# AGENDA REGULAR MEETING OF THE AMES CITY COUNCIL COUNCIL CHAMBERS - CITY HALL DECEMBER 16, 2014

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

**CALL TO ORDER:** 7:00 p.m.

### PROCLAMATION FOR AMES SESQUICENTENNIAL:

1. Presentation of Iowa Senate Proclamation for Ames Sesquicentennial

<u>CONSENT AGENDA</u>: All items listed under the consent agenda will be enacted by one motion. There will be no separate discussion of these items unless a request is made prior to the time the Council members vote on the motion.

- 2. Motion approving payment of claims
- 3. Motion approving minutes of Regular Meeting of December 9, 2014
- 4. Motion approving renewal of the following Beer Permits, Wine Permits, and Liquor Licenses:
  - a. Class C Liquor & Outdoor Service Mangostino's Bar and Grill, 604 East Lincoln Way
  - b. Class B Beer Pizza Pit, 207 Welch Avenue, Suite 201
  - c. Class B Liquor Quality Inn & Suites, 2601 E. 13<sup>th</sup> Street
- 5. Motion setting January 27 and February 24, 2015, at 6:30 p.m. as Conference Board meeting dates
- 6. Resolution approving and adopting Supplement No. 2015-1 to Municipal Code
- 7. Resolution confirming appointment of GSB Representative Abhijit Patwa to fill vacancy on Transit Agency Board of Trustees
- 8. Resolution approving Certification of Local Government approval on behalf of non-profit organizations receiving Emergency Shelter Grant
- 9. Resolution in support of Iowa State University Bioeconomy Institute research grant
- 10. Resolution setting date of public hearing for January 13, 2015, on vacating easements in Westwood Village Subdivision
- 11. Resolution approving Professional Services Agreement for Design, Bid, and Construction Phase Engineering Services with HDR Engineering in an amount not to exceed \$90,135 for WPC Bar Screen Replacement
- 12. Resolution approving preliminary plans and specifications for 2014 Softball Field Irrigation System Replacement in River Valley Park; setting January 28, 2015, as bid due date and February 10, 2015, as date of public hearing
- 13. Resolution approving preliminary plans and specifications for 2014/15 Concrete Pavement Improvements #1 (Hayward Avenue); setting January 21, 2015, as bid due date and January 27, 2015, as date of public hearing
- 14. Resolution approving preliminary plans and specifications for 2014/15 Collector Street Pavement Improvements (West Street & Woodland Street); setting January 21, 2015, as bid due date and January 27, 2015, as date of public hearing

- 15. Resolution approving preliminary plans and specifications for 2014/15 CyRide Route Pavement Improvements (24<sup>th</sup> Street & Bloomington Road); setting January 21, 2015, as bid due date and January 27, 2015, as date of public hearing
- 16. Resolution approving preliminary plans and specifications for WPC Screw Pump Repainting and Drive Replacement; setting February 11, 2015, as bid due date and February 24, 2015, as date of public hearing
- 17. Resolution awarding contract to Titan Machinery of Des Moines, Iowa, for Tractor Loader Backhoe in the amount of \$89,300, and accepting Titan's trade-in offer of \$34,000 for City's existing Tractor Loader Backhoe, for net cost of \$55,300
- 18. Resolution approving contract and bond for Unit #7 Feedwater Heater Replacement
- 19. 2013/14 CyRide Route Pavement Improvements Contract #1 (Jewel Drive, Emerald Drive, Ken Maril Road, Duluth Street):
  - a. Resolution approving Change Order No. 1
  - b. Resolution accepting final completion
- 20. 2013/14 Water System Improvements Program Water Service Transfer Program #1 (10<sup>th</sup> Street):
  - a. Resolution approving Change Order No. 1
  - b. Resolution accepting final completion
- 21. Resolution accepting final completion of 2013/14 Arterial Street Pavement Improvements Lincoln Way (Thackeray Avenue to Hickory Drive)
- 22. Resolution accepting final completion of 2012/13 Concrete Pavement Improvements Contract #1 (Wheeler Street)
- 23. Resolution accepting final completion of 2013/14 Water System Improvement Program Water Main Replacement (Sheldon Avenue)
- 24. Resolution accepting final completion of 2013/14 Asphalt and Seal Coat Reconstruction and 2013/14 Water Main Replacement (South Franklin, Tripp Street, and Village Drive)
- 25. South Fork Subdivision Memorandum of Understanding (Lincoln Way/Franklin Intersection):
  - a. Resolution approving release of the Letter of Credit for Outlot U
  - b. Resolution approving reduction in the Letter of Credit for Outlot R

<u>PUBLIC FORUM</u>: 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:**

- 26. Hearing on repeal and replacement of Chapter 31, Historic Preservation:
  - a. First passage of ordinance
- 27. Hearing on Southeast 16<sup>th</sup> Street First (Deery Brothers) Urban Revitalization Area Plan Amendment:
  - a. First passage of ordinance

### **ADMINISTRATION:**

28. Motion establishing FY 2015/16 ASSET total funding allocation

### **ELECTRIC:**

29. Resolution awarding Engineering Services contract to Zachry Engineering of Minneapolis, Minnesota, for Units 7 and 8 Cooling Tower Replacement in an amount not to exceed \$121,000

- 30. Resolution approving Change Order No. 4 in the amount of \$155,493 with ProEnergy Services, LLC, of Sedalia, Missouri, for Spring 2014 Unit #8 Boiler Repairs
- 31. Resolution authorizing extension of Engagement and Retainer Agreement with Ritts Law Group of Alexandria, Virginia, in an amount not to exceed \$100,000 for consulting services related to the Clean Air Act

#### **POLICE:**

- 32. Reporting requirements for pawnbrokers and other secondhand-goods dealers:
  - a. Motion directing staff to prepare Ordinance

### **PLANNING & HOUSING:**

- 33. Urban Revitalization Area for 517 Lincoln Way:
  - a. Motion approving/denying application
  - b. Motion directing staff to prepare Urban Revitalization Plan
  - c. Resolution setting date of public hearing for January 27, 2015
- 34. Staff report on wireless facility siting requirements
- 35. Staff report regarding participation in the City of Marshalltown's Lead Hazard Control Program

### **FINANCE:**

36. Resolution endorsing Iowa Economic Development Authority Application for Financial Assistance for Boehringer Ingelheim Vetmedica, Inc., with local match in form of Industrial Property Tax Abatement

### **ORDINANCES:**

- 37. First passage of ordinance repealing *Municipal Code* Section 17.31 pertaining to Lap Dance Ordinance
- 38. Second passage of ordinance making text amendment to Section 29.401(4)(b) to increase allowable height for certain architectural features in all zoning districts
- 39. Second passage of ordinance making text amendment to Section 29.406(7) to include an allowance for front-yard parking in limited circumstances
- 40. Third passage and adoption of ORDINANCE NO. 4202 rezoning properties for ISU Research Park Phase III Project from Agricultural (A) to Planned Industrial (PI)
- 41. Third passage and adoption of ORDINANCE NO. 4203 making text amendment to reduce on-site parking required for fraternities and sororities

### **CLOSED SESSION:**

42. Motion to hold Closed Session as provided by Section 21.5c, *Code of Iowa*, to discuss matters pending and in litigation

### **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*.

### REGULAR MEETING OF THE AMES CITY COUNCIL

### **AMES, IOWA**

**DECEMBER 9, 2014** 

The Regular Meeting of the Ames City Council was called to order by Mayor Campbell at 7:00 p.m. on the 9<sup>th</sup> day of December, 2014, in the City Council Chambers in City Hall, 515 Clark Avenue. Present from the Ames City Council were Gloria Betcher, Amber Corrieri, Tim Gartin, Matthew Goodman, Chris Nelson, and Peter Orazem. *Ex officio* Member Lissandra Villa was also present.

**CONSENT AGENDA:** Council Member Betcher requested to pull Item No. 6 (Requests for Ames 150 Sesquicentennial Platting Day) for separate discussion.

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

- 1. Motion approving payment of claims
- 2. Motion approving minutes of 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 6<sup>th</sup> 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 NO. 14-621 approving appointment of Council Member Peter Orazem to Ames Convention & Visitors Bureau Board of Directors
- 6. RESOLUTION NO. 14-624 approving amendments to Records Retention Schedule
- 7. RESOLUTION NO. 14-625 approving CyRide Fuel Purchase for Calendar Year 2015
- 8. RESOLUTION NO. 14-626 approving release of Development Agreement for Renewable Energy Group property at 215 Alexander Avenue and releasing property from terms of Agreement
- 9. Motor Repair for Power Plant:
  - a. RESOLUTION NO. 14-627 approving contract renewal with Electrical Engineering and Equipment Company of Windsor Heights, Iowa, in an amount not to exceed \$115,000
  - b. RESOLUTION NO. 14-628 approving Performance Bond

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

### REQUESTS FOR AMES 150 SESQUICENTENNIAL PLATTING DAY IN DOWNTOWN

**AMES, DECEMBER 17:** Council Member Betcher said that she had pulled this item from the Consent Agenda to allow Casie Vance to highlight some of the activities that will be happening as part of the last event to be held pertaining to the Ames Sesquicentennial.

Casie Vance, representing the Ames Historical Society, 416 Douglas, Ames, listed events planned in observance of Ames 150 Sesquicentennial Platting Day to be held on December 17.

Moved by Betcher, seconded by Corrieri, to adopt/approve:

- a. RESOLUTION NO. 14-622 approving closure of a portion of Douglas Avenue from 8 a.m. to 4 p.m. on December 17
- c. A Blanket Temporary Obstruction Permit for December 17

d. RESOLUTION NO. 14-623 approving the closure of 14 parking spaces on Douglas Avenue from 8 a.m. to 4 p.m. on December 17

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

PUBLIC FORUM: Hugo (Fritz) Franzen, 1216 Scott Avenue, Ames, identified himself as an Ames resident, a physical scientist, and as a member of the Citizen's Climate Lobby. He said that his purpose in attending this Council meeting was to communicate that he, in his capacities as a resident and a scientist, wants to do whatever is in his power to strengthen the City's resolve in the future considerations of its energy usage to increase the component of the usage derived from solar energy. According to Mr. Franzen, through the combustion of fossil fuels, approximately 300 billion megawatt hours of energy are being added annually to the biosphere. He expressed two concerns to be considered by the Ames City Council: (1) the increases in energy introduced into the biosphere will require, within the foreseeable future, changes in the extent to which it will be possible to continue to consume fossil fuels, and (2) the approach to the consideration of policies reducing dependence on fossil fuels at the federal or state level has demonstrated that there are economic forces that make such reduction extremely unlikely in the foreseeable future. Mr. Franzen asked the City Council to carefully consider the urgent need to substantially decrease dependence on fossil fuels when considering energy options in the future.

Ryan Jeffrey, 2712 Lincoln Way, Ames, said he was speaking in his capacity as Business Improvement Director for the Campustown Action Association (CAA). He asked the City Council to consider changing the tax abatement system for Campustown. Mr. Jeffrey stated that several years ago, a survey of people using and interested in Campustown was conducted. The three major things that people indicated about Campustown were: liked its proximity to events, had a desire to have it be cleaner and nicer, and had a desire to have it be more "mom and pop" type shops. It was noted by Mr. Jeffrey that a lot of work had been done at cleaning up Campustown. He reported that there are going to be a lot of new and exciting buildings in Campustown, but some of that has come at a cost to the "mom and pop" type of businesses. Mr. Jeffrey said they were striving to reinforce the overall goals of "People for Campustown" and encourage the "mom and pop" type stores. He asked that when taxpayer money is being spent to encourage growth, developers be encouraged to look to supply space for "mom and pop" type businesses through a potential formula business plan associated with tax abatement.

There being no one else requesting to speak, the Mayor closed Public Forum.

height of the steeple.

HEARING ON ZONING ORDINANCE TEXT AMENDMENT TO INCREASE ALLOWABLE HEIGHT FOR CERTAIN ARCHITECTURAL FEATURES IN ALL ZONING DISTRICTS: City Planner Charlie Kuester explained that Heartland Baptist Church was seeking an amendment to the Zoning Ordinance regarding the maximum allowable height for steeples and other architectural features of principle structures. The Church is planning to construct a new facility on a 21-acre site at 3333 Stange Road. The proposed steeple is 72 feet in height; however, the current regulations in the Suburban Low-Density Residential zoning district only allow it to be a maximum of 60 feet. During review of the Church's plans, staff determined that the proposed steeple would exceed the height limit in the Low-Density district. Options were presented to Church representatives, who chose to request a zoning text amendment, rather than requesting to rezone the property to Medium-Density or reducing the

According to Planner Kuester, the Planning and Zoning Commission, on November 19, 2014, recommended denial (3-2) of the proposed text amendment. The Commissioners who recommended denial stated at the meeting that they felt that the amendment was being proposed to serve a particular development project rather than affecting the City as a whole. Also, some were concerned about the unintended consequences of allowing the increase in height in a residential zone as it would apply to all uses and a wide variety of architectural features. Mr. Kuester advised that the proposed amendment would allow 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.

It was noted by Planner Kuester that the proposed amendment would only impact Low-Density Residential districts, the Urban Core Medium-Density district, and some commercial districts. In all of those districts, the approval of religious institutions that would likely include a steeple or spire requires a Special use Permit to be approved by the Zoning Board of Adjustment (ZBA). The ZBA is required to consider the scale of the proposal and its context within the neighborhood as part of its review. City staff believes that, through that process, a proposed substantial architectural element that may be out of place could be modified to better suit its surroundings.

Mayor Campbell opened the public hearing.

Randy Abell, 2713 Northridge Circle, Ames, identified himself as the Pastor of Heartland Baptist. Mr. Abell shared that Church representatives met with staff from the City's Planning Department over two years ago when initial drawings showed a 35-foot steeple on a 40-foot high building. No City staff members ever raised the issue about the height of the proposed steeple not being allowed in the zone with any Church representatives. According to Mr. Abell, the subject property was initially zoned Agricultural, and at the City's request, the Church asked that the property be rezoned to Residential. For reference, Mr. Abell noted that a 35-foot-high steeple would be the same height as an average telephone pole. He also pointed out that any similar case would also need a Special Use Permit; therefore, organizations could not put up a steeple, spire, etc., in a small neighborhood. The Church is located on 21 acres, and it had to get a Special Use Permit.

Mr. Abell told the Council that there were at least 20 Church members present who were at the meeting to support the request for a text amendment. Each of the members would be willing to speak; however, in the interest of time, Mr. Abell said that he was voicing their support. Addressing some of the comments made by Zoning Board of Adjustment (ZBA) members, it was stated by Mr. Abell that over 500 Church members and members of the community are in support of the text amendment, not just him personally. Also, a ZBA member had asked how tall 75 feet would be, and the answer given had been "a seven-story building." That answer presents a perception of an image that would be way out of context to a church with a steeple.

Council Member Goodman asked why the Church had made the decision to go through this process rather than adjust the height of the steeple. Mr. Abell explained the tradition of steeples on Baptist churches. He noted that an option for the Church would be to make application for another rezoning that would allow the proposed steeple; however, the Church would have to start over on the text amendment needed for the maintenance building. The Church could have followed the pattern of others and built outside the city limits of Ames, but make the choice to stay in Ames.

Debbie Lee, 214 S. Maple, Ames, spoke as Chairperson of the Planning and Zoning Commission. She shared that none of the Commission members had any concerns about the case in question. However, Commission members were surprised to learn was that, under the current *Code*, anyone in a residential zone could build a 60-foot clock tower, spire, or steeple. The Commission members had an issue with the way the current *Code* was written, and they did not want to increase the height to 75 feet. At the inquiry of Council Member Gartin, Planner Kuester concurred that an owner of a single-family home could build a 60-foot clock tower, spire, steeple, etc., with nothing more than a Building Permit.

The Mayor closed the hearing after no one else requested to speak.

Moved by Gartin, seconded by Orazem, to pass on first reading an ordinance making a Zoning Ordinance text amendment to Section 29.401(4)(b) to increase the allowable height for certain architectural features that are less than 200 square feet in size.

Council Member Betcher expressed her reservations about approving the text amendment given what could result in unintended consequences.

Council Member Goodman stated that he would like to think that when the City Council makes *Code* text amendments, it is a well-thought-out process regarding what will be taking up staff time. He believes that a hard conversation needs to be had on what should be taking up staff time.

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

## HEARING ON ZONING ORDINANCE TEXT AMENDMENT TO INCLUDE AN ALLOWANCE FOR FRONT-YARD PARKING IN LIMITED CIRCUMSTANCES: Planner

Kuester advised that 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 had requested that the City Council authorize an application for a text amendment to allow for parking in front of the main building entrance; however, parking is prohibited in front yards of residential buildings. Mr. Kuester reminded the Council members that they had referred this request to staff on August 12, 2014, to consider a text amendment for front-yard parking under certain circumstances.

Mr. Kuester referenced the regulations of Chapter 29, Article 4, stating that 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. 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 and are subject to the restriction on front-yard parking.

The Council was told that 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.

Planner Kuester shared that the City has debated front-yard parking standards several 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, expect upon a driveway. While some nonconforming 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.

Mr. Kuester explained that, in this case, the front of the building is actually recessed between two of the wings, which come out a considerable distance. According to Planner Kuester, staff had 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 includes 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. The current ordinance specifically describes where the front yard is located for residential uses and buildings. The proposed amendment would require parking to be behind the primary facade 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 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 recommended 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.

Planner Kuester advised that the Planning and Zoning Commission met on November 4 and recommended approval (5-0) of the proposed text amendment. Planning and Housing Director Kelly Diekmann shared that there had been a lot of discussion among the Commission members before voting on the request.

Council Member Betcher asked if the currently allowed parking would be on the side of the building and the only access into the facility would be on the front of the building. Planner Kuester explained that currently there would be a single driveway off of George Washington Carver Road. There is a road to the right that provides access to the senior apartments on the south side. There is a driveway that is to the left and circles around the north side of the building for staff and those accessing the skilled care and assisted living areas. That same entrance road, if extended forward, would loop around under the covered entryway and would be a drop-off point for people to enter the main lobby of the facility; that is where the owners would like to place parking spaces. If the requesting parking is not approved, the visitor would have to go around the south side of the building. Council Member Gartin shared that he thought the parking should be located near the front entrance.

Council Member Nelson referenced similar facilities, e.g., Riverside South, Riverside North, Green Hills, Bickford Cottage, Northcrest, and noted that they all have circle drives with parking in the front. He asked, from a technical standpoint, what would make this development different than those. Director Diekmann answered that, prior to 2000, there were different requirements for front-yard parking. In addition, some of those are PRDs; PRDs have the freedom through the Major Site Plan process.

Gib Wood, Scenic Development, Overland Park, Kansas, showed the layout of the proposed parking. He pointed out the entrances into the facility and noted where the parking would have to be located if the text amendment were not approved. According to Mr. Wood, in addition to elderly residents living at the facility, many elderly visitors will be frequenting the facility. Mr. Wood said that they have never had an issue with front-yard parking in any of their facilities located in other jurisdictions, and all but one are located in Medium-Density Residential zones. He emphasized that the proposed change is needed in order for them to provide the type of services that are needed by their residents.

Brian Hoyle, Newport Beach, California, stated that he was present to speak on another issue as the owner of Riverside North and Riverside South. However, he wanted to offer his support for the concept of front-yard parking for care facilities.

Scott Renaud, FOX Engineering, 414 South 17<sup>th</sup> Street, Ames, said that he was in support of the proposed text amendment. He noted that unintended consequence of the requirement is that the parking ends up almost never being in the front of the building.

Debbie Lee, 214 S. Maple, Ames, again speaking as Chairperson of the Planning and Zoning Commission, said that she was surprised by her recent experience with care facilities and the importance of the location of parking.

No one else came forward, and Mayor Campbell closed the hearing.

Council Member Goodman shared that he wanted to approve a text amendment, but have it limited to this use. At the inquiry of Mr. Goodman, City Attorney Judy Parks advised that if the Council wanted the text amendment to be more restrictive, the process would need to start over.

After being questioned by Mr. Goodman, Mr. Wood explained that he was very concerned about the delay in construction if the process had to start over. He shared that the construction was moving along rather quickly now.

Moved by Goodman to refer the proposed text amendment back to staff that would allow front-yard parking in the case of assisted living facilities, hospices, and nursing convalescent homes.

Mayor Campbell pointed out that this would mean the process would have to start over.

Motion died for lack of a second.

City Attorney Parks advised that if the City Council members wished to further limit the categories, they could pass the ordinance as it is and then direct staff to prepare another text amendment to further limit it.

Moved by Orazem, seconded by Gartin, to pass 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.

Roll Call Vote: 4-2. Voting aye: Betcher, Gartin, Nelson, Orazem. Voting nay: Corrieri, Goodman.

Motion declared carried.

Moved by Betcher, seconded by Orazem, to direct staff to work on follow-up language to narrow the uses to cover a subset of Group Living facilities.

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

HEARING ON LOAN AND DISBURSEMENT AGREEMENT FOR PLANNING, DESIGNING, AND CONSTRUCTING IMPROVEMENTS AND EXTENSIONS TO MUNICIPAL WATERWORKS SYSTEM: Mayor Campbell opened the public hearing and closed it after no one came forward to speak.

Moved by Goodman, seconded by Corrieri, to adopt RESOLUTION NO. 14-629 declaring intent to enter into a Water Revenue Loan and Disbursement Agreement.

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

## HEARING ON LEASE AGREEMENT WITH VERIZON WIRELESS FOR CELLULAR ANTENNA ON CITY PROPERTY AT 600 SOUTH MAPLE AVENUE: Management

Analyst Brian Phillips noted that City staff had been in discussions with a firm representing Verizon Wireless to place a cellular antenna on City property. The proposed site is located south of the Department of Transportation approximately 350 feet east of South Maple Avenue near the Parks 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. The terms of the Lease were explained by Mr. Phillips.

Mr. Phillips advised that, if the City Council approves the lease with Verizon, Verizon would be required to obtain a Special Use Permit prior to construction of an antenna. Monthly rental payments to the City would begin when construction commences.

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

Moved by Goodman, seconded by Orazem, to adopt RESOLUTION NO. 14-630 approving a Lease Agreement with Verizon Wireless to place a cellular antenna on City property near the Squaw Creek Community Gardens.

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

HEARING ON VACATION AND SALE OF PORTION OF ALLEY LOCATED ON GRAND AVENUE BETWEEN 11<sup>TH</sup> AND 12<sup>TH</sup> STREETS: Mayor Campbell opened the hearing. The public hearing was closed as no one else came forward to speak.

Moved by Goodman, seconded by Betcher, to adopt RESOLUTION NO. 14-631 approving the vacation and sale of alley remnants as follows:

- a. Piece A to Jessica Jane in the amount of \$1,339.20;
- b. Piece B to Catherine and William Byrd in the amount of \$1,339.20;
- c. Piece C to Nirmalendu and Srimati Majumdar in the amount of \$1,267.78;
- d. Piece D to Laura Jesse in the amount of \$1,267.78;
- e. Piece E to Matthew Leibman in the amount of \$\$1,276.70.

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

HEARING ON CONTROLS AND RELAYING PANELS FOR 69kV SUBSTATION PANEL AND TRANSMISSION LINE TERMINAL UPGRADES - DAYTON AND STANGE SUBSTATIONS: The public hearing was opened by the Mayor and closed after no on requested to speak.

Moved by Goodman, 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 Betcher, seconded by Goodman, to adopt RESOLUTION NO. 14-632 approving updated preliminary plans and specifications for re-issuance of project; setting January 15, 2015, as bid due date and January 27, 2015, as the date of public hearing.

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

**HEARING ON UNIT #7 FEEDWATER HEATER REPLACEMENT:** The public hearing was opened by the Mayor. No one asked to speak, and the hearing was closed.

Moved by Gartin, seconded by Betcher, to adopt RESOLUTION NO. 14-633 approving final plans and specifications and awarding a contract to American Exchanger Services, Inc., of Hartford, Wisconsin, in the amount of \$283,705 (plus applicable sales taxes).

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

**HEARING ON WATER POLLUTION CONTROL PLANT TRICKLING FILTER CHECK VALVE REPLACEMENT:** Mayor Campbell opened the hearing and closed same when no one came forward to speak.

Moved by Nelson, seconded by Corrieri, to adopt RESOLUTION NO. 14-634 approving final plans and specifications and awarding a contract to Story Construction Co. of Ames, Iowa, in the amount of \$56,700.

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

HEARING ON 2014/15 ASPHALT PAVEMENT IMPROVEMENTS (FERNDALE AVENUE AND COY STREET) AND 2014/15 WATER SYSTEMS IMPROVEMENTS (SOUTH

**FRANKLIN AVENUE AND COY STREET):** The Mayor opened the hearing and closed same after no one requested to speak.

Moved by Goodman, seconded by Corrieri, to adopt RESOLUTION NO. 14-635 approving final plans and specifications and awarding a contract to Manatt's, Inc., of Ames, Iowa, in the amount of \$1,217,069.78.

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

**HEARING ON 2014/15 MORTENSEN ROAD IMPROVEMENTS (SOUTH DAKOTA AVENUE TO DOTSON DRIVE):** The public hearing was opened by Mayor Campbell. There being no one wishing to speak, the hearing was closed.

Moved by Goodman, seconded by Betcher, to adopt RESOLUTION NO. 14-636 approving final plans and specifications and awarding a contract to Manatt's, Inc., of Ames, Iowa, in the amount of \$357,904.62.

Council Member Gartin asked if there was a plan in place for continued maintenance of the multi-use trail. Public Works Director John Joiner answered that it would fall under shared jurisdiction between Iowa State University and the City.

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

**HEARING ON 2014/15 TRAFFIC SIGNAL PROGRAM (UNION DRIVE AND LINCOLN WAY):** Mayor Campbell opened the public hearing. No one asked to speak, and the hearing was closed.

Moved by Corrieri, seconded by Goodman, to adopt RESOLUTION NO. 14-637 approving final plans and specifications and awarding a contract to Voltmer, Inc., of Decorah, Iowa, in the amount of \$211,251.64.

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

**HEARING ON 2014/15 TRAFFIC SIGNAL PROGRAM (13<sup>TH</sup> STREET AND STANGE ROAD):** The Mayor opened the hearing and closed same after no one came forward to speak.

Council Member Nelson noted that there were concerns about awarding future work to KWS, Inc., of Cedar Falls, after its poor performance on another City of Ames project. Civil Engineer Eric Cowles stated that documentation is key. If the City has another incident of poor performance by KWS, combined with its past history, staff will meet with legal counsel.

Moved by Corrieri, seconded by Betcher, to adopt RESOLUTION NO. 14-638 approving final plans and specifications and awarding a contract to KWS, Inc., of Cedar Falls, Iowa, in the amount of \$266,072.75.

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

**PRAIRIE VILLAGE SUBDIVISION (1204 SOUTH 4**<sup>TH</sup> **STREET):** Council Member Gartin stated that he would not be participating in the discussion or voting on this issue due to a conflict of interest.

Planner Kuester explained that American Healthcare Investment, LLC, is requesting approval of a Final Minor Subdivision Plat for Prairie Village Subdivision. This existing single parcel addressed as 1204 S. 4<sup>th</sup> Street is 11.23 acres and is the site of Riverside Manor, an existing skilled care facility. The site is zoned High-Density Residential. 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.

According to Mr. Kuester, the applicant started grading and placing fill on the site in September based upon an approved grading plan and Flood Plain Development Permit. Mr. Kuester emphasized that fill was being placed in the Floodway Fringe. The grading is taking place within the Floodway and Floodway Fringe in accordance with these approvals.

Mr. Kuester explained that 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. Director Diekmann noted that approval of the Final Plat must still comply with subdivision design and improvement requirements as well applicable City ordinances and duly adopted plans. He brought the Council members' attention to Attachment D of the Council Action Form, which contained the appropriate section of the *Code of Iowa* and the Ames subdivision regulations regarding City Council consideration of a Minor Final Plat. Mr. Diekmann outlined the most applicable sections.

The Council was told by Planner Kuester that 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. Mr. Kuester advised that 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.

It was noted by Planner Kuester that there are no existing sidewalks on this lot. The applicant is proposing to construct a four-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.

According to Mr. Kuester, 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.

Council Member Goodman asked if South 2<sup>nd</sup> Street was an Arterial street. Transportation Engineer Damion Pregitzer stated that it is a Minor Arterial.

Discussion ensued about left turns on South 4<sup>th</sup> Street into the subject site being problematic. Mr. Pregitzer said that it is highly unlikely that a traffic signal would be warranted since this is Residential. He believed that different types of warning devices would be recommended first in the future. According to Mr. Pregitzer, if it were a commercial site of a certain size, the City would look to put access restrictions in place. Council Member Betcher expressed her concerns about pedestrians trying to get across a four-lane street to the bus stop. Mr. Pregitzer said that the City would reassess the need for a traffic signal at some time in the future, if warranted, but actual data is needed to make that determination. It is being assumed that there will be a large portion of the residents who will be using transit, walking, or biking; therefore, a physical restriction to turn left out of the development. There might be a delay, however, it is not expected to be a safety concern.

Council Member Goodman commented that he feels more information is needed before the Subdivision could be approved. Planning Director Diekmann advised that the Council could ask for more information, place conditions on the Plat, or deny the request for subdivision.

Brian Hoyle, representing American Healthcare Investment, owners of the property in question, stated that the 2010 Flood was a "defining moment" that brought this project to this point. He advised that American Healthcare Investment has owned the property for 15 years and has sustained floods throughout the years that required evacuating residents. In 2010, after an emergency call from the Ames Police Department, he reported that 50 ill and feeble residents of Riverside South had to be evacuated in the middle of the night due to flooding. The 2010 Flood was the third major flood that had impacted the facility. Mr. Hoyle said that his company has looked at every possible option to make the property safer for the residents of the care facility. The purpose of the project is to help the residents not have to worry about future

flooding. According to Mr. Hoyle, the proposed project will provide stability to the site that has never been in existence for 40 years. The site is large, and most of it is undeveloped. According to Mr. Hoyle, it was not his intent to subdivide and develop the site, but he was driven to that point given the conditions with which he has been presented. The zoning is in place to allow the project.

Mr. Hoyle stated that he has been working with a local engineering firm, FOX Engineering, and it had done a very good job dealing with the issues. Answers had been provided to all the questions that they had been asked. According to Mr. Hoyle, they have tried to work with the neighbors and be good neighbors in the community. He met last night with some of the neighborhood representatives to address some of their concerns and misunderstandings. Mr. Hoyle told the Council that the purpose of the project is really to help the facility survive and not make the residents evacuate in the future. He views the work that had been done to this point as an "emergency effort" because stability would be provided to the site that has never existed in the 40 years at the property. The property now has protection from future flooding without adding to the existing floodway problem.

According to Mr. Hoyle, hydrology studies are in existence. The existing engineering will bear all of that out in fact, rather than conjecture and rather than him telling the Council that it is going to work, they have the proof that it will work through engineering studies and detail. Mr. Hoyle stated that they had gone through all the various processes to make the development the best possible. He believes that this development is the best option available and the one that allows him, as the owner of the property, to sustain the property, protect his residents, and provide a good use in the future. They continue to work with the City and the neighbors to come up with the best possible plan.

Mr. Hoyle showed the proposed site plan. Mr. Hoyle believes that what is being proposed is a sustainable development project using all the best modern construction techniques to protect the existing property and the newly subdivided property. It would be a vastly improved property and an improvement for the community.

Council Member Orazem asked if what was being proposed could be constituted as a levy. Mr. Hoyle replied that it should not be characterized at all as a levy. The parking area is in the area of the flood plain. It is drained and meets the Storm Water Management. Mr. Hoyle contended that they improved the situation on the site so that it is not creative a levy; they are creating the capability for the water to flow better in the event of a flood. The water will not go up into his property. According to Mr. Hoyle, engineers have also evaluated what will happen to the adjacent properties as the water moves up or down stream. He believes that this would not act as a dam, but would improve the ability of the area to manage future flood waters.

Debbie Lee, 214 South Maple, Ames, referenced a letter sent in September to the Mayor and City Council from the neighborhood outlining various concerns about traffic and pedestrian safety. She stated that she would not repeat those, but would focus at this meeting on the flooding issues. Ms. Lee responded to some of the information provided at the neighborhood meeting with Mr. Hoyle held last night. She said that Mr. Hoyle told the neighbors that the motivating factor for subdividing the land was to provide flood protection for the Riverside Manor nursing home. Ms. Lee said that she views the project as an elaborate project for the protection of a business. The apartment buildings in the floodway fringe, the retaining walls, a parking lot in the floodway, a berm, and lots of fill would protect one business. It was noted by

Ms. Lee that Mr. Hoyle expects the Ames community to accept that the proposed changes will not create any additional flood risk elsewhere and might even reduce the flood risk. According to Ms. Lee, a major frustration for the residents is that they cannot prove with certainty that the proposed changes will increase potential flood damage in the neighborhood, nor can the developer prove that it will not increase that potential. Ms. Lee noted that the neighbors have seen major floods in 1993, 2008, and 2010, and each time, it has been progressively worse. Historical flood data and experience make the residents of the area worry about the risks that the changes might entail.

Ms. Lee said that the neighbors understand that the property owner has the right to use his property as he sees fit. However, the question of homeowners who have invested in their homes in ways that have increased the value of the neighborhood to the community is what are reasonable expectations for the safety and protection of their homes and belongings. Looking into the future, Ms. Lee asked what recourse the neighboring residents will have if the project results in increased flooding in the area. She asked what it would mean to the property owners and the Ames community to have a further loss of homes in the vibrant and affordable neighborhood. Residents also wonder what the impacts will be on Squaw Creek.

It was acknowledged by Ms. Lee that for Mr. Hoyle to worry about the residents of the nursing home was commendable; however, he purchased the property knowing that there were flood risks. Mr. Hoyle has stated that he had looked at other options, but was driven to the current proposal due to the lack of an alternative. Ms. Lee believes that the alternative chosen by Mr. Hoyle comes at a potential cost to others in flood risk and quality of life in terms of additional traffic to and through the neighborhood. She asked the City Council to do what it can to alter the project.

Judy Lemish, 327 S. Maple, Ames, had heard at the Planning and Zoning Commission that the developer was undertaking the proposed project to protect Riverside Manor Care Facility, the Maplewood Apartments to the east and to the south, and to the neighbors across S. 4<sup>th</sup> Street to the north from flooding. Ms. Lemish expressed her skepticism about the motive of the developer; she believes it is for profit, not because due to caring and concern for the residents of Riverside Manor Care Facility. She pointed out that residents of the Care Facility would no longer be able to look out over the green space with its calming effects, as it would be gone, replaced with two four-story apartment buildings and parking lots. The earthen berm proposed to be located on the north will further isolate the residents who will not longer have a view of the neighborhood or even the traffic driving by. According to Ms. Lemish, when the engineer on the project was asked by a Zoning Board member at the November meeting what the residents of Riverside Manor thought about the project, he responded that "those people are not aware of what was going on." Ms. Lemish believes that the nursing home residents are more cognizant of what was going on around them that the engineer seems to think. If the project moves forward, the residents will essential live in a "walled-off sensory-deprived, but protected, area." Ms. Lemish said she is also suspicious of the alleged protection of others in the neighborhood. She reiterated that she believes the project is for the protection of profits at the expense of the neighborhood residents. There are many unknowns as to what direction the water will come from, how long it will remain, and how much damage will be done from future flooding events. The Care Facility has been at its current location for 40 years. Many of the residences have been in their current locations for 80 years. It appears to Ms. Lemish that this might be a case where one is being pitted against another, and she thinks that, too often in Ames, that is the reality. Ms. Lemish alleges that the City of Ames is also at fault in this because it has failed to update the

maps of the area after 2010. Most of the maps have not changed since 2004; that puts individuals at risk. It is the opinion of Ms. Lemish that this type of development has gone on too long in Ames; all of it can be avoided if the residents, City leaders, and developer act cooperatively for the long-term benefit of all, rather than the short-term profit for a few.

Deborah Link, 222 S. Russell, Ames, stated that she had lived at her current residence for 47 years. Her home is almost 100 years old. Ms. Link stated that her neighborhood is the most immediately affected by the proposed apartment buildings. She asked the Council to halt the construction of the proposed buildings because she believes it will further harm her neighborhood during flooding events that are certain to come. Ms. Link feels that the area around Squaw Creek already has too much concrete, preventing the natural absorption of flood waters. More buildings and concrete will only make it worse. The Council was reminded that the government had already bought-out more than 20 homes and spent too much money in attempts to fix the flooding. Ms. Link believes that the proposed development promises more flooding and worse damage.

Scott Renaud, FOX Engineering, stated that, hydro logically speaking, the neighborhood is disconnected from this location; what is done at the location in question makes no difference on the flooding effect to the neighborhood. South 4<sup>th</sup> and the bridge acts as constraints and establishes the elevation of the water in the neighborhood. According to Mr. Renaud, there is no water flowing over S. 4<sup>th</sup> into the area except when there is a flash flood that comes down the street from Lincoln Way. That is why a berm is proposed to be located in front of the facility. The berm is relatively small, only 3' high. It was pointed out by Mr. Renaud, Maplewood Apartments have not flooded, and the apartment building farther south has not flooded. Mr. Renaud listed the improvements to the property that had already been done by the owner. He stated that this project would not have a negative affect on the neighborhoods upstream. Mr. Renaud alleged that the project has been gone through by staff with a "fine-toothed comb." The project will not do anything to impact the flooding of the neighborhood upstream.

After being questioned by Council Member Nelson, Mr. Renaud said every time you go through a bridge, there is a drop from one side to another. The only way the upstream area can be affected is to basically "wash-out" the bridge. Since the property is really close to the bridge, it can't really be washed-out. Mr. Renaud commented that he was not sure why the neighborhood residents were concerned about a levy, but if one side did a levy and the other side would not, it would be an issue.

Council Member Nelson asked what direction the water came from when Riverside Manor was last flooded. Mr. Renaud responded that the flood that impacted the property in 2010 actually came in the front, off of S. 3<sup>rd</sup> and S. 4<sup>th</sup>, from street flooding that came across into the site. At that time, the water came in through the window wells, flooding the basement, and then the basement collapsed.

Council Member Betcher asked Mr. Renaud if the properties downstream from the proposed development would be more prone to flooding. Mr. Renaud answered that there are a lot of factors; however, he believed it would be 2" or less of rise. He also stated that the *Code* allows fill of the complete flood fringe, and it would only have 1' of effect total in the floodway.

Sharon Guber, 2931 Northwestern Avenue, Ames, alleged that when there is a constriction, such as a bridge, water backs up. Instead of having 18' guaranteed around buildings, if the project is

approved, there would be a flush wall. She asked where the rushing water would go. Ms. Guber questioned whether the proposed project actually fits in the area.

It was noted that, 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 19, 2014, and is scheduled to consider the item again on December 10, 2014. In answer to Ms. Guber's question, Mr. Diekmann said that, if the Final Plat is approved, it will not come before the City Council again.

Council Member Goodman stated that he wanted a second opinion from a third party on the impacts of flooding on the residents in the neighborhood adjacent to the subject property. He would also like to see extra oversight of the project.

Council Member Betcher reiterated her concerns over the anticipated number of pedestrians needing to cross S. 4<sup>th</sup> Street, especially because the bus stop is on the opposite side of the street. She believes that at some point in the future, a traffic signal will need to be installed at a cost of \$250,000 or more. Ms. Betcher expressed her dismay that the Plat was being considered Minor. Council Member Orazem said that he was more concerned about continued flooding in the neighborhood. He noted that, if staff had determined that a traffic signal were to be needed, the Council would have to deny approval of the Minor Final Plat. Planning Director Diekmann read the criteria for defining a Minor Final Plat. Mr. Pregitzer explained the trip generation analysis that was conducted by staff to determine whether a traffic signal would be warranted.

Mayor Campbell told the Council that the City Attorney had advised that, with one Council member abstaining due to a conflict of interest, three votes would be needed to adopt the Resolution.

Council Member Goodman said he personally wanted a second opinion from a third party on the impacts of flooding on this project. He is also curious as to whether there is a way to have extra oversight as the project moves forward. Mr. Goodman pointed out that on the Welch Crown Center project, footings had been poured that made it 12" too high. That resulted in the sidewalk being very narrow. If the City would have forced the footings to be removed and re-poured, it would have resulted in a cost of over a million dollars. What it did, however, was create a situation that was totally against Code.

Director Diekmann noted that, if the Final Plat is not decided on at this time, the applicant would need to waive the 60-day requirement to approve or deny the application for a Final Plat so that staff can provide more information to the City Council. Mr. Hoyle stated that, although it would delay the project, he also would like the information.

Moved by Goodman, seconded by Orazem, to refer the request back to staff or the applicant for additional information, asking that the City work with a third party to get an evaluation of the hydrology effects of the proposed project on the Oak-Riverside Neighborhood and direct that staff explore what level of oversight is needed to ensure that the project would be built with the appropriate design.

Council Member Orazem noted that there are different ways to get another evaluation: a consultant can review the engineering study already completed or another hydrology study can be done.

Council Member Betcher pointed out that FEMA monies had been used to buy out properties to the north of the proposed development. It seemed very logical to her that potential impacts to the neighborhood needed to be known.

Vote on Motion: 4-1-1. Voting aye: Betcher, Corrieri, Goodman, Orazem. Voting nay: Nelson. Abstaining due to a conflict of interest: Gartin. Motion declared carried.

The meeting recessed at 9:40 p.m. and reconvened at 9:46 p.m.

HIRTA DEMAND REPORTS FACILITATION DISCUSSION: City Manager Schainker stated that, 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. Mr. Schainker noted that the response to the request for open meetings puts the City staff in a bit of a quandary. He stated that staff needed direction from the Council as to whether City staff should continue to attend the closed meetings. Mr. Schainker pointed out that it was the staff's assumption that the Council believes it is very important for the City to participate in the discussions.

Moved by Goodman, seconded by Corrieri, to direct that the City of Ames continue to be a party to the discussions.

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

**VENDING ORDINANCE:** City Manager Schainker stated that, after discussion at the October 28, 2014, City Council meeting, staff prepared five options to address concerns expressed by the Council members. Mr. Schainker advised that, once Council determines which option to proceed with pertaining to 22.20(1)(e), it should direct the City Attorney to prepare the ordinance for consideration on first reading at an upcoming meeting.

Moved by Gartin, seconded by Corrieri, to approve Option 3, i.e., adopt language to prohibit permeates from being granted a Vending Permit if they are listed as a registered sex offender and also prohibit the permitted from hiring employees if they are listed as a registered sex offender.

Council Member Corrieri expressed her opinion that enforcement of Option 3 would be fairly difficult. She asked if there would be a way to limit this to those whom have mobile vending operations. Police Chief Cychosz explained how the process of running background checks could work. Ms. Corrieri asked Chief Cychosz if mobile vending operations represent a greater risk. Chief Cychosz said that residents want to know who is in their neighborhood; that would probably best be answered by residents.

Council Member Betcher noted that Option 3 could turn into an "enforcement nightmare," due to the level of turnover of employees. She said she was supportive of Option 5, "which basically maintains the status quo."

Motion withdrawn.

Moved by Betcher, seconded by Gartin, to direct staff to remove Section 22.20(1)(e), which will allow permeates and their employees convicted of a felony or of a crime of dishonesty to obtain a permit.

Council Member Goodman advised that he would be abstaining from the discussion and voting due to a conflict of interest.

Vote on Motion: 3-2-1. Voting aye: Betcher, Gartin, Orazem. Voting nay: Corrieri, Nelson. Abstaining due to a conflict of interest: Goodman. Motion declared carried.

REPORT FROM SUSTAINABILITY COORDINATOR: Assistant City Manager Mundt said that Sustainability Coordinator Merry Rankin and Software Engineering students from Iowa State University would be presenting a mid-year update of the FY 2014/15 activities and accomplishments related to the Sustainability Advisory Services contract between the City and Iowa State University. Three of the four Iowa State Students who had created the program gave a demonstration on the On-Line Self-Guided Data System to track personal electrical usage and compare usage to similar households. Council Member Gartin recommended that an app be created for the program.

Ms. Rankin detailed other accomplishments and planned work for the remainder of the contract year.

**EMERALD ASH BORER:** Public Works Director John Joiner introduced Justin Clausen, the newly promoted Operations Manager. Corey Mellies, former Operations Manager who had worked on the Emerald Ash Borer Plan, had been promoted to Director of Fleet Services.

Mr. Clausen explained the modifications being proposed to Chapter 27 (Trees and Shrubs). It was noted that the Council had directed staff to draft an amendment to Chapter 27 of the *Municipal Code*. 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. Mr. Clausen emphasized that 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.

The Public Outreach Process was explained in detail by Mr. Clausen.

It was noted that the updated Emerald Ash Borer Response Plan and Urban Forest Diversification and Reforestation Plan now includes an appendix outlining a limited administrative appeals process for ash trees in the right-of-way. The new process was explained. It 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 (D.B.H.) 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 D.B.H. 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.

Moved by Goodman, seconded by Corrieri, to adopt RESOLUTION NO. 14-639 amending the EAB Response Plan and Urban Forest Diversification & Reforestation Program to include the appeal process as outlined by staff.

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

Moved by Nelson, seconded by Betcher, to pass on first reading an ordinance amending *Ames Municipal Code* Chapter 27, Trees and Shrubs.

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

Moved by Corrieri, seconded by Betcher, to suspend the rules necessary to adopt an ordinance. Roll Call Vote: 5-1. Voting aye: Betcher, Corrieri, Gartin, Nelson, Orazem. Voting nay: Goodman. Motion declared carried.

Moved by Nelson, seconded by Orazem, to pass on second and third readings and adopt ORDINANCE NO. 4201 amending Ames Municipal Code Chapter 27, Trees and Shrubs. Roll Call Vote: 6-0. Ordinance declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

**FEDERAL AIRPORT IMPROVEMENT PROGRAM:** Transportation Engineer Pregitzer advised that, 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.

Moved by Corrieri, seconded by Gartin, to adopt RESOLUTION NO. 14-641 approving the 2016-2020 Federal Airport Improvement Program.

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

### JUDICIAL DETERMINATION OF PREEMPTION OF LAP DANCE ORDINANCE:

Assistant City Attorney Jessica Spoden stated that, at trial of two citations filed by the Ames Police in District Associate Court, the Court decided in favor of the City and found the defendants in violation of the Ames ordinance. However, the defendants appealed the decision to the District Court. On November 14, 2014, the District Court held that touching of a seminude 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. 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. According to Ms. Spoden, 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.

Moved by Goodman, seconded by Corrieri, to direct the City Attorney to repeal *Ames Municipal Ordinance* §17.31, Touching of Certain Entertainers Regulated.

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

Moved by Gartin to direct staff to ask legislators to assist the City in seeking out a legislative fix for this.

Motion died for lack of a second.

Mr. Gartin expressed his concern that this issue would just be allowed to die. He believes that there should be some level of caution; there has been no notice to the public or discussions with the Police Department. Mr. Gartin noted that he wanted to fight the fight not based on the subject matter, but based on principles.

### ORDINANCE REZONING PROPERTIES FOR ISU RESEARCH PARK PHASE III

**PROJECT:** Moved by Goodman, seconded by Corrieri, to pass on second reading an ordinance from Agricultural (A) to Planned Industrial (PI).

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

### ORDINANCE REVISING ON-SITE PARKING REQUIREMENT FOR FRATERNITIES

**AND SORORITIES:** Moved by Goodman, seconded by Corrieri, to pass on second reading an ordinance making zoning text amendments to reduce on-site parking required for fraternities and sororities.

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

**ORDINANCE REZONING 601 STATE AVENUE:** Moved by Goodman, seconded by Corrieri, to pass on third reading and adopt ORDINANCE NO. 4200 rezoning 601 State Avenue from Special Government/Airport (S-GA) to Residential Low-Density (RL).

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

**COUNCIL COMMENTS:** Moved by Betcher, seconded by Goodman, to refer to staff the request of Anne Kinzel dated November 19, 2014, on behalf of the Iowa State University Bio-Economy Institute, requesting support for a grant application.

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

Moved by Goodman, seconded by Corrieri, to refer to staff the letter from Campustown Action Association pertaining to changes in the Campustown Urban Revitalization Criteria Matrix. Vote on Motion: 6-0. Motion declared carried unanimously.

Moved by Goodman, seconded by Corrieri, to direct staff to add to the Goal-Setting Agenda a discussion on the process of referrals to staff.

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

Council Member Gartin acknowledged the letter from Justin Gersema dated December 5, 2014, pertaining to shopping carts being left at the S 5<sup>th</sup> and Duff Avenue bus stop.

Moved by Gartin, seconded by Goodman, to refer to staff the most-recent letter from Justin Gersema and the work already done by City staff for placement on a future agenda for discussion.

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

<b>ADJOURNMENT:</b> Moved by Corrieri to adjourn the meeting at 11:05 p.m.			
Diane R. Voss, City	Clerk	Ann H. Campbell, Mayor	





Caring People Quality Programs Exceptional Service

4a-c

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 23, 2014

The Council agenda for December 23, 2014, includes beer permits and liquor license renewals for:

Class C Liquor & Outdoor Service – Mangostino's Bar and Grill, 604 E Lincoln Way

Class B Beer – Pizza Pit, 207 Welch Ave #201

Class B Liquor – Quality Inn & Suites, 2601 E 13<sup>th</sup> St

A routine check of Police records for the past twelve months found no violations for any of the listed licensees. The Police Department would recommend renewal of these licenses.

### RESOLUTION NO. \_\_\_\_\_

## RESOLUTION APPROVING AND ADOPTING SUPPLEMENT NO. 2015-1 TO THE AMES MUNICIPAL CODE

with the provisions of a enacted subsequent to	Section 380.8 Code the adoption of the	of Iowa, a compila Ames Municipal C	y of Ames, Iowa, that in acation of ordinances and ame Code shall be and the same upplement No. 2015-1 to the	endments is hereby
Adopted this	day of		, 201	
Attest:		Ā	Ann H. Campbell, Mayor	

Diane R. Voss, City Clerk



### **MEMO**

7

**To:** Members of the City Council

**From:** Ann H. Campbell, Mayor

Date: December 12, 2014

Subject: Appointment to Fill Vacancy on Ames Transit Agency Board of

Trustees

Zachary Murrell, Government of the Student Body (GSB) Representative and member of the Ames Transit Agency Board of Trustees, will be out of the country during ISU's spring semester. Therefore, he will need to resign from the Transit Board. Since Zachary's term of office does not expire until May 15, 2015, an appointment needs to be made to fill this vacancy.

I request that the City Council confirm the appointment of Abhijit Patwa to fill the unexpired term of office on the Ames Transit Agency Board of Trustees.

ITEM # <u>8</u> DATE: 12-16-14

### COUNCIL ACTION FORM

SUBJECT: CERTIFICATION OF LOCAL GOVERNMENT APPROVAL ON BEHALF OF LOCAL NONPROFIT ORGANIZATIONS RECEIVING EMERGENCY SHELTER GRANT (ESG) FUNDS

### BACKGROUND:

In order for two local non-profit agencies, Youth and Shelter Services (YSS) and the Assault Care Center Extending Shelter and Support (ACCESS), to receive their award allocations of Federal Emergency Shelter Grant (ESG) funding, the City must sign a "Certification of Local Government Approval" signifying that the Council understands and agrees to allow these non-profit agencies to receive federal funds directly through the State of Iowa's Iowa Finance Authority (IFA).

Additionally, these certifications confirm that local governments are electing for IFA to administer these grant funds on behalf of the non-profit organizations. For the calendar year beginning January 1, 2015, YSS will be receiving \$110,020 for Story, Boone, Marshall and Polk counties, and ACCESS will be receiving \$69,372 for Story, Boone, Greene, Marshall and Tama counties.

In order to facilitate these agencies' receipt of these shelter grants, the Mayor must sign the attached "Certification of Local Government Approval" for both YSS and ACCESS.

### **ALTERNATIVES:**

- 1. The City Council can authorize the Mayor to sign the Certifications of Local Government Approval.
- 2. The City Council can choose to not authorize the Mayor to sign the Certifications of Local Government Approval.

### MANAGER'S RECOMMENDED ACTION:

Receiving ESG grant funds administered through the Iowa Finance Authority is very important in helping these agencies provide much needed services for homeless youth and for homeless families with children in our community.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative #1, thereby authorizing the Mayor to sign the Certifications of Local Government Approval for the Iowa Finance Authority to administer the ESG program on behalf of YSS and ACCESS.



### CERTIFICATION OF LOCAL GOVERNMENT APPROVAL

# FOR NONPROFIT ORGANIZATIONS RECEIVING IOWA STATEWIDE EMERGENCY SOLUTIONS GRANT (ESG) FUNDS

I, Mayor Ann H. Campbell	(name and title),
duly authorized to act on behalf of _City of Ames,	Iowa
(name of jurisdiction), hereby approve the following p	project(s) proposed by
Youth and Shelter Services (YSS)	(name of nonprofit),
which is (are) to be located in the City of Ames,	Iowa
	(name(s) of jurisdiction(s)).
By:	
Signature and Date	
Ann H. Campbell Printed Name of Signatory Local Official	
Mayor	
Title	



### CERTIFICATION OF LOCAL GOVERNMENT APPROVAL

# FOR NONPROFIT ORGANIZATIONS RECEIVING IOWA STATEWIDE EMERGENCY SOLUTIONS GRANT (ESG) FUNDS

I, Ma	yor Ann H. Campbell	(name and title),
duly a	authorized to act on behalf ofCity of Ames,	Iowa
(name	e of jurisdiction), hereby approve the following p	project(s) proposed by Assault
Care	Center Extending Shelter & Support (	ACCESS) (name of nonprofit),
which	is (are) to be located in the City of Ames,	Iowa
		(name(s) of jurisdiction(s)).
By:		
_,	Signature and Date	
	Ann H. Campbell	
	Printed Name of Signatory Local Official	
	*	
	Mayor Title	

ITEM # <u>9</u> Date: 12/16/14

### **COUNCIL ACTION FORM**

<u>SUBJECT</u>: REQUEST FROM THE ISU BIOECONOMY INSTITUTE FOR A LETTER IN SUPPORT OF RESEARCH GRANT PROPOSAL

### **BACKGROUND:**

On December 6, 2014, the City Council referred a request from the Bioeconomy Institute at Iowa State University for a letter in support of a research grant proposal to the U.S. Department of Energy. A copy of the research proposal is attached for Council review.

The grant funding that is being pursued by the ISU researchers is for a project that explores the effectiveness of planting perennial grasses in the watershed north of Ames as a means of mitigating flood risk in the community. Furthermore, the research will seek to determine the feasibility of creating a self-contained financial system that assures the on-going feasibility of this environmentally sensitive approach to mitigating flooding in Ames.

The City Council will recall that after reviewing the City's consultant study, it was decided that the following two construction projects would be pursued in an effort to reduce future flooding: 1) the expansion of the Highway 30 bridge opening and 2) channel improvements on Squaw Creek adjacent to Duff Avenue. It would seem the approach being analyzed in this research project would be compatible with two approved flood mitigation projects.

### **ALTERNATIVES**:

- 1) The City Council can authorize the Mayor to send a letter in support of this research grant proposal to the Department of Energy.
- 2) The City Council can decline the request to send a letter in support of this research grant proposal to the Department of Energy.

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

The City Council should understand that the City is not being asked to contribute any out-of-pocket funding for this research project. However, City staff will be asked to provide relevant background information to assist with the research. Furthermore, it would seem that the approach being analyzed in this research project would be compatible with two flood mitigation construction projects already approved by the City

Council. Therefore, it is the recommendation of the City Manager that the City Council approve Alternative #1, thereby authorizing the Mayor to send a letter in support of this research grant proposal to the Department of Energy.

## Spatially and Temporally Optimized Landscapes for Bioenergy, Food, and Ecosystem Services

Innovation and Vision. Until now perennial grasses such as switchgrass and other native grasses have been regarded as bioenergy crops or commodities. We propose to enhance their economic viability by leveraging their ability to also provide ecosystem services. We will design and manage an agricultural landscape for energy, food, and environmental services by strategically placing crops at specific sites where they provide optimum economic and environmental benefits. We will use a portfolio of crops including corn (stover), sorghum and perennial grasses. This intentionally designed landscape will spur creation of a domestic bioenergy system at the local community level because land use is optimized and logistics costs are minimized.

Using their Profit Zone Manager our partner AgSolver has identified three broad classes of land: 1) land that is consistently profitable (for row crops), 2) land that is never profitable, and 3) land that is sometimes profitable. It should be possible to optimize outcomes based on differential responses of crops grown on these sites. Perennial grasses would be best for lowland and riparian sites that have a great deal of leverage on environmental outcomes. Corn would be grown where it is profitable, using sustainable agronomic practices to harvest a greater proportion of stover.

By thinking holistically about innovative landscape management options and quantifying their economic and downstream environmental impacts, we will be able to increase the viability and deployment of renewable bioenergy technologies. Our <u>vision</u> is a paradigm shift in both the physiographic design of agricultural landscapes and the urban-rural partnership – a paradigm shift favorable to the economics of reducing our dependence on foreign oil.

Focal Region. The Squaw Creek watershed (Figure 1), which drains into Ames, IA.

**Current State-of-the-art Including Challenges.** Investments in renewable bioenergy technology over the last decade have produced new high-yielding cultivars of switchgrass, established the value of biochar as a soil amendment on land planted to continuous corn, and optimized logistics including the unit operations of harvest, handling, storage, transport, and pre-conversion processing of biomass. Nevertheless, substantial challenges remain in the viability and deployment of an industry based on biorenewables, including a) current harvesting of corn stover can accelerate carbon loss from soils; b) issues associated with finding suitable "marginal lands" for dedicated energy crops in highly productive cropland; and c) the gap between what biomass processing companies are willing to pay and what farmers are willing to sell their biorenewable crops for. These overarching issues are framed by d) farmers' desire for stewardship of the land and habitat, and e) exacerbated by financial risk to farmers and communities.

**Overcoming the Challenges.** We will address these challenges via the four objectives described below. Local players include DuPont and the City of Ames. *DuPont* is currently in the process of bringing online a 30-million gallon cellulosic ethanol facility five miles east of Ames. This plant has created significant demand for corn stover. Farmers have been more reluctant to harvest corn stover than anticipated because of their concern about negative long-term effects on soil quality. The *City of Ames*, has experienced frequent flooding, with concomitant loss of business activity and economic opportunities. At the same time, the City of Ames is converting its power plant from coal to natural gas and considering installing a gasifier. The biomass gasifier would provide

<sup>&</sup>lt;sup>1</sup> Moore et al. (2014). Midwest Vision for Sustainable Fuel Production. *Biofuels* (submitted).

a local market for perennial grasses, could utilize off-spec corn stover and would generate a significant amount of biochar that could be applied to agricultural fields.

- 1. Engaging stakeholders and communities. We will build on the strong bioenergy and bio-feedstocks extension network we already have in place. We will form a Stakeholder Community Board to provide advice on our engagement portfolio, which will include formal collaborations with the ISU Extension Service, USDA Natural Resources and Conservation Service and the Squaw Creek Watershed Management Authority to organize and orchestrate onfarm demonstrations, outreach programs, and one-on-one consultations with farmers to foster adoption of the new intentionally designed landscape. We will also continue to build on our expertise across social media platforms as an effective dissemination and educational mechanism. Our decision support tool (see objective 4) will provide an internet-accessible and easy-to-use way for farmers to optimize land use. Taken together, our engagement portfolio will integrate information to technical, academic, local government and public audiences across the project and serve as the central source for dissemination of results.
- 2. Science-based design coupled with sentinel environmental monitoring. The scientific and agronomic underpinnings for the proposed designed landscape are strong. For example, research in Iowa<sup>2</sup> has demonstrated that growing perennial vegetation on 10% of small watersheds where the remaining land was in row crop production, reduced sediment loss by 90% and substantially reduced losses of P and N. In other research, we have demonstrated the value of biochar for building soil organic carbon and recycling plant nutrients that are harvested with the biomass crop. The use of advanced crop management strategies including use of annual and perennial cover crops, reduced tillage practices, and alternative crop species have been demonstrated to reduce soil erosion, reduce nutrient movement, and sequester carbon and otherwise improve ecosystem services. Finally, AgSolver's models access and use state-of-the art data from the best publically available databases.
- 2.1. Analysis at the watershed scale. During the design phase of the project we will use precision economic assessment tools developed by AgSolver<sup>3</sup> to identify fields and portions of fields within the Squaw Creek watershed that are not profitably farmed and develop a portfolio of alternative management options for these areas. Then we will use the APSIM cropping systems model to test these alternative management practices for each soil separately and feed landscape, hydrologic, and economic models such as SWAT and EPIC to answer "what-if" questions. The design phase of the project will enable us to define optimum sites for agronomic evaluations, agronomic interventions and weather station placement, and to choose sentinel sites for environmental monitoring. Baseline data will be obtained.
- 2.2. Strategic planting of perennial grasses on marginal lands. During the execution phase we will work with the Squaw Creek Watershed Authority, who will serve as an intermediary between the City of Ames and farmers for planting switchgrass and other perennials on marginal lands.

Moore, Kinzel Iowa State University 2

<sup>&</sup>lt;sup>2</sup> Helmers MJ, Zhou X, Asbjornsen H, Kolka R, Tomer MD, Cruse RM. Sediment removal by prairie filter strips in row-cropped ephemeral watersheds. J. Environ. Qual. 41:1531-1539 (2012).

<sup>&</sup>lt;sup>3</sup> AgSolver's analysis shows that farmers are losing money on a significant fraction (up to 30%) of most agricultural fields within central Iowa. The unprofitable areas are typically highly erodible marginal lands and closed depressions that flood frequently.

- 2.3. Data from plot studies and streamflow measurements. During the execution phase of the project we will initiate several carefully controlled field studies to evaluate alternative management practices. An example of a potential plot study tests the hypothesis that ~90% of corn stover can be sustainably harvested on prime agricultural land if cover crops are combined with soil biochar amendments. We will also collect streamflow and water quality data throughout the project and develop rating curves that will convert the stage height to discharge, needed for hydrologic modeling. We will take advantage of the network of 20 stage recording stations already installed in the Squaw Creek watershed.
- **3. Economic and life cycle analyses.** The evaluation phase involves an economic assessment of the impact of growing herbaceous crops as part of a water management plan for a water drainage basin. Elements of this economic assessment include: the cost of cultivating and harvesting herbaceous crops in flood plains and as filter strips; flood risk mitigation in downstream communities; water quality improvements; impacts on wildlife and biodiversity; reductions in greenhouse gas emissions and other regulated pollutants; cost of fuels produced from the harvested biomass; and implications to the Renewable Fuel Standard. We will use our long-standing experience in economic modeling of energy markets and techno-economic and life cycle in the bioenergy field to quantify the potential of the proposed landscape design to be part of a commercially viable bioenergy supply chain. We will take into account benefits accrued to the city of Ames by flood risk mitigation, and the relationship to economics involved with the Renewable Fuel Standard.
- **4.** Developing an integrated decision support tool. In partnership with AgSolver, information from objectives 1-3 will be used to develop a web-based software tool that will allow users to assess landscapes and design optimized systems for managing them. This tool will enable the information and methodologies developed here to be replicated over similar watersheds throughout the US Cornbelt, thereby reducing our dependence on foreign oil.

**Target Level of Performance.** TRL of 5-6 for this intentionally designed landscape.

*Increased adoption and social sustainability.* Currently allocation to cellulosic feedstock: 150,000 acres producing corn stover; negligible acres of perennial grasses for biofuel. Targets: 5,000 acres perennial grass; increase potential supply of sustainably harvested corn stover by 100%; define the value proposition for landowners and the City of Ames through positive economic return, reduced risk, and improvements in environmental and societal quality.

**Environmental sustainability.** Preliminary targets over baseline: increase biomass productivity 200%, GHG mitigation 50%, decrease sedimentation and P movement 75%, reduce NO3 load 40%, increase soil organic C 20%, decrease PM10 and PM50 50%, increase biodiversity 100%.

**Projected Impact.** Upon completion we will have created a local market for perennial grasses, enhanced the quantity of sustainability harvestable corn stover, and monetized ecosystem services through a new urban-rural partnership. When deployed as a replicable model, the FOA goals will be met while also contributing to the well-being of surrounding communities.

**Key Technical Risks.** Weather is always uncertain and poses risk to timely execution of agricultural operations.

**Impact of EERE Funding on Proposed Project.** The proposed project would not be possible without EERE funding.

Moore, Kinzel Iowa State University 3

#### Addendum

Proposed Project Team. *Dr. Kenneth Moore*, an agronomist who holds ISU's Charles F. Curtiss Distinguished Professorship, will serve as PI. In addition to his expertise in perennial grasses and cropping systems, Moore has substantial experience managing large and complex projects, including the \$25M/5 year CenUSA USDA-NIFA-AFRI coordinated agricultural project. *Anne Kinzel*, the chief operating officer of CenUSA, is a lawyer and community organizer, and will serve as co-PI. The PI and co-PI have the well-demonstrated ability to manage large and complex projects and have worked together on prior projects with all ISU collaborators and all but two of the teaming partners.

Objective 1. Engaging stakeholders and communities. Led by Anne Kinzel and Jill Euken, ISU's highly accomplished extension specialist in the area of bioenergy, this team will include Dr. Chris Anderson, assistant director of ISU's Climate Science Program. His expertise is analyzing weather metrics and he works often with groups that have risk-based frameworks. Partnership roles of the City of Ames, DuPont and the Squaw Creek Watershed Management Authority have already been described.

# Objective 2. Science-based design coupled with sentinel environmental monitoring. Dr. David Laird will lead the agronomic and environmental monitoring aspects. Laird is a professor in the ISU's

Agronomy Department and an expert in biochar, soil science, soil carbon and nutrient cycling. *Dr. Kristie Franz* will lead the watershed-scale hydrologic modeling effort. She is an associate professor and directs the metrology program at ISU. Other team members include *Moore*, *Dr. Andy Lenssen*, a professor of agronomy and expert in perennial grasses and cropping systems, and *Dr. Sotirios Archontoulis*, an assistant professor of agronomy at ISU and the leading North American expert for the APSIM cropping system model. *Emmons and Olivier Resources*, environmental design professionals developing a 20-year strategic plan for the Squaw Creek watershed, will partner in Objective 2.

**Objective 3. Economic and life cycle analyses.** Dr. Robert C. Brown, ISU's Distinguished Professor of Mechanical Engineering, Director, Bioeconomy Institute and Center for Sustainable Environmental Technologies, will co-lead this team. He will be joined by Dr. Bruce Babcock, ISU's Cargill Endowed Professor of Energy Economics.

**Objective 4. Developing a decision support tool.** Dr. David Muth runs AgSolver a local company who developed simulation tools for coupling data management with simulation tools for the *I Billion Ton Study*. Muth has extensive experience in accessing and using large public databases and integrating this data with a cloud computing framework.

**Access to Facilities and Equipment.** All project team members are well-established in their fields and have access to the equipment, lab space, and other facilities needed to perform this project. Iowa State University is designated as an EPSCoR institution.



Figure 1. Squaw Creek watershed, a 12 mile long x 5 mile wide region (~40,000 acres) is an environmentally sensitive part of the DuPont fuelshed. The red pin indicates the location of Ames, IA.

### **IOWA STATE UNIVERSITY**

### **Bioeconomy Institute**

1140 Biorenewables Research Laboratory Building Ames, Iowa 50011-3270 FAX 515-294-3091

November 19, 2014

Mayor Ann Campbell Ames City Council 515 Clark Ave. Ames IA 50010-6122

Re: Request for letter of commitment or support for grant application

Dear Mayor Campbell and Council Members:

With the assistance of ISU's Bioeconomy Institute we are developing a proposal, *Spatially and Temporally Optimized Landscapes for Bioenergy, Food, and Ecosystem Services* for submission to the US Department of Energy's Office of Energy and Renewable Energy (EERE) as part of the *Landscape Design For Sustainable Bioenergy* funding opportunity (FOA No. DE-FOA-0001179). The proposal is due on January 12, 2015, but due to the City's and Iowa State University's holiday schedules we wanted to provide ample time for you to consider this request for support.

The proposal involves designing and managing an agricultural landscape for energy, food, and environmental services, including mitigating downstream flood risks by strategically placing crops at specific sites where they provide optimum economic and environmental benefits. This intentionally designed landscape has the potential to spur creation of a domestic bioenergy system at the local community level as land use is optimized and logistics costs, minimized. We will focus on the Squaw Creek Watershed which drains into Ames and contributes to flooding events with increasing frequency.

As has been demonstrated by ISU researchers over the past decade, investments in renewable bioenergy technology have produced new high-yielding cultivars of switchgrass, established the value of biochar as a soil amendment, and optimized logistics including harvest, handling, storage, transport, and pre-conversion processing of biomass. Despite these advances there are significant challenges remaining in the viability and deployment of a domestic biorenewables industry.

Our proposal addresses these challenges via four objectives which will involve working with the City of Ames, DuPont (Nevada Cellulosic Plant) and the Squaw Creek Watershed Management Authority. From the City of Ames we will be specifically interested in obtaining data that can inform our economic assessment of the impact of growing herbaceous crops within the Squaw Creek Watershed. We anticipate the assessment will include: the cost of cultivating and harvesting herbaceous crops in flood plains and as filter strips; **flood risk mitigation in downstream communities**; water quality improvements; impacts on wildlife and biodiversity; reductions in greenhouse gas emissions and other regulated pollutants; cost of fuels produced

<sup>&</sup>lt;sup>1</sup> Moore et al. (2014). Midwest Vision for Sustainable Fuel Production. *Biofuels* (submitted).

from the harvested biomass; and implications to the Renewable Fuel Standard. An important aspect of this assessment will be to determine benefits that may available to the city of Ames through flood risk mitigation.

Of additional interest to us is the City's recent inquiry into the possibility of installing an RDF/Biomass gasifier. For the purposes of this project we simply want to understand if a biomass gasifier could provide a local market for perennial grasses and off-spec corn stover and generate a significant amount of biochar for application to agricultural fields. We will be including a gasifier in our analysis and would need to have access to city personnel and information involving the recently gasifier proposal.

If our proposal is successful we hope you will appoint a member of Council to our *Stakeholder Community Board* to provide advice to the project and to guide development of our engagement portfolio. This person will also serve as a liaison for communications between the project management team and the City.

We look forward to the City's involvement in the project as we believe we can generate information that will be of use in understanding the risks to Ames of future flood events and may provide a roadmap on how to reduce those risks.

Please send the letter of support to:

Anne Kinzel
Assistant Director, Bioeconomy Institute
1140c Biorenewables Lab
Iowa State University
Ames IA 50011-3270
(akinzel@iastate.edu)

Regards,

Ken Moore

**Agronomy Department** 

Anne Kinzel

**Bioeconomy Institute** 

cc Steve Schainker, Ames City Manager encl.

ITEM # <u>10</u> DATE: 12-16-14

# **COUNCIL ACTION FORM**

SUBJECT: PUBLIC UTILITY AND DRIVE EASEMENT VACATION – WESTWOOD VILLAGE

#### BACKGROUND:

The property owner of 145 Marshall recently added a new apartment building to Lot 6. During the review process, it was determined that a public utility easement and a driveway easement on the property are no longer needed due to the ownership and configuration of the new building. The drive easement is also not required due to the fact that all adjacent lots are owned by the same entity.

Public Works staff contacted all registered right-of-way users of the existing Public Utility Easement to determine the extent of utilities in the immediate area. All users have indicated that there are no known utilities in the area and the utilities do not have plans to locate facilities in the existing easement.

The attached map provides more information on the affected area, as well as descriptions of the easements.

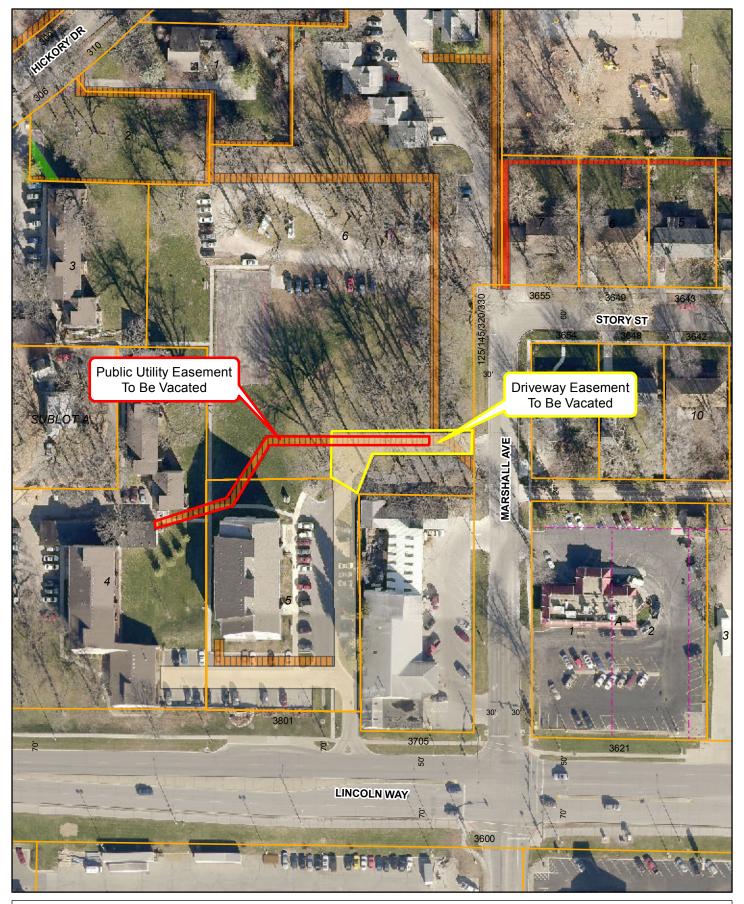
#### **ALTERNATIVES:**

- 1. Approve the vacation of the easements as shown and described in Attachment A, and set the date of public hearing for January 13, 2015.
- 2. Direct staff or the property owner to pursue other options.

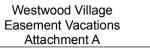
#### MANAGER'S RECOMMENDED ACTION:

These easements are no longer required to serve their intended purpose.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving vacation of the easements as shown and described in Attachment A, and setting the date of public hearing for January 13, 2015.



Geograph: Information System (CIS) Product Discisioner: City of Ames GIS may data does not replace or modify information in System (See Facilities and see not ones it replace find surveys of sittles or on other features represent in his product of source didn's as it "without surveyring" as it "without source produced as it "without surveyring" as it without surveyring as it is "without surveyring" as it without surveyring as it without surveyring as it without surveyring as it is "without surveyring" as it without surveyring as it with surveyring as it without surveyring as it without surveyring





Scale: 1 in = 100 ft

Date: 12/8/2014

# Public Utility and Drive Easement Vacation Descriptions - Westwood Village Attachment A

#### **Utility Easement:**

A strip of land 10.00 feet in width across Lots 4, 5 and 6 in the Replat of Westwood Village, City of Ames, Story County, Iowa, being described as follows: Commencing at the Southeast Corner of said Lot 6; thence N00°00'45"E, 52.44 feet along the East line thereof; thence N89°56'17"W, 44.99 feet to the point of beginning; thence continuing N89°56'17"W, 167.24 feet; thence S30°16'57"W, 73.51 feet; thence S73°03'36"W, 87.00 feet; thence N00°03'43"E, 10.46 feet; thence N73°03'36"E, 80.03 feet; thence N30°16'57"E, 75.34 feet; thence S89°56'17"E, 172.98 feet; thence S00°00'00"W, 10.00 feet to the point of beginning.

#### **Drive Easement:**

A part of Lot 6 in the Replat of Westwood Village, City of Ames, Story County, Iowa, being described as follows: Commencing at the Southeast Corner of said Lot 6; thence N00°00'45"E, 43.90 feet along the East line thereof to the point of beginning; thence continuing N00°00'45"E, 24.00 feet; thence N89°56'17"W, 148.27 feet; thence S00°04'25"W, 48.65 feet to the South line of said Lot 6; thence S59°01'56"E, 32.83 feet along said line; thence N21°04'38"E, 44.46 feet; thence S89°56'17"E, 104.19 feet to the point of beginning.

ITEM # \_\_<u>11</u>\_\_ DATE: 12-16-14

#### COUNCIL ACTION FORM

# SUBJECT: WATER POLLUTION CONTROL FACILITY BAR SCREEN REPLACEMENT

# **BACKGROUND:**

At the City's Water Pollution Control (WPC) Facility, constructed in 1989, the first step of the treatment process is screening the incoming flow to remove any large debris that could damage equipment or potentially plug pipes.

The current screening process splits the influent into three channels, each of which leads to a barscreen. The two outside channels have identical equipment. The middle channel houses a different style of screen that was installed in 2005 on a trial basis, and that has not performed to the satisfaction of City staff. This project will replace the middle screen with a mechanical barscreen similar to the other two. On September 9, 2014, staff issued a request for proposals for engineering services to design the replacement barscreen. The request also included an evaluation of how the screenings are currently handled and recommendations for improved handling methods.

Staff utilized a "two envelope" selection process in selecting an engineering firm, where each firm's qualifications and proposed scope of work are submitted in one envelope and their proposed fee is submitted in a second envelope. The process allows staff to review the submitted proposals and identify the firm whose qualifications and proposed scope of work are most appropriate before considering fees. Then, after selecting the preferred firm, staff opens the proposed fee envelopes to confirm that the selected firm is proposing a fee that is in line with what other firms would propose for a similar scope of work. In all cases, the final scope of work and fee is negotiated with the firm identified as having submitted the most appropriate submittal.

On October 17, 2014, staff received three proposals. A thorough review of each firm's qualifications was performed by a seven person staff team, and HDR Engineering was identified as the most qualified firm. Following the qualification review process, fee proposals were opened. All firms submitting proposals are listed below in the order they were ranked based on qualifications.

Firm	Proposed Fee
HDR Engineering	\$ 66,885.00
Veenstra & Kimm, Inc.	87,200.00
Stanley Consultants	86,518.00

Staff has negotiated the final scope of work with HDR Engineering to perform all necessary design, bid phase assistance, and construction phase engineering services required to complete the project as originally intended. Additional scope items not included in the original scope of work but which are required to complete the project were also added to HDR's scope of work. These additional scope items include attendance at the project kickoff meeting with the Iowa Department of Natural Resources and attendance at a pre-bid meeting.

The final negotiated fee is based on an hourly rate not to exceed \$70,135 without prior approval by the City. The contract also includes \$20,000 for special regulatory assistance to be used only at the request of the City in the event of unanticipated difficulties in obtaining an IDNR construction permit. This brings the total contract amount to \$90,135.

The current Capital Improvements Plan includes \$90,000 for engineering services for this project, with a total project budget of \$750,000.

# **ALTERNATIVES**:

- 1. Award the WPC Facility Bar Screen Replacement contract for design, bid and construction phase engineering services to HDR Engineering with compensation based on an hourly rate not to exceed \$90,135 without prior approval.
- 2. Do not award a contract at this time and do not move forward with the Bar Screen Replacement Project.

# MANAGER'S RECOMMENDED ACTION:

The current equipment in the center channel is inoperable, and replacement with different equipment will improve operation of the facility. The project may also result in improved handling methods for the removed screenings. Staff has conducted a competitive solicitation for professional engineering services in accordance with the City Council's adopted Purchasing Policies, and has identified HDR Engineering as the preferred firm.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving a contract for engineering services with HDR Engineering, with principal offices in Omaha, Nebraska, for an amount not to exceed \$90,135.

ITEM # \_\_\_<u>12</u> DATE: 12-16-14

# **COUNCIL ACTION FORM**

SUBJECT: 2015 SOFTBALL FIELD IRRIGATION SYSTEM REPLACEMENT IN RIVER VALLEY PARK

#### BACKGROUND:

This project is to replace the irrigation system on six diamonds in River Valley Park. The current system, installed in the mid 1980's, is inefficient and is in need of significant repairs to restore functionality, reduce breakdowns, and improve reliability.

The cost estimate for this project is as follows:

Total Cost	\$1	28,500
Contingency	\$	11,000
Consultant and Design Fees	\$	10,000
Installation	\$	42,500
Materials and equipment	\$	65,000

The budget for this project is \$90,000 from Local Option Sales Tax funds. Since the Engineer's estimate for the project exceeds this amount, additional funding has been identified from \$31,000 in savings in the Auditorium Flooring and Stage Replacement project and from \$22,000 in savings from the Inis Grove Tennis Court Renovations project.

# **ALTERNATIVES:**

- 1. Approve plans and specifications for the 2014 Softball Field Irrigation System Replacement in River Valley Park and set January 28, 2015, as the bid due date and February 10, 2015, as the date of hearing and award of the construction contract.
- 2. Do not approve the plans and specifications at this time, delaying the 2014 Softball Field Irrigation Replacement in River Valley Park.

# **MANAGER'S RECOMMENDED ACTION:**

The proposed project will provide much-needed improvements to six softball fields. It will address the issues of reliability, functionality, and efficiency by replacing the old system and thus improving the playing conditions on the fields.

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

ITEM # <u>13</u> DATE: 12-16-14

#### **COUNCIL ACTION FORM**

SUBJECT: 2014/15 CONCRETE PAVEMENT IMPROVEMENTS #1 (HAYWARD AVENUE)

#### **BACKGROUND:**

This annual program is to remove and replace concrete street sections that have deteriorated. Removal and replacement of concrete street sections provides enhanced rideability to residents and visitors.

The 2014/15 program locations are Hayward Avenue (Hunt Street to Lincoln Way), Ridgewood Avenue (9<sup>th</sup> Street to 13<sup>th</sup> Street), and 9<sup>th</sup> Street (Northwestern Avenue to Brookridge Avenue). Work will consist of concrete pavement reconstruction, storm sewer intake replacement, sanitary sewer manhole replacement, and sanitary sewer main repairs. The water main on Hayward Avenue, Ridgewood Avenue, Park Way (Ridgewood Avenue to Brookridge Avenue) and 9<sup>th</sup> Street (Ridgewood Avenue to Brookridge Avenue) will also be replaced as part of these projects.

This specific project is for the pavement improvements on Hayward Avenue. The project will include pavement removal and replacement from Hunt Street to Lincoln Way, storm sewer improvements, sanitary sewer improvements, water main replacement, installation of ADA compliant pedestrian facilities, and replacement of the box culvert beneath Hayward Avenue. Staff held a project information meeting with area businesses and property owners to receive input on the project timing and staging, and many of the comments received were implemented into the project design.

Plans and specifications for this project were completed by WHKS & Co. with estimated construction costs of \$855,241.65. Engineering and construction administration are estimated at \$128,286, for a **total estimated project cost of \$983,527.65**.

This program is included in the 2014/15 Capital Improvements Plan with funding of \$1,655,000 in General Obligation Bonds, \$50,000 in Road Use Tax funds and 21,000 in Electric Utility funds. This project on Hayward Avenue will utilize \$600,000 in GO Bonds, the \$50,000 from Rod Use Tax, and the \$21,000 from the Electric Utility Fund will be utilized for street light improvements. Additionally, \$136,220 will be utilized from the 2014/15 Water System Improvements for the design and construction of the water main replacement and \$177,000 from the 2014/15 Storm Sewer Improvements will be utilized for the design and construction of the box culvert under Hayward Avenue, This brings total project funding to \$984,220. The remaining \$1,055,000 in GO Bonds from the program funding will be utilized on the other program locations of Ridgewood Avenue and 9th Street.

# **ALTERNATIVES:**

- 1. Approve plans and specifications for the 2014/15 Concrete Pavement Improvements #1 (Hayward Avenue) and establish January 21, 2015, as the date of letting and January 27, 2015, as the date for report of bids.
- 2. Do not proceed with the project at this time.

#### MANAGER'S RECOMMENDED ACTION:

By approving plans and specifications and setting the date of letting, it will be possible to move forward with the reconstruction of this street during the early spring/summer of 2015. This will meet the requests of the majority of the businesses to have the work completed prior to the start of the lowa State University fall semester.

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

ITEM # <u>14</u> DATE: 12-16-14

#### **COUNCIL ACTION FORM**

SUBJECT: 2014/15 COLLECTOR STREET PAVEMENT IMPROVEMENTS (WEST STREET & WOODLAND STREET)

# **BACKGROUND:**

This annual program is for reconstruction or rehabilitation of collector streets to restore structural integrity, serviceability, and rideability. Locations are chosen in accordance with the most current street condition inventory. The 2014/15 program locations are West Street (Sheldon Avenue to Hillcrest Avenue) and Woodland Street (West Street to Forest Glen).

This project will include removal of the existing pavement and replacement with new concrete pavement, storm sewer improvements, sanitary sewer repairs and installation of ADA compliant pedestrian facilities. Construction is anticipated during late spring/summer of 2015.

City staff and the design consultant, Civil Design Advantage, held a project informational meeting including area residents, business owners, and Iowa State University (ISU). Coordination with ISU, area business owners, and multi-unit resident owners was vital to developing a construction schedule that will minimize the impacts on ISU, businesses and residents.

Plans and specifications for this project have been completed by Civil Design Advantage with a construction estimate of \$1,093,661.50. Costs for engineering and construction administration are estimated to be \$164,049, bringing the total estimated costs for this project to **\$1,257,710.50**.

Funding for this project was programmed in the amount of \$1,205,000 from General Obligation Bonds (G.O. Bonds) and \$35,000 from the Electric Utility Fund. Additional funding in the amount of \$27,000 from the 2014/15 Water System Improvement Program, \$11,000 from the 2014/15 Sanitary Sewer Rehabilitation Program (Sewer Utility fund), and \$11,000 from the 2014/15 Sidewalk Safety Program will be utilized, bringing total program funding to **\$1,289,000**.

#### **ALTERNATIVES:**

- 1. Approve plans and specifications for the 2014/15 Collector Street Pavement Improvements (West Street & Woodland Street) and establish January 21, 2015, as the date of letting and January 27, 2015, as the date for report of bids.
- 2. Reject the project.

# **MANAGER'S RECOMMENDED ACTION:**

By approving plans and specifications and setting the letting date, it will be possible to move forward with the improvements of West Street and Woodland Street during the 2015 construction season. This planned schedule is based on combined coordination with ISU, local businesses and property owners. In order to complete this project by fall semester move in, ISU officials requested that this project be initiated during the spring semester.

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

ITEM # <u>15</u> DATE: 12-16-14

# **COUNCIL ACTION FORM**

SUBJECT: 2014/15 CYRIDE ROUTE PAVEMENT IMPROVEMENTS PROGRAM (24<sup>th</sup> STREET & BLOOMINGTON ROAD)

# **BACKGROUND:**

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

The 2014/15 locations included for this program are 24<sup>th</sup> Street (Union Pacific Railroad to Northwestern Avenue) and Bloomington Road (Eisenhower Avenue west 500 feet). The work to be completed on 24<sup>th</sup> Street involves removal of the existing pavement and replacement with new concrete pavement, storm sewer improvements, sanitary sewer repairs, and installation of ADA compliant pedestrian facilities. Work to be completed on Bloomington Road involves a mill and overlay of the existing pavement and installation of ADA compliant pedestrian facilities. Construction is scheduled to be completed through an lowa Department of Transportation (DOT) contract during the late spring or summer of 2015.

Plans and specifications for this project have been completed by Bolton & Menk, Inc. with a construction estimate of \$1,215,458.08. Costs for engineering and construction administration are estimated to be \$182,319, bringing the **total estimated costs for this project to \$1,397,777.08.** 

Because project funding includes Iowa DOT Surface Transportation Program (STP/MPO) funds, the contract must follow Iowa DOT schedules and be let by the Iowa DOT on January 21, 2015. Funding for this project is programmed in the amount of \$1,292,000 from STP/MPO funds, \$525,000 from General Obligation Bonds, and \$15,000 from Electric Utility Funds, bringing **total program funding to \$1,832,000**.

# **ALTERNATIVES**:

- 1. Approve plans and specifications for the 2014/15 CyRide Route Pavement Improvements (24<sup>th</sup> Street & Bloomington Road) and establish January 21, 2015, as the date of letting and January 27, 2015, as the date for report of bids.
- 2. Do not proceed with the project at this time.

# **MANAGER'S RECOMMENDED ACTION:**

These streets, which are primarily on CyRide routes, suffer from significant deterioration. By approving this project, the structural integrity of the designated streets will be restored during the 2015 construction season.

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

ITEM # <u>16</u> DATE: 12-16-14

#### COUNCIL ACTION FORM

SUBJECT: WATER POLLUTION CONTROL FACILITY SCREW PUMP REPAINTING AND DRIVE REPLACEMENT

#### **BACKGROUND:**

The City's Water Pollution Control (WPC) Facility has three Archimedes screw pumps that move solids during part of the treatment process. These pumps are original to the Facility, which was constructed in 1989. The metal screw pumps need to be repainted to protect the metal. The drives are the mechanisms that turn the screw, conveying the solids. Because of the age of the drives, the manufacturer is recommending replacement since they have reached the end of their useful life.

Staff prepared plans and specifications for repainting the pumps and the replacement of the drives. The estimated cost for this project is as follows:

Screw pump repainting	\$86,000
Drive replacement	\$217,500
Contingency, 10%	\$30,000
Total Cost	\$333,500

On August 12, 2014, Council approved a change in the sequence of the screw pump rehabilitation, delaying the painting portion (\$90,000) that was originally proposed in FY 13/14, and accelerating the drive rehabilitation (\$250,000) that was originally proposed for FY 15/16. This allowed the entire work to be performed at the same time under a single construction contract, with an authorized budget of \$340,000.

#### **ALTERNATIVES:**

- 1. Issue preliminary approval of plans and specifications for the WPC screw pump repainting and drive replacement and issue a notice to bidders setting February 11, 2015, as the bid due date and February 24, 2015, as the date of public hearing.
- 2. Do not issue preliminary approval of plans and specifications and a notice to bidders at this time.

# MANAGER'S RECOMMENDED ACTION:

The WPCF's screw pumps are critical to the operation of the WPC Facility. Failing to address these issues now may result in significant failures in the future that could result in environmental harm.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative 1, thereby issuing preliminary approval of plans and specifications and issuing a notice to bidders setting February 11, 2015, as the bid due date and February 24, 2015, as the date of public hearing.

ITEM # <u>17</u> DATE: 12-16-14

# **COUNCIL ACTION FORM**

#### SUBJECT: FLEET ACQUISITION PROGRAM - TRACTOR LOADER BACKHOE

#### **BACKGROUND:**

The City's fleet owns three rubber tired tractor loader backhoes operated by the Public Works Department. One is used by the Utility Maintenance Division for underground utility excavations, digging graves, and snow and ice control. The other two are used by the Streets Maintenance division for street maintenance, storm sewer maintenance, and snow and ice control. Each machine is a different size, matched to the specific needs of the services provided. The smaller unit was purchased new in 2005 for \$67,580, and is scheduled for replacement in FY2015.

The following bids have been received for this unit:

Bidder	Brand &Year	Model	Base Price	Trade-in Offer	Net Cost with trade
Titan Machinery of Des Moines, IA	Case 2015	580 SN	\$ 89,300	\$ 34,000	\$ 55,300
Murphy Tractor & Equipment Co. of Des Moines, IA	John Deere 2015	310 SK	\$ 92,744	\$ 26,500	\$ 66,244
Ziegler Caterpillar of Altoona, IA	CAT 2014	420 F	\$108,220	\$ 27,500	\$ 80,720

Fleet Services and Public Works evaluation of the bids determined that all of the machines offered are acceptable and meet the City's specifications. The machine offered by Titan Machinery for the 2015 Case 580 SN is the lowest cost including the trade-in offer. Optional buy-back offers were requested but were not provided by all bidders. Therefore, per the evaluation criteria, buy-back offers could not be considered in the evaluation of the equipment.

Public Works has accumulated \$59,370 in fleet replacement funds for this unit as of December 2014.

#### **ALTERNATIVES:**

1. Award this contract to Titan Machinery of Des Moines, IA for the Case 580 SN tractor loader backhoe for \$89,300, and accept Titan's trade-in offer of \$34,000 for the City's existing 580 tractor loader backhoe, for a net cost of \$55,300.

- 2. Instruct City staff to re-evaluate the bids and funding with the optional buy-back agreement included.
- 3. Reject all bids and re-bid

# **MANAGER'S RECOMMENDED ACTION:**

Purchasing the Case 580 SN will provide a quality machine to meet Public Works' established service requirements at a reasonable price.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative #1, thereby awarding this contract to Titan Machinery of Des Moines, IA for the Case 580 SN tractor loader backhoe for \$89,300, and accepting Titan's trade-in offer for the City's existing 580 tractor loader backhoe of \$34,000, for a net cost of \$55,300.





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

From: City Clerk's Office

Date: December 12, 2014

Subject: Contract and Bond Approval

There is no Council Action Form for Item No. <u>18</u>. Council approval of the contract and bond for this project is simply fulfilling a *State Code* requirement.

ITEM # <u>19a&b</u> DATE: <u>12-16-14</u>

# **COUNCIL ACTION FORM**

<u>SUBJECT</u>: 2013/14 CYRIDE ROUTE PAVEMENT IMPROVEMENTS #1 (JEWEL DRIVE, EMERALD DRIVE, KEN MARIL ROAD, DULUTH STREET)

#### **BACKGROUND:**

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

The work within this specific project (Program #1) involved mill and overlay of the existing pavement. The locations included Jewel Drive (Kate Mitchell School to Garnet Drive), Emerald Drive (Ken Maril Road to Jewel Drive), Ken Maril Road (South Duff Avenue to east end of road), and Duluth Street. These locations were prioritized based on condition and funding availability as shown in the 2013/14 Capital Improvements Plan (CIP).

On January 14, 2014, City Council awarded this project to Manatts, Inc. of Ames, in the amount of \$970,614.68. This final action is for the City Council to approve the balancing change order, a deduction in the amount of \$252,766.99, and to approve final acceptance of the project as completed in the amount of \$717,847.69.

Pavement core samples were taken from the streets during design and the cores indicated patching of the base course could be necessary. Once the old asphalt surface was removed, the base layer of asphalt was in much better condition than anticipated. Therefore, a substantial savings was realized in the work required on the program. These savings are being rolled into additional pavement improvements in the area (Program #2 Awarded by Council on November 10, 2014).

Programmed expenses are summarized below:

13/14 CyRide Improvements Contract 1 (this contract)	\$717,847.69
13/14 CyRide Improvements Contract 2 (awarded)	\$899,833.27
Engineering and Contract Administration (estimated total)	\$295,000.00
Fund Totals:	\$1,912,680.96

This program is financed through the 2013/14 CIP in the amount of \$2,000,000 from General Obligation Bonds and \$50,000 from the Electric Utility Fund.

# **ALTERNATIVES**:

- 1a. Approve Change Order No. 1, a deduction in the amount of \$252,766.99, for the 2013/14 CyRide Route Pavement Improvements #1 (Jewel Drive, Emerald Drive, Ken Maril Road, Duluth Street).
  - b. Accept the 2013/14 CyRide Route Pavement Improvements #1 (Jewel Drive, Emerald Drive, Ken Maril Road, Duluth Street) as completed by Manatt's, Inc. of Ames, Iowa, in the amount of \$717,847.69.
- 2. Direct staff to pursue modifications to the project.

# **MANAGER'S RECOMMENDED ACTION:**

This project has now been completed in accordance with approved plans and specifications.

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

ITEM # <u>20a&b</u> DATE: <u>12-16-14</u>

# **COUNCIL ACTION FORM**

SUBJECT: 2013/14 WATER SYSTEM IMPROVEMENTS PROGRAM – WATER SERVICE TRANSFERS #1 (10<sup>TH</sup> STREET)

# **BACKGROUND:**

The annual Water System Improvements Program provides for replacing water mains in areas that are experiencing rusting water problems. It also provides for installing larger distribution mains in areas that have a high concentration of 4-inch supply lines, transferring water services from 4-inch water mains in streets where larger water mains exist, and abandoning 4-inch 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-inch supply lines and less than desirable fire-fighting capacity (predominately in the older areas of the community) also provides larger supply quantities in relation to the current and proposed land uses, in accordance with the Land Use Policy Plan.

This specific project entailed transferring existing services along 10<sup>th</sup> Street to the 8" water main and abandoning the existing 4" water main.

On April 22, 2014, City Council awarded this project to J & K Contracting of Ames, Iowa, in the amount of \$81,477. A balancing change order was prepared in the amount of \$22,320.35. Since this change order is over 20% of the original contract amount, City Council approval is necessary in order to approve the change order. Major items in the change order include additional service transfers on properties that had been converted to duplexes or unknown service type at the time of bid. The transfer of these additional services was necessary to complete the abandonment of the existing 4" water main and to achieve the overall goal of the project of eliminating older duplicate water mains. This change order also balanced the actual quantities installed in the field. Construction was completed in the amount of \$103,767.35

The 2013/14 Water System Improvements Program includes expenses as follows:

Sheldon Avenue Water Main Replacement (complete)	\$151,040.20
South Franklin/Tripp/Village Water Main Replacement (complete)	\$405,471.00
Southeast 5 <sup>th</sup> Street Water Main Replacement (estimated)	\$170,000.00
Water Service Transfers #1 (10 <sup>th</sup> Street) (this project)	\$103,767.35
Engineering and Contract Administration (estimated)	\$140,000.00
	\$970.278.55

Project funding is shown in the 2013/14 Capital Improvements Plan in the amount of \$975,000 from the Water Utility Fund. Any remaining funds will be utilized on future projects.

# **ALTERNATIVES**:

- 1a. Approve Change Order No. 1 in the amount of \$22,320.35 for the 2013/14 Water System Improvements Water Service Transfers #1 (10<sup>th</sup> Street).
  - Accept the 2013/14 Water System Improvements Water Service Transfers #1 (10<sup>th</sup> Street) as completed by J&K Contracting of Ames, Iowa, in the amount of \$103,767.35.
- 2. Direct staff to pursue modification to the project.

# **MANAGER'S RECOMMENDED ACTION:**

This project has now been completed in accordance with approved plans and specifications.

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

ITEM # <u>21</u> DATE: 12-16-14

# **COUNCIL ACTION FORM**

<u>SUBJECT</u>: 2013/14 ARTERIAL STREET PAVEMENT IMPROVEMENTS (LINCOLN WAY – THACKERAY AVENUE TO HICKORY DRIVE)

#### **BACKGROUND:**

This annual program is for the reconstruction or rehabilitation of arterial streets to restore structural integrity, serviceability and rideability. Locations are chosen in accordance with the City's most current street condition inventory.

The 2013/14 project location was Lincoln Way from Thackeray Avenue to Hickory Drive. Work involved mill and overlay of the existing pavement, removal of sections of the existing median, and installation of an eight foot sidewalk on the north side of Lincoln Way from North Dakota Avenue to Hickory Drive.

On February 25, 2014, City Council awarded this project to Manatts, Inc. of Ames, in the amount of \$778,982.51. A balancing change order in the amount of \$49,988.97 was administratively approved by staff in accordance with Purchasing Policies and Procedures. Major items in this change order involved additional patching necessary to reconstruct the street surface. The surface of the street was in poor shape but did not reflect the deterioration of the underlying pavement. Therefore, additional asphalt material was necessary to patch the deteriorated areas prior to the new asphalt overlay. This change order also balanced the actual quantities installed in the field. Construction was completed in the amount of \$828,971.48. Engineering and contract administration costs were \$124,345, bringing overall project costs to \$953,316.48.

This program is shown in the FY 2013/14 Capital Improvements Plan with funding in the amount of \$825,000 from General Obligation Bonds. Additional G. O. Bond funding from project savings in the FY 12/13 Collector Street Pavement Improvements project in the amount of \$445,568 was approved by Council at the time of project award. This brings total available funding to \$1,270,568. Remaining funds from this project will be used for future, eligible projects.

# **ALTERNATIVES**:

- 1. Accept the 2013/14 Arterial Street Pavement Improvements (Lincoln Way Thackeray Avenue to Hickory Drive) as completed by Manatts, Inc. of Ames, lowa, in the amount of \$828,971.48.
- 2. Direct staff to pursue modifications to the project.

# MANAGER'S RECOMMENDED ACTION:

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

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

ITEM # <u>22</u> DATE: <u>12-16-14</u>

#### **COUNCIL ACTION FORM**

SUBJECT: 2012/13 CONCRETE PAVEMENT IMPROVEMENTS (CONTRACT #1: WHEELER STREET FROM GRAND AVENUE TO ROY KEY AVENUE)

#### **BACKGROUND:**

This annual program is to remove and replace deteriorated concrete street sections. Removal and replacement of concrete street sections provides enhanced rideability to the community's residents and visitors.

The 2012/13 program locations are Wheeler Street (Grand Avenue to Roy Key Avenue), Southeast 5<sup>th</sup> Street (east of South Duff Avenue), and the frontage road at Southbend Drive. Work involves concrete pavement reconstruction, storm sewer intake replacement, sanitary sewer manhole replacement, and sanitary sewer main repairs. The water main on Southeast 5<sup>th</sup> Street will also be replaced with that project.

This specific project was for the pavement improvements on Wheeler Street. The project included pavement replacement from Grand Avenue to Orion Drive, storm sewer improvements, and pavement patching from Orion Drive to Roy Key Avenue.

On April 22, 2014, City Council awarded this project to Con-Struct, Inc. of Ames, Iowa, in the amount of \$307,345.10. A balancing change order in the amount of \$25,536.90 brings construction completed in the amount of \$332,882.00. Major items in this change order included additional work necessary to stabilize poor soils beneath the existing pavement, additional storm sewer improvements, and pavement markings. This change order also balanced the actual quantities installed in the field.

This program was shown in the 2012/13 Capital Improvements Plan with funding in the amount of \$600,000 from General Obligation Bonds and \$50,000 from Road Use Tax. An additional \$170,000 will be utilized from the 2013/14 Water System Improvements for the design and construction of water main replacement on the Southeast 5<sup>th</sup> Street portion. Utilizing unobligated G.O. Bonds in the amount of \$225,000 from the 2009/10 Concrete Pavement Improvements Program brings total available funding to \$1,045,000.

The 2012/13 Concrete Pavement Improvements Program includes expenses as follows:

Wheeler Street (this project)	\$332,882.00
Southeast 5 <sup>th</sup> Street (estimated)	\$319,750.00
2013/2014 Water System Improvements (5 <sup>th</sup> Street) (estimated)	\$150,000.00
Frontage Road (near JAX Outdoor/Southbend Drive) (estimated)	\$ 75,000.00
Engineering and Contract Administration (estimated)	\$157,500.00
	\$1,035,132.00

# **ALTERNATIVES**:

- 1. Accept the 2012/13 Concrete Pavement Improvements (Contract #1: Wheeler Street from Grand Avenue to Roy Key Avenue) as completed by Con-Struct, Inc. of Ames, Iowa, in the amount of \$332,882.00.
- 2. Direct staff to pursue modifications to the project.

# MANAGER'S RECOMMENDED ACTION:

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

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

ITEM # <u>23</u> DATE: 12-16-14

#### **COUNCIL ACTION FORM**

<u>SUBJECT</u>: 2013/14 WATER SYSTEM IMPROVEMENTS PROGRAM – WATER MAIN REPLACEMENT (SHELDON AVENUE)

#### **BACKGROUND:**

The annual Water System Improvements program provides for replacing water mains in areas that experience rusting water problems. It also provides for installing larger distribution mains in areas that have a high concentration of 4-inch supply lines, transferring water services from 4-inch water mains in streets where larger water mains exist, and abandoning 4-inch 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-inch supply lines and less than desirable fire-fighting capacity (predominately 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.

This specific project entailed replacing an aged 6-inch cast iron water main along Sheldon Avenue from West Street north and west to Hyland Avenue in advance of the street paving project along Sheldon Avenue.

On September 24, 2013, City Council awarded this project to Synergy Contracting of Bondurant, Iowa, in the amount of \$156,048.85. A balancing change order, a deduction in the amount of \$5,008.65, brings construction completed in the amount of \$151,040.20.

The 2013/14 Water System Improvements Program includes expenses as follows:

Sheldon Avenue Water Main Replacement (this project)	\$151,040.20
South Franklin/Tripp/Village Water Main Replacement (complete)	\$405,471.00
Southeast 5 <sup>th</sup> Street Water Main Replacement (estimated)	\$170,000.00
Water Service Transfers #1 (10 <sup>th</sup> Street) (complete)	\$103,767.35
Engineering and Contract Administration (estimated)	\$140,000.00
	\$970,278.55

Project funding is shown in the 2013/14 Capital Improvements Plan in the amount of \$975,000 from the Water Utility Fund. Any remaining funds will be utilized on future projects.

# **ALTERNATIVES**:

- 1. Accept the 2013/14 Water System Improvements Water Main Replacement (Sheldon Avenue) as completed by Synergy Contracting of Bondurant, Iowa, in the amount of \$151,040.20.
- 2. Direct staff to pursue modifications to this project.

# **MANAGER'S RECOMMENDED ACTION:**

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

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

ITEM # \_\_24 DATE: 12-16-14

# **COUNCIL ACTION FORM**

**SUBJECT: 2013/14 ASPHALT/SEAL COAT STREET REHABILITATION AND** 

2013/14 WATER SYSTEM IMPROVEMENTS PROGRAM – WATER MAIN REPLACEMENT (TRIPP ST., SOUTH FRANKLIN AVE. AND

VILLAGE DR.)

#### **BACKGROUND:**

The annual Water System Improvements program provides for replacing water mains in areas that are experiencing rusting water problems. It also provides for installing larger distribution mains in areas that have a high concentration of 4-inch supply lines, transferring water services from 4-inch water mains in streets where larger water mains exist, and abandoning 4-inch 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-inch supply lines and less than desirable fire-fighting capacity (predominately 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 were Tripp Street (Hilltop Road to South Franklin), South Franklin Avenue (Tripp Street north approximately 430 feet), and Village Drive.

Due to the location of the existing water main under the seal coat street, this project included seal coat replacement on Tripp Street from Hilltop Drive to South Franklin. This was to minimize the inconvenience to area residents by consolidating these projects into one construction season.

On September 24, 2013, City Council awarded this project to Synergy Contracting of Bondurant, Iowa, in the amount of \$495,642.00. A balancing change order, in the amount of \$18,574.56, was administratively approved by staff. Major items in this change order included additional service transfers due to some houses being converted to duplexes, which had separate services to each side. This change order also balanced the actual quantities installed in the field. Construction was completed in the amount of \$514,216.56. Engineering and contract administration costs were \$77,132, bringing overall project costs to \$591,348.56.

This project is funded through the 13/14 Water System Improvement Program in the amount of \$405,471, with the remaining \$185,878 funded through the 13/14 Asphalt/Seal Coat Street Rehabilitation program. This program is shown in the 2013/14 Capital Improvements Plan with \$1,120,000 in available funding (\$470,000 in GO Bonds, \$650,000 in Road Use Tax). Remaining Asphalt/Seal Coat Street Rehabilitation

program funds will be utilized on other streets as guided by the City's Pavement Management System.

#### **CONTRACTOR PERFORMANCE:**

The contractor successfully installed the new water main and services in accordance with the project plans and specifications. However, once the services were transferred to the new water main, there was a delay in the contractor returning to the site to perform the abandonment of the old water mains, clean the project site, and perform final vegetative restoration. Staff spent an extraordinary amount of time attempting to coordinate the abandonments and get the contractor to move forward with the clean up of the project site. Inaction by the contractor led to a level of customer service less than that which we strive to provide to our citizens. Staff spent additional time responding to resident inquiries about the schedule to finish the project. Once the contractor finally returned to complete the remaining work, the quality of the finished product was satisfactory and the actual work met the specifications.

This explanation is provided as a notice to both the City Council and the contractor. Should this contractor be the lowest responsive bidder on a future contact, they will be eligible for contract award but will be monitored very carefully. Should their performance again fall below the City's expectations, staff will actively work to determine the potential of barring this contractor from City future bids.

# **ALTERNATIVES**:

- 1. Accept the 2013/14 Asphalt/Seal Coat Street Rehabilitation and 2013/14 Water System Improvements Water Main Replacement (Tripp Street, South Franklin, Village Drive) as completed by Synergy Contracting of Bondurant, Iowa, in the amount of \$514,216.56.
- 2. Direct staff to pursue modifications to the project.

# MANAGER'S RECOMMENDED ACTION:

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

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

ITEM#	25
DATE:	12-16-14

# **COUNCIL ACTION FORM**

SUBJECT: SOUTH FORK SUBDIVISION – AMENDMENT TO MEMORANDUM OF AGREEMENT

#### **BACKGROUND:**

The 2001 Memorandum of Agreement (or "Developer's Agreement") for South Fork Subdivision requires the developer to pay 50% of the costs of construction only for the installation of left turn lane improvements at the intersection of Lincoln Way and Franklin Avenue and for a traffic signal with left turn lane improvements at Lincoln Way and Dotson Drive. The City agreed to pay for the remaining 50% of these costs, as well as for any engineering design and right-of-way costs needed to complete these projects.

The agreement stipulates that these improvements will not be constructed until such time as the intersection has fallen below a Level of Service "C" or a final plat is sought for a part of the site east of Dotson Drive and not abutting Dotson Drive, whichever occurs first. The developer, Pinnacle Properties, has recently approached the City with the desire to develop the eastern portions of South Fork Subdivision, and therefore has triggered the requirement that the Franklin and Lincoln way intersection improvements be constructed.

The developer is required to provide security in an amount equal to 50% of the estimated costs of construction only, based upon an engineer's estimate of probable cost. The most recent construction cost estimate from December 2014 is \$900,000.

City staff submitted an application for an Iowa Department of Transportation (DOT) Traffic Safety Improvement Program (TSIP) grant in the amount of \$500,000, and has been notified by the Iowa DOT that the City was awarded the full amount. Therefore, after applying the value of the grant, \$400,000 remains to be split equally between the developer and the City (\$200,000 each). This is the same arrangement that was used for the first required intersection improvement at Dotson Drive and Lincoln Way, which were accepted as complete by the City Council in August 2014.

On December 11, 2012, City Council replaced the financial security on what was Outlot U and Outlot R, from a mortgage on the properties, to two letters of credit (LOC), one in the amount of \$175,100 and the other in the amount of \$280,000. Therefore, the total security for the Franklin intersections improvements currently equals \$460,100. Based on the most recent estimate and receipt of the IDOT safety grant, the two LOCs should be released or reduced to reflect the revised estimated developer's share of \$200,000.

# **ALTERNATIVES:**

- 1. Approve release of the letter of credit for Outlot U in the amount of \$175,100, and reduction of the letter of credit for Outlot R from \$280,000 to a new total amount of \$200,000.
- 2. Maintain the current security in the form of two letters of credit totaling \$460,100.

# **MANAGER'S RECOMMENDED ACTION:**

This new letter of credit will continue to secure the required offsite intersection improvements at Franklin and Lincoln Way. The project is anticipated to move forward in calendar year 2015; and once complete, will be the final required offsite public improvement of the South Fork Subdivision.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving release of the letter of credit for Outlot U in the amount of \$175,100, and reducing the letter of credit for Outlot R from \$280,000 to a new total amount of \$200,000.

ITEM # <u>26</u> DATE: 12-16-14

# **COUNCIL ACTION FORM**

SUBJECT: CHAPTER 31 HISTORIC PRESERVATION TEXT AMENDMENTS

# **BACKGROUND:**

On January 28, 2014 the City Council directed staff to proceed with a comprehensive update of Ames Municipal Code *Chapter 31 Historic Preservation*. Council set out a scope of work for the update based upon prior background reports and review by the Historic Preservation Commission (HPC) in 2013. (See Attachment A) **City Council is now asked to approve the Chapter 31 update based on the recommendations of the Historic Preservation Commission and the Planning and Zoning Commission.** 

The update of Chapter 31 is extensive in its format and content. Chapter 31 is of general applicability in regards to process and definitions. It also contains specific requirements for designated historic districts and landmarks. Due to the need for integration of new terminology and format changes, the draft ordinance is a complete repeal and replacement of the Chapter. The changes can generally be classified within the following four categories:

- 1. Historic District Classifications of Properties/Structures
- 2. Design Issues
- 3. Materials
- 4. Approval Process

Over the past year City staff completed an extensive outreach and hearing process for the proposed ordinance, including the following initiatives:

- Historic Old Town Association joint meeting in April
- New Old Town contributing property owner meeting in May
- HPC Garage Guideline Meeting in June
- HPC Draft Ordinance Review in September
- State Historic Preservation Office review in September
- Neighborhood Meeting with staff in September
- All background materials and draft ordinances posted online
- HPC Public Hearing on complete draft ordinance in October
- City Council work shop in October
- HPC final review on changes in November
- Planning and Zoning Commission recommendation in November

Notwithstanding the combination of direct mailings, newsletter publications, and public hearing notices, there has been nominal participation by the public and by residents of the Old Town Historic District. All told there have been approximately 30 people who have participated in a meeting or provided written comment to the HPC. The Chapter 31 Update process culminated in the HPC final recommendation for approval on November 10.

Due to the involved changes to the current Chapter 31 text, a strike through/underline version of changes is not available. Staff has highlighted below the significant issues contained within the Chapter 31 Update and included a complete draft ordinance as an attachment.

# Category #1, Historic District Classifications of Buildings and Structures

- A. Adopt the **two-tier classifications system** consistent with national standards that identify properties as either "Contributing" to the historic significance of the district or "Non-Contributing", and apply the regulations to all "Contributing" properties.
  - The two-tier system would be applied to the Old Town Historic District (OTHD), as well as to future historic preservation districts, by referencing the 2003 Inventory.
- B. Adopt the **2003 Inventory of the Old Town Historic District,** replacing the 1988 survey, thereby applying the two-tier classification system and **applying the regulations to 19 additional properties**. (See Attachment B and C) The 2003 Inventory supported listing the District on the National Register of Historic Places.
- C. Establish preservation standards associated with **contributing garages** in the Old Town Historic District supported by the 2003 Inventory. Approximately 50% of the homes in the Old Town Historic District that have a garage are identified as Contributing in the 2003 Survey. (See Attachment D)

# Category #2, Design Issues

- A. **Simplify terms to address the activities** of alterations, new construction, or demolition, rather than differentiate the visible areas of the historical property for historic review and not the range of activities. This should help improve communications with a customer regarding what they want to do to a property.
- In the proposed regulations, any references to "alteration area" and "new construction area" have been removed from Chapter 31.
- The definitions of "Alteration" and "New Construction" have been changed. An "Alteration" is any act or process that changes one or more of the exterior features of a structure, without increasing the amount of gross floor area. "New Construction" is the erection of a new principal building or accessory structure on a lot or property, or an addition to an existing structure that increases the amount of gross floor area. Staff will have more authority to approve projects with the Update. Alterations may be approved by staff, while the HPC must approve New Construction.
- There are separate "Design Guidelines for Alterations" and "Design Guidelines for New Construction." These apply to changes of the existing

exterior features of Contributing structures, new additions, and new structures that include houses, garages and accessory buildings.

- The proposed guidelines clarify where additions can be constructed. Additions, other than porches, shall not be constructed on any street side of a building. The standards for an addition remain the same, whereby additions may be placed on any non-street side so long as that does not radically change, obscure, damage or destroy character defining features. Additions that protrude in front of or otherwise obscure a street facing façade are not allowed.
- B. Adopt standards and design guidelines for Contributing Garages. This is necessary to implement the 2003 inventory for Old Town. Guidelines are consistent with Secretary of the Interior Standards for Rehabilitation in Section 31.12 of Chapter 31.
  - Garage design guidelines emphasize retaining and preserving historic garages, including the character-defining materials, features, and details. The alteration of garages by using configurations and designs that do not match the design appropriate for the period and the garage is prohibited.
    - Create an exception that a historic garage door may be replaced at any time with an overhead garage door in a manner consistent with the guidelines about design and size. This provision was inserted by the HPC from input from a property owner in the OTHD who wishes to retain the historic garage, but would like to replace the historic doors with an overhead garage door.
  - Created garage demolition standards that are less stringent than the standards for demolishing principal buildings.
  - Demolition of historic garages is a decision of the HPC and is to be based upon certain factors that include historical significance, architectural integrity, functionality, structural condition, and location on the property. Economic hardship is not a factor for garage demolition.

# Category #3, Materials

- A. Materials permitted for alterations are different than those allowed for new construction. The materials used are no longer determined on the basis of location, but rather are determined by the design features affected by the proposed alterations or the new construction. If using a listed material in a manner specified by the guidelines or design criteria, it is not subject to the individual "Substitute Material" standards. A property owner may propose a non-listed material subject to HPC approval as a "substitute material."
- Include allowance with "New Construction" guidelines for new materials that match historic materials in size, design, texture, use and other characteristics to be specified. On new construction this would allow the use

of aluminum clad windows, composite decking, cementitious siding, and other compatible materials.

- Aluminum clad wood windows, with anodized or baked enamel finish, may be used as a substitute for wood windows on new building additions.
- Fiberglass material is permitted for doors on new structures, or on additions to existing structures.
- Cementitious siding (smooth finish) of an appropriate profile may be used for the new construction of stand-alone primary buildings, garages and other outbuildings. It may also be used for new additions to historic structures.
- Fiberglass material is allowed for porch columns, provided the columns have the historically correct proportions to resemble historic wood columns. This applies to both alterations and new construction.
- Ramps may be constructed of materials compatible with historic materials.
- Composite material is permitted for use on porch floors, when not visible from the street, or other historic resources. This applies to both alterations and new construction.
- Cementitious siding (smooth finish) of an appropriate profile may be used for the new construction of garages and other accessory buildings.
- Aluminum or steel garage doors may be used as a substitute for wood in new construction.
- Heavy gauge metal is permitted as a material for new construction of fences.
- Wood windows or aluminum clad wood windows with an anodized or baked enamel finish are permitted for egress windows.
- Composite material is permitted for steps providing direct access to a deck. This applies to both alterations and new construction.
- B. For "Alterations" of historic resources, improve guidance regarding the situations under which substitute materials and elements in place of historic materials and elements are allowed. Expressly state when and how they are allowed, and when they are prohibited. The allowances for substitute materials vary based on the types of features to be altered. HPC recommends allowing for case-by-case review of non-listed substitute materials by the HPC based upon stated criteria.
- Current standards for substitute materials state that substitute materials may be used as an acceptable alternative to the historic materials if all of the following conditions are met:
  - The historic material on the structure is so deteriorated or damaged that it cannot be repaired;
  - The substitute material can be installed without irreversibly damaging or obscuring the architectural features and trim of the building;
  - The substitute material is similar to the historic material in size, design, composition and texture, such as one type of wood replacing another.

- Proposed standards for the "Use of Substitute Materials" for alterations to historic structures are included in proposed Section 31.13(1). The proposed language is based upon review of other jurisdictions' approaches and professional expertise and advisement. The basic expectations are part of the National Park Service Preservation Brief #16 describing appropriate circumstances for use of substitute materials, which includes the following principles:
  - 1. the unavailability of historic materials;
  - 2. the unavailability of skilled craftsmen;
  - 3. inherent flaws in the original materials; and
  - 4. code-required changes.

Notably the language of Section 31.13(1) is distinguished from the current language by not relying upon the similar composition standard but instead relying upon matching visual qualities. It also relies upon a criteria of the historic material not being readily available.

- Section 31.13(1). "Historic materials shall be used unless otherwise excepted. The removal of historic materials shall be avoided, unless the severity of deterioration requires replacement. The Design Guidelines include specific substitute materials for some building elements that are approved as an acceptable alternative to the historic materials for alterations for those elements. Other substitute materials not listed may be used only if the Historic Preservation Commission determines that all of the following conditions are met:
  - the historic material on the structure is so deteriorated or damaged that is cannot be repaired; and,
  - the historic material on the structure is not readily available;
  - the substitute material can be installed without irreversibly damaging or obscuring architectural features and trim of the building; and,
  - the substitute material matches the historic material in size, design, texture, and other visual qualities.
- Proposed standards for "Materials" for new construction are included in proposed Section 31.14(1). "Historic materials shall be used unless otherwise excepted. The Design Guidelines include other specific materials for some building elements that are approved as acceptable for new construction of those elements. Other materials not listed may be used only if the Historic Preservation Commission determines that the size, design, texture and other visual qualities of the substitute materials are compatible with the historic materials of the particular architectural style." Note that, for "new construction", the "composition" of substitute materials is not a factor to be considered by the HPC.
  - Include allowance with "New Construction" guidelines for new materials that match historic materials in size, design, texture, use and other characteristics to be specified. On new construction, this would allow the use of aluminum clad windows, composite decking, cementitious siding, and other compatible materials.

- Aluminum clad wood windows, with anodized or baked enamel finish, may be used as a substitute for wood windows on new building additions.
- Fiberglass material is permitted for door on new structures, or additions to existing structures.
- Cementitious siding (smooth finish) of an appropriate profile may be used for the new construction of stand-alone primary buildings, garages and other outbuildings. It may also be used for new additions to historic structures.
- Fiberglass material is allowed for porch columns, provided the columns have the historically correct proportions to resemble historic wood columns. This applies to both alterations and new construction.
- Ramps may be constructed of materials compatible with historic materials.
- Composite material is permitted for use on porch floors, when not visible from the street, or other historic resources. This applies to both alterations and new construction.
- Cementitious siding (smooth finish) of an appropriate profile may be used for the new construction of garages and other accessory buildings.
- Aluminum or steel garage doors may be used as a substitute for wood in new construction.
- Heavy gauge metal is permitted as a material for new construction of fences.
- Wood windows, or aluminum clad wood windows, with an anodized or baked enamel finish are permitted for egress windows.
- Composite material is permitted for steps providing direct access to a deck. This applies to both alterations and new construction.

# Category #4, Approvals

- A. Allow for staff approval of all alterations to an historic building that does not result in the demolition of a structure or result in new construction creating additional floor area. Staff may refer an application to the HPC for their approval. If an applicant's proposal is inconsistent with the design guidelines, or if substitute materials are proposed, it will be reviewed by HPC.
  - Proposed regulations provide staff with the authority to administratively approve alterations to the principal structure, garages, and other outbuildings, and the new construction of fences and retaining walls. This authority is given provided that the alterations or new construction meet the adopted Design Guidelines and Design Criteria, and substitute materials are not proposed other than those specifically listed in the Design Guidelines.
  - The Planning and Housing Director may refer an application for an alteration to the Commission for approval.
- **B.** The **current regulations** allow the HPC to grant an exemption to the requirements if an **economic hardship** can be shown based on the following criteria:

- Replication of an architectural feature will result in a conflict with the existing Municipal Code;
- o Materials for replication are no longer available; and,
- Cost of replication is prohibitive.

The proposed regulations allow the HPC to grant exemptions to the requirements if it determines that, for an alteration, the cost of replication is prohibitive. Granting of the exemption is not based upon "economic hardship."

# **ALTERNATIVES:**

- 1. The City Council can approve on first reading the text amendments for the repeal and replacement of Chapter 31of the Municipal Code per the attached ordinance.
  - Upon approval of the new ordinance, staff will continue to work on implementation to update application forms and will create a Frequently Asked Question resource for property owners and the public.
- 2. The City Council can deny the text amendments to Chapter 31, as included in the attached ordinance.
- 3. The City Council can refer the text amendments in the attached ordinance back to staff and/or the HPC for modification.

# MANAGER'S RECOMMENDED ACTION:

The proposed text amendments to Chapter 31 are the product of City Council direction, HPC comments, public outreach efforts, and professional judgment from research and consultation with others. In some ways flexibility has been added through modifications to process, design guidelines, and substitute material options. At the same time, additional properties within the Old Town Historic District will be subject to its standards, and will historic garages.

The proposed text amendments accomplish the original goals and scope of work for the Chapter 31 Update, and support the integrity of an historic district while allowing for accommodation of the desires of contemporary lifestyles. The described approach is a balance of these two objectives. Additionally, staff believes this comprehensive revision will improve overall customer service without a significant increase in staff time for the on-going administration of Chapter 31.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative #1, thereby approving on first reading the attached ordinance for text amendments to Chapter 31 of the *Municipal Code*.

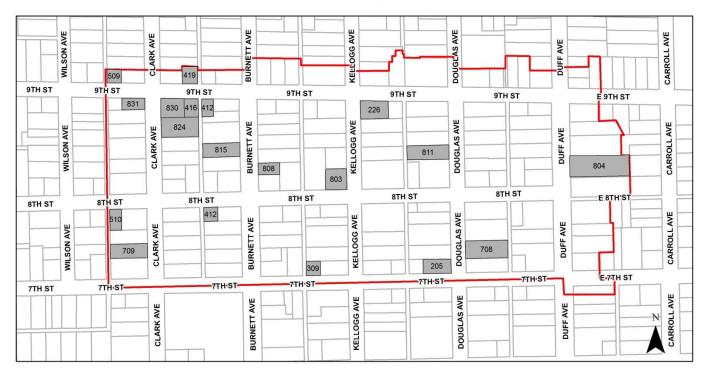
# Attachment A Scope of Work for Chapter 31 Update

- Review the existing Design Guidelines in Chapter 31 and update them where necessary to reflect current preservation practice and sustainability trends for the use of alternative materials in residential districts, and to reflect a range of "periods of significance."
- Develop new fence Design Guidelines that will be appropriate for the various historic districts and landmarks throughout the city.
- Develop Design Guidelines for garages, including, but not limited to, appropriate standards for solid/void ratio, materials, and appearance.
- Assess the impact of making the local historic district resource classifications (3-tier system of "Contributing", "Compatible" and "Non-Contributing") consistent with the National Park Service resource classification (2-tier system of "Contributing" and "Non-Contributing") that would also be applied to garages.
- Analyze how terms are used in Chapter 31, and determine if definitions are needed.
- Develop and clarify definitions as well as Design Guidelines to distinguish between "Consistent" and "Compatible" in terms of materials and architectural design.
- Develop Design Guidelines to address ADA issues (e.g. how to sensitively incorporate a ramp into the design of the structure).
- Develop specific Design Guidelines to allow the sensitive integration of egress windows and fire escapes.

# Attachment B Changes to Classification of Properties in Old Town Historic District From 1988 to 2003 Inventories



# Attachment C Changes to Classification of Properties in Old Town Historic District from non-contributing to contributing



# Attachment D Location of Contributing Garages (shaded properties) Old Town Historic District



### ORDINANCE NO.

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY REPEALING CHAPTER 31 HISTORIC PRESERVATION DISTRICTS AND ENACTING A NEW CHAPTER 31 HISTORIC PRESERVATION THEREOF, FOR THE PURPOSE OF MODIFYING THE PROCEDURES FOR REVIEW OF NEW CONSTRUCTION AND ALTERATIONS, DESIGN GUIDELINES, STANDARDS FOR APPROVAL, OTHER RELATED CHANGES; 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:

<u>Section One</u>. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by repealing Chapter 31 Historic Preservation Districts and enacting a new Chapter 31 Historic Preservation as follows:

### "CHAPTER 31 HISTORIC PRESERVATION

### Sec. 31.1. PURPOSE.

The purpose of this Chapter is to promote the educational, cultural, and economic welfare of the public of the City by preserving and protecting historic structures, sites, and neighborhoods which serve as visible reminders of the history and cultural heritage of the city, state, or nation. Furthermore, it is the purpose of this chapter to strengthen the economy of the City by stabilizing and improving property values in historic areas, and to encourage new developments that will be harmonious with the existing historic buildings and squares. Lastly, it is the purpose of the chapter to foster civic pride and to enhance the attractiveness of the community to residents, potential residents, and visitors.

### Section 31.2. DEFINITIONS AND RULES OF CONSTRUCTION.

For the purpose of this chapter, the following words, terms and phrases shall have the meanings set forth. Unless specifically defined, words, terms and phrases shall be construed so as to give them the same meaning as they have in common usage and so as to give this ordinance its most reasonable application.

- (1) Accessory Building: any structure having a roof supported by columns or walls for shelter, support or enclosure of persons, animals or chattels, which is subordinate to, detached from but located on the same lot as a principal building. The use of an accessory building must be incidental and accessory to the use of the principal building. Accessory Buildings include, but are not limited to, garages and sheds.
- (2) Alteration: Any act or process that changes one or more of the exterior features of a structure, without increasing the amount of gross floor area.
  - (3) Baluster: A post or upright supporting a handrail.
  - (4) Balustrade: A railing with supporting balusters.
- (5) Certificate of Appropriateness: A certificate issued by the Planning and Housing Director authorizing an alteration, new construction, demolition, or relocation conforming to the requirements of this chapter.
- (6) Character-Defining Features: Distinguishing features of the exterior of a structure which include but are not limited to brackets, chimneys, porches, roof lines, windows and other exterior design elements and materials.
  - (7) Commission: The Ames Historic Preservation Commission.
  - (8) Compatible: Capable of existing together in harmony.
- (9) Contributing Structures: Structures establishing the architectural character of the area; structures may represent one architectural style or a broad range of architectural styles. To be considered contributing, structures must be at least fifty (50) years old.
- (10) Demolition: Any act that destroys in whole or in part the exterior of a building or structure in a historic district; or, destroys in whole or in part a designated historic landmark.

- (11) Design Criteria: Standards for architectural elements characteristic of specific types of architecture for a particular designated historic district.
- (12) Design Guidelines: Standards intended to preserve the historic and architectural character of the district.
  - (13) District: Historic Preservation District.
- (14) Exterior Architectural Features: The exterior architectural character and general composition of a structure, including but not limited to the kind of texture of the building material and the type, design, and character of all windows, doors, light fixtures, signs, fences, gates and appurtenant elements.
- (15) Historic District: An area which includes or encompasses such historic sites, landmarks, buildings, structures, or objects as the City Council may determine to be appropriate for historical preservation.
- (16) Historic Landmark: Any building, structure, site, area or land of architectural, landscape architectural, historical, archaeological, or cultural importance or value, as may be designated for preservation by the City Council.
- (17) Historic Materials: Materials that are common to the period of significance for the architectural style of the structure.
- (18) Historic Siding Materials: Siding material added to a structure within the "Period of Significance" for the historic district.
  - (19) Massing: The grouping of major architectural volumes.
  - (20) Match: Equal or similar to another, nearly the same.
  - (21) Mullion: A vertical member that divides a window or separates one window from another.
  - (22) Muntin Bar: A strip separating panes of glass in a sash.
- (23) New Construction: The erection of a new principal or accessory structure on a lot or property, or an addition to an existing structure that increases the amount of the gross floor area.
- (24) Noncontributing Structures: Structures that are neither of an architectural style or time period representative of the preservation district.
  - (25) Relocation: Any relocation of a structure on its site or to another site.
- (26) Repair: Any change that is not new construction, removal, or alteration. Repair may include patching, piecing-in, splicing, consolidating, or otherwise reinforcing or upgrading historic materials such as masonry, wood and architectural metals according to recognized preservation methods.
- (27) Sanborn Maps: The Sanborn Fire Insurance Maps. These maps were produced in the United States from 1867 to the 1950s. The maps show the size, shape and construction of buildings as well as street names and boundaries.
- (28) Sash: The portion of a window assembly that frames or holds the glass. In the case of operable windows the portion that moves.
- (29) Structure: For the purposes of this ordinance, a structure is defined as a fence, garage, accessory building or house.
  - (30) Fence: A man-made barrier used as an enclosure or as a boundary.
  - (31) Retaining Wall: A wall built to hold back a bank of soil.
- (32) Visibility Triangle: The area created by the intersection of property lines at the corner of two (2) abutting streets and a line connecting two (2) points on these property lines twenty (20) feet from the point of intersection.

### Sec. 31.3. HISTORIC PRESERVATION COMMISSION ESTABLISHED; TERMS OF OFFICE.

- (1) The Ames Historic Preservation Commission is hereby established. It shall consist of six (6) residents of the city, with a positive interest in preservation, appointed by the Mayor with the approval of the City Council, with due regard to relevant fields of knowledge including but not limited to history, urban planning, architecture, archeology, law, and sociology; plus, one additional member to be appointed from among the residents of each designated historic district as the statutory district representative.
- At least two members of the Commission will, if feasible, be professionally trained in preservation related fields, with at least one in history or architecture.
- (2) The term of office shall be three (3) years, except that the Mayor may prescribe a shorter term for any appointment or reappointment in order to stagger terms. Vacancies shall be filled for any unexpired term in the same manner as original appointments. No member who has served two (2) full consecutive terms is eligible for reappointment.

### Sec. 31.4. RESERVED.

### Sec. 31.5. COMPENSATION OF COMMISSION.

All members of the Historic Preservation Commission shall serve without compensation.

# Sec. 31.6. POWERS AND DUTIES OF HISTORIC PRESERVATION COMMISSION The Commission shall have the following powers and duties:

- (1) To adopt its own procedural regulations.
- (2) To accept and review proposals for designating areas as historic districts.
- (3) To keep a register of all properties and structures that have been designated as landmarks or historic districts, including all information required for each designation as prepared by the proponents of the district under consideration.
- (4) To provide information to the owners of landmarks and property or structures within historic districts on preservation, renovation, rehabilitation, and reuse.
- (5) To hold public hearings and to review applications for new construction, alteration, demolition or relocation affecting proposed or designated landmarks or structures within historic districts and to approve or deny Certificates of Appropriateness for such actions.
- (6) To make recommendations to the City Council on guidelines for the alteration, new construction, demolition, or relocation of landmarks or property and structures within a historic district.
- (7) To review proposed zoning amendments that affect proposed or designated landmarks and historic districts.
- (8) To testify before boards, commissions, and the City Council on any matter affecting historically and architecturally significant property, structures, and areas.
- (9) To periodically review the Zoning Ordinance and to recommend to the Planning and Zoning Commission and the City Council any amendments appropriate for the protection and continued use of landmarks or property and structures within historic districts.
- (10) To undertake any other action or activity necessary or appropriate to the implementation of the purpose of this ordinance as directed by City Council.
  - (11) Provide information regarding historic preservation to the City Council.
- (12) Promote and conduct educational and/or interpretive programs on historic properties within its jurisdiction.
- (13) To conduct studies for the identification and designation of historic districts, structures, and sites. City staff time and resources to conduct studies must be approved by City Council.
- (14) To make recommendations to the State Historic Preservation Officer regarding the listings of districts, structures, or sites to the National Register of Historic Places, and hold public hearings before making recommendations regarding National Register eligibility.

### Section 31.7. CRITERIA FOR CONSIDERATION FOR NOMINATION.

- (1) Before an area, which contains contiguous parcels of diverse ownership, can be designated as a historic district, as evidenced by information provided by the proponents of the district, it must satisfy all of the following criteria:
- (a) Properties are significant in national, state or local history, architecture, archeology, and culture, and it must satisfy one or more of the following criteria:
  - (i) Properties are associated with events that have been a significant contribution to the broad patterns of our history; or
  - (ii) Properties are associated with the lives of persons significant in our past; or
  - (iii) Properties embody the distinctive characteristics of a type, period, method of new construction, represent the work of a master, possess high artistic values, represent a significant and distinguishable entity whose components may lack individual distinction; or
  - (iv) Properties have yielded, or may be likely to yield, information important in prehistory or history; and
- (b) Properties possess integrity of location, design, setting, materials, workmanship, feeling and association; and
- (c) A minimum of 66% of the principal structures in the proposed district are contributing structures from a historical architecture standpoint; and
  - (d) The contributing structures in the proposed district are a minimum of 50 years old; and

- (e) The proposed district is less than 160 acres but more than 2 acres in size. City Council may waive the 160 acre limitation.
- (2) A building, structure, or site designated as a historic "landmark" shall meet all of the following criteria:
- (a) Properties are significant in national, state or local history, architecture, landscape architecture, archeology, and culture, and it must satisfy one or more of the following criteria:
  - (i) Properties are associated with events that have been a significant contribution to the broad patterns of our history; or
  - (ii) Properties are associated with the lives of persons significant in our past; or
  - (iii) Properties embody the distinctive characteristics of a type, period, method of construction, represent the work of a master, possess high artistic values, represent a significant and distinguishable entity whose components may lack individual distinction; or
  - (iv) Properties have yielded, or may be likely to yield, information important in prehistory or history; and
- (b) Properties possess integrity of location, design, setting, materials, workmanship, feeling and association.

### Section 31.8. PROCEDURES FOR DESIGNATION OF A HISTORIC DISTRICT OR LANDMARK.

- (1) Designation of a historic district may only be proposed by an owner or owners of property within the area for which designation is requested. Any such proposal shall be filed with the Planning and Housing Department upon the prescribed form and shall include the following data:
- (a) A map showing Assessor's plat of the area, boundary and boundary description, legal description, and size of area in acres;
  - (b) Photographs and/or other descriptive material;
  - (c) List of all property owners and their addresses;
  - (d) Narrative providing information concerning at least one of the following:
- (i) Its association with events that have a significant contribution to the broad patterns of community history; or
  - (ii) Its association with the lives of persons significant in the community history; or
  - (iii) Its embodying of the distinctive characteristics of a type, period, method of new

construction, etc.

- (e) Narrative providing information about events or persons that may have a significant relationship to the area and its past;
- (f) Provide documentation that indicates the structures in the proposed district are a minimum of 50 years old; and
  - (g) Provide information which indicates that a minimum of 66% of the structures in the area are contributing; and
- (h) Design guidelines proposed as an aid to decisions on Certificates of Appropriateness required by Section 31.10.
- (2) Designation of a historic landmark may be proposed by any person or organization. Any such proposal shall be filed with the Planning and Housing Department upon the prescribed form and shall include the following data;
- (a) A map showing Assessor's plat of the area, boundary and boundary description, legal description, and size of area in acres or square feet;
  - (b) Photographs and/or other descriptive material;
  - (c) List of all property owners and their addresses;
  - (d) Narrative providing information concerning at least one of the following:
- (i) Its association with events that have a significant contribution to the broad patterns of community history; or
  - (ii) Its association with the lives of persons significant in the community history; or
  - (iii) Its embodying of the distinctive characteristics of a type, period, method of new

construction, etc.

(e) Narrative providing information about events or persons that may have a significant relationship to the area and it past; and

(f) Design criteria proposed as an aid to decisions on Certificates of Appropriateness required by Section 31.10.

### Sec. 31.9. PUBLIC HEARINGS AND ENACTMENT PROCEDURES.

- (1) Oral and written testimony concerning the significance of the nominated historic district or landmark shall be taken at a public hearing before the Commission. The Planning and Housing Department shall notify, by certified mail, all property owners of a proposed landmark or within a proposed district a minimum of twenty days prior to the public hearing to be held by the said Commission. The Commission upon hearing the proposal will review and make recommendations to the City Council.
- (2) The City Council forwards the proposed landmark or historic district designation to the State Historical Department for review and recommendation. Within a reasonable time after receipt of the recommendation from the State Historical Department the Council shall make a final determination on the proposed landmark or district designation. Designation of such an area shall be by enactment of an ordinance to amend the official zoning map of the City to show such designated area in accordance with the hearing, notice and procedure requirement of Chapter 414, Code of Iowa.

### Section 31.10. CERTIFICATE OF APPROPRIATENESS.

- (1) Any act of alteration, demolition, new construction, or relocation, as defined herein, shall require a Certificate of Appropriateness as further described below.
- Furthermore, every application for a building permit or a demolition permit affecting the exterior architectural appearance of a designated landmark or of any contributing structure within a designated historic district shall be accompanied by an application for a Certificate of Appropriateness. Applicants shall be required to submit plans, drawings, elevations, specifications, and other information as may be necessary to make decisions. The Building Official shall not issue the building or demolition permit until a Certificate of Appropriateness has been approved.
- (2) Alteration of an exterior part of a building or a structure. An alteration is any act or process that changes one or more of the exterior features of a structure, without increasing the amount of gross floor area. Alterations to existing structures that are contributing structures or to structures designated as historic landmarks shall require a Certificate of Appropriateness and shall be permitted in the following instances.
  - (a) An architectural feature has deteriorated to the point that it must be replaced.
- (b) Architectural features were added which modified the original qualities of the architectural style and the current property owner wishes to restore the structure to the original architectural style.
- (c) An architectural feature can be added as long as the feature is appropriate to the architectural style of the structure.
  - (3) New Construction. A Certificate of Appropriateness shall be required for construction of
    - (a) a new principal structure, or
    - (b) an addition to an existing contributing structure or to a designated landmark, or
- (c) a new accessory building on any property with a contributing principal structure or designated landmark.

A new principal structure shall be representative of one of the architectural styles approved in the district The design for the new principal structure must meet all the design criteria listed for the architectural style selected. Architectural features not specifically listed in the design criteria may be proposed by the applicant. Those features should be incorporated in a manner appropriate with the architectural style.

(4) Consideration of an application for a Certificate of Appropriateness shall apply the Design Guidelines, which shall pertain to all historic preservation districts and historic landmarks; and the Design Criteria, which shall apply only to the particular historic district or historic landmark for which they are enacted.

In each instance the Commission may grant exemptions to the requirements for an alteration if it determines that the cost of replication is prohibitive.

- (5) Demolition. Demolition of existing principal structures that are contributing structures or of a historic landmark shall be strictly prohibited except in the following instance:
- The structure cannot be used for the original intended purpose and/or no alternative reasonable use can be identified and the property owner can show evidence that an economic hardship will be created if the structure cannot be removed. To prove economic hardship, the applicant may submit where appropriate to the applicant's proposal, the following information to be considered.
- (a) Estimate of the cost of the proposed demolition, and an estimate of any additional cost that would be incurred to comply with the recommendations of the Commission for changes necessary for the issuance of a Certificate of Appropriateness.

- (b) A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of the structures or structures on the property and their suitability for rehabilitation. (This shall be required only when the applicant's proposal is based on an argument of structural soundness.)
- (c) Estimated market value of the property in its current condition; after completion of demolition; after any changes recommended by the Commission; and after renovation of the existing property for continued use.
- (d) An estimate from an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property.
- (e) Amount paid for the property, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between the seller and buyer.
- (f) If the property is income-producing, the annual gross income from the property for the previous two years; itemized operating and maintenance expenses for the previous two years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period.
- (g) Remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, for the previous two years.
- (h) All appraisals obtained within the previous two years by the owner or applicant in connection with the purchase, financing, or ownership of the property.
- (i) Any listing of the property for sale or rent, price asked and offers received, if any, within the previous two years.
  - (j) Assessed value of the property according to the most recent assessment.
  - (k) Real estate taxes for the previous two years.
- (l) Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture, or other.

Determination of Economic Hardship. The Commission shall review all the evidence and information required of an applicant and make a determination whether the denial of a Certificate of Appropriateness has deprived, or will deprive, the owner of the property of reasonable use of, or economic return on, the property. After reviewing the evidence, the Commission may deny the application, may approve a Certificate of Appropriateness for Demolition, or may table the application for a Certificate of Appropriateness for Demolition for a period of time not to exceed 30 days. The 30 day period will permit an opportunity for other alternatives to be evaluated. If a suitable alternative is not presented to the Commission within the 30 day period, the Certificate of Appropriateness for Demolition shall be approved.

In no instance will the Commission approve a Certificate of Appropriateness for demolition without approval of a redevelopment project and submittal by the applicant of a bond or cash escrow to guarantee completion of the approved project.

(6) Demolition of Contributing Garages.

No contributing garage structure may be demolished without first receiving approval by the Commission. The Commission may permit the demolition of a contributing garage structure only after considering the following factors and determining that either the garage is not a contributing garage or it is not practicable to be retained on site.

- (a) Historical Significance. The Commission shall determine whether the garage contributes to the historic character of the house, or district, based upon historical and architectural research.
- (b) Architectural Integrity. The Commission will consider if the architectural design of the structure has been altered and/or sufficient historic material has been removed in such a way that it compromises the overall integrity of the building. This may include a combination of the following:
  - (i) Removal or alteration of original door and/or window openings;
  - (ii) Removal or alteration of original garage/barn/pedestrian doors;
  - (iii) Installation of artificial siding;
  - (iv) Alteration of the original building footprint and/or roofline; and
  - (v) Loss of original materials due to removal and/or deterioration.
- (c) Functionality. The Commission will consider whether or not the structure can be put to any reasonable use. For example, a historic one-car garage may be too small to accommodate a modern-day vehicle, but may still function as a place for storage.
- (d) Structural Condition. The Commission will consider if one or more significant structural problems exist and whether or not rehabilitation of that structure would result in most of the historic materials being

replaced, resulting in essentially a new building. When assessing structural condition, the following factors may be considered:

- (i) Quality of original construction;
- (ii) Bowing walls;
- (iii) Lack of a foundation;
- (iv) Extensive siding repair;
- (v) Termite damage;
- (vi) Rotted wood; and
- (vii) Integrity of roof system.
- (e) Location on the Property. The Commission may consider the building's location on the property and whether or not it is visible from the public street, or alley, when assessing the impact that demolition will have on a historic district. However, location alone typically does not justify demolition. If the contributing garage is insufficient in size for modern-day vehicles, efforts should be made to construct a new garage on another portion of the site, to accommodate the vehicles.
- (7) Relocation. Relocation of a historic landmark or of an existing contributing structure within or into a historic district shall be strictly prohibited except in the following instances:
  - (a) The structure is being relocated to its original site of construction.
  - (b) Relocation of the structure is an alternative to demolition of the structure.
- (c) A structure to be moved within or into the district is of an architectural style identified in that district. The structure can be relocated to a vacant parcel or to a parcel occupied by a noncontributing structure which will be removed.
  - (8) Ordinary Maintenance Permitted; Public Safety.
- (a) Ordinary Maintenance Permitted. Nothing in this Chapter shall be construed to prevent the ordinary maintenance or repair of any exterior feature in a historic district or of any historic landmark which do not involve alterations or changes in the exterior features of a building. For the purposes of this Ordinance, changes made in the color of the exterior surfaces of a building are considered to be ordinary maintenance and repair.
- (b) Public Safety. Nothing in this Chapter shall prevent the construction, reconstruction, alteration, restoration, or demolition of any interior or exterior feature which the City Building Official shall certify is required for public safety because of an unsafe or dangerous condition, but any such action shall be, where possible, in accordance with the design guidelines and design criteria set forth in Section 31.13 (Design Guidelines for Alterations) and in Section 31.14 (Design Criteria).

### Section 31.11. APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS.

- (1) Administrative Approval Process.
- (a) A Certificate of Appropriateness for alterations to the principal structure, garages, and other accessory buildings, and the new construction of fences and retaining walls can be approved by the Planning and Housing Director, provided the alterations or new construction meet the adopted Design Guidelines and Design Criteria, and substitute materials are not proposed, other than those specifically listed in the Design Guidelines. The Planning and Housing Director may refer an application for an alteration to the Commission for approval.
- (b) Administrative Approval Procedure. Upon receipt of a fully completed application for a Certificate of Appropriateness, the application materials will be reviewed by staff of the Department of Planning and Housing. The application for a Certificate of Appropriateness may be:
  - (i) Approved as presented;
  - (ii) Approved with modifications;
  - (iii) Denied; or
  - (iv) Referred to the Commission.
- (c) Applications which have not received final administrative approval within thirty (30) days from the date of acceptance of the application, due to any unresolved dispute as to the administrative interpretation of this Chapter shall be submitted in its entirety to the Commission for their approval.
  - (2) Historic Preservation Commission Approval Process.
- (a) Applications. The Commission shall review the application for a Certificate of Appropriateness and approve or deny the application, except as provided for in Section 31.11(1).
- (b) Approval/Denial. Written notice of the approval or denial of the application for a Certificate of Appropriateness shall be provided by the Department of Planning and Housing to the applicant and the Building Official within seven (7) days following the determination and shall be accompanied by a Certificate of Appropriateness in the case of an approval.

- (c) Denial of a Certificate of Appropriateness. A denial of a Certificate of Appropriateness shall be accompanied by a statement of the reasons for the denial. The Commission shall make recommendations to the applicant concerning changes, if any, in the proposed action that would cause the Commission to reconsider its denial and shall confer with the applicant and attempt to resolve as quickly as possible the differences between the owner and the Commission. The applicant may resubmit an amended application or reapply for a building or demolition permit that takes into consideration the recommendations of the Commission.
- (d) Subsequent Applications. All structures that have once obtained a Certificate of Appropriateness shall be required to obtain a Certificate of Appropriateness for all subsequent alterations, new construction, or demolition.
- (3) Other Codes, Regulations, and Ordinances. In granting or denying a Certificate of Appropriateness, the Commission shall not have the power to override housing codes, zoning regulations, or any other Ordinances of the City.
- (4) Building Permit. Upon issuance of a Certificate of Appropriateness, the applicant may apply for a building permit, if required and not already submitted.
- (5) Effective Period of Approval for a Certificate of Appropriateness. The approval of any application for a Certificate of Appropriateness shall be effective for one (1) year from the date of approval by the Commission, or by the Department of Planning and Housing (in the case of administrative approvals). The Planning and Housing Director may approve a 1 year extension upon finding that the pertinent codes have not changed since the original approval.

### Sec. 31.12. THE SECRETARY OF THE INTERIOR'S STANDARDS FOR REHABILITATION

The Secretary of the Interior's Standards for Rehabilitation from the U.S. Department of the Interior, National Park Service, shall be followed. The standards described below are to be applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility:

- (1) A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristic of the building and its site and environment.
- (2) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
- (3) Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historic development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
- (4) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
- (5) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
- (6) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, textures, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
- (7) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
- (8) Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
- (9) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
- (10) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

### Sec. 31.13. DESIGN GUIDELINES FOR ALTERATIONS.

(1) Use of Substitute Materials. Historic materials shall be used unless otherwise excepted. The Design Guidelines include specific substitute materials for some building elements that are approved as an acceptable alternative to the historic materials for alterations for those building elements. Other substitute materials not listed may be used only if the Commission determines that all of the following conditions are met:

- (a) the historic material on the structure is so deteriorated or damaged that it cannot be repaired; and
  - (b) the historic material on the structure is not readily available; and
- (c) the substitute material can be installed without irreversibly damaging or obscuring the architectural features and trim of the building; and
- (d) the substitute material matches the historic material in size, design, texture, and other visual qualities.
  - (2) Chimneys.
    - (a) Existing brick or stone chimneys shall be retained whenever possible.
    - (b) Building and fire codes shall be met in regard to proper heights and other requirements.
    - (c) Chimney alterations shall be consistent with the architectural style.
  - (3) Decks and Similar Exterior Entrance Features.
    - (a) Alterations to decks shall follow the design guidelines for the new construction of decks.
  - (4) Dormers.
    - (a) Dormers shall be retained whenever possible.
- (b) Dormers shall be constructed in the same shape, style, and scale as any historic dormer on the building, or in the same shape, style, and scale of dormers on houses of the same architectural style.
- (c) Dormers are not typical on certain styles of historic architecture and adding them in this case shall not be permitted.
  - (5) Exits, Second and Third Story.
    - (a) Historic second and third story exits shall be retained whenever possible.
    - (b) Exit stairs located on the exterior shall be consistent with the architectural styles.
    - (c) The stairs shall be constructed in the most compact form.
- (d) Exit stairs from upper level apartments shall be accommodated inside the existing building whenever possible.
  - (6) Fences and Retaining Walls.
    - (a) Historic retaining walls and perimeter fences shall be retained, whenever possible.
  - (7) Foundations.
    - (a) Existing foundations shall be retained whenever possible.
- (b) Historic door and window openings and storm cellar entrances in the foundation shall be retained.
- (c) The adjacent grade at a foundation shall not be raised to cover any part of the foundation that was historically exposed. Minimal grade changes necessary to solve destructive drainage problems shall be permitted when no reasonable alternative exists.
  - (d) Masonry and concrete foundations which were never painted shall not be painted.
- (e) Historic brick, stone, and rusticated masonry foundations shall not be coated with cement plaster or stucco where exposed above grade.
  - (8) Garages and Accessory Buildings
- (a) Garages shall be retained, whenever possible. Demolition is allowed only if it is determined by the Commission that the adopted criteria for demolition of a contributing garage are met.
- (b) Retain and preserve the character-defining materials, features, and details of historic garages, including foundations, roofs, siding, masonry, windows, doors, and architectural trim, in accordance with Design Guidelines for each exterior feature, and Design Criteria for the architectural type of the principal structure.
  - (i) Exception: that this requirement does not prohibit replacement of a historic garage door with an overhead door that matches the historic garage door in design and dimensions.
- (c) Replace features in kind that are too deteriorated to repair using physical evidence to guide the new work. Match the original element or detail in design, dimension, texture, and material.
- (d) Alteration of contributing garages by using materials, configurations, and designs that do not match the design appropriate for the period and the garage is prohibited.
- (e) Repair of Historic garage door features or portions of features shall utilize the same material and design.
- (f) If matching the historic door is not possible, the proposed replacement door shall contain as many of the elements of the historic door or of a garage door design appropriate for the period and design of the structure, as is possible.
  - (g) A garage door shall be no larger than necessary to enclose the existing opening.

- (h) When replacing a non-historic door or replacing a missing door, the new door shall be consistent with doors of the period in design character and dimensions or with the historic character of the building in terms of quantity of doors, height, width, proportion, trim, corner details, pattern of panels, and glass.
  - (j) Garage doors shall be single wide. Double wide garage doors are not permitted.
  - (9) Gutters and Downspouts.
- (a) Built-in gutters and other historic drainage provisions such as wood gutters shall be retained whenever possible.
  - (b) Downspouts and gutters may be added if they have not previously existed.
- (c) Metal gutters and downspouts shall be permitted when dealing with a building where a water removal system never existed or where repair of the historic system is not possible.
- (d) Half-round gutters and round downspouts or Roman ogee (K-style) gutters and rectangular downspouts shall be permitted.
- (e) Downspouts shall be run vertically. Diagonals crossing roof planes and walls shall not be permitted.
  - (10) Porches and Similar Exterior Entrance Features.
- (a) Historic porches, verandas, patios, or similar exterior entrance features shall be retained whenever possible.
- (b) Alterations to existing porches, verandas, patios, or similar features shall be consistent with the architectural style of the dwelling.
  - (c) Enclosing a porch shall be permitted only if consistent with the architectural style.
- (d) Second or third story sun porches or balconies, historic in design, shall be retained. Doors leading out to these shall also be retained.
- (e) Porch balustrades shall be constructed with materials of the same size, height, detailing, and baluster spacing consistent with the historic architectural style.

Note: It will be necessary to obtain authorization from the City Building Official prior to constructing a balustrade which does not meet the minimum requirements, as specified by the Building Code. When the lower and historically correct height of a porch rail cannot be considered to be life threatening, the Commission shall support the applicant's request for special consideration under the Historic Buildings Section of the currently adopted Building Code.

- (f) Handrails required on porch steps, if not of a historic design and materials, shall be a simple metal rail or similar to other balustrade elements on the porch.
- (g) When designing enclosures for historic porches, required by the new use, in a manner that preserves the historic character of the building, this can include using large sheets of glass and recessing the enclosure wall behind existing scrollwork, posts, and balustrades.
- (h) Composite material is permitted for use on porch floors when not visible from the street or other historic resources.
- (i) Fiberglass material is allowed for porch columns, provided the columns have the historically correct proportions to resemble historic wood columns.
  - (j) Vinyl material is prohibited for porch columns and all other elements of a porch.
  - (k) Stair risers shall be enclosed.
- (l) Locate ramp to minimize its visibility from the public way; to incorporate it behind an existing historic feature; and, if it is providing access to a porch, to enter the porch from the side
  - (m) Locate and design ramps to minimize damage to existing materials
- (n) Locate and design ramps to allow for their removal and for restoration to the historic original appearance with no loss of architectural integrity
- (o) Minimize loss of historic features at the point where ramp connects (porch, railings, steps, windows)
- (p) Design of ramps shall be simple and non-obtrusive, with historic materials or materials compatible with historic materials
  - (11) Roofs.
    - (a) The historic roof shape and roof features, including eaves, shall be maintained.
    - (b) Historic roofing materials and roof features shall be retained whenever possible.
    - (c) Asphalt shingles are permitted as a substitute for the historic materials.
- (d) Elements of solar design, either active collectors, trombe walls, or passive collectors, shall be kept to the back or a side away from the street and incorporated into the building design to result in site

placement, massing, and roof forms which are consistent with the architectural styles in the district. Solar collectors shall be mounted flush to the roof plane and at the same angle as the roof plane.

- (e) Skylights, roof windows, wind generators, and radio and television reception equipment and other mechanical equipment which are roof mounted shall be designed in such a way that they are not visible from the street.
  - (12) Siding/Exterior Materials.
    - (a) The historic exterior siding material shall be retained whenever possible.
- (b) Cementitious siding (smooth finish) of an appropriate profile is permitted for portions of the structure that are not part of the original structure, and on additions that were built after 1941.
  - (13) Windows and Doors.
- (a) Deteriorated historic windows and doors shall be repaired rather than replaced, whenever possible.
- (i) In the event replacement is necessary for windows and doors on the original portion of the historic structure, or on any portion of the structure related to the period of significance, the original window materials shall be replaced with historic materials and match the original in design and profile.
- (ii) In the event replacement of windows is necessary for a portion of the structure that was added to the original after the period of significance, aluminum clad wood windows, with an anodized or baked enamel finish may be used as a replacement material in lieu of historic materials and designed to match the original in the design and profile.
- (b) New door and window openings shall follow the pattern of door and window openings of the historic architectural style, and shall meet 13(a), above.
- (c) The shape of historic window divisions shall not be changed. New muntin bars and mullions shall duplicate the original in size and profile shape.
  - (d) Replacement frame profiles shall be consistent with those of the historic frame profiles.
  - (e) Combination aluminum, steel, or vinyl storms may be used as a substitute for wood.
- (f) Historic stained glass windows shall be retained. In the case where the window must be replaced, the replacement shall be complementary in design and ornamentation to the historic window.
- (g) The addition of stained glass windows into openings which did not historically have stained glass is not permitted.
- (h) Historic door and window openings shall not be blocked down to accommodate stock sizes.
  - (i) Plastic or metal shutters shall not be permitted.
  - (j) Plastic, metal, or wood awnings shall not be permitted.

### Sec. 31.14 DESIGN CRITERIA

- (1) Design Criteria for the "Old Town" District. All new buildings in the "Old Town" Historic Preservation District shall be representative of one of the following architectural types and have the characteristics hereinafter set out with respect to such architectural types. Alterations and new construction pertaining to Contributing Structures identified by the 2003 Inventory shall be of the same architectural type as said building.
  - (a) Italianate Design Criteria.

(i) Building Height Two or three stories.

(ii) Roof Type Low pitched hipped roof with widely overhanging eaves

usually with decorative brackets beneath.

(iii) Roof Pitch 8:12 or less (iv) Dormers None.

(v) Entry Off-centered door on front facade. Full or partial width porch.

Simple, single story porch. Door with large glass panel in

upper portion and applied trim below.

(vi) Siding Stucco, brick, or narrow clapboard 2½" to 4" with corner

boards 4" to 6". Additions to an existing structure may have siding material of the same composition and width as the siding on the existing structure, if the composition and width of the siding material on the existing structure is the original

or historic siding material.

(vii) Windows Double hung, tall and narrow with elaborated crowns,

commonly arched or curved above. Trim 4" to 6".

(viii)Plan/Footprint Usually a square or rectangular box shape. May have bays.

(b) Queen Anne Design Criteria.

(i) Building Height Two to two and one half stories.

(ii) Roof Type Irregular shape with dominant front facing gable. Hipped with

lower cross gables. Gabled or crossgabled.

(iii) Roof Pitch 12:12, towers very steep.

(iv) Dormers Wall dormers, Roof dormers. Gabled dormers.

(v) Entry Off-centered door on front facade. Partial or full-width, one-story porch usually along front and one or both side walls.

Door with decorative detailing and single large glass pane in

upper portion.

(vi) Siding Avoid smooth walled appearance with patterned shingles,

cutaway bay windows, and other devices. Narrow/medium clapboard 2½" to 6". Decorative siding shingles, especially in gables. Corner boards 4" to 6". Additions to an existing structure may have siding material of the same composition and width as the siding on the existing structure, if the composition and width of the siding material on the existing

structure is the original or historic siding material.

(vii) Windows Vertical emphasis. Double hung. Window sash with single

pane. Trim 4" to 6".

(viii) Plan/Footprint Most rooms articulated from the exterior with jogs in exterior

walls, bays or roof form changes. Irregular form or perimeter.

(c) Colonial Revival Design Criteria.

(i) Building Height One and one half to two and one half stories.

(ii) Roof Type Gabled with ridgeboard parallel to street. Gambrel roof.

(iii) Roof Pitch 8:12

(iv) Dormers Wall or roof dormers. Pitch consistent with roof.

(v) Entry Accentuated front door with pediment. Door centered or off

centered on front facade. Door with panels and glass. Small

entry porch with decorative pediment or arch.

(vi) Siding Medium clapboard 4" to 6" with 4" to 6" corner boards.

Stucco. Shingled. Additions to an existing structure may have siding material of the same composition and width as the siding on the existing structure, if the composition and width of the siding material on the existing structure is the original

or historic siding material.

(vii) Windows Symmetrically balanced door and window patterns. Double

hung with multi-pane sash, frequently in pairs. Trim 4" to 6".

(viii) Plan/Footprint Simple rectangular box with porch or entry having a separate

roof.

(d) Tudor Design Criteria.

(i) Building Height One and one half stories.

(ii) Roof Type Side-gabled with dominating front cross gable.

(iii) Dormers Wall dormers.

(iv) Entry Centered, arched door on front facade. Small, partial width

entry porch.

(v) Siding Decorative half-timbering. Stucco. Decorative chimney.

Additions to an existing structure may have siding material of the same composition and width as the siding on the existing structure, if the composition and width of the siding material on the existing structure is the original or historic siding

material.

(vi) Windows Tall and narrow. Double hung with multi-pane glazing and

casement windows. Trim 4" to 6".

(vii) Plan/Footprint L-shaped plan.

(e) Prairie School/Craftsman/Bungalow Design Criteria

(i) Building Height One and one half to two and one half stories.

(ii) Roof Type Low pitched, hipped. Front gabled. Cross-gabled. Side gabled.

(iii) Dormers Gabled dormers. Hipped dormers. Shed dormers.

(iv) Entry Door on front facade with panels and glass. Centered door for

Prairie School. One story porches or wings. Porch either full

or partial width. Massive, square porch supports.

(v) Siding Narrow clapboard 2½" to 4" with corner boards 4" to 6".

Shingled. Stucco. Additions to an existing structure may have siding material of the same composition and width as the siding on the existing structure, if the composition and width of the siding material on the existing structure is the original

or historic siding material.

(vi) Windows Double hung, grouped and/or banded. Trim 4" to 6". Multi-

paned upper sash.

(vii) Plan/Footprint Prairie School—simple square or rectangular plan with one

story wings or porch subordinate to principal two story mass. Craftsman/Bungalow—rectangular or T shaped with one story

porch.

(f) Hipped Cottage (Type I) Design Criteria

(i) Building Height One and one half to two stories.

(ii) Roof Type Hipped.

(iv) Dormers Hipped or gabled front dormer. Optional side dormers.

(v) Entry Off-center entry on front facade. Porch shape varies from

small entry porch to full width of front facade.

(vi) Siding Narrow clapboard 2½" to 4". Corner boards 4" to 6". Often

with Prairie School/Craftsman and/or Colonial details. Additions to an existing structure may have siding material of the same composition and width as the siding on the existing structure, if the composition and width of the siding material on the existing structure is the original or historic siding

material.

(vii) Windows Double hung. Trim 4" to 6". (viii) Plan/Footprint Square or rectangular plan.

(g) Gabled Cottage (Type II) Design Criteria.

(i) Building Height One and one half to two and one half stories.

(ii) Roof Type Gabled roof with ridgeboard perpendicular to street with wide

overhang.

(iii) Dormers Shed, gabled or hipped dormers on side facades.

(iv) Entry Centered or off-centered door on front facade. Porch shape

varies from full width of front facade to small entry porch.

(v) Siding Narrow clapboard 2½" to 4" is principle cladding with brick or

stucco as secondary. May have Craftsman detailing such as brackets, exposed rafter tails, window bands, fish-scale shingles. Additions to an existing structure may have siding material of the same composition and width as the siding on the existing structure, if the composition and width of the siding material on the existing structure is the original or

historic siding material.

(vii) Windows Double hung. Trim 4" to 6".

(viii) Plan/Footprint Rectangular plan. Two or three bay width.

(h) Gabled-Ell Cottage (Type III) Design Criteria.

(i) Building Height Two stories.

(ii) Roof Type Intersecting gable roof. Hipped with intersecting gables.

(iv) Dormers Gabled dormers.

(v) Entry Off-center entry on front facade. Porch shape ranges from

small entry porch to wrapped porch across front and around

corner.

(vi) Siding Narrow clapboard 2½" to 4". Additions to an existing structure

may have siding material of the same composition and width as the siding on the existing structure, if the composition and width of the siding material on the existing structure is the

original or historic siding material.

(vii) Windows Double hung. Trim 4" to 6".

(viii) Plan/Footprint L or T shaped plan.

(i) Colonial Cottage (Type IV) Design Criteria.

(i) Building Height One and one half to two stories.

(ii) Roof Type Side gable with ridgeboard parallel to the street.

(iii) Roof Pitch

(iv) Dormers Gabled dormers.

(v) Entry Centered or off-centered entry on front facade. Porch varies

from full width to small entry porch.

(vi) Siding Narrow clapboard 2½" to 4". Additions to an existing structure

may have siding material of the same composition and width as the siding on the existing structure, if the composition and width of the siding material on the existing structure is the

original or historic siding material.

(vii) Windows Double hung. Trim 4" to 6". (viii) Plan/Footprint Rectangular or T-shaped plan."

(2) Design Criteria for 218 Lincoln Way, known locally as the Martin House.

(a) The Martin House is a strong example of Craftsman Style residential architecture. Details of design and dimensions of distinct architectural elements of the building shall be followed and conformed to for all alterations or new construction of additions to the building.

(b) The Martin House's relationship to Lincoln Way is an essential aspect of its Landmark status. Alterations of changes in use that alter the visual or spatial appearance or aspect of the House from this public way shall be discouraged.

(c) All alterations and newly constructed additions shall conform to the following characteristics of the building:

(i) Building Height One and a half stories plus roof pitch.

(ii) Roof Type & Pitch Strong pitch (9:12 and 7:12) with break at level of upper floor.

Single gables with two large dormers on north and south sides.

(iii) Dormers One at front and back side of roof, with four integral windows

in each.

(iv) Entry Centered door on front facade with panels and glass. One story

full width porches. Porch either full or partial width. Massive, square pyramidal porch supports with shallow arches over

openings.

(v) Exterior Materials Narrow (3-1/2") horizontal wood siding with 4" corner boards

and painted stucco. Asphalt shingle roof (not original). Wood flooring on porch. Alterations, repairs, and renovations shall match patterns of existing siding, trim, and finish material.

(vi) Windows Double hung, grouped and/or banded. 5-1/2" trim (4-1/2"

board with 1" trim piece). Multi-paned upper sashes. Wood only for alterations to match extant trim and muntin patterns.

(vii) Plan/Footprints Simple square plan with porch subordinate to principal two

story mass. Minor projections (<3'-0") permissible on sides

and back only. Extensions to the rear of the house are preferred to maintain original appearance of front and side elevations, especially from Lincoln Way.

- (3) Design Criteria for Lot 1, Mary Adams Subdivision, known locally as the Adams House, 1013 Adams Street and Lot 2, Mary Adams Subdivision, known locally as the Adams Memorial Greenway, 1025 Adams Street.
- (a) The Adams House is a mixture of late Prairie School and Postwar Modern styles of architecture. Details of design and dimensions of distinct architectural elements of the building as shown on the building plans prepared by the builder, Bertrand Adams, shall be followed and conformed to for all alterations or new construction of additions to the building.
- (b) The Adams' House relationship to its knoll is an essential aspect of its Landmark status. Alterations or changes to the vegetation that reflect the historic, visual or spatial relationship of the house to its grounds shall be encouraged, but not required.
- (c) All alterations and newly constructed additions to the house on Lot 1 shall conform to the following characteristics of the building:

(i) Building Height: The building height shall be limited to one-and-a-half stories,

not including the basement.

(ii) Roof Type & Pitch: The roof line of the building shall be nominally flat with a

slight slope to the clerestory that opens up toward the south.

(iii) Roof Projections: The central clerestory is an integral element of the building's

massing and primary elevation, and shall be retained.

(iv) Entry: The primary entrance to the building is under a porch on the

south side, with an alternate entry toward driveway on east.

These entry features shall be retained.

(v) Exterior Materials: Acceptable building materials are as follows:

-Brick and/or concrete masonry walls. Alterations and/or

repairs should match color and pattern of existing brick.

-Built-up roofing with metal edge/parapet.

-Concrete paving to front porch, walkway and driveway.

-Steel pipe columns supporting roof over porch.

(vi) Windows: Windows shall be narrow sash steel windows with

predominantly horizontal muntin pattern and metallic finish. If window replacements are necessary, corner windows should be restored, as possible, to their original, more open

configuration.

(vii) Solid/Void Ratio: Maintain position and size of all large-scale openings (doors,

windows, etc.) Additional openings as required for accessibility or egress improvements should coordinate with

the existing rhythm and pattern of voids.

(viii) Plan/Footprints: Rooms have a predominantly east-west orientation with

windows along the south side. Retention of these features is

encouraged, but not required.

(d) Topography: Topography to be maintained on both lots.

(4) Design Criteria for the 1915 City Hall Landmark.

- (a) The 1915 City Hall Landmark is of the Classical Revival style of architecture. Details of design and dimensions of distinct architectural elements of the building, as shown on the building plans prepared by the architectural firm of Liebke, Nourse and Rasmussen shall be followed and conformed to for all alterations or new construction of additions
- (b) Substitute materials may be allowed if they are consistent with the historic materials in size, design and texture. Proposals for substitute materials must be expressed with specificity in the application for Certificate of Appropriateness.
- (c) All alterations and newly constructed additions shall conform to the following characteristics of the building:

(i) Building Height: Two (2) stories, not including the basement.

(ii) Roof Type: Nominally flat - no pitched roof will be allowed.

- (iii) Roof Pitch: Not applicable.
- (iv) Dormers: None
- (v) Entry:

### Front facade -

- . Centered on the front facade
- . Limestone frame and cornice with dentils
- Recessed doors
- . Double doors 7'6" tall
- . Doors with glass 20" x 64" glass size
- . Transom with wood grill above double doors
- Limestone stairs and stoop with matching limestone buttresses on each side of the entry or concrete to match limestone in color and texture.
- Treads of variable widths

### North Side Basement -

- . Single panel wood door with a single light
- . Side light
- . Transom above door
- . Iron railing for this entrance

### Fire Station Doors (North Side) -

- . Two pairs of hinged, bifold, wood, three-panel doors or similar architectural feature
- Center row of door panels are glazed
- . Six-light arched transom in each of two arched openings

### Fire Station Doors (South Side) -

- . Sliding wood door or similar architectural feature
- . Three-light (42" x 26") windows over four vertical wood panels
- . Six-light rectangular transom above the door

# Fire Station Second Story Door (South Side) -

. An architectural feature similar to a six-light, single-panel, wood passage door

### (vi) Siding:

### City Hall Portion of the Building -

- . Brick walls above a limestone basement
- . Limestone cornice
- . Square limestone ornaments between second story windows
- . All windows recessed in two-story brick panels
- . Recessed spandrel panels between first and second-story windows on the City Hall portion of the building
- . Mitered brick window frames on the City Hall portion of the building Fire Station Portion of the Building -
- . Keystone and impost blocks on the north fire station door arches
- Common bond brick without decorative detail
- No limestone cornice on the south and east sides

### (vii) Windows:

### City Hall Portion of the Building -

- . Wood single or double casement windows with transoms above
- . Retention of existing iron grates is preferred

### Fire Station Portion of the Building -

- Hollow metal double-hung windows with a divided light sash
- . Retention of existing iron grates is preferred

### Basement -

- . Wood double-hung windows on the City Hall portion of the building
- . Hollow metal double-hung windows on the fire station portion of the building

### (viii) Roof Features:

City Hall Portion of the Building -

. Stepped parapet with a limestone cap

Fire Station Portion of the Building -

- . Level parapet with a limestone cap on the north side
  - Level parapet with a terra cotta cap on the south and east sides
    - Chimney with a limestone cap
- (ix) Solid/void Ratio:

Maintain the solid/void ration established by the existing building

(x) Plan/Footprints:

Simple rectangular plan, with a slight offset on the fire station portion of the building

(xi) Window Wells:

Gray brick areaways with cement coping

### Sec. 31.15. DESIGN GUIDELINES FOR NEW CONSTRUCTION.

- (1) Materials. Historic materials shall be used unless otherwise excepted. The Design Guidelines include other specific materials for some building elements that are approved as acceptable for new construction of those elements. Other materials not listed may be used only if the Commission determines that the size, design, texture and other visual qualities of the substitute materials are compatible with the historic materials of the particular architectural style.
  - (2) Chimneys.
    - (a) Chimney construction shall be consistent with the architectural style.
  - (3) Decks.
- (a) Decks shall be located at the rear, or opposite the street-facing side of principal buildings. Decks shall be built on the side of a building only if the deck is screened from street view with fencing and/or appropriate plant materials that will provide screening during all seasons.
- (b) Exposed materials shall be stained, or painted, to match or blend with the colors of the house.
- (c) Lattice, or foundation materials that are consistent with the foundation materials of the historic structure, shall be installed in the opening between the piers and between the deck floor and the ground.
- (d) The historic fabric of the building and its character defining features shall not be damaged, destroyed or obscured.
- (e) The deck shall be self-supporting, so that it may be removed in the future, without damage to the historic structure.
- (f) Design and detailing, including the deck railings and steps, shall reflect the historic architecture and proportions of the principal building.
  - (g) Align decks generally with the height of the principal building's first-floor level.
- (h) Wood materials shall be used for all exposed parts of a deck, with the exception that composite material is permitted for the deck floor and steps providing direct access to the deck.
  - (4) Dormers.
- (a) Dormers shall be constructed of a design and scale that is consistent with the architectural style.
- (b) Dormers are not typical on certain styles of historic architecture and using dormers on new construction, in such cases, shall not be permitted.
  - (5) Egress Windows.
- (a) Below-grade egress windows, and associated window wells shall be designed to be as unobtrusive as possible. Landscape, and/or fence screening may be required if the egress window and/or window well is visible from the street.
- (b) Wood windows, or aluminum clad wood windows, with an anodized or baked enamel finish are permitted.
  - (6) Exits, Second and Third Story.
    - (a) Exit stairs for newly constructed buildings shall be accommodated inside the building.
  - (7) Fence and Retaining Wall Height and Materials.
    - (a) Fence Height.
- (i) Fences shall comply with the height standards as described in Section 29.408 (Other General Development Standards).
  - (b) Retaining Wall Height.

- (i) The height of the retaining wall is limited to the height of the bank of soil being retained by the wall.
- (c) Fence Materials
  - (i) Permitted Fence Materials:
    - a. Wood;
    - b. Masonry (for fence posts, only);
    - c. Iron;
    - d. Stone;
    - e. Stucco Walls;
    - f. Cast Stone;
    - g. Metal construction fabricated of visually and structurally substantial heavy gauge or cast components; and
    - h. Other fence materials for which historic evidence can be shown that the material has been used historically on properties in the historic district.
  - (ii) Fence Materials Not Permitted:
    - a. Vinyl;
    - b. Metal Panels;
    - c. Plastic;
    - d. Plywood;
    - e. Solid Masonry;
    - f. Concrete, including poured concrete to imitate brick;
    - g. Metal construction fabricated of light tubular stock or sheet metal; and
    - h. Any other materials not listed as "permitted".
- (d) Retaining Wall Materials.
  - (i) Permitted Retaining Wall Materials:
    - a. Stone (Mortared or Dry-laid);
    - b. Poured Concrete;
    - c. Brick;
    - d. Combination of Brick and Stone; and,
    - e. Other retaining wall materials for which historic evidence can be shown that the material has been used historically on properties in the historic district.
  - (ii) Retaining Wall Materials Not Permitted;
    - a. Wood Design, including railroad timbers, landscape timbers and landscape logs;
    - b. Concrete Block;
    - c. Imitation Brick or Stone;
    - d. Metal; and,
    - e. Any other material not listed as "permitted".
- (8) Fence and Retaining Wall Design.
  - (a) New construction shall be consistent with the architectural style.
  - (b) Fence Design.
    - (i) Permitted Fence Designs:
      - a. Wood Picket;
      - b. Wood Slat;
      - c. Solid Wood;
      - d. Woven Wire;
      - e. Ornamental Iron;
      - f. Heavy Gauge Metal;
      - g. Alternating Board;
      - h. Solid Wood Board fence with lattice comprising approximately the top one-third of the total fence height; and,
      - i. Other fence designs for which historic evidence can be shown that the design has been used historically on properties in the historic district.

- (ii) Fence Designs Not Permitted.
  - a. Basket-Weave;
  - b. Chain Link;
  - c. Split Rail;
  - d. Horizontal Board;
  - e. Stockade:
  - f. Post and Rail;
  - g. Lattice, exceeding one-third of the total fence height; and,
  - h. Any other design not listed as "permitted".
- (c) Retaining Wall Design.
  - (i) Permitted Retaining Wall Designs:
    - a. Brick Wall in combination with concrete caps;
    - b. Cast Stone/Cast-in-Place Concrete; and,
    - c. Other retaining wall designs for which historic evidence can be shown that the design has been used historically on properties in the historic district.
  - (ii) Retaining Wall Designs Not Permitted:
    - a. Hollow, or Solid Interlocking Concrete Block;
    - b. Faced Concrete Block; and,
    - c. Any other design not listed as "permitted".
- (9) Foundation.
  - (a) Foundation construction shall be consistent with the architectural style.
- (b) Brick used on foundations for additions shall be either reclaimed old brick or new brick which matches in size, color, and texture as closely as possible the brick used on the building.
  - (c) The amount of exposed foundation on additions shall match that of the existing building.
- (d) Foundations using modern materials shall be permitted if the materials are veneered on the exterior with the appropriate historical materials above grade.
- (e) Openings in the foundation shall be consistent with the architectural style of the building being added to.
- (f) The height of the exposed foundation shall be consistent with that of the particular architectural style.
  - (10) Garages and Accessory Buildings.
    - (a) Garage and accessory building construction shall be consistent with the architectural
    - (b) Garages and accessory buildings shall not exceed the height or bulk of the principal

building.

style.

- (c) Metal accessory buildings are not permitted.
- (d) Accessory buildings shall use window design and materials that follow that of the principal structure.
  - (e) Aluminum or steel garage doors may be used as a substitute for wood.
  - (f) Double garages shall have two single doors rather than one double wide door.
- (g) The roof form of a garage or accessory building shall be similar to the roof form of the principal structure.
- (h) An accessory building shall not attempt to mimic the house or look like a barn or other non-historic building.
- (i) Cementitious siding (smooth finish) of an appropriate profile may be used for the new construction of garages and other accessory buildings.
- (j) Accessory buildings that are 120 square feet or larger are required to meet Design Guidelines.
  - (11) Gutters and Downspouts.
- (a) Downspouts shall be run vertically. Diagonals crossing roof planes and walls shall not be permitted.
- (b) Metal gutters and downspouts shall be permitted when dealing with a building where a water removal system never existed or where repair of the historic system is not possible.
  - (12) Massing.

- (a) The height of new construction shall be consistent with the height of historic buildings of the same architectural style.
- (b) New construction shall be an appropriate height and massing when it is viewed in relation to historic buildings in the district.
- (c) Additions shall not exceed the height of the historic building and shall be compatible with the massing of the historic building.
- (d) The floor-to-floor heights of new construction shall be consistent with the floor-to-floor heights of historic buildings of the same basic architectural style.
  - (e) Additions shall have a floor-to-floor height the same as the historic building.
  - (13) Moved Buildings.
- (a) Infill buildings shall be placed on a foundation exposed similarly to that of other buildings of the same architectural style.
- (b) Buildings moved into a district shall be consistent with the massing, architectural style, height, and materials of buildings in the district.
- (c) Historic porches, chimneys, or architectural features that were removed during the moving process shall be replaced when the building is at its new location.
  - (14) Porches and Similar Exterior Entrance Features.
- (a) A porch or similar entrance feature is required where it is necessary to meet the elements of the particular architectural style.
  - (b) Construction shall be consistent with the architectural style.
- (c) Porches or similar entrance features shall have a connection to the interior by the use of windows and doors.
- (d) A porch or similar entrance feature is permitted on a particular structure if the porch is consistent with the architectural style of the structure.
- (e) When designing and constructing a new entrance feature or porch, if the historic entrance or porch is completely missing, the new one may be a restoration based on historical, pictorial, and physical documentation; or be a new design that is compatible with the historical character of the building.
- (f) The location of porches on new structures, or as additions to historic structures, shall be consistent with the architectural style of the structure.
- (g) Composite material is permitted for use on porch floors, when not visible from the street, or other historic resources.
- (h) Fiberglass material is allowed for porch columns, provided the columns have the historically correct proportions to resemble historic wood columns.
  - (i) Vinyl material is prohibited for porch columns and all other elements of a porch.
- (j) Locate ramp to minimize its visibility from the public way; to incorporate it behind an existing historic feature; and, if it is providing access to a porch, to enter the porch from the side
  - (k) Locate and design ramp to minimize damage to existing materials
- (l) Locate and design ramp to allow for its removal and for restoration to the historic original appearance with no loss of architectural integrity
- (m) Minimize loss of historic features at the point where ramp connects (porch, railings, steps, windows)
- (n) Design of ramps shall be simple and non-obtrusive, with historic materials or materials compatible with historic materials
  - (15) Roofs.
- (a) Roof pitch and roof shape shall be the same as that of historic structures, repeating basic roof forms consistent with architectural styles in the district.
  - (b) Asphalt shingles are permitted as a substitute for the historic materials.
  - (c) Construction shall be consistent with the architectural style.
- (d) Elements of solar design either active collectors, trombe walls, or passive collectors shall be kept to the back or a side away from the street and incorporated into the building design to result in site placement, massing, and roof forms which are consistent with the architectural styles in the district.
- (e) Solar collectors shall be mounted flush to the roof plane and at the same angle as the roof plane.
- (f) Skylights, roof windows, wind generators, and radio and television reception equipment and other mechanical equipment which are roof mounted shall be designed in such a way that they are not visible from the street.

- (g) Additions shall have a roof pitch compatible with the building being added to.
- (h) The roofs of additions shall not interfere with the original roof form by changing its basic shape.
  - (i) The roof of an addition shall not be higher than the main roof of the existing building.
  - (16) Siding/Exterior Materials.
    - (a) Construction shall be consistent with the architectural style.
- (b) Cementitious siding (smooth finish) of an appropriate profile may be used for the new construction of stand-alone primary buildings, garages and other outbuildings. It may also be used for new additions to historic structures.
  - (17) Site Features and Relationships.
- (a) The general historical setback pattern for the design of historic building fronts shall be incorporated into new construction of similar architectural styles.
- (b) Additions, other than porches shall not be constructed on any building façade that faces the street. Additions may be constructed on any building façade that does not face the street, provided that the addition does not radically change, obscure, damage or destroy character defining features. Additions shall not protrude in front of the historic street façade.
  - (18) Windows and Doors.
    - (a) Construction shall be consistent with the architectural style.
- (b) The windows and doors of new construction shall follow the rhythm (spacing pattern) and the size and shape of windows and door openings found in the walls of similar historic buildings.
- (c) Horizontal windows, small windows, and modern picture windows shall not be used when vertically oriented and larger windows are used on the historic structure.
  - (d) Window trim elements shall be used in a manner similar to the architectural styles.
  - (e) Large areas of solid blank wall shall not be created on any highly visible elevations in the
  - (f) The use of smoked, mirrored, or tinted glass is not permitted in the district.
  - (g) Exposed metallic frames shall be baked enamel or painted.
  - (h) Combination aluminum, steel, or vinyl storms may be used as a substitute for wood.
- (i) Aluminum clad wood windows, with an anodized or baked enamel finish may be used for the new construction of stand-alone primary buildings, garages and other outbuildings. They may also be used for new additions to historic structures.
- (j) Fiberglass material is permitted for doors on new structures, or additions to existing structures.

### Sec. 31.14. APPEALS.

historic district.

Any person aggrieved by or adversely affected by a decision of the Commission may, within thirty (30) days of that decision, appeal the Commission's actions to the City Council. The Council shall determine whether the commission exercised its powers in accordance with the applicable laws and ordinances, and whether the commission's action was patently arbitrary.

### Sec. 31.15. ENFORCEMENT.

It shall be the duty of the Zoning Enforcement Officer to enforce this chapter and to bring to the attention of the City Council any violations or lack of compliance herewith.

### Sec. 31.16. PENALTIES FOR OFFENSES PERTAINING TO HISTORIC PRESERVATION DISTRICTS.

A violation of any provision of Chapter 31, Historic Preservation Districts, shall be a municipal infraction punishable by a penalty of \$500 for a person's first violation thereof, and a penalty of \$750 for each repeat violation."

Section Two. Violation of the provisions or punishable as set out by law.	f this ordinance shall constitute a municipal infraction
Section Three. All ordinances, or parts of of such conflict, if any.	ordinances, in conflict herewith are hereby repealed to the extent
Section Four. This ordinance shall be in furequired by law.	all force and effect from and after its passage and publication as
Passed this day of	,
Diane R. Voss, City Clerk	Ann H. Campbell, Mayor

ITEM # <u>27</u> DATE: 12-16-14

# **COUNCIL ACTION FORM**

SUBJECT: SE 16<sup>th</sup> STREET URBAN REVITALIZATION PLAN AMENDMENT FOR DEERY BROTHERS

# **BACKGROUND:**

On October 14, 2014, the City Council approved an amendment to the development agreement with Deery, Deery and Deery, LLC (Deery Brothers) for the properties located at 1700 SE 16<sup>th</sup> Street. The amendment substituted a new Exhibit "C" reflecting changes that occurred from the project's initial approval in October 2012 to completion of the project in October 2014. Notable alterations included less excavation for a shallower detention pond on the west side of the business, a smaller building, (now 23,611 square feet –700 square feet smaller than proposed), changes to the parking and landscaping, and changes to outdoor storage. Staff determined that all these changes met current zoning regulations at the time of the approval of the project.

The development agreement was established in conjunction with an urban revitalization plan that relied upon the same development plan exhibits as part of the basis for eligibility for receiving tax abatement. Council's approval of the amendment to the development agreement necessitated a corresponding change to the urban revitalization plan for consistency. Due to requirements for public hearing notices, this amendment was not part of the October 14<sup>th</sup> meeting. Accordingly, the public notice has been published and action is now requested on amending the urban revitalization plan. The urban revitalization plan includes the information required by Code of Iowa Section 404.2(2) (included in Attachment 1) as well as the site plan (separate attachment).

At this time, the Council is not making a determination of project consistency with the urban revitalization plan along with the proposed amendment. A formal determination of consistency with the tax abatement criteria (Attachment 2) will occur upon the property owner's application for tax abatement. That Council action will likely occur in February 2015.

The proposed change to the urban revitalization plan does not change the performance standards for flood mitigation required by the urban revitalization criteria. The applicant will still need to demonstrate compliance with the

qualifying criteria to be eligible for tax abatement even with these changes to the site improvements.

# **ALTERNATIVES:**

- 1. The City Council can approve the resolution amending the urban revitalization plan for Deery Brothers.
- 2. The City Council can choose not to amend the Deery Brothers urban revitalization plan.

# MANAGER'S RECOMMENDED ACTION:

At its October 14<sup>th</sup> meeting the City Council approved the changes to the site plan for Deery Brothers. These changes were the result of Deery Brothers making field changes to their development that were not consistent with the approved site plan. These changes happen in most large projects, but since this site is governed by an urban revitalization plan as well as a development agreement, the changes also need to be approved by the City Council. Deery Brothers sought and received approval of those amendments prior to the October 23, 2014 deadline as spelled out in the development agreement.

This amended urban revitalization plan is a necessary follow-up to the action of the City Council in October. This action was delayed due to the statutory requirements for publication of a notice of a public hearing.

Therefore, it is the recommendation of the City Manager that the City Council accept Alternative #1, thereby amending the urban revitalization plan with Deery Brothers.

### **ATTACHMENT 1: URBAN REVITALIZATION PLAN**

# URBAN REVITALIZATION PLAN Southeast 16<sup>th</sup> Street First Urban Revitalization Area

The following is the Urban Revitalization Plan for the Southeast 16<sup>th</sup> Street First Urban Revitalization Area. The plan contents are defined by Code of Iowa Section 404.2(2) and are provided below. In addition, the proposed Deery Bros' Motors site plan is hereby made a part of this Plan.

a) <u>Legal Description</u>: A subdivision of Parcel E, as shown on the Plat of Survey filed on September 3, 1998 at Inst. No. 98-12413, and Parcel G and Parcel H, as shown on the Plat of Survey (Corrected) filed on February 8, 2001 at Inst. No. 01-01457, all being in the North Half of Section 13, Township 83 North, Range 24 West of the 5th P.M., City of Ames, Story County, Iowa, all together containing 23.58 acres.

b) Existing Valuations:

Address	Parcel Identification Number	Owner	Assessed Valuation Land	Assessed Valuation Buildings
1400 SE 16 <sup>th</sup> Street	09-13-100-215	Pyle Land, LLC c/o Dennis Pyle	\$9,100	\$0
1500 SE 16 <sup>th</sup> Street	09-13-100-230	Pyle Land, LLC c/o Dennis Pyle	\$8,700	\$0
1598 SE 16 <sup>th</sup> Street	09-13-100-245	Family Realty, LLC c/ Dennis Pyle	\$21,700	\$0
1698 SE 16 <sup>th</sup> Street	09-13-200-010	Family Realty, LLC	\$14,600	\$0

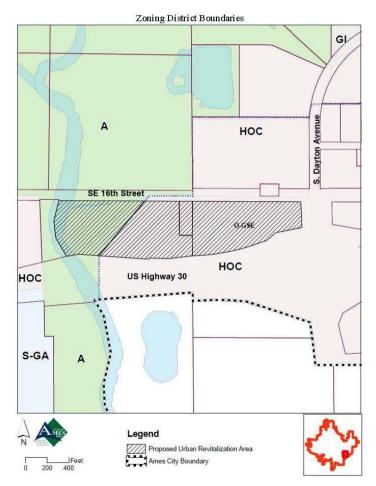
c) Owners and Addresses:

Address	Parcel Identification Number	Owner	Owner Address
1400 SE 16 <sup>th</sup> Street	09-13-100-215	Pyle Land, LLC	PO Box 763
		c/o Dennis Pyle	Ames, IA 50010
1500 SE 16 <sup>th</sup> Street	09-13-100-230	Pyle Land, LLC	PO Box 763
		c/o Dennis Pyle	Ames, IA 50010
1598 SE 16th Street	09-13-100-245	Family Realty, LLC	PO Box 763
		c/ Dennis Pyle	Ames, IA 50010
1698 SE 16 <sup>th</sup> Street	09-13-200-010	Family Realty, LLC	PO Box 763
			Ames, IA 50010

d) Zoning and Land Uses:

Address	Existing Zoning	Existing Land Use	Proposed Land Use
1400 SE 16 <sup>th</sup> Street	A-Agriculture; Floodway Overlay	Vacant	Greenway
1500 SE 16 <sup>th</sup> Street	HOC-Highway Oriented Commercial; O-GSE-Southeast Gateway Overlay	Vacant	Commercial

1598 SE 16 <sup>th</sup> Street	HOC-Highway Oriented Commercial; O-GSE-Southeast Gateway Overlay	Vacant	Commercial
1698 SE 16 <sup>th</sup> Street	HOC-Highway Oriented Commercial; O-GSE-Southeast Gateway Overlay	Vacant	Commercial



e) <u>City Services:</u> No improvement or expansions of City services are proposed.

- f) Applicability of Revitalization: Revitalization shall be applicable only to that subset of eligible property within the above legal description that qualifies under the SE 16<sup>th</sup> Street Criteria Matrix.
- g) <u>Relocation</u>: The plan does not require the displacement of any persons, and there will be no relocation benefits provided.
- h) <u>Tax Exemption Schedule</u>: The exemption period is for either three (3) years, five (5) years, or ten (10) years. All qualified real estate is eligible for tax exemption of the value added by the improvements according to the terms of the exemption selected.
- i) <u>Percent Increase in Value Required</u>: The value-added requirement is a fifteen (15) percent increase in actual value.
- j) Federal, State, or Private Grant/Loan Programs for Residential Improvements: There are no grants or loans involved. There are no residential improvements proposed.

S:\PLAN\_SHR\Urban Revite\URA Plans\SE\_16th\Deery\_Plan.docx

### **ATTACHMENT 2: TAX ABATEMENT CRITERIA**

### **URBAN REVITIALIZATION POLICY**

### Southeast 16th Street

The City Council will consider establishing Urban Revitalization Areas and Plans for properties that meet all of the following qualifying criteria:

- The properties have frontage on Southeast 16<sup>th</sup> Street between South Duff Avenue and South Dayton Avenue.
- Fill or other flood proofing will be placed on the site up to an elevation of, at least, 887 feet (NGVD29), when an engineer registered in lowa provides written certification that raising the land would result in "no rise" to the Base Flood Elevation (100 year flood level).
- 3. The cost incurred after making the request for tax abatement for the placement of fill for flood proofing up to an elevation of 887 feet or above and/or channel improvements (See Criterion 6), if applicable, is expected to be equal to or greater than the value of the City's portion of the tax abatement.
- 4. A public sidewalk is to be constructed along the south side of the Southeast 16th Street adjacent to the property.
- 5. The property will be used for uses permitted in the applicable zoning district except for the following as further defined and described in the Ames Zoning Ordinance:
  - a. Wholesale trade
  - b. Mini-storage warehouse facilities
  - c. Transportation, communications, and utility uses
  - d. Institutional uses
  - e. Adult entertainment businesses
  - f. Detention facilities
  - g. Agricultural or industrial equipment sales
  - h. Agricultural and farm related activities
- 6. Owners of property abutting a river must perform channel improvements (widening, straightening, clearing, etc.) and provide certification from an engineer registered in lowa that the improvements will mitigate flooding. These improvements must be approved by the DNR, Army Corps of Engineers, and the City of Ames.

Since satisfaction of criterion 3, 5, and 6 cannot be guaranteed at the time of approving the tax abatement incentive, a developer agreement prior to the approval of the Urban Revitalization Plan will be required to assure that the City will repaid an amount equal to the tax abatement received for any criterion not met. In addition, the developer agreement should require that the conditions that allowed the determination of "no rise" be maintained by the property owner.

(Approved by Ames City Council on June 12, 2012)

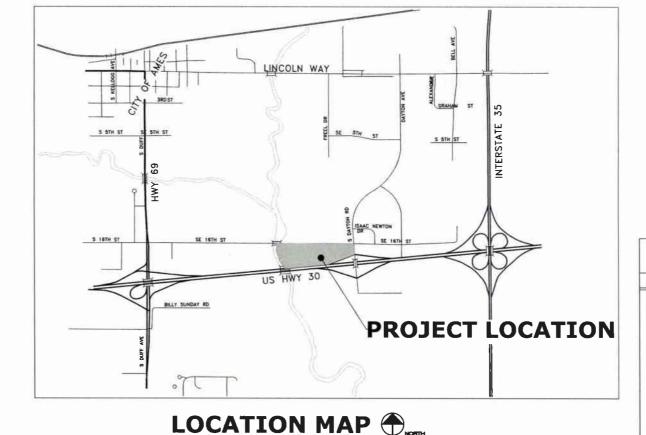
Water Line

Water Manhol-

Witness Post Yard Hydrani

# DEERY BROTHERS' MOTORS

# SITE PLAN **SE 16TH STREET** AMES, IOWA



# AMES



GENERAL NOTE: ALL UTILITIES ARE ONLY GENERALLY LOCATED.
CONTRACTOR IS RESPONSIBLE FOR LOCATING AND EXPOSING ALL
UTILITIES THAT MAY INTERFERE WITH CONSTRUCTION BEFORE

THIS PROJECT IS COVERED BY THE IOWA DEPARTMENT OF NATURAL RESOURCES NPDES GENERAL PERMIT NO. 2. THE CONTRACTOR SHALL CARRY OUT THE TERMS AND CONDITIONING OF GENERAL PERMIT NO. 2 AND STORM WATER POLLUTION PREVENTION PLAN WHICH IS PART OF THESE CONTRACT DOCUMENTS. REFER TO SECTION 2602 OF THE DOT STANDARD SPECIFICATION FOR ADDITIONAL INFORMATION.

ALL CONSTRUCTION MATERIALS, DUMPSTERS, DETACHED TRAILERS OR SIMILAR ITEMS ARE PROHIBITED ON PUBLIC STREETS OR WITHIN THE PUBLIC RIGHT-OF-WAY.



# RECEIVED

OCT 01 2014

CITY OF AMES, IOWA **DEPT. OF PLANNING & HOUSING** 

Deery, Deery, and Deery 7404 University Avenue Cedar Falls, IA 50613

915 Technology Parkway Cedar Falls, IA 50613

Applicant
The Rose Companies
ATTN Fred Rose

### Plan Preparation

Ames, IA 50010 Contact: Scott Renaud, P.E. ph (515) 233-0000

### Legal Description

Ames, Story County, Iowa

Site Address 1620 SE 16th Street

Zoning
HOC-Highway Oriented Commercial
O-GSE-Southeast Entryway Gateway
Overlay District

Setbacks Front 20ft Side 5ft Rear 10ft

### **INDEX OF SHEETS**

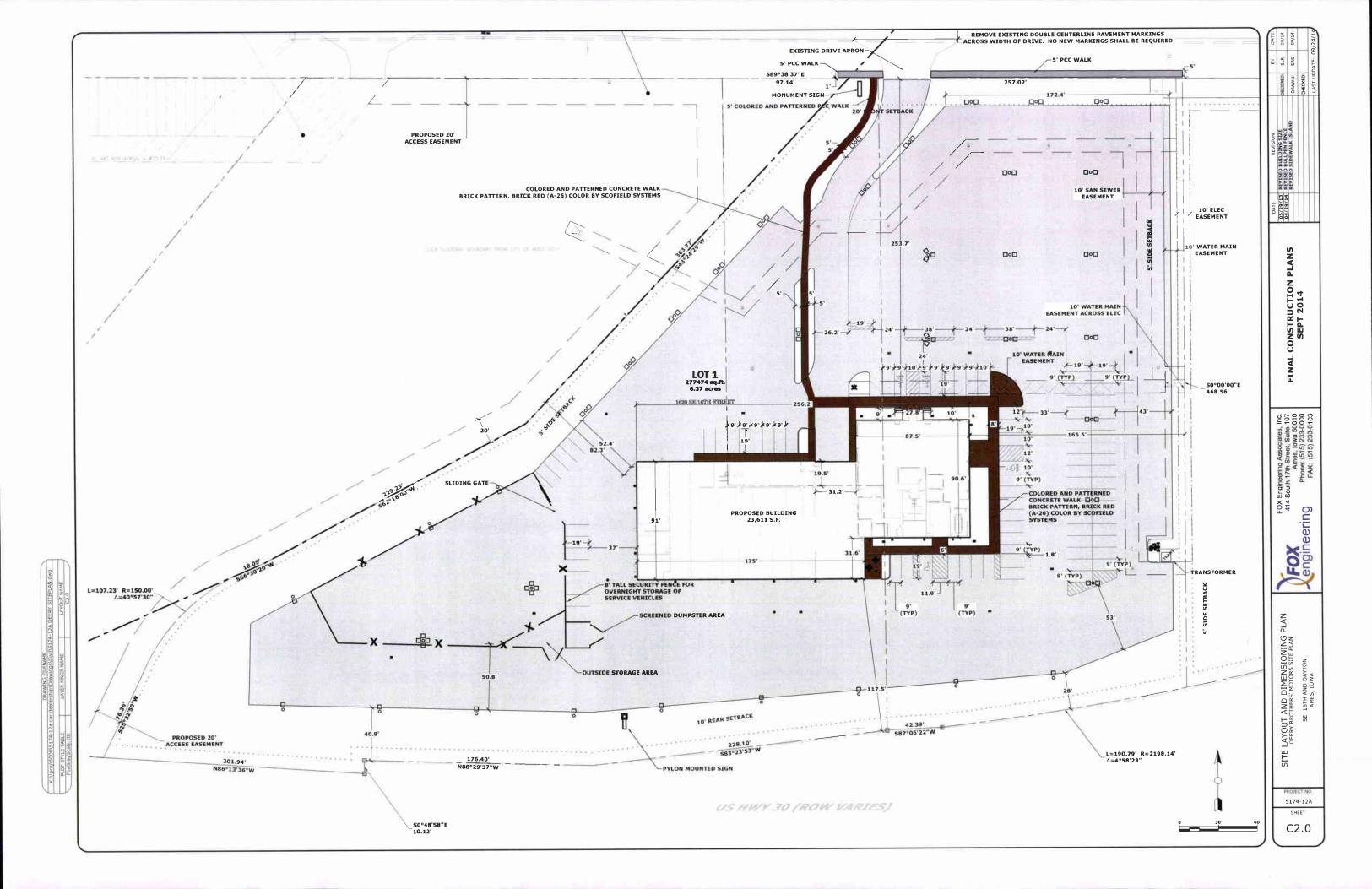
No.	Description		
G1.0	COVER SHEET/ LOCATION MAP/LEGEND		
C1.0	EXISTING CONDITIONS		
C2.0	SITE LAYOUT AND DIMENSIONING PLAN		
C2.1	PARKING SUMMARY		
C3.0	SITE GRADING PLAN		
C3.1	SITE GRADING PLAN		
C3.2	GRADING PLAN (SKUNK RIVER REPAIR)		
C4.0	UTILITY PLAN (SAN, WATER, AND ELEC)		
C4.1	UTILITY PLAN (STORM SEWER)		
C5.0	SITE LANDSCAPING PLAN		
C5.1	LANDSCAPING SPECIES TABLES		
C5.2	POND AREA SEEDING PLAN		
C6.0	DETAILS		
C6.1	DETAILS		
MIT.01	WETLAND MITIGATION PLAN		
MIT.02	WETLAND MITIGATION DETAILS		

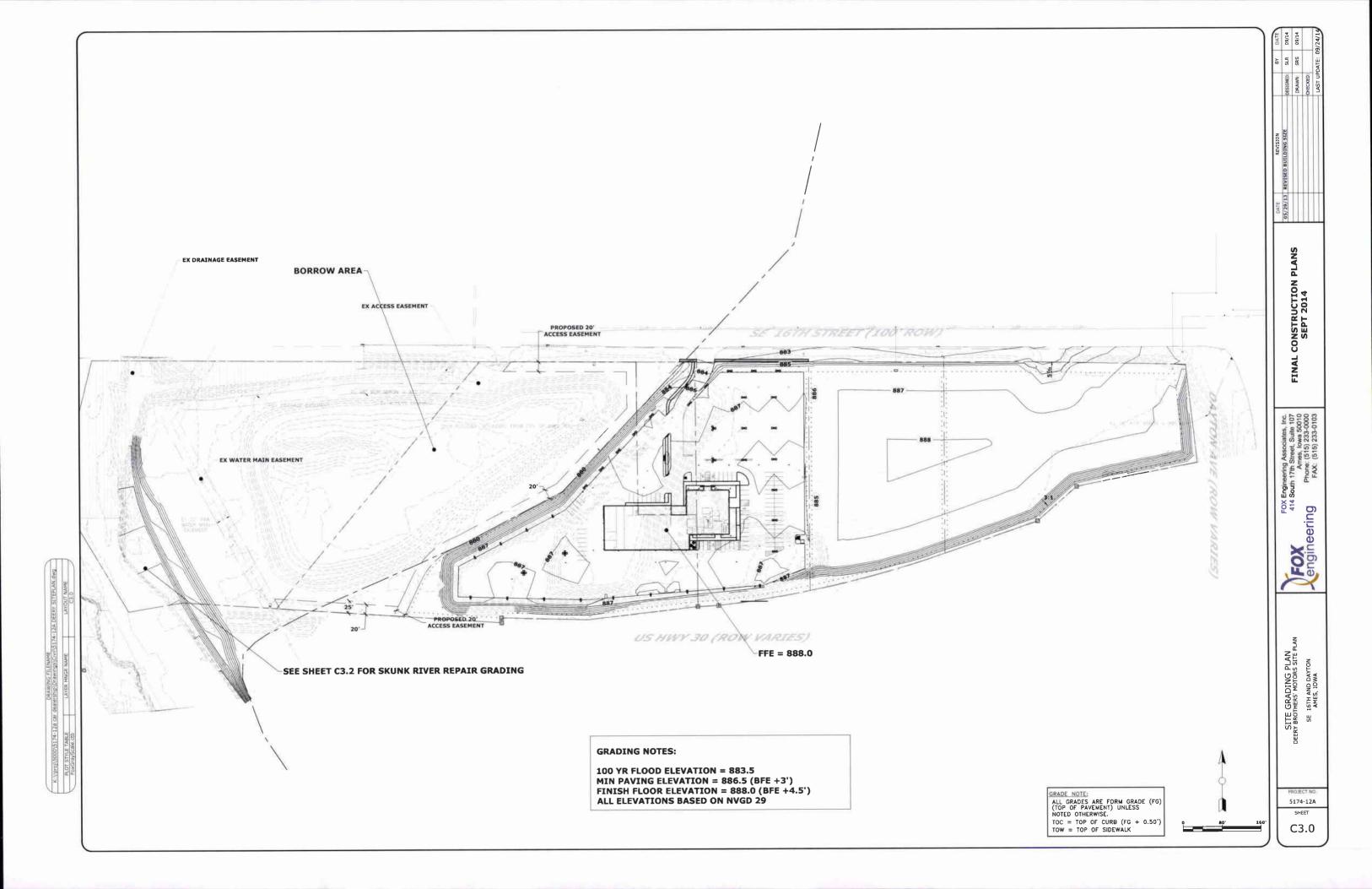
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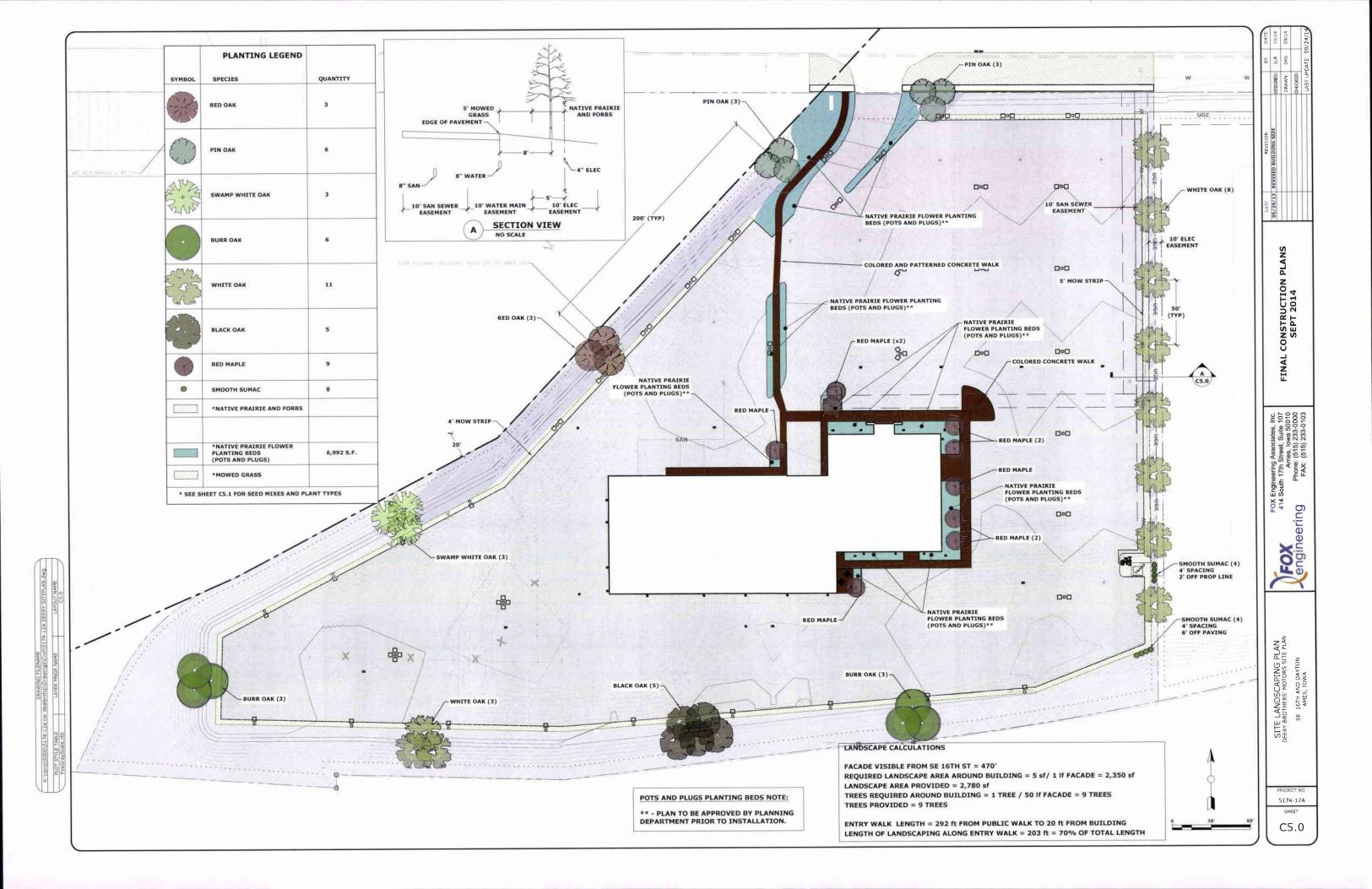
5174-12A

COVER SHEET/ LOCATION MAP/ LEGEI DEERY BROTHERS' MOTORS SITE PLAN

G1.0







PLA	NT	SC	HEDUL	E	
Trees List	Key	Quantity	Names	Size	Symbol
Overstory Tree	SM	13	Silver Maple Acer Saccharinum	et*:	0
Overstory Tree	EC	14	Eastern Cottonwood Populus Deltoids	1"	•
Overstory Tree	wo	8	Swamp White Oak Querous Breolor	1	•
Overstory Tree	SH	18	Shagbark Hickory Carya Ovata	it*	0

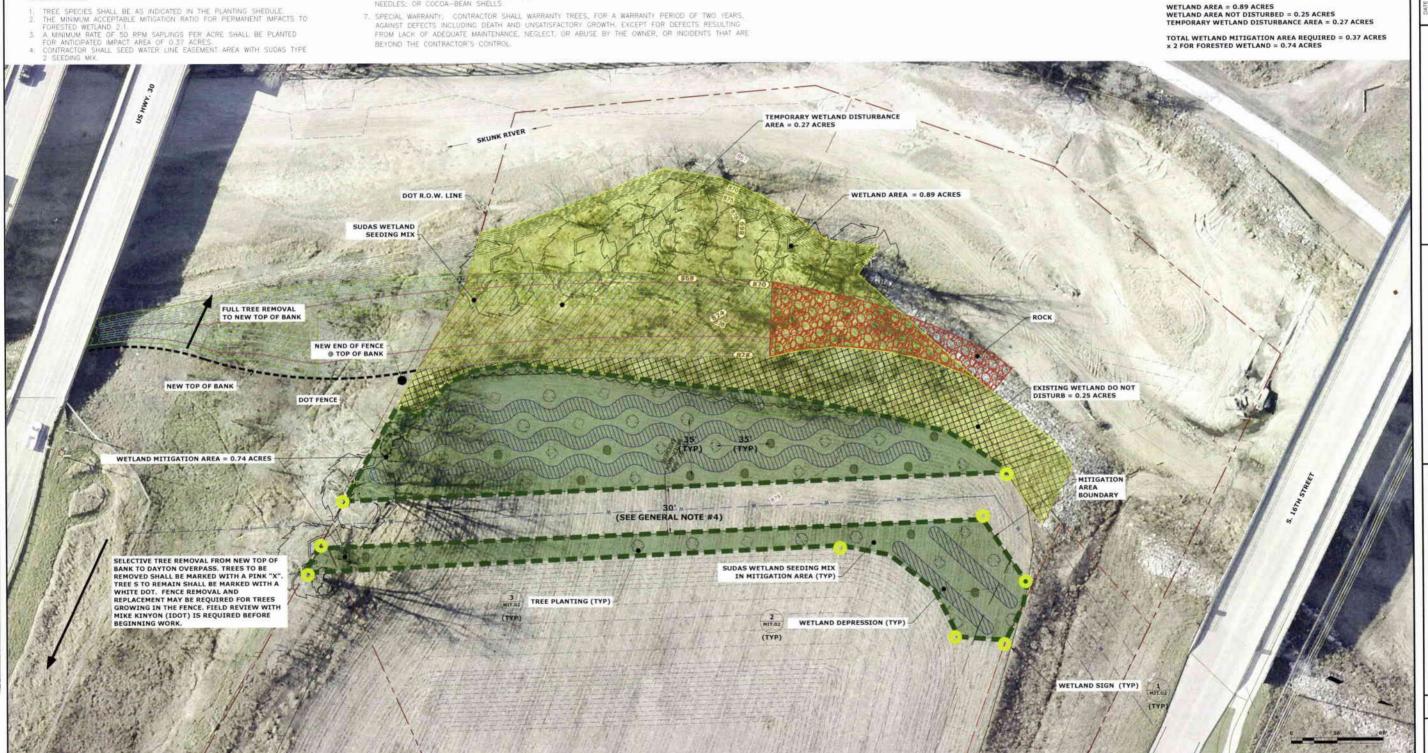
#### GENERAL NOTES:

- ALL TREE AND GROUND COVER PLANTING AND TREE STAKING SHALL BE IN ACCORDANCE WITH THE STANDARDIZED LANDSCAPE SPECIFICATIONS AS ADOPTED BY THE IOWA CHAPTER OF THE AMERICAN SOCIETY OF LANDSCAPE ARCHITECTS.
- 2 ALL SEEDING AND PLANTING SHALL BE DONE BETWEEN AUGUST 15 AND OCTOBER 15, OR ALTERNATIVELY BETWEEN MARCH IS AND MAY 1. SEEDING OR PLANTING AT OTHER DATES WILL BE SUBJECT TO APPROVAL BY THE ENGINEER AND MAY REQUIRE SPECIAL PROCEDURES.
- 3. ALL DISTURBED AREAS NOT OTHERWISE HARDSCAPED, ARE TO BE SEEDED WITH SUDAS WETLAND SEEDING MIX IN WETLAND AREAS.
- 4. TREES GENERAL, FURNISH ROOT PRODUCTION METHOD TREES COMPLYING WITH ANSI Z60.1, WITH HEALTHY ROOT SYSTEMS DEVELOPED BY TRANSPLANTING OR ROOT PRUNING, PROVIDE WELL-SHAPED, FULLY BRANCHED, HEALTHY, VIGOROUS STOCK FREE OF DISEASE, INSECTS, EGGS, LARVAE, AND DEFECTS SUCH AS KNOTS, SUN SCALD, INJURIES, ABRASIONS, AND DISFIGUREMENT. SEE DETAILS FOR ADDITIONAL PLANTING REQUIREMENTS.
- 5. FERTILIZER; GRANULAR PACKET, OR PELLET FORM WITH 35-80% OF THE TOTAL NITROGEN IN A SLOW PELEASE FORM WITH FIFTY PERCENT OF THE ELEMENT DERIVED FROM ORGANIC SOURCES SULFUR COATED AND IBDU FERTILIZERS ARE NOT PERMITTED. FERTILIZER FOR TREES SHALL BE A COMPLETE FERTILIZER WITH A MINIMUM ANALYSIS OF 10% NITROGEN, 6% PHOSPHOROUS, AND 4% POTASSIUM.
- 6. ORGANIC MULCH: FREE FROM DELETERIOUS MATERIALS AND SUITABLE AS A TOP DRESSING OF TREES AND SHRUBS; SHREDDED HARDWOOD, GROUND OR SHREDDED BARK, WOOD AND BARK CHIPS: PINE
- SPECIAL WARRANTY: CONTRACTOR SHALL WARRANTY TREES, FOR A WARRANTY PERIOD OF TWO YEARS, AGAINST DEFECTS INCLUDING DEATH AND UNSATISFACTORY GROWTH, EXCEPT FOR DEFECTS RESUlTING FROM LACK OF ADEQUATE MAINTENANCE, NEGLECT, OR ABUSE BY THE OWNER, OR INCIDENTS THAT ARE BEYOND THE CONTRACTOR'S CONTROL.

- THAT ARE MORE THAN 25 PERCENT DEAD OR IN AN UNHEALTHY CONDITION AT THE END OF WARRANTY PERIOD.
- A LIMIT OF ONE REPLACEMENT OF EACH TREE WILL BE REQUIRED EXCEPT FOR LOSSES OR REPLACEMENTS DUE TO A FAILURE TO COMPLY WITH THE REQUIREMENTS.
- 10 TREES SHALL BE A MIX OF SILVER MAPLE (ACER ACCHARINUM), EASTERN COTTONWOOD (POPERLOUS DELTOIDS), SWAMP WHITE OAK (OUERCUS BIEDLOR), AND SHAGBARK HICKORY (CARYA GVATA). SHOULD THE SHAGBARK HICKORY BECOME UNAVAILABLE, THEN SUBSTITUTION TO SHELLBARK HICKORY OR A GREATER NUMBER OF SMALLER (SAPLING, WHIPS, ETC.) SHAGBARKS OR SHELLBARKS SHALL BE PERMITTED AS APPROVED BY THE ENGINEER.

#### WETLAND MITIGATION CALCULATIONS SUMMARY

WETLAND AREA = 0.89 ACRES
WETLAND AREA NOT DISTURBED = 0.25 ACRES
TEMPORARY WETLAND DISTURBANCE AREA = 0.27 ACRES



**FOX** 414

MITIGATION PLAN AND WETL

5174-12A

MIT.01

#### Staff Report

#### **ASSET BUDGET 2015/16**

#### December 16, 2014

The following human service agency funding priorities for 2015/16 were adopted by the City Council in July, 2014:

#### #1 Meet basic needs, with emphasis on low to moderate income:

- Housing cost offset programs, including utility assistance
- Sheltering
- Quality childcare cost offset programs, including daycare and State of Iowa licensed in home facilities
- Food cost offset programs, to assist in providing nutritious perishables and staples
- Transportation cost offset programs for the elderly and families
- Legal assistance
- Disaster response

#### #2 Meet mental health and chemical dependency needs

- Provide outpatient emergency access to services
- Provide crisis intervention services
- Provide access to non-emergency services
- Ensure substance abuse prevention and treatment is available in the community

#### #3 Youth development services and activities

Provide services for social development

Below are the summaries from 2009/10 moving forward to the present, showing the recommended ASSET allocations for all funders at budget time.

	Story County	United Way	Student Body	City of Ames Budgeted Amount	City % Increase	Total
2009/10	\$989,208	\$758,474	\$138,364	\$986,889	5.4%	\$2,872,935
2010/11	\$983,591	\$803,707	\$139,781	\$1,079,065	9.3%	\$3,006,144
2011/12	\$995,618	\$814,333	\$149,960	\$1,111,437	3.0%	\$3,071,348
2012/13	\$1,029,339	\$819,607	\$136,755	\$1,150,278	3.5%	\$3,135,979
2013/14	\$1,193,438	\$883,256	\$138,178	\$1,184,786	2.9%	\$3,299,850
2014/15	\$1,082,602	\$955,145	\$152,605	\$1,139,226	-3.8%	\$3,329,578

There are a number of ways to look funding levels for ASSET. Last year staff shared with the City Council that often the amount that is budgeted does not always end up being spent for a variety of reasons. Therefore, the prior year budget is not the only way to determine funding levels for 2015/16. The following are differences to consider when looking at the chart above:

- <u>2011/12</u> The total excludes supplemental funding for Heartland Senior Services (\$5,990) which was awarded after budget approval.
- 2012/13 The City Council included funds for new mental health services in the amount of \$158,176. No contracts were entered into in 2012/13 for these services; therefore, the total under City contract in 2012/13 was only \$992,102, not the \$1,150,278 that was in the budget.
- 2013/14 This included \$12,875 for Eyerly Ball for Family Counseling Services for Mental Health issues, which was not spent and no contract was entered into for those services. An additional \$86,933 for any other mental health or related need was also set aside in the 2013/14 Budget. ACCESS was provided supplemental funding for Battering Shelter, outside the budget process, in the amount of \$16,758.
- 2014/15 Orchard Place withdrew from ASSET.

#### City Comparison of Contracted vs. Budget vs. Requested

	Ames						
	Requested	Budget	Contracted	Request	Budget	Contract	Request
	13/14	13/14	13/14	14/15	14/15	14/15	15/16
Total ASSET Funding	\$1,209,060	\$1,184,786	\$1,084,978	\$1,275,268	\$1,139,226	\$1,133,061	\$1,295,872

# 2015/16 Program and Service Requests

For 2015/16, total City ASSET funds requested by agencies are \$1,295,872, up \$162,811 or 14.43% over the current 2014/15 contracted services of \$1,133,061. No new agencies are joining ASSET for 2015/16. Orchard Place dropped out of the ASSET process and did not reapply.

Here is a summary of the request for the <u>City</u> by ASSET Panel:

**Panel 1 - Health Services** (including mental health and substance abuse services) have the second largest percentage increase in requests, at \$37,970 (18.98%) over contracted, which is the **#2 priority** for the City of Ames. The increase came primarily from one new program:

 Eyerly Ball has requested \$18,022 to support a new crisis mental health program with the City of Ames. This program would coordinate with the Police Department to help in the evening with individuals in need. The cost for the new crisis program accounts for approximately 1.4% of the overall increase in requests for the City for 2015/16.

**Panel 2 - Basic Needs Service** (including shelter, food pantries, disaster services, transportation and bill payer programs) is up \$33,479 in requests or 7.5% over contracted 2014/15. This is the City's **#1 priority** area.

 One significant increase request in this panel and #1 priority area for the City came from ACCESS, which is seeking a \$17,256 increase in funding from the City's current contract for its domestic abuse shelter. If fully funded, it would raise the City's contribution for the shelter to \$47,514 from \$30,258. **Panel 3 - Children's Services** has increased requests of \$45,340 or 14.46% over contract for 2015/16. This panel is part of the City's priority #1 and #3. The largest funding increases were in the following services:

- \$21,000 more for social development programs than currently funded by the City.
- An additional \$12,482 for day care (all ages). In 2014/15, the volunteers fully funded these requests, since it was a #1 priority set by the City Council.

**Panel 4 - Prevention/Support Services** has increased requests totaling \$46,052 or 26.61% over contracted. Panel 4 covers the City's **#3 priority** - youth development services and activities. This also encompasses a variety of other areas that are not identified as a priority for City funds:

• Raising Readers is requesting new funding from the City for its advocacy program in the amount of \$25,000. The City was unable to fund this program last year.

The chart below indicates some City allocations based on percentage increases from last year's contracted funding of \$1,133,061. Please note that the dollar amount authorized by the City Council, must also provide for administration dollars for the ASSET Administrative Assistant and minor office costs for printing of materials. The total for those services is \$3,677 for 2015/16.

#### Increase Options over Current Year ASSET Contracts with the City of Ames

	Dollar Increase	Total City Allocation Allotment
2%	\$22,661	\$1,155,722
3%	\$33,992	\$1,167,053
5%	\$56,653	\$1,189,714
7%	\$79,314	\$1,212,375
14.43% (request)	\$162,810	\$1,295,871
+		
ASSET Administrative Fee	\$3,677	In addition to programs

Staff has provide two spreadsheets for determining funding for 2015/16. Attachment A shows the funding by program with an agency total. Attachment B shows funding by panel with program information.

		l	1			I		%			1
			Ames	Ames	Ames	Ames	Ames	Contract	ASSET	ASSET	%
		Panel	Contracted	Contracted	Request	Contracted	Request	to	Approved	Request	Approved
Agency	Attachment B	Index	12/13	13/14	14/15	14/15	15/16	Request	14/15	15/16	to Request
ACCESS	Battering Crisis Intervention	2.1b	\$2,072	\$2,400	\$2,800	\$2,609	\$2,650	1.57%	\$8,089	\$8,470	
ACCESS	Battering Relief (Counseling & Support)	2.1b	\$24,350	\$24,600	\$25,000	\$24,600	\$25,000	1.63%	\$63,595	\$64,400	1.27%
ACCESS	Battering Relief (Court Watch)	2.1b	\$4,489	\$4,600	\$5,300	\$4,877	\$5,000	2.52%	\$13,291	\$13,600	
ACCESS	Rape Relief Crisis Intervention	2.1c	\$1,428	\$1,550	\$2,000	\$1,769	\$1,800	1.75%	\$9,557	\$10,600	
ACCESS	Rape Relief (Counseling & Support)	2.1c	\$3,351	\$3,650	\$4,500	\$3,969	\$4,200	5.82%	\$15,414	\$17,450	13.21%
ACCESS	Battering Shelter	2.1h	\$12,520	\$30,258	\$32,500	\$30,258	\$47,514	57.03%	\$65,619	\$102,227	55.79%
ACCESS	Public Education & Awareness	4.3a	\$2,700	\$2,925	\$3,300	\$2,925	\$3,500	19.66%	\$15,500	\$17,500	12.90%
			\$50,910	\$69,983	\$75,400	\$71,007	\$89,664	26.27%	\$191,065	\$234,247	22.60%
American Red Cross	Disaster Services	2.3c	\$12,000	\$9,000	\$12,000	\$9,000	\$9,860	9.56%	\$27,000	\$29,000	7.41%
American Red Cross	Health and Safety Education	2.3g	\$1,980	\$0	\$0		\$0		\$0	\$0	
American Red Cross	Separated Families	4.1c	\$0	\$0	\$2,000	\$0	\$0		\$1,000	\$1,000	
			\$13,980	\$9,000	\$14,000	\$9,000	\$9,860	9.56%	\$28,000	\$30,000	7.14%
1 0 : B 1 10 :		0.4	04.500	<b>#</b> 4.000	04.070	04.070	ΦΕ 00Ε	4.000/	040.070	<b>\$40.500</b>	4.000/
Ames Community Preschool Center		3.1a	\$4,503	\$4,683	\$4,870	\$4,870	\$5,065	4.00%	\$13,070	\$13,593	4.00%
Ames Community Preschool Center		3.1b	\$ 48,464	\$50,403	\$52,420	\$52,420	\$54,517	4.00%	\$89,829	\$93,422	4.00%
Ames Community Preschool Center	Day Care School Age	3.1c	\$ 22,558	\$23,460	\$24,398	\$24,398	\$25,374	4.00%	\$29,189	\$30,356	4.00%
			\$ 75,525	\$ 78,546	\$ 81,688	\$ 81,688	\$ 84,956	4.00%	\$132,088	\$137,371	4.00%
Dia Prothoro Dia Ciotoro	Community Recod Montoring	3.2a	\$12,500	\$0	\$0	\$0	\$0		\$0	\$0	
Big Brothers Big Sisters	Community Based Mentoring	3.2a	\$12,500	<b>\$</b> U	<b>\$</b> 0	<b>\$</b> 0	<b>\$</b> U		\$0	φυ	
Boy Scouts	Youth Development and Social Adjustment	3.2a	\$0	\$0	\$0	\$0	\$0		\$10,300	\$12,000	16.50%
Boy Scouls	Toutil Development and Social Adjustinent	3.Za	<b>40</b>	φυ	φU	Φ0	Ψ0		\$10,300	φ12,000	10.50 /6
Boys & Girls Club	Youth Development and Social Adjustment	3.2a	\$90,675	\$92,500	\$95,275	\$94,000	\$115,000	22.34%	\$174,768	\$268,500	53.63%
Doys a Cins Clab	Touri Development and Coolai Adjustment	0.Za	ψ30,013	Ψ32,300	ψ33,213	ψ54,000	Ψ113,000	22.0470	Ψ17-4,700	Ψ200,500	33.03 /0
Camp Fire USA	Day Care School Age	3.1c	\$2,068	\$2,148	\$2,255	\$2,255	\$2,424	7.49%	\$15,851	\$16,420	3.59%
Camp Fire USA	Day Care - Children (Scholarship)	3.1c	\$3,804	\$3,988	\$4,188	\$4,188	\$4,309	2.89%	\$6,210	\$8,271	33.19%
Camp Fire USA	Youth Development and Social Adjustment	3.2a	\$0	\$0	\$0	\$0	\$0		\$13,221	\$12,179	-7.88%
			\$5,872	\$6,136	\$6,443		\$6,733	4.50%	\$35,282	\$36,870	4.50%
						. ,					
Center for Creative Justice	Correctional Services (Probation Supervision)	2.2a	\$51,115	\$52,648	\$54,753	\$52,948	\$54,007	2.00%	\$97,850	\$99,807	2.00%
Child Serve	Day Care Infants	3.1a	\$8,660	\$8,660	\$3,300	\$3,300	\$5,500	66.67%	\$10,886	\$13,500	24.01%
ChildServe	Day Care Children	3.1b	\$9,000	\$9,000	\$14,400	\$14,400	\$15,500	7.64%	\$22,105	\$24,300	9.93%
			\$17,660	\$17,660	\$17,700	\$17,700	\$21,000	18.64%	\$32,991	\$37,800	14.58%
Emergency Residence Project	Transitional Housing (one day of shelter -services		\$0	\$0	\$5,050	\$2,899	\$4,500	55.23%	\$10,857	\$14,000	28.95%
Emergency Residence Project	Emergency Shelter (one night plus meals)	2.1h	\$60,481	\$63,900	\$77,300	\$63,900	\$68,500	7.20%	\$143,901	\$160,500	11.54%
			\$60,481	\$63,900	\$82,350	\$66,799	\$73,000	9.28%	\$154,758	\$174,500	12.76%
C "	D: T / //L // /2	4.01		-					22.25	60.05	46 100
Eyerly Ball	Primary Treatment/Health Maint. (Psych Eval)	1.2b	\$0	\$0	\$0	\$0	\$0		\$9,280	\$8,064	-13.10%
Eyerly Ball	Primary Treatment/Health Maint. (Med Manageme		\$0	\$0	\$0		\$0		\$33,339	\$25,536	-23.41%
Eyerly Ball	Primary Treatment/Health Maint. (Mental Health E		\$0	\$0	\$0		\$0		\$7,755	\$11,975	54.42%
Eyerly Ball	Primary Treatment/Health Maint. (Therapy)	1.2b	\$0	\$0	\$0		\$0		\$92,398	\$34,488	-62.67%
Eyerly Ball	Primary Treatment/Health Maint. (Crisis)	1.2b	\$0	\$12,875	\$0		\$18,022		\$12,400	\$18,022	45.34%
Eyerly Ball	Pre-Commitment Screening and Connections Pro		\$0 \$0	\$0 \$0	\$0 \$0		\$0		\$0	\$56,937	22.240/
Eyerly Ball	Primary Treatment/Health Maint. (Psychoeducatio			\$0 \$0			\$0		\$1,848	\$1,437	-22.24%
Eyerly Ball	Community Support Services	1.3c	\$0	\$0	\$0		\$0 \$0		\$19,979	\$30,240	51.36%
Eyerly Ball	Prescription Assistance Program	1.3c 4.3a	\$0	\$0 \$0	\$0		\$0 \$0		\$7,800 \$15,805	\$1,490 \$16,358	-80.90%
Eyerly Ball	(Prevention and Education)	4.38	\$0 <b>\$0</b>	\$0 <b>\$12,875</b>	\$0 <b>\$0</b>				\$15,805	\$16,358 <b>\$204,547</b>	3.50% <b>1.97%</b>
			\$0	\$12,875	\$0	\$0	\$18,022		\$200,604	\$204,547	1.97%
Girl Scouts	Youth Development and Social Adjustment	3.2a	\$0	\$0	\$0	\$0	\$0		\$10,300	\$10.609	3.00%
OIII Ocours	Toda Development and oodal Adjustment	J.2a	ψU	20	φU	\$0	φυ		\$10,300	φ10,009	3.00%
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			Ames	Ames	Ames	Ames	Ames	Contract	ASSET	ASSET	%
		Panel	Contracted	Contracted	Request	Contracted	Request	to	Approved	Request	Approved
Agency	Attachment B	Index	12/13	13/14	14/15	14/15	15/16	Request	14/15	15/16	to Request
Good Neighbor		2.1a	\$12,672	\$13,100	\$13,445	\$13.100	\$13,427	2.50%	\$18.800		
Good Neighbor	Emergency Assistance for Basic Material Needs (		\$3,058	\$3,100	\$3,180	\$3,100	\$3,178	2.52%	\$6,918	+ -,	
Good (Veighbol	Emergency Assistance for Basic Material Needs (	Ζ. Ια	\$15,730	\$16,200	\$16,625	\$16,200	\$16,605	2.50%	\$25,718		2.50%
			ψ10,100	ψ10,200	Ψ10,020	ψ10,200	<b>\$10,000</b>	2.0070	<b>\$20,110</b>	Ψ20,001	2.0070
Heartland Senior Services	Day Care Adult	1.4a	\$45,452	\$49,111	\$51,567	\$49,375	\$51,844	5.00%	\$57,156	\$80,014	39.99%
Heartland Senior Services	Home Delivered Meals	1.4d	\$0	\$0	\$0	ψ .c,c. c	\$0	0.0070	\$25,028	\$26,279	
Heartland Senior Services	Congregate Meals	1.4e	\$22,266	\$26,405	\$27,725	\$26,405	\$27,725	5.00%	\$45,580	\$47,859	
Heartland Senior Services	Food Program -Senior	2.1a	\$0	\$0	\$6,479	\$4,000	\$4,177	4.43%	\$10,361	\$10,893	
Heartland Senior Services	Budget/Credit Counseling (Bill Payer)	2.3e	\$0	\$0	\$0	\$0	\$0		\$0		
Heartland Senior Services	Service Coordination (Friendly Visitor)	4.2c	\$6,171	\$6,171	\$6,171	\$6,171	\$2,671	-56.72%	\$15,640		
Heartland Senior Services	Service Coordination (Outreach)	4.2c	\$32,559	\$34,187	\$34,187	\$34,187	\$39,046	14.21%	\$89,424	\$101,245	
Heartland Senior Services	Activity and Resource Center	4.2d	\$32,500	\$32,500	\$34,125	\$32,500	\$34,125	5.00%	\$35,905	\$37,700	
			\$138,948	\$148,374	\$160,254	\$152,638	\$159,588	4.55%	\$279,094	\$312,130	
			. ,								
HIRTA	Transportation (Story County)	2.3d	\$0	\$0	\$0	\$0	\$0		\$111,413	\$121,013	8.62%
HIRTA	Transportation (City of Ames)	2.3d	\$33,957	\$38,000	\$40,000	\$38,133	\$40,000	4.90%	\$44,816	\$65,583	46.34%
HIRTA	Transportation (Iowa City)	2.3d	\$4,000	\$2,000	\$2,000	\$2,000	\$2,000	0.00%	\$6,000	\$6,000	0.00%
			\$37,957	\$40,000	\$42,000	\$40,133	\$42,000	4.65%	\$162,229	\$192,596	18.72%
HOMEWARD	Community Clinics	1.1a	\$12,750	\$14,380	\$16,400	\$15,025	\$17,700	17.80%	\$112,330	\$118,600	5.58%
HOMEWARD	In-Home Nursing	1.1b	\$0	\$0	\$0	\$0	\$0		\$55,263	\$62,500	13.10%
HOMEWARD	In Home Hospice	1.1c	\$0	\$0	\$0	\$0	\$0		\$48,455	\$52,270	7.87%
HOMEWARD	In-Home Health Monitoring (Lifeline)	1.4b	\$0	\$0	\$0	\$0	\$0		\$9,493	\$11,910	25.46%
HOMEWARD	Homemaker/Home Health Assistance	1.4c	\$9,390	\$10,900	\$13,200	\$12,000	\$13,300	10.83%	\$133,770	\$139,600	4.36%
HOMEWARD	Home Delivered Meals	1.4d	\$8,300	\$11,000	\$14,400	\$12,750	\$14,000	9.80%	\$39,700	\$44,120	11.13%
			\$30,440	\$36,280	\$44,000	\$39,775	\$45,000	13.14%	\$399,011	\$429,000	7.52%
			<b></b>			*			4		
Legal Aid Society	Legal Aid Civil	2.2c	\$75,870	\$80,675	\$87,683	\$82,244	\$85,000	3.35%	\$186,360	\$217,775	16.86%
Luthana Camina in Laura	0	4.0-	<b>(</b> C)	<b>C</b> O	Φ0	<b>C</b> O	ФО.		<b>#0.500</b>	<b>#0.000</b>	F F00/
Lutheran Services in Iowa	Supported Community Living Services	1.3a	\$0	\$0	\$0	\$0	\$0		\$9,530		
Lutheran Services in Iowa	Crisis Intervention/Childcare	2.1e	\$2,825	\$2,825	\$5,650	\$3,500	\$4,500	28.57%	\$14,176		
Lutheran Services in Iowa Lutheran Services in Iowa	Family Development and Education Family Development Education (Parents as Teacl	4.1a	\$0 \$0	\$0 \$0	\$0 \$0	\$0 \$0	\$0 \$0		\$12,987 \$9,270	\$13,390 \$9,548	3.10%
Lutheran Services in Iowa	MELD Parminy Development Education (Parents as Teach	4.1a 4.1a	\$0	\$0 \$0	\$0 \$0	\$0	\$0 \$0		\$9,270	\$9,548	
Lutheran Services in Iowa	MELD	4.1a	\$2,825	\$2,825	\$5,650	\$3,500	\$4,500		\$45,963	\$50,938	
			\$2,025	\$2,025	\$5,650	\$3,500	<b>\$4,500</b>	20.37%	\$45,963	\$50,956	10.02 70
Mainstream Living	Supported Community Living Services (1/4 Day)		\$0	\$0	\$0	\$0	\$0		\$0	\$500	
Mainstream Living	Supported Community Living Services (1/4 Day)  Supported Community Living Services (Daily)	1.3a	\$0	\$0	\$0	\$0	\$0 \$0		\$20,920		
Mainstream Living	Supported Community Living Services (Barry)  Supported Community Living Services (Hourly)	1.3a	\$0	\$0	\$0	\$0	\$0 \$0		\$5,125		
Mainstream Living	Enclave Services -employment services	1.31	\$0	\$0	\$0	\$0	\$0 \$0		\$7,940		
Mainstream Living	Day Habilitations Services	1.3j	\$0	\$0	\$0	\$0	\$0		\$8,700	\$9,000	
Mainstream Living	Day Habilitations Services (1/4 Day)	1.3j	ΨΟ	ΨΟ	ΨΟ	\$0	\$0		\$0,700	\$500	
Mainstream Living	Snoezelen Day Habilitation Services	1.3j	\$0	\$0	\$0	\$0	\$0		\$3,075		
Ivianisticani Living	Grioczcien Bay Habilitation Gervices	1.0j	\$0	\$0	\$0		\$0		\$45,760		
			Ψ0	40	Ψ	ΨΟ	Ψυ	ΨΨ	\$70,1 JU	ψ+0,000	7.00 /0
Mid-Iowa Community Action	Community Clinics (Fluoride Varnish)	1.1a	\$825	\$825	\$825	\$825	\$825	0.00%	\$2,400	\$2,400	0.00%
Mid-Iowa Community Action	Community Clinics (Dental Clinic)	1.1a	\$7,714	\$7,891	\$31,564	\$26,318	\$31,564	19.93%	\$46,945		
IIVIIQ-IOWA COMMININI ACIION	1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 -			\$1.650	\$1.650	\$1.650	\$1.650	0.00%	\$7.500		
		11 1a	\$1,850								0.0070
Mid-Iowa Community Action	Community Clinics (Child Dental)	1.1a 2.1a	\$1,850 \$15,767	+ /	+ /		\$16,555		\$23,251	* /	5.00%
Mid-lowa Community Action Mid-lowa Community Action	Community Clinics (Child Dental)  Emergency Assistance for Basic Material Needs	2.1a	\$15,767	\$15,767	\$15,767	\$15,767	\$16,555 \$7,279	5.00% 5.01%	\$23,251 \$21,576	\$24,414	5.00%
Mid-Iowa Community Action	Community Clinics (Child Dental)			+ /	+ /		\$16,555 \$7,279 <b>\$57,873</b>	5.00%	\$23,251 \$21,576 \$101,672	\$24,414	5.00%

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			Ames	Ames	Ames	Ames	Ames	Contract	ASSET	ASSET	%
		Panel	Contracted	Contracted	Request	Contracted	Request	to	Approved	Request	Approved
Agency	Attachment B	Index	12/13	13/14	14/15	14/15	15/16	Request	14/15	15/16	to Request
National Alliance on Mental Illness	Emergency Assistance for Basic Needs	2.1a	\$0	\$0	\$0	\$0	\$0	request	\$3,500	\$1,750	-50.00%
National Alliance on Mental Illness	Public Education & Awareness	4.3a	\$450	\$450	\$1,500	\$463	\$500	7.99%	\$4,738	\$5,500	16.08%
National Alliance on Mental Illness	Advocacy for Social Development (Wellness Cent		\$1,000	\$5,000	\$7,000	\$5,000	\$5,000	0.00%	\$32,000	\$37,940	
National Alliance on Mental Illness	Advocacy for Social Dev (Family & Consumer Edu		\$0	\$0	\$0	\$0	\$0	0.0070	\$6.394	\$7,000	9.48%
National Alliance on Mental Illness	Advocacy for Social dev (Family & Consumer Sup		\$0	\$0	\$0	\$0	\$0		\$8,230	\$9,000	
			\$1,450	\$5,450	\$8,500	\$5,463	\$5.500	0.68%	\$54,862	\$61,190	
			, ,	, ,	, , , , , , , ,	, , , , , ,	, , , , , , , , , , , , , , , , , , , ,		, , , , , , , , , , , , , , , , , , , ,	, ,	
Orchard Place	Childcare Resource Development	3.1g	\$5,665	\$6,165	\$6,165	\$0	\$0		\$0	\$0	
Raising Readers	Thrive by 5	4.1a	\$0	\$0	\$6,000	\$0	\$8,000		\$0	\$16,000	
Raising Readers	Out of School time learning	4.1a	\$0	\$0	\$8,000	\$7,690	\$6,000	-21.98%	\$27,690	\$6,000	-78.33%
Raising Readers	Advocacy for social development	4.3b	\$0	\$0	\$25,000	\$0	\$25,000		\$14,468	\$70,000	383.83%
Raising Readers	Resource Development	4.3c	\$0	\$0	\$4,000	\$0	\$0		\$0	\$0	
			\$0	\$0	\$43,000	\$7,690	\$39,000	407.15%	\$42,158	\$92,000	118.23%
RSVP	Disaster Services (Volunteer Management)	2.3c	\$5,000	\$5,300	\$6,500	\$6,000	\$6,300	5.00%	\$6,757	\$7,150	5.82%
RSVP	Disaster Services (Federal Disaster Grant)	2.3c	\$0	\$0	\$0	\$0			\$0	\$0	
RSVP	Transportation (Volunteer Driver Program)	2.3d	\$295	\$400	\$550	\$488	\$600	22.95%	\$5,419	\$6,600	
RSVP	Volunteer Management	4.2b	\$20,400	\$21,200	\$21,800	\$21,200	\$21,600	1.89%	\$60,301	\$61,500	1.99%
			\$25,695	\$26,900	\$28,850	\$27,688	\$28,500	2.93%	\$72,477	\$75,250	3.83%
				*-		* -	4 -		*		
Story Time Childcare Center	Infant	3.1a	\$0	\$0	\$0	\$0	\$0		\$19,360	\$18,100	-6.51%
Story Time Childcare Center	Day Care Children	3.1b	\$0	\$0	\$0	\$0	\$0		\$64,340	\$71,495	
Story Time Childcare Center	Day Care School Age	3.1c	\$0	\$0	\$0	\$0	\$0		\$887	\$905	
Story Time Childcare Center	Preschool	3.1d	\$0	\$0	\$0	\$0	\$0		\$880	\$0	
			\$0	\$0	\$0	\$0	\$0		\$85,467	\$90,500	5.89%
The Arc of Story County	Special Recreation (Active Lifestyles)	1.3b	\$1,100	\$1,500	\$2,000	\$1,667	\$2,750	64.97%	\$27,197	\$35,500	30.53%
The Arc of Story County	Respite Care	2.3f	\$5,600	\$5,800	\$4,000	\$3,913	\$3,500	-10.55%	\$14,913	\$13,500	-9.47%
The Arc of Story County	Service Coordination	4.2c	\$0	\$0	\$2,000	\$838	\$1,150	37.23%	\$3,635	\$4,075	12.10%
The Arc of Story County	Advocacy for Social Development	4.3b	\$0	\$0	\$0	\$0	\$0	07.2070	\$24,000	\$25,280	5.33%
The fire of civily oculity	Autobacy for Coolar Bovolopinon	1.00	\$6,700	\$7,300	\$8,000	\$6,418	\$7,400	15.30%	\$69,745	\$78,355	12.34%
			\$0,.00	<b>4.</b> ,000	<b>4</b> 0,000	<b>40</b> , <b>0</b>	<b>V</b> 1,100	1010070	<b>\$50,1.10</b>	<b>4.0,000</b>	12.0170
The Salvation Army	Emergency Assistance for Basic Material Needs (	2.1a	\$0	\$2,730	\$7,500	\$4,603	\$5,500	19.49%	\$10,160	\$12,000	18.11%
The Salvation Army	Emergency Assistance for Basic Material Needs (		\$0	\$13,100	\$15,000	\$15,000	\$18,000	20.00%	\$25,266	\$30,000	18.74%
The Salvation Army	Disaster Services (Emergency)	2.3c	\$0	\$2,000	\$2,250	\$2,000	\$0	-100.00%	\$4,000	\$2,000	-50.00%
The Salvation Army	Bill Payer	2.3e	\$0	\$0	\$0	\$0	\$1,000		\$6,577	\$9,000	36.84%
The Salvation Army	Budget/Credit Counseling (Payee Services)	2.3e	\$0	\$6,667	\$30,000	\$14,646	\$10,000	-31.72%	\$21,029	\$45,000	113.99%
·			\$0	\$24,497	\$54,750	\$36,249	\$34,500	-4.82%	\$67,032	\$98,000	46.20%
University Community Childcare	Infant	3.1a	\$18,598	\$19,528	\$21,286	\$21,286	\$23,840	12.00%	\$59,685	\$66,847	12.00%
University Community Childcare	Day Care Children	3.1b	\$22,575	\$23,704	\$25,867	\$25,837	\$28,937	12.00%	\$66,083	\$74,012	12.00%
University Community Childcare	Day Care School Age	3.1c	\$0	\$0	\$0	\$0	\$0		\$3,616	\$4,138	14.44%
University Community Childcare	Preschool	3.1d	\$0	\$0	\$0	\$0	\$0		\$13,512	\$15,046	
University Community Childcare	Childcare for Mildly III Children	3.1h	\$525	\$788	\$859	\$859	\$962	11.99%	\$3,926	\$4,438	13.04%
			\$41,698	\$44,020	\$48,012	\$47,982	\$53,739	12.00%	\$146,822	\$164,481	12.03%
V'' ''' N	[	4.01	40.05	** **	*	** **	<b>*</b>	4445404	*	<b>ACT</b>	446 ===:
Visiting Nurse Services	Foster Grandparent Program	4.2b	\$3,221	\$3,382	\$3,382	\$3,382	\$7,265	114.81%	\$11,879	\$25,750	116.77%
Volunteer Center of Story County	Volunteer Management	4.2b	\$5,190	\$6,000	\$7,000	\$6,000	\$6,775	12.92%	\$65,725	\$69,810	6.22%
Volunteer Center of Story County  Volunteer Center of Story County	Advocacy for Social Dev (Service Learning)	4.2b	\$3,190	\$1,000	\$1,050	\$1,000	\$700	-30.00%	\$9,170	\$9,000	-1.85%
Volume of Oction of Otory County	/ devocably for Goodal Boy (Gervice Learning)	7.00	\$5,190	\$7,000	\$8,050	\$7,000	\$7,475	6.79%	\$74,895	\$78,810	
			ψ5,190	ψ1,000	ψ0,000	ψ1,000	Ψ1,410	0.1070	ψι 4,033	ψ10,010	0.20 /0
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			Ames	Ames	Ames	Ames	Ames	Contract	ASSET	ASSET	%
		Panel	Contracted	Contracted	Request	Contracted	Request	to	Approved	Request	Approved
Agency	Attachment B	Index	12/13	13/14	14/15	14/15	15/16	Request	14/15	•	to Request
Youth and Shelter Services	Substance Abuse Co-Occuring Treatment (Outpat	1.1e	\$6,500	\$6,830	\$7,000	\$6,830	\$7,000	2.49%	\$9,010	\$11,500	27.64%
Youth and Shelter Services	Primary Treatment/Health Maint. (Family Counseli	1.2b	\$42,688	\$47,200	\$49,000	\$47,250	\$49,000	3.70%	\$65,825	\$69,000	4.82%
Youth and Shelter Services	MH Evaluation by Psychiatrist	1.2b					\$2,010		\$0	\$12,060	
Youth and Shelter Services	Nursing/Care Coordination	1.2b					\$675		\$0	\$6,075	
Youth and Shelter Services	Emergency Shelter (Rosedale)	2.1h	\$34,080	\$35,000	\$35,000	\$35,000	\$36,000	2.86%	\$53,833	\$59,000	9.60%
Youth and Shelter Services	Clothing, Furnishing & Other Assistance (Stork's N	2.3a	\$5,333	\$5,996	\$7,000	\$5,966	\$7,000	17.33%	\$9,630	\$13,450	39.67%
Youth and Shelter Services	Youth Development & Social Adjustment (Nevada	3.2a	\$25,116	\$26,000	\$28,000	\$27,136	\$28,000	3.18%	\$47,876	\$50,000	4.44%
Youth and Shelter Services	Youth Development & Social Adjustment (Grip)	3.2a	\$14,200	\$15,000	\$30,000	\$19,706	\$30,000	52.24%	\$53,682	\$77,500	44.37%
Youth and Shelter Services	Youth Development & Social Adjustment (Foster C	3.2a	\$0	\$0	\$500	\$0	\$500		\$0	\$1,300	
Youth and Shelter Services	Employment Assistance for Youth	3.2c	\$17,900	\$18,500	\$19,000	\$18,933	\$19,000	0.35%	\$25,683	\$27,000	5.13%
Youth and Shelter Services	Out of School Program	3.2d	\$0	\$0	\$0	\$0	\$0		\$14,274	\$16,750	17.35%
Youth and Shelter Services	Family Development/Education	4.1a	\$8,669	\$9,000	\$9,000	\$9,000	\$9,000	0.00%	\$18,000	\$18,250	1.39%
Youth and Shelter Services	Foster Family Recruitment	4.1b	\$0	\$0	\$0	\$0	\$0		\$0	\$0	
Youth and Shelter Services	Public Education & Awareness (Substance Abuse	4.3a	\$26,921	\$26,921	\$30,000	\$26,921	\$30,000	11.44%	\$37,921	\$42,000	10.76%
Youth and Shelter Services	Public Education & Awareness (Child Safety)	4.3a	\$7,000	\$8,400	\$10,000	\$8,400	\$10,000	19.05%	\$24,840	\$29,500	18.76%
Youth and Shelter Services	Public Education & Awareness (HIV/AIDS)	4.3a	\$250	\$0	\$0	\$0	\$0		\$3,709	\$3,709	0.00%
Youth and Shelter Services	Public Education & Awareness (Adolescent Pregn	4.3a	\$250	\$750	\$1,500	\$450	\$1,500	233.33%	\$450	\$2,400	433.33%
			\$188,907	\$199,597	\$226,000	\$205,592	\$229,685	11.72%	\$364,733	\$439,494	20.50%
YWCA	, , ,	3.2a	\$0	\$0	\$0	\$0	\$0		\$3,000	\$3,835	
YWCA		4.3b	\$0	\$0	\$0	\$0	\$0		\$5,850	\$6,000	
YWCA	Advocacy for Social Developmenet (Against Discri		\$0	\$0	\$0	\$0	\$0		\$6,000	\$5,265	
YWCA	Informal Ed for Self Improvement/Enrichment	4.3e	\$0	\$0	\$0	* -	\$0		\$1,100	\$1,100	
			\$0	\$0	\$0	\$0	\$0		\$15,950	\$16,200	1.57%

								%			
			Ames	Ames	Ames	Ames	Ames	Contract	ASSET	ASSET	%
Aganau	Attachment B	Panel	Contracted	Contracted	Request	Contracted	Request	to	Approved	Request	Approved
Agency	Attachment B Panel 1Health Services	Index	12/13	13/14	14/15	14/15	15/16	Request	14/15	15/16	to Request
	Health and Safety Services										
HOMEWARD	Community Clinics	1.1a	\$12,750	\$14,380	\$16,400	\$15,025	\$17,700	17.80%	\$112,330	\$118,600	5.58%
Mid-Iowa Community Action	Community Clinics (Fluoride Varnish)	1.1a	\$825	\$825	\$825	\$825	\$825	0.00%	\$2,400	\$2,400	
Mid-Iowa Community Action	Community Clinics (Dental Clinic)	1.1a	\$7,714	\$7,891	\$31,564	\$26,318	\$31,564	19.93%	\$46,945	\$60,000	27.81%
Mid-Iowa Community Action	Community Clinics (Child Dental)	1.1a	\$1,850	\$1,650	\$1,650	\$1,650	\$1,650	0.00%	\$7,500	\$7,500	
	Community Clinics Subtotal		\$23,139	\$24,746	\$50,439	\$43,818	\$51,739	18.08%	\$169,175	\$188,500	11.42%
HOMEWARD	In-Home Nursing	1.1b	\$0	\$0	\$0	\$0	\$0		\$55,263	\$62,500	13.10%
HOWEVVARD	In-Home Nursing	1.10	φυ	Ψ	φυ	φυ	φυ		\$33,203	φ02,300	13.1076
HOMEWARD	In Home Hospice	1.1c	\$0	\$0	\$0	\$0	\$0		\$48,455	\$52,270	7.87%
			***	**	- 10		***		<b>V</b> 10,100	<del>*************************************</del>	
	Sustance Abuse or Co-Occurring Disorder Treatment										
Community and Family Resources	Susbtance Abuse Treatment (Group)	1.1e	\$0	\$0	\$0	\$0	\$0		\$0	\$0	
Community and Family Resources	Co-Occuring Treatment (Group)	1.1e	\$0			\$0	\$0		\$0	\$0	
Community and Family Resources	Substance Abuse/Co-Occuring Treatment (Jail-Based)	1.1e	\$0				\$0		\$0	\$0	
Youth and Shelter Services	Substance Abuse Co-Occuring Treatment (Outpatient)	1.1e	\$6,500	\$6,830	\$7,000	\$6,830	\$7,000		\$9,010	\$11,500	
	Substance Abuse/Co-Occuring Disorders Treatment Subtotal		\$6,500	\$6,830	\$7,000	\$6,830	\$7,000	2.49%	\$9,010	\$11,500	27.64%
	Primary Treatment and Health Maintenance (out patient)										
Eyerly Ball	Primary Treatment and Health Maintenance (out patient)  Primary Treatment/Health Maint. (Psych Eval)	1.2b	\$0	\$0	\$0	\$0	\$0		\$9,280	\$8,064	-13.10%
Eyerly Ball	Primary Treatment/Health Maint. (Med Management)	1.2b	\$0				\$0		\$33,339	\$25,536	
Eyerly Ball	Primary Treatment/Health Maint. (Med Management)	1.2b	\$0			\$0	\$0		\$7,755	\$11,975	
Eyerly Ball	Primary Treatment/Health Maint. (Therapy)	1.2b	\$0				\$0		\$92,398	\$34,488	
Eyerly Ball	Primary Treatment/Health Maint. (Crisis)	1.2b	\$0	\$12,875	\$0	\$0	\$18,022		\$12,400	\$18,022	45.34%
Eyerly Ball	Pre-Commitment Screening and Connections Program	1.2b	\$0	\$0	\$0	\$0	\$0		\$0	\$56,937	
Youth and Shelter Services	Primary Treatment/Health Maint. (Family Counseling Center)	1.2b	\$42,688	\$47,200	\$49,000	\$47,250	\$49,000		\$65,825	\$69,000	
Youth and Shelter Services	MH Evaluation by Psychiatrist	1.2b					\$2,010		\$0	\$12,060	
Youth and Shelter Services	Nursing/Care Coordination	1.2b	**	**	**	**	\$675		\$0	\$6,075	
Eyerly Ball	Primary Treatment/Health Maint. (Psychoeducational Group Therap	1.2b	\$0 \$42,688	\$0 \$60,075		\$0	\$0 \$00.707		\$1,848	\$1,437	
	Primary Treatment/Health Maintenance (out patient) Subtotal		\$42,088	\$60,075	\$49,000	\$47,250	\$69,707	47.53%	\$222,845	\$243,594	9.31%
	Services for Mentally/Physically Impaired										
Lutheran Services in Iowa	Supported Community Living Services	1.3a	\$0	\$0	\$0	\$0	\$0		\$9,530	\$9,000	-5.56%
Mainstream Living	Supported Community Living Services (1/4 Day)		\$0	\$0		\$0	\$0		\$0	\$500	
Mainstream Living	Supported Community Living Services (Daily)	1.3a	\$0				\$0		\$20,920	\$23,250	11.14%
Mainstream Living	Supported Community Living Services (Hourly)	1.3a	\$0	\$0	\$0	\$0	\$0		\$5,125	\$0	-100.00%
	Services for Mentally/Physically Impaired Subtotal		\$0	\$0	\$0	\$0	\$0		\$35,575	\$32,750	-7.94%
The Arc of Story County	Special Recreation (Active Lifestyles)	1.3b	\$1,100	\$1,500	\$2,000	\$1,667	\$2,750	64.97%	\$27,197	\$35,500	30.53%
	Community Cumpart Corrigos										
Eyerly Ball	Community Support Services  Community Support Services	1.3c	\$0	\$0	\$0	\$0	\$0		\$19,979	\$30,240	51.36%
Eyerly Ball	Prescription Assistance Program	1.3c	\$0			\$0	\$0		\$7,800	\$1,490	
Eyeriy Buil	Community Support Services Subtotal	1.00	\$0	\$0	\$0	\$0	\$0		\$27,779	\$31,730	
			70	<b>4</b> 0	<b>40</b>	40	Ţ,		<i>\$21,110</i>	<i>\$0.,.00</i>	111270
Mainstream Living	Employment Assistance for Physically and Mentally Disabled	1.3g	\$0	\$0	\$0	\$0	\$0		\$0	\$0	
Mainstream Living	Enclave Services -employment services	1.3l	\$0	\$0	\$0	\$0	\$0		\$7,940	\$6,800	-14.36%
	Day Habilitations Services	4.01	-						40.500		0.4504
Mainstream Living	Day Habilitations Services	1.3j	\$0	\$0	\$0				\$8,700	* - ,	
Mainstream Living	Day Habilitations Services (1/4 Day)	1.3j 1.3j	\$0	¢o.	¢0	\$0 \$0	\$0 \$0		\$0	\$500	
Mainstream Living	Snoezelen Day Habilitation Services  Day Habilitations Services Subtotal	1.3]	\$0			\$0 \$0	\$0 \$0		\$3,075 \$11,775	\$3,500 \$13,000	
	Day Habilitations Services Subtotal		φυ	φυ	φυ	φυ	φυ		φ11,773	φ13,000	10.4076
Heartland Senior Services	Day Care Adult	1.4a	\$45,452	\$49,111	\$51,567	\$49,375	\$51,844	5.00%	\$57,156	\$80,014	39.99%
			,,	,,	, , , , , , , ,	7.5,576	, ,		721,130	,	2.2270
HOMEWARD	In-Home Health Monitoring (Lifeline)	1.4b	\$0	\$0	\$0	\$0	\$0		\$9,493	\$11,910	25.46%
HOMEWARD	Homemaker/Home Health Assistance	1.4c	\$9,390	\$10,900	\$13,200	\$12,000	\$13,300	10.83%	\$133,770	\$139,600	4.36%
	Home Delivered Meals								4		
Heartland Senior Services HOMEWARD	Home Delivered Meals	1.4d	\$0	\$0			\$0		\$25,028	\$26,279	
	Home Delivered Meals	1.4d	\$8,300	\$11,000			\$14,000		\$39,700	\$44,120	
HOMEWARD	Home Delivered Meals Subtetal		¢0 200	\$44 AAA	C11 100						
HOWEWARD	Home Delivered Meals Subtotal		\$8,300	\$11,000	\$14,400	\$12,750	\$14,000	9.80%	\$64,728	\$70,399	8.76%
Heartland Senior Services	Home Delivered Meals Subtotal  Congregate Meals	1.4e	\$8,300 \$22,266				\$14,000 \$27,725		\$64,728 \$45,580	\$70,399 \$47,859	

Agency	Attachment B	Panel Index	Ames Contracted 12/13	Ames Contracted 13/14	Ames Request 14/15	Ames Contracted 14/15	Ames Request 15/16	% Contract to Request	ASSET Approved 14/15	ASSET Request 15/16	% Approved to Request
	Panel 2 - Basic Needs Services										
Emergency Residence Project	Transitional Housing (one day of shelter -services	2.1a	\$0	\$0	\$5,050	\$2.899	\$4,500	55.23%	\$10,857	\$14,000	28.95%
Good Neighbor	Emergency Assistance for Basic Material Needs (Rent & Utility)	2.1a	\$12,672	\$13,100	\$13,445	\$13,100	\$13,427	2.50%	\$18,800	\$19,269	
Good Neighbor	Emergency Assistance for Basic Material Needs (Healthy Food Vou		\$3.058	\$3,100	\$3,180	\$3,100	\$3,178	2.52%	\$6,918	\$7,092	
Heartland Senior Services	Food Program -Senior	2.1a	\$0	\$0	\$6,479	\$4,000	\$4,177	4.43%	\$10,361	\$10,893	
Mid-Iowa Community Action	Emergency Assistance for Basic Material Needs	2.1a	\$15,767	\$15,767	\$15,767	\$15,767	\$16,555	5.00%	\$23,251	\$24,414	
National Alliance on Mental Illness	Emergency Assistance for Basic Needs	2.1a	\$0	\$0	\$0	\$0	\$0		\$3,500	\$1,750	-50.00%
The Salvation Army	Emergency Assistance for Basic Material Needs (Food Pantry)	2.1a	\$0		\$7,500	\$4,603	\$5,500	19.49%	\$10,160	\$12,000	18.11%
The Salvation Army	Emergency Assistance for Basic Material Needs (Rent & Utility Assi	2.1a	\$0	\$13,100	\$15,000	\$15,000	\$18,000	20.00%	\$25,266	\$30,000	18.74%
	Emergency Assistance for Basic Materials Subtotal		\$31,497	\$47,797	\$66,421	\$58,469	\$65,337	11.75%	\$109,113	\$119,418	9.44%
400500	Demote Otto Laboration	0.41	#0.070	<b>#0.400</b>	<b>#0.000</b>	<b>#0.000</b>	00.050	4.570/	<b>#0.000</b>	<b>#0.470</b>	4.740/
ACCESS	Battering Crisis Intervention	2.1b	\$2,072	\$2,400 \$24.600	\$2,800 \$25.000	\$2,609 \$24.600	\$2,650 \$25,000	1.57%	\$8,089	\$8,470 \$64,400	
ACCESS	Battering Relief (Counseling & Support)	2.1b	\$24,350	. , ,		. , ,	* -,	1.63%	\$63,595		
ACCESS	Battering Relief (Court Watch)	2.1b	\$4,489 <b>\$30,911</b>	\$4,600 <b>\$31,600</b>	\$5,300 <b>\$33,100</b>	\$4,877 <b>\$32,086</b>	\$5,000 <b>\$32,650</b>	2.52% 1.76%	\$13,291 <b>\$84,975</b>	\$13,600 <b>\$86,470</b>	
	Battering Relief Subtotal		\$30,911	\$31,600	\$33,100	\$32,086	\$32,000	1.76%	\$84,975	\$80,470	1.76%
ACCESS	Rape Relief Crisis Intervention	2.1c	\$1,428	\$1,550	\$2,000	\$1,769	\$1,800	1.75%	\$9,557	\$10,600	10.91%
ACCESS	Rape Relief (Counseling & Support)	2.1c	\$3,351	\$3,650	\$4,500	\$3,969	\$4,200	5.82%	\$15,414	\$17,450	13.21%
	Rape Relief Subtotal		\$4,779	\$5,200	\$6,500	\$5,738	\$6,000	4.57%	\$24,971	\$28,050	12.33%
Lutheran Services in Iowa	Crisis Intervention/Childcare	2.1e	\$2,825	\$2,825	\$5,650	\$3,500	\$4,500	28.57%	\$14,176	\$19,000	34.03%
Emergency Residence Project	Emergency Shelter (one night plus meals)	2.1h	\$60,481	\$63,900	\$77,300	\$63,900	\$68,500	7.20%	\$143,901	\$160,500	11.54%
ACCESS	Battering Shelter	2.1h	\$12,520	\$30,258	\$32,500	\$30,258	\$47,514	57.03%	\$65,619	\$102,227	55.79%
Youth and Shelter Services	Emergency Shelter (Rosedale)	2.1h	\$34,080	\$35,000	\$35,000	\$35,000	\$36,000	2.86%	\$53,833	\$59,000	9.60%
	Emergency Shelter Subtotal		\$107,081	\$129,158	\$144,800	\$129,158	\$152,014	17.70%	\$263,353	\$321,727	22.17%
Center for Creative Justice	Correctional Services (Probation Supervision)	2.2a	\$51,115	\$52,648	\$54,753	\$52,948	\$54,007	2.00%	\$97,850	\$99,807	2.00%
Legal Aid Society	Legal Aid Civil	2.2c	\$75,870	\$80,675	\$87,683	\$82,244	\$85,000	3.35%	\$186,360	\$217,775	16.86%
20gar / IIa 200/01/	2034.7.1.2 0.77.1	2.20	ψ. ο,ο. ο		<b>\$61,000</b>				ψ.ου,ουσ	<b>\$2.11,1.10</b>	10.0070
Youth and Shelter Services	Clothing, Furnishing & Other Assistance (Stork's Nest)	2.3a	\$5,333	\$5,996	\$7,000	\$5,966	\$7,000	17.33%	\$9,630	\$13,450	39.67%
American Red Cross	Disaster Services	2.3c	\$12,000	\$9,000	\$12,000	\$9,000	\$9,860	9.56%	\$27,000	\$29,000	7.41%
RSVP	Disaster Services (Volunteer Management)	2.3c	\$5,000	\$5,300	\$6,500	\$6,000	\$6,300	5.00%	\$6,757	\$7,150	
The Salvation Army	Disaster Services (Emergency)	2.3c	\$0	\$2,000	\$2,250	\$2,000	\$0	-100.00%	\$4,000	\$2,000	
RSVP	Disaster Services (Federal Disaster Grant)	2.3c	\$0	\$0	\$0	\$0			\$0	\$0	
	Disaster Services Subtotal		\$17,000	\$16,300	\$20,750	\$17,000	\$16,160	-4.94%	\$37,757	\$38,150	1.04%
HIRTA	Transportation (Story County)	2.3d	\$0	\$0	\$0	\$0	\$0		\$111.413	\$121.013	8.62%
HIRTA	Transportation (City of Ames)	2.3d	\$33,957	\$38,000	\$40,000	\$38,133	\$40,000	4.90%	\$44,816	\$65,583	
HIRTA	Transportation (City of Ames)	2.3d	\$4,000	\$2,000	\$2,000	\$2,000	\$2,000	0.00%	\$6,000	\$6,000	
RSVP	Transportation (Volunteer Driver Program)	2.3d	\$295	\$400	\$550	\$488	\$600	22.95%	\$5,419	\$6,600	
	Transportation Subtotal		\$38,252	\$40,400	\$42,550	\$40,621	\$42,600	4.87%	\$167,648	\$199,196	
Heartland Senior Services	Budget/Credit Counseling (Bill Payer)	2.3e	\$0	\$0	\$0	\$0	\$0		\$0	\$0	
The Salvation Army	Bill Payer	2.3e					\$1,000		\$6,577	\$9,000	
The Salvation Army	Budget/Credit Counseling (Payee Services)	2.3e	\$0	\$6,667	\$30,000	\$14,646	\$10,000	-31.72%	\$21,029	\$45,000	
	Budget/Credit Counseling Subtotal		\$0	\$6,667	\$30,000	\$14,646	\$11,000	-24.89%	\$27,606	\$54,000	95.61%
The Arc of Story County	Respite Care	2.3f	\$5,600	\$5,800	\$4,000	\$3,913	\$3,500	-10.55%	\$14,913	\$13,500	-9.47%
American Red Cross	Health and Safety Education	2.3g	\$1,980	\$0	\$0	\$0	\$0		\$0	\$0	

Agency	Attachment B	Panel Index	Ames Contracted 12/13	Ames Contracted 13/14	Ames Request 14/15	Ames Contracted 14/15	Ames Request 15/16	% Contract to Request	ASSET Approved 14/15	ASSET Request 15/16	% Approved to Request
Paral 2 Obildrania Carriana	Daniel 2 Children I Camina										
Panel 3 Children's Services	Panel 3 Childrens' Services										
Ames Community Preschool Center	Day Care Infants	3.1a	\$4,503	\$4,683	\$4,870	\$4,870	\$5,065	4.00%	\$13,070	\$13,593	4.00%
Story Time Childcare Center	Infant	3.1a	\$0	\$0	\$0	\$0	\$0,000		\$19,360	\$18,100	
University Community Childcare	Infant	3.1a	\$18,598	\$19,528	\$21,286	\$21,286	\$23,840		\$59,685	\$66,847	
Child Serve	Day Care Infants	3.1a	\$8,660	\$8,660	\$3,300	\$3,300	\$5,500	66.67%	\$10,886	\$13,500	
Offid OCT VC	Day Care Infants Subtotal	J. 1a	\$31,761	\$32.871	\$29.456	\$29.456	\$34,405		\$103.001	\$112,040	
	Day Gare Illiants Gabiotal		ψ31,701	Ψ32,071	Ψ23,400	Ψ23,430	ψ54,400	10.0070	ψ103,001	ψ112,040	0.7070
Ames Community Preschool Center	Day Care Children	3.1b	\$ 48,464	\$50,403	\$52,420	\$52,420	\$54,517	4.00%	\$89,829	\$93,422	4.00%
ChildServe	Day Care Children	3.1b	\$9,000	\$9,000	\$14,400	\$14,400	\$15,500		\$22,105	\$24,300	
Story Time Childcare Center	Day Care Children	3.1b	\$0	\$0	\$0	\$0	\$0		\$64,340	\$71,495	
University Community Childcare	Day Care Children	3.1b	\$22,575	\$23,704	\$25,867	\$25.837	\$28.937	12.00%	\$66,083	\$74.012	
	Day Care Children Subtotal		\$80,039	\$83,107	\$92,687	\$92,657	\$98,954	6.80%	\$242,357	\$263,229	
			700,000	700,101	70,001	<b>*</b>	700,000		7= 1-,001	7_00,0	0.0.70
Ames Community Preschool Center	Day Care School Age	3.1c	\$ 22,558	\$23,460	\$24,398	\$24.398	\$25,374	4.00%	\$29,189	\$30.356	4.00%
Camp Fire USA	Day Care School Age	3.1c	\$2,068	\$2,148	\$2,255	\$2,255	\$2,424	7.49%	\$15,851	\$16,420	3.59%
Camp Fire USA	Day Care - Children (Scholarship)	3.1c	\$3,804	\$3,988	\$4,188	\$4,188	\$4,309	2.89%	\$6,210	\$8,271	33.19%
Story Time Childcare Center	Day Care School Age	3.1c	\$0	\$0	\$0	\$0	\$0		\$887	\$905	2.03%
University Community Childcare	Day Care School Age	3.1c	\$0	\$0	\$0	\$0	\$0		\$3,616	\$4,138	
	Day Care School Age Subtotal		\$28,430	\$29,596	\$30,841	\$30,841	\$32,107	4.10%	\$55,753	\$60,090	7.78%
	` `		. ,								
Story Time Childcare Center	Preschool	3.1d	\$0	\$0	\$0	\$0	\$0		\$880	\$0	-100.00%
University Community Childcare	Preschool	3.1d	\$0	\$0	\$0	\$0	\$0		\$13,512	\$15,046	11.35%
•	Preschool Subtotal		\$0	\$0	\$0	\$0	\$0		\$14,392	\$15,046	4.54%
Orchard Place	Childcare Resource Development	3.1g	\$5,665	\$6,165	\$6,165	\$0	\$0		\$0	\$0	
University Community Childcare	Childcare for Mildly III Children	3.1h	\$525	\$788	\$859	\$859	\$962	11.99%	\$3,926	\$4,438	13.04%
Big Brothers Big Sisters	Community Based Mentoring	3.2a	\$12,500	\$0	\$0	\$0	\$0		\$0	\$0	
Boy Scouts	Youth Development and Social Adjustment	3.2a	\$0	\$0	\$0	\$0	\$0		\$10,300	\$12,000	
Boys & Girls Club	Youth Development and Social Adjustment	3.2a	\$90,675	\$92,500	\$95,275	\$94,000	\$115,000	22.34%	\$174,768	\$268,500	
Camp Fire USA	Youth Development and Social Adjustment	3.2a	\$0	\$0	\$0	\$0	\$0		\$13,221	\$12,179	
Youth and Shelter Services	Youth Development & Social Adjustment (Nevada)	3.2a	\$25,116	\$26,000	\$28,000	\$27,136	\$28,000		\$47,876	\$50,000	
Youth and Shelter Services	Youth Development & Social Adjustment (Grip)	3.2a	\$14,200	\$15,000	\$30,000	\$19,706	\$30,000		\$53,682	\$77,500	
Girl Scouts	Youth Development and Social Adjustment	3.2a	\$0	\$0	\$0	\$0	\$0		\$10,300	\$10,609	
Youth and Shelter Services	Youth Development & Social Adjustment (Foster Care-AMP)	3.2a	\$0	\$0	\$500	\$0	\$500		\$0	\$1,300	
YWCA	Youth Dev & Social Adjustment (Girls Power)	3.2a	\$0	\$0	\$0	\$0	\$0		\$3,000	\$3,835	
	Youth Development and Social Adjustment Subtotal		\$142,491	\$133,500	\$153,775	\$140,842	\$173,500	23.19%	\$313,147	\$435,923	39.21%
Youth and Shelter Services	Employment Assistance for Youth	3.2c	\$17,900	\$18,500	\$19,000	\$18,933	\$19,000	0.35%	\$25,683	\$27,000	5.13%
V 101 lb 2		0.5									
Youth and Shelter Services	Out of School Program	3.2d	\$0	\$0	\$0	\$0	\$0		\$14,274	\$16,750	
	Total Panel 3 Childrens' Services		\$306,811	\$304,527	\$332,783	\$313,588	\$358,928	14.46%	\$772,533	\$934,516	20.97%

Agency	Attachment B	Panel Index	Ames Contracted 12/13	Ames Contracted 13/14	Ames Request 14/15	Ames Contracted 14/15	Ames Request 15/16	Contract to Request	ASSET Approved 14/15	ASSET Request 15/16	% Approved to Request
Panel 4 Prevention/Support Service	Panel 4 Prevention/Support Services										
1. 11	Feet Destruction IF Location	4.4	00		00	00	<b>M</b> O		040.007	<b>#40.000</b>	0.400/
Lutheran Services in Iowa	Family Development and Education	4.1a	\$0	\$0	\$0	\$0	\$0		\$12,987	\$13,390	
Lutheran Services in Iowa	Family Development Education (Parents as Teachers)  MELD	4.1a	\$0 \$0	\$0 \$0	\$0	\$0 \$0	\$0 \$0		\$9,270	\$9,548	
Lutheran Services in Iowa Mid-Iowa Community Action	Family Development/Education	4.1a 4.1a	\$6,932	\$6,932	\$6,932	\$6,932	\$7,279	5.01%	\$0 \$21,576	\$0 \$22,655	
Raising Readers	Thrive by 5	4.1a 4.1a	\$0,932	\$6,932	\$6,000	\$6,932	\$8,000	5.01%	\$21,576	\$16,000	
Raising Readers	Out of School time learning	4.1a	\$0	\$0	\$8,000	\$7,690	\$6,000	-21.98%	\$27,690	\$6,000	
Youth and Shelter Services	Family Development/Education	4.1a	\$8,669	\$9,000	\$9,000	\$9,000	\$9,000	0.00%	\$18,000	\$18,250	1.39%
Touth and Sheller Services	Family Life Services Subtotal	4.1a	\$15,601	\$1 <b>5</b> , <b>932</b>	\$29,932	\$23,622	\$30,279	28.18%	\$89,523	\$85,843	
V 101 11 0											
Youth and Shelter Services	Foster Family Recruitment	4.1b	\$0	\$0	\$0	\$0	\$0		\$0	\$0	
American Red Cross	Separated Families	4.1c	\$0	\$0	\$2,000	\$0	\$0		\$1,000	\$1,000	0.00%
	Volunteer Management										
Visiting Nurse Services	Foster Grandparent Program	4.2b	\$3,221	\$3,382	\$3,382	\$3,382	\$7,265	114.81%	\$11,879	\$25,750	116.77%
RSVP	Volunteer Management	4.2b	\$20,400	\$21,200	\$21,800	\$21,200	\$21,600	1.89%	\$60,301	\$61,500	
Volunteer Center of Story County	Volunteer Management	4.2b	\$5,190	\$6,000	\$7,000	\$6,000	\$6,775	12.92%	\$65,725	\$69,810	
	Subtotal		\$28,811	\$30,582	\$32,182	\$30,582	\$35,640	16.54%	\$137,905	\$157,060	13.89%
The Arc of Story County	Service Coordination	4.2c	\$0	\$0	\$2,000	\$838	\$1,150	37.23%	\$3,635	\$4,075	12.10%
Heartland Senior Services	Service Coordination (Friendly Visitor)	4.2c	\$6,171	\$6,171	\$6,171	\$6,171	\$2,671	-56.72%	\$15,640	\$8,140	
Heartland Senior Services	Service Coordination (Outreach)	4.2c	\$32,559	\$34.187	\$34,187	\$34,187	\$39,046	14.21%	\$89,424	\$101,245	
Treathand Serior Services	Service Coordination (Outreach)	4.20	\$38,730	\$40,358	\$42,358	\$41,196	\$42,867	4.06%	\$108,699	\$113,460	
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Heartland Senior Services	Activity and Resource Center	4.2d	\$32,500	\$32,500	\$34,125	\$32,500	\$34,125	5.00%	\$35,905	\$37,700	5.00%
ACCESS	Public Education & Awareness	4.3a	\$2,700	\$2,925	\$3,300	\$2,925	\$3,500	19.66%	\$15,500	\$17,500	12.90%
Eyerly Ball	(Prevention and Education)	4.3a	\$0	\$0	\$0	\$0	\$0		\$15,805	\$16,358	3.50%
National Alliance on Mental Illness	Public Education & Awareness	4.3a	\$450	\$450	\$1,500	\$463	\$500	7.99%	\$4,738	\$5,500	16.08%
Youth and Shelter Services	Public Education & Awareness (Substance Abuse)	4.3a	\$26,921	\$26,921	\$30,000	\$26,921	\$30,000	11.44%	\$37,921	\$42,000	
Youth and Shelter Services	Public Education & Awareness (Child Safety)	4.3a	\$7,000	\$8,400	\$10,000	\$8,400	\$10,000	19.05%	\$24,840	\$29,500	
Youth and Shelter Services	Public Education & Awareness (HIV/AIDS)	4.3a	\$250	\$0	\$0	\$0	\$0		\$3,709	\$3,709	
Youth and Shelter Services	Public Education & Awareness (Adolescent Pregnancy Prevention)	4.3a	\$250	\$750	\$1,500	\$450	\$1,500	233.33%	\$450	\$2,400	
	Public Education and Awareness Subtotal		\$37,571	\$39,446	\$46,300	\$39,159	\$45,500	16.19%	\$102,963	\$116,967	13.60%
National Alliance on Mental Illness	Advocacy for Social Development (Wellness Center)	4.3b	\$1,000	\$5,000	\$7,000	\$5,000	\$5,000	0.00%	\$32,000	\$37,940	18.56%
National Alliance on Mental Illness	Advocacy for Social Dev (Family & Consumer Edu)	4.3b	\$0	\$0	\$0	\$0	\$0		\$6,394	\$7,000	9.48%
National Alliance on Mental Illness	Advocacy for Social dev (Family & Consumer Support)	4.3b	\$0	\$0	\$0	\$0	\$0		\$8,230	\$9,000	
Raising Readers	Advocacy for social development	4.3b	\$0	\$0	\$25,000	\$0	\$25,000		\$14,468	\$70,000	
Volunteer Center of Story County	Advocacy for Social Dev (Service Learning)	4.3b	\$0	\$1,000	\$1,050	\$1,000	\$700	-30.00%	\$9,170	\$9,000	-1.85%
YWCA	Advocacy for Social Dev	4.3b	\$0	\$0	\$0	\$0	\$0		\$5,850	\$6,000	
YWCA	Advocacy for Social Developmenet (Against Discrimination)	4.3b	\$0	\$0	\$0	\$0	\$0		\$6,000	\$5,265	
The Arc of Story County	Advocacy for Social Development	4.3b	\$0	\$0	\$0	\$0	\$0		\$24,000	\$25,280	
	Advocacy for Social Development Subtotal		\$1,000	\$6,000	\$33,050	\$6,000	\$30,700	411.67%	\$106,112	\$169,485	59.72%
Raising Readers	Resource Development	4.3c	\$0	\$0	\$4,000	\$0	\$0		\$0	\$0	
VINCA	Information Colf Income and Employment	4.0-	**	**	**	**	**		<b>#</b> 4 100	Φ4.400	0.0004
YWCA	Informal Ed for Self Improvement/Enrichment  Total Panel 4 Prevention/Support Services	4.3e	\$154.213	\$0 \$164.818	\$0 \$223.947	\$0 \$173.059	\$0 \$219.111	26.61%	\$1,100 <b>\$583.207</b>	\$1,100 <b>\$682.615</b>	
	Total Faner 4 Prevention/Support Services		\$104,213	₹104,010	\$223, <del>3</del> 47	\$173,009	<b>₹13,111</b>	20.01%	<b>\$303,207</b>	Ψ00∠,013	17.03%

ITEM # <u>29</u> DATE: 12-16-14

#### **COUNCIL ACTION FORM**

#### SUBJECT: REPLACEMENT OF POWER PLANT COOLING TOWERS

#### **BACKGROUND:**

The 2014-2019 Capital Improvements Plan (CIP) includes a \$1,600,000 project to make major repairs to the Power Plant's Unit 7 and Unit 8 cooling towers. These cooling towers are used to cool the water that condenses the steam into water after power is generated in the steam turbine.

Two recent evaluations of the cooling towers have confirmed that both structures have reached a state of unacceptable deterioration. This stems from erosion and decay due to near continuous operation since 1967 for unit #7 and 1982 for unit #8, with periodic repairs throughout this time period. The conclusion of the original equipment manufacturer and third party inspections is to change project from a repair to a total replacement of both towers being rebuilt on their existing concrete basins.

This project is crucial because the Power Plant turbines cannot operate without functioning cooling towers. Poorly performing cooling tower operation directly effects power production and lowers plant operating efficiency.

The City's cooling tower structures are made from wood, which erodes and decays over time with the constant flow of air and water. Last winter ice caused damage to the towers that required assistance from outside firms to repair. During the repairs, Power Plant staff had both towers inspected by a tower supplier. Their inspection was intended to develop a scope of work for repair of both towers. However, the repairs required were so extensive that they recommended replacement of both towers. Staff then hired a third party independent cooling tower specialist/consultant to inspect the towers for a second opinion on repair versus replacement. This consultant advised the City that the towers had reached the end of their lives, and that the City should expeditiously replace both towers in order to operate safely and reliably.

Staff has developed a new Capital Improvement Plan project sheet for Cooling Tower "Replacement" that will be presented to Council as part of the new CIP and will replace the current Cooling Tower "Repair" project already approved by Council. This replacement project is now estimated to cost \$4,000,000. In order to have the needed work done next September, it is vital that engineering work commence immediately.

This phase of the project is for engineering services. The scope of work requires the engineering firm to provide detailed technical specifications, a detailed engineer's cost estimate, a list of potential bidders, bid evaluation assistance, and post contract award administration of the contract and field management of the contract and contractor during the periods of field work. Plans are to perform

the tower replacement work on Unit #8 at the same time the unit is down for the coal to natural gas fuel conversion project this fall. To meet this schedule, engineering must be performed in early 2015.

On October 29, 2014, a Request for Proposal (RFP) was issued to eighteen firms for proposals. The RFP was advertised on the Current Bid Opportunities section of the Purchasing webpage, and was also sent to two plan rooms. On November 25, 2014, staff received proposals from nine firms. Staff evaluated the proposals and independently evaluated and scored all nine proposals in the following two steps:

#### STEP 1:

The proposals were evaluated based on compliance with proposal documents. This criterion was rated on a Pass / Fail basis.

#### STEP 2:

The proposals were evaluated based on: 1) the firm's experience and references for similar projects; 2) knowledge, capabilities, skills, and abilities of the proposed project team based on the resumes submitted; 3) the described work approach; and 4) price and rates.

Based on the matrix used to quantify these proposals, the averaged scores in this step are shown below:

Offerors	Averaged Scores	Evaluated Not-to- Exceed Amount (NTE) for Design & Bid Evaluation Assistance *	Post Contract Admin Work and Field Management (T & M or NTE)**	OVERALL (NTE or Amount + T & M)
Zachry Engineering Minneapolis, MN	893	\$47,500	\$73,500 (based on 3 months at \$24,500/month)	\$121,000
Brown Engineering Des Moines, IA	860	\$44,000	\$19,500 (based on 5 days for both towers)	\$63,500
Kiewit Engineering & Design Co., Lenexa, KS	773	\$70,000	Time & Material	\$70,000 + T & M
Sega Inc Stilwell, KS	731	\$105,000	\$98,000	\$203,000
Black & Veatch Corporation Overland Park, KS	691	\$89,500	\$106,700	\$196,200
Burns & McDonnell Kansas City, MO	645	\$195,000	\$160,000	\$355,000
Sargent & Lundy, LLC Chicago, IL	619	\$190,000	\$136,000	\$326,000
Lutz, Daily & Brain, LLC Consulting Engineers Overland Park, KS	560	\$219,000	\$77,280	\$296,280
Farris Engineering Des Moines, IA	522	\$398,910	Time & Material	\$398,910 + T & M

\*The <u>Evaluated</u> NTE is the amount in column 3 that contributed to the Averaged Scores in column 2. This insured a "like-kind" evaluation of all of the price portions of the proposals since two of the offerors did not submit NTE pricing for post contract scope of work.

\*\* It was not a mandatory requirement for offerors to propose NTE pricing for the Post Contract Administrative Work and Field Management pricing in column 4. The primary reason was because the actual amount of work needed will depend on the power plant staff's work load and whether the work can be done in house.

Each score was based on a scale of 1 to 10. Overall, 1,000 possible points were available cumulatively for each firm. The overall weighted score was a function of the aforementioned evaluation factors.

Staff judged that Zachry's experience is more comprehensive and their job approach better developed than the other firms. Zachry's post contract work appeared very reasonable, and their price quote was among the lowest received.

The apparent low bidder, Brown Engineering, assumed only five days of Administrative Work and Field Management, whereas all other bidders assumed a more realistic amount of time on site. For this reason, staff was very concerned that the required work could not be adequately accomplished by Brown at the price quoted.

Kiewit Engineering & Design was another highly ranked bidder. However, the unspecified nature of Kiewit's "time + materials" quote versus Zachry's not-to-exceed price made selecting Zachary a more secure funding choice.

Based on the averaged scores and a unanimous decision by the evaluation committee, staff is recommending that a contract be awarded to Zachry Engineering, Minneapolis, MN, for an amount not-to-exceed \$121,000. Payments would be calculated on unit prices bid for actual work performed.

As was noted above, the current, Council-approved CIP has \$1,220,000 in FY15/16 and \$400,000 in FY16/17 for cooling tower repairs. The <u>proposed</u> CIP which City Council will receive in early 2015 will include a new Cooling Tower CIP sheet replacing the existing one, with \$125,000 in FY2014/15 for engineering, and \$3,875,000 in FY 15/16 for materials and labor to replace the cooling towers.

#### **ALTERNATIVES:**

- 1. Award a contract to Zachry Engineering, Minneapolis, MN, for Engineering for Units 7 and 8 Cooling Tower Replacement in an amount not-to-exceed \$121,000.
- 2. Reject all proposals and delay the engineering for the replacement of the Units 7 and 8 Cooling Towers.

# **MANAGER'S RECOMMENDED ACTION:**

Multiple outside evaluations have confirmed that this project is necessary to restore the integrity and efficiency of the cooling towers. If the cooling towers are not replaced this coming year, then the risks of catastrophic failure will increase significantly. Should that happen, electricity production would stop.

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

ITEM # <u>30</u> DATE: 12-16-14

#### **COUNCIL ACTION FORM**

SUBJECT: SPRING 2014 POWER PLANT BOILER REPAIRS – CHANGE ORDER NO. 4

#### **BACKGROUND:**

Upon inspection of the boiler following the Unit 8 tube replacement project in 2013, two major issues were noted. One was that the attemperator's internal liner was found to be dislocated and needed to be replaced, and the other was that the bottom of the boiler was pulling away from the ash handling system and needed to be repaired.

This portion of the project is for labor and materials for the following work:

- replacement of the primary superheater attemperator
- · disassembly/reassembly of the boiler ash grates
- replacement of the boiler water seal box/trough and box/trough seal plates
- ash grate shafts and bearings
- ash hopper refractory
- undergrate air metal bellows expansion joint
- designated undergrate air ductwork in the Unit No. 8 Boiler

City Council approved purchase of the attemperator itself on October 8, 2013.

On December 10, 2013, City Council awarded a contract to ProEnergy Services, LLC, Sedalia, MO, for the spring 2014 Boiler Repairs in the amount of \$331,069.50 plus applicable sales taxes to be paid directly by the City. Council should note that change orders were anticipated with the original scope of work, but the extent and scope of work was unknown until disassembly.

#### **CHANGE ORDER HISTORY:**

Three change orders have previously been issued for this project based on estimates received from ProEnergy.

**Change Order No. 1** for \$23,000 increased funds to cover miscellaneous repair work uncovered during demolition.

**Change Order No. 2** for \$133,000 was for (1) repair and replacement of steel hopper and inlet deck with stainless steel; (2) replacement of under refractory concrete; and (3) replacement of the airfoil.

**Change Order No. 3** for \$23,500 increased funds to cover replacement of the structural connection between the boiler bottom and the grate support system.

The total cost of the base contract plus the previous three change orders listed and described above is \$510,569.50.

#### **CHANGE ORDER NO. 4:**

City Council authorization for a fourth change order is now requested. This change order is for the additional costs for the work required to complete the work items listed in Change Order No's. 2 and 3 above.

ProEnergy's on-site manager did not provide updated cost estimates or cost tracking information to the City despite almost daily urging from plant management and staff. When queried about the need for additional spending authorization, ProEnergy's continued response was that "we should be okay". ProEnergy demobilized on June 3, 2014 with the work completed, and Unit No. 8 was returned to service.

After the project work was done, ProEnergy's management determined and subsequently advised City staff that the authorized amounts were insufficient, since their actual costs were substantially higher due to several weeks of additional labor. ProEnergy recognized that it was their responsibility to track costs and keep City staff informed, and that expenditures by them without gaining prior City authorization were completely at their own risk.

In order for staff to consider payment of the extra costs, ProEnergy opened their project financial data, time sheets, etc., to staff for review. Extensive documentation was provided for the work, including the lump sum base portion of the project and the change orders.

Since completion of the work this past June, staff has spent months reviewing the provided documentation consisting of timesheets, material and consumable supply invoices, equipment costs, and subcontractor bills associated with the project. The documentation was well presented, organized, accurate, and provided backup and justification for the extra costs, albeit not authorized or approved by the City before the work was completed. Based on staff's review, ProEnergy removed \$28,329.40 of equipment rentals assigned to the extra work.

Separately, Council should note that there was a typographical error made by staff in the total amount that needed to be approved for Change Order No. 2. At the May 6, 2014 meeting Council approved Change Order No. 2 in the amount of \$133,000. The change order consisted of three components: 1) repair and replacement of steel hopper and inlet deck with stainless steel in the amount of \$60,000; 2) replacement of under refractory concrete in the amount of \$55,000; and (3) replacement of the airfoil in the amount of \$28,000. Although the total dollar amount of the three items was \$143,000, staff mistakenly recommended that Council approve only \$133,000 for that work. That leaves a \$10,000 discrepancy that needs to be corrected. Therefore, the total for

Change Order No. 4 includes paying ProEnergy the additional \$10,000 from Change Order No. 2.

The total cost of Change Order No. 4 is \$155,493.00. Upon Council action, the project will then be closed.

#### PROJECT COST HISTORY:

This fourth change order would increase this phase of the Spring 2014 Boiler Repairs project cost by an additional \$155,493, bringing costs for this phase of the project to \$666,062.50. The overall project cost committed to date (inclusive of the attemperator purchased separately and Change Order No. 4) is \$829,468.85.

The original engineer's estimate for the base portion of the project (labor and materials other than the attemperator) was \$461,000. There were several options included in the bid specifications that could be added to the base portion of the bid through the City's Change Order process if it was found that the work was needed after the boiler was opened up. The work completed under Change Order #4 does fall into these categories and staff believe the work and resulting payment for the work is justified.

The cost of the attemperator was covered using FY 2013/14 operating funds budgeted for power plant boiler parts and supplies. The engineer's estimate for the boiler repairs work (labor and materials) was \$461,000, and the original funding identified from the FY2013/14 Electric Production operating budget was \$475,000 from the Unit #8 Boiler Maintenance account. Additional funding exists to cover the balance now requested by ProEnergy, including Change Order #4, from the approved FY14/15 Electric Production operating budget, which contains \$536,000 in the Unit No. 8 Boiler Maintenance account.

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

# **Attemperator (purchased separately):**

\$163,406.35\* Bid award amount for Replacement Superheater Attemperator
\* Inclusive of Iowa sales tax

#### **Spring 2014 Boiler Repairs:**

\$331,069.50\*\* Bid award amount for Spring 2014 Boiler Repairs
\$23,000.00\*\* Contract Change Order No. 1 to Spring 2014 Boiler Repairs
\$133,000.00\*\* Contract Change Order No. 2 to Spring 2014 Boiler Repairs
\$23,500.00\*\* Contract Change Order No. 3 to Spring 2014 Boiler Repairs
\$155,493.00\*\* Contract Change Order No. 4 (pending Council approval of

#### this agenda item)

\*\* These amounts do not include applicable sales tax which the City will pay directly to the state of Iowa.

\$666,062.50 Total for Spring 2014 Boiler Repairs committed to date

## Overall:

\$829,468.85 Attemperator and Spring 2014 Boiler Repairs

# **ALTERNATIVES**:

- 1. Approve contract Change Order No. 4 to ProEnergy Services, LLC, Sedalia, MO, for the Spring 2014 Boiler Repairs in the amount of \$155,493 plus applicable sales taxes to be paid directly by the City of Ames to the State of Iowa.
- 2. Reject contract Change Order No. 4.

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

This unfortunate situation stemmed from ProEnergy Services' failure to adequately inform the City of additional needed work on the Unit 8 boiler. It could be argued that the City has no legal obligation to pay this additional amount, although ProEnergy may feel otherwise. However, the City did actually benefit from the work performed.

All of the work performed by ProEnergy Services was needed for the continued reliable operation of Unit 8, and was done in a satisfactory manner. The costs associated with the additional work were expended by ProEnergy and have been substantiated. If ProEnergy had advised staff during the course of the work when the change order was required, staff would have immediately sought authorization from the City Council to complete the work.

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

ITEM # <u>31</u> DATE: 12-16-14

#### **COUNCIL ACTION FORM**

#### SUBJECT: CHANGE ORDER # 6 TO THE RITTS LAW GROUP AGREEMENT

## **BACKGROUND**:

In September of 2009 the City Council approved an engagement and retainer agreement with The Ritts Law Group, PLLC of Alexandria, Virginia, for legal services related to regulatory compliance with the Clean Air Act.

For the initial agreement, Council authorized expenditure of an amount not to exceed \$100,000. During the initial twelve months, Ritts worked closely with Electric Services and the Legal Department to evaluate projects scheduled at the steam electric plant and the combustion turbines. In the ensuing years Ritts has continued to provide assistance in support of a number of matters facing Electric Services, including the following:

- The City's request to the Iowa Department of Natural Resources (IDNR) for a Prevention of Serious Deterioration (PSD) non-applicability determination.
- Engineering and legal analyses necessary to amend the air permits for the power plant as required by IDNR.
- Technical assistance to City staff in obtaining a determination that the wastewater treatment facility and the power plant do not comprise a single stationary source for air emissions.
- Support regarding the U.S. Court of Appeals decision regarding the Environmental Protection Agency's Cross-State Air Pollution Rule (CSAPR).

Since its engagement with The Ritts Law Group in 2009, the City has expended a total of \$431,823 with this firm. The initial engagement and the subsequent change order history is summarized below:

Initial Purchase Order	September 8, 2009	\$100,000
Change Order #1	September 28, 2010	\$ 50,000
Change Order #2	March 1, 2011	\$ 50,000
Change Order #3	November 1, 2011	\$ 50,000
Change Order #4	February 14, 2012	\$ 50,000
Change Order #5	July 11, 2013	\$ 50,000
Change Order #6	August 26, 2014	\$100,000

Additional funding is needed for the City to continue to receive analyses and legal advice from the Ritts Law Group regarding existing Clean Air Act issues and proposed regulations that currently affect the City's electric utility, or are critical in planning and mapping out the future of the utility's energy producing resources. **Staff is now in the process of filing permits for the power plant fuel conversion which requires** 

specialized environmental legal support and extensive environmental analysis. These services continue to be needed under the Ritts agreement.

Council authorization is now requested to extend the engagement with Ritts Law Group for an additional amount not to exceed \$100,000. Funding is included in the approved FY15 Capital Improvements Plan under the Unit #7 and #8 Fuel Conversion project.

## **ALTERNATIVES**:

- 1. Approve contract Change Order No. 7 in the amount of \$100,000 to Ritts Law Group for specialized environmental legal support, extensive environmental analysis and Iowa DNR construction permit preparation work.
- 2. Reject contract Change Order No. 7.

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

A construction permit from the IDNR is required in order to begin the physical conversion of the power plant from coal-fired operation to natural gas-fired operation. In filing a permit application with IDNR, there is a requirement to submit supporting documents that include extensive environmental analysis. Submitting an incomplete or incorrect permit application would delay issuance of the construction permit and delay the entire project. Funding to provide the analysis and support is available from the original project budget.

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

ITEM # <u>32</u> DATE: 12-16-14

#### **COUNCIL ACTION FORM**

<u>SUBJECT</u>: REPORTING REQUIREMENTS FOR PAWNBROKERS AND OTHER DEALERS OF SECONDHAND GOODS

#### **BACKGROUND:**

The Ames *Municipal Code* currently requires pawnbrokers and itinerant dealers to keep physical record books of their transactions. Pawnbrokers' record books are subject to inspection by the Police in criminal investigations. Itinerant dealers are required to provide their record books to the Police for photocopying prior to their leaving the City.

These processes are intended to identify and recover stolen items. Although the vast majority of transactions conducted by these dealers are bona fide, shortcomings in the current record-keeping system create opportunities for stolen goods to unknowingly be bought and sold.

# **Challenges:**

According to the *Municipal Code*, pawnbrokers must keep paper records of the past ten years of transactions. In practice, pawnbrokers have also routinely provided the City with electronic spreadsheets of transactions. These are uploaded into the Police Department's records management system. **However, the conversion process is cumbersome and the details of each transaction vary widely.** 

Pawn shop transactions involve a variety of items, including tools, jewelry, precious metals, stones, bicycles, firearms, coins, and sports equipment. If a resident reports the theft of an item that might be sold to a pawnbroker, the Police must physically visit the premises of each pawnbroker in the City to inspect their record books for that item. The level of detail in the records varies from dealer to dealer, which makes positive identification of goods more challenging.

Ames currently has three licensed pawnbrokers. Each is owned by an out of state firm, and is part of a larger network of similar stores. This presents challenges in that goods can travel into or out of the area as they are transferred from store to store. If an item stolen in Ames is sold at a pawn shop and is not recovered within a few days, it may be transferred to a shop in another community. **Using paper records, it is very difficult to recover stolen items once they have left the City.** 

The *Municipal Code* does not require stores other than pawnbrokers and itinerant dealers to keep records of transactions, even though other businesses purchase items of value such as used electronics or precious metals—items that are frequently subject to theft.

In addition to pawnbrokers, approximately ten other Ames businesses purchase video games and video game systems, electronics, jewelry, precious metals, coins, and gemstones. These establishments are under no City requirements to hold items or to track them, meaning they can be immediately resold, transferred, or in the case of precious metals, melted, making recovery difficult or impossible if those goods have been stolen.

According to theft records from 2012, 2013, and 2014 (projected), Ames averages approximately \$150,000 in stolen goods reported each year. These figures do not count unreported thefts, thefts of motor vehicles, or theft reports taken by ISU Police. Electronics comprise 39% of total stolen goods by value; while jewelry and precious metals represent 21%. At least 75% of the value of stolen items is comprised of goods that could be resold through a legitimate pawn, jewelry, electronics, or coin business for cash or other goods.

### **Electronic Records for Better Theft Investigation:**

Locally, Express Pawn, EZ Pawn, EcoATM, Best Buy, Gamerz, and GameStop use a service called *Leads Online* to record transactions of used goods. Eco ATM, Radio Shack, Sam's Club, and Walmart use similar methods to electronically record seller details for their purchases of used electronics. These internet-based services record photos of the item sold and the seller's ID card, details about the transaction and the seller, and any other pertinent information. If the Police receive a theft report for an item matching that description, the item can be looked up in the database and located. **Leads Online is free for merchants, but has a cost to the City of approximately \$3,500 per year.** Once entered, information in the database is only available for law enforcement purposes. It allows for a faster and larger search to take place than visiting each store to view paper records, making it more likely that stolen property can be recovered.

This type of electronic recordkeeping is required in Bettendorf, Davenport, Des Moines, Dubuque, Sioux City, and other jurisdictions outside Iowa. Those cities' ordinances define "secondhand goods" as items such as jewelry, tools, and electronics, and require participation in an electronic reporting system. The use of this type of system is advantageous to secondhand dealers in that it is relatively efficient to use and helps deter thieves from selling them stolen goods. Using a sophisticated online tool to track items and deter sales of stolen items may help reduce the liability of unsuspecting buyers, since stolen items discovered by the Police in a shop will be seized from the shop without compensation. Such a system could also replace the use of paper record books for pawnbrokers and itinerant merchants.

It is important to note that more sophisticated criminals are likely to take goods out of the area before attempting to exchange them for cash. Changes to record-keeping processes in Ames cannot be guaranteed to thwart such crimes. However, the Police Department has had some success in recovering stolen items using Leads Online on a trial basis.

#### Feedback From Those Impacted

City staff consulted with the jewelers in Ames who buy precious metals and gems from customers about the concept of using a reporting system. Most reported that these transactions are infrequent and for small dollar amounts, with low-value broken jewelry being the most common type of jewelry bought from customers. The City Council should understand that two of the four jewelers contacted indicated that requiring reporting and a holding period would not be challenging. However, two jewelers expressed significant concern about reporting and holding requirements, and whether these constituted an intrusion into what is otherwise a private transaction. Concerns were also raised about the additional administrative burden of reporting each purchase of secondhand jewelry.

A local coin dealer also indicated that it would be very difficult to report the details of each coin transaction, particularly since it is common to purchase an entire lot of coins with identical markings and no distinguishing features that can be tracked.

Because stolen precious metals and gemstones could be sold without going through a pawnbroker or itinerant dealer, City staff is recommending that reporting requirements be extended to secondhand dealers who purchase these items. Since most electronics buyers in Ames already use electronic reporting, this discussion provides an opportunity to codify that reporting in a manner consistent with other secondhand goods dealers.

Due to a lack of unique identifying characteristics, purchases and sales of coins by a professional numismatist would also be exempted. For this reason, professional numismatist purchases and sales are exempted from the Des Moines ordinance regarding secondhand goods.

With this background, the following changes are proposed to the City's existing reporting requirements:

CURRENT REQUIREMENTS	PROPOSED REQUIREMENTS	
Pawnbrokers:	Pawnbrokers:	
<ul> <li>Paper logbook kept for 10 years</li> </ul>	Electronic reporting to online service	
<ul> <li>10 day holding period before disposing of purchases</li> </ul>	<ul> <li>10 day holding period before disposing of purchases</li> </ul>	
<ul> <li>Seller and buyer details recorded</li> </ul>	<ul> <li>Seller and buyer details recorded</li> </ul>	
Itinerant Dealers:	Itinerant Dealers:	
<ul> <li>Paper logbook, kept for ten years, and provided to the Police prior to leaving Ames</li> </ul>	Electronic reporting to online service	
<ul> <li>10 day holding period before disposing of purchases</li> </ul>	<ul> <li>10 day holding period before disposing of purchases</li> </ul>	

CURRENT REQUIREMENTS	PROPOSED REQUIREMENTS		
Seller and buyer details recorded	Seller and buyer details recorded		
Secondhand Dealers (buyers/sellers of electronics, precious metals and stones):	Secondhand Dealers (buyers/sellers of electronics, precious metals and stones):		
No requirements	<ul> <li>Electronic reporting to online service of purchases of items \$100* or more in value, or aggregate purchases from the same person in the same day totaling \$200* or more</li> <li>No reporting requirements for transactions involving coins bought and sold by professional numismatists</li> <li>10 day holding period before disposing of purchases</li> </ul>		

#### **ALTERNATIVES**:

1. Direct staff to prepare an ordinance requiring electronic recordkeeping for dealers of secondhand goods, including all pawnbroker and itinerant dealer transactions, and purchases and sales of jewelry, precious metals, gemstones, and electronics, excluding coins purchased by a professional numismatist.

The option accomplishes two objectives: 1) expands the list of businesses that are required to report transactions to all secondhand goods dealers, including jewelers and excluding coin shops, and 2) adds the requirement for electronic reporting.

2. Direct staff to prepare an ordinance modifying the existing pawnbroker and itinerant dealer reporting requirements to provide electronic reporting.

This option accomplishes two objectives: 1) limits the reporting requirements solely to the same businesses that are currently required to report transactions (pawnbrokers and itinerant dealers), and 2) adds the requirement for electronic reporting.

3. Do change the reporting requirements for these types of transactions.

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

At a minimum, it is staff's belief that the reporting requirements in the Municipal Code for pawnbrokers and itinerant dealers should be updated to mandate electronic recordkeeping.

In an effort to respond to the concerns about the additional burden expressed by some secondhand dealers who would be added to this reporting requirement, the City Council

could focus efforts on items of greater value. For example, exempting the reporting of individual items less than \$100 in value, as long as aggregate sales by one person to a secondhand goods dealer in one day do not total \$200 or more, could be offered in the Code modification. (These value totals could be increased if the City Council believes that different amounts would make the proposed changes more acceptable to those impacted).

The existing reporting requirements for pawnbrokers and itinerant dealers require antiquated reporting methods. Improving the reporting method will help improve investigations and reduce the burden on the dealers. In addition, there are other merchants in Ames that also deal in the types of goods that might be stolen and then sold to a pawnbroker or itinerant dealer, but are not subject to the same reporting requirements.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby directing staff to prepare an ordinance requiring electronic recordkeeping for dealers of secondhand goods, including all pawnbroker and itinerant dealer transactions, and purchases and sales of jewelry, precious metals, gemstones, and electronics, excluding coins purchased by a professional numismatist.

ITEM # <u>33</u> DATE: 12-16-14

#### **COUNCIL ACTION FORM**

**SUBJECT:** REQUEST FOR DESIGNATION OF URBAN REVITALIZATION

AREA FOR PROPERTY LOCATED AT 517 LINCOLN WAY

(SQUEAKY CLEAN LAUNDROMAT)

#### **BACKGROUND:**

The property owner of 517 Lincoln Way has submitted a request for creating an Urban Revitalization Area in order to be eligible for tax abatement (Attachment A). The request is based upon the City Council's Highway Oriented Commercial (HOC) Criteria Matrix Policy (Attachment B). The City Council created this policy to identify the minimum requirements for when Council may choose to create an Urban Revitalization Area for removal of blight or for economic development.

The action to be taken by the City Council at this time is to determine if the request meets the conditions for eligibility under the Urban Revitalization Highway Oriented Commercial (HOC) Criteria and to initiate the proceedings for designating an Urban Revitalization Area. If the City Council determines that it meets the criteria, it would approve the application, direct staff to prepare an Urban Revitalization Plan, specify the standards for the plan, and set a date for the public hearing on an ordinance creating an Urban Revitalization Area at the proposed location.

To be eligible under the Highway Oriented Commercial Criteria, the property must be zoned Highway Oriented Commercial and must **meet** <u>one</u> of the following criteria: be vacant for seven years, contain a public nuisance, be a brownfield site, or be encumbered by flood plain and a nearby City well (See Attachment B). The subject site is currently zoned HOC and the applicant has indicated that the site has been vacant for more than seven years and was previously contaminated and therefore is a brownfield site. The applicant has an approved Minor Site Development Plan and construction is underway for a 4,725 square foot building and site improvements for a self-service laundry and another retail use (Attachments C,D,E,F).

City records confirm that the previous building was demolished by 1995 and therefore meets Highway Oriented Commercial Criteria #1 for a vacant site. Staff has also confirmed that the Iowa Department of Natural Resources previously listed the site as contaminated by leaky gasoline storage tanks and that the contamination was remediated and monitoring wells confirmed by 2007 that no further remediation was necessary. Redevelopment of the site was complicated by environmental contaminations for many years, and therefore meets Highway Oriented Commercial Criteria # 3 as a brownfield site.

If the City Council chooses to proceed, the following steps are needed to establish the Urban Revitalization Area and for the owner to receive the partial property tax

#### abatement:

- City Council adoption of a resolution finding that "economic development" of the area is necessary.
- City preparation of a "Plan," specify standards, include approved site.
- City Council setting date of public hearing, after mailed notice to owners within the area, and adoption of the Plan.
- City Council enactment of an ordinance designating the area.
- Owner construction of a project that conforms to the site plan and any other requirements that the approved Urban Revitalization Plan establishes for this Urban Revitalization Area.
- Owner application for the Urban Revitalization Program tax abatement after the improvements have been made in a project consistent with the Plan.
- Determination of conformance by the City and forward determination to assessor.
- Assessor calculation of the value of the actual tax abatement to establish taxable value.

# **ALTERNATIVES**:

- 1. The City Council can determine that the Request for Designation of Urban Revitalization Area for 517 Lincoln Way meets the Council's criteria for eligibility and direct staff to prepare the Urban Revitalization Plan and adopt a resolution setting the date of January 27, 2015 for a public hearing for the Plan and the Area.
- 2. The City Council can decline to initiate an Urban Revitalization Area for 517 Lincoln Way.
- 3. The City Council can refer this request back to staff for additional information.

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

City staff has found that the proposed for area is appropriate for economic development, based upon the City's adopted LUPP and commercial zoning for the site. The site has been vacant for more than seven years, and redevelopment has been complicated by environmental contamination. Staff has concluded that the eligibility requirements for Urban Revitalization under the Highway Oriented Commercial Criteria have been met. If Council has any additional interests beyond the HOC Criteria Policy for eligibility, it would need to be identified prior to drafting of an urban revitalization plan.

With the proposed schedule for establishing the urban revitalization area, the property owner would be able to apply for tax abatement starting with the 2016 taxes.

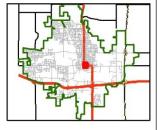
Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative #1. This action will approve the proposed project at 517 Lincoln Way as meeting the Council's criteria for eligibility for Designation of an Urban Revitalization Area, direct staff to prepare an Urban Revitalization Plan, and set a date for a public hearing for January 27, 2015.

# **Attachment A - Location Map**



# LOCATION MAP 517 Lincoln Way





#### Attachment B - Commercial Criteria

# URBAN REVITALIZATION HIGHWAY ORIENTED COMMERCIAL (HOC) REDEVELOPMENT CRITERIA

**Properties eligible** for tax abatement must be within the Highway-Oriented Commercial zoning district, and also fit within <u>one</u> or more criteria.

- 1. Properties from which the principal building has been removed and the property has been vacant for at least seven years.
- 2. Properties with a principal building that has been determined by the Building Official as meeting the definition of "Public Nuisance" in the Ames *Municipal Code*, Chapter 5, "Building, Electrical, Mechanical and Plumbing Code" (Currently Section 5.401(7)).
- Development or redevelopment of Brown Fields. Brown Fields include abandoned or underused industrial and commercial facilities or sites available for re-use or redevelopment. Expansion or redevelopment of such a facility or site is complicated by environmental contaminations.
- 4. Properties with at least 20% of the property area being within 1,000 feet of a City of Ames water well and within the Floodway-Fringe Overlay zoning district. The Developer must demonstrate that the proposed project cannot be configured or designed in a manner to avoid significant extra impact to the project because of its location near a City well head.

**Non-qualifying Uses.** Notwithstanding compliance under the above categories, tax abatement shall not be granted for properties developed for or otherwise used for the following uses:

- 1. Mini-storage warehouse facilities or other industrial uses.
- 2. Transportation, communications, and utility uses.
- Institutional uses.
- 4. Automotive, boat, and/or RV sales.
- 5. Adult entertainment businesses.
- 6. Detention facilities.
- 7. Agricultural or industrial equipment sales.

# Attachment C – Application

DE	CEIVED	URA-14-	O/ Effective Dat	e: March 25, 2013				
ΠL	NOV 12 2014 Request for Designation of							
CITY OF AMES IOWA Urban Revitalization Area for								
DEPT.	Commercial Development							
		Application Form						
(	(This form must be filled out completely before your application will be accepted.)							
1.	Property Address: 517 L	incoln way, Ames						
2.	Property Identification Number	(Geocode): 09 -02	-357-04	0				
3.	Legal Description (attach, if length black 48 in the Fac	othy): Lot 3 and the Wiesth Addition to A	est 40 Feet of	-Lot Z, all				
4.	Street Address of Property to b	A	italization Area: _ 5000					
5.	Property Owner:	aby Clean Inc.						
	Business: Squeen	ky Clean Inc.						
	Address: IN K Ave	Nevada	TA.	50201				
	(Street)	(City)	(State)	(Zip)				
	Telephone: <u>515-291-5299</u> (Home)	515-231-3447 (Business)	(Fax)					
6.	Contact Person:	tine Heintz						
	Business: Squeak	y Clean Inc.						
	Address: ILC K ACH	- Nevada	IA.	50201				
	(Street)	(City)	(State)	(Zip)				
	Telephone: 515-291-5290 (Home)	(Business)	(Fax)					
	E-mail address: Shanehe	1 + 01 1 1	75.0 C2000					
I (We) certify that I (we) have submitted <u>all</u> the required information to apply for approval of the Request for Designation of Urban Revitalization Area and that the information is factual.								
	Signed by: Property Owner(s)	FOR	Date: 11-10-	14_				
	Christine He	intz, Squakyl	lean.					

(Note: No other signature may be substituted for the Property Owner's Signature.)

# Attachment C - Application

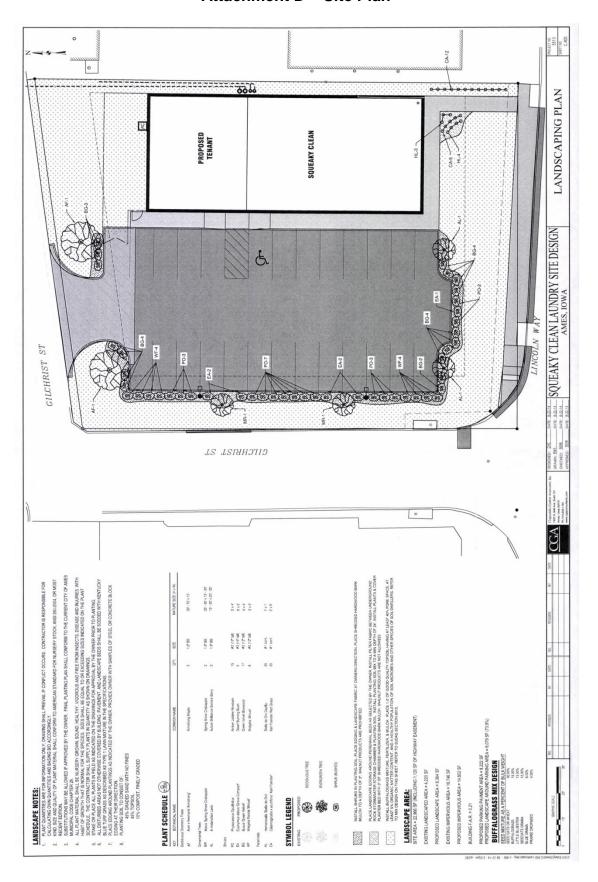
Effective Date: March 25, 2013

# Request for Designation of Urban Revitalization Area for Commercial Development

Criteria for Eligibility

Please describe how the property meets the required criteria. Please attach additional sheets if necessary. his property meets the following eligibility cirteria. 1) New communial building is under construction on Disputy. This will doubte the property value meeting the cirtura that improvements will increase property value by at least 5%. Property is located within the Highway-Oriented Commercial Zoning district. 3) Property has been vacant of any commercial building Since approximately 1987 meeting the vacancy criteria. 4) Property was previously contaminated of reducionment has been complicated due to this DNR deemed site as needing no further action in 2007. Property nexts criteria as being a brown Field redevelopment.

### Attachment D - Site Plan



### Attachment E - West Elevation



SQUEAKY CLEAN COIN LAUNDRY 517 LINCOLN WAY AMES, IOWA

4,800 SF

JULY 21, 2014



GILCHRIST STREET (WEST) ELEVATION SOME 18" - 11-17

### Attachment F - South Elevation



LINCOLN WAY (SOUTH) ELEVATION SQUE 18"-14"

SQUEAKY CLEAN COIN LAUNDRY
517 LINCOLN WAY
AMES, IOWA

JULY 21, 2014

4,800 SF

### Staff Report

## WIRELESS TELECOMMUNICATION FACILITY SITING REQUIREMENTS AND STANDARDS

December 16, 2014

### **BACKGROUND:**

The wireless telecommunications industry is dynamic, with ever-changing technologies. City staff works with telecommunications providers in a variety of capacities, including for the lease of City property or space on City water towers, for the coordination of City rights-of-way for utility use, and as a regulatory agency for permitting new facilities. At this time there are two separate issues that may be of interest to Council regarding wireless facilities:

- The first arises directly from a request by a cell provider to place small cell antennas on City street light poles. This implicates the City's proprietary and custodial roles for use of the right-of-way and access to City facilities. Up until now, wireless providers have only sought approval to construct wireless towers on City property or to install antennas on City facilities (water towers). This is the first time the City has received a request to install wireless equipment within the City's right-of-way on City equipment (street light poles).
- 2) The second issue will affect the City's regulatory zoning role, with mandatory federal rules for permitting of collocation of existing wireless facilities. This will include requirements to approve expansion and replacement of equipment.

General oversight of this industry is through the federal government. The Federal Communications Commission (FCC) administers federal regulations of telecommunications infrastructure, including rule making for consistency with federal requirements. The principal law regarding regulation of personal wireless services is the Telecommunications Act of 1996, which among others things set forth the policy of the United States Government to promote the deployment of personal wireless services. To date, local authority regarding the siting of new wireless facilities has been preserved when a local government does not act as a barrier to providing wireless service consistent with the intent and provisions of the 1996 Telecommunications Act.

In 2012, Congress passed legislation known as the Middle Class Tax Relief and Job Creation Act. Section 6409(a) of this legislation mandates that local governments approve collocation of eligible wireless facilities when there is no substantial change in the facility. On October 17, 2014, the FCC adopted new rules and definitions regarding cellular infrastructure deployment related to Section 6409(a). **These rules pertain to the regulatory process for collocation of wireless equipment of towers and base stations.** The FCC has created rules preempting local governments from regulating certain aspects of cellular installations in support of the goal for rapid siting and buildout

of cellular infrastructure. Notably, failure of a local government to act in manner consistent with the FCC rules for Section 6409(a) results in a "Deemed Approved" status of an application after 60 days.

The new rules particularly affect commonly seen wireless towers, but are also now applicable to all types of antenna systems, including distributed antenna systems (DAS) and small-cell systems. These types of infrastructure involve the use of many small antennas that are mounted on utility poles or in/on buildings. Clusters of these antennas help offload traffic from the traditional larger cellular antennas, often in event venues (e.g., the lowa State Center) or in large commercial areas (e.g., North Grand Mall). The effect of the new FCC rules is to apply the same federal mandates for larger cellular installations to these smaller antennas. The rules are applicable to sites on both private property and within the right-of-way. It does not affect terms of lease that may have been agreed upon by affected parties.

The FCC rules will become effective within 90 days of their publication in the Federal Register. As of this writing, publication has not occurred but is expected soon. Staff estimates a March 15<sup>th</sup> effective date of the FCC ruling. A listing of important determinations by the FCC included in these rules is attached.

### **Existing Ames Regulations**

The City's current zoning standards have been in place since 2000 and have not been adjusted for federal Court decisions, FCC rules, or changes in industry practices. Wireless facilities are allowed in all zoning districts. The Zoning Code requires a Special Use Permit to site new cellular installations. The Special Use Permit process requires that applicants demonstrate (1) that the proposed location is necessary for the functioning of the applicant's network, (2) that an effort to collocate has been undertaken and was unsuccessful for reasons other than being unable to agree on compensation, and (3) that the antenna height is the lowest needed to function effectively. Proposed sites must also meet a variety of safety and aesthetic requirements, such as height and setbacks. Please note that some of these provisions are outdated in the context of the requirements under federal law and are not always applicable with Special Use Permits.

The City's standards and process for new facilities are unaffected by the FCC Section 6409(a) rules. However, once approved, a wireless provider will have the right to alter the facility within the stated FCC parameters of height and width. Additionally, Ames' ordinance does not directly regulate collocation other than stating it is not subject to a Special Use Permit in most situations, and the ordinance does not correspond to recent definitions articulated by the FCC for base stations and wireless towers.

### Right-Of-Way Antennas

The City received a request to place small-cell antennas on City streetlight poles in the vicinity of North Grand Mall. Based on industry information and commentary, this will likely be a new technological tool of infill service by wireless providers for a variety of reasons related to technology, costs, and regulatory process.

The City's Zoning Code never contemplated this type of technology being implemented in the right-of-way. This makes it unclear if they are prohibited or if they can be permitted, and if permitted, what the process is for approval. Although the City's right of way ordinance specifically states that electronic communications are included as right-of-way users, the present language of Chapter 22A did not contemplate or address these types of installations. The Electric Department's policies regarding pole attachments are designed to address how utility cables attach to poles—not cellular antenna equipment. Public Works also does not have right-of-way encroachment policies for these types of facilities.

City staff has communicated to the requestor that more time is needed to establish policies and requirements for such installations. It is likely that portions of the Right-of-Way Code, the Zoning Code, and the Electric utility policies may need to be modified to accommodate this type of technology in an orderly manner. That need will emerge whether it is intentionally desired by the City or it comes through a public utility interpretation of right to use.

### **NEXT STEPS:**

No action is required of the City Council at the December 16th meeting. City staff intends to further investigate the ramifications of the new FCC requirements. This process will involve a legal analysis and a review of the City's existing requirements to determine what provisions in existing City laws may need to be modified.

In addition, City staff will evaluate how small-cell systems might be accommodated within the City's processes. This evaluation may include communicating with other communities, utilities, and wireless providers to better understand the technology and the implications of placing infrastructure in the City's right-of-way.

Once the new FCC regulations are published and the 90-day waiting period expires, any gaps in City policy may result in the creation of installations that are not desirable to the City Council. Therefore, City staff will work to address these issues as quickly as possible, and will return to the Council with needed changes within the next few months. The City Council should note that, due to timing issues, there may be a need to expedite the adoption of Code modifications by waiving second and/or third readings.

In the event that the City Council does not find a strong interest in prioritizing either issue for further investigation, the FCC rules will become effective and staff will work within the current language of the Municipal Code to the extent that it applies. Staff will continue to become informed about wireless issues and proceed towards updating rules as time allows. The City Council should note, however, that inconsistencies between the Municipal Code and federal law may create confusion, and the misapplication of federal requirements could result in facilities being deemed approved without local requirements being met.

In summary, what is clear to date is that, under the new FCC rules, an existing or approved wireless facility can be expanded regardless of local standards.

However, it is unsettled whether wireless providers have a right to locate facilities in the right-of-way without City consent regarding the type, design, location, or charge for use.

ATTACHMENT – Summary of FCC Rulemaking for Section 6409(a) of the Middle Class Tax Relief and Job Creation Act released on October 21, 2014.

6409(a) Local governments may not deny, and shall approve a request to modify an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station from its state in 2012.

"Wireless Tower" – Structure built for the sole or primary purpose of supporting licensed or authorized antennas and equipment.

"Base Station" – Any structure or equipment that enables communication between equipment and the network. (*staff comment- include buildings, poles, etc.*)

"Substantial change" is defined as:

- An increase of height by more than 20 feet or 10% (whichever is greater) when the tower is located outside public right-of-way, or by more than 10 feet or 10% (whichever is greater) when the tower is located on the public right-of-way. (staff comment- regardless of zoning standards for setbacks, height)
- o Protruding from the tower edge by more than twenty feet if outside the public right-of-way or by more than six feet if in the public right-of-way.
- Excavating
- Defeating existing concealment elements
- Local governments may only require applicants to provide documentation related to determining whether the facilities meet the FCC requirements.
  - Local government can only require information stated on the application and determined to be incomplete upon the initial submittal.
  - Local governments may continue to enforce and condition approval upon compliance with building, electrical, and safety codes reasonably related to health and safety.
- Local governments shall approve applications within 60 days of filing. Any application not acted upon within that time period shall be "deemed granted."
- Local governments may still exert property rights over installations. That is, where
  a cellular provider has asked to place cellular infrastructure on City property, then
  the City may place timing, design, and other constraints on the installation to its
  satisfaction.
- Small-cell and DAS systems attached to existing structures such as buildings and utility poles are considered "collocations" and are excluded from National Historic Preservation Act review.

•	Temporary towers meeting certain size limits and in place for less than 60 days are excluded from the requirement to provide national and local environmental notice in advance of their erection.			

Item #\_\_\_<u>35</u> Date: 12/16/14

### **Council Action Form**

# SUBJECT: REQUEST TO PARTICIPATE IN THE CITY OF MARSHALLTOWN LEAD HAZARD CONTROL PROGRAM

### **BACKGROUND**:

Back in October 2014, the City Council referred to staff a request from the City of Marshalltown to determine if the City of Ames is interested in participating in their Lead Hazard Control Grant Program. The City of Marshalltown currently administers this program in Hardin, Marshall and Tama Counties and 18 incorporated communities within those three counties.

The City of Marshalltown was notified in September 2014 that they have been awarded a three-year Lead Hazard Control Grant from HUD in the amount of \$3,400,000. The grant funds will be used to eliminate lead hazards in homes of children under the age of six in properties built prior to 1978 for households with incomes at 80% or less of the Area Median Income (AMI) limits. As part of their new grant award they are seeking to expand their jurisdiction to include Story and Benton Counties. To date the following jurisdictions in Story County are participating: unincorporated areas of Story County, McCallsburg, Cambridge, and Roland. Pending responses include: Ames, Nevada, Huxley, Maxwell, & Story City.

The program for eliminating lead hazards could cover such items as exterior and/or interior window replacement, siding, gutters, interior doors, paint stabilization, etc. Additionally, the program could provide \$3,080 of additional funds to make health and safety repairs. The grant will be in the form of a three year forgivable grant for both owner and renter occupied units. For homeowners, the amount available cannot to exceed \$23,500 per house. For rental property owners the amount available cannot to exceed \$19,999 per property and requires a 10% match. Approximately 130 homes total for all the participating jurisdiction could be serviced over three years at the maximum awards amounts.

In order for the City of Marshalltown to offer this program to the citizens of Ames, the City would need to enter into a 28-E Agreement with Marshalltown to operate in our jurisdiction.

Some highlights of the 28-E include the following;

- 1. The City of Marshalltown would agree to handle all administrative responsibilities related to the grant including all reporting requirements.
- 2. The City of Marshalltown would be responsible for all financial transactions, reporting and auditing related to the grant.
- 3. Program staff would be considered City of Marshalltown employees.
- 4. Assistance would be available to low-income (at 80% or less of the AMI) homeowners and rental property owners with low-income tenants to make housing units lead safe.
- 5. The Agreement shall run through November 2, 2017.
- 6. Program may begin in the spring of 2015.

City staff issues and concerns of the 28-E include the following:

- No provision for terminating the contract prior to November 2017.
- Service area is broad thereby limited attention can be provided to the Ames citizens.
- Program has a limited scope of services to reduce lead hazards and very minimal funds to address other major housing repair issues that can be found in the home.
- Past experience in allowing an outside agency/organization to administer housing programs in our jurisdiction has not been of a great benefit to our low income citizens. At times it has caused customer confusion on responsibility for programs.
- The City of Ames will not be implementing this type of specific program due to the limited scope, but is planning to have a more comprehensive rehabilitation program available in the spring of 2015 as well.

### **Alternatives:**

- 1. The City Council can direct the City Attorney to review the proposed 28-E Agreement and direct staff to place the item on the next agenda for Council approval.
- 2. The City Council can decline to be a participating jurisdiction in the Lead Hazard Program as outlined by the City of Marshalltown.

### **City Manager Recommendation:**

Staff initially sought to make modifications to Marshalltown's standard 28-E Agreement to address some administrative concerns about the program and to offer an expanded partnership option that would overlap their program with our upcoming CDBG Housing Improvement program. If both parties could have come to an agreement on how both programs could overlap and work together, this partnership could have can been an excellent opportunity to serve the citizens of Ames to reduce lead hazards and improvements of general housing conditions.

Staff has been in communication with the City of Marshalltown to discuss this partnership. The City of Marshalltown staff communicated that the program has stated that they would **not be** able to administer the program differently or in conjunction with the City of Ames program. If the City of Ames would choose to participate in the program, our participation must be consistent with their standard 28-E Agreement.

Without the ability to combine efforts on overlapping program, it appears the program would be a duplication of City services and potentially confusing to our citizens.

It is the recommendation of the City Manager, that the City Council adopt Alternative #2. Under this recommendation the City of Ames would decline to be a participating jurisdiction in the Lead Hazard Program as outlined by the City of Marshalltown.

ITEM # 36 DATE: 12-16-14

### **COUNCIL ACTION FORM**

SUBJECT: ENDORSEMENT OF IOWA ECONOMIC DEVELOPMENT AUTHORITY APPLICATION FOR FINANCIAL ASSISTANCE FOR BOEHRINGER

INGELHEIM VETMEDICA, INC., WITH LOCAL MATCH IN THE FORM

OF INDUSTRIAL PROPERTY TAX ABATEMENT

### **BACKGROUND:**

Boehringer Ingelheim Vetmedica, Inc. (BIVI), is a subsidiary of Boehringer Ingelheim USA based in Ridgefield, Connecticut. BIVI is part of the German Boehringer Ingelheim Group, a global pharmaceutical company. BIVI develops, manufactures, and markets veterinary pharmaceutical products. The Ames facility, located in the ISU Research Park, operates a health management center and diagnostic laboratory and conducts biological research. The company also operates a large manufacturing facility in Fort Dodge and has smaller operations in Sioux Center and Riverside.

The company has selected Ames as a location for expansion. BIVI has applied for economic development assistance from the Iowa Economic Development Authority (IEDA), with a local match provided by the City of Ames limited to our existing Industrial Property Tax Abatement program.

This project will include construction of a 52,088 square foot building in Phase II of the ISU Research Park. The new building will include 32,000 square feet of lab space. Total investment expected for the project is over \$11.9 million, including \$ 166,790 in High Quality Job Program tax credits from the IEDA. Though the company is committing only one additional job with the expansion, the expectation is that there will be several new jobs in Ames in addition to the 54 at the current facility. The IEDA has an open economic development incentive project with BIVI approved late in 2010 with statewide employment requirements. BIVI intends to use the employment growth generated by the Ames project to meet its commitments under the earlier agreement. The City of Ames is a small part of the 2010 incentive agreement that included large expansions by BIVI in Fort Dodge and Sioux Center.

IEDA will review the BIVI application for assistance later in December. For the IEDA to continue consideration of this project, the City Council must adopt a resolution supporting submittal of the BIVI application for IEDA assistance. For BIVI to receive the local match, the company will need to apply for the City's Industrial Abatement Program and the project must qualify with the terms of that program.

### **ALTERNATIVES:**

1. Adopt a resolution supporting the submittal of an application from Boehringer Ingelheim Vetmedica, Inc. requesting economic development assistance from

IEDA through the High Quality Jobs Program, with the local match limited to Industrial Property Tax abatement incentive which is contingent upon the City Assessor's determination of eligibility.

It should be emphasized that the determination as to whether or not the project qualifies for the Industrial Tax abatement incentive is made by the City Assessor. The Assessor recently advised staff that, based on the assumption that Boehringer Ingelheim will be conducting research and development at their proposed facility, it would qualify for the Industrial Exemption as defined in Iowa Code 427B.1 "Research-service facilities".

2. Do not adopt a resolution of support for the Boehringer Ingelheim Vetmedica, Inc. application.

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

BIVI is global leader in animal health. It has selected Ames as a location to make a significant investment of capital to expand its office/lab space in the ISU Research Park from 21,000 square feet to 52,088 square feet without any additional cost to City infrastructure. Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative #1 as described above.

It is important to note that previous local matches for projects that received State of lowa funding was 10%. Staff has been informed that this will continue to be the case <u>if</u> the State provides actual funding to a project. However, in those instances where a company receives tax credits from the State, the City will be expected to offer the five year industrial tax abatement program. In this case, in return for the \$166,790 in tax credits from the State, the value of the City's tax abatement is estimated to be \$1,184,446 based on the estimated assessed value for the new building at \$17,660,000.

Normally, this local incentive would not be an issue because the City Council has previously passed an ordinance that makes this tax abatement incentive available to any project in the City that qualifies. What makes this abatement significant is that it is being offered in the TIF District from which tax revenues are needed to pay for Phase III infrastructure improvements at the Research Park. As was mentioned in a previous staff report, the City could have negotiated terms with the Research Park Corporation to prohibit tax abatement in Phase II, but it was decided not to pursue that option.



Debi V. Durham, Director lowa Economic Development Authority

# **Business Financial Assistance Application**

Business Finance - Business Development Division Iowa Economic Development Authority 200 East Grand Avenue
Des Moines, Iowa 50309-1819
<a href="mailto:www.iowaeconomicdevelopment.com">www.iowaeconomicdevelopment.com</a>
Telephone: 515.725.3134 Email: businessfinance@iowa.gov

### **Application Instructions**

To Complete Electronic Form: Click on TEXT BOX to add text. Double click on YES/NO boxes and select "Checked".

 All applicants must complete the Business Financial Assistance Application and attach <u>only</u> those additional sections for the components to which the applicant is applying.

STATE of IOWA – Financial Assistance Programs				
☐ Enterprise Zone Program (EZ)	High Quality Jobs Program (HQJP)			
Supplemental info required-	☐ Tax Credits			
Section G - EZ Supplement	☐ Direct Financial Assistance			

- 2. Before filling out this application form, please read all applicable sections of the Iowa Code and Iowa Administrative Code (rules). <a href="https://www.legis.state.ia.us/lowaLaw.html">www.legis.state.ia.us/lowaLaw.html</a>
- Only typed or computer-generated applications will be accepted and reviewed. Any material change to the format, questions, or wording of questions presented in this application will render the application invalid and it will not be accepted.
- 4. Complete the applicable sections of the application fully. If questions are left unanswered or required attachments are not submitted, an explanation must be included.
- 5. Use clear and concise language. Attachments should only be used when requested or as supporting documentation.
- 6. Any inaccurate information of a significant nature may disqualify the application from consideration.
- 7. The following must be submitted to Business Finance at IEDA in order to initiate the review process:
  - One **original**, signed application form and all required attachments
  - One **electronic** copy of the application form and all required attachments

### Facsimile copies will not be accepted.

Applications must be submitted to IEDA Business Finance before 4:00pm on the fourth Monday of the month. Applications will be reviewed by the IEDA Board on the third Friday of the following month.

### **Public Records Policies**

During the application process, the information submitted by you to IEDA is exempt from disclosure under the "industrial prospects" exemption found in Section 22.7(8). However, once you receive an award, the industrial prospects exemption no longer applies and *all documents submitted and generated during the application and negotiation process become public records* under Iowa's Open Records Law (<a href="Iowa Code">Iowa Code</a>, <a href="Chapter 22">Chapter 22</a>), unless

- 1) The information belongs to one of the classes of records automatically treated as confidential; or
- 2) You have applied for and received written notice that your information will be treated as confidential.

### **Automatically Confidential Records**

IEDA automatically treats the following records as confidential and will withhold them from public inspection even without a request for confidential treatment:

- Tax Records and Tax Liability Information
- Quarterly Iowa Employer's Contribution and Payroll Report prepared for the Iowa Workforce Development Department
- Payroll Registers
- Business Financial Statements and Projections (unless those statements are already publicly available elsewhere, e.g., 10-K filings)
- Personal Financial Statements

### **Exemptions to the Open Records Law**

If you wish to have additional information treated as confidential, you must fill out the <u>confidential treatment</u> <u>request form</u>. Under the Open Records Law, IEDA may lawfully treat certain information as confidential if that information falls within an exemption to the Open Records Law. The following exemptions represent records which may lawfully be treated as confidential under the Open Records law and which are most often applicable to the information submitted to IEDA:

- Release of information would give an unfair advantage to competitors Iowa Code Sec. 15.118
- Trade secrets See Iowa Code section 22.7(3), see also Iowa Code Ch. 550
- Information on an industrial prospect with which the IEDA is currently negotiating See Iowa Code section 22.7(8)
- Communications not required by law, rule or regulation made to IEDA by persons outside the
  government to the extent that IEDA could reasonably believe that those persons would be
  discouraged from making them to IEDA if they were made available for general public
  examination Iowa Code section 22.7(18)

#### **Non-Confidential Information**

Information that is submitted to IEDA as part of the application process or that is contained in a contract for program benefits is generally considered material to the eligibility requirements of the program or to the amount of incentives or assistance to be provided. Such information is generally not given confidential treatment. Such information includes but is not limited to, the number and type of jobs incented, the wage levels for the incented jobs, your company's employee benefit information, and your project budget.

**Additional Information Available.** Copies of <u>lowa's Open Record law</u> and IEDA's <u>administrative rules</u> relating to public records are available from the IEDA upon request.

### **SECTION B**

### **Business Information**

1. Provide a brief description and history of the Business. Include information about the Business' products or services and its markets and/or customers.

Boehringer Ingelheim Vetmedica, Inc. ("BIVI" or "the Company") is a subsidiary of Boehringer Ingelheim USA Corporation, based in Ridgefield, Connecticut, and a member of the Boehringer Ingelheim ("BI") group of companies. BIVI is a world leader in developing, manufacturing and marketing an extensive line of high quality biological and pharmaceutical products for its core segments: cattle, swine, horses and pets. The Company acts as a center of competence in biological research, development, and manufacturing for the worldwide animal health business.

BIVI produces a wide-range of high quality biological and pharmaceutical products addressing a plethora of animal health needs. For example, BIVI 's Ingelvac CircoFLEX continues to be the standard vaccination for piglets around the globe. Also, METACAM®, a product for the management of pain and inflammation in dogs and cats, is has been one of the fastest-growing brands in the United States. BIVI has also had recent success with the introduction of two new improved lines of vaccines in 2013 including FLEXcombo and Vetera® XP. FLEXcombo® made it easier to vaccinate swine again two of the most economically important swine diseases in a single injection. The new Vetera® XP line of vaccines contains the most relevant strains of equine influenza virus (EIV) that affect horses today. The Company's focus on research and development is a key factor in its continued success.

BIVI's core segments maintain strong market positions within the United States and Europe. The Company's products are available to a wide-range of customers from the individual pet owner to veterinarians and large scale producers.

2.	Business Structure:  Cooperative Corporation Limited Liability Company Partnership S-Corporation Sole Proprietorship
3.	State of Incorporation: Delaware
4.	Identify the Business' owners and percent ownership: BIVI is a subsidiary of Boehringer Ingelheim USA Corporation (100%), based in Ridgefield, Connecticut, and a member of the Boehringer Ingelheim group of companies
	Does a woman, minority, or person with a disability own the Business?
	As of October 21, 2014 Fort Dodge 5 <sup>th</sup> Street – 444 (does not include 6 contract employees and 11 temporary relocations) Riverside Operations - 128 Ames –54 Sioux Center –15
	Sales Representatives (throughout state) - 20

7. What is the Business' worldwide employment? (Please include employees of parent company, subsidiaries, and other affiliated entities in this figure.) more than 47,400

Pr	oject Information				
8.	Project Street Address: 2501 N Loop Dr. Project City & Zip Code: Ames, Iowa 500		ct County: Story		
9.	Type of Business Project:  Startup	⊠ Expansion	of Iowa Company	☐ New Location in Iowa	
10.	0. Describe the proposed project for which assistance is being sought. (Include project timeline with dates facility size, infrastructure improvements, proposed products/services, any new markets, etc.)				
	Currently, BIVI leases a 21,000 square foot center diagnostic laboratory and biological  • expand efforts in all five target spe  • continue to research other disease  • enhance privacy and security.	research. BIVI i ecies (swine, equ	s considering building a la iine, cattle, companion ar	arge research facility to: nimals, and poultry)	
	The proposed plans for the new research far plot available in the existing ISU Research cost to be roughly \$22 million. BIVI plans to renew. The proposed building will increase feet. BIVI plans to continue to lease a smal functions. BIVI will commit to hiring one need to be always the project would break ground before the project would break ground gre	Park. The lesson of enter into a triple the amount of lill space (~1,800 ew scientist as re	or, ISU Research Park, hat ble-net lease arrangemen ab space from 10,000 sq sq. ft.) in the current build sult of this project	is estimated total construction t is for 15 years with options to uare feet to 32,000 square ding to house office related	
11.	January 2016				
	Project Timeline (add additional rows	s as needed)	Beginning Activity Date	Activity Completion Date	
	Site Preparation	·	Q4 2014/Q1 2015	Q1 2015	
	Building Construction		Q1 2015	Q1 2016	
	Equipment Installation & Move-in		Q1 2016	Q4 2016	
12.	Has any part of the project started*?  If yes, please explain.	☐ Ye	s 🛚 No		
	r IEDA's purposes, starting the project includes: the sta installation of equipment to be used in the project.	art of construction or	rehabilitation, the purchase of a	a building, the execution of a lease, or	
13.	Identify the Business' competitors. If an the competition (e.g. competitive business sproposed project may have on the lowa con	segment, estima			
	Leading animal health companies located in (Charles City), and Sirrah (Ames). BIVI does a result of this project.				
14.	Will any of the current lowa employees I If yes, please explain why and identify thos				
15.	Is the Business actively considering local lf yes, where and what assistance is being		of lowa?    Ye	s 🔲 No	
	Each R&D Project across all BI global oper process to prove need and justify cost to th One alternative location is at BIVI's new pro	e parent's Capita	al Expenditure Managem		

### **SECTION C**

### **Applicant's Project Budget**

1.	Does the Business plan to lease the facility?
	If yes, please provide the Annual Base Rent Payment (lease payment minus property taxes, insurance, and
	operating/maintenance expenses) for three years in the budget below, and only major renovation costs your
	company expects to incur. Administrative rules require that the lease be in place for a minimum of five years.

2. Please complete the budget below. <u>Include only costs the company plans to incur directly</u>:

Use of Funds	Est. Cost	Source A	Source B	Source C	Source	Source E	Source F
					D		
Base Rent (4 years)	\$6,663,020			\$6,663,020			
Tenant Improvements							
Land Acquisition							
Site Preparation							
Building Acquisition							
Building Construction							
Building Remodeling							
Mfg. Machinery & Equip.							
Other Machinery & Equip	\$1,387,650			\$1,387,650			
(R&D Equipment).							
Racking, Shelving, etc.1							
Computer Hardware	\$176,640			\$176,640			
Computer Software							
Furniture & Fixtures	\$1,247,726			\$1,247,726			
Working Capital							
Research & Development**	\$2,000,000			\$2,000,000			
Other***	\$518,160			\$518,160			
TOTAL	\$11,993,196	\$	\$	\$11,993,196		\$	\$

Racking, shelving and conveyor equipment used in distribution center projects only
\*\*Increase in R&D supplies and wages over a 4-year period
\*\*\* Backup Electrical, Moving Fees, Consulting Fees

3. Please complete the chart below with proposed financing for the project (tax benefits should be reflected as indirect financing under #5 below): PROPOSED FINANCING Conditions/Additional **Source of Funds** Form of Funds Information (Loan, Grant, In-Rate and Commitment Include when funds will be Est. Amount Kind, Donation, etc.) Term Status disbursed; If loan, whether Add additional lines as needed payments are a level term. balloon, etc Source A: IEDA (see #4 below) \$ Source B: **Local Government** Source C: \$11,993,196 **Business** Cash/Equity Approved by parent Source D: ISU Research Park \$ Source E: Other Source \$ Source F: Other Source \$ \$11,993,196 TOTAL Direct financial assistance (loans/forgivable loans) must be secured with acceptable collateral. Please select the type of collateral your company will pledge to secure the IEDA financing, and document its value in Attachment A5. \* **NOT APPLICABLE** Explain: No collateral, funding disbursed at the end of the 5-year contract Irrevocable letter of credit Dedicated certificate of deposit (CD) Surety bond Mortgage on real estate Corporate guaranty Personal guarantee \* The IEDA Board has the final discretion on what collateral will be accepted. 5. Please complete the chart below with tax credits and other indirect financing expected for the project: TAX CREDITS AND INDIRECT FINANCING Source of Funds Amount Description Investment Tax Credit \$136,790 **HQJP** Sales, Service & Use Tax Refund Research Activities Credit (3%/10%) \$30,000 HQJP Local Property Tax Exemption \$1,184,446 City of Ames - 427B Tax Increment Financing 260E Job Training Funds In-kind Contribution Other TOTAL \$1,351.236 6. There are three justifiable reasons for providing assistance. Check the box next to the reason why assistance is needed to complete this project. Financing Gap - A gap exists between the financing required and the financing on-hand and the provision of tax incentives or assistance is necessary to fill the gap. Rate of Return Gap –The likely returns of the project are inadequate to motivate a company decision maker to proceed with the project even if sufficient debt or equity can be raised to finance the project, and the project's risks

outweigh its rewards, making the provision of tax incentives or assistance necessary to reduce the project's risks.

Location Disadvantage (Incentive) - The business is deciding between a site in Iowa ("Iowa site") and a site
in another state ("out-of-state site") for its project and the cost of completing the project at the out-of-state site is
demonstrably lower, making tax incentives or assistance necessary to equalize the cost differential between the
two sites. Note: The authority will attempt to quantify the cost differential between the sites.

### 7. Please provide a brief explanation of the need for assistance.

The business of developing and manufacturing animal biologicals and pharmaceuticals involves significant capital investment and expenditures for R&D. As such, BI continually invests more than 10% of net sales of the Animal Health business in R&D. As the pharmaceutical industry's returns on R&D investment have fallen for the fourth year in a row, its German parent is very cautious and strategic on which R&D projects to support. Consequently, expansion opportunities are subject to intense global competition among affiliated companies within the BI group, many of which operate in countries that have favorable business climates and offer significant financial incentives. Each R&D project across all of BI global operations must vie to secure funds through a rigorous and highly competitive process to prove need and justify spend.

Given these reasons, the Company is currently seeking incentive assistance from the State of Iowa and the City of Ames. Specifically, these incentive benefits will offset some of the costs required by the project and will improve the overall business case for the project to occur in Ames. In addition, the assistance will demonstrate the willingness of Iowa to partner with BIVI and would be favorably looked upon during the upcoming final decision making process with its parent company.



# MEMO Legal Department

Caring People • Quality Programs • Exceptional Service

To:

Mayor and Members of the City Council

From:

Judy K. Parks, City Attorney

Date:

December 12, 2014

Subject:

Repeal of Chapter 17, section 17.31- Touching of Certain Entertainers

Prohibited (Lap Dancing)

As you recall from last week's staff report presentation about this ordinance, direction was given to not pursue any of the options toward keeping this ordinance, and to repeal the present enactment from the municipal code.

This proposed ordinance is before you for first reading to accomplish that repeal.

#### ORDINANCE NO.

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY REPEALING CHAPTER 17, SECTION 17.31, TOUCHING OF CERTAIN ENTERTAINERS REGULATED, THEREOF, FOR THE PURPOSE OF COMPLIANCE WITH THE STORY COUNTY DISTRICT COURT DECISIONS IN CASE NUMBERS AMCICI006542 AND AMCICI006544 HOLDING THAT THE ORDINANCE IS PREEMPTED BY STATE LAW; 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:

<u>Section One</u>. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by repealing Chapter 17, Section 17.31.

### "Sec. 17.31. TOUCHING OF CERTAIN ENTERTAINERS REGULATED. REPEALED"

<u>Section Two</u>. 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