

**AGENDA**  
**REGULAR MEETING OF THE AMES CONFERENCE BOARD**  
**AND REGULAR MEETING OF THE AMES CITY COUNCIL**  
**COUNCIL CHAMBERS - CITY HALL**  
**FEBRUARY 24, 2015**

**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.

**REGULAR MEETING OF THE AMES CONFERENCE BOARD**

**CALL TO ORDER: 6:30 p.m.**

1. Roll Call
2. Motion approving minutes of January 27, 2015, meeting
3. Resolution approving reappointment of Tom Jackson to Board of Review
4. Public hearing on proposed 2015/16 budget for City Assessor's Office:
  - a. Motion adopting budget

**CONFERENCE BOARD COMMENTS:**

**ADJOURNMENT:**

**REGULAR MEETING OF AMES CITY COUNCIL\***

\*The Regular Meeting of the Ames City Council will immediately follow the Regular Meeting of the Ames Conference Board.

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

1. Motion approving payment of claims
2. Motion approving minutes of Regular Meeting of February 10, 2015, and of Special Meeting of February 17, 2015
3. Motion approving Report of Contract Change Orders for February 1-15, 2015
4. Motion approving renewal of the following Beer Permits, Wine Permits, and Liquor Licenses:
  - a. Class E Liquor, C Beer, and B Wine – Wal-Mart Supercenter #4256, 534 South Duff Avenue
  - b. Class C Liquor & Outdoor Service – Buffalo Wild Wings, 400 South Duff Avenue
  - c. Special Class C Liquor & Outdoor Service – Stomping Grounds, 303 Welch Avenue, #101
  - d. Class C Beer & B Native Wine – Casey's General Store #2905, 3612 Stange Road
5. Motion approving 5-day (March 25-29) Special Class C Liquor License for Rotary Club of Ames at Gateway Hotel, 2100 Green Hills Drive
6. Motion approving new Class C Liquor License for Hy-Vee Market Café, 3800 Lincoln Way
7. Motion approving Artwork Acquisition and Deaccession Policies as recommended by Public Art Commission

8. Requests from Main Street Cultural District (MSCD) for “Firefly Country Night” on Main Street on Thursday, July 9, 2015:
  - a. Resolution approving closure of 200 block of Main Street from 12:01 a.m. on Thursday, July 9, to 2:00 a.m. on Friday, July 10
  - b. Resolution approving usage of electricity along Main Street
  - c. Motion approving Blanket Temporary Obstruction Permit
  - d. Resolution approving Blanket Vending License
  - e. Resolution approving closure of 46 parking spaces on Main Street and 22 parking spaces on Kellogg Avenue
9. Resolution approving Lease extensions with Iowa State University for extension of park land leases
10. Resolution approving Airport Improvements Architectural and Engineering Agreements with Bolton & Menk, Inc.
11. Resolution approving submission of application for 2015/16 Governor’s Traffic Safety Bureau Enforcement Grant, and if awarded, authorizing participation by Police Department
12. Water Quality Grant Applications:
  - a. Resolution authorizing applications for a Clean Water SRF Water Resource Restoration Sponsored Project and an Iowa Department of Agriculture and Land Stewardship Water Quality Urban Conservation Project
  - b. Motion designating Municipal Engineer Tracy Warner as authorized representative to sign Grant applications
13. Resolution approving purchase agreement with Story County Habitat for Humanity for property located at 1109 Roosevelt Avenue
14. Resolution approving contract with NOVA Bus of Plattsburgh, New York, for purchase of four 60' articulated buses in an amount not to exceed \$3,000,000
15. Resolution approving preliminary plans and specifications for 2011/12 and 2012/13 Retaining Wall Reconstruction Program; setting March 18, 2015, as bid due date and March 24, 2015, as date of public hearing
16. Resolution approving preliminary plans and specifications for WPC Biosolids Storage Tank; setting March 25, 2015, as bid due date and April 14, 2015, as date of public hearing
17. Resolution approving preliminary plans and specifications for WPC Lighting Replacement Project; setting March 25, 2015, as bid due date and April 14, 2015, as date of public hearing
18. Resolution awarding contract to Vermeer Sales and Service of Pella, Iowa, in the amount of \$33,448 for 18-inch capacity Wood Chipper
19. Resolution authorizing revisions to Non-Domestic Waste Pretreatment Program for facilities performing continuous pH monitoring
20. Resolution approving contract and bond for 2014/15 Collector Street Pavement Improvements (West Street and Woodland Street)
21. Resolution approving contract and bond for 2014/15 Concrete Pavement Improvements (Hayward Avenue)
22. Resolution approving contract and bond for 2014/15 CyRide Route Pavement Improvements (24<sup>th</sup> Street and Bloomington Road)
23. Resolution accepting completion of WPC Blower Replacement Project
24. Resolution accepting partial completion and reducing financial security being held for Northridge Heights Subdivision, 17<sup>th</sup> Addition
25. Resolution accepting partial completion and reducing financial security being held for Scenic Valley Subdivision, 1<sup>st</sup> Addition

**PUBLIC FORUM:** This is a time set aside for comments from the public on topics of City business other than those listed on this agenda. Please understand that the Council will not take any action on

your comments at this meeting due to requirements of the Open Meetings Law, but may do so at a future meeting. The Mayor and City Council welcome comments from the public; however, at no time is it appropriate to use profane, obscene, or slanderous language. **The Mayor may limit each speaker to five minutes.**

**ELECTRIC:**

26. Resolution approving Change Order to Alstrom for reduction in price due to reduction of natural gas burners for Unit No. 8

**ADMINISTRATION:**

27. Discussion of Resident Satisfaction Survey policy questions

**PLANNING & HOUSING:**

28. Motion directing staff to prepare RFP for disposition of City-owned lots at 519- to 601-6th Street in connection with City's Community Development Block Grant (CDBG) Program

29. Staff Report on Rental Concentration Limits for Low-Density Zones

30. Staff Report on Right-of-Way Improvements

**HEARINGS:**

31. Hearing on rezoning of property at 710 South Duff Avenue from Agricultural (A) to Highway-Oriented Commercial (HOC):

a. First passage of ordinance

32. Hearing on vacation of Storm Water Retention Easement in portion of Patio Homes West Subdivision:

a. Resolution approving/denying vacation of Storm Water Retention Easement affecting properties at 1413 Indiana Avenue, 1417 Indiana Avenue, 1421 Indiana Avenue, 1425 Indiana Avenue, 1503 Indiana Avenue, 1507 Indiana Avenue, 1511 Indiana Avenue, 1515 Indiana Avenue, 1519 Indiana Avenue, 1406 Kentucky Avenue, 1414 Kentucky Avenue, 1418 Kentucky Avenue, 1428 Kentucky Avenue, 1504 Kentucky Avenue, 1508 Kentucky Avenue, 1512 Kentucky Avenue, and 1520 Kentucky Avenue

33. Hearing on vacation of Surface Water Flowage Easement and Storm Sewer Easement located at 5328 Tabor Drive:

a. Resolution approving vacation of Easements

34. Hearing on GT1 Return to Service Project:

a. Open and close hearing

35. Hearing on Water Pollution Control Facility Screw Pump Repainting & Drive Replacement:

a. Resolution approving final plans and specifications and awarding contract to Woodruff Construction of Ames, Iowa, in the amount of \$276,700

36. Hearing on Water Treatment Plant - Contract 1:

a. Motion accepting report of bids

37. Hearing on Boiler Tube Spray Coating and Related Services and Supplies for Electric Services:

a. Motion accepting report of bids

38. Hearing on Scaffolding and Related Services and Supplies for Electric Services:

a. Motion accepting report of bids and directing staff to re-bid the project at a later date

39. Hearing on Underground Trenching for Electric Services:

a. Resolution approving final plans and specifications and awarding primary contract to Ames Trenching & Excavating, Inc., of Ames, Iowa, for hourly rates and unit prices bid, in an amount not to exceed \$112,500

- b. Resolution approving final plans and specifications and awarding secondary contract to Communication Technologies of Des Moines, Iowa, for hourly rates and unit prices bid, in an amount not to exceed \$37,500
- 40. Hearing on 2011/12 Asphalt Street Paving Improvements Program (Ironwood Court):
  - a. Resolution approving final plans and specifications and awarding contract to Manatt's, Inc., of Ames, Iowa, in the amount of \$231,170.71
- 41. Hearing on 2012/13 Concrete Pavement Improvements #2 (Southeast 5<sup>th</sup> Street):
  - a. Resolution approving final plans and specifications and awarding contract to Synergy Contracting, LLC, of Bondurant, Iowa, in the amount of \$346,070.15
- 42. Hearing on 2014/15 Concrete Pavement Improvements #2 (Ridgewood Avenue, 9<sup>th</sup> Street, and Park Way):
  - a. Resolution approving final plans and specifications and awarding contract to Keller Excavating, LLC, of Boone, Iowa, in the amount of \$1,264,261

**ORDINANCES:**

- 43. First passage of Littering Ordinance
- 44. Second passage of ordinance pertaining to adoption of 2014 National Electric Code, with local edits
- 45. Third passage and adoption of ORDINANCE NO. 4209 establishing 517 Lincoln Way Urban Revitalization Area

**COUNCIL COMMENTS:**

**ADJOURNMENT:**

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

**MINUTES OF THE REGULAR MEETING OF THE  
AMES CONFERENCE BOARD AND  
REGULAR MEETING OF THE AMES CITY COUNCIL**

**AMES, IOWA**

**JANUARY 27, 2015**

**REGULAR MEETING OF THE AMES CONFERENCE BOARD**

The regular meeting of the Ames Conference Board was called to order by Chairman Ann Campbell at 6:30 p.m. on January 27, 2015. Present from the Ames City Council were Gloria Betcher, Amber Corrieri, Tim Gartin, Matthew Goodman, Chris Nelson, and Peter Orazem. Story County Board of Supervisors present were Wayne Clinton and Rick Sanders. Representing the Ames School Board were Jane Acker and Bill Talbot. Gilbert Community School District was represented by Tanya Austin. United School District was not represented.

**MINUTES OF FEBRUARY 25, 2014, MEETING OF THE CONFERENCE BOARD:** Moved by Sanders, seconded by Betcher, to approve the minutes of the February 25, 2014, Meeting of the Ames Conference Board.

Vote on Motion: 3-0. Motion declared carried unanimously.

**ASSESSOR'S BUDGET PROPOSALS:** Ames City Assessor Greg Lynch highlighted information from the City Assessor's 2015/16 Annual Report. Mr. Lynch reported that the budget proposal is very similar to last year's proposal; however, there are three major differences. Referencing Page 9 of the Proposal, Mr. Lynch noted the very large population growth in Ames that had occurred since 1996. According to Mr. Lynch, 1996 was the last time that his office had added any staff. The number of new projects that had been submitted to the Planning and Housing Department and the number of inspections done by the Inspections Division were reported. Those, in turn, have created a lot of work for the City Assessor's Office. Due to those increases in workload, he is asking for a new half-time employee. The total cost for that half-time person would equate to \$48,948. The second difference was the purchase of a new server at the cost of \$28,700. The third difference is to earmark \$17,000 annually (over the next two years) to begin planning for a Content Management system that is scaled to the needs of the City Assessor's Office.

Mr. Lynch shared good news that the taxable value increased by 4% from 2013 to 2014.

Mr. Sanders advised that the Mini-Board had recommended a 3% increase in staff salaries. He said the Board based its recommendation on what it thought the City of Ames would be proposing for its employees.

Mr. Sanders asked for more justification for the purchase of a new server. Matt Emerson, IT Administrator, for the City Assessor's Office, stated that it is generally good business practice to replace servers that are four to five years old. He stated that the two older, less powerful systems would be replaced with a more powerful server. It would incur a substantial up-front replacement cost of \$28,700, but will eliminate a need for ongoing support contracts of \$700 annually. Regarding the proposed Document Management System, Mr. Emerson advised that the City Assessor's Office needs to integrate its current software into any software that would be purchased and utilized for document management.

Moved by Sanders, seconded by Orazem, to approve the recommendations of the Assessor's report. Roll Call Vote: 3-0. Motion declared carried unanimously.

Moved by Sanders, seconded by Corrieri, to receive the proposed budget (adoption of the budget will occur after the hearing is held).

Roll Call Vote: 3.0. Motion declared carried unanimously.

Moved by Betcher, seconded by Sanders, to set 6:30 p.m. on February 24, 2015, as the date of public hearing on the proposed FY 2015/16 City Assessor's budget.

Roll Call Vote: 3-0. Motion declared carried unanimously.

**ADJOURNMENT:** Moved by Orazem, seconded by Goodman, to adjourn the Ames Conference Board at 7:00 p.m.

Vote on Motion: 3-0. Motion declared carried unanimously.

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Diane R. Voss, City Clerk

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Ann H. Campbell, Chair

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Gregory Lynch



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# MEMO

**CB 3**

**TO:** Conference Board Members

**FROM:** Ann H. Campbell, Chair

**DATE:** February 20, 2015

**SUBJECT:** Reappointment to Board of Review

Tom Jackson's term of office on the Board of Review expired December 31, 2014. Therefore, it will be necessary for the Conference Board to make an appointment to this position. Tom has indicated that he would be willing to serve another term.

It is my recommendation that the Conference Board reappoint Tom Jackson to serve another term on the Board of Review.

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

**AMES, IOWA**

**FEBRUARY 10, 2015**

**SPECIAL MEETING OF THE AMES CITY COUNCIL**

The Ames City Council met in Special Session for the budget wrap-up at 5:15 p.m., followed by its Regular Meeting, on the 10<sup>th</sup> day of February, 2015, in the City Council Chambers in City Hall, 515 Clark Avenue, pursuant to law with Mayor Ann Campbell presiding and the following Council members present: Gloria Betcher, Amber Corrieri, Tim Gartin, Matthew Goodman, Chris Nelson, and Peter Orazem. *Ex officio* Member Lissandra Villa was also present.

**ARTS FUNDING (COTA):** Assistant City Manager Melissa Mundt introduced Melinda Cooper, Chairperson of the Commission On The Arts (COTA). Ms. Cooper advised that the COTA Grant Application had been updated during the last year. It was noted that the Council had, at its Budget Guidelines meeting held November 25, 2014, approved a 3.0% increase over the 2014/15 Adopted or \$148,733. Ms. Mundt noted that the total allocations for the Annual Grants total \$143,620 and \$5,113 for Special Project Grants. The Special Project Grants are awarded in \$750 increments. Organizations had requested 24% more than what was allocated. There were no new organizations applying for funding this year.

**HUMAN SERVICES FUNDING (ASSET):** Assistant City Manager Mundt reported that the City Council had set its FY 2015/16 ASSET priorities in July 2014; the top emphasis is the Basic Needs for low- to moderate-income individuals. Also emphasis was kept on mental health, and in December, a request for funding came in from Eyerly Ball. Funding of ASSET increased approximately 8.7% (approximately \$300,000) by all the funders. The largest increase came from Story County, specifically, for mental health. Ms. Mundt that the City Council had approved a 7.0% increase over last year's allocation.

**PUBLIC ART COMMISSION (PAC):** Allison Sheridan, Chairperson of PAC, introduced PAC Co-Chairperson Sarah Buss. Ms. Sheridan told the Council of its leadership and restructuring changes. She noted that some policy changes will be presented to the City Council for approval in the near future. Ms. Sheridan gave the highlights of the "Sculpture Program." Looking ahead to PAC's 25<sup>th</sup> year, some GIS mapping of the art collection will be done. Discussions will be held on maintenance and updating the current collection as well as acquisition of new works. Ms. Sheridan presented a funding request in the amount of \$41,000 for FY 2015/16, which is an increase of \$4,000 over the FY 2014/15 Budget. Artwork is becoming more expensive, and the additional allocation would accommodate future acquisitions and pay for additional concrete pads for the artwork.

**OUTSIDE FUNDING REQUESTS:** Brian Phillips, Management Analyst, said that funding applications had been received from seven organizations for the next fiscal year. He stated that additional information had been received pertaining to the Ames Economic Development Commission (AEDC) request for the Buxton Retail Analysis, which was that the service had been used approximately 115 times over the course of the year to develop reports and analysis for different customers. Mr. Phillips noted three agencies that had requested substantially more funding: (1) Ames Historical Society (AHS) had requested \$35,000 for 2015/16, up from the \$24,000 allocated in 2014/15 Adopted. (2) Campustown Action Association (CAA) had requested \$30,000, up from the \$25,000 allocated in 2014/15 Adopted; and (3) Main Street Cultural District (MSCD) had requested \$49,000 for 2015/16. Regarding the request, Mr.

Phillips reported that representatives of the MSDC had told City staff that if the recommended \$36,000 was adopted, it would prefer not to coordinate the 4<sup>th</sup> of July Parade. That event is expensive to coordinate, and it did not feel that it could afford to take it on as well as the other events that were being planned and/or proposed.

Kathy Svec, Co-President of the Ames Historical Society (AHS) Board, was present. Council Member Betcher asked to know how much service has been expanded by additional hours and duties. Ms. Svec stated that there had been a substantial expansion of open hours, and it has been challenging to fill those hours with staff. According to Ms. Svec, there had been a large increase in research and reference questions, partly due to the Sesquicentennial occurring in 2014. She reported that staff had conducted over 70 programs with over 3,000 people in attendance during the Sesquicentennial. Between 50 and 60 programs had been offered the year before. At the inquiry of Mayor Campbell, Ms. Svec stated that the AHS is attempting to stabilize its professional staff by offering livable wages. Part of the additional funding request is due to a recommended increase in salaries from \$10 - \$11/hour to \$14 - \$15/hour. It was also reported by Ms. Svec that storage of the historical collection continues to be a challenge; the majority of the money goes towards housing the collection. The first time a permanent building was dedicated to housing local history was in 2012. There are currently 12 locations all over town where the collections are being stored. According to Ms. Svec, the AHS more than matches the City's funding through fund-raising and grant-writing campaigns. Council Member Goodman noted that, from FY 2013/14 to FY 2014/15, the AHS nearly doubled its funding (from \$35,000 to approximately \$65,000). The total budget for AHS is \$195,000, of which only \$35,000 is being requested from the City.

Kim Hanna, Director of the CAA, noted that an additional \$3,000 was being requested to fund attendance at the International Town & Gown Conference. According to Ms. Hanna, Iowa State University is providing funding for representatives of the CAA to attend the Conference this summer. After attending, if CAA representatives believe it was beneficial, it will attempt to find funding sources to allow attendance at future Town & Gown Conferences.

Main Street Cultural District. Jess Clyde, MSCD Board President, stated that a Director will be coming on board shortly. Cliff Smith, Vice-President, was also present. Mr. Clyde stated that part of the MSCD budget request included a light project for Downtown. In reference to the 4<sup>th</sup> of July Parade, Mr. Clyde advised that the amount of time, energy, resources, and money has consistently drained the District, as it typically loses money on that event. Mr. Smith stated that the MSCD continues to seek ways that it can make a 4<sup>th</sup> of July Parade happen; it is actively seeking other partners to help with financing. Mr. Clyde stated that the District believes that the increased funding (from \$32,000 in 2014/15 and \$49,000 in 2015/16) will allow the MSCD to provide even higher quality products.

Hunziker Youth Sports Complex (HYSC). Mark Kutchen, 701 Garden Road, Ames, representing the HYSC, thanked the City Council for its support on behalf of the 1,250 local children who participate on a regular basis in the spring, summer, and fall at the Complex.

AEDC. Council Member Goodman asked Dan Culhane to explain the price decline for the Buxton program. Mr. Culhane, replied that Buxton is recognized by national retailers as being very legitimately data-driven. The data set had to be established during the first year. The City and the AEDC split that cost. Subsequently, after the data set was established, the cost of \$15,000 had been split between the two entities.

Council Member Betcher asked how many of the 115 uses translated into someone relocating to Ames or purchasing property in Ames. Mr. Culhane did not have the figures available at this meeting; however, he does know that the private development community has seen an increase in inquiries and activity. Council Member Goodman asked to have this information included in the AEDC Annual Report.

**PUBLIC INPUT ON CAPITAL IMPROVEMENTS PLAN (CIP) AND OPERATING BUDGET:** Kim Hanna, Director of the CAA, thanked the City for including five years of funding for the Campustown Facade Program that had been included in the CIP.

**SALARIES FOR COUNCIL APPOINTEES:** Council Member Nelson stated that he and Council Member Orazem had been appointed by the Mayor to conduct the evaluation process for City Council appointees Steve Schainker, City Manager; and Judy Parks, City Attorney.

Moved by Nelson, seconded by Orazem, that the Base Pay for City Manager Steve Schainker be increased by \$4,322.83 to \$196,448.40; Deferred Compensation be increased by \$710.24 to \$32,276.47; with the vehicle allowance remaining at \$6,000, for a total compensation for FY 2015/16 of \$234,724.87.

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

Moved by Nelson, seconded by Orazem, to increase the Base Pay in the amount of \$3,690 for City Attorney Judy Parks, for a total compensation for FY 2015/16 of \$126,690.

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

**AMENDMENTS TO 2014/19 CAPITAL IMPROVEMENTS PLAN (CIP):** Moved by Goodman, seconded by Betcher, to approve the clarified wording for the Flood Mitigation - River Flooding (replacing the old page with the new page) and that the design doesn't start for Flood Mitigation until the City Council receives the numbers on the Grand Avenue Extension project.

City Manager Schainker advised that staff would have those numbers for the Council in March or April.

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

Council Member Goodman asked for clarification of the Airport Improvements project. City Manager Schainker brought the Council's attention to Page 119 of the Draft CIP for 2014-2019 and compared those numbers to page 117 of the Draft CIP for 2015-2020. In summary, the project had increased in price from \$3.2 million to \$3.4 million. Mr. Schainker emphasized that the terminal has not yet been designed. The hangar has been broken out; it is now assumed that the private sector and Iowa State University will construct the hangar and donate the structure to the City of Ames. The projected value of the hangar is estimated to be \$960,000. Mr. Schainker explained the new funding strategy. The strategy was based on assurances that taxpayers would not have to cover any additional debt. It is expected that the additional \$943,000 debt service expense would be offset through the usage of the enhanced Terminal and private hangar and renegotiated Fixed Base Operator (FBO) contract. In addition, the University has agreed to enter into a "Backstop" Agreement to cover the difference, i.e, if there is not sufficient revenue in any one year to cover the debt service and operating expenses, the University will pay the difference.

**APPROVAL OF 2015/20 CIP, AS AMENDED:** Moved by Corrieri, seconded by Gartin, to approve the Capital Improvements Plan for 2015/20, as amended.

Council Member Goodman voiced concerns over the process followed for the Airport Improvements project. He said he was not sure what the actual private sector amount is; however, the funding was not one-third from three entities (including the City) that was part of the original funding strategy. He noted that no market study had been conducted to indicate what size of Terminal or hangar is needed. Mr. Goodman acknowledged that a positive is the Backstop Agreement by the University.

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

**AMENDMENTS TO FY 2014/15 BUDGET:** City Manager Schainker told the Council that on the table is the Council's support for the Planning Department. There are funds available to add a Planner; contained in the current budget was funding for a temporary Planner, however, no one had been hired yet.

Moved by Orazem, seconded by Goodman, to add one FTE for a Planner in the Planning and Housing Department in the 2014/15 Budget.

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

**APPROVAL OF BUDGET FOR FY 2014/15, AS AMENDED:** Moved by Goodman, seconded by Orazem, to approve the FY 2014/15 budget, as amended.

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

**SET PUBLIC HEARING DATE ON BUDGET AMENDMENTS FOR FY 2014/15:**

Moved by Goodman, seconded by Corrieri, to set March 3, 2015, as the date of public hearing on the proposed budget amendments for FY 2014/15.

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

**AMENDMENTS TO PROPOSED FY 2015/16 BUDGET:** Moved by Goodman, seconded by Corrieri, to increase the FY 2015/16 Operating Budget by \$100,000 from the General Fund for the new Planner position in the Planning and Housing Department.

City Manager Schainker reported that, with that addition, the overall tax rate for 2015/16 will still decrease 22.5 cents (rather than the projected 26 cents) from the FY 2014/15.

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

Moved by Betcher, seconded by Goodman, to allocate \$35,000 (an increase of \$11,000 from FY 2014/15) to the Ames Historical Society.

Finance Director Pitcher noted that the City will enter into a contract with the AHS that includes a scope of services that the City will receive for its funding. Mr. Phillips explained that the application of the AHS provided information to justify its request for \$35,000.

Discussion ensued over whether there would be an increased level of service that would be provided by the AHS for the additional \$11,000 or would it only be to increase salaries to provide the same level of service. Council Member Gartin stated that he was concerned over the precedent that would be set when the funding will be used for increased salaries to provide

the same level of service versus adding services. Management Analyst Phillips noted that staff will attempt to come up with a service-based formula that would show the additional services that would be received by the City for the additional \$11,000. Council Member Goodman noted how much other revenue was being leveraged by the AHS; the City's allocation is a small part of the total budget of the AHS.

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

Moved by Orazem, seconded by Corrieri, to allocate funding to the Commission on The Arts (COTA) in the amount of \$148,733, as recommended.

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

Moved by Goodman, seconded by Nelson, to allocate funding to ASSET in the amount of \$1,212,375, as recommended.

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

Moved by Nelson, seconded by Gartin, to allocate funding to the Hunziker Youth Sports Complex in the amount of \$26,680.

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

Moved by Nelson, seconded by Corrieri, to allocate funding to the Campustown Action Association in the amount of \$27,000.

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

Moved by Nelson, seconded by Corrieri, to allocate funding to the Main Street Cultural District in the amount of \$36,000.

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

Moved by Goodman, seconded by Corrieri, to allocate funding to the Public Art Commission (PAC) in the amount of \$41,000.

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

**APPROVAL OF PROPOSED BUDGET FOR FY 2015/16, AS AMENDED:** Moved by Orazem seconded by Gartin, to approve the proposed 2014/15 Budget, as amended.

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

**SET PUBLIC HEARING DATE ON PROPOSED BUDGET FOR FY 2015/16:** Moved by Orazem, seconded by Goodman, to set March 3, 2015, as the date of public hearing on the proposed budget for FY 2015/16.

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

The meeting recessed at 6:45 p.m. and reconvened at 6:56 p.m.

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

Mayor Campbell announced that the Council would be working from an Amended Agenda. A Closed Session to discuss matters presently in litigation had been added.

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

1. Motion approving payment of claims
2. Motion approving Minutes of Special Meetings of January 30, February 3, 4, and 5, 2015, and Regular Meeting of January 27, 2015
3. Motion approving Report of Contract Change Orders for January 16-31, 2015
4. Motion approving renewal of the following Beer Permits, Wine Permits, and Liquor Licenses:
  - a. Class C Liquor & Outdoor Service – Cy’s Roost, 121 Welch Avenue
  - b. Class C Liquor & Outdoor Service – Mickey’s Irish Pub, 109 Welch Avenue
  - c. Class E Liquor, C Beer, and B Wine – Fareway Store #386, 619 Burnett Avenue
  - d. Class E Liquor, C Beer, and B Wine – Fareway Store #093, 3619 Stange Road
  - e. Class C Liquor – El Azteca, 2727 Stange Road
  - f. Class B Liquor – Holiday Inn Ames, 2609 University Boulevard
  - g. Class C Beer and B Wine – Gateway Expresse, 2400 University Boulevard
  - h. Class C Liquor – Taking It Easy Lounge, 129 Lincoln Way
  - i. Class C Liquor – Ge’ Angelo’s, 823 Wheeler Street, #9
  - j. Special Class C Liquor – Shogun of Ames, 3704 Lincoln Way
  - k. Class C Liquor – The 5 & Dime, 115 5<sup>th</sup> Street
  - l. Class C Beer – Almost Always Open, 419 Lincoln Way
5. Motion approving new Class B Beer Permit & Class C Native Wine - Café Milo, 4800 Mortensen Road
6. Motion approving 5-day (February 21-25) Class C Liquor License for Olde Main Brewing Company at Reiman Gardens, 1407 University Boulevard
7. RESOLUTION NO. 15-058 setting date of public hearing on Notice of Intent to issue \$15,000,000 Essential Corporate Purpose General Obligation Bonds, \$5,950,000 General Obligation Refunding Bonds and Associated Tax Levy for Debt Service
8. RESOLUTION NO. 15-059 setting date of public hearing for February 24, 2015, on vacating storm water flowage easement and storm sewer easement for 5328 Tabor Drive
9. RESOLUTION NO. 15-060 approving 2014 Resource Recovery Annual Report
10. RESOLUTION NO. 15-061 approving Commission On The Arts (COTA) Special Grants for Spring 2015
11. RESOLUTION NO. 15-062 authorizing offer of health insurance benefits to Electric Services temporary employee
12. RESOLUTION NO. 15-063 awarding contract to Itron, Inc., of Liberty Lake, WA, in an amount not to exceed \$304,084 for Water Meter Automatic Meter Reading System
13. RESOLUTION NO. 15-064 awarding contract to Storey Kenworthy of Ames, Iowa, in the amount of \$82,707.38 and Alternate #1 in the amount of \$3,304.55 for Modular Furniture for City Hall Renovation Phase 2 project
14. RESOLUTION NO. 15-065 awarding contract to Midwest Underground Supply of Bondurant, Iowa, in the amount of \$38,500 for Wood Chipper
15. RESOLUTION NO. 15-066 approving contract and bond for Controls and Relaying Panels for 69kV Substation Panel and Transmission Line Terminal Upgrades - Dayton and Stange Substations
16. RESOLUTION NO. 15-067 accepting completion of 2012/13 Arterial Street Pavement Improvements - State Avenue (Oakwood Road to U. S. Highway 30 Overpass)
17. RESOLUTION NO. 15-068 accepting completion of 2012/13 Asphalt Resurfacing/Seal Coat Removal/Asphalt Reconstruction Program (Carroll Avenue)
18. RESOLUTION NO. 15-069 accepting completion of 2013/14 Concrete Pavement Improvements Contract No. 1 (Knapp Street and Lynn Avenue)

19. 2013/14 Downtown Street Pavement Improvements (5<sup>th</sup> Street):
    - a. RESOLUTION NO. 15-070 approving Change Order No. 2
    - b. RESOLUTION NO. 15-071 accepting completion
  20. 4316 Ontario Street (Sawyer Elementary School):
    - a. RESOLUTION NO. 15-072 approving Plat of Survey
    - b. RESOLUTION NO. 15-073 approving Acquisition Plat for street right-of-way on Ontario Street
    - c. RESOLUTION NO. 15-074 approving Quit Claim Deed conveying street right-of-way
  21. 3605 Lincoln Way:
    - a. RESOLUTION NO. 15-075 approving Plat of Survey
    - b. RESOLUTION NO. 15-076 approving Acquisition Plat for street right-of-way on Lincoln Way
    - c. RESOLUTION NO. 15-077 approving Quit Claim Deed for 3605 Lincoln Way
- Roll Call Vote: 6-0. Resolutions/Motions declared adopted/approved unanimously, signed by the Mayor, and hereby made a portion of the Minutes.

**PUBLIC FORUM:** Mayor Campbell asked if there was anyone wishing to speak on any item that was not listed on the Agenda. No one came forward, and the Mayor closed Public Forum.

**STAFF REPORT ON DEVELOPING A BRAND COMMUNICATIONS PLAN:** Public Information Official Susan Gwiasda noted that branding had been a topic of discussion at the Council's most-recent Goal-Update Workshop. It was in response to an objective under the City Council goal of Promoting Economic Development.

Council Member Goodman asked if funding had been allocated to fund a Brand Communications Plan. City Manager Schainker noted that he had placed \$200,000 in the 2014/15 Budget as a placeholder based on the Council's goal.

Mayor Campbell pointed out that the City had received more recognition in the past few years than ever before. Knowing that, she asked what the City was trying to accomplish by creating a brand.

Council Member Goodman stated his belief that the goal should be to impact a certain demographic in a positive way towards Ames, define that demographic, and allocate a certain amount of money, e.g., \$70,000 for the first year, with lowering amounts in future years. However, he did not want the entire budget to increase the \$200,000 that has been placed in the 2014/15 Budget. He suggested that the demographic be young adults transitioning towards families. Mr. Goodman recommended that the targeted area to recruit from be the Ames-to-Des Moines corridor.

Council Member Orazem believes that Ames has done a good job at using the same logo, thus, replicating the same image among several entities. He believes that Ames' presence has gotten better in terms of Web delivery. Mr. Orazem questioned how the City would know if it succeeded. Ms. Gwiasda said the City would have to conduct surveys. Mr. Goodman agreed, stating that the demographic has to be surveyed before and after to determine the impact. Council Member Corrieri pointed out that the impact might not be known for years. Council Member Orazem stated that he would want to know how the demographic would be contacted.

City Manager Schainker stated that a consultant would be hired to create the Plan. The Plan would be to promote the Community Vision.

*Ex officio* Member Lissandra Villa asked why the focus would not be on retaining recent Iowa State University graduates. Council Member Goodman said it is hoped that that is already happening. He only suggested a demographic that he thought was not locating in Ames.

Council Member Betcher asked for more specifics from Council Member Goodman about whether he was suggesting that a certain demographic move to Ames, feel good about Ames, or shop in Ames. Ms. Betcher said that she was not in favor of spending money on the branding efforts and then not following-up. Mr. Goodman said that Ames could benefit from controlling the message. Ms. Betcher would like to see the process to be more targeted.

Moved by Goodman, seconded by Orazem, to ask Susan Gwiasda to find a consultant to help the Council with the Brand Communications Plan with the demographic targeted being young adults transitioning to families who choose to live in Ames, take data before and at the end of the process, that the brand message be to promote the Community Vision, and that the targeted area be first the Ames to Des Moines Corridor.

Council Member Gartin stated his opinion that he does not want people just to come to Ames to live. He wants people to come to Ames because they have a job or that they are entrepreneurial and will create jobs. Council Member Orazem disagreed, stating that he wants people to live in Ames. He believes people already have jobs in the area, but they are not choosing to live in Ames. According to Mr. Orazem, the most mobile part of society is 18 to 25 years of age. Council Member Gartin shared that he had heard the reason that people don't live in Ames is due to the cost of housing.

Council Member Betcher suggested that before it determines how to implement the Plan, it is important to know the cost of the Plan; the cost might be prohibitive.

Council Member Goodman advised that the City of Ames has never done this; he would like to try it. The Council, after seeing the Plan and the cost to implement same, might decide not to go ahead with it.

Council Member Corrieri believes that Susan Gwiasda would find a consultant who will come back to the Council with a scope of services. The Council will then decide whether it wants to move forward with the Plan.

According to Mr. Goodman, he believes that the survey will measure the observable. Council Member Gartin asked how success will be measured. He doesn't want the goal to be just increase the population of Ames. Council Member Goodman believes that many of those people will choose to invest in Ames.

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

**AGREEMENT WITH XENIA RURAL WATER DISTRICT:** Moved by Orazem, seconded by Nelson, to adopt RESOLUTION NO. 15-078 approving the Agreement between the City of Ames and Xenia Rural Water District concerning continued water service to certain parcels adjacent to ISU Research Park Phase III.

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

**MUNICIPAL AIRPORT:** Assistant City Manager Kindred presented an overview of the planned Municipal Airport improvements. Work on the planned terminal area improvements is anticipated to begin in early 2015. Initial steps include site grading, utilities, and parking areas under a Federal Aviation Association (FAA) grant that will utilize all of the \$450,000 in federal entitlement funds granted to the Ames Airport. Those steps will prepare the area and set the building elevations to facilitate construction of the storage hangar in 2015 and construction of the terminal soon after.

Moved by Gartin, seconded by Nelson, to adopt RESOLUTION NO. 15-079 approving Airport Improvements Funding Agreement with Iowa State University.

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

**URBAN REVITALIZATION TAX ABATEMENT REQUESTS FOR 2015:** Moved by Gartin, seconded by Orazem, to adopt RESOLUTION NO. 15-080 approving the 2015 Urban Revitalization Tax Abatement Requests.

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

**HEARING ON RIVER VALLEY PARK COMPLEX IRRIGATION PROJECT:** Mayor Campbell opened the public hearing. There being no one wishing to speak, the hearing was closed.

Moved by Orazem, seconded by Betcher, to adopt RESOLUTION NO. 15-081 approving final plans and specifications and awarding a contract to T & T Sprinkler Services, Inc., of Ankeny, Iowa, in the amount of \$107,125.

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

**HEARING ON DISTRIBUTED CONTROL SYSTEM FOR POWER PLANT:** The public hearing was opened by the Mayor. She closed same after no one came forward to speak.

Moved by Betcher, seconded by Goodman, to accept the report of bids and delay award.

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

**HEARING ON VACATING STORM WATER EASEMENT AT 301, 303, 305, AND 321 SOUTH 5<sup>TH</sup> STREET:** Mayor Campbell opened the public hearing. The hearing was closed when there was no one who asked to speak.

Moved by Nelson, seconded by Orazem, to adopt RESOLUTION NO. 15-081 approving the vacation of a Storm Water Easement at 301, 303, 305, and 321 South 5<sup>th</sup> Street.

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

**HEARING ON ADOPTION OF 2014 NATIONAL ELECTRIC CODE:** Moved by Corrieri, seconded by Goodman, to pass on first reading the 2014 *National Electric Code*, with local edits.

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

**ORDINANCE ESTABLISHING 517 LINCOLN WAY URBAN REVITALIZATION AREA:**

Moved by Betcher, seconded by Corrieri, to pass on second reading an ordinance establishing the 517 Lincoln Way Urban Revitalization Area.

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

**ORDINANCE PERTAINING TO VENDING:** Moved by Betcher, seconded by Gartin, to pass on third reading and adopt ORDINANCE NO. 4208 pertaining to vending.

Roll Call Vote: 4-1-1. Voting aye: Betcher, Gartin, Nelson, Orazem. Voting nay: Corrieri. Abstaining due to conflict of interest: Goodman. Ordinance declared adopted, signed by the Mayor, and hereby made a portion of these Minutes.

**COUNCIL COMMENTS:** *Ex officio* Member Villa asked to make another comment on the possible Brand Communications Plan. She stated that, rather than trying to put out ads elsewhere and recruit people outside of Ames, the focus should be on retaining, after graduation, the students who have actually chosen to come to Ames.

Council Member Betcher raised an issue about the language used when the City drafts Quit Claim Deeds. Specifically, the Deeds state, “Know All *Men* by these Presents...” She would like the wording to be more gender-neutral.

Moved by Betcher, seconded by Goodman, to change the wording on Deeds to be more gender-neutral.

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

**CLOSED SESSION:** Council Member Gartin asked City Attorney Parks if there was a legal reason to go into Closed Session. Ms. Parks replied in the affirmative.

Moved by Gartin, seconded by Goodman, to hold a Closed Session, as provided by Section 21.5(1)c, *Code of Iowa*, to discuss matters presently in litigation.

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

The meeting reconvened in Regular Session at 9:22 p.m.

**ADJOURNMENT:** Moved by to adjourn the meeting at 9:22 p.m.

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Diane Voss, City Clerk

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Ann H. Campbell, Mayor

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

AMES, IOWA

FEBRUARY 17, 2015

The Ames City Council met in special session at 12:05 p.m. on the 17<sup>th</sup> day of February, 2015, in the City Council Chambers in City Hall, 515 Clark Avenue, pursuant to law with Mayor Ann Campbell presiding. Since it was impractical for all Council members to attend in person, Council Members Gloria Betcher, Amber Corrieri, Tim Gartin, and Chris Nelson were brought in telephonically. Council Members Matthew Goodman and Peter Orazem and *ex-Officio* Member Lissandra Villa were absent.

**GT1 RETURN TO SERVICE PROJECT:** Assistant Director of Electric Services Brian Trower explained that, on January 30, 2015, the City Council had approved preliminary plans and specifications for the Project and set February 19, 2015, as the bid due date and February 24, 2015, as the date of public hearing and award of contract. A pre-bid meeting was held on February 10, 2015, during which many questions were raised by potential bidders on different aspects of the Project. Additional questions were submitted by the potential bidders by February 12, 2015, which was the deadline for questions. A total of 94 questions were raised regarding the Project, schedule, and bidding process. Mr. Trower acknowledged that the scope of work and specifications for this Project are very complicated. Staff had determined that it would be in the City's best interest to extend the bid due date to allow the interested bidders enough time to process the additional addenda and put together a more complete bid.

Moved by Nelson, seconded by Gartin, to adopt RESOLUTION NO. 15-083 approving a change in the bid due date for GT1 Return to Service Project; setting March 12, 2015, as new bid due date and March 24, 2015, as new date of public hearing.

Roll Call Vote: 4-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

**ADJOURNMENT:** Moved by Corrieri, seconded by Nelson, to adjourn the meeting at 12:10 p.m.

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Diane R. Voss, City Clerk

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Ann H. Campbell, Mayor



## REPORT OF CONTRACT CHANGE ORDERS

<b>Period:</b>	<input checked="" type="checkbox"/> 1 <sup>st</sup> – 15 <sup>th</sup>
	<input type="checkbox"/> 16 <sup>th</sup> – End of Month
<b>Month &amp; Year:</b>	February 2015
<b>For City Council Date:</b>	February 24, 2015

Department	General Description of Contract	Contract Change No.	Original Contract Amount	Contractor/ Vendor	Total of Prior Change Orders	Amount this Change Order	Change Approved By	Purchasing Contact (Buyer)
Public Works	2012/13 Asphalt/Seal Coat Rehabilitation Program (Carroll Avenue)	1	\$273,782.30	Manatt's Inc.	\$0.00	\$-(19,807.15)	J. Joiner	MA
Public Works	2013/14 Concrete Pavement Improvements Program (Knapp & Lynn)	1	\$814,285.80	Manatt's Inc.	\$0.00	\$42,601.17	B. Kindred	MA
Fleet Services	Medium Duty Truck Chassis & Cab	1	\$142,384.00	Truck Country of Cedar Rapids	\$0.00	\$160.00	R. Iverson	MA
			\$		\$	\$		
			\$		\$	\$		
			\$		\$	\$		



# MEMO

*Caring People  
Quality Programs  
Exceptional Service*

**4a-d**

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

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

**DATE:** February 9, 2015

**SUBJECT:** Beer Permits & Liquor License Renewal Reference City Council Agenda  
February 24, 2015

The Council agenda for February 24, 2015, includes beer permits and liquor license renewals for:

- Class C Liquor, C Beer, and B Wine – WalMart Supercenter #4256, 534 S Duff Ave
- Class C Liquor & Outdoor Service – Buffalo Wild Wings, 400 S Duff Ave
- Special Class C Liquor & Outdoor Service – Stomping Grounds, 303 Welch Ave #101
- Class C Beer & B Native Wine – Casey's #2905, 3612 Stange Rd

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.

**Applicant License Application ( )**

<b>Name of Applicant:</b> <u>The Rotary Club of Ames</u>		
<b>Name of Business (DBA):</b> <u>Rotary Club of Ames</u>		
<b>Address of Premises:</b> <u>2100 Green Hills Drive</u>		
<b>City</b> <u>Ames</u>	<b>County:</b> <u>Story</u>	<b>Zip:</b> <u>50014</u>
<b>Business</b>	<u>(515) 232-6605</u>	
<b>Mailing</b>	<u>P.O. Box 327</u>	
<b>City</b> <u>Ames</u>	<b>State</b> <u>IA</u>	<b>Zip:</b> <u>50014</u>

**Contact Person**

<b>Name</b> <u>Karin Sevde</u>	
<b>Phone:</b> <u>(515) 232-6605</u>	<b>Email</b> <u>info@rotaryclubofames.org</u>

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

**Term:**5 days

**Effective Date:** 03/25/2015

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

**Privileges:**

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

Sunday Sales

**Status of Business**

<b>BusinessType:</b> <u>Privately Held Corporation</u>	
<b>Corporate ID Number:</b> <u>459579</u>	<b>Federal Employer ID</b> <u>38-3911322</u>

**Ownership**

**Karin Sevde**

**First Name:** Karin

**Last Name:** Sevde

**City:** Ames

**State:** Iowa

**Zip:** 50010

**Position:** Executive Secretary

**% of Ownership:** 0.00%

**U.S. Citizen:** Yes

**Insurance Company Information**

<b>Insurance Company:</b> <u>Scottsdale Insurance Company</u>	
<b>Policy Effective Date:</b>	<b>Policy Expiration</b>
<b>Bond Effective</b>	<b>Dram Cancel Date:</b>
<b>Outdoor Service Effective</b>	<b>Outdoor Service Expiration</b>
<b>Temp Transfer Effective Date:</b>	<b>Temp Transfer Expiration Date:</b>

<b>Name of Applicant:</b> <u>Hy-Vee, Inc.</u>		
<b>Name of Business (DBA):</b> <u>Hy-Vee Market Cafe</u>		
<b>Address of Premises:</b> <u>3800 Lincoln Way</u>		
<b>City</b> <u>Ames</u>	<b>County:</b> <u>Story</u>	<b>Zip:</b> <u>50014</u>
<b>Business</b> <u>(515) 292-5580</u>		
<b>Mailing</b> <u>5820 Westown Pkwy</u>		
<b>City</b> <u>West Des Moines</u>	<b>State</b> <u>IA</u>	<b>Zip:</b> <u>50266</u>

**Contact Person**

<b>Name</b> Jennie Woods
<b>Phone:</b> (515) 267-2874 <b>Email</b> jmwwoods@hy-vee.com

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

**Term:**12 months

**Effective Date:** 02/24/2015

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

**Privileges:**

Class C Liquor License (LC) (Commercial)

Sunday Sales

**Status of Business**

<b>BusinessType:</b> <u>Privately Held Corporation</u>
<b>Corporate ID Number:</b> <u>19862</u> <b>Federal Employer ID</b> <u>42-0325638</u>

**Ownership**

**Randy Edeker**

**First Name:** Randy      **Last Name:** Edeker  
**City:** Urbandale      **State:** Iowa      **Zip:** 50322  
**Position:** CEO, President  
**% of Ownership:** 0.00%      **U.S. Citizen:** Yes

**Michael Jurgens**

**First Name:** Michael      **Last Name:** Jurgens  
**City:** Des Moines      **State:** Iowa      **Zip:** 50312  
**Position:** Vice President, Secretary  
**% of Ownership:** 0.00%      **U.S. Citizen:** Yes

**Michael Skokan**

**First Name:** Michael      **Last Name:** Skokan  
**City:** Waukee      **State:** Iowa      **Zip:** 50263  
**Position:** CFO, Treasurer

**% of Ownership:** 0.00%

**U.S. Citizen:** Yes

**Jeffrey Pierce**

**First Name:** Jeffrey

**Last Name:** Pierce

**City:** Waukee

**State:** Iowa

**Zip:** 50263

**Position:** Ass't Treasurer, Financial

**% of Ownership:** 0.00%

**U.S. Citizen:** Yes

**Insurance Company Information**

<b>Insurance Company:</b>	<u>DAKOTA FIRE INSURANCE COMPANY</u>		
<b>Policy Effective Date:</b>	<u>02/24/2015</u>	<b>Policy Expiration</b>	<u>02/24/2016</u>
<b>Bond Effective</b>		<b>Dram Cancel Date:</b>	
<b>Outdoor Service Effective</b>		<b>Outdoor Service Expiration</b>	
<b>Temp Transfer Effective</b>		<b>Temp Transfer Expiration Date:</b>	

**COUNCIL ACTION FORM**

**SUBJECT: PUBLIC ART COMMISSION POLICIES ON ARTWORK ACQUISITION AND DEACCESSION**

**BACKGROUND:**

The City's Public Art Commission (PAC) periodically creates or updates policies related to its charge from the City Council. The Commission is now seeking Council approval of an updated artwork acquisition policy, as well as approval of a new deaccession policy. To deaccess is to officially remove an item from the listed holdings of a library, museum, or art gallery.

The proposed policies are attached and have been reviewed by staff to ensure compliance with the City's adopted Purchasing Policies and Procedures.

The PAC is particularly anxious to utilize the deaccession policy to bring recommendations to the City Council related to artwork that may need to be retired from the City's collection.

**ALTERNATIVES:**

1. Approve the attached artwork acquisition and deaccession policies as recommended by the Public Art Commission.
2. Do not approve the attached policies recommended by the Public Art Commission.

**MANAGER'S RECOMMENDED ACTION:**

The attached policies will enable the Public Art Commission to better fulfill its responsibilities in recommending the acquisition and deaccession of artwork.

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

**City of Ames  
Public Art Commission**

**POLICY ON ARTWORK ACQUISITION**

The City of Ames Public Art Commission is committed to the creation of a visual and aesthetic environment that integrates art into the lives of the citizens of Ames.

In order to accomplish the goals of the Public Art Commission, when art is being acquired for the City Collection it shall be in keeping with the mission of the Commission and the following guidelines will be considered.

1. It is the preference of the Public Art Commission to work on public art projects from their inception.
2. Artwork will be accepted only if given unconditionally with the understanding that the City has complete jurisdiction over its handling, sale, and/or placement.
3. Works of art recommended by the Commission to become part of the City's permanent collection will be accepted or declined on the basis of subject matter, artistic execution, safety, ongoing maintenance and care, and the appropriateness of an approved site. The Commission will not consider works of art advancing devotion of any specific religious faith.
4. Priority will be given, but not limited to, local and regional professional artists.
5. The Public Art Commission will provide any signage recognizing artwork.
6. All artwork acquisitions are subject to the approval of the Ames City Council.
7. All artwork acquisitions are subject to the Artwork Deaccession Policy adopted by the Ames City Council on February 24, 2015.

Approved by the PAC October 1, 2014  
Presented to the Ames City Council February 24, 2014

**City of Ames  
Public Art Commission**

**ARTWORK DEACCESSION POLICY**

**Guidelines.** A work of art that is no longer relevant or useful to the purposes of the City of Ames and its activities, as stated in the City of Ames Purchasing Policies and Procedures regarding disposal of surplus property, should be deaccessioned.

An object should be deaccessioned if the City of Ames is unable to provide proper care and maintenance, or if the object has deteriorated beyond usefulness in terms of the exhibition or study collections.

An object may be deaccessioned if it is no longer useful for exhibition in the foreseeable future, or if the object had been identified incorrectly in regards to date, artist, manufacturer, or other information, which makes it in conflict with the City of Ames' stated purpose for the Commission as stated in City Council Resolution 91-082.

If there are more than two identical or similar objects which are represented in the exhibition collection, the least artistically or historically significant object may be deaccessioned.

City staff supporting the Commission shall determine whether there are any legal or other obstacles to the disposal of objects in the City's possession and advise the Commission on these matters.

Objects that are no longer desirable in the City of Ames' collections may be disposed of in the following order:

1. Exchanged for another object meeting the criterion of the City of Ames Purchasing Policies and Procedures. Exchanges shall be with other reputable organizations (city, museum or private businesses, with preference given to scholarly or cultural organizations rather than commercial entities).
2. Sold at public auction or to a reputable buyer in a public sale. If disposal is by sale, preference may be given to a public auction. It is the Commission's intent that, subject to City Council budgetary approval, if the object is sold, the monies should be used to acquire future objects that meet the purposes and goals of the Commission or for conservation of the City of Ames' existing collections.
3. If an object has seriously deteriorated or been irreparably damaged, it may be deaccessioned from the collections and destroyed beyond recognition.

If feasible, donors or their immediate family or descendants shall be notified as a courtesy by the Commission Chairman when donated objects are deaccessioned.

**Procedures.** The Commission will review the collections periodically and determine if any objects should be deaccessioned. Reasons for deaccessioning include: damaged objects that are not repairable; objects with incorrectly identified attributes which alter their value to the City; duplicate or reproduction objects; objects determined to be forged; objects that do not fulfill the Commission's mission; objects the City of Ames can no longer care for due to lack of space or funding, and objects that should be repatriated under federal law.

The Commission will recommend any objects to be deaccessioned to the Mayor and City Council for approval. The Commission's recommendation will include a stated rationale for the deaccession.

If the City cannot reliably determine an object's provenance, historical, aesthetic or financial value, then the Commission may contract with a scholar or authority for a written evaluation prior to deaccessioning the object.

### **Deaccession of Objects through Sale**

Deaccessions of objects through sale must follow the City of Ames Purchasing Policies and Procedures.

Objects no longer considered appropriate to the City of Ames collections because of duplication, damage, or forgery may be deaccessioned through City operations. The type of deaccession will be determined by the objects estimated value.

1) \$25,000 or more

These objects have an estimated value of \$25,000 or more and are considered to be unique. These objects will be best sold through a nationally recognized broker/agency. Competitive bids will be solicited from a minimum of three brokers. Because of the diverse nature of the collection, more than one broker may be retained at one time.

2) Less than \$25,000

For objects with an estimated value less than \$25,000, deaccession may be handled in a variety of ways. One option is to retain a recognized broker/agency to handle sales for the City of Ames. A second option includes selling items through the City of Ames Disposal of Surplus Property process. If the latter option is used, the Commission may reject any bid deemed too low.

It is the Commission's intent that, subject to City Council budgetary approval, all monies received from the sale of deaccessioned objects shall be used only to 1) acquire objects which support the City of Ames Public Art Commission's mission, and/or to 2) obtain conservation treatment of permanent collections objects. The City of Ames Finance Department maintains financial records for all financial transactions. It is the Commission's intent that, subject to City Council budgetary approval, any monies acquired by the sale of objects or equipment will be placed in an account allocated to

the Public Arts Commission for these purposes. Withdrawal of funds from the account must be approved by the City Council and the Public Art Commission.

**Procedure for Recording Deaccession.** All records pertaining to the object shall be marked "deaccessioned" and date and method of deaccession should be recorded in the object's file. The City of Ames' accession number should be removed before the object leaves City property. The Commission will arrange for proper photo documentation for all destroyed objects.

When objects are deaccessioned from the collections, the Chairman of the Commission will notify the original donor, if possible, of the intended exchange or sale of the donated objects. Replacement objects would then be credited to the original donor or designated party.

**Destruction and Disposal.** Objects considered unsellable, severely damaged, or unusable may be destroyed beyond recognition and disposed. Prior to disposal, all City of Ames or donor identification shall be removed. The destruction of the object must be thoroughly photographed and all records dealing with destruction kept in the object's file.

#### **Additional Responsibilities**

In all considerations of deaccessioning of art by sale or exchange, the Commission must first record in writing for the City of Ames, the conditions under which the work had been acquired and whether there were at the time, any legal, moral or ethical restrictions that would affect the deaccession.

The City Manager's office shall assist the Commission in maintaining all records pertaining to the deaccessioned object, including method of deaccession, sales or exchange receipt, correspondence of deaccessioned objects and other relevant records.

Approved by the Public Art Commission September 3, 2014

Presented to the Ames City Council February 24, 2014

**COUNCIL ACTION FORM**

**SUBJECT: MAIN STREET CULTURAL DISTRICT REQUESTS FOR “FIREFLY COUNTRY NIGHT” ON MAIN STREET**

**BACKGROUND:**

The Main Street Cultural District (MSCD) plans to hold its second annual Firefly Country Night on Main Street on July 9, 2015 from 5:00 p.m. to 11:00 p.m. The event will feature country musicians performing on a stage placed in the 200 block of Main Street. MSCD uses proceeds from this event as a fundraiser for the continued revitalization of Downtown.

Two changes are planned for the event this year. One is the planned inclusion of a separately fenced under-21 area near the stage to allow younger participants to enjoy the music without being in the area in which alcohol is served. The other change is to close a portion of Kellogg Avenue to allow motorcycle parking in the block north of Main Street.

To facilitate this event, MSCD has made the following requests:

- Closure of Main Street between Kellogg Avenue and Douglas Avenue, and closure of Kellogg Avenue between Main Street and Fifth Street from 12:01 a.m. on Thursday, July 9<sup>th</sup> to 2:00 a.m. on Friday, July 10<sup>th</sup>.
- Closure of 46 parking spaces on Main Street and 22 parking spaces on Kellogg Avenue (70 total, \$140 estimated cost to the Parking Fund)
- Temporary Obstruction Permit and blanket Vending License (\$50 licensure fee)
- Use of City-owned electrical outlets on light poles along Main Street (estimated \$5 cost to the Electric Fund)

**MSCD has indicated it will reimburse the City for the licensure fee and lost revenues.** It will also apply for a noise permit from the Police Department. Although MSCD will use City light pole outlets for vendor electricity, the stage lighting and sound system will be powered by generators. MSCD will apply for a beer permit and outdoor service privilege at a later date. Organizers wish to secure City Council approval for the date now so they can complete the process of securing the entertainers and begin publicizing the event.

Organizers anticipate similar attendance to last year’s event, which was approximately 2,000 people. Due to the safe execution of last year’s event, the Police Department does not feel that approval must be contingent on the hiring of additional police officers for the event. MSCD plans to use a reputable security firm for event security. Additionally, MSCD will ensure that an adequate number of volunteers are on hand to

assist with crowd control and the rapid removal of barricades in the event that emergency vehicles need access to the area.

**In the lead-up to last year's Country Night, the City Council and MSCD received two complaints from Main Street businesses regarding this event. To avoid problems for this year's event, MSCD has initiated the planning process much earlier, which will allow more time to communicate plans with affected businesses. MSCD's application indicates that it will communicate event details to affected businesses by going door-to-door, placing signs in the event area prior to the event, and distributing details via email to businesses in the district.**

**ALTERNATIVES:**

1. Approve the street and parking closures, Temporary Obstruction Permit, Vending License, and use of City-owned electrical outlets, with MSCD reimbursing the City for the licensure fee and lost revenues noted above.
2. Do not approve the use of City streets for this event.

**MANAGER'S RECOMMENDED ACTION:**

Main Street Cultural District has a proven track record of handling large-scale events of this nature, and worked diligently last year to host a safe and enjoyable Country Night event. MSCD has indicated that it will work with affected businesses to address communication concerns like those raised about last year's event.

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

# SUMMARY OF EVENT

## DESCRIPTION

**Event Name** Firefly Country Nights

**Description** This is a country concert in the middle of Main Street. A national act Gloriana will be headlining the event. It will also include 5-7 Food vendors and a beer garden. The expected attendance is 2000 people. Roughly the same number we had last year and at Oktoberfest.

We will close the street at 12am July 9th and Open it back up at ~~12pm July 9th~~  
2:00 am July 10

We will use double fencing for the beer garden and have an all ages area outside the fencing.

The event will Begin at 5pm and end at 11pm.

See link for news account of last years event...  
<http://amestrib.com/news/firefly-country-nights-takes-over-main-street>

**Event Category**

<input type="checkbox"/> Athletic/Recreation	<input type="checkbox"/> Concert/Performance
<input type="checkbox"/> Exhibits/Misc.	<input type="checkbox"/> Farmer/Outdoor Market
<input checked="" type="checkbox"/> Festival/Celebration	<input type="checkbox"/> Other (please explain)
<input type="checkbox"/> Parade/Procession/March	

**Anticipated Attendance** Total 2,000 Per Day \_\_\_\_\_

## DATE/TIME

<b>Setup</b>	Date <u>7/9/15</u>	Time <u>1:00 am</u>	Day of Week <u>thursday</u>
<b>Event Starts</b>	Date <u>7/9/15</u>	Time <u>5:00 pm</u>	Day of Week <u>thursday</u>
<b>Event Ends</b>	Date <u>7/9/15</u>	Time <u>11:00 pm</u>	Day of Week <u>thursday</u>
<b>Teardown Complete</b>	Date <u>7/10/15</u>	Time <u>0:00 am</u>	Day of Week <u>friday</u>

**Rain Date, if applicable** \_\_\_\_\_  
**Rain Location, if applicable** TDB

**COUNCIL ACTION FORM**

**SUBJECT: EXTENSION OF PARKLAND LEASES WITH IOWA STATE UNIVERSITY**

**BACKGROUND:**

Several parks or portions of parks in the City's park system are leased long term from Iowa State University. Five of these leases expire on March 1, 2015. Information regarding these leases is shown in the table below. Maps of each park are attached which show the lease area, along with any adjacent area owned by the City.

<b>Park</b>	<b>Lease Initiated</b>	<b>Acres</b>	<b>Lease Expires</b>
Brookside	1951	65	March 1, 2015
Franklin	1960	4.5	March 1, 2015
McDonald Woods	1967	5.6	March 1, 2015
Stuart Smith	1973	41	March 1, 2015
Zumwalt Rail Road	1970	5	March 1, 2015

Staff has met with Iowa State University representatives regarding renewing the leases for 30 years, and both parties are in agreement. However, not all of the details have been finalized in time to get approval from the City Council and Iowa Board of Regents prior to March 1. Iowa State University has offered to administratively extend these leases while the final leases are prepared. Therefore, staff is requesting City Council approval of the attached amendments for the aforementioned leases.

These amendments will allow the City to continue using these parks through February 1, 2016, while giving both parties additional time to finalize the details of the 30 year leases. The goal is to bring new lease agreements back to Council later this year.

**ALTERNATIVES:**

1. Approve the Lease Amendments for Brookside Park, Franklin Park, McDonald Woods, Stuart Smith Park, and Zumwalt Rail Road Park to extend the leases through February 1, 2016.
2. Do not approve these Lease Amendments.

**MANAGER'S RECOMMENDED ACTION:**

These leases have been in place for over 42 years and have afforded innumerable Ames residents and ISU students additional park space for their recreational needs. These extensions are a short term measure until details can be finalized for a 30 year lease for each of these parks.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative #1, thereby approving the Lease Amendments for Brookside Park, Franklin Park, McDonald Woods, Stuart Smith Park, and Zumwalt Rail Road Park which extend the leases through February 1, 2016.



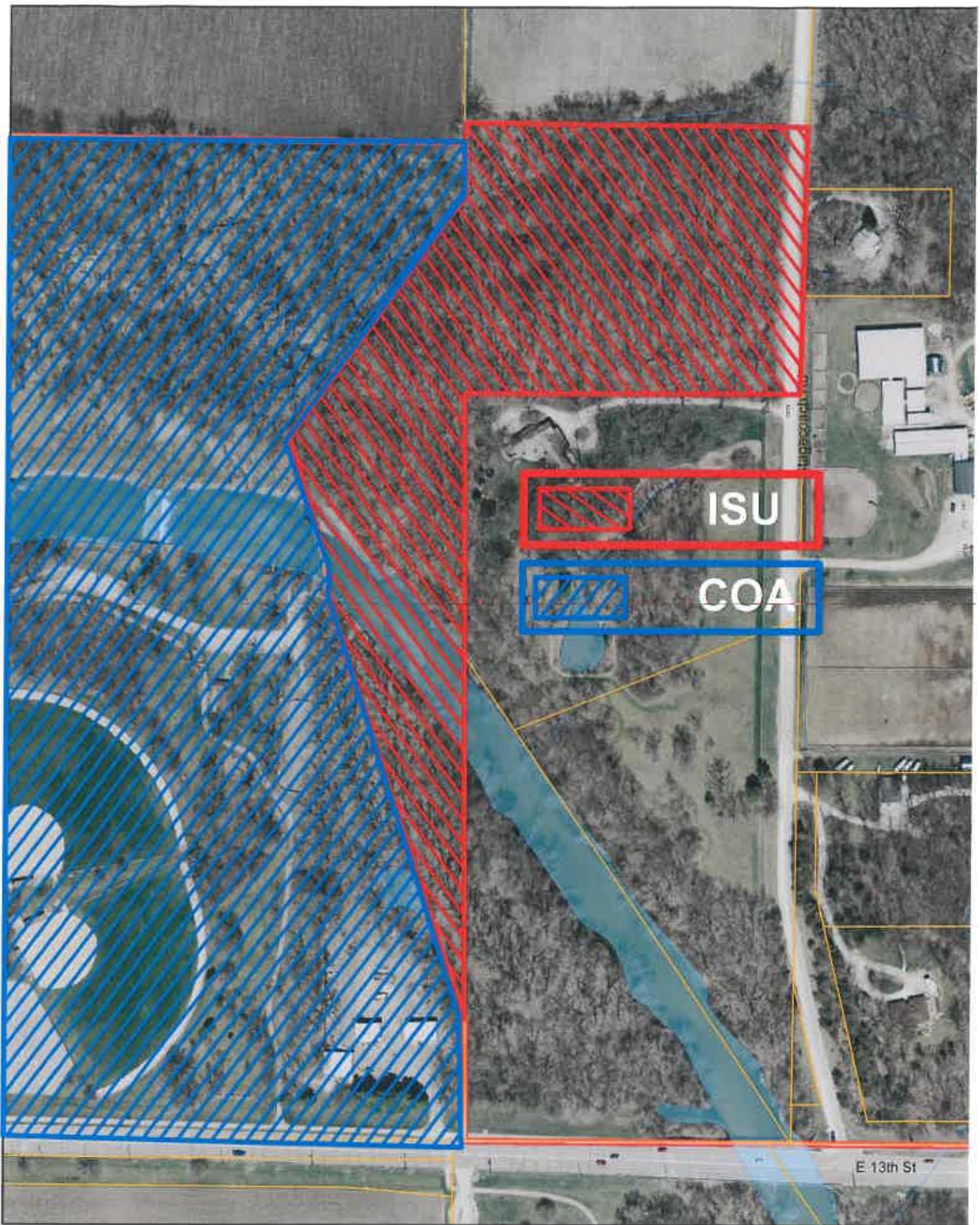
Brookside Park



Franklin Park



1 inch = 126 feet



McDonald Woods  
(Part of River Valley Park)



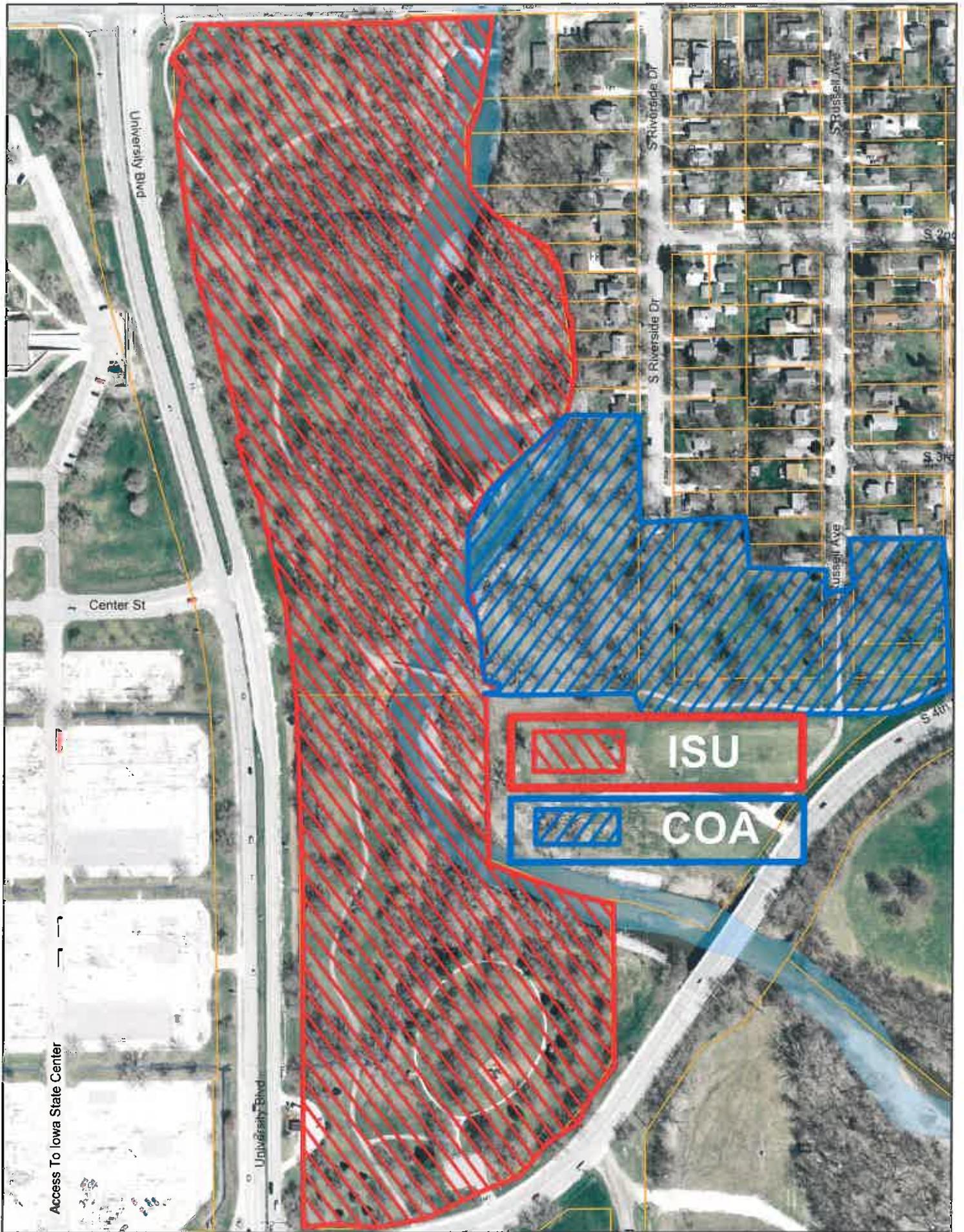
1 inch = 208 feet  
Date: 2/20/2015



Railroad Park



1 inch = 283 feet  
Date: 2/20/2015



Stuart Smith Park



1 inch = 233 feet

**FIRST AMENDMENT TO LEASE**

This First Amendment is entered into on February 24, 2015 by and between Iowa State University of Science and Technology and the City of Ames, Iowa and amends the Lease entered into by the Board of Regents, State of Iowa, acting on behalf of Iowa State University of Science and Technology and the City of Ames, Iowa dated August 13, 1985 pertaining to Brookside Park.

The parties agree that the following provisions of the Lease are amended as follows:

1. Strike "March 1, 2015" in Paragraph 1 of the Lease and replace with "February 1, 2016".
2. Strike "March 1, 2014" in Paragraph 2 of the Lease and replace with "March 1, 2015".
3. Except as specifically modified in this Amendment, the remaining provisions of the Lease remain in full force and effect.

Iowa State University of Science and Technology

City of Ames, Iowa

By: \_\_\_\_\_

By: \_\_\_\_\_

Warren R. Madden  
Senior Vice President  
for Business and Finance

Ann H. Campbell  
Mayor

**FIRST AMENDMENT TO LEASE**

This First Amendment is entered into on February 24, 2015 by and between Iowa State University of Science and Technology and the City of Ames, Iowa and amends the Lease entered into by the Board of Regents, State of Iowa, acting on behalf of Iowa State University of Science and Technology and the City of Ames, Iowa dated August 13, 1985 pertaining to Franklin Park.

The parties agree that the following provisions of the Lease are amended as follows:

1. Strike "March 1, 2015" in Paragraph 1 of the Lease and replace with "February 1, 2016".
2. Strike "March 1, 2014" in Paragraph 2 of the Lease and replace with "March 1, 2015".
3. Except as specifically modified in this Amendment, the remaining provisions of the Lease remain in full force and effect.

Iowa State University of Science and Technology

City of Ames, Iowa

By: \_\_\_\_\_

By: \_\_\_\_\_

Warren R. Madden  
Senior Vice President  
for Business and Finance

Ann H. Campbell  
Mayor

**FIRST AMENDMENT TO LEASE**

This First Amendment is entered into on February 24, 2015 by and between Iowa State University of Science and Technology and the City of Ames, Iowa and amends the Lease entered into by the Board of Regents, State of Iowa, acting on behalf of Iowa State University of Science and Technology and the City of Ames, Iowa dated August 13, 1985 pertaining to McDonald Woods.

The parties agree that the following provisions of the Lease are amended as follows:

1. Strike "March, 2015" in Paragraph 1 of the Lease and replace with "February, 2016".
2. Strike "March 1, 2014" in Paragraph 2 of the Lease and replace with "March 1, 2015".
3. Except as specifically modified in this Amendment, the remaining provisions of the Lease remain in full force and effect.

Iowa State University of Science and Technology

City of Ames, Iowa

By: \_\_\_\_\_

By: \_\_\_\_\_

Warren R. Madden  
Senior Vice President  
for Business and Finance

Ann H. Campbell  
Mayor

**FIRST AMENDMENT TO LEASE**

This First Amendment is entered into on February 24, 2015 by and between Iowa State University of Science and Technology and the City of Ames, Iowa and amends the Lease entered into by the Board of Regents, State of Iowa, acting on behalf of Iowa State University of Science and Technology and the City of Ames, Iowa dated August 13, 1985 pertaining to Railroad Park.

The parties agree that the following provisions of the Lease are amended as follows:

1. Strike "March 1, 2015" in Paragraph 1 of the Lease and replace with "February 1, 2016".
2. Strike "March 1, 2014" in Paragraph 2 of the Lease and replace with "March 1, 2015".
3. Except as specifically modified in this Amendment, the remaining provisions of the Lease remain in full force and effect.

Iowa State University of Science and Technology

City of Ames, Iowa

By: \_\_\_\_\_

By: \_\_\_\_\_

Warren R. Madden  
Senior Vice President  
for Business and Finance

Ann H. Campbell  
Mayor

**FIRST AMENDMENT TO LEASE**

This First Amendment is entered into on February 24, 2015 by and between Iowa State University of Science and Technology and the City of Ames, Iowa and amends the Lease entered into by the Board of Regents, State of Iowa, acting on behalf of Iowa State University of Science and Technology and the City of Ames, Iowa dated August 13, 1985 pertaining to the Stuart Smith Park.

The parties agree that the following provisions of the Lease are amended as follows:

1. Strike "March 1, 2015" in Paragraph 1 of the Lease and replace with "February 1, 2016".
2. Strike "March 1, 2014" in Paragraph 2 of the Lease and replace with "March 1, 2015".
3. Except as specifically modified in this Amendment, the remaining provisions of the Lease remain in full force and effect.

Iowa State University of Science and Technology

City of Ames, Iowa

By: \_\_\_\_\_

By: \_\_\_\_\_

Warren R. Madden  
Senior Vice President  
for Business and Finance

Ann H. Campbell  
Mayor

**COUNCIL ACTION FORM**

**SUBJECT: ARCHITECTURAL AND ENGINEERING SERVICES FOR AIRPORT  
TERMINAL BUILDING AND STORAGE HANGAR PROJECT**

**BACKGROUND:**

On February 10, 2015, staff presented a report updating City Council on the status of the Airport Terminal Building and Storage Hangar project. This included a brief historical summary of improvements conducted at the Ames Municipal Airport, a project timeline showing critical dates for replacement of the terminal building, a funding summary, a financing and storage hangar agreement with Iowa State University, a discussion of consultant design services, and important next steps necessary to address the ongoing financial stability of the Airport through an updated Fixed Base Operator (FBO) operating agreement.

The next step is to secure professional architectural and engineering design services to facilitate preparation of the new terminal/hangar building site improvements so that ISU and the private sector can construct the hangar portion of the project during the summer of 2015. The total project budget is \$2,410,000, which includes \$867,000 in G.O. Bonds, \$943,000 in revenue abated bonds, \$150,000 in a State of Iowa vertical infrastructure grant, and \$450,000 in federal funds.

The design and construction covered in the site improvements phase of the project is anticipated to utilize all the available federal funds (\$450,000). Those funds represent three years of accrued federal entitlements given annually to all general aviation airports across the nation. Because of this, the site improvement phase must follow all Federal Aviation Administration (FAA) requirements for design and letting of the project.

Bolton & Menk, Inc., has been selected to perform these professional services. This project will be led by Bolton & Menk's aviation group and coordinated out of its Ames office.

In making this selection, staff initiated an open RFQ process in November of 2013 in accordance with the City's purchasing policies. The City's purchasing policies require consultant selections to include cost as a criteria for selection unless otherwise required by Federal or State requirements. In this case, because the project includes federal entitlement funds, the FAA specifically prohibited the City from asking for cost during the selection process. Cost may only be determined after a consultant has been identified as the most qualified and the City enters into negotiations for a scope of services and fee with that consultant.

The scores of that qualifications based selection process are as follows:

<u>Airport Consultant</u>	<u>Average Score</u>
Bolton & Menk, Inc.	90.7
Foth Engineering	80.7
Heery International	69.0

Through this process, Bolton & Menk, Inc. were found to be the most qualified consultant based upon a combination of past aviation experience and their proposed approach to this project.

While the site improvements are being designed, it is proposed that the consultants conduct a parallel effort to begin the architectural design of the terminal building itself. This effort will include continued project coordination with those who are constructing the storage hangar, as well as conducting at least four stakeholder meetings to further refine the final configuration and aesthetics of the terminal building. The end goal will be to have one complete facility to serve as a gateway to the Ames community while at the same time meeting the future growth needs of the Airport.

This City Council action will be to approve two separate design contracts for professional services. The first is for the **site improvements** design, which follows the standards set by the FAA, in an amount not to exceed **\$140,000**. The second contract is for the architectural design of the **terminal building**, which includes stakeholder meetings and design coordination with the hangar portion. That contract is in an amount not to exceed **\$260,000**.

Design fees for aviation projects typically range from 15-20% of the total project cost. The combined professional services fee for both phases of Bolton and Menk’s work is a not to exceed amount of \$400,000, which is approximately 16.6% of the total project cost. In addition to this amount, the scope of the architectural services agreement also includes “**additional services**” in an amount not to exceed **\$90,000** that are **not** authorized at this time. This includes potential design services not included in the base service agreement with its four stakeholder meetings, but which the City may determine are needed in working through the terminal design process with stakeholder groups. Those additional services would need to be authorized by the City in writing before the consultant can conduct that work.

**ALTERNATIVES:**

1. a) Approve a professional services agreement with Bolton & Menk of Ames, Iowa for design of the site improvements for the Airport Terminal Building project at a not to exceed cost of \$140,000.
- b) Approve a professional services agreement with Bolton & Menk of Ames, Iowa for the building design of the Airport Terminal Building and Hangar project at a not to exceed cost of \$260,000.

2. Direct staff to seek additional alternatives for design of the site improvements and Terminal Building.

**MANAGER'S RECOMMENDED ACTION:**

By approving these two professional service agreements, the City will be able to move forward without delay following the proposed project timeline presented on February 10<sup>th</sup>. The anticipated completion date of the overall Terminal Building and Hangar project is May of 2016. It should be noted that staff will also be working on a new FBO solicitation that is anticipated to go into effect after the hangar facility is usable (estimated to be October 2015).

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

**COUNCIL ACTION FORM**

**SUBJECT: GOVERNOR'S TRAFFIC SAFETY BUREAU ENFORCEMENT GRANT PROGRAM**

**BACKGROUND:**

The Police Department is again requesting permission to apply for funding from the Governor's Traffic Safety Bureau to support additional overtime traffic enforcement, and to participate in the project should funding be awarded.

This program is conducted through the Governor's Traffic Safety Bureau in cooperation with local and county law enforcement agencies. Its purpose is to address traffic safety problems including alcohol, excessive speed, motorcycle and bicycle safety, and vehicle occupant protection. The program is designed with both enforcement and educational components to improve driver safety and protection, to reduce impaired driving, and to enhance overall traffic safety. The Ames Police Department has participated in similar annual programs in the past.

This grant will support additional traffic enforcement during periods of high risk for impaired driving, excessive speed and crashes. The officers conducting this intensified traffic enforcement will be added to the normal staffing levels for the Police Department and will work on an overtime basis. The areas in which these officers work will be selected on the basis of citizen complaints, officer observations, and traffic incident data.

The grant application would request \$35,450 in funding for the following uses:

- To pay officers at an overtime rate,
- To replace an in-car video camera, two radar units and a preliminary breath test device, and
- To fund acquisition of educational materials on traffic safety.

There is no local match required with this grant.

**ALTERNATIVES:**

1. Approve the Police Department's application for and participation in the Governor's Traffic Safety Bureau Enforcement Grant program.
2. Do not approve this application.

**MANAGER'S RECOMMENDED ACTION:**

Participation in this program allows our Police Department to devote additional resources to traffic safety without additional local costs. These funds help reduce traffic violations and improve traffic safety for the citizens of Ames.

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

**COUNCIL ACTION FORM**

**SUBJECT: WATER QUALITY GRANT APPLICATIONS – IOWA DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP AND STATE REVOLVING FUND SPONSORED PROJECTS**

**BACKGROUND:**

The City of Ames has an opportunity to make stormwater quality and quantity improvements in the downtown area by combining two state-funded watershed programs with a planned downtown street paving project.

Two separate state grants are available, and each addresses water quality within a designated watershed. Staff has identified project sites within the Squaw Creek Watershed including the area between 5<sup>th</sup> Street and 6<sup>th</sup> Street, around City Hall, Parking Lots M, MM, N, and the roadway right-of-way. This project can be partnered with the 2014/15 Downtown Street Pavement Improvements project (5<sup>th</sup> Street from Grand Avenue to Burnett Avenue), which will be carried out in the 2015 construction season. That project is funded with General Obligation Bonds and Storm Sewer Utility Funds from the Storm Sewer Improvement Program. The City has also been successfully awarded a water quality grant in the amount of \$188,540 from the State Revolving Fund (SRF) Sponsored Project Program, which was supported by City Council at the February 25, 2014 meeting.

Conceptually, the project will include soil quality restoration and replacing all standard lawn turf with native turf/landscape, in addition to permeable pavers and bioretention cells at various locations in the project area. Other stormwater best management practices (BMP's) will also be considered as the project is designed. Management of the water quality and quantity volumes of stormwater runoff is the goal. If achieved, this project would be a unique demonstration for others who develop residential and commercial properties within the City on how to achieve successful post-construction stormwater management.

The first grant is through the Iowa Department of Agriculture and Land Stewardship (IDALS) to support projects that will improve water quality in the state and act as demonstration sites for urban conservation practices. Approximately \$500,000 is available to support qualifying projects. In December 2014, the City of Ames submitted a pre-application for consideration and is now invited to submit a full application. The City is requesting \$100,000 in project funds.

The second grant opportunity is through the SRF as a Water Resource Restoration Sponsored Project. This program was created by the 2009 Iowa General Assembly in order to fund water quality protection projects. The program has been implemented

through the Clean Water State Revolving Fund (CWSRF), a loan program for construction of water quality facilities and practices. On a typical CWSRF loan, a utility borrows the principal for a project from the state and repays both the principal and applicable interest and fees. **In contrast, on a CWSRF loan with a sponsored project, the utility borrows for both the wastewater improvement project and the sponsored project. However, through an overall interest rate reduction, the utility's ratepayers do not pay any more than they would have for just the wastewater improvements.** Therefore, two water quality projects are completed for the cost of one.

In this case, the scheduled wastewater improvements are a lift station improvement project administered by the City's Water & Pollution Control Department and sanitary sewer rehabilitation improvements administered by the City's Public Works Department. As part of the Department of Natural Resources Intended Use Plan, the Lift Station project loan is estimated at \$1,155,440 and the Sanitary Sewer Rehabilitation project loan is estimated at \$2,588,970. Since these two loan estimates total \$3,744,410, the Sponsored Project application is estimated at \$374,441.

Through the IDALS grant and the SRF Sponsored Project funding, this water quality and quantity improvement project will be used as a demonstration for area developers and residents to consider for their own properties.

**ALTERNATIVES:**

1. Authorize applications for a CWSRF Water Resource Restoration Sponsored Project and an IDALS water quality urban conservation project, and designate Municipal Engineer Tracy L. Warner as the authorized representative to sign the grant applications.
2. Direct staff to make modifications to the project.

**MANAGER'S RECOMMENDED ACTION:**

By supporting submission of these two grant applications, the City of Ames can be recognized within the community and statewide as an innovative community that is willing to construct demonstration stormwater BMPs to address water quality and quantity concerns. If funded, this demonstration project will be a unique application of soil quality restoration and native landscape in an urban setting.

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

**COUNCIL ACTION FORM**

**SUBJECT: SALE OF CITY-OWNED PROPERTY AT 1109 ROOSEVELT AVENUE**

**BACKGROUND:**

Under the City's previous Community Development Block Grant (CDBG) Action Plans, funds were set aside for the Acquisition/Reuse Program. Under this program, the City acquires and demolishes/removes single-family properties and/or lots for reuse as affordable housing. The target group to benefit consists of low- and moderate-income households at 80% or less of HUD's designated median income limits. The program also initially provided "minor" repairs to single-family properties, as needed.

Where possible, the program had the following more comprehensive approach at targeting single-family properties:

- Converting single-family rental properties that are "for sale" back into single-family homeownership. Match, where possible, with eligible first-time homebuyers through the City's CDBG Homebuyer Assistance Program.
- Assist in code enforcement for abandoned, deteriorated properties; remove the buildings; and then sell the vacant lots for affordable housing.
- Acquire vacant properties and resell them at a reduced price to non-profit organizations and/or for-profit organizations for rehabilitation and sale as affordable housing.
- Acquire vacant lots and resell them at a reduced price to non-profit organizations and/or for-profit organizations for construction of affordable housing.
- Concentrate, where possible, in targeted low-income census tracts.

Under this prior program, the City purchased 15 single-family properties. The properties were either rehabilitated and sold to first time homebuyers, or were sold at a reduced cost to non-profit organizations. Such price reductions were based on the fact that the non-profit would be responsible for rehabilitating the properties before they could be re-sold to low-income homebuyers. Of the 15 properties, seven have previously been sold to Habitat for Humanity of Central Iowa, and two remain to be rehabilitated and sold.

Habitat representatives approached City staff to inquire about continuing this partnership and expressed interest in purchasing one of the remaining two properties at 1109 Roosevelt Avenue. This property was initially purchased by the City in 2009 for \$115,000, and a number of repairs were made. This property was slated to be sold to an applicant household participating in the City's Homebuyer Assistance Program. Unfortunately, that applicant had to withdraw from the program. Without an identified buyer, staff began working with the Habitat Executive Board to negotiate an agreement for the sale of the property at a reduced price, which was ultimately determined to be \$25,000.

This represents the eighth collaborative endeavor for Habitat and the City. This sale will allow the City to continue to address one of the priority goals outlined in the both the 2014-15 Annual Action Plan and in the 2014-2019 CDBG Five-Year Consolidated Plan, which is to create and expand the availability and affordability of rental and/or owner-occupied housing options for low and moderate income households.

Attached is the contract for sale agreement between the City and Habitat prepared by City Legal staff which outlines the conditions under which the property will be sold. The Finance Department has reviewed and accepted Habitat for Humanity of Central Iowa's 2013 and 2014 Annual Audit Reports. Staff has had a title search update completed on the property that verifies that the City possesses clear title.

**ALTERNATIVES:**

1. The City Council can approve the contract for sale agreement of City-owned property located at 1109 Roosevelt Avenue to Habitat for Humanity of Central Iowa for affordable housing in the amount of \$25,000.
2. The City Council can deny approval of the contract for sale agreement of City-owned property at 1109 Roosevelt Avenue to Habitat for Humanity of Central Iowa.
3. The City Council can direct staff to modify the sales agreement for this property.

**MANAGER'S RECOMMENDED ACTION:**

As in past partnerships, the City has sold the City-owned properties to Habitat at a reduced amount. The justification for this reduced sales price takes into account that Habitat will be responsible for making repairs and improvements to the property. The primary benefit of this sale is that this once single-family rental unit will now be converted back into single-family homeownership for a low-income household.

Therefore, it is the recommendation of the City Manager that the City Council approve Alternative #1, thereby approving the contract for sale agreement of the City-owned property located at 1109 Roosevelt Avenue to Habitat for Humanity of Central Iowa for affordable housing at a cost of \$25,000.

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

Prepared by: Jessica D. Spoden, City of Ames Legal Department, 515 Clark Ave., Ames, IA 50010; 515-239-5146  
Return to: Diane R. Voss, Ames City Clerk, Ames City Hall, 515 Clark Ave., Ames, IA 50010; 515-239-5146

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**AGREEMENT BETWEEN THE CITY OF AMES AND  
HABITAT FOR HUMANITY OF CENTRAL IOWA, INC.,  
FOR PURCHASE AND REHABILITATION OF  
PROPERTY AT 1109 ROOSEVELT AVENUE, AMES,  
IOWA**

**THIS AGREEMENT** is made and entered into between the City of Ames, Iowa, an Iowa municipal corporation (“City”) and Habitat for Humanity of Central Iowa, Inc. (“Habitat”), an Iowa corporation.

**WHEREAS**, the City wishes to utilize community development block grant funds to acquire real property for rehabilitation and use as owner-occupied housing for income-qualified homebuyers to further the goals and objectives of the City’s consolidated CDBG plan; and

**WHEREAS**, Habitat also has the goal of providing safe and affordable owner-occupied housing to low income home buyers and is willing to participate with the City in rehabilitation of residential structures.

**NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:**

**I  
CITY’S OBLIGATIONS**

- A. Purchase of Property. The City has secured the purchase of property legally described as: Lot 6, Block 5, Baird’s Addition to the City of Ames, Story County, Iowa, and locally known as 1109 Roosevelt Avenue (hereinafter “Property”) and will retain ownership of that Property until sold to Habitat under the conditions described herein. The City has completed certain items on the Property prior to this Agreement. *See* Attachment A for a list of completed items.

- B. Access to Property. The City agrees to grant Habitat immediate and continuing access to the property for the purpose of rehabilitation of the property. Access for the purpose of rehabilitation shall also be granted to Habitat's agents.
- C. Technical Assistance. Upon request, the City will provide technical assistance to Habitat concerning compliance with the terms of this Agreement.
- D. Performance Monitoring. The City may inspect and monitor the performance of Habitat to determine its compliance regarding the performance standards of this Agreement. Substantial nonperformance, as determined by the City, constitutes noncompliance with this Agreement. In the event this occurs, the City shall notify Habitat of the noncompliance and provide a time limit to correct the noncompliance.
- E. Property Conveyance. The City shall convey marketable title to the property for and in consideration of Habitat's completion of rehabilitation of the property, payment of sums set out in section II.A(1) and agreement to sell the property on or before August 31, 2015, to a qualified homebuyer, as set forth hereafter.
- F. Property Taxes. Property taxes until transfer of title to Habitat will be the responsibility of the City.

## II HABITAT'S OBLIGATIONS

- A. Compensation for Purchase.
  - 1. Habitat agrees to pay the City of Ames \$25,000.00 for the Property. Habitat agrees that it shall provide a non-refundable down payment of \$2,500.00 (10% of the purchase price) for the Property. This down payment shall be placed into an escrow account as a pre-condition to Habitat being granted access to the Property and Habitat shall have its financial institution verify to the City that the funds have been placed in an escrow account. The total of \$25,000.00 shall be due at the time Habitat has completed all other requirements under this Agreement and acquires title to the Property. Habitat shall pay all transfer and recording expenses, any permit fees and other expenses related to the conveyance of the Property.
  - 2. Habitat agrees to provide all materials, labor and services as are necessary to rehabilitate the Property to the standards described in section II.B so that it is safe and habitable for residential use.
  - 3. Habitat agrees to accept payment responsibility for all utility services, including but not limited to electric, water, sewer and gas, as soon as the City purchases the Property, and further agrees to transfer those services for billing purposes to Habitat promptly on receipt of notice from the City.

4. Habitat agrees to include the following improvements on the Property: *See* Attachment B.
- B. Performance Standards. The Property shall be rehabilitated in compliance with all applicable state and local building codes and regulations, including necessary building permits as required. The development of any architectural designs, if necessary, for the project shall be the responsibility of Habitat, subject to prior approval by the City.
  - C. Property Maintenance and Utilities. Habitat shall be responsible for all maintenance for the Property (i.e., lawn care, snow removal, etc.) and shall have all utilities transferred into its name within one week of the approval of this Agreement.
  - D. Lead Paint. All supervisory persons working for or assisting Habitat in the rehabilitation of the Property shall complete a Lead Safe Renovator Certification training prior to beginning any rehabilitation work on the Property, unless the City has completed lead stabilization on the Property. If any of the areas previously stabilized by the City are disturbed for any reason, the work shall be done by a person who has completed the Lead Safe Renovator Certification training. A copy of the Lead Safe Renovator Certification Training shall be provided to the City prior to the initiation of the work. *See* Attachment B for the stabilization work completed by the City.
  - E. Completion of Rehabilitation and Sale to Qualified Homebuyers.
    1. City shall not sell the Property to Habitat unless and until the selected homebuyer has been determined eligible by the Department of Planning and Housing, Housing Coordinator, based on the CDBG program requirements. Habitat shall provide the name and contact information of the selected homebuyer to the City within 30 days after the effective date of this Agreement.
    2. Promptly upon completion of the rehabilitation, Habitat shall give notice of completion to the City. Habitat shall then sell the Property to a qualified homebuyer whose gross annual income is at or below 80% of the Story County median income as established by HUD as set forth in Attachment C incorporated by reference into this Agreement.
    3. Habitat shall give the City written notice of the date of the pending sale and provide documentation in a format prescribed by the City establishing that the selected homebuyer meets the eligibility requirements set forth in the above paragraph. Habitat further agrees that the Property shall be sold to subsequent buyers that meet the requirements set forth in the above paragraph for a period of seven (7) years from the date of purchase by Habitat. Habitat further agrees that it

will include in its mortgage documents to an eligible buyer the following language:

Borrower(s) covenants and agrees that in the event it shall desire to sell or convey the Property during the term of this Security Instrument, for a period of seven (7) years, the Borrower(s) shall first offer the Property to Habitat for Humanity of Central Iowa, Inc. (HFHCI), or HFHCI's successor in interest, in the following manner:

Borrower(s) shall serve notice in writing to HFHCI, or its successor in interest, by registered mail, return receipt requested. The notice shall indicate that Borrower(s) desires to sell the Property. The notice shall also contain an offer to sell the Property to Lender, or its successor in interest, upon the terms and conditions as set forth in the bona fide offer.

For a period of thirty (30) days after the receipt of the notice, Lender, or its successor in interest, shall have the right to purchase the Property for the same price on the same terms that the Property was sold to the Borrower(s). However, at the time of sale of the Property, all payments (excluding insurance, taxes and escrow payments used for the repair of the Property) and the added, appraised value of any permanent improvements (which have been approved by the Lender) to the property made by the Borrower(s) with their funds will be repaid to the Borrower(s). If Lender, or its successor in interest, fails to exercise the right to purchase set forth in this paragraph, Borrower(s) may sell or convey the Property to any party making a bona fide offer.

In the event Lender timely notifies Borrower(s) that it elects to purchase the Property on the terms provided in the notice set forth in the preceding paragraph, Lender and Borrower(s) shall promptly, but no later than sixty (60) days after the date of notice from Lender to Borrower(s), execute such usual and customary documents as shall be required in order to consummate such transaction.

4. Habitat shall provide certification in a form acceptable to the City that the activities carried out under this Agreement will meet the objective of benefitting low and moderate income persons as defined in 24 CFR 570.208.
- F. Completion Date and Terms. Habitat shall be permitted to commence rehabilitation as soon as their financial institution has verified to the City that the down payment has been placed into an escrow account. Habitat shall complete the rehabilitation of the Property by July 31, 2015. Habitat shall promptly sell the Property to qualified homebuyers on or before August 31, 2015.

Within thirty (30) days after the closing of permanent financing and sale to the eligible homebuyers, Habitat, at its expense, shall have properly recorded any mortgage, security agreement, financing statement, purchase contract or similar document(s) required by the City.

Habitat agrees to comply with all applicable federal, state and local laws and regulations governing the funds provided under this Agreement.

G. Insurance. During the period of this Agreement, effective as of the start date of the project, Habitat shall, at its own expense, procure and maintain all-risk property damage and liability insurance. For the term of this Agreement, Habitat shall list the City as an additional insured on said property insurance. Property damage coverage shall not be less than the current market value of the Property. Liability coverage shall include contractual insurance as well as comprehensive form insurance, and shall provide coverages of not less than \$1,000,000 bodily injury per person, \$1,000,000 bodily injury per occurrence and \$500,000 property damage. Habitat shall furnish the City with a certificate of insurance. The insurance company providing the insurance must be licensed to do business in the state of Iowa and rated as A or better by A.M. Best. Each insurance policy required by this clause shall be endorsed to state that coverage shall not be suspended, voided, canceled by either party or reduced in coverage or in limits except after thirty (30) days prior written notice has been given to the City. The contractor shall also give at least thirty (30) days prior notice to the City, by certified mail, return receipt requested, of any coverage to be suspended, voided, canceled by either party or reduced in coverage or in limits. Habitat shall provide Workers' Compensation insurance coverage, as required by Chapter 85 of the *Code of Iowa*, for all employees involved in the performance of this Agreement.

H. Audits, Inspections and Records.

1. Prior to the transfer of title of the Property and annually thereafter, Habitat shall promptly furnish to the City for its review and approval a current audit of its annual financial statements.
2. Habitat shall promptly furnish the City and HUD with such statements, records, data and information as the City or HUD may reasonably request pertaining to this Agreement.
3. Habitat shall maintain all records for ten (10) years from the date of this Agreement that are pertinent to the activities to be funded under this Agreement including, but not limited to:
  - a. Records providing a full description of each activity undertaken.

- b. Records required to document the acquisition, improvement, use or disposition of real property acquired or improved with CDBG assistance.
  - c. Records documenting compliance with the fair housing and equal opportunity components of the CDBG program.
  - d. Financial records as required by 24 CFR 570.502 and OMB Circular A-110.
- I. Homebuyer Records. Habitat shall maintain homebuyer data demonstrating client eligibility for services provided. Such data shall include, but not be limited to, a signed and dated verification of income statement, or other basis for determining eligibility, and a description of service provided. Such information shall be made available to City monitors or their designees for review upon request.

During the term of this Agreement, any time during normal business hours, Habitat shall make available to the City, HUD and/or the Comptroller General of the United States, or their duly authorized representatives, all of Habitat's records in order to permit examination of any audits, invoices, materials, payrolls, personnel records, conditions of employment and other data relating to all matters covered by this Agreement.

Habitat shall submit a Homebuyer Completion Report at the close of the finished housing unit and/or sale to an income-qualified buyer. The completion report shall, at a minimum, include information relating to the final project costs and funding sources, and household characteristics as required by the City for reporting to HUD's IDIS system.

- J. Notices. Habitat shall direct all notices, reports, insurance policies and other communications related to or required by this Agreement to the office of the City of Ames Department of Planning and Housing, Housing Coordinator, 515 Clark Avenue, Room 214, Ames, Iowa, 50010. Notice by both Habitat and the City shall be given by ordinary mail.

Additionally, until completion of the project, Habitat shall submit quarterly reports describing progress of the project activities, which shall be due no later than ten (10) days after the end of the calendar quarter.

### **III NON-PERFORMANCE**

- A. Performance Obligation. Until August 31, 2022, Habitat shall, in a manner satisfactory to the City, fulfill its stated purpose as outlined in II.E of this Agreement and provide continued service.

B. Limitation on Resale. Habitat agrees the documents of the initial sale of the Property to a qualified homebuyer outlined in II.E will include provisions to restrict any subsequent sales during the duration of this Agreement by imposing an agreed upon resale ratio that will ensure that the Property will be affordable to a homebuyer who meets the income limits outlined in II.E of this Agreement.

C. Limitation on Assignment.

1. Habitat shall not sell, assign or transfer any legal or equitable interest in the Property at any time prior to August 31, 2022, without written concurrence of the City. In such event, Habitat shall repay to the City the City's original purchase price of \$115,000.00, or if Habitat discontinues its program, Habitat shall repay to the City the City's original purchase price of \$115,000.00 or show proof that the Property will continue to be occupied by an eligible household, as outlined in II.E of this Agreement.
2. In the event Habitat wishes to assign the mortgage to a qualified lending institution, the obligation that the Property remain under ownership to a qualified buyer, as outlined in II.E of this Agreement, continues and Habitat shall ensure that obligation is transferred to the assignee.

D. Discontinuance of Habitat. In the event Habitat discontinues its services prior to August 31, 2022, the value of the prorated portion of real and personal property (tangible and intangible) secured with the CDBG funds, if applicable, under this Agreement shall revert to the City. If said Property has been disposed of, Habitat shall reimburse the City in the amount of the current fair market value of the Property less any portion of the fair market value attributable to non-City CDBG funds. (Personal property includes, but is not limited to, equipment, furnishings and vehicles.)

E. Default. In the event Habitat defaults in the performance or observation of any covenant, agreement or obligation set forth in this Agreement, and if such default remains uncured for a period of thirty (30) days after notice thereof shall have been given by the City to Habitat (or for a period of sixty (60) days after such notice if such default is curable but requires acts to be done or conditions to be remedied which, by their nature, cannot be done or remedied within such 30-day period and thereafter diligently and continuously prosecutes the same to completion within such 60-day period), the City may declare that Habitat is in default hereunder and may take any one or more of the following steps, at its option:

1. By mandamus or other suit, action or proceeding at law or in equity, require Habitat to perform its obligations and covenants hereunder, or enjoin any acts or

things which may be unlawful or a violation of the rights of the City hereunder, or obtain damages caused by Habitat by any such default.

2. Have access to and inspect, examine and make copies of all books and records of Habitat which pertain to the project.
  3. Declare a default with the Home Ownership Agreement and make no further disbursements, and demand immediate repayment from Habitat of any funds previously disbursed under the Home Ownership Agreement.
  4. Take whatever other action at law or in equity which may appear necessary or desirable to enforce the obligations, covenants and restrictions of Habitat hereunder, including the recovery of funds. No delay in enforcing the provisions hereof as to any breach or violation shall impair, damage or waive the right of the City to enforce the same or obtain relief against or recover for the continuation or repetition of such breach or violation, or any similar breach or violation thereof, at any later time or times.
- F. Events of Default. The following, by way of specification but not limitation, shall constitute events of default of this Agreement between Habitat and the City:
1. The homebuyer has a principal place of residence at some place other than the Property.
  2. The homebuyer causes or permits the Property to be damaged, in disrepair, the site of a public nuisance or otherwise the site of conditions that unreasonably interfere with the use and enjoyment of other properties in the vicinity, ordinary wear and tear excepted.

#### **IV ENVIRONMENTAL, ASSESSMENT, HISTORIC PRESERVATION AND LEAD BASED PAINT**

Habitat shall assist the City in complying with all applicable environmental assessments, historic preservation requirements of HUD and the State Historic Preservation Office of Iowa, and section 302 of the Lead-Based Paint Poisoning Prevention Act and HUD regulations thereunder (24 CFR, part 50) insofar as they apply to the performance of this Agreement.

#### **V ELIGIBILITY RESTRICTIONS FOR CERTAIN RESIDENT ALIENS (570.613)**

- A. Restriction. Habitat agrees to comply with 24 CFR 570.613, which states that certain newly legalized aliens, as described in 24 CFR, part 5, subpart E, are not eligible to apply for benefits under covered activities funded by the City's CDBG programs.

“Benefits” under this section means financial assistance, public services, jobs and access to new or rehabilitated housing and other facilities funded through the City’s CDBG programs. “Benefits” does not include relocation services and payments to which displaces are entitled by law.

- B. Covered Activities. “Covered activities” under this section means activities meeting the requirements of section 570.208(a) that either:
  - 1. Have income eligibility requirements limiting the benefit exclusively to low- and moderate-income persons; or
  - 2. Are targeted geographically or otherwise to primarily benefit low- and moderate-income persons (excluding activities serving the public at large, such as sewers, roads, sidewalks and parks), and that provide benefits to persons on the basis of an application.
- C. Limitation on Coverage. The restrictions under this section apply only to applicants for new benefits not being received by covered resident aliens as of the effective date of this Agreement.
- D. Compliance. Compliance can be accomplished by Habitat obtaining certification as provided in 24 CFR, part 5, subpart E, evidencing citizenship or eligible immigration status.

## VI

### TERMINATION OF AGREEMENT FOR CAUSE

If Habitat fails to fulfill its obligations under this Agreement in a timely and proper manner, or if Habitat violates any of the terms, agreements or stipulations of this Agreement, the City shall thereupon have the right to terminate this Agreement by giving written notice to Habitat of such termination, specifying the default or defaults, and stating that this Agreement shall be terminated thirty (30) days after the giving of such notice unless such default or defaults are remedied within such cure period. The City shall be obligated to make no payment due hereunder after it gives said notice unless the defaults are remedied within said thirty (30) day period. In the event of such termination, Habitat shall promptly repay to the City the full grant/loan amount or that portion of the amounts that have been disbursed to Habitat prior to such termination.

## VII

### TERMINATION OF AGREEMENT FOR CONVENIENCE

This Agreement may be terminated in whole or in part upon the mutual agreement of the parties hereto, in which case the City and Habitat shall agree in writing upon the termination conditions, including the effective date, the disposition of contract amounts and, in the case of partial termination, the portion to be terminated. However, if, in the case of partial termination,

the City determines that the remaining portion of the award will not accomplish the purposes for which the award was made, and the award is terminated in its entirety, Habitat shall promptly repay to the City the full grant/loan amount or that portion of the amount which has been disbursed to Habitat prior to such termination.

## **VIII INTEREST OF CERTAIN FEDERAL AND OTHER OFFICIALS**

- A. No member or delegate to the Congress of the United States, and no resident Commissioner, shall be admitted to any share or part of this Agreement, or to any benefit to arise herefrom.
- B. No member of the governing body of the City, no officer, employee, official or agent of the City, or other local public official who exercises any functions or responsibilities in connection with the review, approval or carrying out of the project to which this Agreement pertains, shall have any private interest, direct or indirect, in this Agreement.
- C. No federal funds appropriated under this Agreement shall be paid, by or on behalf of Habitat, to any person for influencing or attempting to influence a member of Congress, an officer or employee of Congress or any federal agency in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement and the extension, continuation, renewal, amendment or modification of any federal contract, grant, loan or agreement.
- D. If any funds other than federally appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress or an employee of a Member of Congress in connection with this federal agreement, Habitat shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- E. Habitat shall require that the language of this certification be included in the award documents for all sub-Habitats and that all sub-Habitats shall certify and disclose accordingly.

## **IX CONFLICT OF INTEREST**

Habitat covenants that it has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of the services to be undertaken through this Agreement. Habitat further covenants that in the performance of this Agreement, no person having such an interest shall be employed by Habitat.

## **X**

## **GRANTOR RECOGNITION**

All activities, facilities, and items utilized pursuant to this Agreement shall be prominently labeled as CDBG funded. In addition, Habitat will include a reference to the support provided herein in all publications made possible with funds made available under this Agreement.

## **XI ASSIGNABILITY**

Habitat shall not assign or transfer any interest in this Agreement without the prior written approval of the City. Any assignment made without such consent shall be void. This Agreement shall be binding upon the parties and shall inure to the benefit of the successors and assigns of the parties hereto.

## **XII HOLD HARMLESS PROVISION**

Habitat shall indemnify, defend and hold harmless the City, its officers, employees and agents from all liability, loss, cost, damage and expense (including reasonable attorney's fees and court costs) resulting from or incurred by reason of any actions based upon the negligent acts or omissions of Habitat's employees or agents during the performance of this Agreement.

The City shall indemnify, defend and hold harmless Habitat, its officers, employees and agents from all liability, loss, cost, damage and expense (including reasonable attorney's fees and court costs) resulting from or incurred by reason of any actions based upon the negligent acts or omissions of the City's employees or agents during the performance of this Agreement.

## **XIII SEVERABILITY CLAUSE**

If any one or more of the provisions contained in this Agreement are held to be invalid, illegal or unenforceable, this Agreement shall be deemed severable and the remainder of the Agreement shall remain in full force and effect.

## **XIV LIMITATIONS OF CITY LIABILITY – DISCLAIMER OF RELATIONSHIP**

The City shall not be liable to Habitat, or to any party, for completion of or failure to complete any improvements which are parts of the project. Nothing contained in this Agreement, nor any act or omission of the City or Habitat, shall be construed to create any special duty, relationship, third-party beneficiary, respondent superior, limited or general partnership, joint venture or any association by reason of Habitat's involvement with the City.

**IN WITNESS WHEREOF**, the parties hereto have executed this Agreement on this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

**CITY OF AMES, IOWA**

**HABITAT FOR HUMANITY OF  
CENTRAL IOWA, INC.**

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

By \_\_\_\_\_  
Annette Forbes, Board President

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

By \_\_\_\_\_  
Sandi Risdal, Executive Director

STATE OF IOWA, STORY COUNTY, ss:

STATE OF IOWA, STORY COUNTY, ss:

On this \_\_\_\_\_ day of \_\_\_\_\_, 2015, before me, a Notary Public in and for the State of Iowa, personally appeared Ann H. Campbell and Diane R. Voss, to me personally known, and who, by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of Ames, Iowa; that the seal affixed to the foregoing instrument is the corporate seal of the corporation; and that the instrument was signed and sealed on behalf of the corporation, by authority of its City Council, as contained in Resolution No. \_\_\_\_\_ adopted by the City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2015, and that Ann H. Campbell and Diane R. Voss acknowledged the execution of the instrument to be their voluntary act and deed and the voluntary act and deed of the corporation, by it voluntarily executed.

On this \_\_\_\_\_ day of \_\_\_\_\_, 2015, before me, a Notary Public in and for the State of Iowa, personally appeared Rod K. Place and Sandi Risdal, to me personally known, who being by me duly sworn, did say that they are the Board President and Executive Director, respectively, of said corporation, that the seal affixed to said instrument is the seal of said corporation, or no seal has been procured by the said corporation, and that said instrument was signed and sealed on behalf of said corporation by authority of its Board of Directors, and the said Rod K. Place and Sandi Risdal acknowledged the execution of said instrument to be the voluntary act and deed of said corporation by it voluntarily executed.

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

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

**ATTACHMENT A**  
**REPAIR/IMPROVEMENTS COMPLETED BY**  
**THE CITY OF AMES ON 1109 ROOSEVELT**

1. Attic Install to R-50 value (May 2014).
2. Entire Roof Replacement\* (including new gutters and downspouts. (June 2014).
3. Basement waterproofing\* (including installation of tile perimeter, sump (Jan 2013).
4. Installation of Radon Mitigation System\* (June 2014).
5. Relocation of Water Meter from under front entryway to interior of basement (June 2014).
6. Stabilization of Lead Paint Hazards (July 2014). See attached reports.

\*Any warranties provided will be transferred to the Central Iowa Habitat for Humanity at the time of closing.

**ATTACHMENT B  
REHABILITATION IMPROVEMENTS TO BE COMPLETED BY  
HABITAT FOR HUMANITY OF CENTRAL IOWA  
FOR 1109 ROOSEVELT**

1. Install new front and rear entry doors and storm doors.
2. Install new windows including basement windows, and window wells, where needed.
3. Install new decorative shutters on front windows
4. Replace or repair concrete on driveway, and sidewalks on property, where needed.
5. Install new front entry with either concrete or wood to include proper steeping and handrails.
6. Install additional landscaping and cosmetic work as needed (not to exceed \$1,000.00).
7. Repair all wood rot, and install new seals around doors and windows on house.
8. Install hard-wired interconnected smoke detectors on all levels and in bedrooms.
9. Update areas in kitchen to include installation of GFI protection for kitchen  
1. outlets, trap on kitchen sink, and kitchen counter tops.
10. Have a certified inspection of all plumbing and mechanical fixtures (water heater, furnace and air condition units), repair or replace, where needed and retain good working order.
11. Replace or repair all kitchen fixtures (refrigerator, dishwasher, stove, microwave) as need to insure all are retain in good working condition.
12. Install new dryer vent system.
13. Check and repair exposed portions of concrete block around foundation, where needed.
14. Replace all window wells, where needed.
15. Any additional items that will need permits and/or brought into code compliance.
16. Rehabilitate property in compliance with Energy Star Standards (where possible)
17. Utilized a certified Lead Safe Renovator contractor and follow the Lead Safe Renovator Regulations when disturbing areas that were stabilized prior to replacement.
18. Replace and install new sump pumps in basement.

**This list is not exhaustive, If there are other items that become apparent during the rehabilitation of the subject property, they maybe added to this list.**

**A walk through pre-final inspection by the City will be required within 3-4-weeks prior to the rehabilitation deadline (on or before July 31, 2015). A final inspection will be required on or before June 30, 2015, to verify that all items have been completed. Failure to adhere to these deadlines may cause the agreement to become null and void.**

**ATTACHMENT C**

<b>2014 80% of Story County Median - Effective (subject to change)</b>	
<b>Family Size</b>	<b>Gross Income Cannot Exceed</b>
1	\$42,100
2	\$48,100
3	\$54,100
4	\$60,100
5	\$64,950
6	\$69,750
7	\$74,550
8	\$79,350

**COUNCIL ACTION FORM**

**SUBJECT: PURCHASE OF FOUR ARTICULATED BUSES**

**BACKGROUND:**

In 2014, the Federal Transit Administration awarded the last discretionary grant opportunity from the previous transportation bill under a program called “Ladders of Opportunity” to CyRide for the purchase of four 60’ articulated buses. The capital/grant budget for this bus purchase is as follows:

Federal Funding (85%)	\$2,550,000
Local Funding (15%)	<u>\$450,000</u>
<b>Total Capital Investment</b>	<b>\$3,000,000</b>

The transit system in Austin, Texas completed an articulated bus bid which included future year’s options. In discussions with this transit system, it is willing to transfer ownership of four options to CyRide to purchase vehicles from the same manufacturer as CyRide’s current articulated buses – NOVA Bus. Purchasing buses in this manner fulfills the requirements for the local and federal competitive bid process, and at the same time standardizes CyRide’s fleet and reduces administrative time and expense to complete a new bus bid.

While final price negotiations are currently in progress, at its February 18, 2015 meeting the Transit Board of Trustees approved purchase of four 60’ articulated buses from NOVA Bus in Plattsburgh, New York in an not-to-exceed grant amount of \$3,000,000. Current delivery schedules are approximately 18 months from the time of award.

The local share of \$450,000 for this bus purchase is included in the 2015-2020 Capital Improvement Plan over two budget years – next year (FY 2015-16) and the following year (FY 2016-17). CyRide will have accumulated the local share of \$450,000 dollars by the time the buses are delivered and payment is required (anticipated for Summer-Fall 2016).

**ALTERNATIVES:**

1. Approve a contract with NOVA Bus of Plattsburgh, New York at a not-to-exceed amount of \$3,000,000 for the purchase of four 60’ buses.
2. Do not approve a contract for the purchase of these buses.

**MANAGER'S RECOMMENDED ACTION:**

CyRide will have sufficient local funding to complete this purchase at the time the buses are delivered. This bus purchase will add an additional four new articulated buses to the fleet at the lowest possible cost, allowing for the agency to keep pace with its ridership growth and resulting increased bus need. These new buses will also assist in keeping the average fleet age as low as possible.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving a contract with NOVA Bus for a not-to-exceed amount of \$3,000,000.

**COUNCIL ACTION FORM**

**SUBJECT: 2011/12 & 2012/13 RETAINING WALL RECONSTRUCTION PROJECTS**

**BACKGROUND:**

This annual program is to reconstruct and/or repair retaining walls located within the City's rights-of-way that have been identified as structurally failing. These retaining walls become priorities for reconstruction and/or repair due to safety concerns. Drainage improvements and structural changes to the retaining walls are also included in the program. The 2011/12 program location is on the south side of 13<sup>th</sup> Street near Crescent Street adjacent to the shared use path. The 2012/13 program location is on east of S. Dayton Ave towards Lincoln Way.

This program was shown in the 2011/12 Capital Improvements Plan (CIP) with funding in the amount of \$80,000 from Road Use Tax Funds, and in the 2012/13 CIP in the amount of \$40,000, also from Road Use Tax. For economies of scale, the two work locations were combined. Plans were developed by Fox Engineering with construction costs estimated at \$93,120. Engineering and administration expenses are estimated at \$25,000, bringing total estimated costs to \$118,120.

These projects were delayed as staff worked to acquire temporary easements on the three affected properties. These easements were needed to allow the work to be proceed, and will improve the safety of these areas. This is especially true along 13<sup>th</sup> Street, since the trail in that location will be widened with this construction.

**ALTERNATIVES:**

1. Approve plans and specifications for the 2011/12 & 2012/13 Retaining Wall Reconstruction Projects and establish March 18, 2015, as the date of letting and March 24, 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 these walls in the summer or fall of 2015. The project will require the trail on 13<sup>th</sup> Street to remain open during the Furman Aquatic Center season.

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

**COUNCIL ACTION FORM**

**SUBJECT: WATER POLLUTION CONTROL FACILITY BIOSOLIDS STORAGE AND HANDLING IMPROVEMENTS**

**BACKGROUND:**

The Water Pollution Control (WPC) Facility utilizes a 3.1-million-gallon, lined biosolids storage lagoon to hold biosolids for land application on City-owned farm ground. Land application of biosolids primarily occurs in the fall of each year after the crops are harvested. The existing storage lagoon does not provide 365 days of biosolids storage.

Due to a short land application window between removal of crops and the onset of winter weather, the lack of storage capacity can create operational flexibility issues during years where biosolids land application is delayed due to adverse weather conditions. Furthermore, additional storage capacity will be needed within the next six to ten years when pending nutrient removal requirements are implemented. A Residuals Handling Study completed in 2010 recommended an additional 1.6 million gallons of storage capacity.

On June 25, 2013, Council approved an engineering services agreement with Veenstra & Kimm, Inc. for the design of the WPCF Biosolids Storage and Handling Improvements. These improvements include construction of the recommended 1.6-million-gallon biosolids storage tank to complement the existing storage lagoon, load out station, and associated piping. Veenstra & Kimm has worked with staff to finalize the design of these improvements. Additionally, staff has obtained a construction permit for the improvements through the Iowa Department of Natural Resources (IDNR) and applied for low interest funding for the project through the Clean Water State Revolving Fund (SRF) loan program.

The estimated project costs for these improvements are as follows:

Engineer's Opinion of Probable Construction Cost	\$ 1,790,000
Construction Contingency (10%)	179,000
<u>Engineering</u>	<u>144,400</u>
Total	\$ 2,113,400

The adopted Capital Improvements Plan budget for this project is as follows:

Fiscal Year 2013/14	\$ 625,000
Fiscal Year 2014/15	933,000
<u>Fiscal Year 2015/16</u>	<u>618,000</u>
Total	\$ 2,176,000

The funding source for these improvements shown in the Capital Improvements Plan is the Clean Water State Revolving Fund.

**ALTERNATIVES:**

1. Grant preliminary approval of plans and specifications for the WPC Facility Biosolids Storage and Handling Improvements and issue a notice to bidders; setting March 25, 2015, as the bid due date, and April 14, 2015, as the date of public hearing and award of contract.
2. Do not approve plans and specifications at this time.

**MANAGER'S RECOMMENDED ACTION:**

Adequate biosolids storage capacity is needed to ensure that the WPC Facility remains operational and in compliance with its NPDES permit. Additionally, an increase in biosolids storage capacity will be needed in the near future when nutrient removal requirements become a part of the WPC Facility's NPDES permit. The SRF financing is in place and a construction permit has been received from the IDNR.

Therefore it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby granting preliminary approval of the plans and specifications and issuing a notice to bidders to construct biosolids storage and handling improvements, setting March 25, 2015, as the bid due date, and April 14, 2015, as the date of public hearing and award of contract.

**COUNCIL ACTION FORM**

**SUBJECT: WATER POLLUTION CONTROL PLANT INTERIOR LIGHTING REPLACEMENT**

**BACKGROUND:**

The Water Pollution Control (WPC) Facility was constructed in 1989. The interior lighting in portions of the plant consists of original T12 fluorescent lamps and fixtures.

The Energy Policy Act (EPACT) of 2005, the Energy Independence and Security Act (EISA) of 2007, and the Department of Energy Regulations of 2009 were passed by the federal government in order to establish new energy reduction strategies. Due to these new regulations, the production of T12 lamps has ceased and acquiring lamps from any remaining supplier will become increasingly difficult in the future. New lighting options such as LED lamps are now available that produce better quality light and have increased energy efficiency. Switching to an LED lighting system will also help reduce maintenance costs due to the longer lifespan of the bulbs.

Staff has prepared plans and specifications for the replacement of the interior lighting at the WPC facility. The FY14/15 CIP includes \$90,000 for the replacement of these lamps and fixtures. The estimated project cost for these improvements is \$58,500.

**ALTERNATIVES:**

1. Issue preliminary approval of plans and specifications for replacement of the interior lighting at the Water Pollution Control Facility and issue a Notice To Bidders setting March 25, 2015, as the bid due date and April 14, 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 replacement of aging lighting systems in the WPC Facility is included in the approved Capital Improvements Plan. This project provides an opportunity to improve both lighting quality and energy efficiency through the use of new LED technology.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby issuing preliminary approval of plans and specifications for the replacement of the interior lighting at the Water Pollution Control Facility; and issuing a Notice To Bidders, setting March 25, 2015, as the bid due date and April 14, 2015, as the date of public hearing.

**COUNCIL ACTION FORM**

**SUBJECT: ACQUISITION OF WOOD CHIPPERS TO ASSIST WITH ASH TREE REMOVAL PROGRAM**

**BACKGROUND:**

The City has one diesel powered, trailer mounted 12-inch wood chipper. It is shared by the Public Works Operations staff and Parks Maintenance staff. The chipper is used to chip tree limbs and heavy brush, and has not been a reliable piece of equipment. On October 14, 2014, City Council approved the replacement of the current chipper and the purchase of a second, larger chipper to support the ash tree removal program that is currently underway. **To support the ongoing ash tree removal program, the operating departments have an immediate need for the chippers.**

Bids received for the two sizes of chippers are as follows:

<b>WOOD CHIPPER FOR 12-INCH DIAMETER AND SMALLER WOOD LIMBS</b>							
<b>Vendor</b>	<b>Make</b>	<b>Model</b>	<b>Year</b>	<b>Unit Price</b>	<b>Trade-in Allowance</b>	<b>Bid with Trade</b>	<b>Bid without Trade</b>
Midwest Underground	Morbark	M12R 12 inch	2014	\$38,500	\$18,000	\$20,500	\$38,500
Vermeer Sales & Service, Inc.	Vermeer	BC1200XL 12 inch	2015	\$42,094	\$20,000	\$22,094	\$42,094
<b>WOOD CHIPPER FOR 18-INCH DIAMETER AND SMALLER WOOD LIMBS</b>							
<b>Vermeer Sales &amp; Service, Inc.</b>	<b>Vermeer</b>	<b>BC1800XL 18-inch</b>	<b>2015</b>	<b>\$53,448</b>	<b>\$20,000</b>	<b>\$33,448</b>	<b>\$53,448</b>
Midwest Underground	Morbark	M18RX 18-inch	2014	\$51,630	\$18,000	\$33,630	\$51,630
Midwest Underground	Morbark	M18R 18-inch	2014	\$53,430	\$18,000	\$35,430	\$53,430

To meet the requirements of the bid, the chippers must meet specifications and satisfy a performance demonstration for City of Ames operating department staff. One of each size of chipper has been identified as the lowest priced, qualified machine to undergo an on-site performance demonstration.

The performance demonstration has been completed for the net low bid 18-inch chipper. This machine is the 2015 Vermeer, model BC1800XL, 18-inch. The tested machine performed well and met the required specifications, and staff has determined that the Vermeer is an acceptable machine. The option for trade-in of the existing

machine was offered for both the 12-inch unit and the 18-inch unit. **In evaluating the bids, it was determined that the lowest net cost would be to apply the trade-in allowance on the one chipper the City currently owns to the purchase of the 18-inch unit.** Therefore, the 12-inch unit was purchased at full price as approved by City Council on February 10, 2015.

Funding for the acquisition of both chippers comes from the \$60,000 in additional funding approved by Council for the Emerald Ash Borer response program, as well as from \$23,400 in accumulated equipment replacement funding.

**ALTERNATIVES:**

1. Award a contract to Vermeer Sales and Service of Pella, IA, as the net low bidder for the purchase of one 2015 Vermeer, model BC1800XL, 18-inch as quoted and demonstrated, with trade-in of the City's existing chipper, in the net amount of \$33,448.
2. Reject these bids for the 18-inch chipper.

**MANAGER'S RECOMMENDED ACTION:**

Staff from Fleet Services, Public Works, and Parks and Recreation have thoroughly evaluated these bids and agree that purchasing the 2015 Vermeer, model BC1800XL, 18-inch is the best action to take on this bid.

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

**COUNCIL ACTION FORM**

**SUBJECT: REVISIONS TO NON-DOMESTIC WASTE PRETREATMENT PROGRAM**

**BACKGROUND:**

The City's Water Pollution Control (WPC) Facility is designated as a Publicly-Owned Treatment Works (POTW) under the Federal Water Pollution Control Act and the Clean Water Act. Federal law requires the City to maintain a Non-Domestic Waste Pretreatment Program. **The program goals are to prevent the discharge of pollutants to the POTW that would do any of the following: Pass through the treatment works and pollute the receiving stream, interfere with or inhibit the POTW treatment processes, create an unsafe work environment for those working in the sewer or at the treatment plant, or prevent the re-use of the wastewater and biosolids.**

The City implemented its pretreatment program in 1983, and has made periodic revisions in 1992, 2005, and 2011. The enabling section of the *Ames Municipal Code* that allows staff to enforce the pretreatment program is found in Chapter 28, which reads in part as follows:

**Sec. 28.307. INDUSTRIAL PRETREATMENT REQUIREMENTS.**

All discharges of wastewater, gases, or solids which are not similar to domestic sewage shall meet the following pretreatment requirements.

- (1) City of Ames Non-Domestic Waste Pretreatment Program as adopted and amended from time to time by city council resolution.
  
- (3) Any industrial, commercial, or other utility customer which discharges any wastewater, industrial waste or other waste to the municipal sanitary sewer system shall comply with all regulations or requirements of the Iowa Department of Natural Resources and/or the U.S. Environmental Protection Agency. Where regulations have not been set by those agencies, the Director of Water and Pollution Control shall establish requirements to obtain the following objectives.
  - (a) To prevent the introduction of pollutants which will interfere with the treatment plant operation or contaminate the resulting biosolids.

To properly and adequately control the introduction of pollutants into the sanitary sewer system, the City Council has historically approved a list of “Local Limits.” This is a list of specific pollutants with maximum allowable concentrations that can be introduced into the sewers. Each actual limit is established based on local conditions, which include the receiving stream’s characteristics, Ames’ treatment process, the number of industries with the potential to discharge each particular pollutant, and the percentage attributed to industrial versus domestic sources.

The listing of local limits includes a number of heavy metals (such as lead, mercury, and silver), some organic compounds (such as acetone and gasoline), and some conventional measures of wastewater strength (such as the Chemical Oxygen Demand and the ammonia concentration).

### **PROPOSED pH LIMITATION**

The local limits adopted from time to time by the City Council have never included a limitation on pH (a measure of the acidity or alkalinity of the waste). Instead, these limitations have been established by the Director of Water and Pollution Control and conveyed to each pretreatment customer in the form of a pretreatment permit. Generally, an acceptable pH range of between 6.0 and 10.0 standard units (s.u.) has been included as a permit limit, with compliance measured by collecting and testing a single grab sample monthly or quarterly.

Over the past few years, there have been a number of instances where the discharge of wastewater with a pH outside this range has resulted in a detrimental impact. In some instances, the low pH discharge has resulted in corrosion of the sanitary sewer. In other cases, an industrial discharge outside this range has forced the operations staff at the WPC Facility to divert the incoming raw sewage to a holding basin in order to protect the biological processes at the treatment facility.

City staff has been working with these industrial customers to correct their pH violations. Among other provisions, the customers are installing continuous pH monitors so they can continuously monitor their discharge in real time and take immediate corrective action to avoid problems in the sewers or at the treatment plant.

These continuous monitors are capable of taking multiple readings per hour, which is very helpful for controlling the discharge quality. The existing pH limits used in the pretreatment permits, however, does not account for this level of monitoring. The large amount of data has, at times, revealed a very short duration pH “excursion” outside the allowable range. These excursions may occur multiple times per month, or even multiple times per day. To City staff, it seems unfair to penalize these industries who are performing such intensive monitoring by issuing them multiple Notices of Violation for short-duration violations that appear to have little reasonable potential to negatively impact the treatment works.

**Staff is recommending that the City Council adopt an addition to the Non-Domestic Waste Pretreatment Program to better define what constitutes a pH**

**violation.** The standard will be formatted similar to a federal effluent guideline contained in 40 CFR Part 401.17, but with the allowable duration of a pH excursion shorter than contained in the CFR due to the actual impacts that have been seen at the City's WPC Facility from short duration pH violations.

**The limitations proposed by City staff allow pH to be up to 1.0 s.u. outside the acceptable range for no more than twenty minutes per day, and up to 2.0 s.u. outside the acceptable range for no more than five minutes per day.** No excursion that causes an "operational upset" at the WPC Facility is permitted. If approved by the City Council, the following language would be added to the discharge permit for those industries that perform continuous pH monitoring.

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**pH limitations under continuous monitoring.**

- (a) Where a permittee continuously measures the pH of its wastewater discharged to the sanitary sewer pursuant to a requirement in a permit issued by the City, the permittee shall maintain the pH of such wastewater within a range of 6.0 to 10.0 standard units (s.u.); except excursions from the range are permitted subject to the following limitations:
- (1) The total time during which the pH values are outside a range of 6.0 to 10.0 s.u. but not outside a range of 5.0 to 11.0 s.u. shall not exceed twenty (20) minutes in any single calendar day.
  - (2) The total time during which the pH values are outside a range of 5.0 to 11.0 s.u. but not outside a range of 4.0 to 12.0 s.u. shall not exceed (5) minutes in any single day.
  - (3) No such excursion, whether alone or in combination with any other discharge, shall result in or contribute to any operational upset at the Water Pollution Control Facility. Operational upset is defined as an influent characteristic that requires the Facility to alter its normal operational procedures; or that results in a violation of the Facility's National Pollutant Discharge Elimination System permit.
- (b) For the purposes of pH limitations, *continuously measure* means that a reading is taken and recorded no less frequently than once every five minutes.
- (c) For purposes of pH limitations, an *excursion* is an unintentional and temporary incident in which the pH value of discharge wastewater exceeds the range set forth above.

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**Adopting this additional provision will not impose any additional burden on industries. In fact, it will relieve them from receiving a Notice of Violation for minor excursions that are only revealed as a result of the additional monitoring being performed at those facilities that continuously monitor for pH.** Approval of

this revision to the City of Ames Non-Domestic Waste Pretreatment Program will not require any modification to the *Ames Municipal Code*, since the pretreatment program is adopted by reference and is not written into the *Code*.

**ALTERNATIVES:**

1. Approve the revisions to the Non-Domestic Waste Pretreatment Program as described above.
2. Do not approve the revisions to the Non-Domestic Waste Pretreatment Program at this time. Staff will continue to issue a Notice of Violation for every instance of pH excursions regardless of the magnitude and duration.

**MANAGER'S RECOMMENDED ACTION:**

Adoption of this addition to the Non-Domestic Waste Pretreatment Program for pH will help ensure that those customers covered by the Pretreatment Program are only receiving a Notice of Violation for pH excursions that have a potential to negatively impact the operation and maintenance of the treatment works, while simultaneously preserving responsible protections for the sanitary sewer utility.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the revisions to the Non-Domestic Waste Pretreatment Program described above.



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# MEMO

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

**From:** City Clerk's Office

**Date:** February 20, 2015

**Subject:** Contract and Bond Approval

There are no Council Action Forms for Item Nos. 20 through 22. Council approval of the contract and bond for these projects is simply fulfilling a *State Code* requirement.

/jr

**COUNCIL ACTION FORM**

**SUBJECT: WATER POLLUTION CONTROL FACILITY BLOWER REPLACEMENT PROJECT**

**BACKGROUND:**

On November 12, 2013, City Council approved a contract with Woodruff Construction, LLC for replacement of the blowers at the Water Pollution Control Plant. The contract was in the amount of \$156,300.

All work associated with this project was satisfactorily completed by the contractor as of February 17, 2015. Two change orders totaling \$9,853 were administratively approved. Change Order No. 1 added \$10,353 to replace the blowers' relay-based controls with a programmable logic controller. Change order No. 2 deducted \$500 to delete a section of pipe insulation that was not needed. This brings the final construction cost for the project to \$166,153. An Engineer's Certification of Completion is attached.

**ALTERNATIVES:**

1. Accept completion of the replacement of the WPC Blower Replacement Project at a final construction cost of \$166,153, and make final payment and release of retainage to Woodruff Construction, LLC in accordance with the contract documents.
2. Do not accept completion of the WPC Blower Replacement Project at this time.

**MANAGER'S RECOMMENDED ACTION:**

Woodruff Construction, LLC has completed the replacement of the WPC Blower Replacement Project, and a certification of completion has been issued by the Engineer.

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



February 17, 2015

City of Ames  
Water and Pollution Control Department  
300 East 5<sup>th</sup> Street, Building 1  
Ames, Iowa 50010

Attention: Mr. John Dunn and Mr. Jim McElvogue

RE: Water Pollution Control Facility  
Blower Replacement Project

Dear Mr. Dunn and Mr. McElvogue:

This letter is to inform you that Woodruff Construction has completed all work on the above referenced project, submitted a final pay request number 5 and is considered final complete as of February 17, 2015.

To the best of my knowledge, information and belief, and on the basis of site observation and discussion with Water Pollution Control Facility operations staff, the work for the above referenced project has been completed in accordance with the terms and conditions of the Contract Documents. Thank you for the contribution of the City of Ames staff during the design and construction process. I look forward to opportunities to work together in the future.

Sincerely,  
HDR ENGINEERING, INC.

A handwritten signature in blue ink, appearing to read 'Patrick Brown'.

Patrick Brown, PE  
Project Manager

CC: Grant Reimers, Woodruff Construction

[hdrinc.com](http://hdrinc.com)



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

February 17, 2015

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

Ladies and Gentlemen:

I hereby certify that the public utility installation, curb and gutter construction, and base lift of asphalt paving required as a condition for approval of the final plat of **Northridge Heights 17<sup>th</sup> Addition** have been completed in an acceptable manner by **Ames Trenching and Excavating of Ames, IA and Manatts, Inc of Ames, IA**. The above-mentioned improvements have been inspected by the Engineering Division of the Public Works Department of the City of Ames, Iowa and found to meet City specifications and standards.

As a result of this certification, it is recommended that the financial security for public improvements on file with the City for this subdivision be reduced to **\$75,867**. The remaining work covered by this financial security includes installation of the final asphalt surfacing, pedestrian ramps and walks, final adjustment of utility features, erosion control, and street lighting.

Sincerely,

John C. Joiner, P.E.  
Director

JJ/jc

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

Northridge Heights 17<sup>th</sup> Addition

February 17, 2015

Page 2

Description	Unit	Quantity
Excavation Class 13	CY	5,000
Subgrade Prep	SY	5,920
Sanitary Sewer Gravity Main, Trenched 8"	LF	1,459
Sanitary Sewer Service Stub 4"	EA	25
Storm Sewer, Trenched, RCP Class III, 15"	LF	879
Storm Sewer, Trenched, RCP Class III, 18"	LF	472
Storm Sewer, Trenched, RCP Class III, 24"	LF	546
Storm Sewer, Trenched, RCP Class III, 30"	LF	174
Footing Drain Collector, 6"	LF	1,185
Footing Drain Cleanout, 6"	EA	5
Subdrain Outlet, 6"	EA	4
Sump Service Stub, 1.5"	EA	25
Water Main, 8"	LF	1,585
Water Main, 12"	LF	197
8" 11.25 Deg Bend	EA	4
8" 22.5 Deg Bend	EA	1
12"x8" MJ Cross	EA	1
12"x8" MJ Tee	EA	1
Water Service Stub, 1"	EA	25
Valve, MJ, Gate, 8"	EA	4
Valve, MJ, Gate, 12"	EA	1
Fire Hydrant Assembly	EA	6
Remove/Relocate Temporary Fire Hydrant Assembly	EA	2
Temporary Fire Hydrant Assembly	EA	1
Sanitary Manhole, SW-301, 48"	EA	6
Storm Manhole, SW-401, 48"	EA	5
Storm Manhole, SW-401, 60"	EA	1
Intake, SW-501	EA	3
Intake, with Manhole, SW-503	EA	9
Intake, SW-505	EA	2
Intake, SW-506	EA	2
Intake, SW-512 18"	EA	1
PCC Curb and Gutter, 30"	LF	3,230
Pavement, HMA, 8"	SY	3,200
Pavement, HMA 9.5"	SY	1,110
Pedestrian Ramps, PCC, 6"	SY	68
Detectable Warning Panels	SF	120
Seeding, Type 1, Fertilizing and Mulch	AC	9
Filter Socks	LF	250
Silt Fence	LF	3,000
Stabilized Construction Entrance	EA	1
Inlet Protection	EA	13



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

February 17, 2015

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

Ladies and Gentlemen:

I hereby certify that the water main installation, and a portion of the sanitary sewer and storm sewer installation, required as a condition for approval of the final plat of **Scenic Valley, 1<sup>st</sup> Addition** have been completed in an acceptable manner by **Ames Trenching and Excavating of Ames, IA**. The above-mentioned improvements have been inspected by the Engineering Division of the Public Works Department of the City of Ames, Iowa and found to meet City specifications and standards.

As a result of this certification, it is recommended that the financial security for public improvements on file with the City for this subdivision be reduced to **\$378,075**. The remaining work covered by this financial security includes final storm sewer installation, final sanitary sewer installation, subgrade preparation, installation of curb and gutter, installation of asphalt paving, pedestrian ramps and walks, final adjustment of utility features, erosion control, and street lighting.

Sincerely,

John C. Joiner, P.E.  
Director

JJ/jc

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

Scenic Valley 1<sup>st</sup> Addition

February 17, 2015

Page 2

Description	Unit	Quantity
CLEARING AND GRUBBING	LS	1
EXCAVATION, CLASS 13	CY	93,000
SUBGRADE PREPARATION, 12"	SY	9,870
SANITARY SEWER GRAVITY MAIN, TRENCHED, PVC, 8"	EA	1737
SANITARY SEWER, TRENCHED, PVC, 12"	EA	1220
SANITARY SEWER SERVICE STUB, 4-INCH, PVC	EA	42
STORM SEWER, TRENCHED, RCP CLASS III, 15-INCH	LF	1879
STORM SEWER, TRENCHED, GASKETED RCP CLASS III, 15-INCH	LF	89
STORM SEWER, TRENCHED, RCP CLASS III, 18-INCH	LF	705
STORM SEWER, TRENCHED, RCP CLASS III, 24-INCH	LF	254
STORM SEWER, TRENCHED, RCP CLASS III, 30-INCH	LF	107
STORM SEWER, TRENCHED, RCP CLASS III, 42-INCH	LF	182
PIPE APRON, RCP, 15", CLASS III	EA	4
PIPE APRON, RCP, 18", CLASS III	EA	3
PIPE APRON, RCP, 24", CLASS III	EA	1
PIPE APRON, RCP, 30", CLASS III	EA	2
PIPE APRON, RCP, 42", CLASS III	EA	2
SUBDRAIN, PERFORATED, 4-INCH	LF	2550
FOOTING DRAIN COLLECTOR, 6-INCH	LF	552
FOOTING DRAIN CLEANOUT, 6-INCH	EA	3
SUBDRAIN CLEANOUT, 4"	EA	6
FOOTING DRAIN OUTLET AND CONNECTION, 6-INCH	EA	3
STORM SEWER SERVICE STUB, 1.5 INCH, PVC	EA	42
WATER MAIN, TRENCHED, 8-INCH	LF	3349
WATER MAIN, TRENCHLESS, 8-INCH	LF	128
8-INCH 11.25 DEGREE MJ BEND	EA	5
8-INCH 22.5 DEGREE MJ BEND	EA	1
8-INCH 45 DEGREE MJ BEND	EA	10
8-INCH x 8-INCH MJ CROSS	EA	1
8-INCH x 8-INCH MJ TEE	EA	2
WATER SERVICE STUB, CURB STOP & BOX, 1-INCH	EA	42
VALVE, MJ GATE, 8"	EA	13
FIRE HYDRANT ASSEMBLY (INCLUDES TEE, GATE VALVE, BOOT, 6"	EA	7
TEMPORARY BLOWOFF HYDRANT ASSEMBLY (INCLUDES 8"x6" MJ	EA	5
SANITARY MANHOLE, SW-301, 48"	EA	14
STORM MANHOLE, SW-301, 48"	EA	6
RISER INTAKE, 8-INCH	EA	7
INTAKE, SW-501	EA	8
INTAKE, SW-502, 60"	EA	2
INTAKE, SW-502, 72"	EA	1
INTAKE, SW-503	EA	7
INTAKE, SW-505	EA	4
INTAKE, SW-506	EA	3
INTAKE, SW-513	EA	1
CURB & GUTTER, 30-INCH	LF	5495
PAVEMENT, HMA, 8-INCH	SY	7118
SIDEWALK, PCC, 6"	SY	76
DETECTABLE WARNING	SF	136
SEEDING, TYPE 1 LAWN MIX	ACRE	40
RIP RAP, CLASS D	TON	500
SILT FENCE, INSTALL, MAINTAIN & REMOVE	LF	2000
STABILIZED CONSTRUCTION ENTRANCE	EA	1
INLET PROTECTION DEVICE, INSTALL, MAINTAIN & REMOVE	EA	25
EROSION CONTROL MULCHING, CONVENTIONAL	ACRE	40

**COUNCIL ACTION FORM**

**SUBJECT: POWER PLANT NATURAL GAS CONVERSION EQUIPMENT, INCLUDING BURNERS, SCANNERS, THERMAL ANALYSIS, AND COMPUTER MODELING – CHANGE ORDER NO. 2**

**BACKGROUND:**

In November of 2013 the City Council decided to convert the City's Power Plant from coal to natural gas. In May of 2014 the City Council selected Sargent & Lundy of Chicago, Illinois, to provide engineering and construction oversight services for the conversion project.

As staff has previously described, the major phases of work necessary to complete this conversion project are as follows:

1. Procure the natural gas burners, igniters, and scanners, plus boiler/furnace modeling to assess the necessity for boiler modifications.
2. Replace the Power Plant's Distributed Control System (DCS), including both hardware and software (current project).
  - 2a. Replace (upgrade) the Turbine Control Systems (TCS) on Unit 7 and Unit 8, plus the steam seal regulator on Unit 8 only.
3. Design the necessary modifications to the control room and DCS cabinet room.
4. Design the necessary modifications to source natural gas inside the power plant, and all necessary structural, mechanical, and electrical modifications for the power plant to burn natural gas as its primary fuel.
5. Select a contractor to construct a new control room/DCS room in the Power Plant.
6. Select a contractor to modify the Power Plant and install the materials and equipment necessary to operate the Power Plant on natural gas.
7. Select a contractor to install the electrical equipment, including the work associated with the DCS upgrade and the electrical modifications to the control room.

**This specific phase of the project deals with #1 above, which is to procure the natural gas burners, igniters and scanners, plus boiler/furnace modeling to**

**assess the necessity for boiler modifications.** On November 5, 2014, City Council awarded a contract for this work to Alstom Power Inc. of Windsor, CT in the amount of \$3,355,300.

**Change orders were anticipated with the original scope of work.** On January 20, 2015, staff administratively approved Change Order No. 1 in the amount of \$29,869 for Alstom to perform base line testing for Unit 8. That testing paved the way for a second change order, which will now require Council approval.

**CHANGE ORDER NO. 2:**

This Change Order makes the following changes to the original contract with Alstom regarding burner equipment:

- On Unit #7 add two flame scanner frequency signal analyzers.
- On Unit #8 reduce the number of natural gas burners (and associated burner equipment) from twelve to nine.
- On Unit #8 add six frequency signal analyzers.

**The total cost of Change Order No. 2 is a reduction of \$321,600.**

**PROJECT COST HISTORY:**

**The engineer's cost estimate for procurement of the equipment covered by this contract was \$4,500,000. With this second change order, the total costs for the Alstom contract within the project will be reduced to \$3,063,569.**

Overall, the total project dollar amount committed to date (inclusive of this Change order No. 2) is \$9,679,597. The approved FY 2015/16 Capital Improvements Plan includes \$26,000,000 for the Unit 7 and Unit 8 fuel conversion. This amount includes \$4,000,000 for engineering and \$22,000,000 for equipment and installation. The project budget to date is attached to this report.

**ALTERNATIVES:**

1. Approve contract Change Order No. 2 with Alstom Power Inc. of Windsor, CT for the Natural Gas Conversion Equipment Including Burners, Igniters, Scanners, Thermal Analysis and Computer Modeling, with a reduction in the contract amount of \$321,600.
2. Reject contract Change Order No. 2.

**MANAGER'S RECOMMENDED ACTION:**

Conversion of the City's power plant (Units 7 & 8) from coal to natural gas was previously approved by the City Council. This conversion is needed in order for the power plant to remain in compliance with state and federal air quality regulations.

**Staff and the engineering consultant have determined that Unit 8 will meet all performance and environmental specifications if nine natural gas-fired burners are installed, instead of the twelve originally included in Alstom's bid. This will allow three existing burners to remain while significantly reducing the cost of the project.**

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

## PROJECT BUDGET STATUS

\$26,000,000	FY 2015/16 CIP amount budgeted for project
\$1,995,000	Encumbered not-to-exceed amount for Engineering Services
\$2,395,000	Engineering Services Contract Change Order No. 1
\$3,355,300	Contract cost for Natural Gas Conversion Equipment
\$29,869	Equipment Contract Change Order No. 1
<b>(-\$321,600)</b>	<b>Equipment Contract Change Order No. 2</b>
\$ 1,161,300	Estimated cost for DCS equipment (currently evaluating bids received)
\$1,064,728	Estimated cost for TCS equipment (currently out for bid)
<b><u>\$9,679,597</u></b>	<b>Costs committed to date for conversion</b>
<b>\$16,320,403</b>	<b>Remaining Project Balance</b> to cover the installation of natural gas burners, natural gas piping into the power plant from the gas gate, DCS installation, Control/DCS room, and other miscellaneous equipment and modifications to the power plant needed for the fuel conversion



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# MEMO

**ITEM NO. 27**

**To:** Mayor and Council

**From:** Susan Gwiasda, Public Relations Officer

**Date:** February 20, 2015

**Subject:** Resident Satisfaction Survey 2015

The City of Ames is again working with Iowa State University's Institute for Design Research and Outreach to produce, distribute, and analyze the 2015 Resident Satisfaction Survey. This will be the 33<sup>rd</sup> year of the survey, which includes mostly benchmarking questions. Each year space is reserved for current issue/policy questions to be added. Most policy questions require some explanation before any question can be asked. Due to the space necessary to set up the question, typically only two additional questions fit in the survey.

In the last few years, policy questions have examined yard waste free days and frequency, community visioning questions, how to dispose of Carr Pool, redevelopment projects to pursue (Campustown, Campustown parking ramp, library renovations, Downtown parking ramp, etc.), rating the attractiveness of entryways into the city, support of City-sponsored wi-fi "hot spots," support to offer fare-free CyRide to all riders, flood plain development, and support for an indoor aquatics center.

Our goal with the annual survey is to use feedback from our citizens regarding their satisfaction with City of Ames programs and services, capital improvement projects, and future allocations of funding to guide decision making. I have not received any recent input from the City Council regarding the 2015 survey. However, representatives of the ISU Research Park recently asked about the possibility of including some questions regarding their expansion. The topics suggested are fairly specific and may not be applicable to the vast majority of survey recipients.

- What amenities (restaurants, coffee shops, businesses, services) are most needed in the ISU Research Park area (south of U.S. 30, along Airport Road and University Boulevard)?
- Part of the ISU Research's expansion could include a large green space/water feature, reclaimed native prairie, and water retention areas. If the area was incorporated into a park, what features would you use?

I am seeking input on issues or policy where public feedback would be helpful to you. You do not need to craft the actual questions because our consultants at Iowa State University provide that expertise.

**COUNCIL ACTION FORM**

**SUBJECT: CRITERIA FOR THE REDEVELOPMENT OF THE CITY-OWNED LOTS AT 519-601 6TH STREET IN CONNECTION WITH THE CITY'S COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM.**

**BACKGROUND:**

As part of the City's 2014-2015 Community Development Block Grant (CDGB) Action Plan, \$324,000 was set aside under the Acquisition/Reuse for Affordable Housing Program. The program is designed to address increasing the availability and affordability of housing for low- and moderate-income households at 80% or less of the Story County median income limits (as designated by HUD). Program funds would be used to purchase in-fill lots (vacant or needing to be redeveloped) or the purchase of single-family or multi-family properties that can be rehabilitated for affordable rental or owner-occupied use.

With the above program objectives in mind, staff began researching opportunities to acquire available lots and/or eligible properties. In July 2014, the City acquired three properties at 519-601 6<sup>th</sup> Street (formerly Ames Community Pre-school). The structures have been demolished and the three lots are now ready for re-development. The properties totals approximately 27,000 square feet and is zoned Residential Medium Density with a Single Family Conservation Overlay District (RM O-SFC).

Prior to initiating a Request for Proposals (RFP) to develop the properties or before meeting with surrounding neighbors, staff would like to address some basic parameters for development use of the site. Staff seeks concurrence from Council on the following two issues to help set up the range of options for the site.

- **Type and Use:** Staff recommends that the type of housing and use of the lots would be for **rental housing**. The RM zoning allows for household living uses of ownership or rental when built as either single family, two-family or apartment dwellings. As identified in the City's 2014-19 Five-year CDBG Consolidated Plan and 2014 Fair Housing Impediments Study, one of the top housing impediments in the community is a shortage of rental units for lower-income households. The intent would be for a mix of dwelling units, but to emphasize low income family-oriented units in the development the of the 6<sup>th</sup> Street site.
- **Zoning Use:** The site has an underlying RM zoning designation with the Single Family Conservation Overlay District. The underlying RM zoning would allow for up to 13 housing units, subject to meeting development requirements. However, the O-SFC significantly restricts the development due to its limitations on subdivision or consolidation of existing lots. The most likely development result under the O-SFC would be three duplexes for a total of 6 units.

**Staff recommends that the RFP indicate that the City may rezone the site to RM to facilitate rowhouse or townhome development. The target level of development would be approximately 10 units under RM zoning without the O-SFC.** Staff believes the justification for this is that this block is considerably different in its context of facing 6<sup>th</sup> Street and the City Hall parking lot than the other blocks of single-family homes in the Overlay that are part of residential areas. Additionally, due to limited resources for affordable housing development it appears that maximizing the opportunities for development of the site would be an efficient use of our resources.

With Council's concurrence on the above development parameters, staff will hold a neighborhood outreach meeting for input concerning re-development of the properties. Staff will share feedback from the neighbors and a draft RFP for City Council approval at the March 24<sup>th</sup> City Council meeting.

**ALTERNATIVES:**

1. The City Council can approve the two criteria discussed above for the redevelopment of the City-owned lots at 519-610 6<sup>th</sup> Street in connection with the 2014-15 CDBG Acquisition/Reuse for Affordable Housing Program.
2. The City Council can decline to establish criteria for the redevelopment of the City-owned lots at 519-610 6<sup>th</sup> Street in connection with the 2014-15 CDBG Acquisition/Reuse for Affordable Housing Program.
3. The City Council can approve different criteria for the redevelopment of the City-owned lots at 519-610 6<sup>th</sup> Street in connection with the 2014-15 CDBG Acquisition/Reuse for Affordable Housing Program.
4. The City Council can refer this request back to staff for additional information.

**MANAGER'S RECOMMENDED ACTION:**

It is the recommendation of the City Manager that the City Council adopt Alternative #1. This action will give approval for staff to begin the process of the redevelopment of the City-owned property at 519-610 6<sup>th</sup> Street in connection with the City's 2014-15 CDBG Acquisition/Reuse for Affordable Housing Program.

## Staff Report

**Rental Concentration Limits For Low Density Zones**

February 24, 2015

**BACKGROUND:**

During the City Council meeting on August 26, 2014, Council moved to evaluate low-density housing and its use as rental property. It was clarified that the intent of the referral was to have staff present a report describing methods used to limit the concentration of rental properties within certain zoning areas, specifically within the residential low-density zones.

The City of Ames defines uses of property by zoning and administers the construction type and occupancy of structures through its Rental Housing and Building Codes. Chapter 29 of the Ames Municipal Code (Zoning Code) includes zoning regulations for the type of residential uses allowed in a low-density zoning district and the occupancy limit of related and/or unrelated persons within a housing unit. The Residential Low Density (RL) zoning district permits only new single-family detached housing, and two-family housing if pre-existing. There are currently some non-conforming attached single family units and apartment structures within this zone, which is allowed to remain under a nonconforming status. However, if those sites were to redevelop only new single-family detached structures could be permitted to be rebuilt. The Floating Suburban Residential Low Density (FS-RL) zone allows for new single-family detached and single family attached housing.

The Zoning Code does not regulate whether a unit is owner-occupied or not. Municipal Code Chapter 13 Rental Housing describes the requirements for housing units to be licensed as a rental and the process to receive a Letter of Compliance (LOC). The Rental Housing Code allows for any property to be rented if the standards of the Code are met and the property owner is issued a LOC.

Across the city there are approximately 12,406 properties of all types identified as rentals through LOCs. (See Attachment A January 2015) Of the 12,406 rental properties, 1,243 are classified as Single Family on their LOC application form. Staff estimates that in 2010 there were 836 LOCs declared by the applicant as single family. This equates to an increase of approximately 407 single-family LOCs in the past 5 years, for an average increase of 81 a year.

When looking at properties within the low density zoning districts of RL and FS-RL zones, a total of 1,540 properties (19.75%) are identified as rentals of all types. (See Attachment B) Single family rentals in the RL and FS-RL zones comprise approximately 595 properties for 6.82% of the total number of properties or 8.2% of the single-family home properties. Proximately 650 other single-family home rentals are properties in zoning districts other than RL and FS-RL.

Zone	Rental Properties	Rental Properties in Zone	Single Family Rental Properties	SF Rental in Zone
RL	1502	19.27%	560	7.18%
FS-RL	38	4.09%	35	3.77%
Village	501	47.04%	37	3.47%
RM*	542	56.11%	34	3.52%
UCRM	342	19.64%	183	10.51%

When considering low density housing in the community, Council may wish to also consider looking at the RM (Residential Medium Density) and UCRM (Urban Core Medium Density) zones. While described as Medium Density zones, many of the properties within RM and UCRM zones are single family oriented and located in neighborhoods either surrounding the ISU Campus or Downtown where the highest concentration of rental properties are located.

The majority of the RM zoned properties within the city is concentrated north of downtown and comprises the Single Family Conservation Overlay District. The purpose of the overlay zone as stated in the purpose statement of the Zoning Code is to “protect single-family neighborhoods while guiding the transition to higher density and compatibility with the surrounding uses where intensification is permitted.” Rental properties account for 56.11% of the properties in the RM Zone and 19.64% of the properties in the UCRM Zone. Rentals properties classified as single family make up 3.52% (34) of the total properties in the RM zone and 10.51% (183) of the total properties in the UCRM Zone. (See Attachment C)

**OPTIONS FOR RENTAL CONCENTRATION LIMITING REGULATIONS:**

**Apply Rental Density Restrictions in Certain Zones:**

Create a new residential zoning district or an overlay zoning district to limit the percentage of rental properties. Regulations could be written so rental housing could not make up more than a certain percentage of the properties in the district or on a block. In this option, the determination on the definition of a district or block will need to be defined. A question to consider with this option is whether the restriction should regulate the actual concentration of rental units in a defined area or a general percentage of rentals within a specified zone. Regulating just a general percentage of rental units in an area, could still allow for a very concentrated area of rental properties in a specified district or on a block. Staff would need to track and map LOC to review new requests in low density areas.

In Winona, MN, the rental housing chapter of the city code regulates that no more than 30% of the houses on a block may be eligible for a rental housing certificate, including those homes that take in roomers or boarders by a resident family. Temporary rentals (up to 12 months) are permitted if the property is actively being marketed for sale and meets certain other requirements. A block is defined as “a group of properties bounded entirely by streets, public land, railroads rights of way, zoning district lines, corporate limit lines, or physical features...”. In essence this equates to a “square block” rather than block faces.

In West Saint Paul, MN, rentals may comprise no more than 10% of the single-family dwellings on a block. There is a grandfathering clause for non-conforming blocks, but if a rental license is not renewed on a non-conforming block, it may not be reinstated unless the density of rentals on that block falls below the 10% threshold.

In both Winona and West Saint Paul, the restriction is regulating strictly the number of rentals based on a defined percentage of lots within a defined block, not the concentration of rentals in any given area. Council will need to determine how refined of an area is considered concentrated and if the ordinance should be to regulate strictly the number of rentals in an area or the actual concentration of rentals. (See attachment D for an examples)

### **Separation Distance between Rentals:**

This would involve the City Council identifying a minimum distance that rental properties must be from one another. This option could be established through a restriction in the Rental Housing Code indicating a minimum separation distance. Staff would need to track and map LOC to review new requests in low density areas. Ames has employed this type of restriction for certain types of businesses, such as payday lenders and adult-oriented businesses to help mitigate potential issues of concentration.

A separation restriction is in place in St. Paul, MN where a separation ordinance was passed in 2012. The ordinance in St. Paul specifically defines “student dwellings” within a “student housing neighborhood impact overlay district” within the zoning code. The area was established due to the number of student dwellings focused in the neighborhood between Macalester College and the University of St. Thomas. Concordia University and the College of St. Catherine are also in the area, just outside of the actual overlay district boundaries. Student dwellings within the overlay district may not be within 150 feet of each other and must be regularly reviewed and registered as a “student dwelling” much like a rental property, meeting specific fire and inspection requirements.

This option is focused on regulating the actual concentration of rentals in relation to each other, by requiring a distance that each rental must be separated from one another. Council would need to determine what that limit is and is it only on a street frontage or does the distance span all sides of a property, meaning no rental property should abut another from any direction. A 150 foot separation of properties would generally be a two to three lot separation of units from one another. (See Attachment E for an example.)

### **Annual Quota for New Rental Permits:**

This concept would be in response to a concern about the overall growth in the number of single-family home rentals, rather than in response to a concern about neighborhood concentration at the block level. In this option, the City would identify an annual allocation for new rental units based on factors such as university enrollment, existing housing stock, and development projects underway. If there are more requested rental units than the annual quota, those properties could be placed on a waitlist and be awarded their permit either as existing permit holders leave the rental market or in the following year.

This method has been used in the context of growth management for issuance of building permits, but staff was unable to find any examples of this method for controlling the influx of rental housing.

This option would allow Council to establish annually a quota for new rental properties. This could be regulated through an overall citywide cap on the number of rentals for the community or through a percent increase in rentals on an annual basis.

**Allow Neighborhoods to Petition for a Rental-Free Zoning Overlay:**

A group of property owners could be permitted to petition the City Council to create a rental restriction overlay district in their neighborhood. This may involve gathering signatures of support from a defined portion of the neighborhood, or from the entirety of the neighborhood. Determination of ownership consent versus occupancy consent will need to be determined and a minimum size would need to be established, either based on the number of properties/owners or the percentage of land area within the defined neighborhood. Ultimately, the petition would initiate a rezoning process with public hearing before the Planning and Zoning Commission and the City Council to determine the appropriateness of the request.

This process is in use in East Lansing, MI. If owners of at least 2/3 of the parcels within a proposed area approve, the City Council may consider whether to adopt the rental restriction overlay for that area. If adopted, no new rental permits could be approved within that district. Existing rental properties within that district would be grandfathered in, provided that they do not lapse in maintaining a rental license for a period of longer than 12 months. At any time after one year, the same neighborhood may petition the Council to dissolve the overlay with signatures from 2/3 of the affected property owners.

This option takes the initiation of the restriction somewhat out of the hands of the city, in that the residents of the neighborhood are petitioning the city for such a limitation. Staff would have to verify compliance with a set of criteria that would establish what percentage of the property owners or land area would be needed to establish an overlay area, what percentage of owners/land area is needed to agree with the petition before Council could approve an overlay, and what notice requirements are needed for non-consenting owners before application/approval could be made. The downside of this type of regulation is that City Council is not initiating any regulation; it is strictly up to the property owners and neighborhoods to petition the city for rental restriction.

**Other Options**

A couple of other options have been review by staff regarding the limitation of rental concentrations; however, they have been eliminated as viable options for the City. One such option is through a restriction on the number of rental units operated by any one entity. Any person, partnership, business entity, or corporation would be limited in the number of units it would be permitted to operate. Certain exceptions might apply, such as for properties that are managed by a professional management company. The goal of this regulation would be to prevent absentee landlord situations. In East Saint Paul, MN, no property owner is permitted to operate more than three single-family residences as rentals unless the property owner (1) hires a property management company

licensed by the Commerce Department, (2) is a public housing agency, or (3) obtains a special exemption from the City Council. This regulation could be easily circumvented through establishment of separate entities for ownership of properties and does not directly address issue of concentration or quality of management.

Another option could be to impose more stringent requirements on single-family homes used as rentals. This would involve imposing additional standards on single-family homes used as rental properties, with the intent that complying with such standards would be less attractive than keeping the house as an owner-occupied home. This could involve meeting crime-free housing requirements, greater property maintenance restrictions, or other requirements. Another approach used in some communities is to reduce the number of unrelated persons who constitute a family in some zones (e.g., limit certain zones to two unrelated persons instead of three), however, the family definition in Ames is already limited to a standard many communities are moving to with three unrelated persons constituting a family.

### **Ramifications of using strategies to limit rental units in single-family zones**

Limiting the supply of additional rental housing in neighborhoods could increase pressure to construct multi-family apartments. Because available high-density residential property is limited, this pressure may result in an increase in rental rates if the demand remains high due to ISU enrollment growth. Understanding the effects of this would require additional market study that staff is not prepared to offer at this time. The other concern is that limiting the number of rentals could bring about a larger enforcement issue with an increase in the number of non-registered rentals across the community.

Staff has also been unable to find any examples in Iowa of any of these options being employed to restrict rental properties in neighborhoods; Ames would be the first. If any of these options was implemented, Ames would not be able to rely on local examples if challenged.

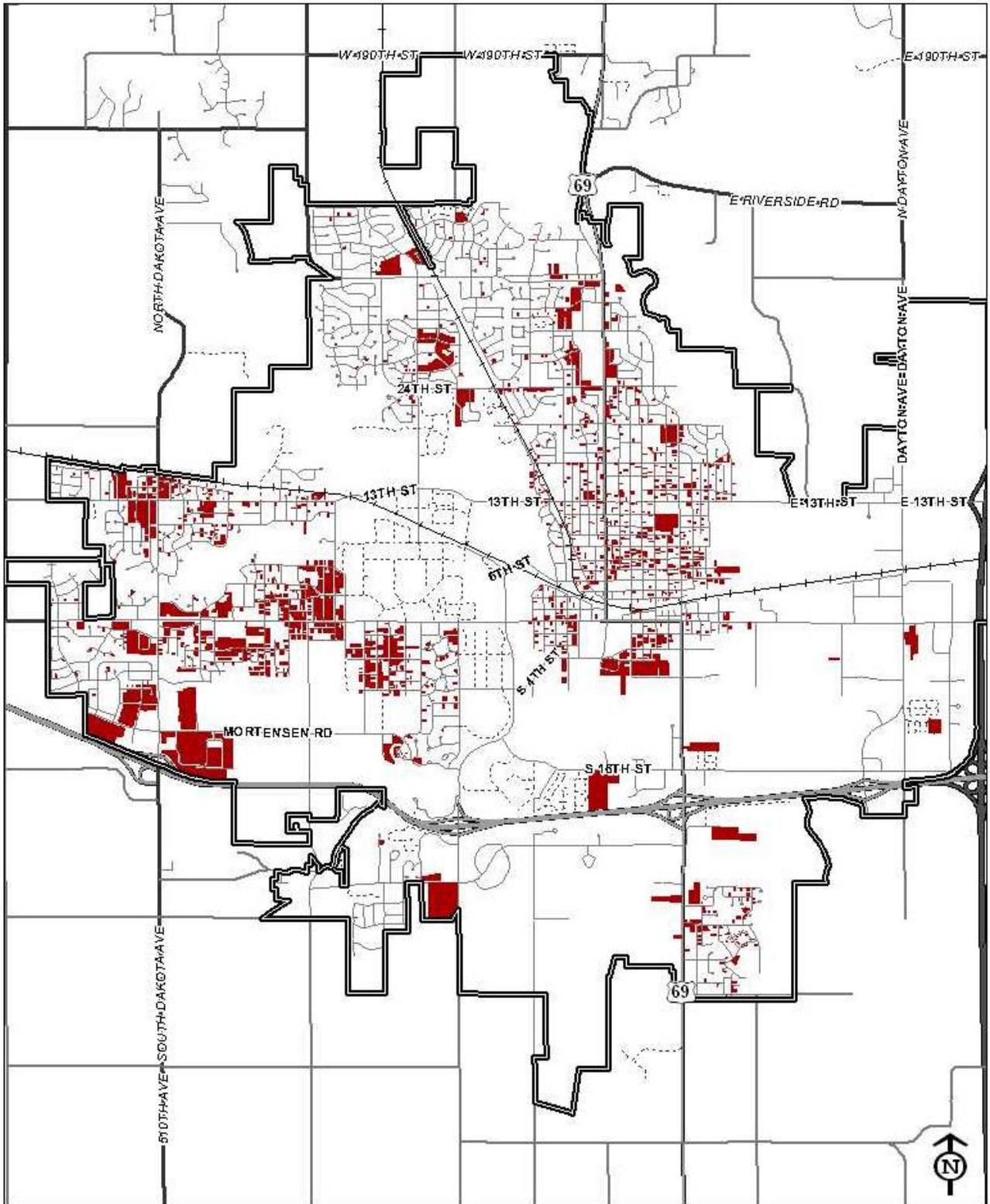
### **STAFF COMMENTS:**

It should be noted that the legality of at least one of these options is being challenged in court. The Winona, MN, ordinance was challenged by a group of residential property owners in October 2011. The challenged claimed the ordinance exceeded the City's zoning power and was unconstitutional under the Minnesota Constitution on several grounds. This litigation has made its way through the trial court and lower appellate court levels, with the ordinance being upheld thus far. It is now on the docket to be considered by the Minnesota Supreme Court. A ruling is expected sometime later this Spring.

The four options described above are different approaches to the issue of rental concentration. If Council believes there are concerns about rental concentrations and wants to further pursue creating an ordinance, Council will need to focus on specific issues and provide direction to staff on how to proceed. Staff would further refine a concept, consider addition information that may support a code change, and prepare draft language for Council consideration.

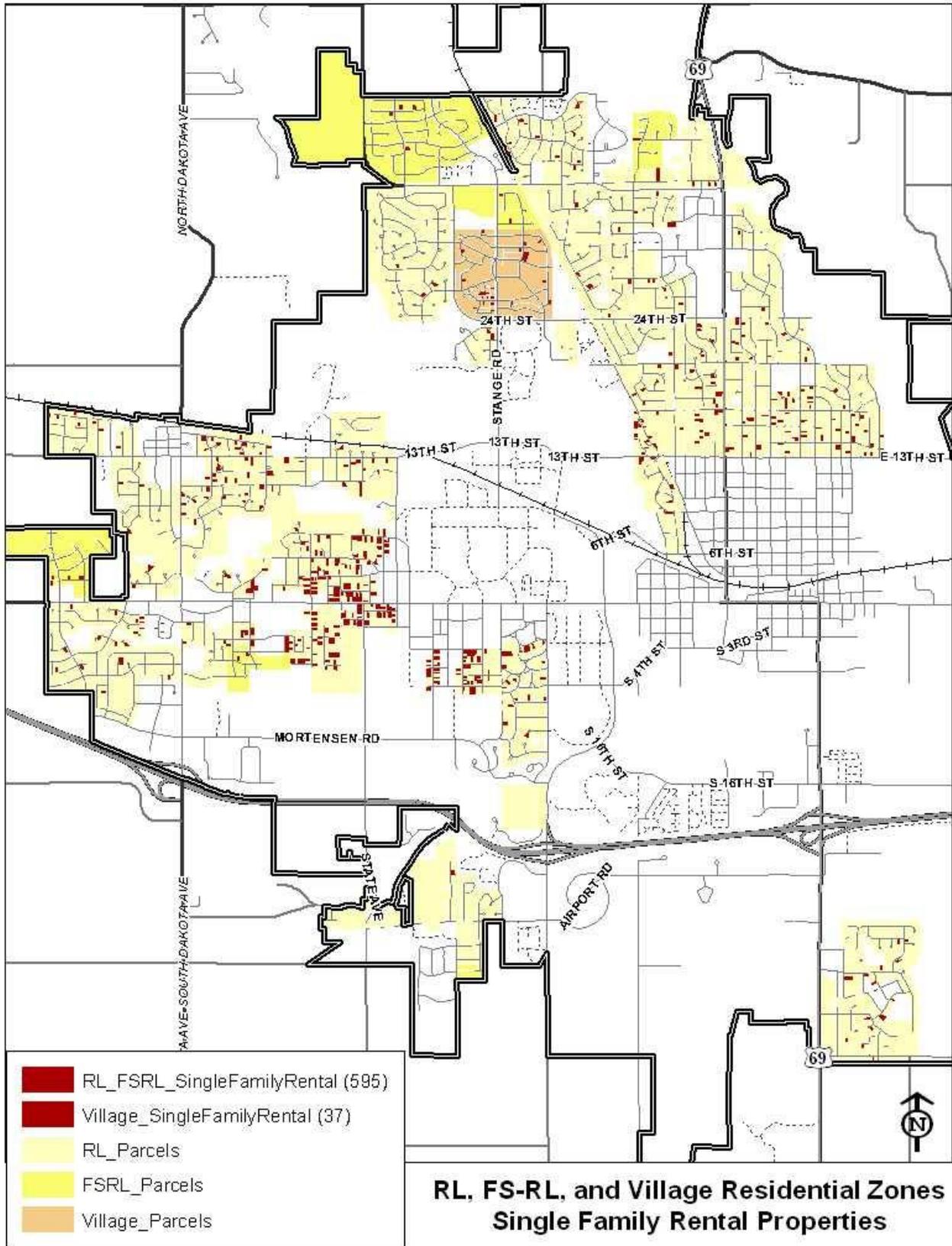
At this time should Council choose to refer any of the above options to Staff for further work, Council needs to consider the prioritization of this referral with the other Planning and Housing work plan projects and demands on the City Attorney. Council will review the Planning and Housing Department's workplan on March 10, 2015. One of the major considerations for moving ahead with this issue is public outreach. To help prioritize this type of project Council would need to determine what amount of public outreach should be sought prior to initiation and processing of an amendment(s) to the Municipal Code.

# Attachment A

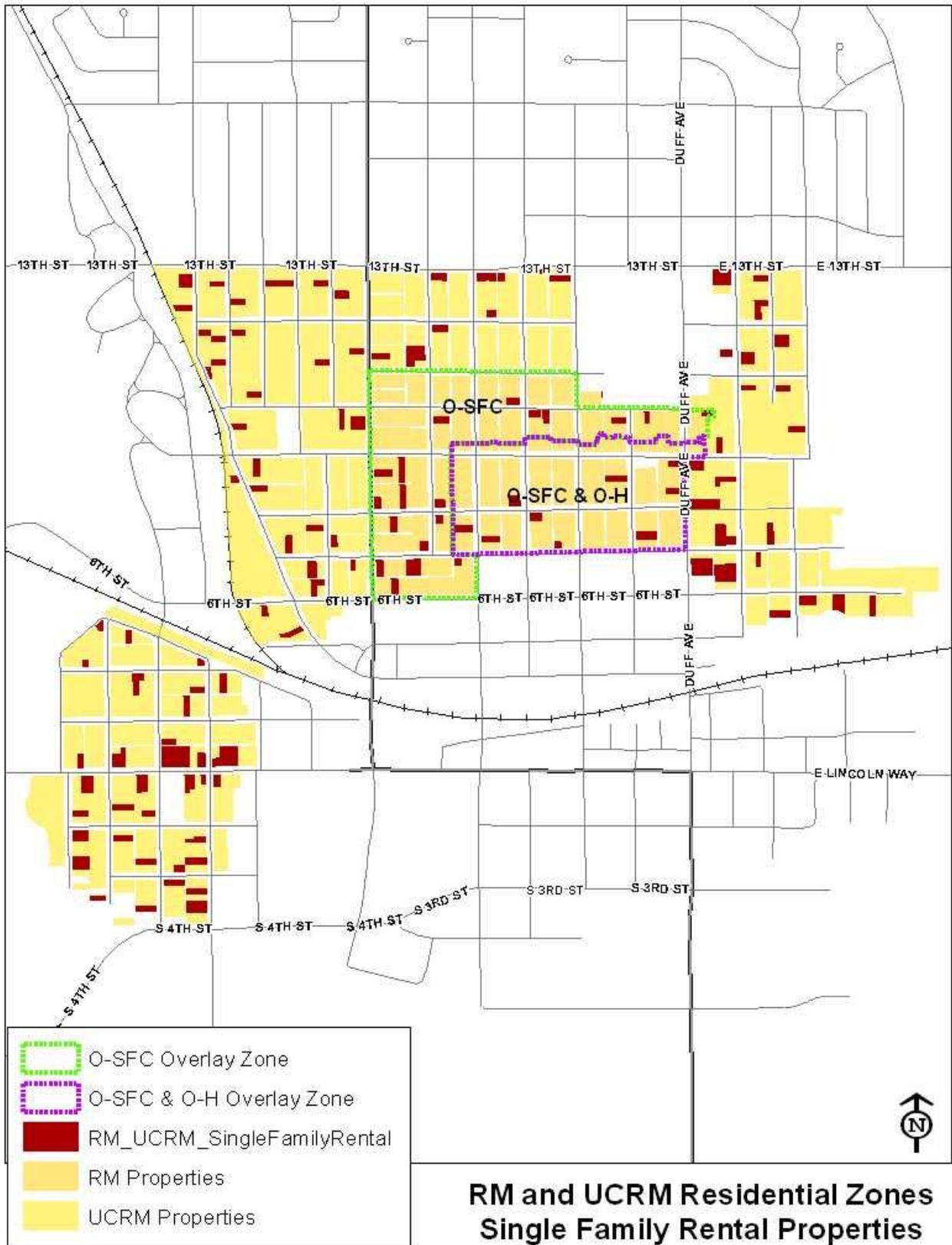


## Ames Rental Properties

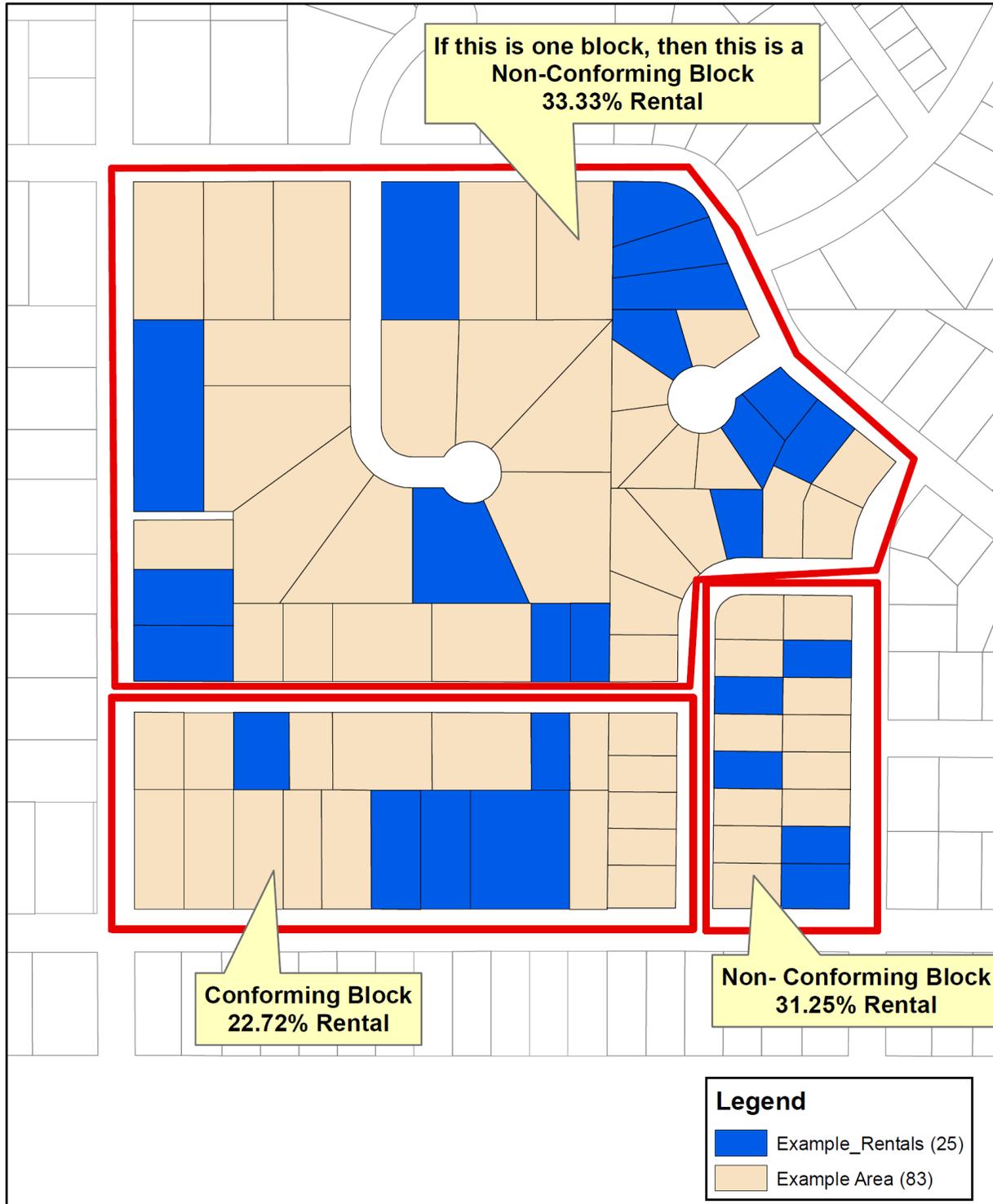
# Attachment B



# Attachment C

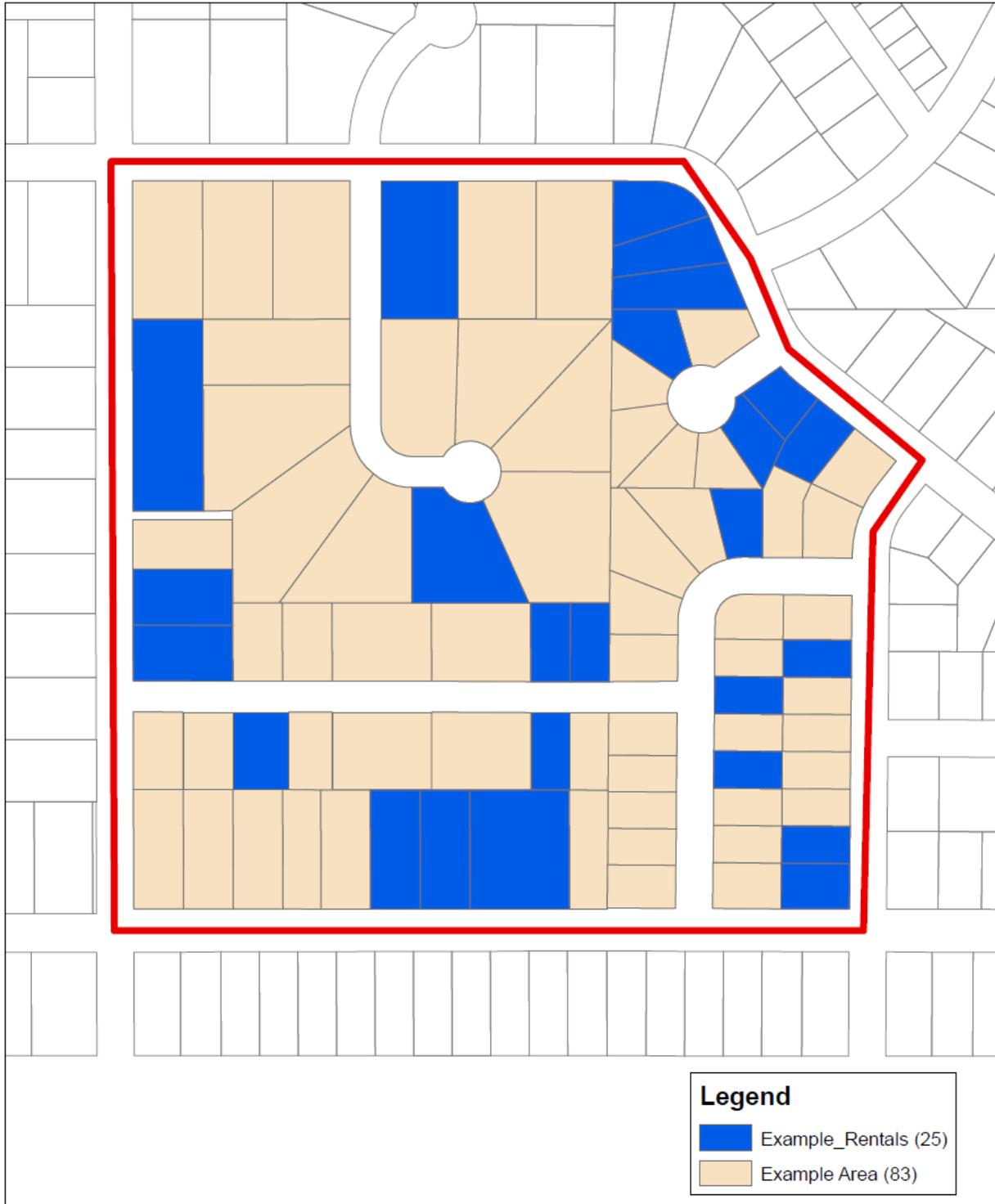


# Attachment D



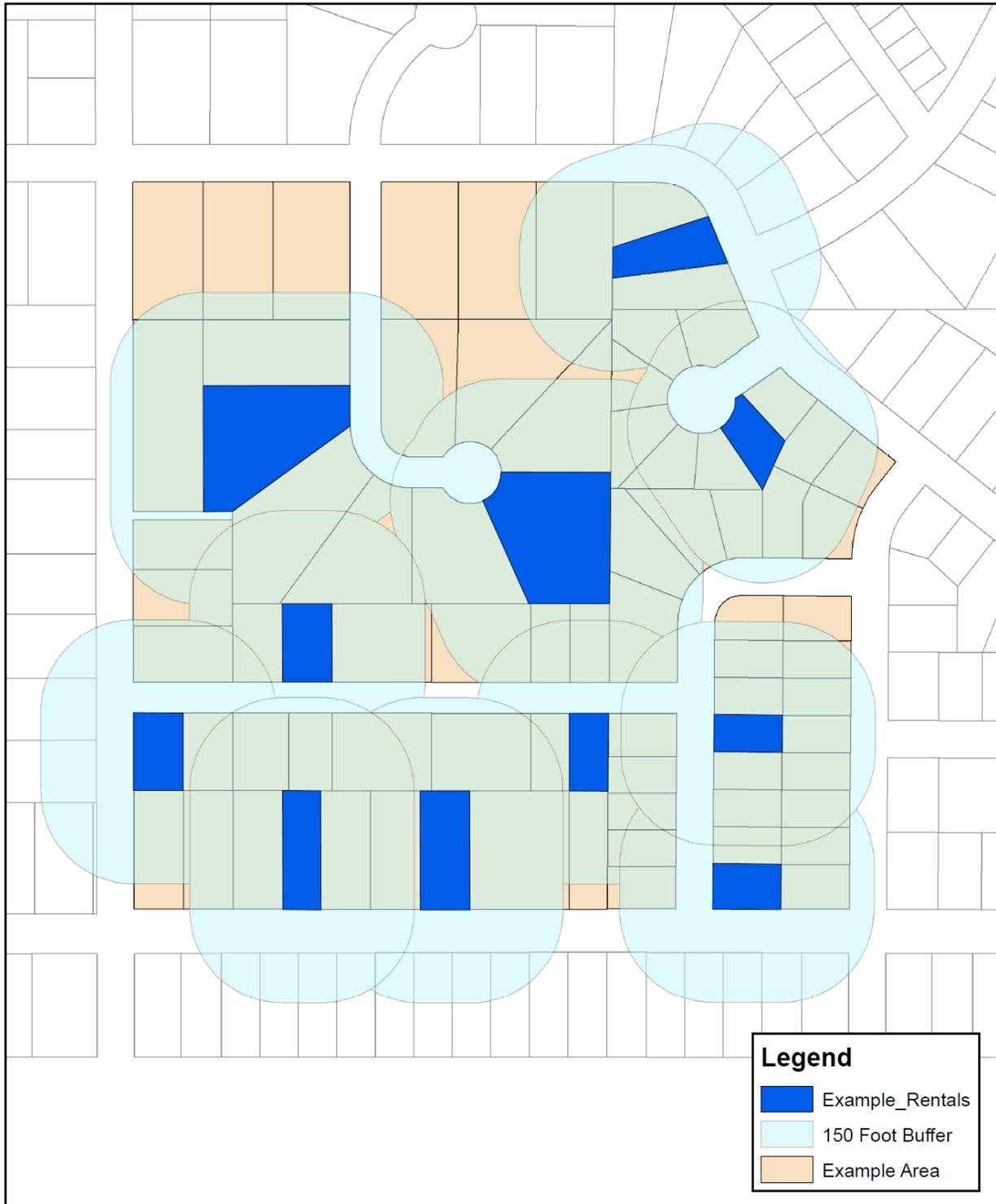
**Option 1 Example:  
30% Rental Properties By Block**

# Attachment D



**Option 1 Example:  
30% Rental Properties Across a District**

# Attachment E



0 100 200 400 Feet

**Option 2 Example,  
Separation Distance of 150 Feet  
13.25% Rental**

## Staff Report

**Requirements for Right-of-Way Infrastructure Improvements at Time of Building Construction**

February 24, 2015

**BACKGROUND**

The City Council directed staff, at their January 28, 2014 meeting, to “**research and prepare amendments to the Ames Municipal Code to require the installation of missing infrastructure at the time of site plan review and approval.**” Amendments were directed to address only commercial, industrial, medium- and high-density residential development. Single-family home properties are not part of this assessment.

The range of infrastructure improvements that may be required of new development, include: sidewalks, shared use paths, street lights, curb and gutter, road paving, street trees, bus stops, etc. Attachment 5 is a summary of basic subdivision infrastructure requirements by type of use. As part of the evaluation of requiring infrastructure improvements, staff has also identified related issues with the current standards for sidewalks and street lights in the Chapter 23 Subdivision Code. A discussion of these subdivision issues is also included in this report.

The City of Ames requires infrastructure to be installed at the time of subdivision approval. The City may grant allowances for posting of financial security for uninstalled infrastructure and for deferral agreements of sidewalks. However, for many older properties and subdivisions there is a lack of modern infrastructure improvements (inadequate sizing or condition) or a gap in improvements. The most common example has been the lack of sidewalk improvements on infill lots. The City typically has no other mechanism, other than subdivision regulations, to require the installation of public sidewalks. The Minor Site Plan review process does not expressly require all infrastructure to be complete and relies upon a case-by-base assessment of impacts related to a specific development. This at times this results in newly developed or redeveloped sites that don't subdivide and then would not meet community expectations for accompanying improvements.

Staff identified approximately 3,200 properties of all types that lack sidewalk infrastructure in the City. Of the 3,200 properties, there are about 400 individual properties in commercial, industrial, and high-density residential districts which are lacking sidewalks. Staff used this basis of 400 property owners for a mailing inviting participation in an outreach meeting on February 5, 2015. The meeting had 24 members of the public present. Staff explained the Council direction given last year and addressed questions. A number of questions arose about the need for sidewalks in locations that are remote, have no pedestrian traffic, or have open ditches that would preclude sidewalks. Some supported sidewalks in all zoning districts, including single family. Some voiced concern about the increased costs of development. (See

Attachment 6 for estimated cost range). Staff has also posted background information on the Department's webpage.

As part of the research on infrastructure needs, staff has identified areas that lack some infrastructure:

Attachment 1 identifies those lots without sidewalks that were the basis of the property owner outreach mailing.

Attachment 2 is the current map of shared use paths, including on-street and off-street. This would be used to identify where the gaps in the system are and to identify installation needs.

Attachment 3 shows arterial streets that are under lit. As can be seen, most are older thoroughfares. Some have development on both sides, while some are adjacent to land yet to be developed (e.g., SE 16<sup>th</sup> Street). The Electric Department and Public Works seek direction Council interest to reduce under lit streets in developed areas.

Attachment 4 is an inventory of unpaved streets done by the Public Works Department in 2014. Since then, Site No. 2 portions of Aplin Road and Beedle Drive have been paved.

In addition to creating background information, staff researched how various other communities ensure the installation of infrastructure outside of new subdivisions. A sampling of communities that require at least sidewalk improvements with development included: Sioux City, West Des Moines, Ankeney, Davenport, Urbandale.

Most cities that address the issue do it either through requirements at the building permit stage or through property assessments. However, individual communities use different thresholds that trigger the installation requirements. Some require it for any new commercial or residential structure. Others trigger infrastructure improvements for new construction or when repairs or remodeling costs equal 50 percent of the value of the structure.

### **Options:**

Staff is seeking direction on three issues to begin preparation of text amendments:

- What type of deficient infrastructure should be installed at the time of development by the developer?
- What level of development or redevelopment should trigger the installation of right-of-way improvements?
- What additional changes to standards for infrastructure of sidewalks, shared use paths, street lights, should be implemented to improve subdivision regulations and ensure appropriate infrastructure installation?

Issue 1: What deficient infrastructure should be installed?

- Option 1: All deficient infrastructure identified within the Chapter 23 Subdivision Code. This would include street paving, curb and gutter, sanitary sewer, water, storm sewer, sidewalks, street trees, street lights.
- Option 2: Sidewalks and shared use paths only.
- Option 3: Dedication of needed right-of-way or easements, no construction.
- Option 4: Some other combination of improvements.

Issue 2: What should trigger the installation of ROW improvements?

- Option 1: New construction or redevelopment of a principle building
- Option 2: Substantial building addition in square footage or valuation.
- Option 3: New construction of accessory buildings.
- Option 4: Change of a non-conforming use, building, or site.
- Option 5: Target specific improvements to different triggers, i.e. full improvements with new development, sidewalks with new site improvements.

Issue 3: Update of Infrastructure Standards.

- Option 1: Amend Municipal code to:
  - Require sidewalks on both sides of streets in all zoning districts.
  - Require street trees in all zoning districts. Currently only residential districts require street trees.
  - Require sidewalks in right-of-way to be 5 feet in width. Currently only a 4-foot walk is required.
  - Require a shared use path to be 10 feet in width. Currently, the minimum requirement is 8 feet.
  - Require street lights on arterial street frontages of a development site.
  - Require new street lights to be LED.
- Option 2: Changes to some or none of the above.

**STAFF COMMENTS:**

Issue 1-Type of Improvements:

Staff believes it is appropriate to require the same level of infrastructure for development that is required with a subdivision plat. In most instances, the missing infrastructure will be only the sidewalk or shared use path. In some instances, there may be a need for street lights or street trees. These can be installed on a single development site and completed in logical manner.

However, there may be limited occurrences where there is no street paving or storm sewer. These types of improvements are difficult to install on a single development site as they are more of an “area wide” improvement for them to be fully effective. In this

case of these major street improvements, there would be a likely combination of mandatory improvements and potentially deferral agreements with financial security.

Staff has concerns about implementation and administration of deferred improvements if it becomes the common instrument of meeting the standards. Requirements for improvements should be expected to occur reasonably along with development, it should not be viewed as means of collecting future obligations and having property owners incur costs of indefinitely maintaining financial security and staff tracking the status of agreements. There would at times be exceptions where deferral or cash in lieu payment would be appropriate.

With the consideration that improvements would occur at the time of development, staff supports a text amendment that incorporates Option 1 of Issue 1 for full improvements with new development.

*Issue 2-Trigger for Improvements:*

The second issue addresses what should trigger the requirement. There is a need to balance triggers of improvements with the cost of a project. A small remodeling of a building would appear to be onerous if there are large infrastructure costs also attached to it and there is no significant change in the use of a site.

However, when a new principle building is constructed on a lot or when there is a substantial improvement to an existing structure, the value of the necessary infrastructure becomes a less significant component of the total cost. One example of “substantial improvement” is the definition in the Chapter 9 Flood Plain Regulations (defined as a 25 percent increase in floor area or improvements valued at 50 percent of the value of the structure) that trigger compliance with elevation or floodproofing requirements.

Staff supports a text amendment that incorporates Option 1 and Option 2 for Issue 2 for both new development and substantial additions.

*Issue 3-Changes to Standards:*

The third issue addresses changes that are of interest independent of whether development is part of a new subdivision or on an existing lot. These issues are interests that staff has identified through the Development Review Committee or in response to individual city department service objectives. If there is an interest in changing some of these specifications, it may be convenient to include them with text amendments that require installation of new infrastructure.

The City’s subdivision regulations require sidewalks to be installed on both sides of streets in commercial and residential zoning districts. An exception is made for industrial zoning districts, which require sidewalks only on one side of the street. There are two concerns with limited expectations in industrial areas. Staff believes there is value to a more inclusive approach to transportation modes that would benefit by having sidewalks on both sides of the street, this would further an effort for more “complete streets.” This would provide better safety of pedestrian circulation, convenience of access to nearby business and services, and for access to transit.

Secondly, administering ADA compliance requirements based upon the 2010 standards for accessible design that went into effect in 2012 has been challenging. Zoning requirements to connect buildings entrances to the street with a walkway and a requirement for there to be an accessible route in the right-of-way or to cross the street have made it confusing for applicants and for staff management of right-of-way.

Street trees provide benefits that include aesthetic value, shade, reduction of heat islands, and carbon absorption. The City's subdivision regulations require street trees only in residential zones in recognition of these values on residential quality of life. With promotion of sustainability, water management, and street character it would be appropriate to include requirements for street trees in all zoning districts of the City.

The City's subdivision regulations require public sidewalks in the right-of-way to be 4 feet in width. Yet the Zoning Ordinance requires private sidewalks to the main entrance of a building to be 5 feet. Staff has found that in some instances, due to ADA requirements, a 5-foot public sidewalk is needed for some locations. A 5-foot walk meets all ADA width requirements without the need for turn out areas. A 5-foot walk width also provides more pedestrian comfort when walking with other people or passing other people.

Shared use paths are specified in the Subdivision Code to meet an 8-foot width that meets the minimum specification. In many instances, a preferred width of 10-feet would be desirable based upon levels of use and the surrounding context of the area. A 10-foot width would bring the City in line with recommend practices for shared use paths.

The City practice has always been to require street lights on the internal streets of a new subdivision. When a new subdivision abuts an existing arterial street, street lights have often not been required which sometimes result in later installation at city costs in response to demands by new occupants of an area. Staff believes that strengthening the language on when street lights are required will clarify the expectations that new development that causes the need for lighting along the perimeter of a subdivision will provide the infrastructure the same as within a subdivision. This change would apply to all types of subdivisions, including single-family residential.

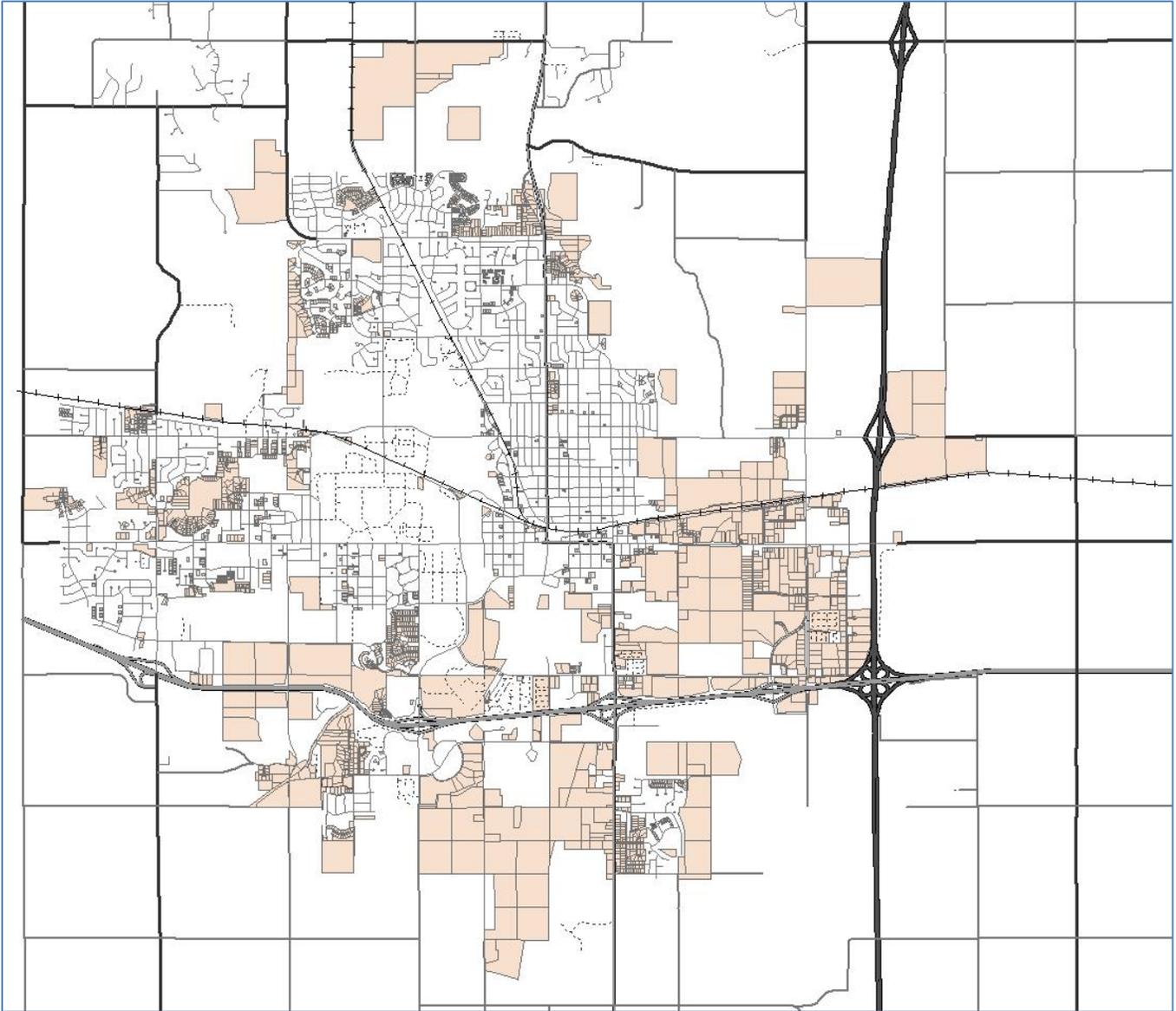
The Electric Department has begun to maintain streetlights in their service territory by replacing older fixtures with more efficient LEDs. The Electric Department is interested in updating the specification for a new street light installation to be the LED type of lighting that they use as a replacement for existing street lights.

### **NEXT STEPS**

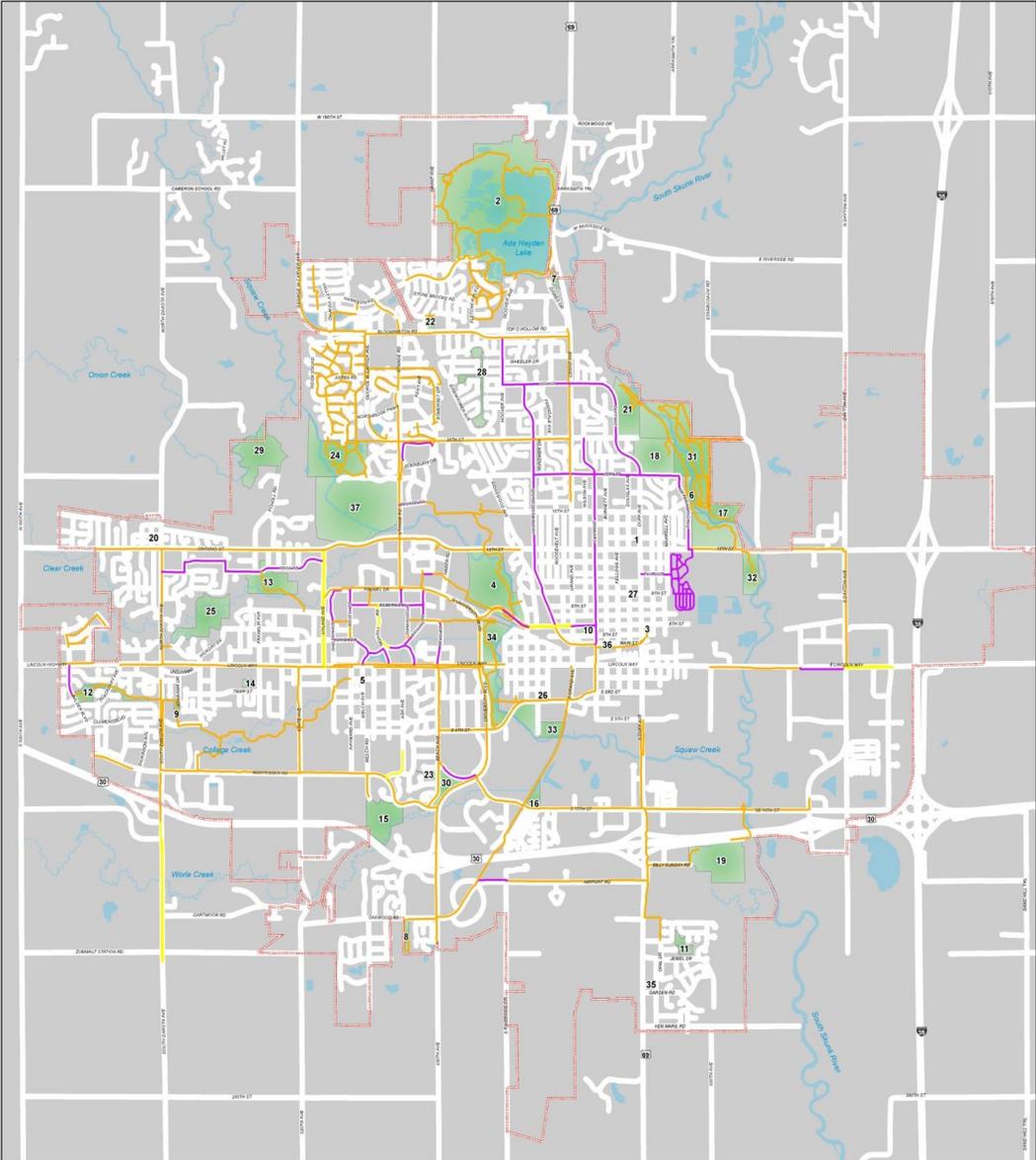
With Council direction, staff will proceed with drafting of text amendments and set public hearing dates. Staff would anticipate returning to Council in April for a first reading on an ordinance. To accomplish this schedule, Council needs to indicate what the preferred changes are to be included in a text amendment to draft precise language for an ordinance.

Staff has conducted one outreach meeting to hear comments on the above concepts. It is fair to say that there was some hesitation about extent of new requirements and potential costs. It is unlikely that property owners would be supportive of all of the described improvements. In the next steps staff would not hold a formal outreach meeting, but would make a draft document available for public review prior to Council review. This approach would allow for time to hear specific concerns about how to implement any requirements and attempt to adjust language if appropriate prior to Council review.

**ATTACHMENT 1: EXISTING LOTS WITHOUT SIDEWALKS**



# ATTACHMENT 2: SHARED USE PATH INVENTORY



**City of Ames**  
**Shared Use Paths**

**Type of Path**

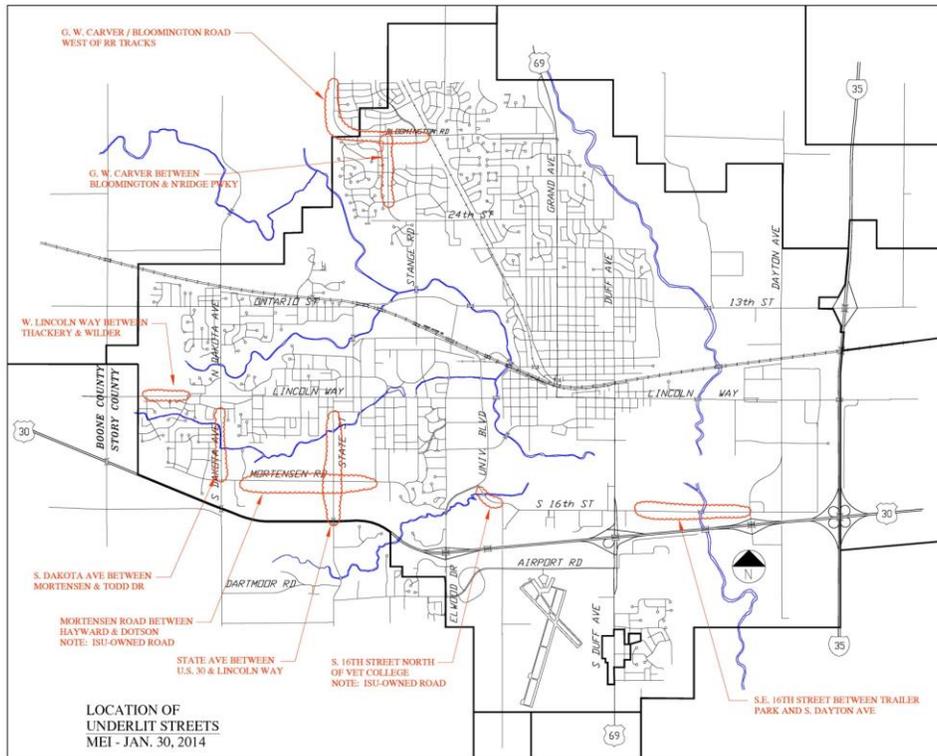
- Shared Use Path
- On-street Bike Lane
- Bicycle Friendly Street
- Parks

June 2014

- | Location | Park Names                    |
|----------|-------------------------------|
| 1        | 14th and Duff Avenue          |
| 2        | Ada Hayden Heritage Park      |
| 3        | Bandshell                     |
| 4        | Brookside                     |
| 5        | Campus Town Court             |
| 6        | Carr Pool and Park            |
| 7        | Charles Calhoun Memorial Park |
| 8        | Christofferson Park           |
| 9        | Christopher Gartner Park      |
| 10       | Community Center (City Hall)  |
| 11       | Country Gables                |
| 12       | Daley Park & Greenbelt        |
| 13       | Emma McCarthy Lee Memorial    |
| 14       | Franklin                      |
| 15       | Gateway                       |
| 16       | Greenbriar                    |
| 17       | Gunder/Nutty Woods            |
| 18       | Homewood Golf Course          |
| 19       | Hunziker Youth Sports Complex |
| 20       | Hutchison                     |
| 21       | Inis Grove                    |
| 22       | Lloyd Kurtz                   |
| 23       | Moore                         |
| 24       | Moore Memorial                |
| 25       | Munn Woods                    |
| 26       | O'Neil                        |
| 27       | Old Town                      |
| 28       | Parkview                      |
| 29       | Reactor Woods                 |
| 30       | Reiman Gardens                |
| 31       | River Valley                  |
| 32       | South River Valley            |
| 33       | Squaw Creek                   |
| 34       | Stuart Smith                  |
| 35       | Teagarden                     |
| 36       | Tom Evans Plaza               |
| 37       | Veenker Golf Course           |

Document Path: C:\Users\jgordon\Documents\Ames\GIS\Projects\GIS\2014\2014\_SUMMER\2014\_SUMMER\_06\_24\_14\2014\_SUMMER\2014\_SUMMER\_Paths\_101\_Legend\_Look.mxd

### ATTACHMENT 3: UNDERLIT ARTERIAL STREETS JANUARY 2014





**Attachment 5**  
**Summary of Infrastructure Requirements with Subdivision**

	Sidewalks	Street Trees	Bike/Shared Use Path*	Bike Lanes	Street Lights	Street Capacity/Access	Bus Stop	Water/Sewer/ Drainage
<b>Residential</b>	Yes	Yes	If shown on adopted plan of LRTP	None	Internal to development (no arterials)	Yes	No	Yes
<b>Commercial</b>	Yes	No	If shown on adopted plan of LRTP	None	Internal to development (no arterials)	Yes	No	Yes
<b>Industrial</b>	One side of street	No	If shown on adopted plan of LRTP	None	Internal to development (no arterials)	Yes	No	Yes

\*References to bike facilities are inconsistent with current terminology and includes references to an adopted bicycle plan that is no longer in place, making requirements ambiguous at times.

**ATTACHMENT 6: INFRASTRUCTURE COST ESTIMATE RANGE**

<b>Item</b>	<b>Private cost</b>	<b>City cost</b>
<b>4' sidewalk per linear foot</b>	<b>\$25</b>	<b>\$40</b>
<b>8' asphalt shared use path per linear foot</b>	<b>\$25</b>	<b>\$50</b>
<b>Street tree</b>	<b>\$200</b>	<b>same</b>
<b>Standard street light</b>	<b>\$2,000</b>	<b>same</b>
<b>LED street light</b>	<b>\$2,500</b>	<b>same</b>
<b>35 sq ft bus stop pad</b>	<b>\$200</b>	<b>\$400</b>
<b>30" curb and gutter</b>	<b>\$15</b>	<b>\$30</b>
<b>One lane of pavement per linear foot (HMA)</b>	<b>\$65</b>	<b>\$100</b>
<b>Sidewalk detectable warning per square foot</b>	<b>\$25</b>	<b>\$40</b>

**COUNCIL ACTION FORM**

**REQUEST: REZONING OF PROPERTY AT 710 SOUTH DUFF AVENUE (REAR PARCEL) FROM AGRICULTURAL (A) TO HIGHWAY-ORIENTED COMMERCIAL (HOC)**

**BACKGROUND INFORMATION:**

Amerco Real Estate Company is requesting a rezoning of their property (addressed as 710 S. Duff Avenue—Rear Site) from Agricultural (A) to Highway-Oriented Commercial (HOC). Amerco also owns a nearby property, also addressed as 710 S. Duff Avenue, from which U-Haul operates a current truck rental business. A location map is found in Attachment A.

The lot proposed for rezoning is about 1 acre in size (242' by 180'). It lies east of (behind) the lot currently occupied by U-Haul. It does not have frontage on a public street. The property owner believes there is an existing access easement from Duff to the site to allow for full use of the property. There is an existing non-conforming structure on the site that was used by the former owner, Ames Rental.

The Land Use Policy Plan (LUPP) Future Land Use Map identifies this site as Highway-Oriented Commercial and that the site is located in the flood plain of the Squaw Creek. Uses around the site are commercial to the north and west. Lands to the east and immediately south are open areas for agriculture. The Squaw Creek flood plain extends to the west, north and east of the site, with a floodway designation to the south. (See Attachment D)

Rezoning of the site will allow for commercial use of the property subject to access and development standards of the City. The applicant intends to use the site for self-storage uses, which in the proposed HOC zoning includes enhanced design requirements. Even with HOC zoning, the existing nonconforming building likely will not be able to be reused due to requirements of our Flood Plain regulations requiring floodproofing or elevation of structures.

**Planning and Zoning Commission Recommendation.** At its public hearing on January 21, 2015, the Planning and Zoning Commission voted 5-1 to recommend that the City Council rezone this property to HOC. The Commission discussed the history of the site in regards to use, zoning, and how future development of the site would relate to its surroundings. Representatives of the owner spoke. No others spoke in favor or opposition.

Staff has also prepared a more in-depth analysis of this situation (See addendum).

### **ALTERNATIVES:**

1. The City Council can approve the request for rezoning from A-Agricultural to HOC-Highway-Oriented Commercial, based upon staff's analysis as found in the addendum.
2. The City Council can deny the request for rezoning from A-Agricultural to HOC-Highway-Oriented Commercial for the subject parcel, if the Council finds that the City's regulations and policies are not met.
3. The City Council can defer action on this request and refer it back to City staff and/or the applicant for additional information.

### **CITY MANAGER'S RECOMMENDATION:**

This site was previously used for storage by Ames Rental. With rezoning to HOC, commercial use of the site would be allowed subject to the development standards of the City's zoning ordinance and the flood plain regulations of the Municipal Code. Notably, any new structure will be required to be elevated or flood proofed to 3 feet above the base flood elevation.

The proposed rezoning is consistent with the LUPP land use designation and general goals for commercial development. Utility infrastructure is available to serve the site. The site has no public street frontage, but is an existing lot that the owner believes has some access rights established to the parcel from South Duff Avenue. Prior to the site's redevelopment, adequate access to the site would need to be demonstrated to staff.

**It is the recommendation of the City Manager that the City Council accept Alternative #1, thereby approving the request for rezoning this parcel from A-Agricultural to HOC-Highway-Oriented Commercial.** Future development of the site will be contingent upon resolution of the issues described above and the ability of the applicant to meet the required development standards of the Municipal Code.

## ADDENDUM

### REZONING BACKGROUND:

**Existing Land Use Policy Plan.** The LUPP designation of the entire subject area is Highway-Oriented Commercial. This designation includes most of the land abutting S. Duff Avenue that lies outside the Floodway of Squaw Creek. The LUPP identifies that the subject site is within the flood plain, but outside of the floodway. The site is also outside of the greenway designation of Squaw Creek as well. An excerpt from the LUPP Future Land Use Map is found in Attachment B.

The LUPP also has a number of policy statements regarding the amount of commercial land and development impacts on the environment. These are found in Attachment C. They are summarized below.

- Additional land for commercial development is needed to accommodate the projected population in 2030.
- Ames seeks further private investment.
- Ames seeks protection of natural resources and compatibility with environment.
- Ames supports infill development where there is existing capacity.

**Previous and Existing Zoning.** The site was annexed into the City of Ames in 1962. In a 1963 zoning map, it was designated as Light Industrial. A zoning map dated 1971 shows this site in a General Commercial district, where it remained until the current zoning ordinance and map were adopted in 2000. It is now Agricultural. That zoning designation was likely due to it being in the flood plain and its proximity to the City well fields although the LUPP appears to anticipate a rezoning to allow commercial uses.

**Existing Uses of Land.** There is a 7,237 square foot metal building on the site. It was used for Ames Rental when they owned it. The City Assessor lists 1958 as the year of construction.

It appears that this structure is non-conforming in regards to the flood plain regulations. The City Assessor has placed very little value on this structure so nearly any improvements will require the structure to meet those regulations, either by elevating or floodproofing to three feet above the 100-year flood level (BFE or base flood elevation).

Land uses that occupy the subject property and surrounding properties are described in the following table:

<b>Direction from Subject Property</b>	<b>Existing Land Uses</b>
Subject Property	Vacant building, former equipment rental
North	Commercial, Wal-Mart
East	Wal-Mart parking, Ag land
South	Ag land
West	Commercial, vacant land

**Flood Plain.** This site is entirely within the Floodway Fringe. The Floodway is just to the south. A Flood Plain map is found in Attachment D. Within the Floodway Fringe, any new or substantially improved structure must be elevated or floodproofed to 3 feet above the BFE. This can be accomplished by raising the floor to the required height upon fill, or hardening the structure to ensure it is protected from hydraulic forces of a 100-year flood event. Alternative, the existing structure can be demolished and a new building erected that is elevated or floodproofed to 3 feet above the BFE.

**Infrastructure.** All needed utilities are available on this site or on nearby properties. The owner will have to acquire any easements needed for extensions of service lines prior to approval of any site development plan.

**Access.** Staff and the applicant have not been able to document complete legal access to this site. This site does not share a property line with the other U-Haul property. There is an access easement from S. Duff Avenue to a point about 30 feet west of the west line of this property. This easement was granted by an adjacent property owner (Asgrow Seeds—now B & D Land Company) to Ames-Falls Creek (now Boston Common), the Cummings property (former O'Malley & McGee), and Ames Rental (now Amerco Real Estate and occupied by U-Haul).

Prior to any site plan approval, the owner will need to demonstrate legal access to the parcel.

**Applicant's Statements.** The applicant has provided an explanation of the reasons for the rezoning in Attachment E. The applicant requests the change in order to facilitate the use of this site for self-storage/mini-warehouse.

**Findings of Fact.** Based upon an analysis of the proposed rezoning and laws pertinent to the applicant's request, staff makes the following findings of fact:

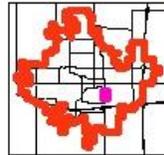
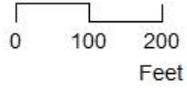
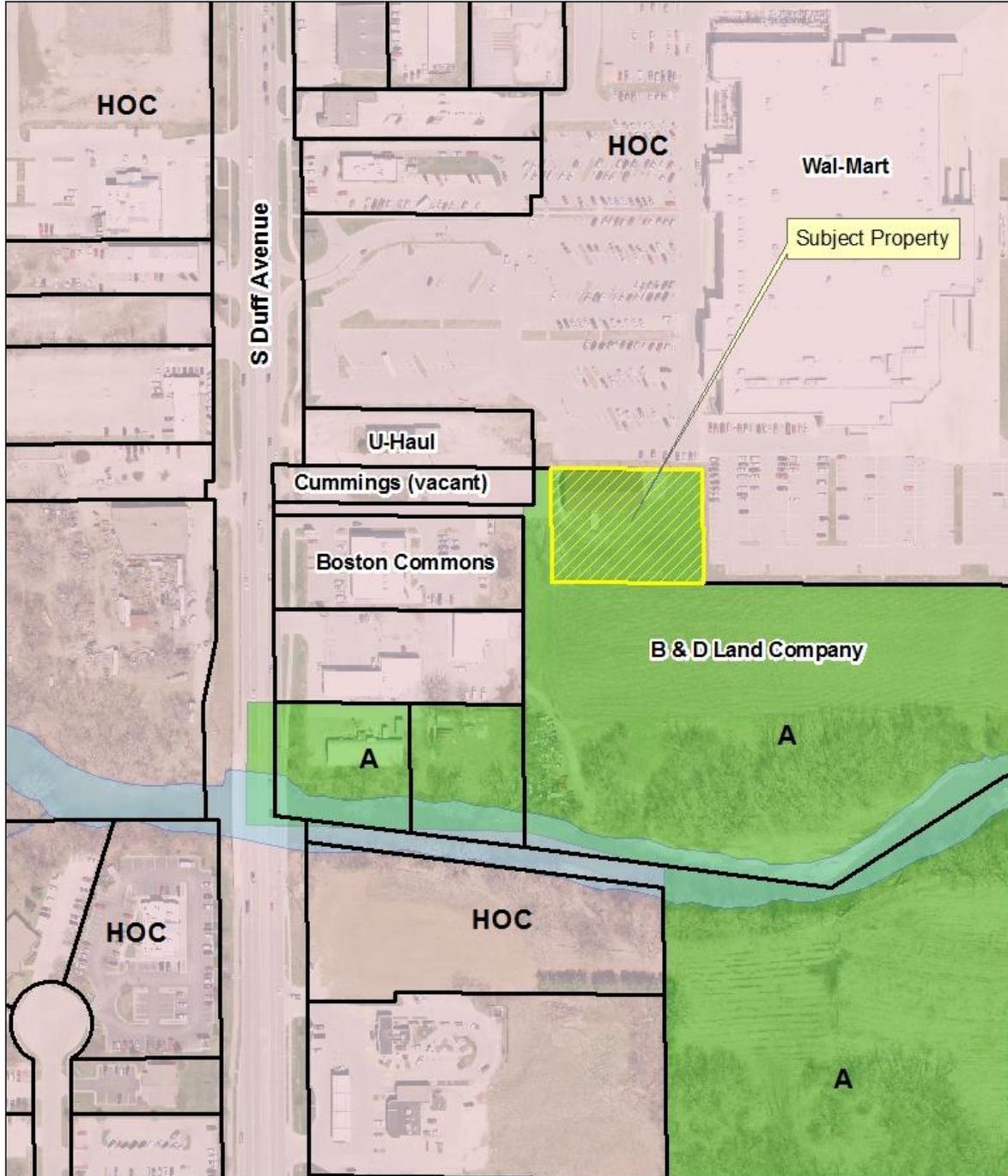
1. Ames *Municipal Code Section 29.1507(2)* allows owners of 50 percent or more of the area of the lots in any district desired for rezoning to file an application requesting that the City Council rezone the property. The owner of this single parcel has requested the rezoning.
2. The subject property has been designated on the Land Use Policy Plan (LUPP) Future Land Use Map as "Highway-Oriented Commercial."
3. The "Highway-Oriented Commercial" land use designation supports the "HOC" zoning designation. Under the "HOC" zoning designation, the proposed expansion of U-Haul can be accommodated subject to the uses allowed within this zone.
4. The site is within the Floodway Fringe, allowing development upon a showing of compliance with development standards.
5. Infrastructure is available to this site. The owner will need to obtain any necessary easements for service line connections to the site.

6. There is no access to this site from a public right-of-way. The owner will need to demonstrate access prior to approval of a minor site development plan.

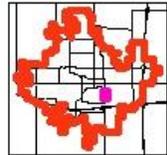
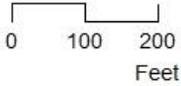
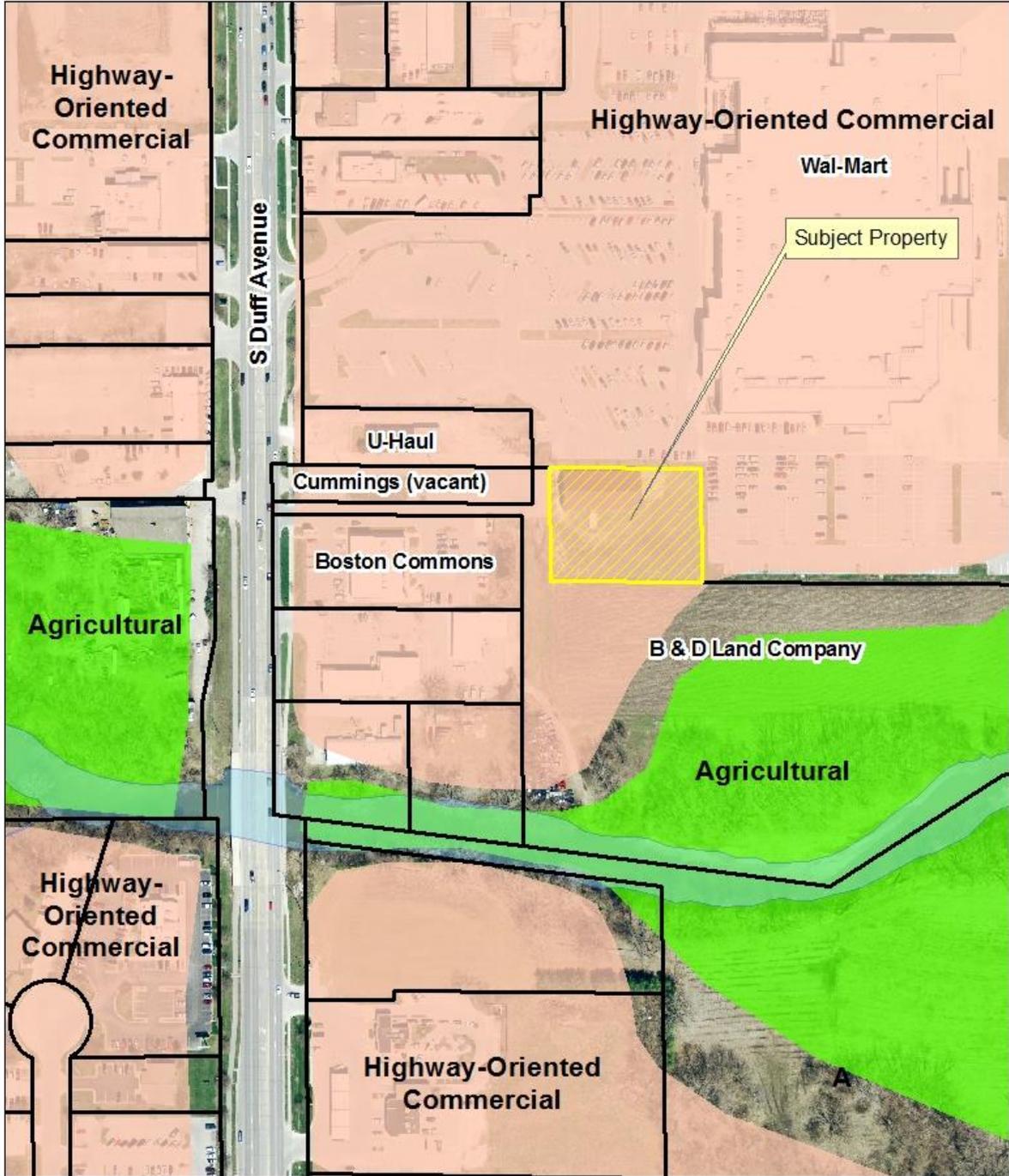
**Public Notice.** Notice was mailed to property owners within 200 feet of the subject site. As of this writing, no comments have been received.

**Conclusions.** Based upon the analysis in this report, staff concludes that the proposed rezoning of the subject property is consistent with the Future Land Use Map, as well as the Goals and Objectives of the City of Ames Land Use Policy Plan.

# ATTACHMENT A: LOCATION AND CURRENT ZONING



**ATTACHMENT B: LAND USE POLICY PLAN MAP [EXCERPT]**



## ATTACHMENT C: LAND USE POLICY PLAN (2011) [EXCERPTS]

### Chapter One, Growth Determinants:

**Land Use Projections.** There are currently 15,677 acres of land within the City limits, an increase from 1999 when there were 13,727 acres. A previous study estimated there are approximately 240 net developable acres remaining in the City for residential development. This can accommodate housing for about 3,000 persons. This is insufficient to meet any but the lowest population projections for Ames within the current City limits.

....

Commercial. It is estimated that an additional 64 to 385 acres of land will be needed to accommodate the commercial needs to serve the projected population in 2030. This assumes that the current ratio of commercial acreage per capita is to be maintained in the future.

### Chapter One, Goals for a New Vision:

Goal No. 1. Recognizing that additional population and economic growth is likely, it is the goal of Ames to plan for and manage growth within the context of the community's capacity and preferences. It is the further goal of the community to manage its growth so that it is more sustainable, predictable and assures quality of life.

1.A. Ames seeks to diversify the economy and create a more regional employment and market base. While continuing to support its existing economic activities, the community seeks to broaden the range of private and public investment.

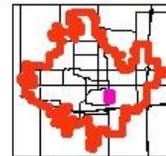
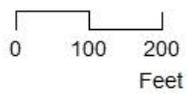
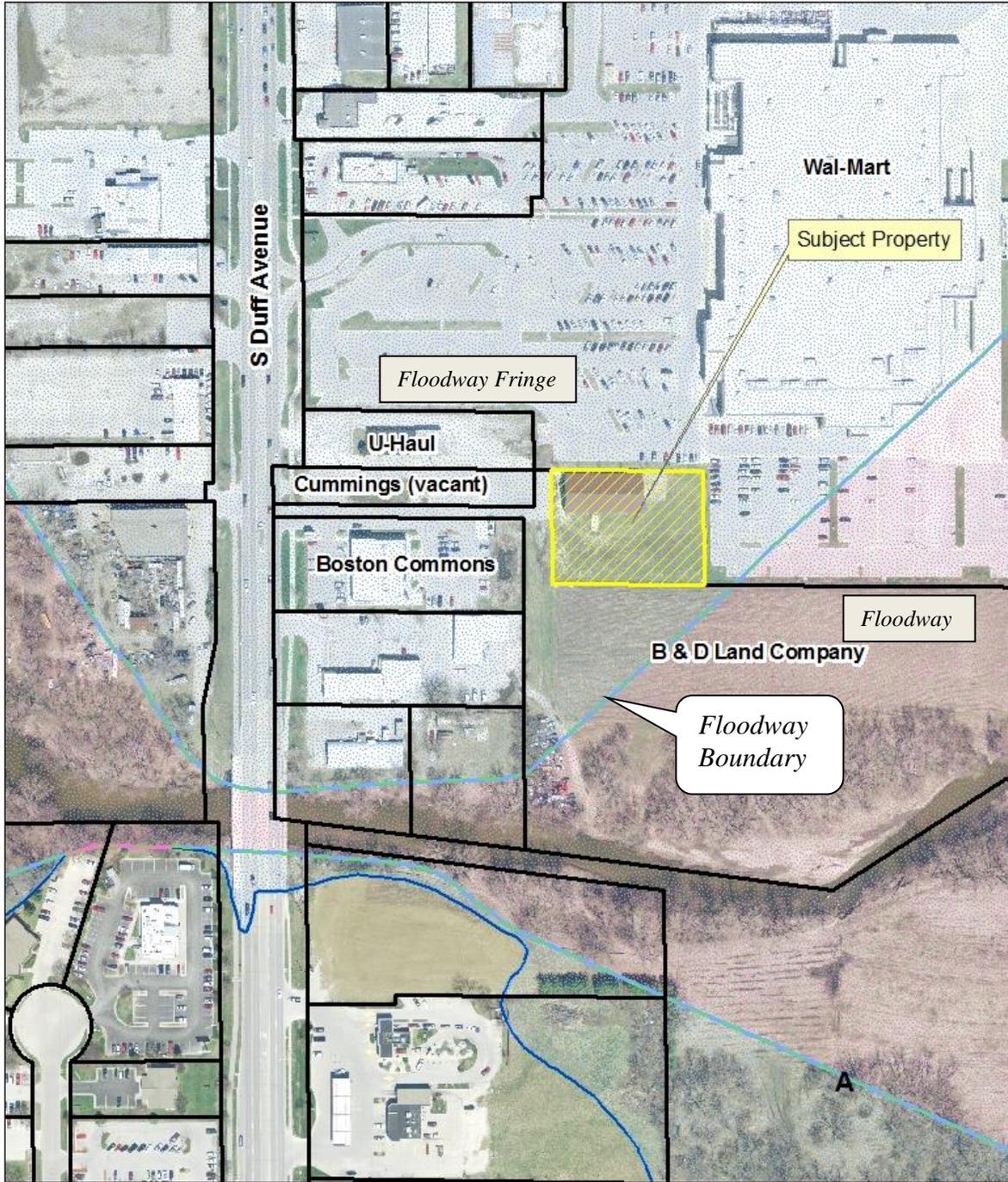
Goal No. 2. In preparing for the target population and employment growth, it is the goal of Ames to assure the adequate provision and availability of developable land. It is the further goal of the community to guide the character, location, and compatibility of growth with the area's natural resources and rural areas.

2.D. Ames seeks a development process that achieves greater conservation of natural resources and compatibility between development and the environment.

Goal No. 5. It is the goal of Ames to establish a cost-effective and efficient growth pattern for development in new areas and in a limited number of existing areas for intensification.

5.C. Ames seeks the continuance of development in emerging and infill areas where there is existing public infrastructure and where capacity permits.

# ATTACHMENT D: FLOOD PLAIN MAP



## ATTACHMENT E: APPLICANT'S STATEMENT



2727 NORTH CENTRAL AVENUE, 9-N • PHOENIX, ARIZONA 85004  
PHONE: 602.263.6502 • FAX: 602.277.1026

### Rezone Application Information

#### **Legal Description:**

Parcel 1A (90-11-400-070) NW 1/4 Section 11 Township 83 N. Range 24 W. of the 5th Principal Meridian, Story County, Iowa.

#### **Current Zoning:**

Agricultural (A)

#### **Consistency of the Rezoning with the Land Use Policy Plan:**

This parcel is currently has an existing 22' high metal equipment storage building on site. Staff has previously determined that our storage and equipment rental business functions as, and is considered a mini-warehouse or self service storage building and that these uses are not allowed without a rezoning the parcel to Highway Commercial (HOC) consistent with current Land Use Policy Plan designation for the site of HOC.

#### **Proposed Use:**

We are proposing the construction of a 41,058 s.f. 2-story storage facility. This facility will incorporate the existing 7,237 s.f. warehouse building into the design and construction of the facility. Portions of the building may be climate controlled. Self-storage areas of the building will be internally accessed by our customers which will limit the need for exterior overhead doors.

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

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

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

Section 1: The Official Zoning Map of the City of Ames, Iowa, as provided for in Section 29.301 of the *Municipal Code* of the City of Ames, Iowa, is amended by changing the boundaries of the districts established and shown on said Map in the manner authorized by Section 29.1507 of the *Municipal Code* of the City of Ames, Iowa, as follows: That the real estate, generally located at 710 South Duff Avenue, is rezoned from Agricultural (A) to Highway-Oriented Commercial (HOC).

**Real Estate Description:** A parcel of land in the Northwest Quarter (NW1/4) of the Southeast Quarter (SE1/4) of Section 11, Township 83 North, Range 24 West of the 5<sup>th</sup> P.M., Story County, Iowa, being more particularly described as follows: commencing at the center of Section 11, Township 83 North, Range 24 West of the 5<sup>th</sup> P.M., Story County, Iowa, thence S89°11'E, 415 feet; thence South 192 feet; thence S89°11'E, 29 feet to the point of beginning; thence continuing S89°11'E, 242 feet; thence South 180 feet; thence N89°11'W, 242 feet; thence North 180 feet to the point of beginning; 1 acre.

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

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

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

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

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

## Staff Report

**1515 Indiana Three Season Porch Construction And Storm Water Retention Easement**

January 27, 2015

**BACKGROUND**

City Council referred to staff a letter from John and Julie Larson of 1515 Indiana (Patio Homes West, First Addition Lot #18) regarding the construction of a three season porch to the rear of their home. The Larsons spoke with staff regarding this construction prior to City Council receipt of the letter, and staff relayed to the Larsons that due to the restrictions of a water retention easement on the property, staff could not approve the structure to be built within this easement area. The existing water retention easement area was established in 1980 as a part of the restrictive covenants of the Patio Homes West Association, Inc. This easement extends 50' from the rear property line.

City Council directed staff, upon agreement with the Larsons, to solicit quotes for engineering services to evaluate the drainage area and determine any ability to vacate portions of the existing easement at the sole cost of the Larsons, with staff coordinating the evaluation. The Larsons agreed, depending on the cost, to reimburse the City for the cost of the evaluation. Staff sent quote requests to three local firms and received a response from only one, Clapsaddle-Garber Associates (CGA), which was in the amount of \$3,500 to evaluate the area. The Larsons agreed to pay this amount and entered into a reimbursement agreement with the City.

**STAFF COMMENTS**

Staff has received the evaluation final report of the area. CGA analyzed the hydraulics of the area and has determined that the existing easement area may be reduced. A graphical representation of the 100-year ponding area along with the proposed easement reduction areas are shown in Attachment A.

The report also recommends that a minimum protective elevation, three feet above the 100-year ponding elevation, be established to protect new openings, such as window wells, on future dwellings/additions. This requirement can be verified during the building permit application process and can be accomplished by earthen berms or structural barriers.

**OPTIONS**

Taking into consideration the final analysis, the Council could consider the following options:

### **Option 1**

Accept the report and, based on the evaluation of the area, the City Council may accept the request to vacate only the area that affects 1515 Indiana.

Should this option be chosen, a hearing date would need to be set in order to proceed with the vacation. The next available hearing date would be at the February 24, 2015 City Council meeting. If there are no objections, the existing easement area would be redefined as recommended.

### **Option 2**

Accept the report and, based on the evaluation of the area, the City Council may accept the request to vacate all of the areas as illustrated.

The remaining area easements (affected properties not part of this request) could also be vacated, should City Council direct staff to set this as a priority project. A hearing date would need to be set in order to proceed with the vacation. The next available hearing date would be at the February 24, 2015 Council meeting. Staff would also reach out to other affected property owners so they are aware of the potential modifications to the easement and to allow for comment at the hearing. If there are no objections, the existing easement area would be redefined as recommended.

**If either of the first two options are selected, the City Council should also pass a motion directing staff to work with the Legal Department and land owner(s) to determine the best means to adopt a flood protection recommendation of 3' above the 100-year storm storage limits outlined in the report for any newly constructed structures adjacent to the new easement area. It is important that before the easement area is altered, the 3 foot elevation requirement be established.**

### **Option 3**

Accept the report and *deny* the request to vacate any portion of the existing easement. Under this option, Council would make no changes to the easements, since the stormwater drainage in this area appears to be functioning as originally designed.

The Council should note that the property owner of 1515 Indiana has agreed to cover the recording fees related to the vacation. These are estimated to be less than \$50 under any of the options.

**1515 Indiana Staff Report  
Attachment A**

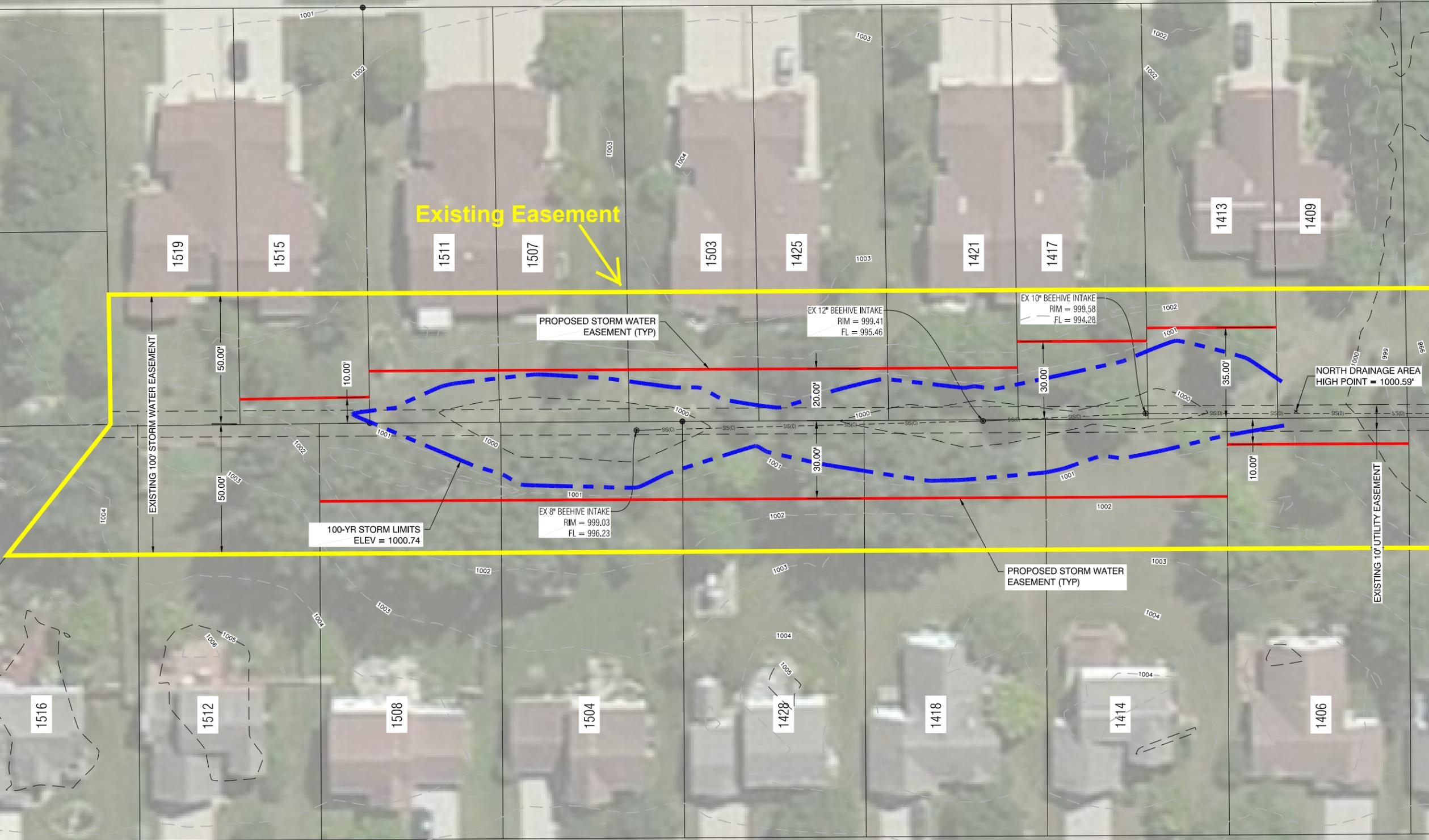
<b>Address</b>	<b>Brief Legal Description</b>	<b>Existing Rear SWDE (feet)</b>	<b>Proposed Rear SWDE (feet)</b>
1413 Indiana Avenue	Patio West 1st Addition Lot 25	50	35
1417 Indiana Avenue	Patio West 1st Addition Lot 24	50	30
1421 Indiana Avenue	Patio West 1st Addition Lot 23	50	20
1425 Indiana Avenue	Patio West 1st Addition Lot 22	50	20
1503 Indiana Avenue	Patio West 1st Addition Lot 21	50	20
1507 Indiana Avenue	Patio West 1st Addition Lot 20	50	20
1511 Indiana Avenue	Patio West 1st Addition Lot 19	50	20
1515 Indiana Avenue	Patio West 1st Addition Lot 18	50	10
1519 Indiana Avenue	Patio West 1st Addition Lot 17	50	0
1406 Kentucky Avenue	Patio West 3rd Addition Lot 6	50	10
1414 Kentucky Avenue	Patio West 3rd Addition Lot 7	50	30
1418 Kentucky Avenue	Patio West 3rd Addition Lot 8	50	30
1428 Kentucky Avenue	Patio West 4th Addition Lot 26	50	30
1504 Kentucky Avenue	Patio West 4th Addition Lot 25	50	30
1508 Kentucky Avenue	Patio West 4th Addition Lot 24	50	30
1512 Kentucky Avenue	Patio West 4th Addition Lot 23	50	0
1520 Kentucky Avenue	Patio West 4th Addition Lot 22	50	0

# Attachment A

INDIANA AVENUE



Existing Easement



J:\6883\img\Sheets\6883 - SWEE Evaluation.dwg - 1 - 01-10-15 - 11:30am - mmj225



NO.	REVISION	BY	DATE	NO.	REVISION	BY	DATE

**CGA** Clapsaddle-Garber Associates, Inc  
 1523 S. Bell Ave. Suite 101  
 Ames, Iowa 50010  
 Ph 515-232-1784  
 www.cgaconsultants.com

DESIGNED: AJI DATE: 12-5-14  
 DRAWN: AJI DATE: 12-5-14  
 CHECKED: MMB DATE: 12-15-14  
 APPROVED: MMB DATE: 12-30-14

**PATIO HOMES WEST, 1ST ADDITION**  
 AMES, IOWA

**RECOMMENDED STORM WATER  
 DETENTION EASEMENT**

PROJECT NO. 8683  
 SHEET NO. D-2

**COUNCIL ACTION FORM**

**SUBJECT: STORM WATER FLOWAGE EASEMENT & STORM SEWER  
EASEMENT VACATION – 5328 TABOR DRIVE**

**BACKGROUND:**

In June 2014, the property owner of 5328 Tabor Drive spoke with City staff regarding an existing 20' Surface Water Flowage Easement (S.W.F.E.) and Storm Sewer Easement (ST.S.E.) in the rear of his property. The property owner had recently installed a fence and found it was against City policy to allow construction of the fence in such a manner as to enclose the portion of the property within this easement. The property owner was advised by City staff that an evaluation of the existing S.W.F.E. and ST.S.E. would be required in order to consider abandoning a portion of the easement. If a portion could be abandoned, the property owner may be able to relocate the fence in order to utilize more of his backyard. The property owner contracted with Clapsaddle-Garber Associate, Inc. (CGA) of Ames, Iowa, to perform this evaluation.

Attached is a map showing the 100-year ponding limits within this small watershed in relation to the property at 5328 Tabor Drive. As shown on the attached map, the property owner's fence currently encroaches onto the existing S.W.F.E. and ST.S.E. by approximately 3.5'. The property owner is requesting that the City adjust the existing easement on the property (shown as the red line on the attached map). The existing 5' Public Utility Easement along the south property line will not be impacted by the proposed easement vacation. **Staff has reviewed the report prepared by CGA evaluating the easement area and supports adjusting the S.W.F.E. and ST.S.E. as shown on the attached map.**

On February 10, 2015, City Council set the public hearing date for vacating the existing easement. That vacated easement will need to be replaced with a new easement that reflects the 100-year storm limits, as updated by CGA.

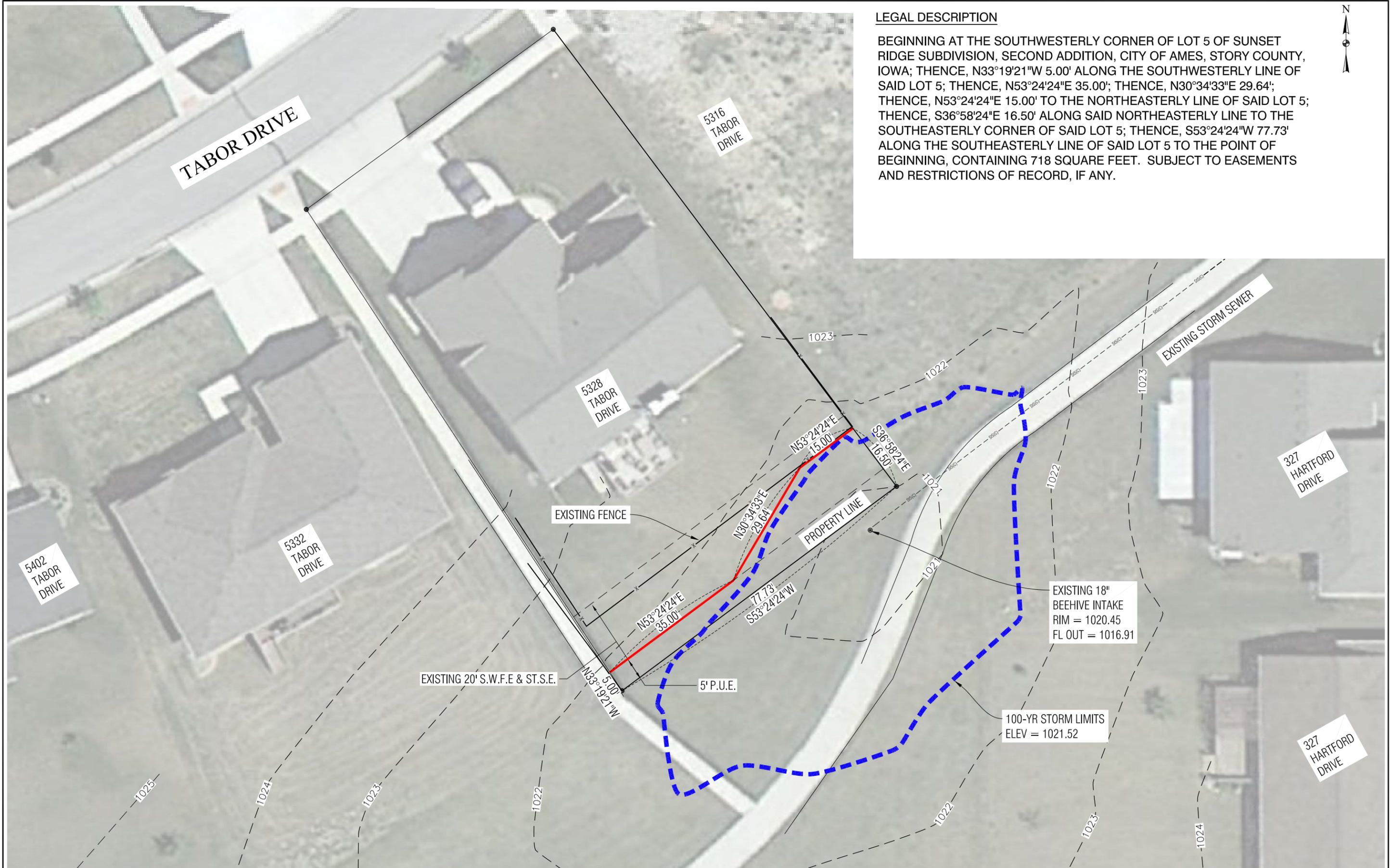
**ALTERNATIVES:**

1. Approve the vacation of the S.W.F.E. and ST.S.E. for 5328 Tabor Drive (Lot 5 of Sunset Ridge Subdivision, 2<sup>nd</sup> Addition) and approve the new S.W.F.E. & ST.S.E. (description as stated above).
2. Direct staff to pursue other options.

**MANAGER'S RECOMMENDED ACTION:**

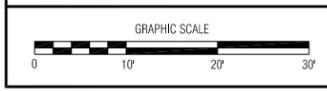
By moving forward with the process to approve the vacation of the easement, City Council will meet the property owner's request, thereby allowing him to adjust his fence and further utilize his backyard.

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



**LEGAL DESCRIPTION**

BEGINNING AT THE SOUTHWESTERLY CORNER OF LOT 5 OF SUNSET RIDGE SUBDIVISION, SECOND ADDITION, CITY OF AMES, STORY COUNTY, IOWA; THENCE, N33°19'21"W 5.00' ALONG THE SOUTHWESTERLY LINE OF SAID LOT 5; THENCE, N53°24'24"E 35.00'; THENCE, N30°34'33"E 29.64'; THENCE, N53°24'24"E 15.00' TO THE NORTHEASTERLY LINE OF SAID LOT 5; THENCE, S36°58'24"E 16.50' ALONG SAID NORTHEASTERLY LINE TO THE SOUTHEASTERLY CORNER OF SAID LOT 5; THENCE, S53°24'24"W 77.73' ALONG THE SOUTHEASTERLY LINE OF SAID LOT 5 TO THE POINT OF BEGINNING, CONTAINING 718 SQUARE FEET. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY.



NO.	REVISION	BY	DATE	NO.	REVISION	BY	DATE

**CGA**  
 Clapsaddle-Garber Associates, Inc.  
 1523 S. Bell Ave, Suite 101  
 Ames, Iowa 50010  
 Ph 515-232-1704  
 www.cgaconsultants.com

DESIGNED: A. Inhelder DATE: 1-7-15  
 DRAWN: R. Anderson DATE: 1-7-15  
 CHECKED: M. Bryngelson DATE: 1-7-15  
 APPROVED: \_\_\_\_\_ DATE: \_\_\_\_\_

**5328 TABOR DRIVE**  
 AMES, IOWA

**S.W.F.E. & ST.S.E.**  
**EXHIBIT**

PROJECT NO. 8677  
 SHEET NO. D.02

J:\8677\img\Exhibits\8677-D.02 - 02-16-15 - 3:07pm - mcd286

**COUNCIL ACTION FORM**

**SUBJECT: PROJECT TO RETURN GT1 COMBUSTION TURBINE TO SERVICE**

**BACKGROUND:**

This project is for work to return Electric Services' GT1 Combustion Turbine to service. This turbine is a 19 megawatt generating unit necessary for the City's reserve capacity requirement. It is used primarily to alleviate local and regional electric transmission system stability and reliability problems. The unit entered service in 1972.

On January 29, 2015, City Council approved preliminary plans and specifications for the GT1 Return to Service Project and originally set February 19, 2015, as the bid due date and February 24, 2015, as the date of hearing and award of contract.

**On February 17, 2015, City Council held a special meeting and approved requested date changes for this project. Council set March 12, 2015, as the new bid due date and March 24, 2015, as the date of hearing and award contract.**

**Manager's Recommended Action:**

**Since a public hearing date had already been set for February 24, Council should formally open and close the hearing to meet *Iowa Code* requirements. No other action is required at this meeting, since the date of hearing and award has been changed to March 24.**

**COUNCIL ACTION FORM**

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

**BACKGROUND:**

The Water Pollution Control (WPC) Facility has three Archimedes-style screw pumps that move wastewater during part of the treatment process. The pumps are original to the 1989 construction. The drives are the mechanisms that turn the screw, conveying the solids. Because of the age and condition of the drives, the 2012 condition assessment study recommended their replacement. The exposed metal portion of the screw pumps also needs to be repainted to protect the metal. While the two portions of this preventative maintenance project are not related, it is more efficient to perform both the drive replacement and the repainting at the same time.

On December 16, 2014, Council issued a Notice to Bidders to paint the screw pumps and replace the drives. Bids were opened for the project on February 11, 2015. Three bids were received and are summarized below:

<b>Bidders</b>	<b>Total Project Bid Price</b>
Woodruff Construction, LLC	\$276,700
Weidner Construction, Inc.	\$297,000
Ericksen Construction Co., Inc.	\$313,000

On August 12, 2014, Council approved a change in the sequence of the screw pump rehabilitation, delaying the painting portion (\$90,000) originally proposed in FY 13/14 and accelerating the drive replacement (\$250,000) 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.

Staff is familiar with and satisfied with the quality of work that has been performed by the low bidder, and all required contract paperwork has been submitted.

**ALTERNATIVES:**

1. Award the screw pump repainting and drive replacement contract to Woodruff Construction of Ames, Iowa in the amount of \$276,700.
2. Do not award a contract at this time.

**MANAGER'S RECOMMENDED ACTION:**

The WPC Facility's screw pumps are vital for the operation of the Facility, and the coating and drives on this equipment have reached the end of their useful life. Failing to address these issues now may result in significant failures in the future that could result in inefficient operation of the facility and ultimately in environmental harm.

Therefore, it is the recommendation of the City Manager that City Council adopt Alternative No. 1, thereby awarding the screw pump repainting and drive replacement contract to Woodruff Construction of Ames, Iowa in the amount of \$276,700.

**COUNCIL ACTION FORM**

**SUBJECT: CONSTRUCTION OF NEW WATER PLANT – CONTRACT 1, REPORT OF BIDS**

**BACKGROUND:**

On January 5, 2015, the City Council issued a Notice to Bidders for Contract 1 of this project, which includes the interconnecting piping between the old and new treatment plant locations. On February 11, 2015 project bids were opened. The five bids received are summarized below.

<b>Contractor</b>	<b>Lump Sum Bid Price</b>
S. M. Hentges & Sons, Inc.	\$3,197,273.15
H & W Contracting LLC	\$3,840,904.00
McKinness Excavating, Inc.	\$3,997,993.75
J & K Contracting LLC	\$3,998,852.50
Carstensen Contracting Inc.	\$4,099,279.40

**The allowance for Contract 1 in the authorized CIP is \$5,530,000. The engineer's Opinion of Probable Construction Cost is \$5,219,000.**

These bids are very favorable to the City. Staff is still reviewing the bids to identify the bid that is in the best interest of the City and that also complies with all funding requirements. A recommendation for award will be brought to a future Council meeting. The only action requested at this time is to receive the report of bids.

**ALTERNATIVES:**

1. Receive the report of bids, and take no action at this time to award a contract.
2. Award a contract to S. M. Hentges & Sons of Jordan, MN in a lump sum amount of \$3,197,273.15.
3. Award a contract to another bidder.

**MANAGER'S RECOMMENDED ACTION:**

Staff is still completing a background and reference check on the apparent low bidder. Until that check is complete, it is not recommended that an award of contract be made.

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

**COUNCIL ACTION FORM**

**SUBJECT: BOILER TUBE SPRAY COATING AND RELATED SERVICES AND SUPPLY CONTRACT FOR POWER PLANT**

**BACKGROUND:**

On January 13, 2015, City Council approved preliminary plans and specifications for a Boiler Tube Spray Coating and Related Services and Supplies Contract. This contract is for a contractor to provide surface preparation and install new boiler tube coating at the City's Power Plant for the period from the award date through June 30, 2015. This will enable this and future renewals to coincide with the City's fiscal year. The contract includes a provision that would allow the City to renew the contract for up to four additional one-year terms.

Bid documents were issued to five companies. The bid was advertised on the Current Bid Opportunities section of the Purchasing webpage and a Legal Notice was published in the Ames Tribune. The bid was also sent to one plan room.

On February 11, 2015, one bid was received from Integrated Global Services, Inc. of Richmond, Virginia. Details of the bid are shown below:

<b>Integrated Global Services, Inc., Richmond, VA</b>			
<b>DESCRIPTION</b>	<b>Hourly Rate (ST)</b>	<b>Hourly Rate (OT)</b>	<b>Hourly Rate (DT)</b>
Supervisor:	\$65.00	\$97.50	\$130.00
Apprentice:	\$39.00	\$58.50	\$78.00
Foreman:	\$62.00	\$93.00	\$124.00
Journeyman:	N/A	N/A	N/A
Technician:	\$57.00	\$85.50	\$114.00
Safety	\$65.00	\$97.50	\$130.00
Project Manager	\$70.00	\$105.00	\$140.00
Subsistence:	\$100.00 per person per day		
Travel:	Cost Plus 15%		
Mileage:	Cost Plus 15%		
Material Costs:	See below		
<b>MISCELLANEOUS TOOLS AND EQUIPMENT RATES:</b>			
<b>DESCRIPTION</b>	<b>Rate per U/M</b>		
Large Air Compressor	\$795/day, \$2,200/wk, \$5,400/mo		
Sandblasting Rig	\$125/day, \$375/wk, \$940/mo		
Metal Spray Rig	\$300/day, \$900/wk, \$2,250/mo		
<b>Proposed Price Increase for Renewal Periods:</b>			
Labor Rates:	2.5% per year		
Travel & Subsistence:	2.5% per year		

**Staff feels that additional time is needed to review this bid before a recommendation is made to Council. This time is needed in order to determine if the bid meets the technical requirements specified in the bidding document.**

**ALTERNATIVES:**

1. Accept the report of bids and delay award for the Boiler Tube Spray Coating and Related Services and Supplies Contract
2. Reject the bid and direct staff to rebid.

**MANAGER'S RECOMMENDED ACTION:**

This contract is needed to carry out emergency and routine boiler tube spray coating services at the Power Plant to maintain protection to the tubes replaced in 2013. Failure to maintain the coating will result in increased wear and early tube deterioration. The contract will establish rates for service and provide for guaranteed availability, thereby setting in place known rates for service. **By choosing Alternative No. 1, staff will have adequate time to evaluate the bid and ensure that it meets the power plant's technical requirements.**

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

**COUNCIL ACTION FORM**

**SUBJECT:     **SCAFFOLDING AND RELATED SERVICES AND SUPPLY  
CONTRACT FOR POWER PLANT****

**BACKGROUND:**

On January 13, 2015, City Council approved preliminary plans and specifications for a Scaffolding and Related Services and Supplies Contract. The contract will be for a contractor to provide and install scaffolding, bracing and fall protection at the City's Power Plant.

Bid documents were issued to three companies. The bid was advertised on the Current Bid Opportunities section of the Purchasing webpage and a Legal Notice was published in the Ames Tribune. The bid was also sent to one plan room.

On February 11, 2015, one bid was received from All American Scaffold of Des Moines, IA. Staff reviewed the bid and determined it to be non-responsive because the bidder did not supply pricing on critical items as required.

Staff is in the process of trying to determine why only one bid was received and why that bid was non-responsive. Staff is concerned that the pricing component of the bid document was not specific enough for bidders to supply a responsive bid. Staff will review the bid requirements along with discussions with the design engineer and plan holders to determine the reason only one bid was received. This contract will be rebid at a later date and will likely include changes to the bid document.

**ALTERNATIVES:**

1. A. Accept the report of bids.
- B. Direct staff to rebid this contract at a later date.

**MANAGER'S RECOMMENDED ACTION:**

This work will need to be rebid after discussions have been held with the design engineer to determine a future course of action.

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

**COUNCIL ACTION FORM**

**SUBJECT: ELECTRIC SERVICES UNDERGROUND TRENCHING CONTRACT**

**BACKGROUND:**

On January 13, 2015, City Council approved preliminary plans and specifications for the Electric Services Underground Trenching Contract. This contract consists of a contractor furnishing all equipment, tools, labor, and materials not supplied by Electric Services for excavating, trenching, directional boring, and backfilling for installation of conduits, ground sleeves, box pads, vaults, handholes, and other appurtenances. This consists of emergency service, as well as regularly planned repairs and services.

This contract is to provide underground trenching services for the period from the award date through June 30, 2015. This will enable this and future renewals to coincide with the City's fiscal year. The contract also includes a provision that would allow the City to renew the contract for up to four additional one-year terms.

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

On February 12, 2015, three bids were received as shown on the attached report. Electric Services staff reviewed the bids and determined that, based on the summation of services typically received, the bid submitted by Ames Trenching & Excavating of Ames is the lowest bid.

**Council should note that the bidding document included a provision that "this contract may be awarded to multiple contractors. The primary contractor will be given a majority of the available work. Should the primary contractor be unable to meet an individual project's completion schedule as established by the Owner, the individual project may be issued to a secondary contractor to complete."**

**As a result, staff determined that it would be in the utility's best interest to award \$112,500, or 75% of the budgeted \$150,000 amount, to Ames Trenching & Excavating, Ames, Iowa; and to designate that company as the primary contractor for these services. The balance of \$37,500, or 25% of \$150,000, would be awarded to Communication Technologies, LLC, Des Moines, IA, and that company would be designated as the secondary contractor. The secondary contractor will only be utilized if the primary is busy and cannot meet a required project deadline.**

The total amount to be awarded for this contract will be a time and materials cost not to exceed \$150,000. The approved FY 2014/15 operating budget contains \$108,000 unencumbered for these services. Additional funds, if required, are available from the underground materials budget. The trenching and excavation services covered by this contract would also be used for the relocation of Electric Services facilities to clear sites for Public Works roadway improvement projects. Funds have been designated in various CIP projects for those relocation activities.

**ALTERNATIVES:**

1. a. Award the **primary contract** for the Underground Trenching Contract for Electric Services to Ames Trenching & Excavating, Ames, IA, for hourly rates and unit prices bid, in an amount not-to-exceed \$112,500.
- b. Award the **secondary contract** for the Underground Trenching Contract for Electric Services to Communication Technologies, Des Moines, IA, for hourly rates and unit prices bid, in an amount not-to-exceed \$37,500.

Each contract includes a provision that would allow the City to renew the contract for up to four additional one-year terms at stated rates.

2. Reject all bids and purchase underground trenching services on an as-needed basis.

**MANAGER'S RECOMMENDED ACTION:**

These services are necessary to provide trenching and excavation for new construction, maintenance, and emergency repair activities for Electric Services. This contract will establish rates for service and provide for guaranteed availability, thereby setting in place known rates for service and helping to control costs.

Having two contractors under contract allows the City to assign work to the secondary contractor if the primary contractor is busy and is unable to meet required project deadlines. This should reduce delays to project schedules.

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



**ITB 2015-071 Underground Trenching Contract for Electric Services Bid Summary**

Bidder:		Ames Trenching & Excavating, Inc. Ames, IA				Communication Technologies, LLC. Des Moines IA				Communication Data Link Grimes, IA			
Description	Est. # Units	Labor	Materials	Labor & Materials	Extended Price	Labor	Materials	Labor & Materials	Extended Price	Labor	Materials	Labor & Materials	Extended Price
Trenching - Normal Depth	2000	\$10.00		\$10.00	\$20,000.00	\$9.50	\$0.25	\$9.75	\$19,500.00	\$5.50		\$5.50	\$11,000.00
Trenching - Extra Depth	400	\$13.00		\$13.00	\$5,200.00	\$11.75		\$11.75	\$4,700.00	\$6.50		\$6.50	\$2,600.00
Trenching -Shallow Depth	250	\$7.00		\$7.00	\$1,750.00	\$6.50	\$0.25	\$6.75	\$1,687.50	\$5.50		\$5.50	\$1,375.00
Install 1" Flex Duct in Trench	250	\$1.00		\$1.00	\$250.00	\$0.75		\$0.75	\$187.50	\$1.50		\$1.50	\$375.00
Install 2" PVC Duct in Trench	2000	\$1.50		\$1.50	\$3,000.00	\$1.25		\$1.25	\$2,500.00	\$2.00		\$2.00	\$4,000.00
Install 4" PVC Duct in Trench	1000	\$2.00		\$2.00	\$2,000.00	\$1.75		\$1.75	\$1,750.00	\$2.75		\$2.75	\$2,750.00
Install 6" PVC Duct in Trench	400	\$3.00		\$3.00	\$1,200.00	\$2.75		\$2.75	\$1,100.00	\$3.00		\$3.00	\$1,200.00
Concrete Encasement of Duct	500	\$30.00		\$30.00	\$15,000.00	\$19.00	\$10.00	\$29.00	\$14,500.00	\$120.00		\$120.00	\$60,000.00
Directional Bore 2" Flex Duct	1000	\$11.00		\$11.00	\$11,000.00	\$14.75		\$14.75	\$14,750.00	\$8.50		\$8.50	\$8,500.00
Directional Bore 4" Flex Duct	1000	\$20.00		\$20.00	\$20,000.00	\$24.75		\$24.75	\$24,750.00	\$9.50		\$9.50	\$9,500.00
Directional Bore 6" Flex Duct	1000	\$35.00		\$35.00	\$35,000.00	\$39.75		\$39.75	\$39,750.00	\$12.00		\$12.00	\$12,000.00
Excavation By Hand	100	\$45.00		\$45.00	\$4,500.00	\$48.00		\$48.00	\$4,800.00	\$80.00		\$80.00	\$8,000.00
Excavation By Machine	25	\$100.00		\$100.00	\$2,500.00	\$120.00		\$120.00	\$3,000.00	\$210.00		\$210.00	\$5,250.00
Mechanical Tamping By Hand	100	\$50.00		\$50.00	\$5,000.00	\$58.00		\$58.00	\$5,800.00	\$150.00		\$150.00	\$15,000.00
Mech. Tamping by Machine	25	\$110.00		\$110.00	\$2,750.00	\$105.00		\$105.00	\$2,625.00	\$210.00		\$210.00	\$5,250.00
Install Small Enclosure	20	\$200.00		\$200.00	\$4,000.00	\$199.00	\$25.00	\$224.00	\$4,480.00	\$1,500.00		\$1,500.00	\$30,000.00
Install Medium Enclosure	8	\$250.00		\$250.00	\$2,000.00	\$224.00	\$25.00	\$249.00	\$1,992.00	\$2,500.00		\$2,500.00	\$20,000.00
Install Large Enclosure	4	\$300.00		\$300.00	\$1,200.00	\$249.00	\$50.00	\$299.00	\$1,196.00	\$3,500.00		\$3,500.00	\$14,000.00
Install Enclosure w/ Above Grade	20	\$200.00		\$200.00	\$4,000.00	\$174.00	\$50.00	\$224.00	\$4,480.00	\$1,500.00		\$1,500.00	\$30,000.00
Install Enclosure in Sidewalk	12	\$300.00		\$300.00	\$3,600.00	\$350.00		\$350.00	\$4,200.00	\$1,000.00		\$1,000.00	\$12,000.00
Install Switchgear Boypad	6	\$700.00		\$700.00	\$4,200.00	\$649.00	\$50.00	\$699.00	\$4,194.00	\$1,500.00		\$1,500.00	\$9,000.00
Install 1-ph Primary Enclosure	6	\$350.00		\$350.00	\$2,100.00	\$274.00	\$75.00	\$349.00	\$2,094.00	\$1,500.00		\$1,500.00	\$9,000.00
Install 3-ph Primary Enclosure	12	\$350.00		\$350.00	\$4,200.00	\$309.00	\$50.00	\$359.00	\$4,308.00	\$2,500.00		\$2,500.00	\$30,000.00
Install 1-ph FG Transformer Pad	20	\$400.00		\$400.00	\$8,000.00	\$299.00	\$50.00	\$349.00	\$6,980.00	\$1,500.00		\$1,500.00	\$30,000.00
Install 3-ph Conc Pad (6'x6')	6	\$3,600.00		\$3,600.00	\$21,600.00	\$3,000.00	\$495.00	\$3,495.00	\$20,970.00	\$2,000.00		\$2,000.00	\$12,000.00
Install 3-ph Conc Pad (9'x9')	2	\$4,700.00		\$4,700.00	\$9,400.00	\$3,704.00	\$795.00	\$4,499.00	\$8,998.00	\$2,500.00		\$2,500.00	\$5,000.00
Concrete Removal (Cu Yd)	25	\$50.00		\$50.00	\$1,250.00	\$69.00		\$69.00	\$1,725.00	\$75.00		\$75.00	\$1,875.00
Concrete Installation (Cu Yd)	25	\$250.00		\$250.00	\$6,250.00	\$109.00	\$90.00	\$199.00	\$4,975.00	\$120.00		\$120.00	\$3,000.00
Bollard Installation	8	\$300.00		\$300.00	\$2,400.00	\$324.00	\$75.00	\$399.00	\$3,192.00	\$350.00		\$350.00	\$2,800.00
Grass Seed and 1 Watering	20	\$200.00		\$200.00	\$4,000.00	\$148.00	\$1.00	\$149.00	\$2,980.00	\$250.00		\$250.00	\$5,000.00
Pothole for Buried Utilities	100	\$140.00		\$140.00	\$14,000.00	\$199.00		\$199.00	\$19,900.00	\$100.00		\$100.00	\$10,000.00
<b>OVERALL PRICE:</b>		<b>\$221,350.00</b>				<b>\$238,064.00</b>				<b>\$370,475.00</b>			
<b>MATERIALS:</b>		Cost plus 15%				Cost plus 20%				Cost plus 30%			
<b>MISC. RATES:</b>													
<b>SUBSISTENCE:</b>		\$0.00				0%							
<b>TRAVEL:</b>		\$0.00				0%							
<b>MILEAGE:</b>		\$0.00				0%							
<b>PROPOSED PRICE INCREASES FOR RENEWAL PERIODS:</b>													
<b>LABOR RATES:</b>		5%				3%				2%			
<b>EQUIPMENT &amp; TOOLS:</b>		5%				3%				2%			

**COUNCIL ACTION FORM**

**SUBJECT: 2011/12 ASPHALT PAVEMENT IMPROVEMENT PROGRAM  
(IRONWOOD COURT)**

**BACKGROUND:**

This is the annual program for reconstruction of full-depth asphalt streets that are typically located in residential neighborhoods. Streets within the community's residential subdivisions have been installed using full-depth asphalt pavement since mid-1970s. Full-depth replacement of these streets eventually becomes necessary due to structural pavement failure.

The 2011/12 program was packaged into four separate contracts in order to better coordinate with construction activities in the respective areas, which are South Oak Avenue (to be combined with 2011/12 Low Point Drainage Improvements), Ironwood Court, Indian Grass Court/Barr Drive, and Abraham Drive/Todd Circle.

The location for **this specific project is Ironwood Court**. It will be a combination of cold in place recycling of the existing pavement in order to maintain access to the long dead end street, full depth reconstruction at the circle located in the northwest end of the street, and drainage improvements. Staff held a project meeting with area residents for input on staging and access and has utilized this input to coordinate the work with as little inconvenience as possible.

On February 18, 2015, bids for the project were received as follows:

<b><i>Bidder</i></b>	<b><i>Bid Amount</i></b>
Engineer's estimate	\$244,875.00
Manatts	\$231,170.71

Overall, the program has financing in the 2011/12 Capital Improvements Plan established at \$2,576,000 from General Obligation Bonds.

The 2011/12 Asphalt Pavement Improvement Program includes expenses as follows:

<b>Ironwood Court (this project)</b>	<b>\$ 231,171</b>
Barr Drive/Indian Grass Court (actual)	\$ 456,088
Abraham Drive/Todd Circle (actual)	\$ 214,993
South Oak Avenue (actual)	\$ 506,160
2014/15 Collector Street Pavement Improvements (West Street & Woodland Street)	\$ 150,000

2014/15 Concrete Pavement Improvements Contract #1(Hayward)	\$ 300,000
2014/15 CyRide Route Pavement Improvements (24 <sup>th</sup> Street & Bloomington Road)	\$ 150,000
2014/15 Concrete Pavement Improvements Contract #2 (Ridgewood/9 <sup>th</sup> Street)	\$ 80,000
Engineering/Administration (Estimated)	<u>\$ 336,000</u>
Total	\$2,424,412

Any remaining funds will be utilized for contingencies and for additional projects.

**ALTERNATIVES:**

- 1a. Accept the report of bids for the 2011/12 Asphalt Pavement Improvements (Ironwood Court).
  - b. Approve the final plans and specifications for this project.
  - c. Award the 2011/12 Asphalt Pavement Improvements (Ironwood Court) to Manatts of Ames, Iowa, in the amount of \$231,170.71.
2. Do not proceed with this project.

**MANAGER'S RECOMMENDED ACTION:**

By awarding this project, it will be possible to move forward with the rehabilitation of Ironwood Court with minimal interruption 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.

**COUNCIL ACTION FORM**

**SUBJECT: 2012/13 CONCRETE PAVEMENT IMPROVEMENTS CONTRACT #2  
(SOUTHEAST 5<sup>TH</sup> STREET)**

**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 include 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.

**This specific project is for the improvements on Southeast 5<sup>th</sup> Street.** The project includes a crack and seating treatment of the existing concrete pavement followed by an asphalt overlay. The water main on Southeast 5<sup>th</sup> Street will also be replaced with this project.

Staff held a project information meeting with area businesses and property owners to receive input on the project staging and timing. Due to the high traffic volumes in this area, Southeast 5<sup>th</sup> Street having no outlet and also being the only access for several businesses, staff worked closely with these businesses to accommodate them as best as possible within reason. This included staging the project for work to be completed while maintaining one lane of traffic in each direction and maintaining access to local businesses, especially for those businesses which only have one access drive way to their property.

On February 18, 2015, bids for the project were received as follows:

<i>Bidder</i>	<i>Bid Amount</i>
Engineer's estimate	\$261,175.00
Synergy Contracting LLC	\$346,070.15
Manatt's Inc.	\$359,084.80

In analyzing bids received, the increase in cost beyond the engineer's estimate is mostly associated with the cost of water main installation, mobilization and the general costs of asphalt pavement. The economic recovery and increased development activity has created an increase in construction projects for the contractors, which has led to an escalation in bid prices above the City's recent experience.

Overall projected expenses for all program locations are as follows:

<b>Southeast 5<sup>th</sup> Street (this project)</b>	<b>\$346,070.15</b>
Wheeler Street (finalized)	\$332,882.00
Frontage Road (near JAX Outdoor/Southbend Drive) (estimated)	\$148,146.00
Engineering and Contract Administration (estimated)	<u>\$165,420.00</u>
	<b>\$992,518.15</b>

This program was shown in the 2012/13 Capital Improvements Plan with funding in the amount of \$600,000 from General Obligation Bonds (G.O. Bonds) and \$50,000 from the Road Use Tax fund. An additional \$142,000 from the 2013/14 Water System Improvements (Water Utility fund) and \$225,000 in unobligated G.O. Bonds from the 2009/10 Concrete Pavement Improvements Program will be utilized, this brings **total available funding to \$1,017,000.**

**ALTERNATIVES:**

- 1a. Accept the report of bids for the 2012/13 Concrete Pavement Improvements Contract #2 (Southeast 5<sup>th</sup> Street).
  - b. Approve the final plans and specifications for this project.
  - c. Award the 2012/13 Concrete Pavement Improvements Contract #2 (Southeast 5<sup>th</sup> Street) to **Synergy Contracting** of **Bondurant, Iowa**, in the amount of **\$346,070.15.**
2. Do not proceed with this project.

**MANAGER'S RECOMMENDED ACTION:**

By awarding this project, it will be possible to move forward with the reconstruction of Southeast 5<sup>th</sup> Street during the spring/summer of 2015. This will meet the requests of the majority of the businesses to have the work completed after Iowa State University's spring commencement and prior to the Fourth of July holiday.

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

**COUNCIL ACTION FORM**

**SUBJECT: 2014/15 CONCRETE PAVEMENT IMPROVEMENTS CONTRACT #2  
(RIDGEWOOD AVENUE, 9<sup>TH</sup> STREET & PARK WAY)**

**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 consists of concrete pavement reconstruction, storm sewer intake replacement, sanitary sewer manhole replacement, and sanitary sewer main repairs. The water mains 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 improvements on Ridgewood Avenue, 9<sup>th</sup> Street and Park Way.** The project will include pavement removal and replacement, storm sewer improvements, sanitary sewer improvements, water main replacement, and installation of ADA compliant pedestrian facilities.

Staff held a project information meeting with area property owners and residents to receive input on the project timing and staging. Many of the comments received were implemented into the project design. Two specific comments implemented into the design are bio-retention features within the right-of-way to improve storm water quality within the roadway corridor, and project phasing to limit the number of properties impacted during each phase.

Plans and specifications for the project were completed by Clappsaddle-Garber Associates, Inc. with bid alternate options as follows:

- Alternate 1A – Ridgewood Ave – full depth reconstruction with concrete pavement
- Alternate 1B – Ridgewood Ave – full depth reconstruction with asphalt pavement
- Alternate 2A – 9<sup>th</sup> St – concrete overlay of existing pavement
- Alternate 2B – 9<sup>th</sup> St – asphalt overlay of existing pavement

The base bids included all work regardless of pavement type, including water main replacement, sewer repairs, storm water practices, subgrade preparation, and ADA pedestrian improvements. The alternates were to select the type of paving for each location. Contractors were required to provide bid amounts for the base bid plus each alternate for consideration. Staff has evaluated the bids and is prepared to recommend for award the base bid plus either A or B for both Alternate 1 and 2.

On February 18, 2015, bids for the project were received as follows:

Bidder	Base Bid	Alternate Bid Option		Total Cost (Base + Alternate)
		1A	2A	
Engineer's Estimate	\$ 801,829.00	\$ 266,280.00	\$ 234,462.00	\$ 1,302,571.00
	\$ 801,829.00	\$ 266,280.00	\$ 108,567.00	\$ 1,176,676.00
	\$ 801,829.00	\$ 289,252.00	\$ 234,462.00	\$ 1,325,543.00
	\$ 801,829.00	\$ 289,252.00	\$ 108,567.00	\$ 1,199,648.00
Keller Excavating	\$ 948,734.00	\$ 320,804.00	\$ 161,220.00	\$ 1,430,758.00
	\$ 948,734.00	\$ 320,804.00	\$ 43,101.00	\$ 1,312,639.00
	\$ 948,734.00	\$ 272,426.00	\$ 161,220.00	\$ 1,382,380.00
	\$ 948,734.00	\$ 272,426.00	\$ 43,101.00	\$ 1,264,261.00
Synergy Contracting LLC	\$ 976,254.81	\$ 335,386.00	No Bid	\$ 1,311,640.81
	\$ 976,254.81	\$ 335,386.00	\$ 47,222.16	\$ 1,358,862.97
	\$ 976,254.81	\$ 301,903.80	No Bid	\$ 1,278,158.61
	\$ 976,254.81	\$ 301,903.80	\$ 47,222.16	\$ 1,325,380.77
J&K Contracting LLC	\$ 991,491.75	\$ 317,000.00	\$ 89,410.00	\$ 1,397,901.75
	\$ 991,491.75	\$ 317,000.00	\$ 40,049.80	\$ 1,348,541.55
	\$ 991,491.75	\$ 255,247.20	\$ 89,410.00	\$ 1,336,148.95
	\$ 991,491.75	\$ 255,247.20	\$ 40,049.80	\$ 1,286,788.75

In analyzing bids received, the increase in cost beyond the engineer's estimate appears to mostly be associated with underground utility work such as water main installation and storm sewer removal and replacement. The nation-wide economic recovery and increased development activity in our area has created an increase in construction projects for the contractors, which has led to an escalation in bid prices above the City's recent experience.

The project recommended for award is the base bid plus alternate 1B and 2B (asphalt paving on Ridgewood Ave. and 9<sup>th</sup> St.) at a total cost of \$1,264,261. Engineering and construction administration are estimated to be \$252,852, **bringing total estimated project costs to \$1,517,113.**

Program funding and expenses for the 2014/15 Concrete Pavement Improvements are summarized in the table below:

Funding Summary	CIP Funds	Project Location		
		Ridgewood Ave, 9th St, Park Way	Hayward Ave	
14/15 Concrete Pavement Improvements				
GO Bonds	\$ 1,655,000	\$ 1,055,000	\$ 600,000	
Road Use Tax funds	\$ 50,000	\$ -	\$ 50,000	
Electric Utility funds	\$ 21,000	\$ -	\$ 21,000	
14/15 Water System Improvements (Water Utility fund)	\$ 515,000	\$ 385,000	\$ 130,000	
14/15 Sanitary Sewer Rehabilitation Program (Sanitary Sewer Utility)	\$ 22,000	\$ 22,000	\$ -	
13/14 Neighborhood Curb Replacement Program	\$ 24,500	\$ 24,500	\$ -	
11/12 Asphalt Pavement Improvements (project savings)	\$ 380,000	\$ 80,000	\$ 300,000	
14/15 Storm Sewer Improvements (Storm Sewer Utility fund)	\$ 177,000	\$ -	\$ 177,000	
Totals	\$ 2,844,500	\$ 1,566,500	\$ 1,278,000	\$ 2,844,500
Expense Summary				
Engineering (estimated)		\$ 252,852	\$ 205,000	
Construction Costs (estimated)		\$ 1,264,261	\$ 1,035,707	
		\$ 1,517,113	\$ 1,240,707	\$ 2,757,820

**ALTERNATIVES:**

- 1 a. Accept the report of bids for the 2014/15 Concrete Pavement Improvements Contract # 2 (Ridgewood Avenue, 9th Street and Park Way).
- b. Approve the final plans and specifications for this project.
- c. Award the 2014/15 Concrete Pavement Improvements Contract #2 (Ridgewood Avenue, 9th Street and Park Way) to Keller Excavating LLC of Boone, Iowa, in the amount of (Base + Alt. 1B + Alt. 2B) \$1,264,261.
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 these streets during the early spring/summer 2015.

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

**COUNCIL ACTION FORM**

**SUBJECT: REVISIONS TO CITY LITTERING ORDINANCE**

**BACKGROUND:**

Efforts to maintain the appearance of the Ames community occasionally rely on enforcement actions to deter littering. In September 2014, the City Council received a staff report outlining gaps in the current littering ordinance. Council then directed staff to prepare a revision to the ordinance. This revision was to address types of discarded materials and common types of locations where this problem exists within the community.

Iowa Code Section 321.369 prohibits putting debris on a highway. While the specific description of debris is comprehensive in that it includes glass bottles, glass, nails, tacks, wire, cans, trash, garbage, rubbish, litter, offal, or any other debris, the fact that it is limited to the highway means that sidewalks and parks are not covered.

Municipal Code Section 17.10 currently prohibits depositing paper, cards, advertisement, handbills and similar items. Property covered by this ordinance includes streets, alleys or other public places.

The proposed ordinance addresses behaviors and locations not covered by the Iowa Code. For example, under the proposed revision, officers could cite an individual who throws a bottle onto a sidewalk. Nearly any non-paper material deposited on the sidewalk, on the grounds of public buildings, or in the parks would now be covered by the revised ordinance, in addition to the previously prohibited paper items.

Another aspect of this problem occurs when yard waste and other plant materials are intentionally moved to or deposited in the street or on other public property. The proposed ordinance would more clearly prohibit depositing yard waste on other public properties.

The proposed ordinance was developed after reviewing issues identified by City staff, and incorporates language from state law and model ordinances

Under the proposed ordinance, littering in violation of Municipal Code can be charged as a simple misdemeanor, or as a municipal infraction with a civil penalty of \$100 for a first offense and \$200 for a subsequent offense. This is an increase from the current penalties of \$50 for the first offense and \$100 for second and subsequent offenses. The existing penalty was established at least fifteen years ago. Raising the fine will assist with deterrence, and will be equivalent to the penalty for similar offenses, such as hosting a nuisance party.

**ALTERNATIVES:**

1. Approve the attached ordinance revising Section 17.10 of the Municipal Code – Depositing Debris on Public or Private Property, in Vehicles.
2. Do not approve the attached ordinance revising the Municipal Code as it relates to littering.

**MANAGER'S RECOMMENDED ACTION:**

The City Council had requested revisions to Municipal Code Section 17.10 based on a staff report highlighting limitations to the current law and difficulties in prosecution. After reviewing model ordinances and previous cases, a number of changes were made to address littering on both public and private property.

Based on the need for a basic prohibition against littering, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the attached ordinance revising Section 17.10 of the Municipal Code – Depositing Debris on Public or Private Property, in Vehicles.

**ORDINANCE NO.**

**AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY REPEALING SECTION 17.10 AND ENACTING A NEW SECTION 17.10 THEREOF, FOR THE PURPOSE OF ADDING ITEMS TO THE LIST OF PROHIBITED DEBRIS ON PUBLIC PROPERTY; REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; PROVIDING A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.**

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

Section One. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by repealing Section 17.10 and enacting a new Section 17.10 as follows:

**“Sec. 17.10. DEPOSITING DEBRIS ON PUBLIC OR PRIVATE PROPERTY, IN VEHICLES.**

(1) It is unlawful for any person to throw or deposit or allow to be thrown or deposited, any garbage, refuse, litter, or yard waste, into or upon any public or private property, or in or upon any motor vehicle or bicycle while parked on public property.

(2) No person shall operate any motor vehicle or bicycle with a load on or in such vehicle or bicycle unless the load on or in such vehicle or bicycle is adequately secured to prevent the dropping or shifting of materials from such load onto the roadway.

(3) Definitions. For the purpose of this section, the following terms shall have the meanings stated:

(a) “Garbage” means every waste accumulation of animal, fruit or vegetable matter, liquid or otherwise, that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetables, and including tin cans or similar food containers.

(b) “Litter” means any organic or inorganic waste material, or portion thereof, which has been discarded, whether made of aluminum, glass, plastic, rubber, paper, or other natural or synthetic material, or any combination thereof, including, but not limited to, any bottle, jar or can, hull, cigarette, cigar, match, newspapers, magazines, advertisements, dead animals, or intentionally or unintentionally discarded material of any kind.

(c) “Public or Private Property” means the right of way of any road or highway; any body of water or watercourse or the shores or beaches thereof; any park, playground, building, grounds of public buildings, public sidewalks and walkways, refuge, or conservation or recreation area; timberlands or forests; and residential, commercial, industrial, or farm properties.

(d) “Refuse”: means all other miscellaneous waste materials except “yard waste” not specifically defined as garbage or litter.

(e) “Yard Waste”: means debris including, but not limited to, grass clippings, leaves, garden waste, brush, trees, and tree stumps.

(4) Violation of this section shall be a municipal infraction punishable by a penalty of \$100 for a person’s first violation and \$200 for each repeat violation.

(5) Alternatively, a violation of this section can be charged by a peace officer of the City as a simple misdemeanor.

*(Ord. No. 812, Sec. 1; Code 1956, Sec. 76-69; Ord. No. 3003, Sec. 20, 2-23-88; Ord. No. 3497, Sec. 19, 8-25-98; Ord. No. 3551, 3-7-00)”*

Section Two. Violation of the provisions of this ordinance shall constitute a municipal infraction, or, in the alternative, may be charged by a peace officer of the City as a simple misdemeanor, punishable as set out by law.

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

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

Passed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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

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