 1) testing and commissioning; 2) installation; and 3) debris removal and equipment offloading. Electrical Power Products, Inc.'s bid was non-responsive because they did not sign their bid, which is a mandatory requirement.

Staff and Black & Veatch evaluated the remaining two bids and determined that the lowest responsive bid in the amount of \$364,916.00 submitted by Energis High Voltage Resources, Inc. was technically compliant. However, their bid was 31% more than the Engineer's cost estimate of \$279,000. Therefore, staff has concluded that it would be in the City's best interest to reject all bids received and rebid in order to attempt to obtain competitive bids that are more in alignment with the cost estimate. Additionally, the Engineer from Black & Veatch

has expressed that his “professional opinion that more cost effective proposals would be received if a re-bid occurred”.

The approved FY2013/14 CIP for Electric Services includes \$1,700,000 for engineering, materials, and replacement of the Ames Plant Switchyard Relays and Controls which includes these breakers.

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
\$279,000.00	Estimated cost for Controls and Relaying Panels for the Dayton and Stange Substations (pending Council approval of award 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. a. Accept the report of bids.
 - b. Reject all bids and direct staff to rebid the project.
 - c. Approve the updated preliminary plans and specifications for reissuance of the Controls and Relaying Panels for Dayton and Stange Substations and set January 15, 2015, as the bid due date and January 27, 2015, as the date of hearing and award of contract.
2. Award a contract to Energis High Voltage Resources, Inc., Green Bay, WI for the Controls and Relaying Panels for Dayton and Stange Substations in the amount of \$364,916 (inclusive of Iowa sales tax).
3. a. Do not direct staff to rebid.
 - b. Do not award project.

MANAGER'S RECOMMENDED ACTION:

By choosing Alternative 1, staff and its contracted engineer believe it would be in the City's best interest to reject all bids received and rebid in order to attempt to obtain competitive bids that are more in alignment with the cost estimate.

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

COUNCIL ACTION FORM

SUBJECT: POWER PLANT UNIT #7 FEEDWATER HEATER REPLACEMENT

BACKGROUND:

On October 28, 2014, City Council approved preliminary plans and specifications for the Unit #7 Feedwater Heater Replacement. This 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.

Bid documents were issued to twenty-nine potential bidders. The bid was advertised on the Current Bid Opportunities section of the Purchasing webpage and a Legal Notice was published in the Ames Tribune. The bid was also sent to two plan rooms.

On November 26, 2014, three bids were received as shown below.

Bidder	Alternate 1: 70-30 Cu-Ni Material	Alternate 2: T-22 Material
American Exchanger Services, Inc. Hartford, WI	\$315,427.00	\$283,705.00
8760 Service Group, LLC Sedalia, MO	\$449,996.70	No Bid
SPX Heat Transfer LLC Tulsa, OK	\$623,505.00	\$596,153.00
Council should note that all bids do not include applicable Iowa sales tax since two of the bidders are not licensed to collect.		

Staff reviewed the bids and concluded that the apparent low bid for **Alternate 2: T-22 Material** submitted by American Exchanger Services, Inc., Hartford, WI in the amount of **\$283,705.00** is acceptable. This vendor is not licensed to collect sales taxes for the State of Iowa. As a result, the City will pay applicable Iowa Sales Taxes in the amount \$15,330 directly to the State.

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. Award a contract to American Exchanger Services, Inc., Hartford, WI for the Unit #7 Feedwater Heater Replacement in the amount of \$283,705.00 plus applicable sales taxes in the amount of \$15,330 to be paid directly by the City of Ames to the State of Iowa.
2. Reject all bids which will 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. **The recommended award for the T-22 material is the lowest cost and the stronger material.**

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 City's Water Pollution Control (WPC) Facility was constructed in 1989, and the pump check valves in place at the Trickling Filter Pumping Station are original to the 1989 construction. The check valves on the Station's four process pumps have reached the end of their useful life and are beginning to fail. These 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.

On October 28, 2014, Council issued a Notice to Bidders to replace these check valves. Bids were opened for the project on November 26, 2014. Five bids were received and are summarized below:

Bidders	Total Project Bid Price
Story Construction Company	\$56,700
Woodruff Construction, LLC	\$59,700
Krudico, Inc.	\$65,770
Weidner Construction, Inc.	\$70,000
Riley-Armstrong Plumbing & Heating	\$95,760

The FY 14/15 Capital Improvements Plan includes \$73,000 for this check valve replacement as part of the WPC Plant Facility Improvements project.

ALTERNATIVES:

1. Award the check valve replacement contract to Story Construction Company of Ames, Iowa in the amount of \$56,700.
2. Do not award a contract at this time.

MANAGER'S RECOMMENDED ACTION:

The WPC Facility's Trickling Filter Pump Station pump check valves are critical to the operation of the Facility. The existing valves were installed when the facility was originally constructed in 1989 and are in need of replacement. Failing to address these needs now may result in significant failures in the future that could result in inefficient operation of the facility and ultimately in environmental harm.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby awarding the check valve replacement contract to Story Construction Company of Ames, Iowa in the amount of \$56,700.

COUNCIL ACTION FORM

**SUBJECT: 2014/15 ASPHALT STREET PAVEMENT IMPROVEMENTS
(FERNDALE AVE., COY ST.) AND 2014/15 WATER SYSTEM
IMPROVEMENTS – WATER MAIN REPLACEMENT (COY ST., SOUTH
FRANKLIN AVE.)**

BACKGROUND:

This is the annual program for reconstruction and resurfacing (rehabilitation) of asphalt streets that are typically located in 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. Rehabilitation of existing asphalt streets is possible where the base asphalt layer is solid, but the surface course has failed. This program was created to support City Council's goal of strengthening our local neighborhoods.

The locations for reconstruction of asphalt streets with this project are Ferndale Avenue (24th Street to 30th Street) and Coy Street (South Franklin Avenue west to the end of the street).

The Water System Improvements program provides for replacing water mains in areas that are experiencing rusty water problems. It also provides for installing larger distribution mains in areas that have a high concentration of 4" supply lines, transferring water services from 4" water mains in streets where larger water mains exist, and abandoning 4" water mains. Eliminating duplicate water mains, where possible, improves water flow and helps reduce rusty water. Installing larger distribution lines in areas that have a high concentration of 4" supply lines and less than desirable fire-fighting capacity (predominantly in the older areas of the community) provides larger supply quantities in relation to the current and proposed land uses, in accordance with the Land Use Policy Plan.

The locations for water main replacement with this project are South Franklin Avenue (Tripp Street to Coy Street) and Coy Street (South Franklin Avenue west to the end of the street).

The combining of these two projects is intended to minimize the inconvenience to area residents by consolidating these projects into one construction season. In addition, this strategy should provide cost savings to the City by minimizing patching costs related to the water main work.

On December 3, 2014, bids on this project were received as follows:

<i>Bidder</i>	<i>Bid Amount</i>
Manatt's, Inc., of Ames, Iowa	\$1,217,069.78

With the low bid of \$1,217,069.78 along with estimated engineering and construction administration costs of \$138,940, **total estimated costs are \$1,356,009.78.**

The Asphalt Street Pavement Improvements are shown in the 2014/15 Capital Improvements Plan (CIP) with \$1,250,000 in available funding and the Water System Improvements are shown in the 2014/15 CIP with \$975,000 in funding. Remaining Water System Improvement funds will be utilized at other prioritized locations.

ALTERNATIVES:

- 1 a. Accept the report of bids for the 2014/15 Asphalt Street Pavement Improvements (Ferndale Ave, Coy St) & 2014/15 Water System Improvements (Coy St, South Franklin Ave).
 - b. Approve the final plans and specifications for this project.
 - c. Award the 2014/15 Asphalt Street Pavement Improvements (Ferndale Ave, Coy St) & 2014/15 Water System Improvements – Water Main Replacement (Coy St, South Franklin Ave) to Manatt's, Inc., of Ames, Iowa, in the amount of \$1,217,069.78.
2. Do not proceed with the project at this time.

MANAGER'S RECOMMENDED ACTION:

By approving these plans and specifications, it will be possible to improve the reliability of the water system and to improve both water and street quality for our citizens in this area.

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

ITEM # 20
DATE: 12-09-14

COUNCIL ACTION FORM

SUBJECT: 2014/15 MORTENSEN ROAD IMPROVEMENTS (SOUTH DAKOTA AVENUE TO DOTSON DRIVE)

BACKGROUND:

This project involves the widening of Mortensen Road from South Dakota Avenue to Dotson Drive to accommodate turn lanes, a bus acceleration lane, and consolidation of redundant bus stop locations. This section of roadway has experienced increasing traffic congestion due to on-street Cy-Ride stops in the area, commuter traffic from Iowa State University employees and students, ingress/egress traffic to the Ames Middle School, and increased traffic due to additional housing being constructed in the area. This widening project is shown in the 2014/15 Capital Improvements Plan (CIP) and in the Long Range Transportation Plan.

A development agreement for the Ames Middle School specifies that the Dotson Drive extension will be completed by the Ames Community School District within two years after the South Fork section of Dotson Drive is constructed. This improvement is scheduled to be completed by the end of the 2015 calendar year. **Without these improvements, congestion in this area will continue to increase when Dotson Drive is extended northward.**

The City submitted a Traffic Safety Improvement Program (TSIP) grant application in 2013 to help cover the cost of materials for this project, which equates to \$391,334. After reviewing the grant application, Iowa Department of Transportation officials approved the request and submitted the funding agreement. The TSIP grant requires a local match of 20 percent, which is shown in the 2014/15 CIP with \$110,000 in Road Use Tax funding, bringing **total available funding for this project to \$501,334.**

On December 3, 2014, bids for this project were received as follows:

<i>Bidder</i>	<i>Bid Amount</i>
Manatts Inc. of Ames, Iowa	\$357,904.62
Con-Struct Inc. of Ames, Iowa	\$392,977.20

With the low bid of \$357,904.62 along with estimated engineering and construction administration costs of \$65,000, **total estimated costs are \$422,904.62.**

ALTERNATIVES:

- 1 a. Accept the report of bids for the 2014/15 Mortensen Road Improvements (South Dakota Avenue to Dotson Drive).
 - b. Approve the final plans and specifications for this project.
 - c. Award the 2014/15 Mortensen Road Improvements (South Dakota Avenue to Dotson Drive) to Manatt's, Inc., of Ames, Iowa, in the amount of \$357,904.62.
2. Do not proceed with the project at this time.

MANAGER'S RECOMMENDED ACTION:

By approving these plans and specifications, traffic congestion will be decreased while safety will be increased for our citizens in this corridor.

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

COUNCIL ACTION FORM

SUBJECT: 2014/15 TRAFFIC SIGNAL PROGRAM (UNION DR. & LINCOLN WAY)

BACKGROUND:

The Traffic Signal Program provides for replacing older traffic signals by constructing new traffic signals in the City. This program results in improved visibility, reliability, and signal aesthetics.

Although recent advances in technology have extended the normal, useful life for traffic signal installations well past the previously expected 25 years, some of the older generation traffic signals still in use exceed their functional age. Components at those installations (including conduits, wiring, signal heads, and poles) need to be completely replaced. In addition, this program provides for necessary upgrades to the traffic signal system as technology evolves. In recent years, the traffic signal replacements have included radar detection systems instead of the typical in-pavement loop detection system that frequently was the point of vehicle detection failure. Another advantage of the radar detection system is that it also detects bicycles.

On December 3, 2014, bids for this project were received as follows:

<i>Bidder</i>	<i>Base Bid</i>	<i>Alternates</i>	<i>Base + Alternates</i>
Voltmer, Inc.	\$211,251.64	\$22,926.00	\$234,177.64
KWS, Inc.	\$242,051.25	\$21,300.00	\$263,351.25
Iowa Signal Inc.	\$242,962.95	\$20,634.75	\$263,597.70

With the low bid of \$211,252 along with estimated engineering and construction administration costs of \$14,500, **total estimated costs are \$225,752**. The Capital Improvements Plan includes Road Use Tax Fund funding of \$200,000 for this project. After a detailed review of the bid the items, it was determined that the higher costs were related to the additional ADA equipment, sidewalk ramps, and traffic control requirements seen on this project. Therefore, the remaining balance of \$25,752 will come from unobligated funds from the annual Sidewalk Safety Program.

ALTERNATIVES:

- 1 a. Accept the report of bids for the 2014/15 Traffic Signal Program (Union Drive & Lincoln Way).
- b. Approve the final plans and specifications for this project.
- c. Award the 2014/15 Traffic Signal Program (Union Drive & Lincoln Way) to Voltmer, Inc., of Decorah, Iowa, in the amount of \$211,251.64.

2. Do not proceed with the project at this time.

MANAGER'S RECOMMENDED ACTION:

Even though this bid is significantly over the projected cost, the project cannot be constructed without including the required ADA components. Funding to make up the shortfall is available from a related City program; and awarding this project now should allow the project to be completed prior to the start of Iowa State's fall semester.

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

COUNCIL ACTION FORM

SUBJECT: 2014/15 TRAFFIC SIGNAL PROGRAM (13TH ST. & STANGE RD.)

BACKGROUND:

The Traffic Signal Program provides for replacing older traffic signals in the City by constructing new traffic signals. This program results in improved visibility, reliability, and signal aesthetics.

Although recent advances in technology have extended the normal, useful life for traffic signal installations well past the previously expected 25 years, some of the older generation traffic signals still in use now exceed their functional age. Components at those installations (including conduits, wiring, signal heads, and poles) need to be completely replaced. In addition, this program provides for necessary upgrades to the traffic signal system as technology evolves. In recent years, the traffic signal replacements have included radar detection systems instead of the former, in-pavement loop detection system that frequently was the point of vehicle detection failure. Another advantage of the radar detection system is that it also detects bicycles.

The City's Capital Improvements Plan includes \$50,000 from the Road Use Tax Fund for one leg of this intersection in partnership with Iowa State University. ISU has programmed its portion of funding in the amount of \$187,500, bringing total program funding to \$237,500.

On December 3, 2014, bids for this project were received as follows:

<i>Bidder</i>	<i>Base Bid</i>	<i>Alternates</i>	<i>Base + Alternates</i>
KWS, Inc.	\$266,072.75	\$26,300.00	\$292,372.75
Voltmer, Inc.	\$272,590.79	\$29,515.00	\$302,105.79
Iowa Signal Inc.	\$289,793.92	\$26,226.75	\$316,020.67

With the low bid of \$266,073 along with estimated engineering and construction administration costs of \$16,200, **total estimated costs are \$282,273**. After a detailed review of the bid items, it was determined that the higher costs were largely related to the additional ADA equipment, sidewalk ramps, and traffic control requirements seen on this project.

With these elements included, the remaining funding needed to proceed with this signal replacement is \$44,773. Iowa State University has agreed to provide \$33,580 of this amount, and the remainder of \$11,193 will come from unobligated funds in the City's annual Sidewalk Safety Program.

ALTERNATIVES:

- 1 a. Accept the report of bids for the 2014/15 Traffic Signal Program (13th Street & Stange Road).
 - b. Approve the final plans and specifications for this project.
 - c. Award the 2014/15 Traffic Signal Program (13th Street & Stange Road) to KWS, Inc., of Cedar Falls, Iowa, in the amount of \$266,072.75.
2. Do not proceed with the project at this time.

MANAGER'S RECOMMENDED ACTION:

Although over budget, competitive bidding has demonstrated that this project cannot be completed without additional funds. The project cannot be carried out without the ADA equipment and modified ramps. ISU is committed to shouldering the largest share of the cost increase. Awarding this project now should allow the project to be completed by August 3, 2015, prior to the start of ISU's fall semester.

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

COUNCIL ACTION FORM

SUBJECT: **MINOR SUBDIVISION FINAL PLAT FOR PRAIRIE VILLAGE
SUBDIVISION (RIVERSIDE MANOR SITE)**

BACKGROUND:

Property owner American Healthcare Investment, L.L.C. is requesting approval of a final plat for Prairie Village Subdivision, a minor subdivision, of the parcel addressed as 1204 S. 4th Street (see Attachment A). This existing single parcel is 11.23 acres and is the site of Riverside Manor, an existing skilled care facility. The site is zoned High-Density Residential (RH).

The proposed final plat (Attachment B) shows the subject site with the division of property as requested by the owner. Proposed Lot 1 is 2.30 acres and contains the existing Riverside Manor. Proposed Lot 2 is 8.93 acres and intended to be available for development under the current RH zoning. The proposed lot split is necessitated to allow for further development of the site with additional buildings as the Zoning Ordinance does not allow for multiple types of residential buildings on a lot. The applicant has a pending Minor Site Development Plan application for development of apartments. Minor Site Development Plans are an administrative approval. Multiple apartment buildings are allowed on an individual lot once the site is divided. (Attachment C is an informational exhibit of pending combined site plan for the lots)

The owner started grading and placing fill on the site in September based upon an approved grading plan and flood plain development permit. Fill is being placed within the Floodway Fringe and grading is taking place within the Floodway and Floodway Fringe in accordance with these approvals.

Compliance with Plans and Ordinances

A minor subdivision includes three or fewer lots and does not require additional public improvements. A minor subdivision does not require a preliminary plat, and may be approved by Council as a final plat. Approval of the final plat is subject to the applicant completing the necessary requirements and a determination by the City Council that the proposed final plat meets the standards and requirements of the Chapter 23 Subdivision Code of the Ames Municipal Code. After City Council approval of the plat, it must then be recorded with the County Recorder to become an officially recognized subdivision plat.

The proposed final plat must comply with subdivision design and improvement requirements as well applicable City ordinances and duly adopted plans. Attachment D contains the appropriate section of the Code of Iowa and the Ames Subdivision Regulations regarding City Council consideration of a Minor Final Plat. The most relevant sections are Section 23.303 (3) (b) and Section 23.401 (4) and discussed general below.

The subject site has a Future Land Use Map designation of “Parks and Open Space.” The LUPP states,

This designation involves public-controlled areas for recreation. The term involves facilities and/or structured programs for a variety of recreational opportunities. The term “Open Space” refers to primarily undeveloped areas (maintained and natural) – for passive recreational opportunities.

Additionally, the site is identified as a Greenway on the Greenways and Environmentally Sensitive Lands Map. The two designations are related to the site’s proximity to Squaw Creek along the south boundary of the site.

The existing site is zoned Residential High density (RH). The site is also subject to the flood plain zoning regulations in relation to the floodway and floodway fringe of Squaw Creek. Lot 1 is within the floodway fringe, but has not part of the floodway on the site. Lot 2 is approximately 50% within the floodway fringe and the remainder within the floodway. The proposed lots have easements included for utility services and for shared access to both lots from S. 4th Street and S. Maple Avenue.

The proposed Lot 1 will contain the Riverside Manor as a permitted Group Living use on the lot. **The existing building is nonconforming in terms of its flood protection building elevation, as it is lower in building elevation than would be required of new structure within the floodway fringe. Since no improvements are proposed to the building with the proposed plat, there are no requirements to alter the flood protection measures for the existing building.** The proposed Lot 1 complies with RH development standards, including lot area, setbacks, site improvements, and access. Other than the location of the site within the flood plain, there are no substantial slopes, vegetation, or natural features on the site affected by the proposed subdivision.

The proposed Lot 2 will be available for development of RH uses, subject to zoning standards. Proposed Lot 2 complies with the RH development standards for lot area, frontage, and access. **Future development of the site also will be subject to requirements of the flood plain zoning regulations for both the area that is in the floodway fringe and the floodway. Principal buildings may be constructed within the floodway fringe area while no structures may be built within the floodway. Accessory uses such as parking may be allowed within the floodway area of Lot 2.** Natural features on the site include Squaw Creek and its top of bank, the floodway and flood plain, and riparian vegetation along Squaw Creek. Note that much of ground area of Lot 2 has been recently altered with grading, but disturbance may not encroach within 53 feet of the top of bank per the terms of the approved grading and stormwater management plan.

There are no existing sidewalks on this lot. The applicant proposes to construct a 4-foot sidewalk from the Maplewood Apartments from the east side of Lot 1 to about the middle of Lot 2, at which point the sidewalk will turn south to serve one of the two apartment buildings. From this point the sidewalk will be redirected back towards 4th street and extend along the back of curb to the west end of the property. This location along the back of curb of S. 4th Street will help avoid the existing drainage ditch and a vegetative area between the street and the site. Construction of the sidewalk adjacent

to the back of the curb will be separated from the road to extent practicable with a minimum expectation of a two-foot separation from the back of curb with a four-foot sidewalk or a six-foot wide sidewalk if it is unable to be separated from the curb. The developer must also provide a sidewalk crossing of S. 4th Street on the west side of S. Hazel Avenue at the future site driveway intersection.

Street trees will be required to be planted along S. 4th Street frontage of both proposed lots, except for the west extent of frontage for Lot 2 where existing vegetation in the right-of-way is undisturbed. **A sidewalk and street tree installation agreement has been submitted whereby the sidewalk, 4th street crossing, and the street trees for Lot 1 and Lot 2 will be installed prior to the occupancy of the first new building.**

In addition to the pending Minor Site Development Plan, the applicant is in the process of pursuing Flood Plain Conditional Use Permit for alternative means of flood protection within the floodway fringe for the proposed apartment buildings on Lot 2. The Zoning Board of Adjustment held a public hearing on November 19th and is scheduled to consider the item again on December 10th.

ALTERNATIVES:

1. The City Council may approve the proposed final plat with the following two actions:
 - A. Waive the subdivision code requirement for financial security for sidewalks and street trees in the Prairie Village Subdivision, 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. Adopt a resolution to approve the Final Plat of Prairie Village Subdivision, based upon findings that the Final Plat conforms to relevant and applicable design standards, ordinances, and policies referenced by Attachment D.
2. The City Council may approve the proposed final plat without accepting waiver of financial security and the “Agreement for Sidewalk and Street Trees” to require installation consistent with public improvements specifications of Chapter 23 Subdivision Code.
3. The City Council can condition or deny the Final Plat for Prairie Village Subdivision if it finds that the development creates a burden on existing public improvements, creates a need for new public improvements that have not yet been installed, or the proposed design and improvements are otherwise not consistent with the City’s adopted plans, policies, and regulations. The City Council will need to set forth its reasons for disproving or for conditioning its approval in its motion (see Section 29.303 (4) in Attachment D.).
4. The City Council can refer this request back to staff or the applicant for additional information. The Subdivision Regulations require a final decision regarding final plat approval within 60 days of the complete application for Final Plat approval of a Minor

Subdivision. (This would be at the December 16, 2014 meeting unless the City Council had a special meeting prior to January 9, 2015.)

MANAGER'S RECOMMENDATION:

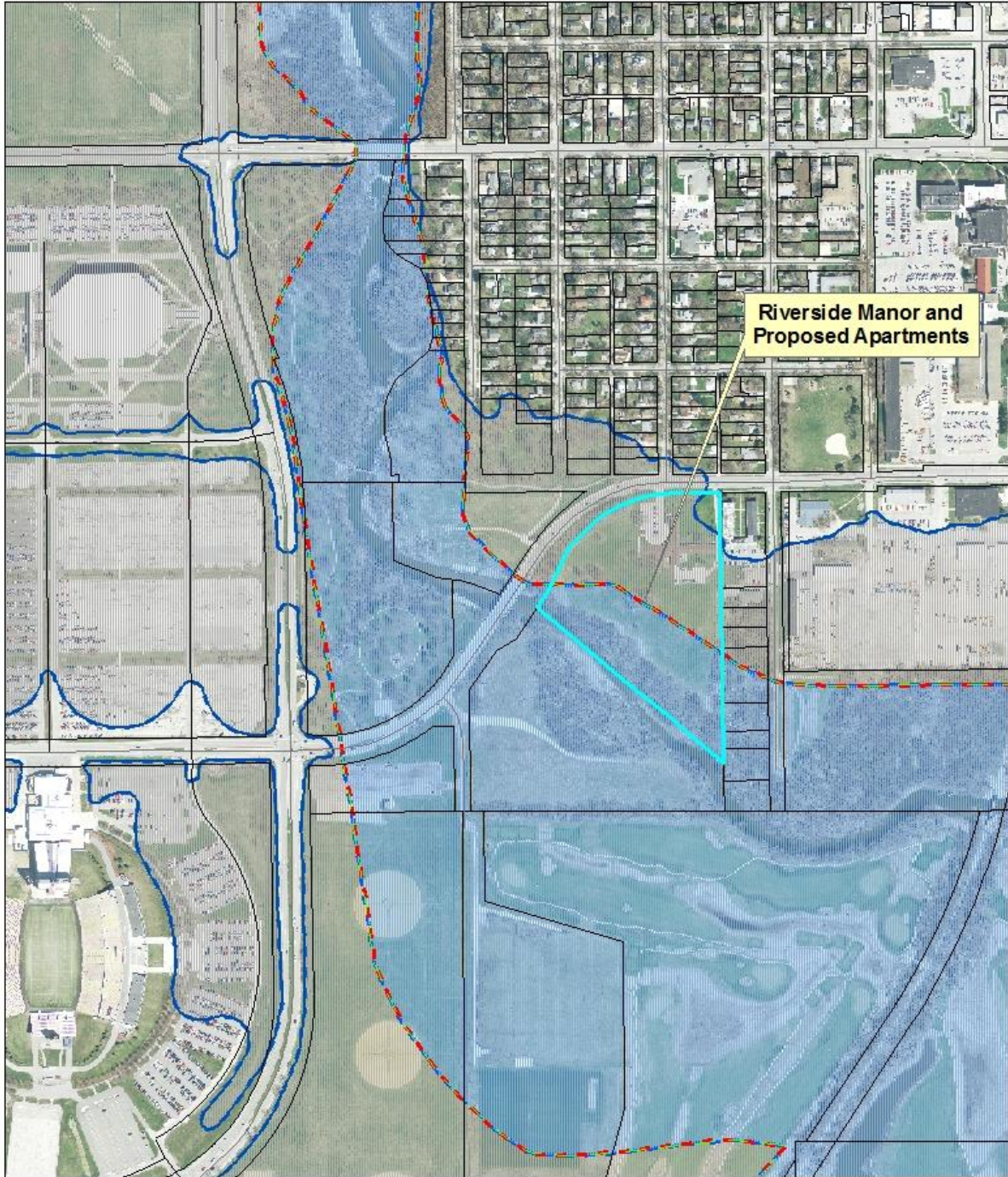
The subject site developed with an allowed Group Living use under the current RH zoning. The property owner desires to develop additional buildings on the site for Household Living and this requires division of the property to comply with Zoning Ordinance standards for multiple buildings on a site. Although the site has an underlying Future Land Use Map designation of Parks and Open Space and Greenway, the site is not under public control for public use as a park or greenway nor is it used as construed as an open space or recreational opportunity in its existing condition.

The project is consistent with the requirements for approval of a minor subdivision with a Final Plat. The site is served by adequate public facilities and no additional improvements are required except for sidewalks and street trees. The proposed street tree and sidewalk deferment agreement is standard practice for Ames and suitable for this site as the increased demand for facilities will correspond to its development.

The proposed lotting pattern is consistent with basic final plat approval criteria for consistency with subdivision, zoning, and other duly adopted plans and regulations. Lot 1 is intended to generally maintain its existing conditions while Lot 2 is intended for future development. Lot 2 is undeveloped at this time and includes natural features of riparian areas and is within a flood prone area. However, Lot 2 will have developable area for RH uses based upon its lot layout and shared facilities with Lot 1.



Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative #1 thereby accepting a waiver of financial security for sidewalk and street trees with the installation agreement and approving the proposed Final Plat.

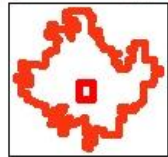
ATTACHMENT A: LOCATION MAP



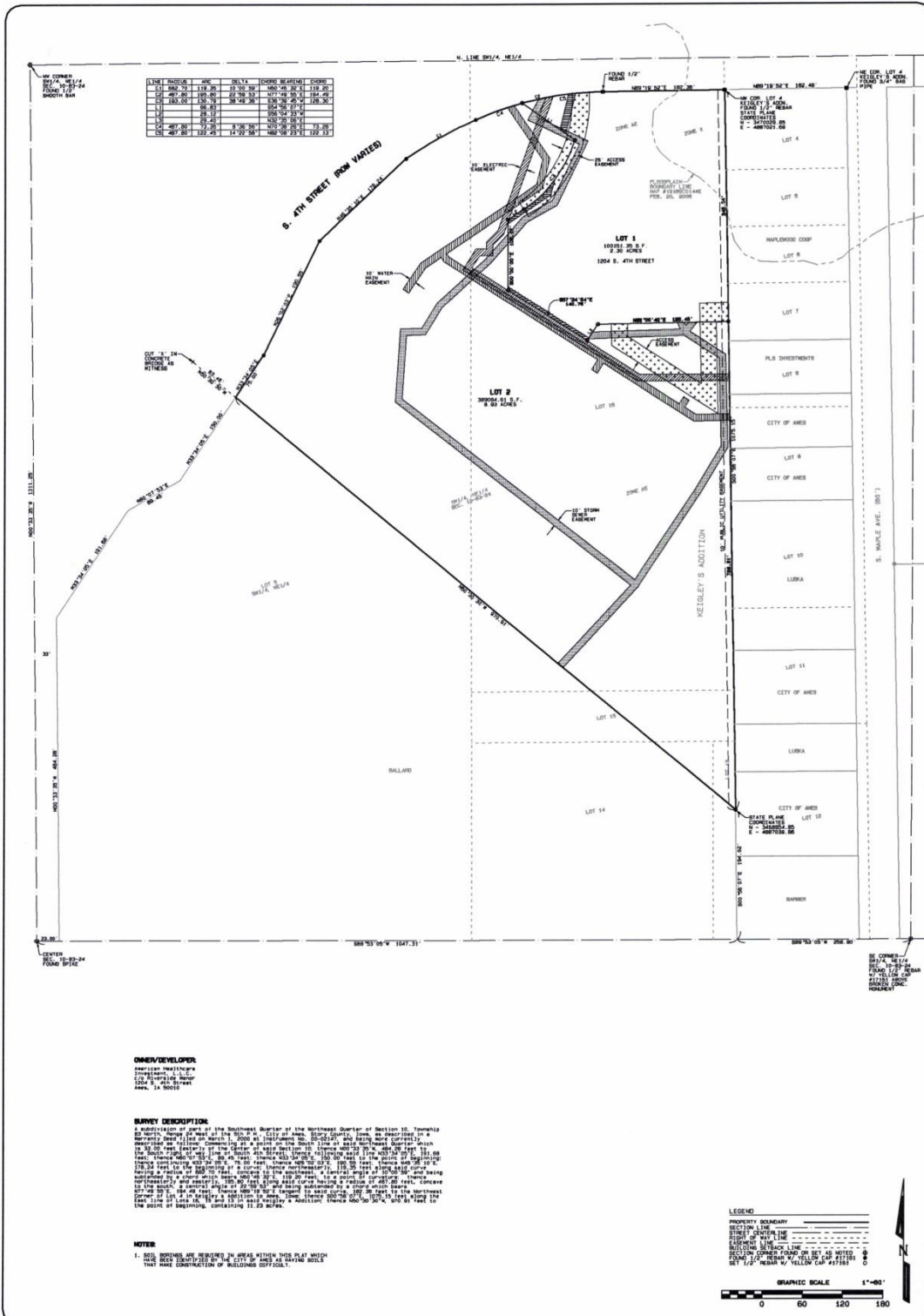
0 250 500
Feet

Legend

-  Floodway Overlay
-  Floodway Fringe Overlay



ATTACHMENT B: PROPOSED FINAL PLAT OF PRAIRIE VILLAGE



STUMBO & ASSOCIATES
LAND SURVEYING
 510 S. 17th STREET, SUITE 102 AMES, IOWA 50010
 PHONE 515-233-3604 FAX 515-233-4403

FINAL PLAT
PRAIRIE VILLAGE SUBDIVISION
 A SUBDIVISION OF PART OF THE SW1/4, SE1/4 OF
 SEC. 10-83-24, CITY OF AMES, STORY COUNTY, IOWA
 JOB #16817PP DATE: 12/02/14 PAGE 1 OF 1

Certification: I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed land surveyor under the laws of the State of Iowa.
R. S. Stumbo 12/2/14
 R. S. STUMBO - LICENSE #17161
 My license renewed date is December 31, 2018

ATTACHMENT D: APPLICABLE LAWS

The laws most applicable to this request are as follows:

Code of Iowa, Chapter 354.8 states in part:

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

Applicable portions Ames *Municipal Code* Section 23.303 and 23.401 state as follows:

23.301 (5) Classification or Divisions and Subdivisions:

(b) A subdivision may be classified as a Minor Subdivision only if both of the following conditions are met:

(i) the proposed subdivision will plat no more than three lots, including a Consolidation Plat each of which will be legally platted after the recording of the subdivision and each of which will front on an existing public way, not including alleys; and

(ii) the proposed subdivision will require no public improvements of any kind, except sidewalks and/or bicycle paths in compliance with the Bicycle Route Master Plan, to provide adequate facilities and services to any of the lots to be platted by the proposed subdivision or to maintain existing adequate facilities and services to any other lots, or areas of land.

(c) Any subdivision not meeting both conditions for classifications as a Minor Subdivision, or that does not conform to the definition of a Conveyance Division or Boundary line Adjustment, shall be classified as a Major Subdivision.

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

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

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

shall deny the Application for Final Plat Approval of a Minor Subdivision and require the Applicant to file a Preliminary Plat for Major Subdivision.

23.303 (4) Effect of City Council Action on Minor Subdivision: Following such examination, and within 60 days of the applicant's filing of the complete Application for Final Plat Approval of a Minor 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 Minor 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.

23.401 Site Design Standards

(1) General: The design standards contained in these Regulations are the minimum requirements applicable to a wide variety of circumstances for the general arrangement and layout of subdivisions. More stringent standards may be appropriate when the City Council finds and concludes that site conditions so require in order to ensure development of an economical, pleasant, and durable neighborhood. More stringent standards may be required so long as such findings and conclusions demonstrate the consistency and compatibility of the standards with applicable elements of the Land Use Policy Plan, the Urban Standard Specifications for Public Improvements, the City of Ames Supplemental Urban Design Standards Manual, and other City plans and with the following specific considerations:

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

(4) Conformance to Natural Features: As a means to protect the health, safety and welfare, no land shall be subdivided into buildable lots which is unsuitable for development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, or other natural features. The developer may formulate adequate methods to avoid, minimize or mitigate any problems reasonably expected from subdivision or development of such land. Upon review of methods taken to avoid, mitigate or minimize any such problems the Planning and Zoning Commission may recommend and the City Council may approve of such subdivision.

23.403 Streets

(14) Sidewalks and Walkways:

- (a) Sidewalks and walkways shall be designed to provide convenient access to all properties and shall connect to the City-wide sidewalk system. A minimum of a four-foot wide concrete sidewalk shall be installed in the public right-of-way along each side of any street within residentially and commercially zoned areas and along at least one side of any street within industrially zoned areas. Such a sidewalk shall connect with any sidewalk within the area to be subdivided and with any existing or proposed sidewalk in any adjacent area. Any required sidewalk shall be constructed of concrete and be at least four feet wide.

(i) A deferment for the installation of sidewalks may be granted by the City Council when topographic conditions exist that make the sidewalk installation difficult or when the installation of the sidewalk is premature. Where the installation of a sidewalk is deferred by the City Council, an agreement will be executed between the property owner/developer and the City of Ames that will ensure the future installation of the sidewalk. The deferment agreement will be accompanied by a cash escrow, letter of credit, or other form of acceptable financial security to cover the cost of the installation of the sidewalk.

Staff Report

REQUEST TO OPEN HIRTA FACILITATION MEETINGS

December 9, 2014

BACKGROUND:

At the November 25, 2014, meeting, the City Council instructed City staff to inform the members of the ASSET Administrative Team of the Council's desire to have the HIRTA meetings open to the public, even though they are not required to be under the open meetings law.

In accordance with this directive, Assistant City Manager Melissa Mundt informed Story County's representative, Deb Schildroth, of the Council's support for open meetings. **After checking with other County officials, Deb notified Assistant City Manager Mundt that the County believes the meetings should remain closed.** It was explained that the County partnered with the City to fund the facilitation process with the understanding that in order to be effective, these discussions might involve conversations about specific cases or specific clients, which would not be appropriate for open meetings. In addition, it was made clear to the County that the facilitator, Nancy Franz, believes that "open meetings can prevent the collection of genuine, authentic, and useful data from target audiences resulting in products and solutions that fail to fully reach the intended goals." Therefore, she indicated she would decline any further involvement if the meetings were opened. Finally, it was emphasized that the County officials are supportive of the public input component that was included in the process that would allow the review of and input to the findings and recommendations derived from the meetings prior to being transmitted to the City Council and Story County Board of Supervisors.

CITY STAFF COMMENTS:

The response to the request for open meetings puts the City staff in a bit of a quandary. There was no direction given by the Council to the City staff if a negative response was forthcoming. **Should the City staff continue to attend the closed meetings?** It is staff's assumption that the Council believes it is very important for the City staff to participate in these discussions. Therefore, Assistant City Manager Mundt was directed to attend the second meeting on December 3, 2014, even though it was closed. **Council's direction regarding this issue is greatly appreciated since advocates for open meetings will be questioning staff's participation in any upcoming closed discussions.**

The third meeting is scheduled for December 18, with the public input session to follow thereafter.

Staff Report

Proposed Vending Ordinance Revisions

December 9, 2014

BACKGROUND:

After receiving several complaints regarding vending carts along Main Street and difficulty administering the current ordinance language on vending, City staff has completed its review and 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 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 as well as Public Works were requested to provide comprehensive 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 and draft application 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 came to the 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 rewritten the code and provided specific language and administrative policies for each of the six uses laid out in this section of the code: Vending Carts, Vendor Persons, Mobile Vending Vehicle (Ice Cream Trucks), Sidewalk Cafes, Newspaper Dispensers, 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 regulations to allow for equitable implementation of the code.

Proposed major changes to the ordinance that covers 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~~ (SEE STAFF COMMENTS)
- provides the City Manager, Police, and Fire the ability to suspend a permit for public safety reasons
- revises insurance requirements per the recommendations of the City's Risk Manager
- allows the City Manager to change the location of a permit temporarily or to permanently suspend the permit to accommodate construction in public rights-of-way
- 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
- non-task specific illumination is prohibited
- ~~signage is restricted to name of business and menu~~ Signage is restricted to the cart and should pertain to the business.
- permits are issued for a year on a first come first serve basis and allow for annual renewal

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
- 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

Blanket Vending

- allows business districts to apply for a permit to cover special events that could include all other forms of vending.

STAFF COMMENTS:

The changes that are detailed above comprehensively address in a balanced way the concerns that have been presented to staff by all stakeholders. They also provide much improved guidance to vendors for use of the City's right-of-way. **Based on direction received at the October 28, 2014 City Council meeting, staff has made the following changes:**

- set the appeal period for denial or revocation of the license at *20 days* in the draft ordinance.
- vending cart signage should be restricted to the name of the business, menu, and business-related information. New language in Administrative Policies will state:

Signage can only be affixed to the vending cart stating the name of the business, menu options with pricing, and other business-related information. No other signage is allowed. It is mandatory to display of the City vending permit.

At this meeting, the City Council also requested that staff provide options for the Council to consider for the Revocation and Denial of a Permit pertaining to criminal convictions 22.20(1)(e).

Option 1 - Adopt the language provided below in the draft ordinance that was originally presented to the City Council on October 28, 2014.

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.

The permittee violates any Requirements or Operating Policies of the Vendor Permit

This language is consistent with the requirements of licensees under the Iowa Alcoholic Beverage control act.

Option 2 - Adopt the language below that only limits permittees, not employees, based on the sex offender registry:

The applicant or permittee is a person who is required to register or is registered on the Sex Offender Registry. This subsection shall apply to the applicant, permittee, each of the officers, directors, and partners of the applicant or permittee.

This option does not address employees of the permittee and it only addresses sex offenders.

Option 3 - Adopt the language below to prohibit permittees from being granted a vending permit if they are listed as a registered sex offender. It would also prohibit the permittee from hiring employees if they are listed as a registered sex offender:

The applicant or permittee is a person who is required to register or is registered on the Sex Offender Registry. This subsection shall apply to the applicant, permittee, each of the officers, directors, and partners of the applicant or permittee, and all persons who are employed by or who work in direct contact with the public at the vending cart.

This option addresses both the permittee and the employees and only addresses sex offenders.

Option 4 - Direct staff to prepare other options that address concerns pertaining to other types of felonies or crimes of dishonesty.

Option 5 - Remove Section 22.20(1)(e) which will allow permittees and their employees convicted of a felony or of a crime of dishonesty to obtain a permit. Additionally, Council may direct staff to remove any language in the Administrative Policies that require a background check.

Once Council determines which option to proceed with pertaining to 22.20(1)(e), then Council should direct the City Attorney to prepare the ordinance for consideration on first reading at an upcoming meeting.

Staff Report

FY 2014-15 Mid-Year Sustainability Report

December 9, 2014

This report provides a mid-year update of the FY 2014/15 activities and accomplishments related to the Sustainability Advisory Services contract between the City of Ames and Iowa State University.

Background

During FY 2014/015, the Scope of Services targets five Priority Areas related to energy consumption reduction as well as waste reduction and diversion:

1. Continue to support and strengthen the Smart Business Challenge through outreach and recruitment of participants, oversight of a Challenge intern, and marketing of outcomes and accomplishments of Challenge participants.
2. Continue work with Iowa State University professors and students to develop a residential energy consumption comparison tool.
3. Remain in a consulting role with City departments in updating EcoSmart Program websites toward providing a more consistent customer experience.
4. Work with Public Works and Water and Pollution Control on reuse and diversion programs related to the waste stream, including the exploration of a composting and food waste program.
5. Provide a staff report to the City Council regarding best practices that other communities are doing to consider "environmental impacts" when considering policies and or decisions.

The City Council also requested a Mid-Year progress report from the Sustainability Coordinator. The following is an update on progress from July 2014 to date.

- 1. Continue to support and strengthen the Smart Business Challenge through outreach and recruitment of participants, oversight of a Challenge intern, and marketing of outcomes and accomplishments of Challenge participants.***

Mid-year accomplishments and planned work for the remainder of the contract year include the following for Priority Area #2:

Completed and Ongoing:

- Recruited 12 businesses to participate in the Smart Business Challenge.
- Outreach to 25 businesses providing information and offering support to join as

new participants.

- Completion of three presentations to major civic organizations to share the Smart Business Challenge opportunity and encourage business owners to participate.
- Creation of a Smart Business Challenge "leave behind" marketing brochure, offering an additional means of increasing awareness and visibility of the program as well as another option for enrollment.
- Ongoing evaluation and enhancement of marketing materials including the Smart Business Challenge website and other informational publications.
- Oversight of two quarter-time Smart Business Challenge Interns.

Collaboration partners: Electric Services – Steve Wilson; Public Relations Officer – Susan Gwasda; Purchasing – Derek Zarn; Chamber of Commerce; and Assistant City Manager Melissa Mundt.

2. Continue work with Iowa State University professors and students to develop a residential energy consumption comparison tool.

Mid-year accomplishments and planned work for the remainder of the contract year include the following for Priority Area #3:

This priority area specifically focuses on a targeted action item identified by the Residential Sector of the Sustainability Task Force and discussed in the City of Ames Sustainability Plan for Electrical Consumption Reduction: Creating an On-line, Self-guided Data System to Track Personal Electrical Usage and Compare Usage to Similar Households. <http://www.cityofames.org/index.aspx?page=1144>

Completed and Planned:

- Iowa State students completed an interactive online, self-guided data system to track personal electrical usage and compare usage to similar households <http://thecityofames.org/php/login.php> - (user - demo, password - demo).
- Iowa State students completed user feedback survey for prototype (<http://goo.gl/forms/WRz8ID0mNg>) that was distributed to Ames residents via City social media accounts.
- Iowa State students are working to finalize web interface for finished product to ensure accessibility for Ames Electric Utility customers.
- The Sustainability Coordinator is continuing to seek additional opportunities for collaboration with Iowa State College of Engineering during the 2014-2015 academic year, related to online tools and interactive initiatives to assist the City with its other EcoSmart Programs.

Collaboration partners: Electric Services – Steve Wilson and Mike Wheelock; IT Services – Stan Davis and Miriam Carlson; The Energy Group; Iowa State University Colleges of Engineering and Liberal Arts and Sciences; and

Assistant City Manager Melissa Mundt.

3. Remain in a consulting role with City departments in updating EcoSmart Program websites toward providing a more consistent customer experience.

Mid-year accomplishments and planned work for the remainder of the contract year include the following for Priority Area #4:

Planned:

- Meetings will be with department heads to review feedback from Iowa State business management students related to EcoSmart programs. The Sustainability Coordinator strategize action items for enhancement of the City's EcoSmart websites and other communication materials starting in January 2015.

4. Work with Public Works and Water and Pollution Control on reuse and diversion programs related to the waste stream, including the exploration of a composting and food waste program.

Mid-year accomplishments and planned work for the remainder of the contract year include the following for Priority Area #5:

Completed:

- The Sustainability Coordinator collaborated with Iowa State College of Business to offer “live” case study projects to Management 370 (students during fall semester 2014) related to reducing materials entering the waste stream, including food waste. Research included meeting with community businesses and residents, investigating technical and financial considerations, completing research related to successful programs implemented at Iowa State University and by other communities and providing recommendations focused on increasing education, engagement, and empowerment of residents regarding waste diversion. Materials will be presented to the appropriate department directors starting in January 2015 for inclusion on the City's website and EcoSmart distribution materials.

Planned:

- The Sustainability Coordinator will work with the ISU Honors Program and mentoring a freshman honors student (spring 2015) who will be researching and producing a database of waste diversion opportunities and outlets (reuse, donation, etc.) available to Ames businesses and residents. This will be provided to Resource Recovery in May 2015.
- The Iowa Department of Natural Resources' is conducting a statewide study to

investigate food waste generation targeting industrial, commercial and institutional (ICI) sector generators. The DNR's study will provide the Department with critical information necessary to strategically allocate efforts and funding to develop projects and programs that facilitate development of the food waste management infrastructure; including collection, transportation and other resources necessary to divert this waste from Iowa's landfills. The Department's study is motivated by data showing organic waste comprises the highest percentage of residential waste and the second highest of industrial waste in Iowa.

- The Sustainability Coordinate will work with Public Works and Water Pollution Control Departments to pursue grant funding to build upon the Iowa DNR's study and seek to gather specific and detailed information to the organic waste stream in Ames. This study will also investigate current infrastructure as well as policies needed to assist City leadership in creating effective strategies and collaborations to reduce organic waste going to Resource Recovery (and ultimately to the Boone County Landfill) as well as identifying beneficial reuse applications.

Collaboration partners: Electric Services – Steve Wilson; Public Relations Officer – Susan Gwiasda; Public Works - Lorrie Hanson; Iowa State University College of Business; Iowa State University Honors Program, and Assistant City Manager Melissa Mundt.

5. Provide a staff report to the City Council regarding best practices that other communities are doing to consider "environmental impacts" when considering policies and or decisions.

After considerable research, it was difficult to identify other cities who have established a comprehensive vetting process for considering "environmental impacts" before making policy decisions. Staff would benefit from further clarification from the Council pertaining to this objective from the January 2014 goal setting session.

COUNCIL ACTION FORM

**SUBJECT: AMES MUNICIPAL CODE CHAPTER 27 (TREES AND SHRUBS)
MODIFICATIONS FOR EMERALD ASH BORER**

BACKGROUND:

On October 14 the City Council approved an Emerald Ash Borer Response Plan and Urban Forest Diversification and Reforestation Plan (the Plan). As part of that approval, Council directed staff to draft an amendment to Chapter 27 of the Municipal Code. Prior to the removal of any non-hazardous street tree, Chapter 27 currently provides for a public notice and open appeals process. Signs must be attached to trees for at least 15 days prior to removal, and any individual may appeal the tree removal to the City Council.

Under the approved Plan, over 2,000 public ash trees will be removed to manage the impending infestation. **With the proposed changes to the ordinance and Plan, all ash trees in the right of way will be exempted from the current public notice and appeals processes.** Staff still plans to post trees for a short time in order to notify adjacent neighbors of removals. However, the standard time and appeal process outlined in the Municipal Code will not apply.

An updated Emerald Ash Borer Response Plan and Urban Forest Diversification and Reforestation Plan is attached. This Plan now includes an appendix outlining a **limited administrative appeals process** for ash trees in the right-of-way (Appendix A). **This new process – which is specific to the EAB infestation – provides that appeals may be made to designated City staff only by owners of property abutting the ash tree, and only on the basis of tree health. In addition, appeals may be made only for ash trees with a diameter at breast height (DBH) greater than 6-inches. Citizens will not be allowed to appeal the City’s temporary treatment of ash trees or the replacement of any removed ash trees.**

Any appeals during this period would focus only on whether the tree is not a defect tree and is a candidate for treatment. Defect trees are defined by their poor condition, or by external factors such as sidewalk damage or power line presence. The Plan will be reevaluated after the first 5 years work is completed removing defect trees and trees less than 6-inches DBH. At that time the Council may wish to consider allowing private property owners to pay for the treatment of healthy abutting ash street trees as an alternative to the appeal process.

Staff is ready to immediately begin removing ash trees, but will not do so until the appeals process contained in the Code has been modified by City Council. Passage of this ordinance on three readings is requested so that the specified number of trees can be removed this winter.

ALTERNATIVES:

1. a. Approve the revised Municipal Code Section 27.3 on all three readings.
 - b. Amend the attached Emerald Ash Borer Response Plan & Urban Forest Diversification and Reforestation Plan to include the appeal process shown in Appendix A.
2. Reject the amendments to Chapter 27 and the Emerald Ash Borer Response Plan and Urban Forest Diversification and Reforestation Plan, maintaining the current posting and appeals processes.

MANAGER'S RECOMMENDED ACTION:

The proposed modifications to Chapter 27 will allow implementation of the approved plan to begin immediately. Under current code, an objection to the removal of any non-hazardous ash tree must be brought before the City Council for each tree. **The proposed code change will allow staff to move forward with Plan activities and respond to any future tree diseases or infestations in a timely manner.** Trees scheduled for removal will still be posted for a short time period prior to removal. Staff has already begun a public education plan to help our citizens be informed of the approved plan and how it affects ash trees in their area.

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



CITY OF
Ames[™]



**EMERALD ASH BORER
RESPONSE PLAN**

**URBAN FOREST DIVERSIFICATION
& REFORESTATION PROGRAM**

The Emerald Ash Borer (EAB) infestation that is moving across the country is now imminent in our community. These destructive insects were recently confirmed in Boone and Story City. Lessons learned in other parts of the country demonstrate that, without costly ongoing treatment, EAB will wipe out our population of ash trees within a decade.

This impending infestation is the second blight to befall Ames' urban forest in many of our citizens' memories. During the 1970's, the City's many American Elm trees were virtually wiped out by Dutch Elm disease. When that occurred, areas of the community that had previously been lined by stately elm trees were severely impacted. That was followed by an extended period of replanting which continues to this day.

The challenge currently facing Ames is not only to respond to the impending loss of our 2,355 public ash trees (not to mention the thousands of privately owned ash trees). Given the likelihood of other blights and insect infestations in future decades, it would vastly improve the long-term health of our urban forest if the City turns the EAB challenge into an opportunity to proactively diversify and reforest the City's inventory of publicly owned trees.

City staff has completed an inventory of all trees in City rights-of-way, in maintained areas of the City's parks (including along paved trails), and at most City-owned facilities. That inventory is currently being used to develop an overall tree management plan for the City. With assistance from an IDNR grant, that overall tree management plan is nearing completion. That document will include goals and recommendations for the estimated 15,000 City-owned trees.

GOAL

To extend the environmental, social, and economic benefits of our ash trees, and to increase the diversity of the urban forest, while being fiscally responsible to our citizens.

EAB RESPONSE PLAN

The most urgent short-term priority is to deal with the impending EAB infestation. With the above goal in mind staff identified three areas where an overall EAB plan is needed to deal with the impending infestation.

1. City trees on public property
2. Private trees in utility easements
3. Private trees on private property

1. Response Plan for City Trees on Public Property

To best manage the impending infestation based on the above goal, a phased treatment and removal process will be implemented for public trees. This 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 extending the environmental, social, and economic benefits of our ash trees as stated in our goal. Another reason for this approach is to allow staff to reevaluate the plan regularly to make sure the overall goal is being met. This strategy 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 their social and environmental benefits, and beginning a diversified reforestation effort while being fiscally responsible.

a) Public Outreach

A vital part of this plan will be extensive public outreach on the Council's approved plan and its impact on our citizens and businesses. This objective of this outreach will be to build understanding of the City's long-term goal and how the phased actions will help accomplish it.

Staff will implement a variety of ways to reach property owners and citizens. This will include 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. Tools will include attending neighborhood meetings, one-to-one discussions, civic outreach, posting trees, door hangers, email, websites, social media, etc.

In addition, staff will promote educational outreach for owners of private ash trees. This will include how to identify ash trees, private removal and treatment options, and suggestions on how to hire reputable tree contractors.

b) Removals

Removals of public trees include prioritizing trees for removal based on several factors. The first priority would be any hazardous ash trees. The second priority would be any ash trees that are not considered good candidates for treatment. Based on our inventory, trees were identified as any ash tree showing a “defect.” These defects could be the poor condition of the tree, or external factors including sidewalk damage and power line presence. Since these trees would be most susceptible to infestation and/or are not candidates for treatment, they would need to be removed within three to five years for public safety. Based on the defect information collected with the initial tree survey, staff was able to estimate the number of ash trees to remove in this category.

Under this second priority, all smaller ash trees that are at a 6-inch Diameter at Breast Height (DBH) measurement or less will be removed. This 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 adopted 20-year plan recommends removing all defect trees in five years and all trees 6-inch DBH and less trees in four years. Removal of the small trees will be staggered to avoid removing all of the trees at one time on streets that are predominantly lined with ash. Over the longer term, the plan assumes that all trees 18-inch DBH and less can be removed by City staff, and that private contractors will be needed to remove all trees larger than 18-inch DBH.

Chapter 27 has been modified to provide staff with administrative authority to hear limited appeals of the removal process. The appeal process is outlined in Appendix A.

c) Treatment

The Response Plan includes chemical treatment of many mature ash trees to extend their lives until an orderly replacement can occur. For treatment, only trunk injection will be allowed for public trees. This is due to the stormwater and groundwater benefits of injection versus soil drenching options. Treatment is not being proposed for trees 6-inch and less, since trunk injection is more difficult for those trees and other treatment options would not meet the stormwater benefits of trunk injection.

At a later date City staff could also become trained to perform treatment for the trees. If done within the existing staff capacity, it is anticipated that costs could be 50% lower than shown for contracted prices. That approach, however, would need to be balanced with the larger, concurrent need to utilize staff to remove trees. The recommendation at this time is to contract for treatment.

d) Detailed Quantity and Cost Estimate Information

The following tables show the 20-year EAB removal plan and its estimated impacts. Table 1 shows the removal of 2,355 trees in both the right-of-way and in City parks and facilities over the next 20 years. Year 1 is the City’s current (2014/15) fiscal year.

Table 1

Year	Removals		Treatment	
	Right-of-Way	Parks & Facilities	Right-of-Way	Parks & Facilities
1	226	20	795	480
2	226	20	0	0
3	226	20	0	0
4	220	21	792	480
5	102	4	0	0
6	55	36	0	0
7	52	32	685	410
8	52	32	0	0
9	52	32	0	0
10	52	32	529	314
11	52	32	0	0
12	52	32	0	0
13	52	32	373	218
14	52	32	0	0
15	52	32	0	0
16	52	32	217	122
17	51	31	0	0
18	51	30	0	0
19	51	30	0	0
20	64	31	0	0
Totals	1792	563		

Table 2 includes the reforestation effort and shows the estimated cost impact for both City forces and contracted services.

Table 2

Year	Estimated City Labor Cost For Removals	Estimated Contract Labor				Total Contract
		Removals	Treatment	Stump Grinding	Replanting	
1	\$31,800	\$102,000	\$125,000	\$4,600	\$0	\$231,600
2	\$32,700	\$105,100	\$0	\$4,800	\$126,700	\$236,600
3	\$33,700	\$108,100	\$0	\$4,900	\$65,200	\$178,200
4	\$34,500	\$99,200	\$135,400	\$5,000	\$65,700	\$305,300
5	\$14,500	\$91,300	\$0	\$2,600	\$29,700	\$123,600
FORMAL REEVALUATION OF MANAGEMENT PLAN						
6	\$17,500	\$57,400	\$0	\$3,000	\$26,200	\$86,600
7	\$17,900	\$38,200	\$124,800	\$3,100	\$24,800	\$190,900

Year	Estimated City Labor Cost For Removals	Estimated Contract Labor				Total Contract
		Removals	Treatment	Stump Grinding	Replanting	
8	\$18,400	\$39,200	\$0	\$3,200	\$25,400	\$67,800
9	\$18,800	\$40,200	\$0	\$3,200	\$26,000	\$69,400
10	\$19,300	\$41,100	\$103,100	\$3,300	\$26,700	\$174,200
11	\$19,700	\$42,100	\$0	\$3,400	\$27,300	\$72,800
12	\$20,200	\$43,100	\$0	\$3,500	\$27,900	\$74,500
13	\$20,700	\$44,100	\$77,100	\$3,600	\$28,600	\$153,400
14	\$21,100	\$45,000	\$0	\$3,600	\$29,200	\$77,800
15	\$21,600	\$46,000	\$0	\$3,700	\$29,800	\$79,500
16	\$22,000	\$47,000	\$46,700	\$3,800	\$30,500	\$128,000
17	\$22,500	\$42,300	\$0	\$3,900	\$30,300	\$76,500
18	\$22,900	\$40,300	\$0	\$3,900	\$30,600	\$74,800
19	\$23,400	\$41,100	\$0	\$4,000	\$31,200	\$76,300
20	\$26,400	\$59,700	\$0	\$4,600	\$37,300	\$101,600
Total Costs	\$459,600	\$1,172,500	\$612,100	\$75,700	\$719,100	\$2,579,400

2. Response Plan for Private Trees in Utility Easements

This element will be adopted at a later time.

3. Response Plan for Private Trees on Private Property

This element will be adopted at a later time.

URBAN FOREST DIVERSIFICATION & REFORESTATION PROGRAM

Although EAB will have a major detrimental impact on our community over the next several years, this challenge also presents Ames with an unexpected opportunity to bring much greater diversity to the public trees in our urban forest.

Our current public tree inventory reveals the following distribution of tree species:

Maple	3,790	26%
Ash	2,355	16%
Oak	1,563	11%
Apple	972	7%
Other species	5,920	40%

As this table demonstrates, our current tree inventory is heavily populated with maple and ash trees. It is important to plant a diverse mix of species in the urban forest to maintain canopy health, since most insects and diseases target a specific genus (ash) or species (green ash) of trees. Current diversity recommendations advise that one genus (i.e. maple, oak) make up no more than 20% of the urban forest, and that a single species (i.e. silver maple, sugar maple, white oak, bur oak) not make up more than 10% of the total urban forest.

Reforestation

This new initiative includes a 20-year program to replant trees on a one-to-one basis for all ash trees removed under the EAB Response Plan. Replanting will allow the City to replace lost canopy and to increase the diversity of our urban forest as stated in the initial goal above. Staff will work with the Urban Forester to identify suitable species for replanting. These species will be planted at a size of 1-1/2 inch, which is optimal for establishment and survival of new trees.

Appendix A: Appeal Process

An appeal process will only be allowed for the removal of ash trees with a DBH greater than 6 inches. No appeal is allowed for the following conditions:

1. For the removal of ash trees 6 inch DBH or less
2. For the City's decision to treat an ash tree
3. For the City's decision to replace any removed ash tree
4. For ash trees being removed due to external factors, such as overhead power lines or sidewalk damage

Appeals for ash trees not listed above may be made based on the health of the ash tree. Appeals may be made only by a property owner adjacent to the public ash tree being removed from the right-of-way. Appeals shall be directed to the Public Works Director or designee.

If an appeal is denied, the property owner adjacent to the ash tree may appeal the Public Works Director's decision to the City Manager or designee with supporting information from a licensed arborist. The decision from this second appeal shall be final.

Appendix B: Cost Assumptions

The following assumptions were used to arrive at estimated costs:

- Removal costs were estimated by the DBH size range of the trees.
- An inflation factor of 3% per year was added to the final costs.
- All rights-of-way, parks, and facility trees are treated equally.
- All numbers are based on the inventory done in the summer of 2012 with additional park areas inventoried in 2014.
- Forested areas are not included. It is assumed those trees will not be removed or treated unless they are deemed to be hazardous to the public. Please note there are a number of non-paved trails through forested areas (e.g., Munn Woods, Brookside Audubon Trail, East River Valley, etc.) that will require trees to be removed for the safety of residents.
- Contracts will include stump grinding for all trees removed by City staff. This cost is reflected in Table 2.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY REPEALING SECTION 27.3 (1) & (2) AND ENACTING A NEW SECTION 27.3 (1), (2) & (3) THEREOF, FOR THE PURPOSE OF EMERALD ASH BORER RESPONSE PLAN AND URBAN FOREST DIVERSIFICATION & REFORESTATION PROGRAM ; REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; PROVIDING A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.

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

Section One. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by repealing Section 27.3 (1) & (2) and enacting a new Section 27.3 (1), (2) & (3) as follows:

“Sec. 27.3. REMOVAL OF STREET TREES

(1) Street trees which are dead or which for some other reason constitute a clear and present danger to the public safety may be removed at the direction of the City Manager or designee at any time without notice.

(2) Street trees which have been identified in an approved plan by City Council to manage a current or impending infestation or disease may be removed at the direction of the City Manager or designee. Appeals, if any allowed, shall be handled administratively and be included as an appendix to the approved plan.

(3) To remove a street tree for any reason other than as stated above the City Manager shall cause a notice of intention to do so to be posted on the subject tree or trees. The notice shall remain posted for a period of not less than fifteen (15) days, during which period any local resident may file a written objection with the City Manager. If no objections are filed after fifteen days' notice as aforesaid, the City Manager may cause or permit the tree to be removed. If objections are filed within the fifteen days of notice as aforesaid, they shall be referred to the City Council and a hearing held thereon at its next regular meeting and the Council may thereafter sustain the objection or authorize the tree removed as is deemed in the best interest of the public.
(Ord. No. 3101, Sec. 1, 10-23-90).”

Section Two. Violation of the provisions of this ordinance shall constitute a municipal infraction punishable as set out by law.

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

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

Passed this _____ day of _____, _____.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor

COUNCIL ACTION FORM

SUBJECT: 2016-2020 FEDERAL AIRPORT IMPROVEMENTS PROGRAM

BACKGROUND:

As an annual requirement of the Federal Aviation Administration (FAA), the City submits an Airport Improvement Program (AIP) to the FAA showing the next five Federal Fiscal Years of airport projects. The information contained in the Federal AIP is then copied into the Airport Improvements Program of the City's own Capital Improvement Plan (CIP) to ensure the obligation of local matching funds required for each project. A copy of this year's FAA submittal is attached.

The proposed 5-year program project list is as follows:

FFY = Federal Fiscal Year

Project Description	FFY 2015 (Revised)	FFY 16	FFY 17	FFY 18	FFY 19	FFY 20
Terminal & Hangar (Site Work)	\$ 800,000					No Project
Terminal & Hangar (Building Construction)		2,570,000				
Taxiway Rehabilitation		222,000				
Airport Master Plan			166,000			
Runway Extension Justification report			14,000			
Runway 01/19 - 2000 ft Extension (Environmental Assessment)				100,000		
Runway 01/19 - 2000 ft Extension (Land Acquisition)					2,400,000	

Annual Total =	\$ 800,000	2,792,000	180,000	100,000	2,400,000
<i>Federal / State Grants =</i>	<i>550,000</i>	<i>300,000</i>	<i>149,400</i>	<i>90,000</i>	<i>2,160,000</i>
<i>Local Funds =</i>	<i>250,000</i>	<i>2,492,000</i>	<i>30,600</i>	<i>10,000</i>	<i>240,000</i>

In addition to the normal 5-year program, this year's submittal is showing a revision to Federal Fiscal Year 2015 that previously showed a \$3,200,000 Terminal Building and Hangar project. That project was previously broken down into a Federal share of \$450,000, a State grant of \$150,000, and local funding of \$2,600,000. The local funding was anticipated to be split into thirds between the City (\$867,000), Iowa State University (\$866,000), and private donations (\$866,000).

Since that time, Staff has met on multiple occasions with the Administration of Iowa State University to discuss strategies to come up with ISU's portion of the cost, as well as the viability of private donations. During these discussions it became apparent that the original

3-way funding split would be difficult for ISU and the private sector to achieve. However, alternative means have been explored that would still allow the City's taxpayer-funded portion to remain at \$867,000, with the ISU and private shares being covered through a combination of cash outlays and added revenues to the City. It now appears that ISU and the business community will be able to construct and donate the Hangar portion of the project to the City. The hangar is valued at \$960,000. In addition, ISU is willing to allow a portion of its existing large hangar to be utilized by the Fixed Base Operator (FBO) as a maintenance facility. That, along with the new Terminal and Hangar, should allow the City to reap substantially more net revenue from its arrangements with a FBO.

Through these recent discussions, the budget for the Terminal Building has been updated to reflect a \$2,410,000 structure, which brings the total estimated project cost to \$3,370,000 (~5% increase). Staff still need to work with ISU administration to reach an agreement whereby operating revenues available to retire needed debt will be adequate to complete the overall project without Ames taxpayers contributing more than the original \$867,000 amount.

The project as shown in the FAA's Airport Improvement Program has been split across two fiscal years. The first will include the City's Site Work Phase (horizontal improvements). The second will include the City's Building Phase (vertical improvements) for the Terminal Building. By doing this, the airport consultants working on the project will be able to meet the critical deadlines required by the FAA design review and grant process. ISU and the private sector hope to move forward with construction of the Hangar in the spring of calendar year 2015.

For the Terminal Building only, it is anticipated that the proposed revision to the project timeline and budget will result in the following funding over the remainder of FFY 2015 and FFY 2016:

Fund	FFY15	FFY16	Total
Federal	\$ 450,000		450,000
State	100,000	150,000	250,000
GO Bonds	250,000	617,000	867,000
Bonds Abated		843,000	843,000
Total	\$ 800,000	1,610,000	2,410,000

It is important to note that splitting the project into two phases opens up the opportunity to apply for an additional year of State Aviation grants. This is the source of the additional \$100,000 shown in FFY15, and will hopefully be available to complete to the site work cost.

The remaining projects shown to the end of the 5-year AIP and into the Long Range Needs Assessment (LRNA) are those remaining steps necessary to extend the main Runway 01/19 to a length of approximately 8,000 feet. This will also include all data collection and justifications so that the FAA will approve the extension and all other airside facilities affected by this change.

ALTERNATIVES:

1. Approve the 2016-2020 Federal Airport Improvements Program.
2. Approve the 2016-2020 Federal Airport Improvements Program with identified changes.

MANAGER'S RECOMMENDED ACTION:

Approving this annual update to the 5-year Federal Airport Improvement Program will ensure that those federal dollars programmed for the Ames Municipal Airport will be available in the corresponding year of the City's Capital Improvement Plan. The annual update to the Federal AIP has been created using input from many Ames Airport stakeholders gathered throughout the year, as well as by incorporating budgetary direction and refinements from the City Council. Projects shown represent improvements necessary to meet current and future demands of the Ames Municipal Airport.

Negotiations will continue in an effort to bring the City Council a final recommended agreement between ISU and the City for these airport improvements prior to the budget wrap up meeting.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the 2016-2020 Federal Airport Improvements Program.

ITEM# 29
DATE: 12/9/14

COUNCIL ACTION FORM

SUBJECT: STATE PREEMPTION OF CITY LAP DANCE ORDINANCE

BACKGROUND:

In September 1996, the City Council adopted an ordinance prohibiting the touching between nude or nearly nude entertainers and customers. It was determined at the time that the physical contact between these parties was a potential health issue and directly correlated to criminal activity, such as assaults and prostitution.

Iowa Code §728.11 gives the State sole authority to regulate “obscene material” as defined in Iowa Code chapter 728. In July 2012, the Iowa Supreme Court determined that “live nude dancing”, while not explicitly included in the definition of “material”, was intended by the legislature to be included in the definition (Mall Real Estate, L.L.C. v. City of Hamburg). **Therefore, the Supreme Court decided that local government is expressly preempted from enacting or enforcing an ordinance that regulates live nude dancing, as it is considered obscene material.**

On November 13, 2013, the Ames Police Department issued two citations to two individuals for exposing a regulated/prohibited private body part in violation of the City’s lap dance ordinance. Both defendants challenged the citations claiming that the Ames ordinance was preempted by State law and was therefore void and unenforceable. At trial in District Associate Court, the Court decided in favor of the City and found the defendants in violation of the Ames ordinance.

The defendants appealed the decision to the District Court. On November 14, 2014, the District Court held that touching of a semi-nude dancer (a violation of Ames’ ordinance) was not distinguishable from “live nude dancing.” Since the Iowa Supreme Court determined that the definition of “live nude dancing” included physical contact, the District Court held that the Ames ordinance was void and unenforceable as it was preempted by state law. **The City may appeal the decision within 30 days of the order, by December 14, 2014. Since the decision, the Ames Police Department has not been enforcing the ordinance.**

Subsequent to the July 2012 Iowa Supreme Court decision, the State Legislature introduced legislation that more clearly defined “material” in Iowa Code chapter 728. The proposed legislation clarified that “live acts, performances, or exhibitions” are excluded from the list of state-regulated obscene material. The proposal also limited the state’s preemption to not restrict a city’s authority to regulate a place of business that permits live nude or semi-nude performances. The proposed legislation (House File 359) passed in the House, but failed to pass in the Senate.

ALTERNATIVES:

1. Direct City staff to seek a change in Iowa Code to provide for local control of live nude dancing.
2. Direct the City Attorney to appeal the decision of the District Court.
3. Direct the City Attorney to repeal Ames Municipal Ordinance §17.31, Touching of Certain Entertainers Regulated.

MANAGER'S RECOMMENDED ACTION:

There are two questions before the City Council.

The first is whether the City Attorney should pursue further appeals in these cases. City staff is not optimistic that the City would ultimately prevail in any further appeals in these cases for a few reasons: (1) the decision interpreting live nude dancing to be state-regulated obscene material came from the Iowa Supreme Court, and (2) the decision determined that live nude dancing is included the "touching" of performers, which is exactly what the Ames ordinance regulates.

The second question is whether City staff should attempt to persuade state legislators to clarify state law, making it clear that cities have the authority to regulate this type of activity. Historically, the City has sought greater local control over issues such as this, because it provides an opportunity for the community to take into account its unique interests, rather than relying on a broad state law.

Assuming the City Council is interested in local control regarding this issue, it is therefore the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby directing City staff to seek a change in Iowa Code to provide for local control of live nude dancing. This issue can be raised during our upcoming visit with our State legislators.