

**AGENDA  
REGULAR MEETING OF THE AMES CITY COUNCIL  
COUNCIL CHAMBERS - CITY HALL  
NOVEMBER 10, 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.

**CALL TO ORDER: 6:00 p.m.**

**PROCLAMATIONS:**

1. Proclamation for "National Hunger and Homelessness Awareness Week," November 14-22, 2015
2. Proclamation for "Small Business Day," November 28, 2015

**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.

3. Motion approving payment of claims
4. Motion approving Minutes of Regular Meeting of October 27, 2015, and Special Meetings of October 20, 2015, and November 2, 2015
5. Motion approving Report of Contract Change Orders for October 16-31, 2015
6. Motion approving renewal of the following Beer Permits, Wine Permits, and Liquor Licenses:
  - a. Class B Native Wine – Kitchen, Bath & Home, 201 Main Street
  - b. Class B Liquor – Country Inn & Suites, 2605 SE 16<sup>th</sup> Street
  - c. Class E Liquor – AJ's Liquor III, 2401 Chamberlain Street
7. Motion approving 5-day (November 20-24) Special Class C Liquor License for Dublin Bay at Reiman Gardens, 1407 University Boulevard
8. Motion approving Class C Beer Permit for Joy's Iowan-Asian Foods, Inc., 118 Hayward Avenue, Ste. 5 (pending satisfactory background check)
9. Motion directing City Attorney to prepare ordinance setting parking regulations for Ada Hayden Road and Quarry Drive
10. Resolution approving appointment of Sarah Litwiller to fill vacancy on Parks and Recreation Commission
11. Resolution revising Municipal Code Appendix H Tariff 5 to include net metering tariff covering commercial systems up to 500 KW
12. Resolution approving Certificate of Consistency with City's 2014-2018 CDBG Consolidated Plan on behalf of Youth & Shelter Services, Inc.
13. Resolution approving revision to 2015/16 COTA Annual Grant for India Cultural Association
14. Resolution approving renewal for administrative and claims processing services with Wellmark Blue Cross Blue Shield of Iowa for Flexible Spending Account benefit for period from January 1 to December 31, 2016
15. Resolution approving extension, to March 1, 2016, of park land leases with Iowa State University
16. Resolution approving Easement Agreements with Union Pacific Railroad, Iowa State Ready-Mix Concrete, Inc., and Diane and Larry Schulte for 2013/14 Skunk River Trail Extension, Phase 2 (East Lincoln Way to South River Valley Park)

17. Resolution accepting Permanent Easement and property acquisitions for ISU Research Park Phase III Roadway Improvements
18. Resolution approving preliminary plans and specifications for Evaporative Condenser Replacement for Ames/ISU Ice Arena; setting December 9, 2015, as bid due date and December 22, 2015, as date of public hearing
19. Resolution waiving Purchasing Policy requirement for competitive bidding for Geotube Bags for Power Plant Ash Pond and awarding contract to Geo-Synthetics, LLC, of Waukesha, Wisconsin, in the amount of \$193,803.75 (inclusive of Iowa sales tax)
20. Resolution approving contract and bond for Water Pollution Control Lift Station Improvement Project
21. Resolution approving contract and bond for Resource Recovery System Improvements (HVAC Improvements)
22. Resolution approving Change Order No. 2 in the amount of \$156,131 with TEI Construction Services, Inc., for Power Plant Fuel Conversion - Mechanical Installation General Work
23. Resolution accepting final completion of 2014/15 Traffic Signal Program (Lincoln Way and Union Drive)

**PUBLIC FORUM:** This is a time set aside for comments from the public on topics of City business other than those listed on this agenda. Please understand that the Council will not take any action on your comments at this meeting due to requirements of the Open Meetings Law, but may do so at a future meeting. The Mayor and City Council welcome comments from the public; however, at no time is it appropriate to use profane, obscene, or slanderous language. **The Mayor may limit each speaker to five minutes.**

**HEARINGS:**

24. Hearing on rezoning of property at 101, 105, and 107 South Wilmoth Avenue from Residential High Density (RH) with University West Impact Overlay to Residential High Density (RH) and property at 205 South Wilmoth Avenue from Residential Low Density (RL) to Residential High Density (RH) (**continuation requested to November 24, 2015, Council meeting**)
25. Hearing on Zoning Ordinance text amendment to revise the side setbacks for S-HM (Hospital-Medical) zoned parcels on the west side of Duff Avenue:
  - a. First passage of ordinance
26. Hearing on Zoning Ordinance text amendment to Chapter 29 pertaining to solar energy systems regulations:
  - a. First passage of ordinance
27. Hearing on the sale and issuance of Electric Revenue Bonds, Series 2015B, in an amount not to exceed \$10,360,000:
  - a. Resolution approving Preliminary Official Statement and electronic bidding
28. Hearing on Sale of 1109 Roosevelt Avenue:
  - a. Resolution approving sale of property to Habitat for Humanity of Central Iowa, for affordable housing
29. Hearing on 2014-15 Consolidated Annual Performance and Evaluation Report (CAPER):
  - a. Resolution approving 2014-15 CAPER

**PLANNING & HOUSING:**

30. Staff Report on Flood Plain Ordinance amendment regarding environmentally sensitive areas
31. Resolution approving Minor Final Plat for McFarland Subdivision, Plat 2

**FINANCE:**

32. Resolution approving annual 2015 Urban Renewal Report, certification of TIF Debt for Campustown and ISU Research Park, and annual appropriation of Kingland TIF Rebate

**ORDINANCES:**

33. Second passage of ordinance, with Master Plan, of property at 601 and 705 Dotson Drive from Government-Airport (S-GA) to Floating Suburban Residential Low Density (FS-RL)
34. Third passage and adoption of ORDINANCE NO. 4233 rezoning property at 125 and 130 Wilder Avenue from Convenience Commercial Node (CVCN) to Planned Residential District (F-PRD)

**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 AMES AREA METROPOLITAN PLANNING ORGANIZATION  
TRANSPORTATION POLICY (AAMPO) COMMITTEE MEETING**

**AMES, IOWA**

**OCTOBER 27, 2015**

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

The Ames Area Metropolitan Planning Organization (AAMPO) Transportation Policy Committee meeting was called to order by Ames Mayor Ann Campbell at 6:00 p.m. on the 27th day of October 27, 2015, in the City Council Chambers in City Hall, 515 Clark Avenue, pursuant to law. In addition to Ames Mayor Campbell, other voting members present were: Gloria Betcher, City of Ames; Amber Corrieri, City of Ames; Tim Gartin, City of Ames; Matthew Goodman, City of Ames; Chris Nelson, City of Ames; and Peter Orazem, City of Ames. Hamad Abbas, Transit representative; Wayne Clinton, Story County; Jonathan Popp, City of Gilbert; and Chet Hollingshead, Boone County, were absent.

**AAMPO TITLE VI PROGRAM:** Public Works Director John Joiner explained that, as a recipient of federal funding, the AAMPO is required to operate its programs and activities in accordance with the Civil Rights Act of 1964 and its amendments collectively known as Title VI, which prohibits discrimination on the basis of race, color, or national origin.

Moved by Nelson, seconded by Betcher, to approve the Title VI Program.  
Vote on Motion: 7-0. Motion declared carried unanimously.

**ADJOURNMENT:** Moved by Goodman, seconded by Corrieri, to adjourn the AAMPO Policy Committee meeting at 6:04 p.m.  
Vote on Motion: 7-0. Motion declared carried unanimously.

**REGULAR MEETING OF THE AMES CITY COUNCIL**

The Regular Meeting of the Ames City Council was called to order by Mayor Campbell at 6:07 p.m. on October 27, 2015, in the City Council Chambers in City Hall, 515 Clark Avenue. Council Members present were Gloria Betcher, Amber Corrieri, Tim Gartin, Matthew Goodman, Chris Nelson, and Peter Orazem. *Ex officio* Member Sam Schulte was absent.

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

1. Motion approving payment of claims
2. Motion approving Minutes of Regular Meeting of October 13, 2015, and Special Meeting of October 21, 2015
3. Motion approving certification of civil service applicants
4. Motion approving Report of Contract Change Orders for October 1-15, 2015
5. Motion approving 5-day (November 14-18) Special Class C Liquor License for Olde Main Brewing Company at ISU Alumni Center, 420 Beach Avenue
6. Motion approving renewal of the following Beer Permits, Wine Permits, and Liquor Licenses:
  - a. Class C Liquor – Score!, 124 Welch Avenue
7. Requests from Main Street Cultural District for Snow Magic:
  - a. Motion approving Blanket Temporary Obstruction Permit in Central Business District for November 14 to December 19
  - b. Motion approving Blanket Vending Permit in Central Business District for November 13
    - i. RESOLUTION NO. 15-640 approving waiver of permit fee



- c. RESOLUTION NO. 15-641 approving waiver of fees for electricity for holiday activities/lighting from November 14 through January 4
- d. RESOLUTION NO. 15-642 approving closure of eight parking spaces in Central Business District on Friday, November 13 from 5 to 8 p.m., as well as waiver of fees
- e. RESOLUTION NO. 15-643 approving closure of Kellogg Avenue from Main Street to 5<sup>th</sup> Street from 9 a.m. to 1 p.m. on Saturday, December 12
- f. RESOLUTION NO. 15-644 approving suspension of parking regulations and enforcement for Central Business District for every Saturday from November 14 to December 19, as well as waiver of fees
- 8. Electric Revenue Bonds, Series 2015B in an amount not to exceed \$10,360,000:
  - a. RESOLUTION NO. 15-645 approving Federal Reimbursement Regulation Resolution and setting date of public hearing for November 10, 2015, on Electric Revenue Loan Agreement in an amount not to exceed \$10,950,000
- 9. RESOLUTION NO. 15-646 approving Annual Affirmative Action Report
- 10. 1109 Roosevelt Avenue:
  - a. RESOLUTION NO. 15-647 approving third extension of Purchase Agreement with Habitat for Humanity of Central Iowa, to November 13, 2015
  - b. RESOLUTION NO. 15-648 setting November 10, 2015, as date of public hearing on sale of property to Habitat for Humanity of Central Iowa
- 11. RESOLUTION NO. 15-649 approving Transitional Reinsurance Program payment under Patient Protection and Affordable Care Act in the amount of \$66,748
- 12. RESOLUTION NO. 15-650 awarding contract to LawnPro, LLC, of Colo, Iowa, for 2015/16 Winter & Summer Tree Trimming for Public Works in the amount of \$75,000
- 13. Custodial Services at Public Library:
  - a. RESOLUTION NO. 15-651 terminating contract with PCI of Lansing, Kansas
  - b. RESOLUTION NO. 15-652 awarding contract to Nationwide Office Care of Clive, Iowa, for Custodial Services at Public Library in the amount of \$44,774.10
- 14. RESOLUTION NO. 15-653 approving Agreement with Iowa Department of Transportation for relocation of sanitary sewer line south of Skunk River on Interstate 35
- 15. RESOLUTION NO. 15-654 approving Engineering Services Agreement with WHKS & Co., of Ames, Iowa, for Flood Mitigation - River Flooding, in an amount not to exceed \$138,000
- 16. RESOLUTION NO. 15-655 waiving Purchasing Policies and approving single-source purchase of Uninterruptible Power Supplies (UPS) for various traffic signal locations (2015/16 Traffic Signal Program - Maintenance Upgrades)
- 17. Boiler Tube Spray Coating and Related Services and Supplies for Power Plant:
  - a. RESOLUTION NO. 15-656 approving renewal of contract with Integrated Global Services, Inc., of Richmond, Virginia, in an amount not to exceed \$100,000
  - b. RESOLUTION NO. 15-657 approving contract and bond
- 18. RESOLUTION NO. 15-658 approving contract and bond for Scaffolding and Related Services and Supply Contract for Power Plant
- 19. RESOLUTION NO. 15-659 approving Change Order No. 3 with EvapTech, Inc., of Lenexa, Kansas, for Cooling Tower Replacement
- 20. RESOLUTION NO. 15-660 accepting completion of 2014/15 Concrete Pavement Improvements, Contract #1 (Hayward Avenue)
- 21. RESOLUTION NO. 15-661 accepting completion of 2014/15 Arterial Street Pavement Improvements (Lincoln Way)
- 22. RESOLUTION NO. 15-662 accepting completion of 2012/13 Storm Sewer Outlet Erosion Control (Pinehurst Drive)

23. RESOLUTION NO. 15-663 approving Plat of Survey for 115-9th Street, 913 Duff Avenue, and 915 Duff Avenue
24. RESOLUTION NO. 15-664 approving Final Major Plat for Quarry Estates
- Roll Call Vote: 6-0. Resolutions/Motions declared adopted/approved unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

**PUBLIC FORUM:** Erik Charter, 708 Crestwood, Huxley, Iowa, advised that he had grown up in Ames in a neighborhood primarily consisting of multi-family rental housing. He expressed concerns over the tone of recent conversations occurring at City Council meetings regarding zoning and approval or disapproval of housing projects in Ames. Mr. Charter believes those conversations have shifted to an unhealthy and immoral degree, focusing more on who will be occupying the housing rather than whether the physical attributes of the housing project make sense given the surrounding neighborhood, demands of the marketplace, and whether the available infrastructure can support the project. Mr. Charter stated that the company he works for has, for decades, successfully integrated undergraduate students, graduate students, white collar professionals, and blue collar workers into multi-family housing projects. These people come from all over the world with the vast majority having no problem obeying the law. He emphatically believes that Ames is privileged to have University students living in Ames; they contribute to the economic vitality of the Ames community more than any other demographic group. Mr. Charter asked that the students be judged, not based on their age or the fact that they are students, but on the content of their character. He asked the City Council members not to listen to those who say that students should be viewed with suspicion, as potential litterbugs, vandals, and disturbers of the peace. Mr. Charter believes that the No. 1 way the City can make housing more affordable is by facilitating an increase in the supply of housing. An increase supply of multi-family housing ripples into the single-family market.

Water and Pollution Control Department Director John Dunn walked through the events that had occurred at approximately 3:30 p.m. on October 26 when a contractor who was working on the new Water Plant (at the current Water Plant site) hit an 18" diameter pipe. The volume of water at 110 psi sprayed from the pipe immediately coming out of the pump station, and portions of the east side of Ames quickly lost water pressure. The process to shut down the pipe took approximately one hour. A video of the water main break recorded on security cameras on site was shown. Mr. Dunn stated that protecting the public health was staff's only priority at that time. After assessing the situation and getting reports of the water pressure, a panel of those most knowledgeable of the rules and regulations ultimately made the decision to issue a Boil Water Advisory for affected residents. Mr. Dunn explained the resident notification process undertaken by City staff, which was a multi-departmental effort. In addition, the Story County, Iowa, Notification System was used, so whoever had signed up to receive alerts through that System received either a voice message, text message, and/or an email, depending on what they had requested. Public Works staff finished flushing the mains, and lab personnel ran tests. Those tests were all negative, and the Boil Water Advisory was lifted. Mr. Dunn issued a call to customers to sign up for the Story County alerts. He instructed customers to go to the City's Web page and click on the Emergency Alert System; that will get the customer signed up to receive notifications through the Story County Alert System.

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

**DEMAND RESPONSE BUS SERVICE (HIRTA) IMPLEMENTATION REPORT:** Management Analyst Brian Phillips explained that in 2014, staff members from the City, Story County, and United Way worked through a series of facilitated discussions with HIRTA, the demand

response transportation service provider in Story County. These discussions were held to understand HIRTA's service delivery and the needs of riders and community partners, and ultimately identify actions to improve service. The process resulted in the development of a 23-point action plan for improving service. At its April 14, 2015, meeting, the City Council authorized City staff to again work through a facilitated process with the stakeholders to create a plan to implement the priority action steps identified in the original report. Mr. Phillips listed the four priority action steps to be followed. He said that, through a series of discussions, plans have been developed to address the four key areas.

A summary of the Final Report was given by Mr. Phillips. He advised that City staff will work closely with HIRTA and other partners through the ASSET process to monitor progress made towards accomplishing the activities outlined in the plan.

Mr. Phillips also noted that funding up to \$1,500 from the Local Option Sales Tax Fund was authorized by the City Council to cover one-half of the facilitator's expenses. The remainder was to come from the Story County Board of Supervisors. An invoice for \$1,250 (one-half of the actual facilitation expenses) has been delivered to the City.

Council Member Gartin suggested that there be some sort of mechanism to report back to the Council a year from now as to further progress towards facilitation of the 23-point action plan. Council Member Goodman asked that the actual users be asked for feedback as to how things are working. Ms. Corrieri advised that HIRTA users will be invited to the Transportation Collaboration meeting and provided with quarterly updates. Council Member Orazem requested that the City get data from HIRTA's reporting mechanism. Mr. Phillips stated that would be done.

Moved by Goodman, seconded by Corrieri, to direct staff to get back to the Council information regarding the progress towards completion of the action plan.

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

Moved by Gartin, seconded by Corrieri, to accept the Report.

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

Moved by Gartin, seconded by Corrieri, to adopt RESOLUTION NO. 15-665 authorizing payment to the facilitator in the amount of \$1,250.

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

**REQUEST FOR UNMANNED AIRCRAFT SYSTEMS (UAS) USAGE ON PUBLIC PROPERTY:** Public Relations Officer Susan Gwiasda explained the request of Hunziker and Companies for permission to use its UAS (drone) over public property. She advised that Hunziker and Associates is seeking to create a new video showcasing the Ames community's vibrancy and beauty as part of its marketing efforts promoting Ames as a great place to live, and it would like to use an UAS to capture the video. The videos would be taken during low-usage time periods from October 28, 2015, through November 22, 2015, in three parks (Ada Hayden, Brookside, and Moore Memorial) and in four commercial business districts (Somerset, Main Street, South Duff, and Campustown).

Traffic Engineer Damion Pregitzer noted that the City is in the process of gathering data for development of an UAS policy to apply to commercial users. It is anticipated that other commercial operators will be requesting permission to fly over public property and a uniform policy will provide direction to staff for approving or denying future requests. Through this “test case” request, Hunziker and Companies has agreed to delete portions of any video content that causes concern. Additionally, Hunziker and Companies has offered to share the video with the City of Ames to use in its own educational and promotional pieces. Mr. Pregitzer stated that staff is surveying other communities to see what they are doing regarding UAS. He said that it is staff’s intention to determine what the technicalities are of UAS operations.

Council Member Betcher asked if the City had any concerns about drones being operated on Duff Avenue or in Campustown due to the possibility of being a distraction to drivers. Mr. Pregitzer stated that there is always an element of concern about safety. He noted the options available to the Council.

At the inquiry of Mayor Campbell, Mr. Pregitzer stated that Hunziker and companies has acquired liability insurance required by the City’s Risk Manager.

Council Member Gartin asked if there had been any rule changes since the Council’s last discussion on drones, which occurred in June 2015. Mr. Pregitzer said that the FAA changes the rules every time an incident happens.

Council Member Orazem noted that it is one thing to regulate, but yet another to enforce. He would like to know what the City can enforce at a relatively low cost.

Moved by Goodman, seconded by Corrieri, to provide express permission from the City of Ames to Hunziker and Companies to operate its UAS over public property for three parks and four commercial business districts as listed above and as required by the FAA for commercial UAS operators, limiting the time period from October 28, 2015, until November 22, 2015.

Council Member Betcher noted her concerns about whether there would be any low-volume times on Duff Avenue. She acknowledged that she would be supporting the motion, but wants the City to be careful to ensure that the drone operates only during low-volume times on busy streets.

Justin Dodge, 105 S. 16<sup>th</sup> Street, Ames, advised that every time Hunziker flies its UAS, it submits a request to the City’s Traffic Engineer stating the date, time, location, and altitude.

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

**AFFORDABLE HOUSING CONFERENCE:** City Manager Steve Schainker recalled that, at the September 22, 2015, meeting, the City Council referred correspondence from Council Member Corrieri that requested the City Council give consideration to co-hosting, with Iowa State University (the University), an Affordable Housing Conference for the Story County Area. It was also requested that staff be assigned to participate on the committee that would be planning the Conference and that the City match the University’s financial support for the Conference in an amount up to \$5,000. According to City Manager Schainker, a group of community volunteers from AMOS and other non-profit agencies had been working to plan for a day-long conference that would be targeted to the housing industry, community leaders, and non-profit agencies that provide housing.

Mr. Schainker stated that City staff is supportive of the request. He recommended that, if the City Council agrees to co-sponsor the Conference, the Council approve the proposed conference program in advance to ensure that the topics to be covered are consistent with the City Council's goals and objectives. It was noted that the intent of the Conference is to focus on programs, solutions, and strategies that will promote housing opportunities for low- and moderate-income citizens in Ames and Story County.

Council Member Orazem did not feel strongly that the City Council needed to approve the agenda items. Ms. Corrieri said she wants to ensure that real-world solutions are provided that avail the attendees with tools that they can use in Ames.

City Manager Schainker reminded the Council that \$20,000 had been appropriated in the FY 2014/15 Budget to hold two special workshops (Youth Master Planning and Entrepreneurship). Approximately \$17,000 of the \$20,000 remains unspent after hosting one workshop and booking the reservations for the second. The left-over funds were not carried over to the Council's Budget for FY 2015/16, but rather were returned to the General Fund. The Council could direct that a portion of that savings be re-appropriated from the General Fund available balance to pay for the City's match for this Affordable Housing Conference.

Moved by Orazem, seconded by Gartin, to agree that the City co-sponsor the proposed Affordable Housing Conference with the University; authorize the City Manager to devote staff time to participate on the planning committee for the proposed Conference, and adopt RESOLUTION NO. 15-666 to approve matching the University's contribution up to \$5,000 from the General Fund to help cover expenses from the proposed Conference.

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

Cynthia Martin, 1315 Clark Avenue, Ames, said that she was a member of the AMOS committee working on this issue. She read a few of the titles of the areas that the committee was looking at possibly including at the Conference.

**REQUEST TO WAIVE PARKING ENFORCEMENT AND METER FEES AT POLLING LOCATIONS WITH METERED PARKING:** Moved by Goodman, seconded by Corrieri, to adopt RESOLUTION NO. 15-667 approving Election Day-related parking of up to 20 meter spaces near the Ames Public Library, up to nine spaces at Collegiate United Methodist Church, and up to three spaces at Collegiate Presbyterian Church; and authorize the Traffic Engineer to determine the final number of parking spaces allocated to these three election polling locations along with the City Council approval of the waiver of meter fees for the spaces.

Council Member Betcher asked how the City was going to enforce this. Mr. Pregitzer acknowledged that enforcement would be a challenge; the City would probably not be able to catch everyone who parks in a space for a reason other than to go in and vote. According to Mr. Pregitzer, some type of notification would be placed over the meter to indicate that the parking space is reserved for voters' usage.

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

**RESIDENT SATISFACTION SURVEY:** Public Relations Officer Susan Gwiasda gave the results of the 2015 Survey. She noted that surveys were sent to 1,350 utility bill customers and 1,250 surveys were emailed to ISU students. There were 517 surveys returned (approximately 20% response), which broke down to 60% non-students and 40% students. Ms. Gwiasda noted that 97% of the respondents ranked the City as Good or Very Good.

**ASSET MANAGEMENT AGREEMENT (AMA) PIPELINE SERVICES FOR POWER PLANT:** Donald Kom, Electric Services Director, introduced Jeff McKinney, consultant who has assisted the City on the Power Plant's coal-fired generators to use natural gas. Mr. Kom highlighted the Council's actions that had transpired to date regarding the conversion of the Power Plant from coal to natural gas.

Director Kom summarized each of the three contracts that the City Council was requested to approve. The first contract is to hire a firm to provide asset management services that will be responsible to manage the city's natural gas purchases and gas pipeline transportation contracts. That company will serve as a "bridge" between the natural gas commodity already under contract and the delivery services already under contract. The second contract outlines the terms and conditions when the actual amount of natural gas burned in a day is less than 14,000 dekatherms. The third contract outlines the terms and conditions when the actual amount of natural gas burned in a day is greater than 14,000 dekatherms.

Moved by Nelson, seconded by Orazem, to adopt RESOLUTION NO. 15-668 awarding contract to BP Canada Energy Marketing Corp. of Omaha, Nebraska, for AMA Addendum (for basic services) in the amount of \$30,000.

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

Moved by Nelson, seconded by Orazem, to adopt RESOLUTION NO. 15-669 awarding a contract to BP Canada Energy Marketing Corp. of Omaha, Nebraska, for AMA Transaction Confirmation (outlines terms and conditions when the actual amount of natural gas burned in a day is less than 14,000 dekatherms).\*

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

Moved by Nelson, seconded by Orazem, to adopt RESOLUTION NO. 15-670 awarding a contract to BP Canada Energy Marketing Corp. of Omaha, Nebraska, for a Transaction Confirmation (outlines terms and conditions when the actual amount of natural gas burned in a day is greater than 14,000 dekatherms).\*

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

\*in an amount not to exceed \$3,000,000 for the combined total for Items 30b. and 30c.

**REQUEST FROM AMES COMMUNITY SOLAR INITIATIVE:** Electric Services Director Kom recalled that a letter from Bob Haug, on behalf of the Ames Community Solar Initiative, had been forwarded to staff by the Council on September 8. The letter requested that the City: (1) submit a no-obligation application to the Iowa Utilities Board that would put the City in the queue for possible use of a limited block of state tax credits that have been set aside for community solar

projects sponsored by municipal utilities and (2) affirm support for the concept of a community solar project and for a timely initial investigation and recommendation regarding feasibility.

Mr. Kom advised that the Electric Utility Operations Review and Advisory Board (EUORAB) is also interested in this and other options for renewable energy. He noted that it is sponsoring a workshop on renewable energy, which will occur on November 16, 2015, at 6 PM.

Mr. Schainker advised that staff fully supports the solar initiative. However, if the Council directs staff to move forward with this, staff asks that it wait until the Power Plant Conversion Project is complete before it engages in another initiative.

Council Member Nelson noted that the Ames Community Solar Initiative had submitted a second letter to the Council with additional information. Some of the items in that letter appear not to require too much staff time.

Moved by Goodman, seconded by Nelson, to support Alternative No. 1, which is to direct the staff to immediately submit an application to the Iowa Utilities Board that will put the City in the queue for possible use of state tax credits that have been set aside for community solar projects and ask staff to initiate conversation with Ames Community Solar as to what they are looking for in an analysis regarding options for accomplishing a community solar project.

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

**URBAN REVITALIZATION AREA (URA) FOR 3505 AND 3515 LINCOLN WAY:** Planning and Housing Director Kelly Diekmann provided the history of the site. It formerly had been a mobile home park, which the property owner removed with the intent of developing a small subdivision to the north and commercial development on the subject area. The property owner had requested determination by the City Council in June 2008 that the site was underutilized, as described in the City's former policy for commercial tax abatement for HOC-zoned property. At that time, the Council adopted a resolution recognizing redevelopment of the subject site with the commercial area as meeting the underutilized threshold of the 2008 Commercial Policy. However, no formal designation of the site as an URA occurred or was directed by the Council, at that time.

Director Diekmann explained the changes in policy that had occurred since 2008. He noted that, if Council has an interest in proceeding with the process of establishing the site as an URA to provide tax abatement, it could find the request consistent with its commercial property policy or proceed with establishing the site as a site-specific URA independent of the City's commercial policy. According to Mr. Diekmann, due to the site being vacant for seven years, the site can be found to be consistent with the mandatory criteria of the policy.

Chuck Winkleblack, 105 S. 17<sup>th</sup> Street, Ames, commented that he and City staff members have spent a lot of time reviewing this site. He requested that the Council approve Option 2. Mr. Winkleblack raised an issue about the exterior material on one of the buildings, which he had intended to be brick. Planning staff had recommended a different material, which is approximately two times more costly. He noted that if the building's exterior were to remain brick, the project would meet the criteria for the URA. Mr. Winkleblack added that he certainly welcomes staff's recommendations for enhancements to the project design, but doesn't want to invest a lot of money in the design and materials and then have to change it.

Council Member Orazem asked if staff felt that the proposed project would integrate well with the Lincoln Way Corridor. Director Diekmann noted that it was hard to tell at this point because the Lincoln Way Corridor Study has not been completed.

Mr. Winkleblack advised that Chief Cychosz had attended the Development Review Committee meeting when this project was discussed. After Council Member Betcher raised the possibility, Mr. Winkleblack said he is willing for this project to participate in the Police Department's Crime-Free Housing Initiative. Director Diekmann was asked what criteria could be required before tax abatement would be issued. He answered that the criteria needed to be measurable. Mr. Diekmann explained four options for qualifying project criteria: (1) that it establish specific eligibility criteria; (2) that it adopt the Major Site Development Plan as the eligibility criteria, (3) that it establish specific eligibility criteria based on use, or (4) that it establish the URA with no eligibility criteria.

Moved by Betcher, seconded by Corrieri, to move Option 2: to adopt the Major Site Development Plan as the eligibility criteria, with the addition of the No. 9 criterion: that the project receive and maintain certification for the Iowa Crime Free Multi-Housing Program administered by the Ames Police Department.

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

The meeting recessed at 8:06 p.m. and reconvened at 8:13 p.m.

**LINCOLN WAY CORRIDOR PLAN:** Director Diekmann noted that the City Council had prioritized, in the Planning Division Work Plan, a study of Lincoln Way to consider its potential for enhancement and reinvestment. The objectives for the Corridor Plan are to create, identify, be supportive of multi-modal transportation, and revitalize properties with land uses that support the Corridor's use and identity. Mr. Diekmann stated that the Study will focus primarily on areas within one block (300 to 400 feet) on both sides of Lincoln Way and on potential opportunities within 1/8th of a mile from the Corridor. The Council will then be asked to give direction regarding which of the consultant's recommended focus areas and proposed options are worthy of further examination by the consultant. According to Mr. Diekmann, it is hoped that, after the consultant is selected, the process will take approximately nine months; so in September/October 2016, final options and recommendations from the consultant could be ready for Council approval. The end result of the Study will be to identify feasible options to reach the objectives of the Corridor Plan and allow the City to adopt a Plan for reinvestment along Lincoln Way.

Council Member Betcher commented on the Draft Scope of Services. In particular, she referenced Paragraph 2 where it was stated that it will "look at options for commercial/residential mixed-use options in the HOC zones along the Corridor." Ms. Betcher would like it to expand it beyond just HOC zones.

Moved by Betcher, seconded by Goodman, to adopt Alternative No. 1: to direct staff to finalize and issue a Request for Proposals for consulting services for a Lincoln Way Corridor Study with the change to the Scope of Services indicating that it will also look at options for commercial/residential mixed-use uses and live/work options beyond the HOC zones along the Corridor.

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

**AIRPORT TERMINAL BUILDING AND HANGAR PROJECT UPDATE:** Public Works Director John Joiner indicated that there are three actions being requested of the City Council



pertaining to the Airport Terminal Building and Hangar Project. The first would be to approve the conceptual design for the hangar, the second is to grant a waiver of building permit fees for the hangar, and the third is to grant the AEDC authority to offer naming rights to donors for the Training/Training/Multi-Purpose Rooms within the Terminal Building.

Traffic Engineer Pregitzer offered a rendering of what the hangar would look like. He noted that the ultimate colors that will be chosen will be consistent with the Terminal Building.

Council Member Nelson indicated that he would be recusing himself from voting on the hangar due to a possible conflict of interest.

Moved by Gartin, seconded by Betcher, to approve the conceptual design of the hangar as proposed. Vote on Motion: 4-1-1. Voting aye: Betcher, Corrieri, Gartin, Orazem. Voting nay: Goodman. Abstaining due to a possible conflict of interest: Nelson. Motion declared carried.

Traffic Engineer Pregitzer showed the conceptual design for the Terminal Building. He noted that changes that had been made since the first conceptual design. Mr. Pregitzer showed examples of different interior and external finishes. He commented that what was being shown was within the budget.

Moved by Nelson, seconded by Orazem, to approve the conceptual design for the Terminal Building as proposed.

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

City Manager Schainker noted that the hangar would be completely built with private funds and turned over to the City.

Moved by Orazem, seconded by Gartin, to adopt RESOLUTION NO. 15-671 granting a waiver of Building Permit fees for the hangar.

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

Moved by Orazem, seconded by Betcher, to grant the Ames Economic Development Commission authority to offer naming rights to donors for the Training and Training/Multi-Purpose Rooms within the Terminal Building.

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

**HEARING ON REZONING WITH MASTER PLAN OF PROPERTY AT601 AND 705 DOTSON DRIVE:** Mayor Campbell opened the public hearing. The Mayor closed the hearing after no one else came forward to speak.

Moved by Orazem, seconded by Goodman, to pass on first reading an ordinance rezoning, with Master Plan, the property located at 601 and 705 Dotson Drive from Government-Airport (S-GA) to Floating Suburban Residential Low Density (FS-RL).

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

Moved by Orazem, seconded by Goodman, to adopt RESOLUTION NO. 15-672 approving the Zoning Agreement.

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

**HEARING ON WATER POLLUTION CONTROL LIFT STATION IMPROVEMENT PROJECT:** The public hearing was opened by the Mayor. She closed same after no one requested to speak.

Moved by Orazem, seconded by Goodman, to adopt RESOLUTION NO. 15-673 approving final plans and specifications and awarding a contract to C.L. Carroll Company, Inc., of Des Moines, Iowa, in the amount of \$440,000.

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

**HEARING ON WATER TREATMENT PLANT HIGH SERVICE PUMP #3 REPLACEMENT PROJECT:** Mayor Campbell opened the public hearing. No one came forward to speak, and the Mayor closed the hearing.

Moved by Goodman, seconded by Corrieri, to adopt RESOLUTION NO. 15-674 approving final plans and specifications and awarding a contract to Northway Well and Pump Company of Marion, Iowa, in the amount of \$69,500.

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

**HEARING ON 2015/16 RESOURCE RECOVERY SYSTEM IMPROVEMENTS (HVAC IMPROVEMENTS):** The hearing was opened by the Mayor and closed after there was no one wishing to speak.

Moved by Goodman, seconded by Betcher, to adopt RESOLUTION NO. 15-675 approving final plans and specifications and awarding a contract to Pritchard Brothers, Inc., of Boone, Iowa, in the amount of \$179,525.

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

**REZONING OF 125 AND 130 WILDER AVENUE:** Moved by Goodman, seconded by Corrieri, to pass on second passage an ordinance rezoning property at 125 and 130 Wilder Avenue from Convenience Commercial Node (CVCN) to Planned Residential District (F-PRD).

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

**COUNCIL COMMENTS:** Moved by Nelson, seconded by Goodman, to refer to staff the letter dated October 19, 2015, from Bob Haug, on behalf of the Ames Community Solar Initiative.

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

Moved by Orazem, seconded by Gartin, to refer to staff for a memo the letter dated October 23, 2015, from Chuck Winkleblack requesting a Minor LUPP Amendment for properties located at 2728 Lincoln Way, 112 S. Hyland, and 115 S. Sheldon and that those three properties be added to the

same Urban Revitalization Area as 2700, 2702 and 2718 Lincoln Way.

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

Moved by Gartin, seconded by Corrieri, to appoint Council Member Betcher to represent the City on the Selection Committee for the 2016 Main Street Cultural District Board of Directors.

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

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

Moved by Goodman, seconded by Gartin, to hold a Closed Session as provided by the Code of Iowa, to discuss collective bargaining strategy.

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

The meeting reconvened in Regular Session at 9:28 p.m.

**ADJOURNMENT:** Moved by Goodman, seconded by Corrieri, to adjourn the meeting at 9:30 p.m.

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Diane R. Voss, City Clerk

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Ann H. Campbell, Mayor

**MINUTES OF THE JOINT MEETING OF THE AMES CITY COUNCIL AND AMES  
TRANSIT BOARD AND SPECIAL MEETING OF THE AMES CITY COUNCIL**

**AMES, IOWA**

**OCTOBER 20, 2015**

**JOINT MEETING OF THE AMES CITY COUNCIL AND AMES TRANSIT BOARD**

The Ames City Council and Ames Transit Board met in joint session at 6:02 p.m. on the 20<sup>th</sup> day of October 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, Peter Orazem, Matthew Goodman, and Chris Nelson. *Ex officio* Member Sam Schulte was also in attendance.

Also present were Transit Board members Sheri Kyras, Warren Madden, Steve Schainker, Tim Gartin, Matthew Teubert, and John Haila.

Transit Board Member Hamad Abbas joined the meeting at 6:06 p.m.

Transit Board Member Kyras briefly explained the CyRide general information, which included facts on ridership, funding, and expenses. Most of the funding received is provided by students and the majority of the costs go towards operating. She mentioned the current challenges of CyRide include the increasing ridership, driver shortage, and lack of facility space for housing buses. With the growth of population and development, system redesign has also become a challenge. Route design and types of buses to be used are two topics included in the system redesign.

Council Member Orazem asked if there could be another way to manage the demand, suggesting providing information to assist in spreading out the demand for transportation when certain buses are full or empty. Kyras stated that people tend to move to an earlier bus if they expect their usual bus to be full, but it is still difficult to leave riders at a bus stop.

Development such as Copper Beech and The Grove were mentioned as having a large impact on Transit because of the increase in residents and having little or no service on that route. The new development along S. 4<sup>th</sup> Street was considered to have a smaller impact since it is part of a current route. With the addition of extra buses on certain routes, riders' needs would be met. Adding one bus to a route would cost approximately \$150,000 to \$200,000 per year. In areas with no service or minimal service it would be more costly. Council Member Betcher suggested the use of different types of buses, such as articulated buses, on routes with more riders. It was said that articulated buses do cost more, but grants could assist.

Transit Board Member Haila stated that by having more buses means more drivers would be needed, and a shortage of drivers is already a challenge facing CyRide. Educating and working with the community will help accomplish the vision and assist in challenges as well as make sure funding will go as far as possible.

Council Member Nelson asked what amount students pay each year for Transit. The answer given was that it was roughly \$66.00 with that amount increasing in the next year. Kyras explained that when student enrollment is higher, the funds for Transit are put into a trust fund

then into operating costs. It has also been shown that students are willing to pick up more funds in order to accommodate their route. From historical patterns, students have always had a large impact on the percentage of dollars contributed towards Transit. However, with the growth in development, the appropriateness of that percentage is in question.

Council Member Goodman reiterated that citizens who ride the bus have to pay a fee of \$1.25 while students end up paying a discounted rate of roughly \$0.70. He believes that a ride should cost the same for everyone and making this happen should be a goal to accomplish. Kyras stated that students do not have a choice when it comes to paying for CyRide whether they ride or not.

Council Member Orazem suggested permitting users a certain number of rides each year and providing a magnetic card to track their usage. This could change the behavior of riders and ensure that rides are not being wasted. Goodman said rides should be meaningful and useful, and a decrease does not have to occur as long as the rides are needed.

Council Member Orazem stated that CyRide is not obligated to provide service to everything that is being built around Ames, and that it should provide service into the center of the City as a primary mission. An aggregator was mentioned as another possibility that could benefit a lot of residents and developers who are on the outskirts of town.

**ADJOURNMENT:** The meeting adjourned at 7:29 p.m.

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

The Special Meeting of the Ames City Council was called to order by Mayor Ann Campbell at 7:37 p.m. on the 20<sup>th</sup> day of October 2015, in the City Council Chambers in City Hall, 515 Clark Avenue. Present from the Ames City Council were Gloria Betcher, Amber Corrieri, Tim Gartin, Peter Orazem, Matthew Goodman, and Chris Nelson. *Ex officio* Member Sam Schulte was also present.

Representing the Ames Area Metropolitan Planning Organization (AAMPO) were the City's Public Works Director John Joiner and Traffic Engineer Damion Pregitzer.

Traffic Engineer Damion Pregitzer introduced the agenda and gave a brief description of the foundation for Complete Streets. Complete Streets was defined as streets for everyone. They are designed and operated to enable safe access for all users, including pedestrians, bicyclists, motorists, and transit riders of all ages and abilities. They may include sidewalks, bike lanes, special bus lanes, frequent and safe crossing opportunities, roundabouts and more. By adopting a Complete Street policy, communities direct their transportation planners and engineers to routinely design and operate the entire right of way to enable safe access for all users.

Pregitzer discussed the development of the Complete Streets Policy and gave a short overview of the Policy elements. The more elements included in a policy, the more detailed it becomes, and by not having one element included could mean that another element is not necessarily needed.

**OTHER COMPLETE STREET POLICIES AND APPROACHES:** The approach of every Complete Street Policy varies with the extent and degree of policy specificity and the

prescriptive nature of design and implementation requirements. Plans may range from being philosophical in nature to detailing exactly what treatment is expected in each type of scenario as well as which modes receive priority.

Staff has researched several Complete Street Policies around the Midwest and nation. Examples of how they may range in detail from low, medium, and high were presented. Cedar Falls, Iowa was shown to be Low Detail (very simple and including the “why and who”). Fayetteville, Arkansas, was Medium Detail (adding the “what and where”, specific goals, and how to evaluate the streets). Champaign, Illinois, was High Detail (adding “when, how, and how much,” listing priorities, and the evaluation of an ideal setting). The higher the detail that is expected in a policy, the longer it will take for the consultant to complete the development of the policy, the greater the cost will be for the consultant, the more the cost will be to the developers and the City for infrastructure improvements, and the less flexibility will be available to deal with individual situations.

Council Member Corrieri asked if it is recommended to start with a low detail plan and then gradually having it become high detail. Pregitzer stated that they will start off with low detail and work through to see what works and what does not, then move up to a policy with medium detail and so forth. He said cities with success have used this approach and it seems to work very well.

**PUBLIC FORUM:** Trevin Ward, 2610 Northridge Parkway, #201; Ames, representing the Ames Bicycle Coalition, believes that the Complete Streets Policy in Ames needs to be robust and give plenty of guidance. He pointed out that Ames suffers in intersections and transit zones with bike lanes disappearing in certain areas and buses being intimidating for many cyclists and pedestrians. Ward described how the League of American Bicyclists has five categories that are consistently needed in order to create a great area for cyclists, those being engineering, education, encouragement, enforcement, and evaluation and planning. Ward feels that more events are needed around town to promote all modes of transportation and educate on how to interact with those modes. Ward suggested creating a city commission that would evaluate transportation and development projects, handle exceptions that need to be made, and evaluate the access for all users starting with the most vulnerable—those with limited mobility or disabled, then pedestrians, bikes and vehicles.

John Shierholz, 4788 Copperstone Drive, Ames, Co-chair of Healthiest Ames, simply asked that the Traffic Division listen to all feedback when developing the Plan.

Tim Lane, a consultant for Healthiest Ames, expressed his concern about the late development of the Complete Street Policy for this area. He presented a photo of the Ohio University Upward Bound program from 1967 and then a photo of the same program 40 years later. Lane pointed out that in the program 40 years later, most participants did not appear to be of healthy weight and that activity steps had been engineered out of their daily routine. Lane stated that obesity is a great concern and the cost of healthcare is a burden. Lane believes the City should make the process of adopting Complete Streets inviting and mentioned that there are many things that can be done in order to make all modes of transportation friendly. Lane recommended that Ames become a model with Complete Streets and stated that, although a project might cost a lot, it will save a lot in healthcare costs.

Steven Libbey, 708 Brookridge Avenue, Ames, of the Ames Bicycle Coalition, wanted to reiterate that Complete Streets is not only for cyclists and pedestrians; it is about creating access for everyone and improving safety in the transportation system. Libbey suggested that even though the Policy might not be officially complete, the City should still consider the impacts that roads and other developments will have on Complete Street issues.

Chad Hunter and Carl Rogers of the Iowa State University Community Design Lab presented a draft plan and summary of the inventory and assessment of existing conditions regarding Complete Streets. It was pointed out that most rights-of-way are too wide and are not safe to cross, but the new plan would be to take advantage of the current width, without increasing, and make it multi-modal use. According to Hunter and Rogers, the focus is primarily on vehicles and should be more on multi-modal. Their assessments show concerns, but also positives, and they are excited to partner with the City to shape guidelines and the Complete Streets Policy.

Sarah Cady, 2812 Arbor Street, Ames, spoke about the importance of educating the population, especially new residents, on Complete Streets. An example of education that was recommended would be learning the proper way to ride on the road and how drivers should interact with existing and new infrastructure. Cady mentioned that Healthiest Ames and the Ames Bicycle Coalition have been a huge help, but they are relatively small groups. The City putting forth education is needed. Cady suggested that a public service announcement similar to that of Smart Energy be created for Complete Streets and a cycling instructor program could benefit the community by offering safety courses. She wants it to be known that Complete Streets and the Long Range Transportation Plan were created not only for cyclists, but to help drivers as well.

**COUNCIL DISCUSSION:** Council Member Gartin asked if the ISU Design Lab representatives have been interfacing with staff in the development process. Pregitzer stated that through Healthiest Ames, Complete Streets, and the MPO, they have provided a lot of feedback on the Long Range Transportation Plan. Gartin also agreed education is critical as well as improving outreach. He believes it is an action that could be accomplished now.

Internal and external advisory committees were discussed as possible next steps in the development process. The Internal Committee would be an inter-departmental team involving those with expertise or who will be impacted by the policy. The External Committee would consist of staff liaisons along with interested parties and those that may be affected by the Policy including representatives of commuter bicyclists, recreational bicyclists, Healthiest Ames, developers, engineers, ISU, Ames Community School District, and neighborhood advocates.

Other steps mentioned were to engage assistance of a transportation planning consultant to assist in the development of a Complete Streets Policy and have City Council review the recommendations that are developed through the work of the consultant. The final decisions regarding the Complete Streets Policy will be made by City Council.

Council Member Goodman suggested having a mobility impaired advocate as part of the External Committee to add an essential perspective. Council Member Betcher also suggested having a representative of those who are economically challenged.

Council Member Nelson asked if it was possible to get a statement of support to ensure that near-term opportunities would not be missed. Pregitzer stated that staff is working on putting together a timeline for when a draft policy is to be presented to City Council; ideally they would like to get groups together, with Council support, to start discussions by the end of the year.

Council Member Orazem asked to what extent is the process prioritized and was particularly interested in setting priorities on finishing current trails before starting new trails. Instead of trying to determine who is responsible for the costs on finishing a project or adding an extension on a trail - whether it is the IDOT, ISU, or City - he believes all should work on coming up with a compromise in order to complete projects. Pregitzer commented that evaluation tools and performance measures are weighted to match up with the priorities and that is why it is very important to have a policy that is clear on the values and goals to be accomplished.

Moved by Goodman, seconded by Corrieri to establish an Internal and External Advisory Committee for input on plan development. Vote on Motion: 6-0. Motion declared carried unanimously.

Moved by Goodman, seconded by Nelson to reach out to ISU and the Ames Community School District to communicate Council's interest to other governmental entities that the Complete Streets Policy is a plan that the City endorses and looks to when making decisions. Vote on Motion: 6-0. Motion declared carried unanimously.

**COUNCIL COMMENTS:** Moved by Betcher, seconded by Goodman, for the discussion to be added to the next agenda about her serving on the Main Street Cultural District Board Selection Committee and have Council Member Gartin possibly become a member as well. Vote on Motion: 6-0. Motion declared carried unanimously.

Council Member Betcher requested that an email from Christine DeCoudreaux, Public Information Officer of YSS, about Council participation in the MLK Day Planning Committee to AHRC.

Moved by Corrieri, seconded by Orazem to refer to staff the letter from the Ames Economic Development Commission pertaining to airport improvements. Vote on Motion: 6-0. Motion declared carried unanimously.

Moved by Orazem, seconded by Goodman to refer to staff the letter from Emanon pertaining to the possibility of installing a stop sign near Roosevelt School. Vote on Motion: 6-0. Motion declared carried unanimously.

**ADJOURNMENT:** Moved by Orazem to adjourn the meeting at 9:28 p.m.

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Diane R. Voss, City Clerk

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Ann H. Campbell, Mayor

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Heidi Petersen, Recording Secretary



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

AMES, IOWA

NOVEMBER 2, 2015

The Ames City Council met in special session at 2:03 p.m. on the 2nd day of November 2015, in the City Council Chambers in City Hall, 515 Clark Avenue, pursuant to law with Mayor Pro-Tem Matthew Goodman presiding and the following Council members present: Gloria Betcher, Amber Corrieri, Tim Gartin, Chris Nelson, and Peter Orazem. Mayor Ann Campbell and *Ex officio* Member Sam Schulte were absent.

**PORTABLE ELECTRIC SPACE HEATERS FOR POWER PLANT:** Electric Services Director Donald Kom explained that because Unit No. 7 is an older unit, there is a possibility of boiler tube failure. If that were to happen when Unit No. 8 was down, the Power Plant would have no means to heat the Plant or even prevent freezing of pipes. During the upcoming winter conversion of Unit No. 8 to gas, the only source of heat will be the Unit No. 7 boiler. If it were to go down, an outage would last a minimum of three days. The space heaters being requested would be used inside the Plant to prevent freezing. They would heat the Plant to a temperature of approximately 45 degrees, which would keep the pipes from freezing.

According to Director Kom, staff did look at leasing electric heaters; however, the price differential between leasing and buying was so minimal, the recommendation is to purchase the heaters. That price differential would quickly be used up if power had to be purchased. Mr. Kom stated that staff also looked at heater options other than electric. However, due to the need to add ventilation for other options, staff is recommending electric heaters. The Council was told that the heaters could be used in other City facilities when no longer needed at the Power Plant, if the need were to arise.

Moved by Nelson, seconded by Corrieri, to adopt RESOLUTION NO. 15-676 awarding a contract to Hertz Equipment Rental Corporation of Cedar Rapids, Iowa, for purchase of Portable Electric Space Heaters for Power Plant in the amount of \$166,835.50 (inclusive of applicable Iowa sales tax). Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

**ADJOURNMENT:** Moved by Orazem to adjourn the meeting at 2:06 p.m.

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Diane R. Voss, City Clerk

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Ann H. Campbell, Mayor



## REPORT OF CONTRACT CHANGE ORDERS

Period:	<input type="checkbox"/>	1 <sup>st</sup> – 15 <sup>th</sup>
	<input checked="" type="checkbox"/>	16 <sup>th</sup> – End of Month
Month & Year:	October 2015	
For City Council Date:	November 10, 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)
Water & Pollution Control	Water Treatment Plant Task Order 4.1	9	\$8,240,000.00	FOX Engineering	\$627,379.28	\$13,100.00	S. Schainker	MA
Water & Pollution Control	Ames Water Treatment Plant - Contract 2	3	\$52,497,000.00	Knutson Construction	\$182,657.00	\$5,457.00	J. Dunn	MA
Public Works	2012/13 Storm Sewer Outlet Erosion Control (Pinehurst)	1	\$76189.33	Central Landscape	\$0.00	\$-(184.93)	T. Warner	MA
Water & Pollution Control	Water Pollution Control Facility Digester Improvements	6	\$1,615,750.00	FOX Engineering	\$-(32,567.00)	\$23,262.00	S. Schainker	MA
Electric Services	Scaffolding for Precipitator Lagging Repair	1	\$10,672.00	Midwest Scaffold Service LLC	\$0.00	\$62,311.00	B. Kindred	CB
			\$		\$	\$		

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6

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

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

**DATE:** October 21, 2015

**SUBJECT:** Beer Permits & Liquor License Renewal Reference City Council Agenda  
November 10, 2015

The Council agenda for November 10, 2015, includes beer permits and liquor license renewals for:

- Class B Native Wine – Kitchen, Bath, & Home, 201 Main St
- Class B Liquor – Country Inn & Suites, 2605 SE 16<sup>th</sup> St
- Class E Liquor – AJ's Liquor III, 2401 Chamberlain St

A routine check of police records for the past twelve months found no violations for Kitchen, Bath, & Home; Country Inn & Suites; or AJ's Liquor III (distributorship). The police department would recommend renewal of all three licenses.

**Name of Applicant:** Ye Olde L.L.C.  
**Name of Business (DBA):** Dublinbay  
**Address of Premises:** 1407 University Blvd.  
**City** Ames **County:** Story **Zip:** 50014  
**Business** (515) 956-3580  
**Mailing** 320 S 16th  
**City** Ames **State** IA **Zip:** 50014

**Contact Person**

**Name** Don O'Brien  
**Phone:** (515) 956-3580 **Email** dublinbaypub@aol.com

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

**Term:** 5 days

**Effective Date:** 11/20/2015

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

**Privileges:**

Class C Liquor License (LC) (Commercial)

**Status of Business**

**BusinessType:** Limited Liability Company  
**Corporate ID Number:** 242991 **Federal Employer ID** 42-1510291

**Ownership**

**Don Obrien**

**First Name:** Don **Last Name:** Obrien  
**City:** Ames **State:** Iowa **Zip:** 50014  
**Position:** managing partner  
**% of Ownership:** 100.00% **U.S. Citizen:** Yes

**Insurance Company Information**

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

**Name of Applicant:** Joy's Iowan-Asian Foods INC

**Name of Business (DBA):** JIA Foods

**Address of Premises:** 118 Hayward Ave, Ste 5

**City** Ames **County:** Story **Zip:** 50014

**Business** (515) 239-7412

**Mailing** 118 Hayward Ave, Ste 5

**City** Ames **State** IA **Zip:** 50014

**Contact Person**

**Name** Xuefeng Zhao

**Phone:** (515) 239-7412 **Email** jiafoods.ia@gmail.com

**Classification** Class C Beer Permit (BC)

**Term:**12 months

**Effective Date:** 11/11/2015

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

**Privileges:**

Class C Beer Permit (BC)

Sunday Sales

**Status of Business**

**BusinessType:** Privately Held Corporation

**Corporate ID Number:** 490 DP-478310 **Federal Employer ID** 46-5589481

**Ownership**

**Xuefeng Zhao**

**First Name:** Xuefeng **Last Name:** Zhao

**City:** Ames **State:** Iowa **Zip:** 50014

**Position:** Owner

**% of Ownership:** 100.00% **U.S. Citizen:** Yes

**Insurance Company Information**

**Insurance Company:**

**Policy Effective Date:** **Policy Expiration**

**Bond Effective** **Dram Cancel Date:**

**Outdoor Service Effective** **Outdoor Service Expiration**

**Temp Transfer Effective** **Temp Transfer Expiration Date:**

ITEM #	9
Date:	11/10/15

### **COUNCIL ACTION FORM**

**SUBJECT: NEW PARKING REGULATIONS FOR QUARRY ESTATES 1<sup>ST</sup> ADDITION**

#### **BACKGROUND:**

On October 27, 2015, the Final Plat for the first addition of the Quarry Estates Subdivision was approved. This created right-of-way for two new residential streets north of Ada Hayden Park. In order to minimize impact and long-term costs, residential streets are built at a narrow 26 feet wide. Because of this, parking will need to be prohibited at all times on one side of the street to ensure adequate access for emergency vehicles. Typically, parking is prohibited on the side of the street in which the fire hydrants are located to maximize the available parking area.

Therefore, Chapter 18 of the Municipal Code will need to be amended to include the following new streets and regulations:

- **Ada Hayden Road:** Parking is to be prohibited at all times on the North and East sides of the street.
- **Quarry Drive:** Parking is to be prohibited at all times on the North and East sides of the street

#### **ALTERNATIVES:**

1. Direct the City Attorney to draft an ordinance to establish parking regulations on Ada Hayden Road and Quarry Drive as shown above.
2. Reject the proposed parking regulations

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

This change follows the City's policy on establishing parking regulations in new residential subdivisions. By approving these changes, it will continue to promote safe and consistent operations and emergency access on City streets.

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



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# MEMO

10

**TO:** Members of the City Council

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

**DATE:** November 6, 2015

**SUBJECT:** Appointment to Fill Vacancy on the Parks and Recreation Commission

Alisa Frandsen, member of the Parks and Recreation Commission, has submitted her resignation from the Commission. Since Alisa's term of office does not expire until April 1, 2016, an appointment needs to be made to fill this vacancy.

Therefore, I request that the City Council approve the appointment of Sarah Litwiller to fill the unexpired term of office on the Parks and Recreation Commission.

AHC/jlr

## **COUNCIL ACTION FORM**

**SUBJECT: PROPOSED CHANGE TO AMES MUNICIPAL CODE, APPENDIX H, TARIFF 5, TO ALLOW FOR SOLAR GENERATING SYSTEMS UP TO 500 KW.**

### **BACKGROUND:**

Commercial customers have been interested in green energy for some time. Over the past year numerous customers have called to inquire whether Electric Services has a policy dealing with the interconnection of green electricity generators to our system.

Electric Services staff has investigated the issue and developed an Interconnection Agreement which covers the items necessary to safely isolate the customer owned generator from the City's electric distribution system, and a Net Metering Tariff which covers how the customer will be metered and billed for any excess electricity a system can produce each month.

The Ames City Council approved the Interconnection Agreement and Net Metering Tariff via Resolution 08-109 on March 25, 2008 which limited the size of an installation to 10 kW. Staff is now considering new solar panel requests, from customers, that range from 5 kW to 300 kW. **To accommodate these new requests, Appendix H, Tariff 5 of the Ames Municipal Code needs to be revised to increase the maximum size allowed.**

**If approved by the City Council, the Net Metering Tariff will be added to the end of the existing Municipal Code, Appendix H, Tariff 5 beginning with Section 2.7.**

### **ALTERNATIVES:**

1. Approve modifications to the Ames Municipal Code, Appendix H, Tariff 5 to include the Net Metering Tariff with changes covering commercial systems up to 500 KW.
2. Do not adopt changes.

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

When the original tariff was adopted by Council in 2008, the predominant use was for small systems, less than 10 kW, placed on homes. Today, some of our larger electric customers are looking at solar as a way to reduce peak electric consumption and desire to install systems as large as several hundred kW in size. To accommodate customer requests to allow larger solar systems, the tariff needs to be updated.

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



**COUNCIL ACTION FORM**

**SUBJECT:**      **CERTIFICATE OF CONSISTENCY WITH THE CITY'S 2014-2018 CDBG CONSOLIDATED PLAN ON BEHALF OF YOUTH AND SHELTER SERVICES, INC.**

**BACKGROUND:**

Since 1995, Youth and Shelter Services (YSS) has received grant funds through the Department of Housing & Urban Development's (HUD) Supportive Housing Program (SHP). Under this program, YSS administers its Lighthouse Transitional Living Programs in Story, Boone, Hardin, and Marshall Counties. The Lighthouse Transitional Living Program targets young mothers who are 16-25 years of age, homeless youth ages 16-21, and homeless pregnant/parenting women ages 16-25 with their children. The HUD funds are for leasing of rental properties, supportive services, and operations for the clients.

The YSS renewal funding application request is for approximately \$194,737, of which approximately \$58,341 is designated for Ames/Story County. YSS is in the process of preparing their 2016 Supportive Housing Program renewal application that will be submitted as part of the State of Iowa's Balance of State Continuum of Care Application by November 5, 2015.

**Since Ames is a designated CDBG entitlement community, agencies requesting funding from HUD must have approval from the City that their program application matches the goals of the City's Consolidated Plan.** Therefore, in order for YSS to submit its application to the State of Iowa, they must receive certification from the City of Ames that their application is consistent with the goals outlined in the most current City's Consolidated Plan. (See attachment)

**ALTERNATIVES:**

1. The City Council can authorize the Mayor to sign the Certificate of Consistency.
2. The City Council can deny approval authorizing the Mayor to sign the Certificate of Consistency.

**MANAGER'S RECOMMENDED ACTION:**

Staff's overview of YSS's program application finds that it is consistent with the goals outlined in the City's CDBG 2014-2018 Consolidated Plan. Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative #1 as described above.

**Certification of Consistency  
with the Consolidated Plan****U.S. Department of Housing  
and Urban Development**

I certify that the proposed activities/projects in the application are consistent with the jurisdiction's current, approved Consolidated Plan.  
(Type or clearly print the following information:)

Applicant Name: Youth and Shelter Services, Inc.

Project Name: Lighthouse Transitional Living Program

Location of the Project: Boone County, Hardin County, Marshall County, and Story County  
including Ames

Name of the Federal  
Program to which the  
applicant is applying: U.S. Department of Housing and Urban Development

Name of  
Certifying Jurisdiction: City of Ames

Certifying Official  
of the Jurisdiction  
Name: Ann Campbell

Title: Mayor

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**COUNCIL ACTION FORM**

**SUBJECT: MODIFICATION OF 2015/16 COTA ANNUAL GRANT CONTRACT WITH INDIA CULTURAL ASSOCIATION**

**BACKGROUND:**

The India Cultural Association (ICA) applied for and received Commission on the Arts (COTA) funding through its annual grant process for FY 2015/16. The grant amount is \$5,370, which the contract indicates is to be used towards the cost of securing a performance of visually impaired dancers from Bangalore, India. On October 19, COTA received an email from ICA indicating the performers named in the contract were unable to secure visas to visit the United States, and, therefore, the performance could not be held.

ICA has indicated another performer, Leela Samson and her dance group Spanda, is in the United States and is able to perform in Ames on November 20. This group performs the same dance style as originally specified in the COTA grant. **ICA has requested permission to allow its annual grant funds to be used to host this performer.**

COTA reviewed this request at its November 2 meeting, and is in support of the request. Its recommendation is to allow the revised performance to be paid under ICA's COTA annual grant contract. If approved, ICA's total allocation of \$5,370 will remain unchanged.

**ALTERNATIVES:**

1. Approve the request and direct City staff to accept a reimbursement request from India Cultural Association under its FY 2015/16 COTA Annual Grant for a performance of Spanda.
2. Do not approve the request

**MANAGER'S RECOMMENDED ACTION:**

The India Cultural Association provides an opportunity for residents of the Ames community to experience a variety of performances that explore Indian culture. The City has contracted with the organization to provide a dance performance under the COTA annual grants process. Due to an issue out of the organization's control, the original performers cannot visit, and the organization has secured an alternative. Accepting the request does not change the contract amount.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the request and direct City staff to accept a reimbursement request from India Cultural Association under its FY 2015/16 COTA Annual Grant for a performance of Spanda.



**Re: Email Addresses for COTA Commissioners**

**Usha Sivaskandan** to: Jennifer.Brockpahler, MACooper,  
CGarnett6, stevesullivan5, jhpfoley

10/19/2015 10:42 PM

Cc: Cathy Gersema, Brian Phillips, Rosie Stanley

Dear Commissioners of COTA,

Greetings,

The India Cultural Association (ICA) was privileged to receive a grant of \$5,300 from the Commission On The Arts for the year 2015-16. We are deeply grateful for your benevolence and continued support of our programs.

The grant was received for Natyanjali, an Indian classical dance form called "Bharatanatyam" performed by dancers who are blind. This group is based in India and we were working with other cultural associations to bring them to the United States. Unfortunately, the visas for the group were denied and they were unable to make the trip to the United States.

Subsequently ICA came to know that Leela Samson and her dance group called Spanda are in the United States and were performing in several cities. Spanda performs the "Bharatanatyam" dance form with an evolving repertoire that is conceived and choreographed by Leela Samson. Leela Samson of Spanda is known for her technical virtuosity and is a world acclaimed proponent of the Bharatanatyam dance form. She has been the chairperson of the Sangeet Natak Akademi, the national academy for performing arts set up by the Government of India. She was also a former director of Kalakshetra, a cultural academy dedicated to the preservation of traditional Indian art forms, especially in the field of Bharatanatyam dance. Attached below is a website link that provides more information on Leela Samson and Spanda.

ICA has extended an invitation to Leela and Spanda and they have graciously accepted. The event is scheduled for the 20th of November 2015 at the Ames City Auditorium.

We request your kind consideration in allowing us to apply the grant money we received for Natyanjali towards Spanda. ICA is very confident that Leela Samson and Spanda will provide the City of Ames with a Bharatanatyam dance performance that is both culturally enriching and delightfully entertaining as well. We are very excited about this unique opportunity and we earnestly request your support.

Thank you once again for your kind consideration.

Yours Sincerely,

Usha Sivaskandan, RPh

President,

India Cultural Association

encl.: More Information about Leela Samson and Spanda can be found at this link

<http://www.leelasamsondance.com/spanda.html>

**COUNCIL ACTION FORM**

**SUBJECT:** FLEXIBLE SPENDING ADMINISTRATIVE AND CLAIMS PROCESSING  
SERVICES RENEWAL

**BACKGROUND:**

Flexible Spending Accounts provided to benefit-eligible City employees allow employees to set aside a portion of their earnings to pay for qualified medical and dependent care expenses. Money deducted from an employee's pay into a Flexible Spending Account is not subject to payroll taxes, resulting in payroll tax savings to both the employee and the City.

Over the past several years the City has contracted with Wellmark Blue Cross Blue Shield to administer the flexible reimbursement program. This includes automatic reimbursement of health and pharmacy claims processed through Wellmark, as well as direct deposit of reimbursements when elected.

Effective January 1, 2016, Wellmark will charge \$5.25 per contract per month in claims processing fees and \$400 in annual administration fees. The charge per contract per month is a 4.7% or \$.25 increase from 2015. The annual administration fee will remain at the same rate as 2015.

**ALTERNATIVES:**

1. Approve the renewal for administrative and claims processing services for the Flexible Spending Account benefit with Wellmark Blue Cross Blue Shield of Iowa for the period from January 1 to December 31, 2016.
2. Do not renew the agreement with Wellmark.

**MANAGER'S RECOMMENDED ACTION:**

City staff has been satisfied with the services rendered to date by Wellmark for the City's flexible spending program.

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

AMENDMENT TO THE MASTER SERVICES AGREEMENT (“AGREEMENT”)  
Between City of Ames (“Client”) and Wellmark, Inc. (“Wellmark”)

THIS AMENDMENT is made and entered into pursuant to Section 5.18 of the Agreement. By executing this Amendment, the Client and Wellmark agree to the changes to the Agreement as set forth herein. Any capitalized terms not defined in this Amendment shall have the same meaning as provided in the Agreement.

The monthly service fee in Section 2, Fees, b. Monthly Service Fees, of Addendum B to the Agreement is hereby amended. The previous monthly service fee of \$5.00 is replaced by a new monthly service fee of \$5.25.

All other provisions of this Subsection 2b and all other provisions of this Addendum to the Agreement shall remain the same.

IN WITNESS WHEREOF, the undersigned Client and Wellmark hereby adopt and agree to the provisions of this Amendment to the Agreement.

Accepted and Agreed to:

**For Client**

**For Wellmark, Inc.**

By:

By:

Title:

Title: Vice President/Chief Procurement Officer

Date:

Date:



**To:** Mayor and Ames City Council

**From:** Steven L. Schainker, City Manager

**Date:** November 6, 2015

**Subject:** Additional Extension of Park Leases to March 1, 2016

You will recall that five properties within our City park system (Brookside, Franklin, McDonald Woods, Stuart Smith, and Zumwalt Rail Road) that are leased from Iowa State University were set to expire on March 1, 2015. Realizing more time was needed to negotiate updated language to these lease agreements, the City Council, with the concurrence from the ISU administration, approved an extension of these leases until February 1, 2016.

**These discussions have taken more time than first anticipated and, therefore, the City Council now is being asked to mutually agree with ISU to extend these leases until March 1, 2016.** It is hoped that this additional extension will provide sufficient time to finalize our negotiations with ISU. You will note from the attached email from Warren Madden, Senior Vice President For Business & Finance, that ISU has agreed to this extension.

C: Keith Abraham, Director of Parks and Recreation



New ▾ Reply ▾ Reply to All ▾ Forward ▾    Display ▾  More ▾

**Fw: Emailing: 2016 ISU-City Zumwalt Trail Railroad Park lease.docx, 2016 ISU-City Stuart Smith Park lease.docx, 2016 ISU-City McDonald Woods Park lease.docx, 2016 ISU-City Franklin Park lease.docx, 2016 ISU-City Brookside Park lease .docx**  
**Steve Schainker** to: Heidi Petersen

11/06/2015 09:42 AM

[Show Details](#)

**Steven L. Schainker**  
**City Manager**

515.239.5101 *main* | 515.239.5142 *fax*  
sschainker@city.ames.ia.us | City Hall, 515 Clark Avenue | Ames, IA 50010  
~ Caring People ~ Quality Programs ~ Exceptional Service ~

----- Forwarded by Steve Schainker/COA on 11/06/2015 09:41 AM -----

From: "Madden, Warren R [VPBUS]" <wmadden@iastate.edu>  
To: Steve Schainker <sschainker@city.ames.ia.us>  
Cc: Keith A Abraham <KAbraham@city.ames.ia.us>, "Brown, Catherine S [FPM]" <csbrown@iastate.edu>, "Deangelo, Paula [U CSL]" <deangelo@iastate.edu>, "Judy K Parks" <JParks@city.ames.ia.us>  
Date: 11/04/2015 10:06 AM  
Subject: RE: Emailing: 2016 ISU-City Zumwalt Trail Railroad Park lease.docx, 2016 ISU-City Stuart Smith Park lease.docx, 2016 ISU-City McDonald Woods Park lease.docx, 2016 ISU-City Franklin Park lease.docx, 2016 ISU-City Brookside Park lease .docx

This will confirm our conversation regarding the need for additional time for discussion between the City and University regarding the various Park leases to arrive at more consistent terms. Since it does not appear possible to complete these discussions before the submission date for the December 2, 2015 telephonic Board of Regents meeting this e-mail is University approval to continue to operate under the existing park lease terms until March 1, 2016.

The next Regents meeting is scheduled for February 24-25, 2016. It would be helpful to have the proposed leases completed by early January to meet their submission dates. Your office will arrange to meet in the near future to work out the final agreements.

Warren R Madden  
Senior Vice President for Business and Finance  
Iowa State University  
1350 Beardshear Hall  
Ames, Iowa 50011-2038  
515 294-6162  
wmadden@iastate.edu

**COUNCIL ACTION FORM**

**SUBJECT:** SHARED USE PATH SYSTEM EXPANSION – SKUNK RIVER TRAIL EXTENSION, PHASE 2 (EAST LINCOLN WAY TO SOUTH RIVER VALLEY PARK) – EASEMENT AGREEMENTS

**BACKGROUND:**

This program provides for construction of shared use paths on street right-of-way, adjacent to streets and through greenbelts. The Long Range Transportation Plan identifies those paths that separate bicycle traffic from higher-speed automobile traffic. This project is an important alternative transportation connection for our community.

The 2013/14 program location is the Skunk River Trail Extension (East Lincoln Way to South River Valley Park). This project is scheduled for a February 16, 2016 letting through the Iowa Department of Transportation (Iowa DOT), with construction to follow in spring/summer months of 2016. Program funding and expenses as shown in the table below:

***Program Funding Summary***

13/14 Shared Use Path System Expansion		
Local Option Sales Tax	\$	430,000
MPO/TAP Funds	\$	360,000
11/12 Shared Use Path System Expansion		
Local Option Sales Tax (project savings)	\$	307,487
<b>Totals</b>	<b>\$</b>	<b>1,097,487</b>

***Program Expense Summary***

Engineering and Admin ( <b>estimated @ 20%</b> )	\$	139,392.00
Construction ( <b>estimated</b> )	\$	696,960.00
Land Acquisition ( <b>actual</b> )	\$	135,238.00
<b>Totals</b>	<b>\$</b>	<b>971,590.00</b>

Recreational trail easements from four property owners (Liberty Court, LLC, Union Pacific Railroad, Iowa State Ready-Mix Concrete, Inc. and Diane and Larry Schulte) are necessary for the construction and maintenance access of the shared use path. The recreational trail easement for Liberty Court's property was concurrently acquired during the right-of-way negotiations completed in 2014 for the Ames Water Treatment Plant Contract 1. City Council approved the recreational trail easement purchase with Liberty Court, LLC on November 10, 2014 in the amount of \$3,238. The remaining easements are from the three remaining property owners. Approval of the three easement agreements will complete the land acquisition process for this shared use path project and allow for construction to be completed in 2016 as scheduled. Easement plats are

attached for Union Pacific Railroad, Iowa State Ready-Mix Concrete, Inc. and Diane and Larry Schulte respectively.

**ALTERNATIVES:**

1. Approve the easement agreements with the Union Pacific Railroad in the amount of \$32,000, Iowa State Ready-Mix Concrete, Inc. in the amount of \$88,000, and Diane and Larry Schulte in the amount of \$12,000.
2. Reject the easement agreements at this time.

**MANAGER'S RECOMMENDED ACTION:**

By approving these three easement agreements, this project can remain on the Iowa DOT letting schedule for a February 16, 2016 letting. Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1 as described above.



# TEMPORARY EASEMENT

TEMPORARY EASEMENT CONVEYED TO THE CITY OF AMES  
SKUNK RIVER RECREATIONAL TRAIL  
PROJECT NO.: JL-0155(670)--7R-85  
PARCEL 7

EXHIBIT "B"

PROPERTY OWNER:  
CHICAGO & NORTHWESTERN C/O UNION  
PACIFIC RAILROAD CO. TRANS CO.  
PROPERTY TAX STOP 1640  
1400 DOUGLAS ST  
OMAHA, NEBRASKA 68179

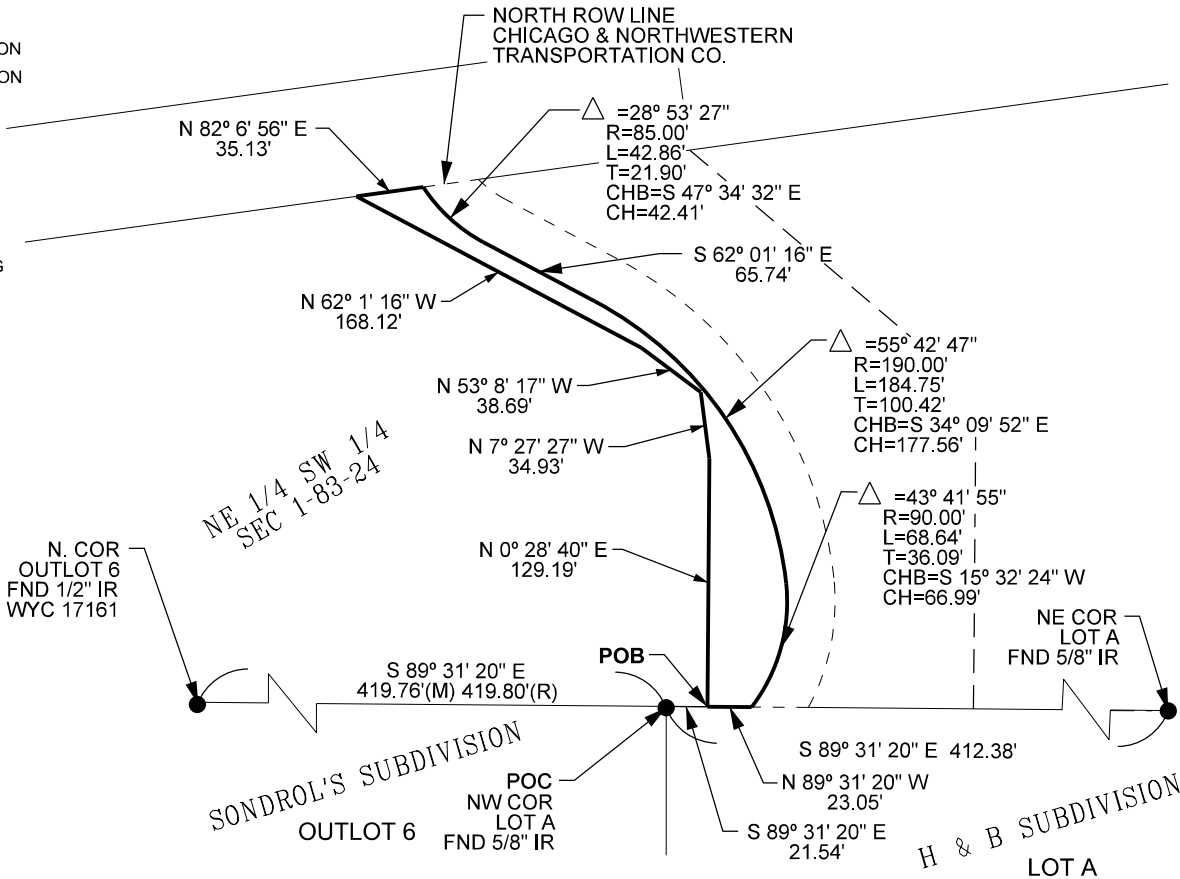
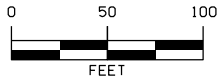
## LEGAL DESCRIPTION TEMPORARY EASEMENT AREA 1:

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 83 NORTH, RANGE 24 WEST OF THE FIFTH PRINCIPAL MERIDIAN, NOW IN AND FORMING A PART OF THE CITY OF AMES, STORY COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT A IN H & B SUBDIVISION, THENCE SOUTH 89° 31' 20" EAST, 21.54 FEET ALONG THE NORTH LINE OF SAID LOT A TO THE POINT OF BEGINNING, THENCE NORTH 00° 28' 40" EAST, 129.19 FEET; THENCE NORTH 07° 27' 27" WEST, 34.93 FEET; THENCE NORTH 53° 08' 17" WEST, 38.69 FEET; THENCE NORTH 62° 01' 16" WEST, 168.12 FEET TO THE NORTH RIGHT-OF-WAY LINE OF THE CHICAGO & NORTHWESTERN TRANSPORTATION COMPANY; THENCE NORTH 82° 06' 56" EAST, 35.13 FEET ALONG THE NORTH RIGHT-OF-WAY LINE OF THE CHICAGO & NORTHWESTERN TRANSPORTATION COMPANY; THENCE SOUTHEAST A DISTANCE OF 42.86 FEET ALONG THE ARC OF A NON-TANGENT CURVE CONCAVE NORTHEAST WITH A CENTRAL ANGLE OF 28° 53' 27", A RADIUS OF 85.00 FEET AND A CHORD THAT BEARS SOUTH 47° 34' 32" EAST, 42.41 FEET; THENCE SOUTH 62° 01' 16" EAST, 65.74 FEET; THENCE SOUTHEAST A DISTANCE OF 184.75 FEET ALONG THE ARC OF A TANGENT CURVE CONCAVE SOUTHWEST WITH A CENTRAL ANGLE OF 55° 42' 47", A RADIUS OF 190.00 FEET AND A CHORD THAT BEARS SOUTH 34° 09' 52" EAST, 177.56 FEET; THENCE SOUTH A DISTANCE OF 68.64 FEET ALONG THE ARC OF A NON-TANGENT CURVE CONCAVE WEST WITH A CENTRAL ANGLE OF 43° 41' 55", A RADIUS OF 90.00 FEET AND A CHORD THAT BEARS SOUTH 15° 32' 24" WEST, 66.99 FEET; THENCE NORTH 89° 31' 20" WEST, 23.05 FEET, TO THE POINT OF BEGINNING, CONTAINING 6,897 SQUARE FEET OR 0.16 ACRES MORE OR LESS.

### LEGEND

- ▲ FOUND SECTION CORNER MONUMENT
- △ SET SECTION CORNER MONUMENT
- FOUND MONUMENT (UNLESS NOTED)
- SET  $\frac{5}{8}$ " REROD W/YELLOW CAP#18900 (UNLESS NOTED)
- I.R. IRON REROD
- I.P. IRON PIPE
- G.P. GAS PIPE
- (M) MEASURED DIMENSION
- (R) RECORDED DIMENSION
- - - SECTION LINE
- R/W- RIGHT-OF-WAY LINE
- - - EASEMENT LINE
- WOC WITH ORANGE CAP
- WYC WITH YELLOW CAP
- POB POINT OF BEGINNING



SURVEY FOR:  
CITY OF AMES  
515 CLARK AVE.  
AMES, IA 50010



**Foth**

Foth Infrastructure & Environment, LLC  
8191 Birchwood Court, Suite L  
Johnston, IA 50131-2931  
Phone: 515-254-1393 Fax: 515-254-1642

SHEET  
1 OF 2



# TEMPORARY EASEMENT

TEMPORARY EASEMENT CONVEYED TO THE CITY OF AMES  
SKUNK RIVER RECREATIONAL TRAIL  
PROJECT NO.: JL-0155(670)--7R-85  
PARCEL 7

EXHIBIT "C"

PROPERTY OWNER:  
CHICAGO & NORTHWESTERN C/O UNION  
PACIFIC RAILROAD CO. TRANS CO.  
PROPERTY TAX STOP 1640  
1400 DOUGLAS ST  
OMAHA, NEBRASKA 68179

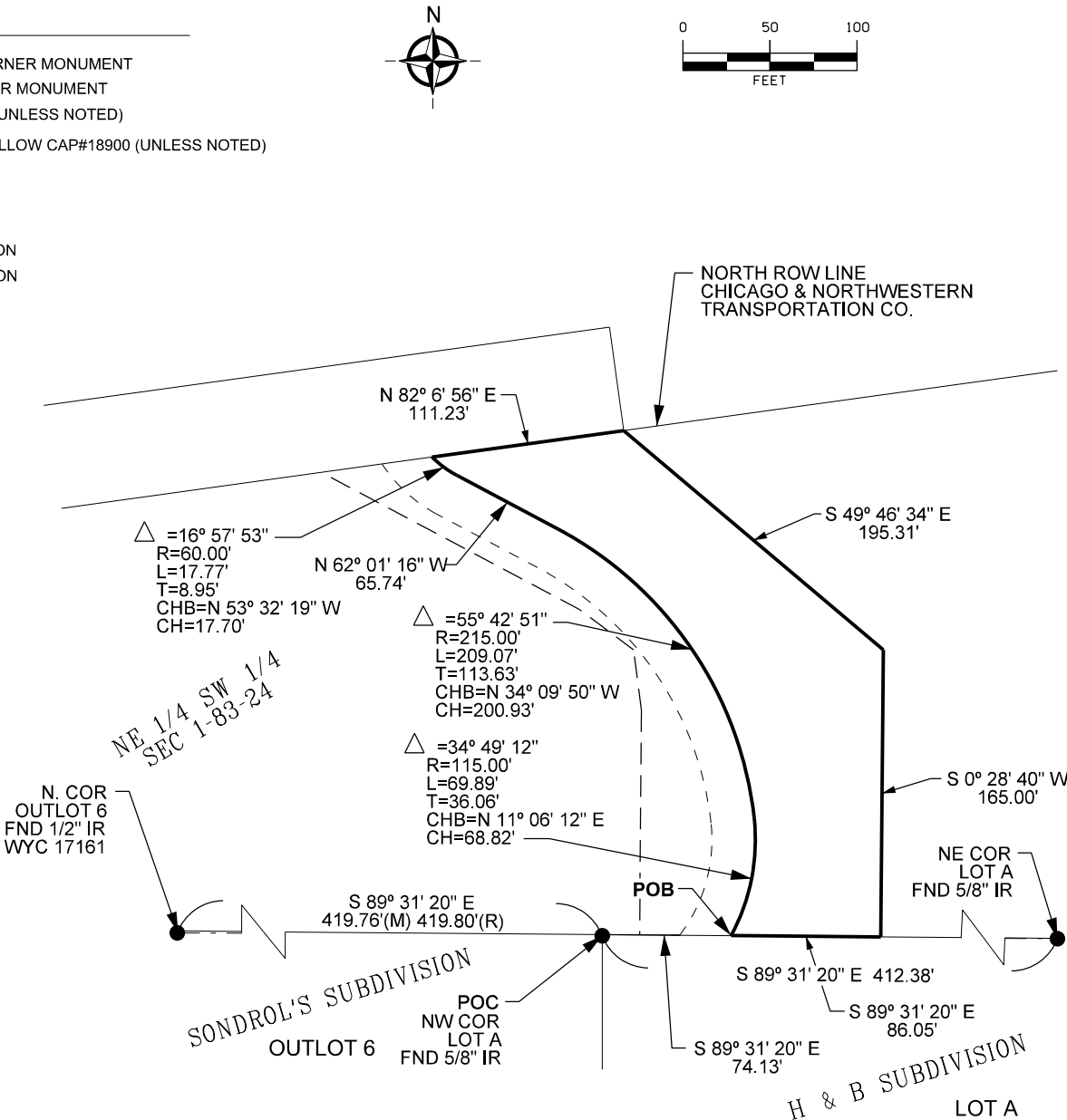
## LEGAL DESCRIPTION TEMPORARY EASEMENT AREA 2:

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 83 NORTH, RANGE 24 WEST OF THE FIFTH PRINCIPAL MERIDIAN, NOW IN AND FORMING A PART OF THE CITY OF AMES, STORY COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT A IN H & B SUBDIVISION, THENCE SOUTH 89° 31' 20" EAST, 74.13 FEET ALONG THE NORTH LINE OF SAID LOT A TO THE POINT OF BEGINNING, THENCE NORTHEAST A DISTANCE OF 69.89 FEET ALONG THE ARC OF A NON-TANGENT CURVE CONCAVE NORTHWEST WITH A CENTRAL ANGLE OF 34° 49' 12", A RADIUS OF 115.00 FEET AND A CHORD THAT BEARS NORTH 11° 06' 12" EAST, 68.82 FEET; THENCE NORTH A DISTANCE OF 209.07 FEET ALONG THE ARC OF A TANGENT CURVE CONCAVE WEST WITH A CENTRAL ANGLE OF 55° 42' 51", A RADIUS OF 215.00 FEET AND A CHORD THAT BEARS NORTH 34° 09' 50" WEST, 200.93 FEET; THENCE NORTH 62° 01' 16" WEST, 65.74 FEET; THENCE NORTHWEST A DISTANCE OF 17.77 FEET ALONG THE ARC OF A TANGENT CURVE CONCAVE NORTHEAST WITH A CENTRAL ANGLE OF 16° 57' 53", A RADIUS OF 60.00 FEET AND A CHORD THAT BEARS NORTH 53° 32' 19" WEST, 17.70 FEET TO THE NORTH RIGHT-OF-WAY LINE OF THE CHICAGO & NORTHWESTERN TRANSPORTATION COMPANY; THENCE NORTH 82° 06' 56" EAST, 111.23 FEET ALONG THE NORTH RIGHT-OF-WAY LINE OF THE CHICAGO & NORTHWESTERN TRANSPORTATION COMPANY; THENCE SOUTH 49° 46' 34" EAST, 195.31 FEET; THENCE SOUTH 00° 28' 40" WEST, 165.00 FEET; THENCE NORTH 89° 31' 20" WEST, 86.05 FEET, TO THE POINT OF BEGINNING, CONTAINING 26,500 SQUARE FEET OR 0.61 ACRES MORE OR LESS.

### LEGEND

- ▲ FOUND SECTION CORNER MONUMENT
- △ SET SECTION CORNER MONUMENT
- FOUND MONUMENT (UNLESS NOTED)
- SET 5/8" REROD W/YELLOW CAP#18900 (UNLESS NOTED)
- I.R. IRON REROD
- I.P. IRON PIPE
- G.P. GAS PIPE
- (M) MEASURED DIMENSION
- (R) RECORDED DIMENSION
- - - SECTION LINE
- RW- RIGHT-OF-WAY LINE
- - - EASEMENT LINE
- WOC WITH ORANGE CAP
- WYC WITH YELLOW CAP
- POB POINT OF BEGINNING



SURVEY FOR:  
CITY OF AMES  
515 CLARK AVE.  
AMES, IA 50010



**Foth Infrastructure & Environment, LLC**  
8191 Birchwood Court, Suite L  
Johnston, IA 50313-2931  
Phone: 515-254-1393 Fax: 515-254-1642

SHEET  
2 OF 2

ACQUISITION PLAT

EXHIBIT "A"

PERMANENT DRAINAGE AND TRAIL EASEMENT BEING CONVEYED TO THE CITY OF AMES  
SKUNK RIVER RECREATIONAL TRAIL  
PROJECT NO.: JL-0155(670)--7R-85  
PARCEL 6

PROPERTY OWNER:  
IOWA STATE READY MIX CONCRETE, INC.  
1109 E. LINCOLN WAY  
AMES, IOWA 50010

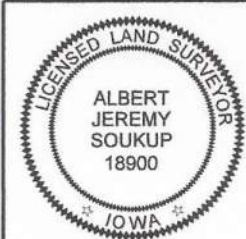
LEGAL DESCRIPTION PERMANENT DRAINAGE AND TRAIL EASEMENT:

A PARCEL OF LAND LOCATED IN LOT 1, IOWA STATE READY MIX SUBDIVISION AND OUTLOT 6 OF SONDROL'S SUBDIVISION, NOW IN AND FORMING A PART OF THE CITY OF AMES, STORY COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 83 NORTH, RANGE 24 WEST OF THE FIFTH PRINCIPAL MERIDIAN, THENCE SOUTH 89° 36' 46" EAST, 1,174.47 FEET ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 1; THENCE NORTH 0°23'14" EAST, 87.21 FEET, TO THE NORTH RIGHT-OF-WAY LINE OF EAST LINCOLN WAY ALSO BEING THE POINT OF BEGINNING, THENCE NORTHERLY A DISTANCE OF 39.52 FEET ALONG THE ARC OF A NONTANGENT CURVE CONCAVE EASTERLY WITH A CENTRAL ANGLE OF 10° 31' 59", A RADIUS OF 215.00 FEET AND A CHORD THAT BEARS NORTH 12° 56' 38" EAST, 39.47 FEET; THENCE NORTH 18° 12' 37" EAST, 53.11 FEET; THENCE NORTHERLY A DISTANCE OF 105.07 FEET ALONG THE ARC OF A TANGENT CURVE CONCAVE EASTERLY WITH A CENTRAL ANGLE OF 28° 00' 04", A RADIUS OF 215.00 FEET AND A CHORD THAT BEARS NORTH 32° 12' 39" EAST, 104.03 FEET; THENCE NORTH 46° 12' 41" EAST, 62.67 FEET; THENCE NORTHEASTERLY A DISTANCE OF 18.99 FEET ALONG THE ARC OF A TANGENT CURVE CONCAVE SOUTHEASTERLY WITH A CENTRAL ANGLE OF 09° 27' 47", A RADIUS OF 115.00 FEET AND A CHORD THAT BEARS NORTH 50° 56' 35" EAST, 18.97 FEET; THENCE NORTH 55° 40' 29" EAST, 52.06 FEET; THENCE NORTHEASTERLY A DISTANCE OF 27.46 FEET ALONG THE ARC OF A TANGENT CURVE CONCAVE NORTHWESTERLY WITH A CENTRAL ANGLE OF 18° 30' 44", A RADIUS OF 85.00 FEET AND A CHORD THAT BEARS NORTH 46° 25' 07" EAST, 27.34 FEET; THENCE NORTH 37° 09' 45" EAST, 25.99 FEET; THENCE NORTHEASTERLY A DISTANCE OF 32.01 FEET ALONG THE ARC OF A TANGENT CURVE CONCAVE NORTHWESTERLY WITH A CENTRAL ANGLE OF 28° 12' 45", A RADIUS OF 65.00 FEET AND A CHORD THAT BEARS NORTH 23° 03' 22" EAST, 31.68 FEET; THENCE NORTH 08° 57' 00" EAST, 67.45 FEET; THENCE NORTHERLY A DISTANCE OF 36.47 FEET ALONG THE ARC OF A TANGENT CURVE CONCAVE EASTERLY WITH A CENTRAL ANGLE OF 18° 10' 14", A RADIUS OF 115.00 FEET AND A CHORD THAT BEARS NORTH 18° 02' 06" EAST, 36.32 FEET; THENCE NORTH 27° 07' 13" EAST, 121.71 FEET; THENCE NORTHEASTERLY A DISTANCE OF 18.43 FEET ALONG THE ARC OF A TANGENT CURVE CONCAVE SOUTHEASTERLY WITH A CENTRAL ANGLE OF 09° 11' 03", A RADIUS OF 115.00 FEET AND A CHORD THAT BEARS NORTH 31° 42' 45" EAST, 18.41 FEET; THENCE NORTH 36° 18' 17" EAST, 137.53 FEET; THENCE NORTHEASTERLY A DISTANCE OF 129.54 FEET ALONG THE ARC OF A TANGENT CURVE CONCAVE SOUTHEASTERLY WITH A CENTRAL ANGLE OF 14° 24' 42", A RADIUS OF 515.00 FEET AND A CHORD THAT BEARS NORTH 43° 30' 38" EAST, 129.20 FEET; THENCE NORTH 50° 42' 59" EAST, 145.50 FEET; THENCE NORTHEASTERLY A DISTANCE OF 48.31 FEET ALONG THE ARC OF A TANGENT CURVE CONCAVE NORTHWESTERLY WITH A CENTRAL ANGLE OF 09° 42' 40", A RADIUS OF 285.00 FEET AND A CHORD THAT BEARS NORTH 45° 51' 39" EAST, 48.25 FEET; THENCE NORTH 41° 00' 18" EAST, 126.28 FEET; THENCE NORTHEAST A DISTANCE OF 76.88 FEET ALONG THE ARC OF A TANGENT CURVE CONCAVE SOUTHEAST WITH A CENTRAL ANGLE OF 26° 41' 44", ALONG A 165.00 FOOT RADIUS WITH A CHORD THAT BEARS NORTH 54° 21' 11" EAST, 76.18 FEET; THENCE NORTH 67° 42' 03" EAST, 84.62 FEET; THENCE EAST A DISTANCE OF 60.97 FEET ALONG THE ARC OF A TANGENT CURVE CONCAVE NORTH WITH A CENTRAL ANGLE OF 58° 13' 12", ALONG A 60.00 FOOT RADIUS WITH A CHORD THAT BEARS NORTH 38° 35' 26" EAST, 58.38 FEET; THENCE NORTHERLY A DISTANCE OF 88.38 FEET ALONG THE ARC OF A TANGENT CURVE CONCAVE EAST WITH A CENTRAL ANGLE OF 56° 15' 41", ALONG A 90.00 FOOT RADIUS WITH A CHORD THAT BEARS NORTH 37° 36' 41" EAST, 84.87 FEET; THENCE NORTH 65° 44' 32" EAST, 71.32 FEET; THENCE SOUTH 00° 00' 12" WEST, 167.87 FEET ALONG THE EAST LINE OF SAID OUTLOT 6; THENCE SOUTH 57° 47' 02" WEST, 393.00 FEET ALONG THE EAST LINE OF SAID OUTLOT 6; THENCE SOUTH 46° 17' 02" WEST, 280.00 FEET ALONG THE EAST LINE OF SAID OUTLOT 6; THENCE SOUTH 26° 57' 53" WEST, 692.27 FEET ALONG THE EAST LINE OF SAID OUTLOT 6 TO THE NORTH LINE OF EAST LINCOLN WAY; THENCE SOUTH 72° 35' 26" WEST, 33.10 FEET ALONG THE NORTH LINE OF EAST LINCOLN WAY; THENCE SOUTH 89° 10' 28" WEST, 132.24 FEET ALONG THE NORTH LINE OF EAST LINCOLN WAY TO THE POINT OF BEGINNING, CONTAINING 161,741 SQUARE FEET OR 3.71 ACRES MORE OR LESS.

EASEMENT AREAS:

1.10 ACRES TRAIL EASEMENT  
2.61 ACRES DRAINAGE EASEMENT  
3.71 ACRES TOTAL EASEMENT



NOTE: MONUMENTS SHOWN TO BE SET WILL BE ESTABLISHED AFTER CONSTRUCTION IS COMPLETED

I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.

*Albert Jeremy Soukup*  
ALBERT JEREMY SOUKUP, L.S.

*6/18/15*  
DATE

License Number: 18900  
My license renewal date is DECEMBER 31, 2015.  
Pages or sheets covered by this seal: 2

SURVEY FOR:  
CITY OF AMES  
515 CLARK AVE.  
AMES, IA 50010



**Foth**

Foth Infrastructure & Environment, LLC  
8191 Birchwood Court, Suite L  
Johnston, IA 50131-2931  
Phone: 515-254-1393 Fax: 515-254-1642

SHEET  
1 OF 2



# ACQUISITION PLAT

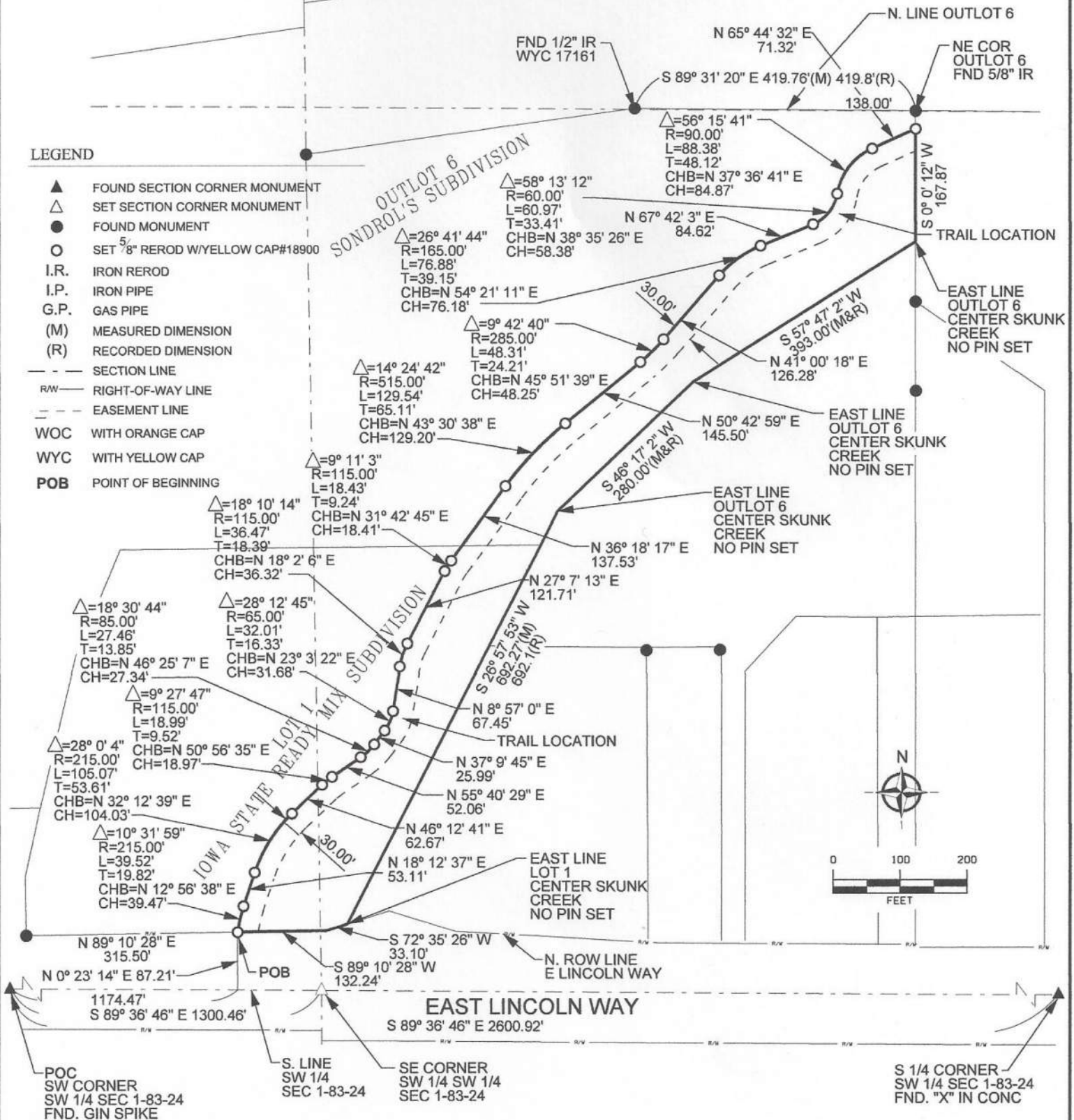
EXHIBIT "A"

PERMANENT DRAINAGE AND TRAIL EASEMENT BEING CONVEYED TO THE CITY OF AMES  
SKUNK RIVER RECREATIONAL TRAIL  
PROJECT NO.: JL-0155(670)-7R-85  
PARCEL 6

PROPERTY OWNER:  
IOWA STATE READY MIX CONCRETE, INC.  
1109 E. LINCOLN WAY  
AMES, IOWA 50010

## LEGEND

- ▲ FOUND SECTION CORNER MONUMENT
- △ SET SECTION CORNER MONUMENT
- FOUND MONUMENT
- SET 5/8" REROD W/YELLOW CAP#18900
- I.R. IRON REROD
- I.P. IRON PIPE
- G.P. GAS PIPE
- (M) MEASURED DIMENSION
- (R) RECORDED DIMENSION
- SECTION LINE
- R/W RIGHT-OF-WAY LINE
- EASEMENT LINE
- WOC WITH ORANGE CAP
- WYC WITH YELLOW CAP
- POB POINT OF BEGINNING



NOTE: MONUMENTS SHOWN TO BE SET WILL BE ESTABLISHED AFTER CONSTRUCTION IS COMPLETED

SURVEY FOR:  
CITY OF AMES  
515 CLARK AVE.  
AMES, IA 50010

FOTH PROJECT NO. 09A006-00 DATE: 6/16/2015



**Foth Infrastructure & Environment, LLC**  
8191 Birchwood Court, Suite L  
Johnston, IA 50131-2931  
Phone: 515-254-1393 Fax: 515-254-1642

SHEET  
2 OF 2



# ACQUISITION PLAT

EXHIBIT "A"

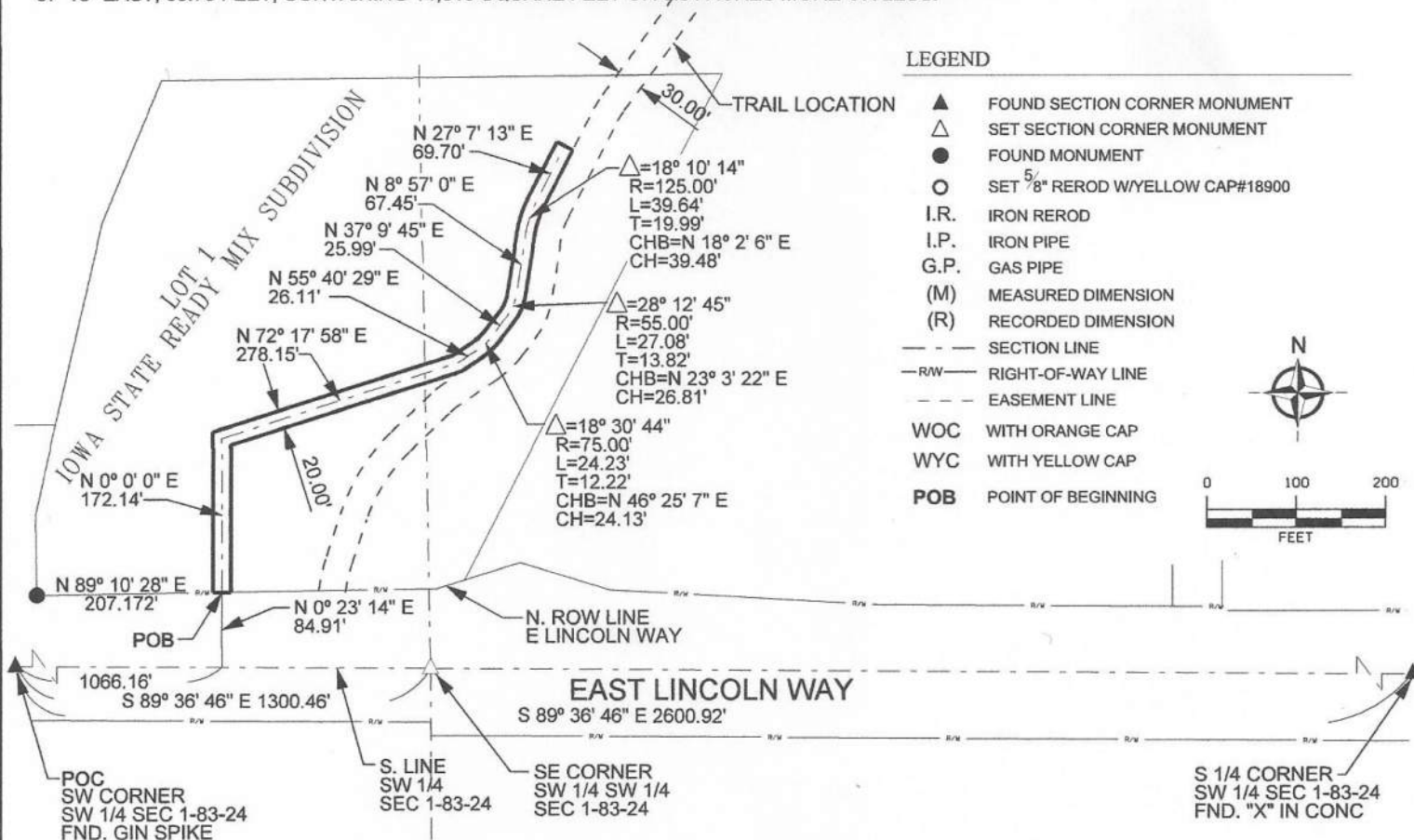
MAINTENANCE ACCESS EASEMENT BEING CONVEYED TO THE CITY OF AMES  
SKUNK RIVER RECREATIONAL TRAIL  
PROJECT NO.: JL-0155(670)--7R-85  
PARCEL 6

PROPERTY OWNER:  
IOWA STATE READY MIX CONCRETE, INC.  
1109 E. LINCOLN WAY  
AMES, IOWA 50010

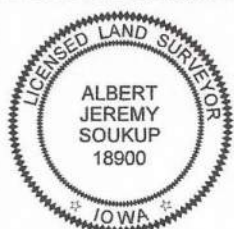
## LEGAL DESCRIPTION MAINTENANCE ACCESS EASEMENT:

A PARCEL OF LAND BEING 20 FEET IN WIDTH CENTERED ON THE ALIGNMENT DESCRIBED BELOW, LOCATED IN LOT 1, IOWA STATE READY MIX SUBDIVISION, NOW IN AND FORMING A PART OF THE CITY OF AMES, STORY COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 83 NORTH, RANGE 24 WEST OF THE FIFTH PRINCIPAL MERIDIAN, THENCE SOUTH 89° 36' 46" EAST, 1066.16 FEET ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 1; THENCE NORTH 0° 23' 14" EAST, 84.91 FEET, TO THE NORTH RIGHT-OF-WAY LINE OF EAST LINCOLN WAY ALSO BEING THE POINT OF BEGINNING, THENCE NORTH 00° 00' 00" EAST, 172.14 FEET; THENCE NORTH 72° 17' 58" EAST, 278.15 FEET; THENCE NORTH 55° 40' 29" EAST, 26.11 FEET; THENCE NORTHEASTERLY A DISTANCE OF 24.23 FEET ALONG THE ARC OF A TANGENT CURVE CONCAVE NORTHWESTERLY WITH A CENTRAL ANGLE OF 18° 30' 44", A RADIUS OF 75.00 FEET AND A CHORD THAT BEARS NORTH 46° 25' 07" EAST, 24.13 FEET; THENCE NORTH 37° 09' 45" EAST, 25.99 FEET; THENCE NORTHEASTERLY A DISTANCE OF 27.08 FEET ALONG THE ARC OF A TANGENT CURVE CONCAVE NORTHWESTERLY WITH A CENTRAL ANGLE OF 28° 12' 45", A RADIUS OF 55.00 FEET AND A CHORD THAT BEARS NORTH 23° 03' 22" EAST, 26.81 FEET; THENCE NORTH 08° 57' 00" EAST, 67.45 FEET; THENCE NORTHERLY A DISTANCE OF 39.64 FEET ALONG THE ARC OF A TANGENT CURVE CONCAVE EASTERLY WITH A CENTRAL ANGLE OF 18° 10' 14", A RADIUS OF 125.00 FEET AND A CHORD THAT BEARS NORTH 18° 02' 06" EAST, 39.48 FEET; THENCE NORTH 27° 07' 13" EAST, 69.70 FEET, CONTAINING 14,610 SQUARE FEET OR 0.34 ACRES MORE OR LESS.



NOTE: MONUMENTS SHOWN TO BE SET WILL BE ESTABLISHED AFTER CONSTRUCTION IS COMPLETED



I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.

*Albert Jeremy Soukup*  
ALBERT JEREMY SOUKUP, L.S.  
License Number: 18900

*6/18/15*  
DATE

My license renewal date is DECEMBER 31, 2015.  
Pages or sheets covered by this seal: 1

SURVEY FOR:  
CITY OF AMES  
515 CLARK AVE.  
AMES, IA 50010

FOTH PROJECT NO. 09A006-00 DATE: 6/16/2015



**Foth Infrastructure & Environment, LLC**  
8191 Birchwood Court, Suite L  
Johnston, IA 50313-2931  
Phone: 515-254-1393 Fax: 515-254-1642

SHEET  
1 OF 1

TEMPORARY EASEMENT

EXHIBIT "A"

TEMPORARY ACCESS EASEMENT BEING CONVEYED TO THE CITY OF AMES  
SKUNK RIVER RECREATIONAL TRAIL

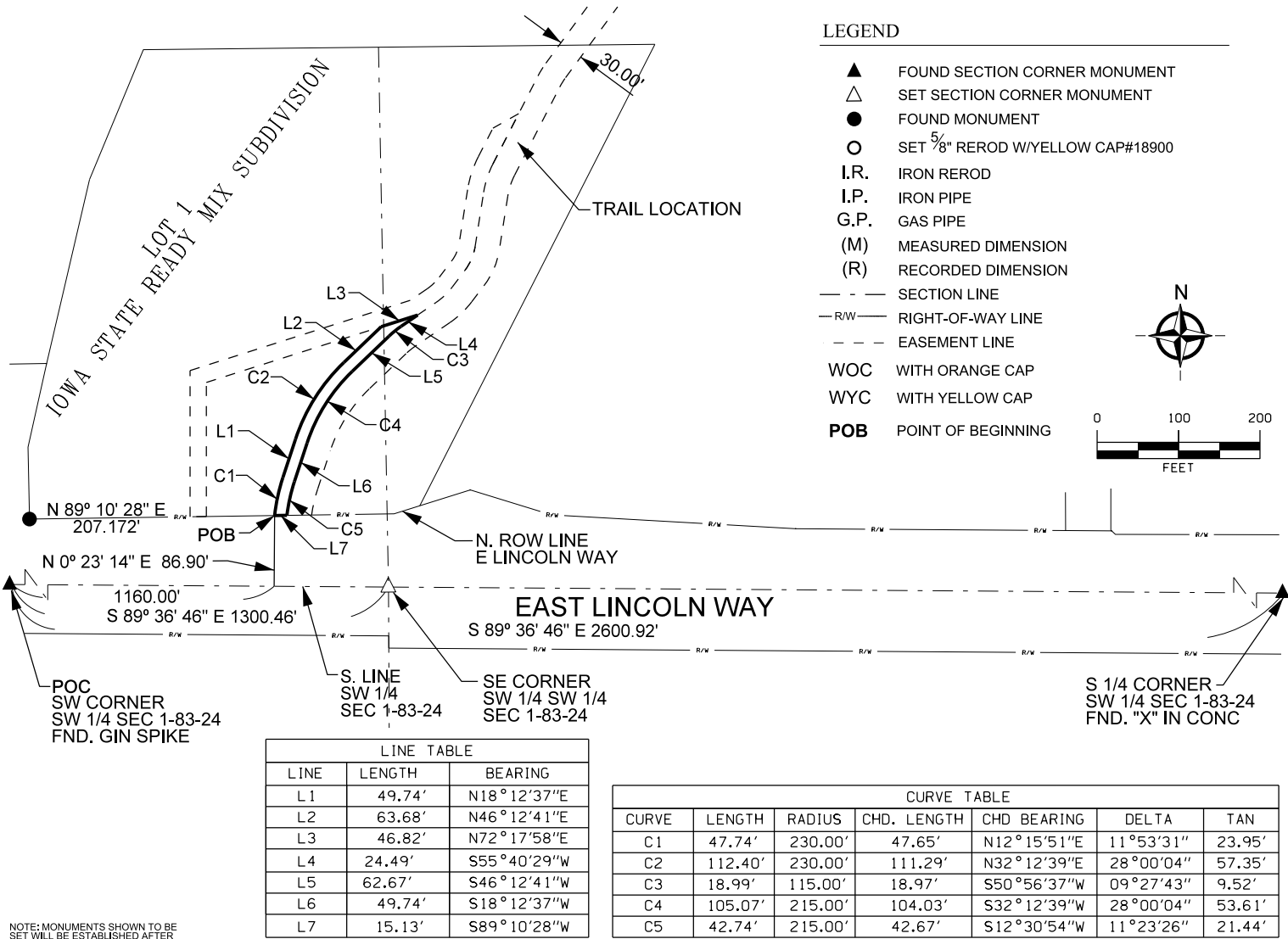
PROPERTY OWNER:  
IOWA STATE READY MIX CONCRETE, INC.  
1109 E. LINCOLN WAY  
AMES, IOWA 50010

PROJECT NO.: JL-0155(670)--7R-85  
PARCEL 6

LEGAL DESCRIPTION TEMPORARY EASEMENT:

A PARCEL OF LAND LOCATED IN LOT 1, IOWA STATE READY MIX SUBDIVISION, NOW IN AND FORMING A PART OF THE CITY OF AMES, STORY COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 83 NORTH, RANGE 24 WEST OF THE FIFTH PRINCIPAL MERIDIAN, THENCE SOUTH 89° 36' 46" EAST, 1160.00 FEET ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 1; THENCE NORTH 0° 23' 14" EAST, 86.90 FEET, TO THE NORTH RIGHT-OF-WAY LINE OF EAST LINCOLN WAY ALSO BEING THE POINT OF BEGINNING, THENCE NORTH A DISTANCE OF 47.74 FEET ALONG THE ARC OF A NON-TANGENT CURVE CONCAVE EAST WITH A CENTRAL ANGLE OF 11° 53' 31", ALONG A 230.00 FOOT RADIUS WITH A CHORD THAT BEARS NORTH 12° 15' 51" EAST, 47.65 FEET; THENCE NORTH 18° 12' 37" EAST, 49.74 FEET; THENCE NORTH A DISTANCE OF 112.40 FEET ALONG THE ARC OF A NON-TANGENT CURVE CONCAVE EAST WITH A CENTRAL ANGLE OF 28° 00' 04", ALONG A 230.00 FOOT RADIUS WITH A CHORD THAT BEARS NORTH 32° 12' 39" EAST, 111.29 FEET; THENCE NORTH 46° 12' 41" EAST, 63.68 FEET; THENCE NORTH 72° 17' 58" EAST, 46.82 FEET; THENCE SOUTH 55° 40' 29" WEST, 24.49 FEET; THENCE SOUTHWEST A DISTANCE OF 18.99 FEET ALONG THE ARC OF A NON-TANGENT CURVE CONCAVE SOUTHEAST WITH A CENTRAL ANGLE OF 09° 27' 43", ALONG A 115.00 FOOT RADIUS WITH A CHORD THAT BEARS SOUTH 50° 56' 37" WEST, 18.97 FEET; THENCE SOUTH 46° 12' 41" WEST, 62.67 FEET; THENCE SOUTHWEST A DISTANCE OF 105.07 FEET ALONG THE ARC OF A NON-TANGENT CURVE CONCAVE SOUTHEAST WITH A CENTRAL ANGLE OF 28° 00' 04", ALONG A 215.00 FOOT RADIUS WITH A CHORD THAT BEARS SOUTH 32° 12' 39" WEST, 104.03 FEET; THENCE SOUTH 18° 12' 37" WEST, 49.74 FEET; THENCE SOUTH A DISTANCE OF 42.74 FEET ALONG THE ARC OF A NON-TANGENT CURVE CONCAVE EAST WITH A CENTRAL ANGLE OF 11° 23' 26", ALONG A 215.00 FOOT RADIUS WITH A CHORD THAT BEARS SOUTH 12° 30' 54" WEST, 42.67 FEET TO THE NORTH RIGHT-OF-WAY LINE OF EAST LINCOLN WAY; THENCE SOUTH 89° 10' 28" WEST, 15.13 FEET, CONTAINING 4,305 SQUARE FEET OR 0.10 ACRES MORE OR LESS.



SURVEY FOR:  
CITY OF AMES  
515 CLARK AVE.  
AMES, IA 50010



**Foth Infrastructure & Environment, LLC**  
8191 Birchwood Court, Suite L  
Johnston, IA 50131-2931  
Phone: 515-254-1393 Fax: 515-254-1642

SHEET  
1 OF 1

TEMPORARY EASEMENT

EXHIBIT "A"

TEMPORARY ACCESS EASEMENT BEING CONVEYED TO THE CITY OF AMES  
SKUNK RIVER RECREATIONAL TRAIL

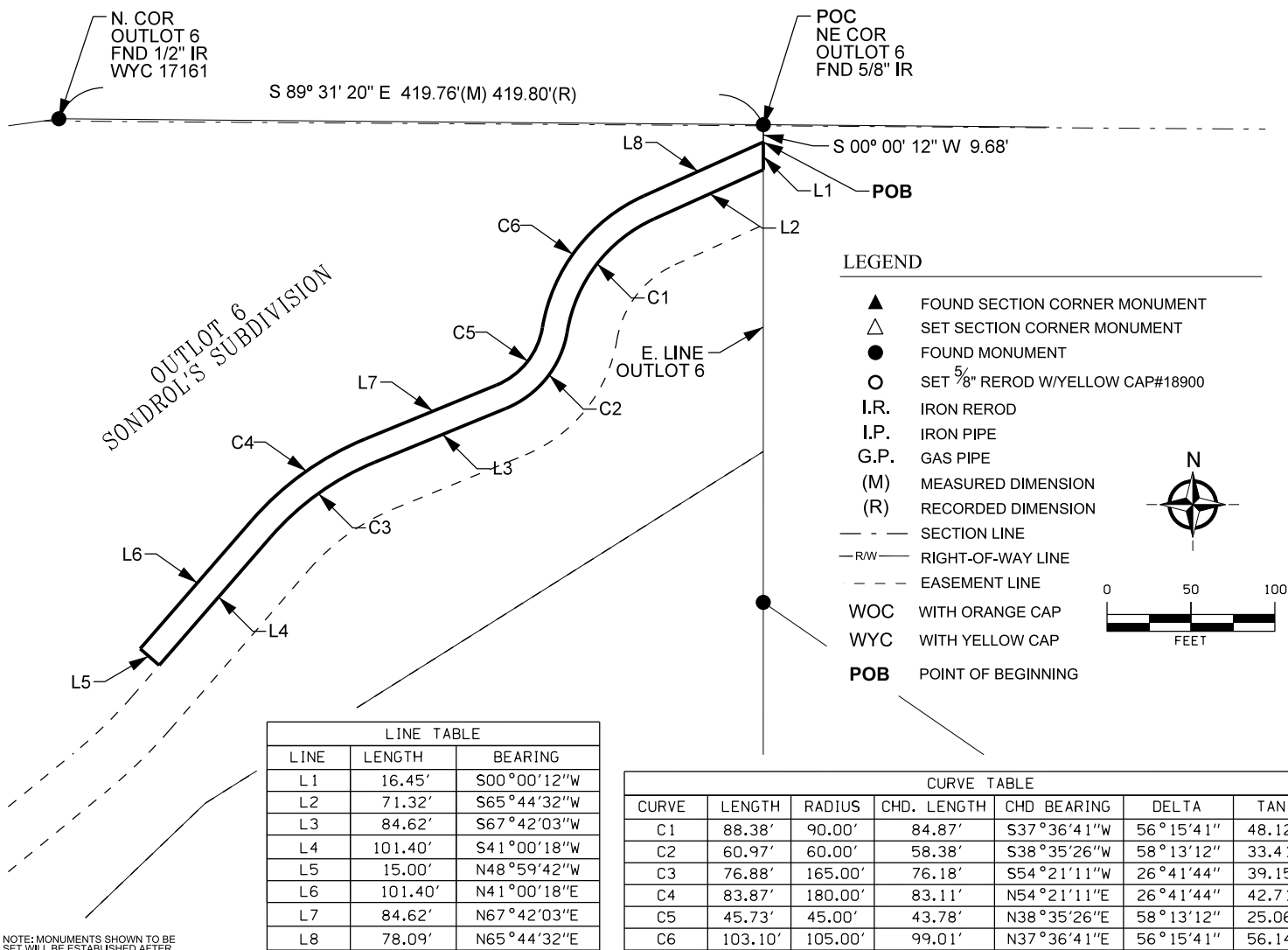
PROPERTY OWNER:  
IOWA STATE READY MIX CONCRETE, INC.  
1109 E. LINCOLN WAY  
AMES, IOWA 50010

PROJECT NO.: JL-0155(670)--7R-85  
PARCEL 6

LEGAL DESCRIPTION TEMPORARY EASEMENT:

A PARCEL OF LAND LOCATED IN OUTLOT 6, SONDROL'S SUBDIVISION, NOW IN AND FORMING A PART OF THE CITY OF AMES, STORY COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID OUTLOT 6, THENCE SOUTH 00° 00' 12" WEST, 9.68 FEET ALONG THE EAST LINE OF SAID OUTLOT 6 TO THE POINT OF BEGINNING, THENCE SOUTH 00° 00' 12" WEST, 16.45 FEET ALONG SAID LINE; THENCE SOUTH 65° 44' 32" WEST, 71.32 FEET; THENCE SOUTHWEST A DISTANCE OF 88.38 FEET ALONG THE ARC OF A TANGENT CURVE CONCAVE SOUTHEAST WITH A CENTRAL ANGLE OF 56° 15' 41", ALONG A 90.00 FOOT RADIUS WITH A CHORD THAT BEARS SOUTH 37° 36' 41" WEST, 84.87 FEET; THENCE SOUTH A DISTANCE OF 60.97 FEET ALONG THE ARC OF A TANGENT CURVE CONCAVE WEST WITH A CENTRAL ANGLE OF 58° 13' 12", ALONG A 60.00 FOOT RADIUS WITH A CHORD THAT BEARS SOUTH 38° 35' 26" WEST, 58.38 FEET; THENCE SOUTH 67° 42' 03" WEST, 84.62 FEET; THENCE WEST A DISTANCE OF 76.88 FEET ALONG THE ARC OF A TANGENT CURVE CONCAVE SOUTH WITH A CENTRAL ANGLE OF 26° 41' 44", ALONG A 165.00 FOOT RADIUS WITH A CHORD THAT BEARS SOUTH 54° 21' 11" WEST, 76.18 FEET; THENCE SOUTH 41° 00' 18" WEST, 101.40 FEET; THENCE NORTH 48° 59' 42" WEST, 15.00 FEET; THENCE NORTH 41° 00' 18" EAST, 101.40 FEET; THENCE NORTHEAST A DISTANCE OF 83.87 FEET ALONG THE ARC OF A TANGENT CURVE CONCAVE SOUTHEAST WITH A CENTRAL ANGLE OF 26° 41' 44", ALONG A 180.00 FOOT RADIUS WITH A CHORD THAT BEARS NORTH 54° 21' 11" EAST, 83.11 FEET; THENCE NORTH 67° 42' 03" EAST, 84.62 FEET; THENCE EAST A DISTANCE OF 45.73 FEET ALONG THE ARC OF A TANGENT CURVE CONCAVE NORTH WITH A CENTRAL ANGLE OF 58° 13' 12", ALONG A 45.00 FOOT RADIUS WITH A CHORD THAT BEARS NORTH 38° 35' 26" EAST, 43.78 FEET; THENCE NORTH A DISTANCE OF 103.10 FEET ALONG THE ARC OF A TANGENT CURVE CONCAVE EAST WITH A CENTRAL ANGLE OF 56° 15' 41", ALONG A 105.00 FOOT RADIUS WITH A CHORD THAT BEARS NORTH 37° 36' 41" EAST, 99.01 FEET; THENCE NORTH 65° 44' 32" EAST, 78.09 FEET, CONTAINING 7,353 SQUARE FEET OR 0.17 ACRES MORE OR LESS.



SURVEY FOR:  
CITY OF AMES  
515 CLARK AVE.  
AMES, IA 50010



**Foth Infrastructure & Environment, LLC**  
8191 Birchwood Court, Suite L  
Johnston, IA 50131-2931  
Phone: 515-254-1393 Fax: 515-254-1642

SHEET  
1 OF 1



# ACQUISITION PLAT

EXHIBIT "A"

PERMANENT DRAINAGE AND TRAIL EASEMENT CONVEYED TO THE CITY OF AMES  
SKUNK RIVER RECREATIONAL TRAIL

PROPERTY OWNER:

DIANE M. SCHULTE  
2925 DEAN AVENUE  
ODEBOLT, IOWA 51458

PROJECT NO.: JL-0155(670)--7R-85  
PARCEL 5

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 83 NORTH, RANGE 24 WEST OF THE FIFTH PRINCIPAL MERIDIAN, NOW IN AND FORMING A PART OF THE CITY OF AMES, STORY COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 12, THENCE SOUTH  $00^{\circ} 16' 45''$  EAST, 60.00 FEET ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 12 TO THE SOUTH RIGHT-OF-WAY LINE OF EAST LINCOLN WAY ALSO BEING THE POINT OF BEGINNING, THENCE SOUTH  $00^{\circ} 16' 45''$  EAST, 138.79 FEET ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 12; THENCE NORTH  $87^{\circ} 30' 01''$  WEST, 148.62 FEET; THENCE NORTH A DISTANCE OF 49.76 FEET ALONG THE ARC OF A NON-TANGENT CURVE CONCAVE WEST WITH A CENTRAL ANGLE OF  $57^{\circ} 01' 13''$ , ALONG A 50.00 FOOT RADIUS WITH A CHORD THAT BEARS NORTH  $26^{\circ} 00' 38''$  WEST, 47.73 FEET; THENCE NORTHWEST A DISTANCE OF 27.75 FEET ALONG THE ARC OF A TANGENT CURVE CONCAVE NORTHEAST WITH A CENTRAL ANGLE OF  $28^{\circ} 54' 44''$ , ALONG A 55.00 FOOT RADIUS WITH A CHORD THAT BEARS NORTH  $40^{\circ} 03' 52''$  WEST, 27.46 FEET; THENCE NORTH  $25^{\circ} 36' 30''$  WEST, 77.49 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF EAST LINCOLN WAY; THENCE SOUTH  $89^{\circ} 36' 46''$  EAST, 219.91 FEET ALONG SAID LINE TO THE POINT OF BEGINNING, CONTAINING 24,914 SQUARE FEET OR 0.57 ACRES MORE OR LESS.

EASEMENT AREAS:  
0.22 ACRES TRAIL EASEMENT  
0.35 ACRES DRAINAGE EASEMENT  
0.57 ACRES TOTAL EASEMENT

EAST LINCOLN WAY

N  $89^{\circ} 36' 46''$  W 2600.92'  
N  $89^{\circ} 36' 46''$  W 1300.46'

NW CORNER  
NW 1/4 NW 1/4  
SEC 12-83-24  
FND. GIN SPIKE

NE CORNER  
NW 1/4 NW 1/4  
SEC 12-83-24

N1/4 CORNER  
SEC. 12-83-24  
FND "X" IN CONC.

POC

POB S  $00^{\circ} 16' 45''$  E 60.00'

S. ROW LINE  
E LINCOLN WAY

60'

S  $89^{\circ} 36' 46''$  E 219.91'

N  $25^{\circ} 36' 30''$  W 77.49'

$\Delta = 28^{\circ} 54' 44''$   
R=55.00'  
L=27.75'  
T=14.18'  
CHB=N  $40^{\circ} 03' 52''$  W  
CH=27.46'

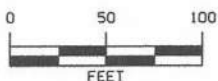
$\Delta = 57^{\circ} 01' 13''$   
R=50.00'  
L=49.76'  
T=27.16'  
CHB=N  $26^{\circ} 00' 38''$  W  
CH=47.73'

TRAIL LOCATION

EAST LINE  
NW 1/4 NW 1/4  
SEC 12-83-24

SE CORNER  
NW 1/4 NW 1/4  
SEC 12-83-24

S  $0^{\circ} 16' 45''$  E 1323.29'



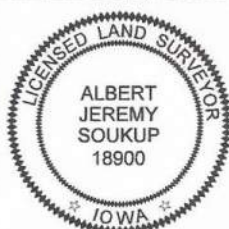
NOTE: MONUMENTS SHOWN TO BE SET WILL BE ESTABLISHED AFTER CONSTRUCTION IS COMPLETED

## LEGEND

- ▲ FOUND SECTION CORNER MONUMENT
- △ SET SECTION CORNER MONUMENT
- FOUND MONUMENT
- SET  $\frac{5}{8}$ " REROD W/YELLOW CAP#18900 (UNLESS NOTED)
- I.R. IRON REROD
- I.P. IRON PIPE
- G.P. GAS PIPE
- (M) MEASURED DIMENSION
- (R) RECORDED DIMENSION
- SECTION LINE
- R/W- RIGHT-OF-WAY LINE
- - - EASEMENT LINE
- WOC WITH ORANGE CAP
- WYC WITH YELLOW CAP
- POB POINT OF BEGINNING

## CURVE TABLE

CURVE	LENGTH	RADIUS	CHD. LENGTH	CHD BEARING	DELTA	TAN
C1	239.39'	1,476.5'	239.12'	S85°30'32"W	09°17'22"	119.96'
C2	29.10'	523.5'	29.10'	S73°54'24"W	3°11'07"	14.56'



I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.

*Albert Jeremy Soukup*  
ALBERT JEREMY SOUKUP, L.S.  
License Number: 18900

*6/13/15*  
DATE

My license renewal date is DECEMBER 31, 2015.  
Pages or sheets covered by this seal: 1

SURVEY FOR:  
CITY OF AMES  
515 CLARK AVE.  
AMES, IA 50010



Foth Infrastructure & Environment, LLC  
8191 Birchwood Court, Suite L  
Johnston, IA 50313-2931  
Phone: 515-254-1393 Fax: 515-254-1642

SHEET  
1 OF 1



TEMPORARY EASEMENT

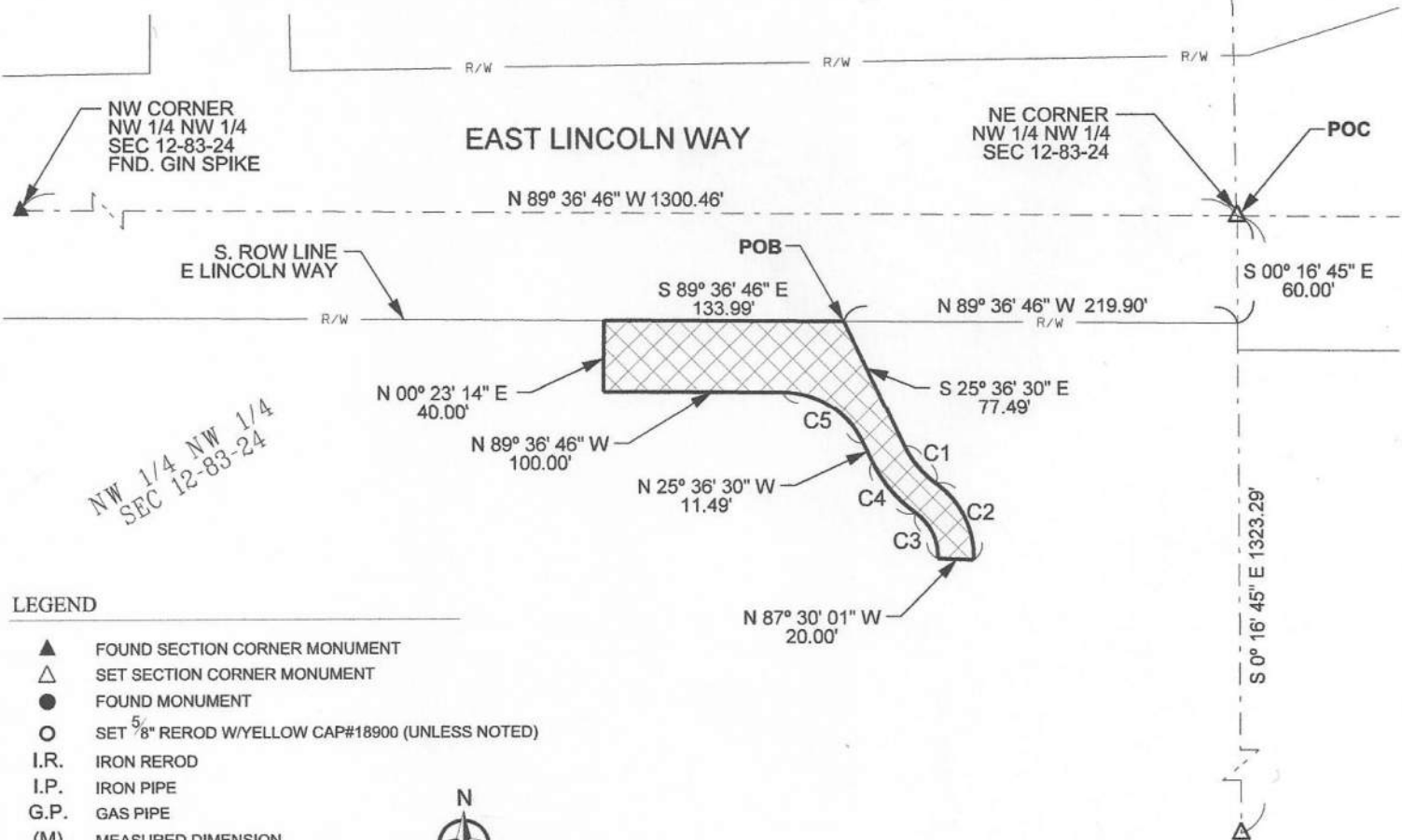
EXHIBIT "A"

TEMPORARY CONSTRUCTION EASEMENT BEING CONVEYED TO THE CITY OF AMES  
SKUNK RIVER RECREATIONAL TRAIL  
PROJECT NO.: JL-0155(670)--7R-85  
PARCEL 5

PROPERTY OWNER:  
DIANE M. SCHULTE  
2925 DEAN AVENUE  
ODEBOLT, IOWA 51458

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 83 NORTH, RANGE 24 WEST OF THE FIFTH PRINCIPAL MERIDIAN, NOW IN AND FORMING A PART OF THE CITY OF AMES, STORY COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 12, THENCE SOUTH 00° 16' 45" EAST, 60.00 FEET; THENCE NORTH 89° 36' 46" WEST, 219.90 FEET ALONG THE SOUTH RIGHT-OF-WAY LINE OF EAST LINCOLN WAY TO THE POINT OF BEGINNING; THENCE SOUTH 25° 36' 30" EAST, 77.49 FEET; THENCE SOUTHEAST A DISTANCE OF 27.75 FEET ALONG THE ARC OF A TANGENT CURVE CONCAVE NORTHEAST WITH A CENTRAL ANGLE OF 28° 54' 44", ALONG A 55.00 FOOT RADIUS WITH A CHORD THAT BEARS SOUTH 40° 03' 52" EAST, 27.46 FEET; THENCE SOUTHEAST A DISTANCE OF 49.76 FEET ALONG THE ARC OF A TANGENT CURVE CONCAVE SOUTHWEST WITH A CENTRAL ANGLE OF 57° 01' 13", ALONG A 50.00 FOOT RADIUS WITH A CHORD THAT BEARS SOUTH 26° 00' 38" EAST, 47.73 FEET; THENCE NORTH 87° 30' 01" WEST, 20.00 FEET; THENCE NORTH A DISTANCE OF 29.86 FEET ALONG THE ARC OF A NON-TANGENT CURVE CONCAVE WEST WITH A CENTRAL ANGLE OF 57° 01' 13", ALONG A 30.00 FOOT RADIUS WITH A CHORD THAT BEARS NORTH 26° 00' 38" WEST, 28.64 FEET; THENCE NORTHWEST A DISTANCE OF 37.85 FEET ALONG THE ARC OF A TANGENT CURVE CONCAVE NORTHEAST WITH A CENTRAL ANGLE OF 28° 54' 44", ALONG A 75.00 FOOT RADIUS WITH A CHORD THAT BEARS NORTH 40° 03' 52" WEST, 37.45 FEET; THENCE NORTH 25° 36' 30" WEST, 11.49 FEET; THENCE NORTHWEST A DISTANCE OF 55.85 FEET ALONG THE ARC OF A TANGENT CURVE CONCAVE SOUTHWEST WITH A CENTRAL ANGLE OF 64° 00' 16", ALONG A 50.00 FOOT RADIUS WITH A CHORD THAT BEARS NORTH 57° 36' 38" WEST, 53.00 FEET; THENCE NORTH 89° 36' 46" WEST, 100.00 FEET; THENCE NORTH 00° 23' 14" EAST, 40.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF EAST LINCOLN WAY; THENCE SOUTH 89° 36' 46" EAST, 133.99 FEET ALONG THE SOUTH RIGHT-OF-WAY OF EAST LINCOLN WAY TO THE POINT OF BEGINNING, CONTAINING 8,125 SQUARE FEET OR 0.19 ACRES MORE OR LESS.



- LEGEND
- ▲ FOUND SECTION CORNER MONUMENT
  - △ SET SECTION CORNER MONUMENT
  - FOUND MONUMENT
  - SET 5/8" REROD W/YELLOW CAP#18900 (UNLESS NOTED)
  - I.R. IRON REROD
  - I.P. IRON PIPE
  - G.P. GAS PIPE
  - (M) MEASURED DIMENSION
  - (R) RECORDED DIMENSION
  - - - SECTION LINE
  - R/W- RIGHT-OF-WAY LINE
  - - - EASEMENT LINE
  - WOC WITH ORANGE CAP
  - WYC WITH YELLOW CAP
  - POB POINT OF BEGINNING

CURVE TABLE						
CURVE	LENGTH	RADIUS	CHD. LENGTH	CHD BEARING	DELTA	TAN
C1	27.75'	55.00'	27.46'	S40°03'52"E	28°54'44"	14.18'
C2	49.76'	50.00'	47.73'	S26°00'38"E	57°01'13"	27.16'
C3	29.86'	30.00'	28.64'	N26°00'38"W	57°01'13"	16.30'
C4	37.85'	75.00'	37.45'	N40°03'52"W	28°54'44"	19.34'
C5	55.85'	50.00'	53.00'	N57°36'38"W	64°00'16"	31.25'

SURVEY FOR:  
CITY OF AMES  
515 CLARK AVE.  
AMES, IA 50010



Foth Infrastructure & Environment, LLC  
8191 Birchwood Court, Suite L  
Johnston, IA 50131-2931  
Phone: 515-254-1393 Fax: 515-254-1642

SHEET  
1 OF 1

**COUNCIL ACTION FORM**

**SUBJECT: PERMANENT EASEMENT AND PROPERTY ACQUISITIONS FOR IOWA STATE UNIVERSITY RESEARCH PARK PHASE III**

**BACKGROUND:**

In support of the ISU Research Park Phase III expansion, the City of Ames is completing projects for the utility installation and roadway paving. The utility project was bid in April 2015, and the contract was awarded to J&K Contracting in the amount of \$798,589. The roadway project was bid in May 2015, and the contract was awarded to Manatt's, Inc., in the amount of \$4,607,745.60.

During the design process, it was determined that permanent easements and/or property acquisitions were going to be required from four property owners adjacent to the project. One property requested a permanent easement, which was donated to the City, and the other three preferred to have the City to purchase the property. Staff provided direction to the design consultant to follow the Federal Aid process for valuation and negotiation for the procurement of these properties.

Property owners and settlement costs are shown below and the general areas of the acquisitions are shown in Attachment A.

Parcel	Type	Property Owner	Cost
1	Permanent Acquisition	Burgason	\$ 4,150.00
2	Permanent Acquisition	Wessex	\$ 2,427.00
3	Permanent Easement	Cammack	Donated
4	Permanent Acquisition	Hunziker	\$ 1,020.00
Total Cost			<u>\$ 7,597.00</u>

All temporary easements for construction have been acquired and approved by staff to accommodate construction.

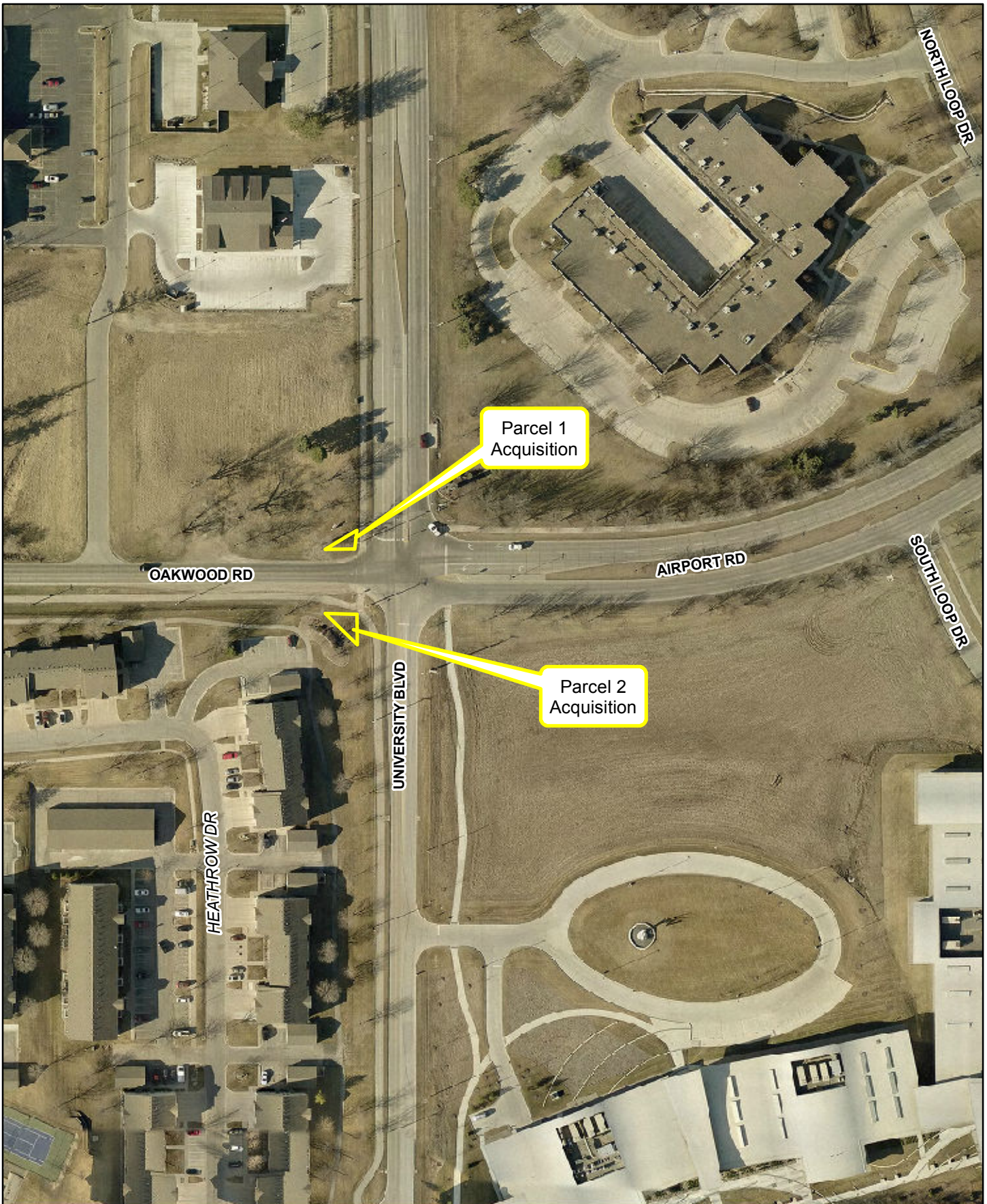
**ALTERNATIVES:**

1. Approve the permanent acquisition for Parcels 1 (Steve Burgason), 2 (Wessex, LLC), and 4 (Erben and Margaret Hunziker) as well as the permanent easement for Parcel 3 (Cammack) as described above.
2. Reject any one or any combination of the four easement agreements.

**MANAGER'S RECOMMENDED ACTION:**

By approving the acquisitions and permanent easement, the City will permanently have rights and access to these areas into the future to perform maintenance on the City's infrastructure. Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, as described above.

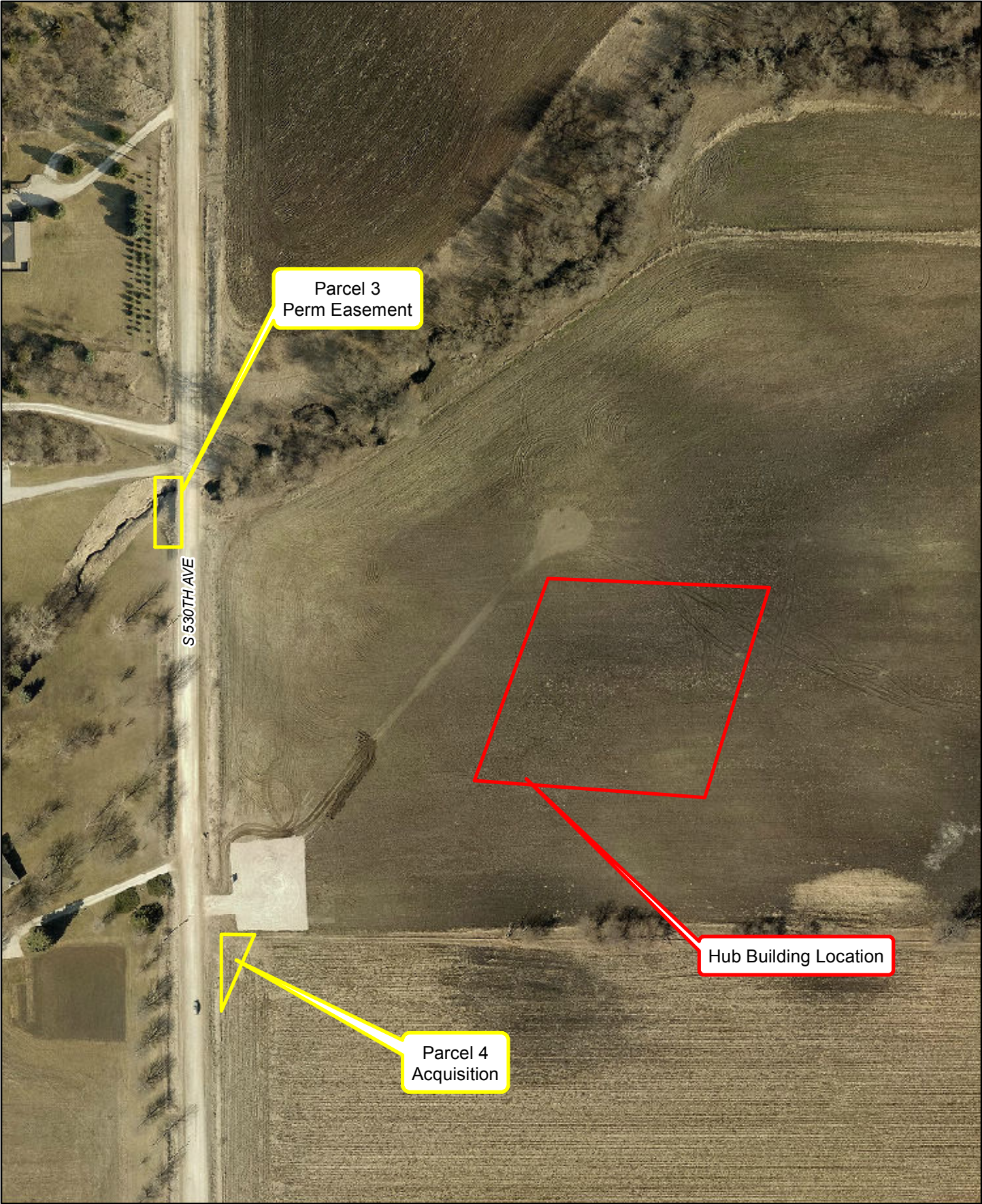




Geographic Information System (GIS) Product Disclaimer: City of Ames GIS map data does not replace or modify land surveys, deeds, and/or other legal instruments defining land ownership & land use nor does it replace field surveys of utilities or other features contained in the data. All features represented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







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**COUNCIL ACTION FORM**

**SUBJECT: EVAPORATIVE CONDENSER REPLACEMENT PROJECT AT THE AMES/ISU ICE ARENA**

**BACKGROUND:**

This project is to replace the Evaporative Condenser at the Ames/ISU Ice Arena. The current condenser, installed in 2000, is operating at 50% capacity due to a leak discovered in 2014. At that time, work was done on the condenser to isolate the leak thus making one half of it not operational. Staff researched options which included repairing or replacing the current equipment. **Cost estimates indicated it is cheaper to replace the condenser than to repair it. In addition, the possibility of losing ice is much less with replacing the equipment than repairing it. The condenser needs to be replaced for the ice making system to operate at maximum efficiency.**

This is the second time this project is being bid as there were no bids the first time. The bid was let on September 8, 2015 and due on October 6, 2015. During that time, fourteen requests were made for a set of plans and specifications. However, no bids were submitted for this project. The engineer had conversations prior to bid letting with several companies capable of performing the work and each company indicated interest in the project. The engineer has tried to contact these companies to understand why they did not submit a bid. Three companies indicated they either ran out of time or did not know about it. However, these companies are still interested in the project. No other company has responded with a reason as to why they did not submit a bid.

The funding for this project (Base Bid) of \$100,000 was included in the FY 2014-2018 Capital Improvement Plan and will be carried forward to FY 2015/16

The cost estimate for this project is as follows:

**Base Bid (Replace the Evaporative Condenser)**

Materials, equipment, and installation	\$ 94,728
Consultant and Design Fees	\$ 11,500
<b>Total Base Bid Cost</b>	<b>\$106,228</b>



**Alternate Bid (Add Shut Off Valves)**

Materials, equipment, and installation \$ 8,936

**Total Alternate Bid Cost \$ 8,936**

**Included in the base bid is \$10,384 to replenish the freon in the ice making system. Since the operating budget for the Ice Arena includes \$6,200 for this same purpose, this amount will not be needed for this purpose and, therefore, will be available to help finance this capital improvement project.**

**ALTERNATIVES:**

1. Approve plans and specifications for the Evaporative Condenser Replacement project at the Ames/ISU Ice Arena and set December 9, 2015, as the bid due date and December 22, 2015, as the date of hearing and award of the construction contract.
2. Do not approve the plans and specifications at this time, delaying the Evaporative Condenser Replacement project at the Ames/ISU Ice Arena.
3. Refer back to staff.

**MANAGER'S RECOMMENDED ACTION:**

The proposed project will replace a key component in the ice making system at the Ice Arena which will restore the efficient operation of making ice. If the condenser is not replaced and fails, the Ice Arena will lose ice and could be shut down for a substantial amount of time. Staff will continue to contact companies to increase the chances of bids being submitted.

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

**COUNCIL ACTION FORM**

**SUBJECT:**        **GEOTUBE BAGS FOR POWER PLANT ASH POND**

**BACKGROUND:**

In an effort comply with EPA Coal Combustion Residue regulation, the Power Plant has elected to inactivate its ash pond, which normally stores its boiler bottom ash. Electric Services has discontinued sending bottom ash to the ash pond to meet the EPA standard and, as an alternative, collect it in geotube filter bags for disposal at the landfill. By discontinuing the use of the Ash Pond, the City will be exempt from future ash pond maintenance and environmental monitoring requirements regulated by the guideline.

Staff tested bags from three different manufacturers. During the test runs it was determined that the bags from Geo-Synthetics LLC were the only geotube bags that met the outflow and pressure demands. They are also the only bags that have not failed during testing. As a result, staff has determined that these bags need to be single sourced.

**Staff is requesting that the City Council waive the City's purchasing policies requiring competitive bids, and award this contract to Geo-Synthetics LLC, Waukesha, WI, in the amount of \$193,803.75 (inclusive of Iowa sales tax). This will be for the purchase of an estimated amount of 525 bags priced at \$345.00 each.**

Funding is available from the approved FY2015/16 Electric Production operating budget from the Unit #8 & #7 NOx Allowances line items which currently contain \$650,000. Staff is managing the coal burn/NOx production such that only a minimal amount of allowances will be needed to meet our requirements.

**ALTERNATIVES:**

1. Waive the purchasing policy requirement for competitive bidding for the Geotube Bags for Power Plant Ash Pond and award a contract to Geo-Synthetics LLC, Waukesha, WI, in the amount of \$193,803.75 (inclusive of Iowa sales tax).
2. Award a contract to one of the other two companies who sell geotube bags that were recently tested.
3. Do not purchase bags at this time.

**MANAGER'S RECOMMENDED ACTION:**

Purchase of these geotube bags is critical for the Power Plant Ash Pond because filter bags are required to capture coal bottom ash from the power plant boilers. This is to ensure compliance with the EPA Coal Combustion Residue mandate. Additionally, through testing, it was determined that the bags from only one company successfully managed the coal ash load and flow rates produced by the plant without failure. Failure of the bags, or low availability of the bags could halt plant power production. Once the plant conversion to natural gas is completed, the amount of bags needed to operate the plant will be greatly reduced.

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



CITY OF  
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# MEMO

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

**From:** City Clerk's Office

**Date:** November 6, 2015

**Subject:** Contract and Bond Approval

There are no Council Action Forms for Item Nos. 20 and 21.  
Council approval of the contract and bond for these projects is simply fulfilling a  
*State Code* requirement.

/jr

**COUNCIL ACTION FORM**

**SUBJECT: POWER PLANT FUEL CONVERSION – MECHANICAL INSTALLATION  
GENERAL WORK CONTRACT - 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.

On September 22, 2015, City Council awarded a contract to TEI Construction Services, Inc., Duncan, SC for the Mechanical Installation General Work Contract in the amount of \$1,572,019. The contract is to supply natural gas control and isolation valves. These valves are necessary at the natural gas pipeline interface between Alliant Energy's system and the COA's Steam Electric Plant (Units 7 & 8), where the valves will provide the necessary control and isolation of the natural gas from Alliant Energy's system to the power plant. **These valves were not included in the invitation-to-bid (ITB) package for the mechanical installation work because the necessary specifications (sizing and performance characteristics) for these valves were not finalized at the time the ITB package for the mechanical installation work needed to be issued. There are a total of fourteen (14) valves covered by this \$156,131 Change Order No. 2.** Change Order No. 1 was approved administratively previously for the purchase of Nordstrom valves at a cost of \$8,750.

The Engineer's estimate of the cost for this phase of the project was \$5,115,000. With this change order, the total costs for the Mechanical Installation General Work Contract within the project will be increased to \$1,736,900.

Overall, the total gas conversion project dollar amount committed to date (inclusive of this Change order No. 2) is \$16,554,092.50. The approved FY 2015/16 Capital Improvements Plan includes \$26,000,000 for the Unit 7 and Unit 8 fuel conversion. The project budget to date is shown on page 3.

**ALTERNATIVES:**

1. Approve contract Change Order No. 2 with TEI Construction Services, Inc., Duncan, SC for the Power Plant Fuel Conversion - Mechanical Installation General Work Contract in the amount of \$156,131.
2. Reject contract Change Order No. 2.

**MANAGER'S RECOMMENDED ACTION:**

This conversion is needed in order for the Power Plant to remain in compliance with state and federal air quality regulations. This major phase will provide for the

mechanical work necessary to install the natural gas burners into the boilers, provide for the natural gas piping from the burners to the main Alliant Energy natural gas pipeline, and accomplish structural modifications and valve trains.

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



## PROJECT BUDGET

The overall project budget and commitments to date are summarized below. To date, the project budget has the following items encumbered:

\$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
\$174,000	Engineering Services Contract Change Order No. 2
\$3,355,300	Contract cost for Natural Gas Conversion Equipment
\$29,869	Equipment Contract Change Order No. 1
(-\$321,600)	Equipment Contract Change Order No. 2
(-\$51,000)	Equipment Contract Change Order No. 3
\$1,595,000	Contract cost for DCS equipment
\$814,920	Contract cost for TCS equipment Bid 1
\$244,731	TCS Bid 1 Contract Change Order No. 1
\$186,320	Contract Cost for Turbine Steam Seal System - TCS Bid 2
\$24,536	TCS Bid 2 Contract Change Order No. 1
\$898,800	Contract cost for Control Room Installation General Work Contract
\$66,782	Control Room Contract Change Order No. 1
\$1,572,019	Contract cost for Mechanical Installation General Work Contract
\$8,750	Mechanical Contract Change Order No. 1
\$156,131	Mechanical Contract Change Order No. 2
\$3,145,149	Contract cost for Electrical Installation General Work Contract
\$98,560	Contract cost for UPS System
(-\$1,010)	UPS System Contract Change Order No. 1
<u>\$166,835.50</u>	Contract cost for Portable Electric Space Heaters
<b>\$16,554,092.50</b>	<b>Costs committed to date for conversion</b>
<b>\$9,445,907.50</b>	<b>Remaining Project Balance</b> to cover miscellaneous equipment and modifications to the power plant needed for the fuel conversion

ITEM#	23
DATE:	11-10-15

### **COUNCIL ACTION FORM**

**SUBJECT:** 2014/15 TRAFFIC SIGNAL PROGRAM (LINCOLN WAY & UNION DRIVE)

#### **BACKGROUND:**

This project included installation of new traffic signal poles, cabinet, radar based vehicle/bike detection, Americans with Disabilities Act (ADA) vibrotactial pedestrian push buttons, ADA compliant pedestrian ramps, and required pavement markings.

On December 9, 2014, City Council awarded this contract to Voltmer, Inc. of Decorah, Iowa, in the amount of \$211,251.64. Construction has now been completed in the amount of \$218,840.19. Engineering costs were estimated in the amount of \$14,500, bringing total project costs to \$233,340.19.

This project was included in the 2014/15 Capital Improvements Plan with funding in the amount of \$200,000 from Road Use Tax and \$25,752 from unobligated funds from the annual Accessibility Enhancement Program funds, which totals \$225,752. Due to unanticipated sidewalk work in order to meet ADA requirements in the field there was an additional \$7,588.55 billed to the project. Therefore, in order to fully fund this project it will be necessary to increase the Accessibility Enhance Program funds to \$33,340.19 from the unobligated balance.

#### **ALTERNATIVES:**

1. Accept the 2014/15 Traffic Signal Program (Lincoln Way/Union Drive) as completed by Voltmer, Inc. of Decorah, Iowa, in the amount of \$218,840.19.
2. Direct staff to pursue modifications to the project.

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

This project has now been completed in accordance with the awarded contract, with one balancing change order totaling \$7,588.55 that was approved administratively. Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1 as described above.

**TO:** Mayor and City Council

**FROM:** Kelly Diekmann, Planning & Housing Director

**DATE:** November 5, 2015

**SUBJECT:** Rezoning of property located at 101, 105, and 107 South Wilmoth Avenue from Residential High Density (RH) with the West University Impact Overlay to Residential High Density (RH) and the rezoning of property located at 205 South Wilmoth Avenue from Residential Low Density (RL) to Residential High Density (RH).

The Planning and Zoning Commission held a hearing and recommended approval of the proposed rezoning requests for 101, 105, 107, and 205 S. Wilmoth at its meeting on October 21, 2015, subject to development conditions. Staff had planned to bring the rezoning requests for Council consideration on November 10, and notice was published accordingly. However, the Zoning Contract that would implement the conditions of the rezoning has not yet been completed. Staff is currently working to draft a rezoning contract to outline the development conditions recommended by the Planning and Zoning Commission and in line with the Settlement Agreement. It is anticipated that this work can be completed in time for Council consideration on November 24.

Therefore, staff requests that on Tuesday night, November 10, the Council open and continue the hearing on the proposed rezoning request. This item could safely be continued to the November 24, 2015, City Council meeting.

KD\km

**COUNCIL ACTION FORM**

**SUBJECT: ZONING TEXT AMENDMENT FOR SIDE SETBACKS IN THE S-HM (HOSPITAL-MEDICAL) DISTRICT**

**BACKGROUND:**

The Hospital Medical Zoning District (S-HM) is a special zoning district unique to the area of Duff Avenue and 13<sup>th</sup> Street. The Mary Greeley Medical Center (MGMC) (1111 Duff Avenue) and McFarland Clinic (1215 Duff Avenue) are located in the S-HM zoning district along with other properties along the east side of Duff. (Attachment A Zoning Map).

**MGMC is seeking a text amendment to allow a zero setback for interior lot lines (lot lines that abut a similarly zoned lot). Side yard setbacks in the S-HM District are currently based on number of stories (e.g. 8 feet for 2 stories; 10 feet for 3 stories, 12 feet for 4 stories, etc.). The proposed amendment would not change setbacks for front yards (areas along streets) or when adjoining a residentially zoned property.**

The application for the text amendment from MGMC is attached, as is their letter to the City Council requesting the initiation of the text amendment. **The motivation for the change is to allow for modification to the MGMC entrance located along a common property line with the McFarland Clinic.** These two buildings are currently attached through an above-grade corridor because of a variance to setbacks approved by the Zoning Board of Adjustment in November, 2000.

Because of the close physical proximity and operational relationship between these two medical facilities, there is significant foot traffic between them. **Mary Greeley Medical Center (MGMC) is seeking to make improvements to the north entryway that would include a covered vestibule to promote safety and comfort in inclement weather. This vestibule would cross the property line onto McFarland Clinic, which supports the construction of the vestibule and the text amendment.** A variance was not pursued as it is difficult to make the findings about the hardship that would occur if no expanded vestibule were to exist. The desire for the vestibule expansion leads to the text amendment to allow for the change.

**Staff agrees that for integrated sites, such as MGMC and the McFarland Clinic, the distinction of side yard setback is not essential to the character or function of the two lots. Staff believes changing the setback standard for this type of use is appropriate.**

To accomplish this goal of allowing for integrated sites, there are various options to modify the wording of a text amendment for a zero setback. Side yard setbacks could be removed in their entirety for all properties in the S-HM and treat the S-HM as a

standard commercial zone. Alternatively, the language could be focused on integrated sites.

**Staff proposes that this zero setback be applied only on the west side of Duff Avenue.** Although the east side of Duff Avenue is similarly zoned, the lot patterns and numerous smaller buildings may make the application of this change more problematic. On the west side of Duff Avenue, both the lot sizes and building sizes are considerably larger, limiting the number of lots to which this can be applied.

Staff proposes adding the following language to Table 29.1001 (3). New language is shown in bold underline, existing in normal typeface.

Minimum Principal Building Setback:	
Front Lot Line	25 ft.
Side Lot Line	8 ft. for 2 stories; 10 ft. for 3 stories 12 ft. for 4 stories 2 additional feet for each additional foot <b><u>-except-</u></b> <b><u>0 ft. for common lot lines of S-HM zoned parcels on the west side of Duff Avenue.</u></b>
Rear Lot Line	20 ft.
Corner Lots	Provide 2 front yards and 2 side yards

The Planning and Zoning Commission reviewed the proposed text amendment at its October 21, 2015, meeting. **The Commission recommended the Council adopt the proposed text amendment on a 6-0 vote.**

#### **ALTERNATIVES:**

1. The City Council can adopt the proposed amendment to the side yard setbacks for the S-HM zoning district for the west side of Duff Avenue in the S-HM zoning district.
2. The City Council can adopt alternative language for side yard setbacks for all of the S-HM zoning district.
3. The City Council can decline to adopt the proposed setbacks for the S-HM zoning district.

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

The proposed zero setback amendment solves the immediate issue for the MGMC/McFarland. Although the Zoning Board of Adjustment granted a variance for a similar request in 2000, it is unclear whether the variance criteria could be met for this

particular request. Allowing connections between these two major health care centers provides convenience and safety to patients and staff of an area that functions as an integrated campus. Staff recommends limiting the amendment only to the west side of Duff Avenue. **Therefore, it is the recommendation of the City Manager that the City Council act in accordance with Alternative #1 and, thereby, adopt the proposed ordinance.**

## Text Amendment to the Zoning Ordinance

### *Application Form*

(This form must be filled out completely before your application will be accepted.)

1. **General Description of Affected Property(ies)** (attach, if lengthy):

Those properties that lie within the Hospital-Medical District (S-HM).

2. **Applicant:** Mary Greeley Medical Center

Business: \_\_\_\_\_

Address: 1111 Duff Ave. Ames Iowa 50010  
(Street) (City) (State) (Zip)

Telephone: 515-239-2105  
(Home) (Business) (Fax)

3. **Contact Person:** Scott T. Blum, AIA

Business: Accord Architecture Company

Address: 1601 Golden Aspen Dr., Ste 103, Ames, Iowa 50010  
(Street) (City) (State) (Zip)

Telephone: 515.663.9643 515/663.9644  
(Home) (Business) (Fax)

E-mail address: scott@accordarch.com

*I (We) certify that I (we) am (are) familiar with applicable state and local codes and ordinances, the procedural requirements of the City of Ames, and have submitted all the required information.*

Signed by: \_\_\_\_\_ Date: \_\_\_\_\_

**Applicant(s)**  
Lynn Whisler, Vice President  
Mary Greeley Medical Center  
**Print Name**

**Accord**  
architecture.  
208 East State Street  
PO Box 826  
Mason City, IA 50401-0826  
641.423.4784 641.423.9244 fax

September 16, 2015

1601 Golden Aspen Drive, Suite 103  
Ames, IA 50010  
515.663.9643 515.663.9644 fax

Ms. Diane Voss, City Clerk  
City of Ames  
515 Clark Avenue  
Ames, Iowa 50010

SUBJECT: Mary Greeley Medical Center  
Request for Zoning Text Amendment to Zone S-HM

Dear Ms. Voss,

On behalf of Mary Greeley Medical Center, we are requesting an amendment to the text within the City of Ames Zoning Ordinance, Chapter 29.1001 that describes the setback distance for interior lot lines in the Hospital-Medical District (S-HM). Our request of the city council is to allow the reduction of the setback distance to zero (building growth to the interior property line) within the S-HM district, thus allowing Mary Greeley Medical Center to construct an entrance vestibule on the north side of the medical center's existing North Addition that does not violate the setback requirements. Notice that this is a request for zero setbacks on interior or non-street property lines only. Please allow me to provide a little background on the reason for this request in the following paragraphs.

In a continuing effort to improve patient and public safety at the hospital campus at 1111 Duff Avenue in Ames, Mary Greeley Medical Center (MGMC) would like to construct an enclosed vestibule on the north side of the hospital. Please refer to the attached illustrations. Currently, there are exterior stairs and a ramp at this location exposed to rain, snow and ice making this drop-off and pick-up point for patients potentially slippery. This stair and ramp are part of the North Addition project that was constructed by the hospital in 2001. In an agreement with McFarland Clinic at that time, the stair and ramp were constructed over the line that splits the two properties, thus making a portion of the MGMC improvements (ramp, stair, retaining walls and courtyard) on the McFarland property. Further, an enclosed hallway or "link" between the two buildings was also constructed at that time. An easement was established between the two organizations on April 1, 2001 in order to make this possible. A variance was granted by the city at that time as well to allow the connection of the two buildings.



The current north entrance serves what the hospital calls the "North Addition" and is primarily used as a medical office building housing MGMC services such as radiation oncology and the Diabetes Education and Nutrition Center, Hospital Information Management, External Relations and leased space by McFarland Clinic cardiology and oncology clinics. If MGMC is allowed to construct the proposed vestibule, it would extend over the property line and enclose the stairs at this location, thus making this entrance much safer. MGMC is also considering enclosing or providing a canopy roof over the ramp as part of this project, but that decision has not been made.

On September 9, 2015, representatives from Accord Architecture and MGMC met with zoning and inspections staff members at the City of Ames. As an outcome of that meeting, Mr. Charles Kuester, a planner with the City of Ames, indicated that I may formally request a text amendment in this letter to initiate the process of consideration and possible approval. Please consider this important text amendment, thus allowing a much safer entrance to the hospital. Thank you for considering this proposal. We are eager to work with the City of Ames to receive approval for this project, which we plan to publicly bid this winter.

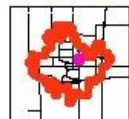
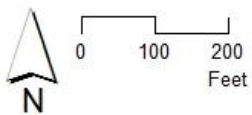
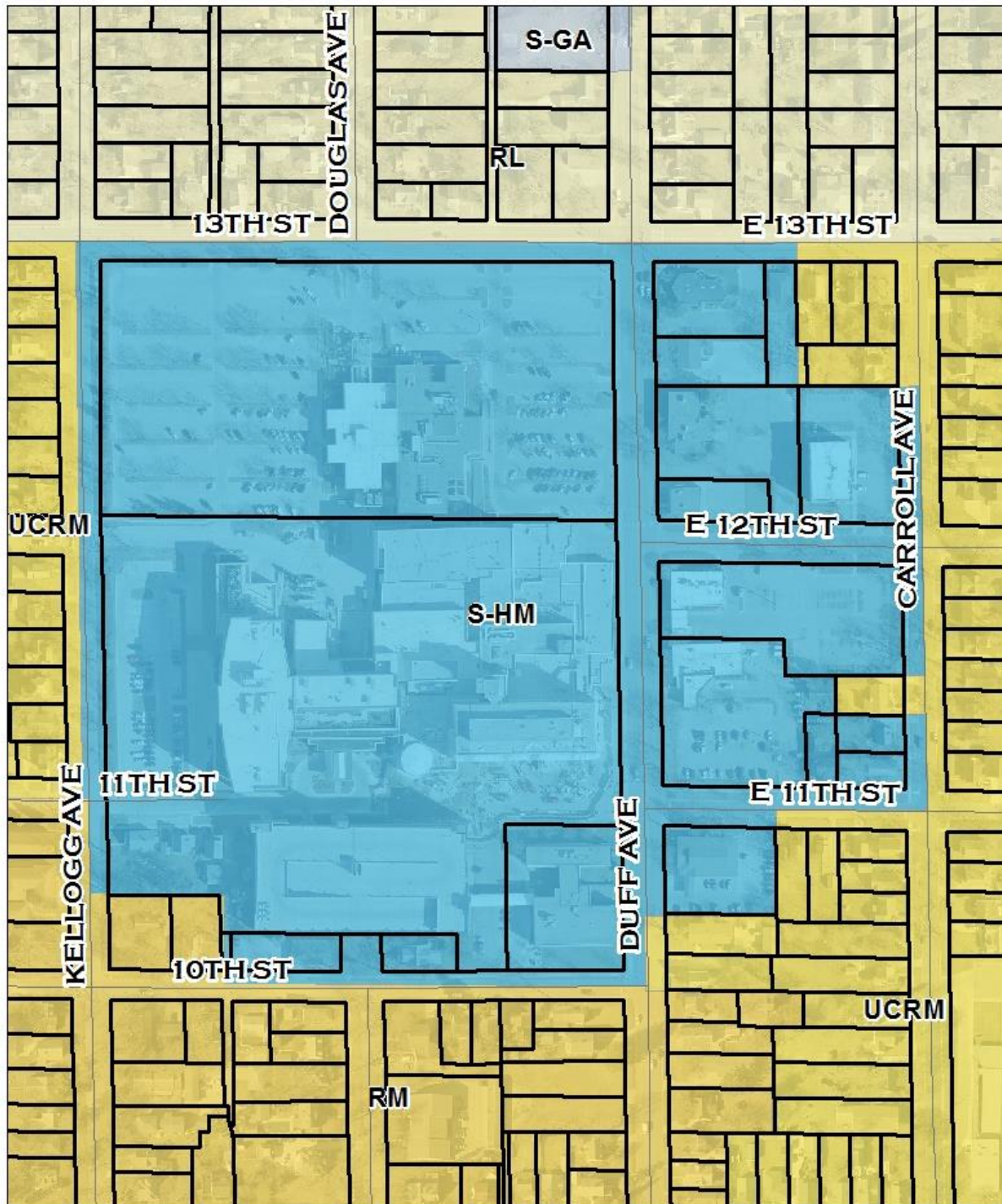
Sincerely,

ACCORD ARCHITECTURE COMPANY

By 

Scott T. Blum, AIA, LEED AP  
President

# S-HM LOCATION MAP



**ORDINANCE NO.**

**AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY REPEALING TABLE 29.1001(3) AND ENACTING A NEW TABLE 29.1001(3) THEREOF, FOR THE PURPOSE OF AMENDING SIDE SETBACKS IN THE S-HM (HOSPITAL-MEDICAL) DISTRICT; REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; AND ESTABLISHING AN EFFECTIVE DATE.**

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

Section One. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by enacting a new Table 29.1001(3) as follows:

“(3) **Development Standards.** The development standards applicable in the S-HM Design District are set forth in Table 29.1001(3) below:

**Table 29.1001(3)  
Hospital/Medical Design District ("S-HM") Development Standards**

DEVELOPMENT STANDARDS	REQUIREMENT
Minimum Lot Area	6,000 sq. ft
Minimum Principal Building Setback: Front Lot Line Side Lot Line   Rear Lot Line Corner Lots	25 ft. 8 ft. for 2 stories; 10 ft. for 3 stories 12 ft. for 4 stories 2 additional feet for each additional foot <b>-except-</b> <b>0 ft. for common lot lines of S-HM zoned parcels on the west side of Duff Avenue.</b> 20 ft. Provide 2 front yards and 2 side yards
Minimum Frontage:	35 ft @ street line; 50 ft @ building line
Maximum Building Coverage	65%
Maximum Site Coverage (includes all buildings, paving and sidewalks on lot)	75%
Minimum Landscaped Area	25%

Maximum Height Principal Building	<p>Whichever is lower: 6 stories or</p> <p>Where adjacent properties are not zoned residential, 80 ft. at building setback with 10 feet additional height allowed for every additional 30 ft. from setback line not adjacent to residentially-zoned property to a maximum of 100 ft.</p> <p>Where adjacent properties are zoned residential, 50 ft. at building setback with 10 ft. additional height allowed for every additional 30 ft. from setback line adjacent to residentially-zoned property to a maximum of 100 ft.</p>
Minimum Height Principal Building	20 ft or 2 stories, whichever is greater (if any nonconforming structure is enlarged to the extent of 50% or more in floor area, whether through a single or cumulative expansions, such addition shall conform to this requirement)
Parking Between Buildings and Streets	Yes
Drive-Through Facilities	No
Outdoor Display	Yes
Outdoor Storage	No
Trucks and Equipment	Yes

*(Ord. No. 3595, 10-24-00; Ord. No. 3911, 04-24-07; Ord. 4075, 07-12-11)."*

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

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

Passed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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

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

**COUNCIL ACTION FORM**

**SUBJECT: ZONING TEXT AMENDMENTS RELATING TO SOLAR ENERGY SYSTEMS**

**BACKGROUND:**

In November, 2009, the City of Ames adopted an ordinance allowing for and regulating solar energy systems. This ordinance allowed for placement of solar panels in residential and non-residential zoning districts, either attached to existing structures or as free-standing structures. The City was a ground breaker at that time in creating this ordinance, modeling it on very few examples that were found nationwide and on our own expectations of what would suit Ames. The full ordinance may be found in Chapter 29 Article 13 Section 29.1309 of Municipal Code at this [link](#).

The ordinance allows for staff approval of most solar energy system (SES) installations, but requires approval from the Zoning Board of Adjustment in certain instances when a higher degree of review is necessary to ensure compatibility. The ordinance considers such systems as accessory to the principal use of a lot. The ordinance allows for a SES to be placed on roof tops or on the ground with small accessory support structures. Typically, the systems must comply with zoning standards e.g. height, setbacks, yard areas as well as the SES specific standards of Section 29.1309. To date, a total of 8 systems have been approved, of which 6 were residential applications, one was a commercial application, and one was placed on a religious institution. All were approved by staff.

Now that the ordinance has been in effect for a number of years, staff is proposing a few tweaks to address customer interests. These tweaks reflect how the ordinance has worked (and not worked) on projects that have already been brought forward and approved. These amendments are also meant to address larger projects (greater than 100 kW) that have been proposed but not yet approved.

In broad terms, the proposed amendments do three things:

1. Increase the non-residential freestanding SES size limitation and the height limits from 4 and 6 feet to 20 feet if placed over a parking area
2. Allow a projection above the height limits for attached systems in residential and non-residential zoning districts.
3. Remove the 10 kW and 100 kW limits on interconnect agreements with the local utility.

The draft language for the amendment is included in Attachment A.

**In the first amendment, staff believes an amendment to the free-standing requirements should be made to accommodate the potential use of solar panel arrays to cover parking lots rather than limit their installation to landscaped areas.** The proposed amendment raises the maximum heights for free-standing SES in non-residential zoning districts to twenty feet if placed over parking areas. The system is subject to the setback standards of the zoning district (e.g., 20' front and 5' side for HOC; 50' from a street and 20' side for PI). Staff would note that even with this increased height allowance, it does not displace landscaping requirements for parking lots. The SES will need to be sited in a manner that meets landscape standards and solar exposure needs. The maximum coverage is raised to equal the total footprint of a lot. If not over a parking lot, the height and setback limits remain the same as in residential zones.

**The second amendment addresses limits on heights when placed on the roof of a structure.** Current regulations describe the maximum SES size and height regulations for all systems placed upon a roof, but does not allow for projections above the maximum height of the zoning district. In residential zoning districts, the principal structure sometimes is at or near the maximum height limit allowed in that district. A change is proposed to allow an increase of up to a half-foot (for staff approval) and five feet (for board approval). This residential allowance matches the system size and height standards that are already in place for a system that is below the height limit of the zoning district. See Section 29.1309 (4) for current SES size limits.

In non-residential districts the situation of reaching a height limit is more likely to occur due to the greater likelihood of a flat roof being constructed to more fully utilize the height allowance of the zoning district than a pitched roof. The zones this is most likely to occur are in the commercial zones with a 35 foot height limit and in HOC zoning with the new mixed use buildings. The proposed amendment creates an option for staff approval of up to a ten foot encroachment above the height limit. A 10-foot allowance matches the allowed projections for other types of architectural features.

**The third change addresses the maximum rated capacity of any system as 10kW. If proven safe to the satisfaction of the Ames Electric Services, a system of up to 100kW would be allowed.** In consultation with the Electric Department, staff is proposing to remove these limits as they are better addressed through the interconnect agreement between the applicant and the utility. The functional limitation of the systems will then be through the sizing standards of the system and interconnect agreements. Concurrent amendments for interconnect agreements are being brought forward to the City Council by Ames Electric. Because the interconnect agreement with the Electric Department requires more extensive review than the zoning permit, staff requires that the interconnect agreement be approved prior to installation, rather than prior to zoning approval.

The proposed language changes can be found in Attachment A.

### **ALTERNATIVES:**

1. The City Council can adopt the three proposed amendments regarding solar energy systems.
2. The City Council can adopt any combination of the three proposed amendments regarding solar energy systems.
3. The City Council can decline to adopt the proposed amendments regarding solar energy systems.

The Planning and Zoning Commission reviewed the proposed text amendment at its November 4, 2015 meeting. The Commission recommended the Council adopt the proposed text amendment on a 7-0 vote.

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

The proposed amendments for solar energy systems are an attempt to address minor issues that staff has experienced in the six years of implementation. These three amendments will likely not open up a flood of new applications for solar energy (new solar panels are driven more by tax credit policy, utility incentives, and site feasibility than by zoning limits). However, for those solar applications that make sense, these tweaks can make installation more viable in some instances. **The proposed changes help to promote the installation of new SES without undermining compatibility with the surroundings.**

**Therefore, it is the recommendation of the City Manager that the City Council act in accordance with Alternative #1, thereby adopting the proposed amendments.**

## ATTACHMENT A: PROPOSED AMENDMENTS

New language is in **bold**; deleted language is ~~strike through~~.

### Section 29.1309 (3).

....

(c) Height. Six (6) feet in height maximum in side and rear yards. Four (4) feet in height maximum in front yards. **There is an exception for systems in non-residential zoning districts, a SES may be twenty (20) feet in height and subject to setbacks if placed over a parking area. Otherwise, height and setback limits are the same as in residential zoning districts.** The height shall be measured from the grade at system base to the highest peak, including the highest position of any adjustable system.

(d) Freestanding System Size:

(i) Residential Properties. Systems shall not exceed one-tenth (1/10) the footprint of the principal building served or one hundred (100) square feet, whichever is greater.

(ii) Non-Residential Properties. Systems shall not exceed ~~one-half (1/2)~~ of the footprint of the principal building served.

....

### Section 29.1309 (4).

...

(e) Systems shall not exceed the maximum height in the zone, for the structure to which it is attached **except for projections allowed in (g) below.**

(f) The building must have a conforming principal use.

(g) Roof attached systems may be mounted on principal and accessory building roofs provided they conform to the maximum height standards established in the zone.

Additionally, systems shall be mounted parallel to the pitch of the roof and be no higher than 6 inches from the roof surface except that systems not meeting the flush mount requirement may be allowed subject to approval of a Solar Energy System Special Use Permit, provided they do not project more than 5 feet from the roof surface. A system or a portion of a system not visible from abutting street rights of way is exempt from the flush mount requirement, but no part of the system shall project higher than 5 feet from the roof surface.

....



## Section 29.1309 (5)

....

(b) For roof mounting, no part of the system shall project more than ten (10) feet from the roof.

(c) No part of the system shall extend more than 50 percent into any required side or rear setback. No part of the system shall extend more than 20 percent into any required front setback.

(d) No part of the system shall exceed the maximum height permitted in the zone, for the structure to which it is attached **except for the projections allowed in (b) and (c) above.**

....

## Section 29.1309 (15)

(15) **Interconnection:** Interconnected Solar Energy Systems are allowed subject to the standards in this section. ~~Evidence of a signed interconnection agreement with the applicable electric utility shall be submitted to the Department of Planning & Housing prior to approval of any interconnected solar energy system.~~ The applicant is encouraged to work with the applicable utility before purchasing equipment. ~~The maximum allowable rated capacity of an interconnected Solar Energy System is 10 kW, or 10,000 Watts unless evidence from the applicable utility has demonstrated that safe interconnection can be achieved and the need is for on-site usage for the principal use of the property. Any system over 100 kW is not allowed.~~

**ORDINANCE NO.**

**AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY REPEALING SECTIONS 29.1309(3),(c),(d)(i)(ii), 29.1309(4),(e),(f),(g), 29.1309(5),(b),(c),(d)AND 29.1309(15) AND ENACTING NEW SECTIONS 29.1309(3),(c),(d)(i)(ii), 29.1309(4),(e),(f),(g), 29.1309(5),(b),(c),(d)AND 29.1309(15)THEREOF, FOR THE PURPOSE OF AMENDMENTS RELATING TO SOLAR ENERGY SYSTEMS; REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; AND ESTABLISHING AN EFFECTIVE DATE.**

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

Section One. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by enacting new Sections 29.1309(3),(c),(d)(i)(ii), 29.1309(4),(e),(f),(g), 29.1309(5),(b),(c),(d)AND 29.1309(15) as follows:

**“Sec. 29.1309 SOLAR ENERGY SYSTEMS.**

....

**(3) Freestanding Solar Energy Systems:**

....

(c) Height. Six (6) feet in height maximum in side and rear yards. Four (4) feet in height maximum in front yards. There is an exception for systems in non-residential zoning districts, a SES may be twenty (20) feet in height and subject to setbacks if placed over a parking area. Otherwise, height and setback limits are the same as in residential zoning districts. The height shall be measured from the grade at system base to the highest peak, including the highest position of any adjustable system.

(d) Freestanding System Size:

(i) Residential Properties. Systems shall not exceed one-tenth (1/10) the footprint of the principal building served or one hundred (100) square feet, whichever is greater.

(ii) Non-Residential Properties. Systems shall not exceed the footprint of the principal building served.

....

**(4) Residential Attached Solar Energy Systems** are permitted to be located on the roof or attached to a building, subject to all of the following:

...

(e) Systems shall not exceed the maximum height in the zone, for the structure to which it is attached except for projections allowed in (g) below.

(f) The building must have a conforming principal use.

(g) Roof attached systems may be mounted on principal and accessory building roofs provided they conform to the maximum height standards established in the zone. Additionally, systems shall be mounted parallel to the pitch of the roof and be no higher than 6 inches from the roof surface except that systems not meeting the flush mount requirement may be allowed subject to approval of a Solar Energy System Special Use Permit, provided they do not project more than 5 feet from the roof surface. A system or a portion of a system not visible from abutting street rights of way is exempt from the flush mount requirement, but no part of the system shall project higher than 5 feet from the roof surface.

....  
(5) **Non-Residential Attached Solar Energy Systems** are permitted on the roof of, or attached to a non-residential building, subject to all of the following:

....  
(b) For roof mounting, no part of the system shall project more than ten (10) feet from the roof.

(c) No part of the system shall extend more than 50 percent into any required side or rear setback. No part of the system shall extend more than 20 percent into any required front setback.

(d) No part of the system shall exceed the maximum height permitted in the zone, for the structure to which it is attached except for the projections allowed in (b) and (c) above.

....  
**Section 29.1309 (15)**  
....

(15) **Interconnection:** Interconnected Solar Energy Systems are allowed subject to the standards in this section. The applicant is encouraged to work with the applicable utility before purchasing equipment.  
....

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

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

Passed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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

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

ITEM # 8  
DATE: 10-27-15

### COUNCIL ACTION FORM

**SUBJECT: SETTING DATE OF PUBLIC HEARING AND FEDERAL REIMBURSEMENT REGULATION RESOLUTION FOR ISSUANCE OF ELECTRIC REVENUE BONDS SERIES 2015B IN AN AMOUNT NOT TO EXCEED \$10,360,000**

#### **BACKGROUND:**

The FY 2015/16 budget includes electric revenue bonds in the amount of \$18,875,000 to fund the Unit 7 and 8 Fuel Conversion (\$15,000,000) and Cooling Tower Repair (\$3,875,000) projects. **Due to better than expected bid results for these projects, we are recommending that the bond issuance amount be reduced to \$10,360,000.** A public hearing and reimbursement resolution are required to proceed with the revenue bond sale.

Internal Revenue regulations place restrictions on the use of non-taxable bond proceeds including the timing of spending. Limited spending is allowed to be reimbursed from bond proceeds for certain preliminary work related to planning capital projects. In the case of the electric revenue bond projects, the City plans to begin project work prior to the bond issuance and to reimburse the expenses from the bond proceeds. Delaying the bond issuance until bids were received has allowed the significant reduction in the bond issuance amount. Passing the reimbursement resolution will allow for the project to move forward promptly with the use of revenue bond funds. The City Council may pass a reimbursement resolution not more than 60 days after beginning project construction work. Bonds must be issued not later than 18 months after the date of first expenditures.

To complete the bond sale, the following actions will be required by City Council:

- November 10, 2015 Meeting – Hold the public hearing on the bond sale and approve the Preliminary Official Statement (offering statement) and electronic bidding for the sale.
- December 8, 2015 Meeting – Accept bids received, award bonds, and authorize issuance.

City staff has been working on preparations for the bond sale for some time and will be conducting a credit rating call with Moody's Investor Services and all other activities related to preparation for the bid, acceptance, and closing of the bonds.

#### **REVENUE BOND BACKGROUND AND IMPACT ON RATES:**

Though the City routinely issues general obligation bonds, no revenue bonds have been sold since an electric revenue bond refunding issue in 2002. The Electric Utility has no bonds outstanding and has been funding both operations and capital improvements with pay-as-you-go financing. **The electric revenue bonds will be secured with revenue from the Electric Utility. The City will make no pledge of other revenues, and because of this we expect the credit rating to be of investment grade but lower than our excellent general obligation bond rating, which includes a pledge of the City's taxing authority for repayment.**

The issuance of revenue bonds will require certain ongoing commitments in the form of protective covenants for the holders of the bonds. These will include an obligation to raise rates as required to pay bonds and maintain adequate debt service coverage, maintain a reserve fund, and maintain “parity” for repayment of any future bonds issued. The Electric utility currently has more than adequate rate revenue and fund balances to meet all the protective covenants and we expect to continue to meet the covenants without the need for significant rate increases.

When revenue bonds are issued, utilities are often required to immediately implement a series of rate increases to fund both the repayment of bonds and commitments made in the bond covenants. This will not be the case for the proposed electric revenue bond issue. Since we have included the bond issue as part of our planning for several years, a series of rate increases will not be required. Our projections last year were for rate increases of around 4% in FY 2017/18 and FY 2019/20 to fund operations, the capital improvement plan, and debt service. **With the lower bond issue amount, we are now anticipating only one rate increase of around 4% in FY 2018/19. Keep in mind that with the conversion to natural gas, customers will likely incur increases in their electric bills due to higher fuel costs included in the energy cost adjustment.**

#### **ALTERNATIVES:**

1. The City Council can adopt a reimbursement resolution providing official notice of intent to reimburse prior expenditures for the Electric Generation Unit 7 and 8 and Cooling Tower Repair projects from the proceeds of an upcoming revenue bond issue and set November 10, 2015 as the date of public hearing for the sale of Electric Revenue Bonds Series 2015B in an amount not to exceed \$10,360,000.
2. The Council can reject the reimbursement resolution. However, if this option is pursued, expenditures on the Electric Generation Unit 7 and 8 and Cooling Tower Repair projects will be limited to certain preliminary work and may delay completion of the projects and conversion from coal to natural gas as the fuel source for electric generation.

#### **MANAGER’S RECOMMENDED ACTION:**

Adoption of a reimbursement resolution and setting November 10, 2015, as the date of public hearing for the sale of electric revenue bonds will assure that City staff can proceed as quickly as possible with the Electric Generation Unit 7 and 8 and Cooling Tower Repair projects to accomplish the Council-adopted plan to convert fuel source for base load electric power generation from coal to natural gas.

Therefore, it is the recommendation of the City Manager that the City Council approve Alternative No. 1, thereby adopting a reimbursement resolution providing official notice of intent to reimburse prior expenditures for the Electric Generation Unit 7 and 8 and Cooling Tower Repair projects from the proceeds of an upcoming bond issue and setting November 10, 2015 as the date of public hearing for the sale of Electric Revenue Bonds Series 2015B in an amount not to exceed \$10,360,000.

**PRELIMINARY OFFICIAL STATEMENT DATED NOVEMBER 10, 2015**

**New Issue**

**Rating: Application made to Moody's Investors Service**

*In the opinion of Dorsey & Whitney LLP, Bond Counsel, according to present laws, rulings and decisions (assuming compliance with certain covenants), interest on the Bonds will be excluded from gross income for federal income tax purposes. Interest on the Bonds is not an item of tax preference for purposes of the federal alternative minimum tax imposed on individuals and corporations under the Internal Revenue Code of 1986, provided, however, such interest is taken into account in determining adjusted current earnings for the purpose of computing the alternative minimum tax imposed on corporations (as defined for federal income tax purposes). The City will NOT designate the Bonds as "qualified tax-exempt obligations." See "TAX EXEMPTION AND RELATED CONSIDERATIONS" herein.*

**CITY OF AMES, IOWA**

**\$10,350,000\* Electric Revenue Bonds, Series 2015B**

BIDS RECEIVED: Tuesday, December 8, 2015, 11:00 o'clock A.M., Central Time

AWARD: Tuesday, December 8, 2015, 5:30 o'clock P.M., Central Time

**Dated:** Date of Delivery (December 29, 2015)

**Principal Due:** June 1, 2016-2027

The \$10,350,000\* Electric Revenue Bonds, Series 2015B (the "Bonds") are being issued pursuant to Division V of Chapter 384 of the Code of Iowa and a resolution to be adopted by the City Council of the City of Ames, Iowa (the "City"). The Bonds are being issued for the purpose of paying the cost, to that extent, of constructing improvements to the municipal electric light and power plant and system. The purchaser of the Bonds agrees to enter into a loan agreement (the "Loan Agreement") with the City pursuant to authority contained in Section 384.24A of the Code of Iowa. The Bonds are issued in evidence of the City's obligations under the Loan Agreement. THE BONDS ARE NOT GENERAL OBLIGATIONS OF THE CITY, but are payable solely and only from the net revenues of the Municipal Electric Utility (the "Utility").

The Bonds will be issued as fully registered Bonds without coupons and, when issued, will be registered in the name of Cede & Co., as nominee of The Depository Trust Company ("DTC"). DTC will act as securities depository for the Bonds. Individual purchases may be made in book-entry-only form, in the principal amount of \$5,000 and integral multiples thereof. The purchaser will not receive certificates representing their interest in the Bonds purchased. The City's Treasurer as Registrar/Paying Agent (the "Registrar") will pay principal on the Bonds, payable annually on June 1, beginning June 1, 2016, and interest on the Bonds payable initially on June 1, 2016 and thereafter on each December 1 and June 1 to DTC, which will in turn remit such principal and interest to its participants for subsequent disbursements to the beneficial owners of the Bonds as described herein. Interest and principal shall be paid to the registered holder of a bond as shown on the records of ownership maintained by the Registrar as of the 15<sup>th</sup> day of the month next preceding the interest payment date (the "Record Date").

---

**THE BONDS WILL MATURE AS LISTED ON THE INSIDE FRONT COVER**

---

<b>MINIMUM BID:</b>	\$10,251,675
<b>GOOD FAITH DEPOSIT:</b>	Required of Purchaser Only
<b>TAX MATTERS:</b>	Federal: Tax-Exempt State: Taxable See "TAX EXEMPTION AND RELATED CONSIDERATIONS" for more information.

The Bonds are offered, subject to prior sale, withdrawal or modification, when, as and if issued and subject to the unqualified approving legal opinion of Dorsey & Whitney LLP, Bond Counsel, Des Moines, Iowa, to be furnished upon delivery of the Bonds. It is expected that the Bonds will be available for delivery through the facilities of DTC on or about December 29, 2015. The Preliminary Official Statement will be further supplemented by offering prices, interest rates, selling compensation, aggregate principal amount, principal amount per maturity, anticipated delivery date and underwriter, together with any other information required by law or deemed appropriate by the City, shall constitute a Final Official Statement of the City with respect to the Bonds, as that term is defined in Rule 15c2-12 promulgated by the Securities and Exchange Commission under the Securities Exchange Act of 1934, as amended.

\*Preliminary; subject to change.

This Preliminary Official Statement and the information contained herein are subject to completion, amendment or other change without notice. The Bonds may not be sold nor may offers to buy be accepted prior to the time the Preliminary Official Statement is delivered in final form. Under no circumstances shall this Preliminary Official Statement constitute an offer to sell or the solicitation of an offer to buy, nor shall there be any sale of the Bonds in any jurisdiction in which such offer, solicitation or sale would be unlawful prior to registration or qualification under the applicable securities laws of any such jurisdiction.



## CITY OF AMES, IOWA

### \$10,350,000\* Electric Revenue Bonds, Series 2015B

#### **MATURITY:**

The bonds will mature June 1 in the years and amounts as follows:

<u>Year</u>	<u>Amount*</u>	<u>Year</u>	<u>Amount*</u>
2016	\$910,000	2022	\$845,000
2017	750,000	2023	875,000
2018	765,000	2024	900,000
2019	780,000	2025	935,000
2020	800,000	2026	965,000
2021	825,000	2027	1,000,000

#### **\*PRINCIPAL**

##### **ADJUSTMENT:**

Preliminary; subject to change. The aggregate principal amount of the Bonds, and each scheduled maturity thereof, are subject to increase or reduction by the City or its designee after the determination of the successful bidder. The City may increase or decrease each maturity in increments of \$5,000 but the total amount to be issued will not exceed \$10,950,000. Interest rates specified by the successful bidder for each maturity will not change. Final adjustments shall be in the sole discretion of the City.

The dollar amount of the purchase price proposed by the successful bidder will be changed if the aggregate principal amount of the Bonds is adjusted as described above. Any change in the principal amount of any maturity of the Bonds will be made while maintaining, as closely as possible, the successful bidder's net compensation, calculated as a percentage of bond principal. The successful bidder may not withdraw or modify its bid as a result of any post-bid adjustment. Any adjustment shall be conclusive, and shall be binding upon the successful bidder.

#### **INTEREST:**

Interest on the Bonds will be payable on June 1, 2016 and semiannually thereafter.

#### **REDEMPTION:**

Bonds due after June 1, 2023 will be subject to call on said date or on any date thereafter upon terms of par plus accrued interest to date of call. Written notice of such call shall be given at least thirty (30) days prior to the date fixed for redemption to the registered owners of the Bonds to be redeemed at the address shown on the registration books.

## **COMPLIANCE WITH S.E.C. RULE 15c2-12**

Municipal obligations (issued in an aggregate amount over \$1,000,000) are subject to General Rules and Regulations, Securities Exchange Act of 1934, Rule 15c2-12 Municipal Securities Disclosure.

**Preliminary Official Statement:** This Preliminary Official Statement was prepared for the City for dissemination to prospective bidders. Its primary purpose is to disclose information regarding the Bonds to prospective bidders in the interest of receiving competitive bids in accordance with the TERMS OF OFFERING contained herein. Unless an addendum is received prior to the sale, this document shall be deemed the "Near Final Official Statement".

**Review Period:** This Preliminary Official Statement has been distributed to City staff as well as to prospective bidders for an objective review of its disclosure. Comments, omissions or inaccuracies must be submitted to Public Financial Management, Inc. (the "Municipal Advisor") at least two business days prior to the sale. Requests for additional information or corrections in the Preliminary Official Statement received on or before this date will not be considered a qualification of a bid received. If there are any changes, corrections or additions to the Preliminary Official Statement, prospective bidders will be informed by an addendum at least one business day prior to the sale.

**Final Official Statement:** Upon award of sale of the Bonds, the legislative body will authorize the preparation of a Final Official Statement that includes the offering prices, interest rates, selling compensation, aggregate principal amount, principal amount per maturity, anticipated delivery date and other information required by law and the identity of the underwriter (the "Syndicate Manager") and syndicate members. Copies of the Final Official Statement will be delivered to the Syndicate Manager within seven business days following the bid acceptance.

## **REPRESENTATIONS**

No dealer, broker, salesperson or other person has been authorized by the City to give any information or to make any representations, other than those contained in the Preliminary Official Statement. This Preliminary Official Statement does not constitute any offer to sell or the solicitation of an offer to buy, nor shall there be any sale of the Bonds by any person, in any jurisdiction in which it is unlawful for such person to make such offer, solicitation or sale. The information, estimates and expressions of opinion herein are subject to change without notice and neither the delivery of this Preliminary Official Statement nor any sale made hereunder, shall, under any circumstances, create any implication that there has been no change in the affairs of the City since the date hereof. This Preliminary Official Statement is submitted in connection with the sale of the securities referred to herein and may not be reproduced or used, in whole or in part, for any other purpose.

This Preliminary Official Statement and any addenda thereto were prepared relying on information from the City and other sources, which are believed to be reliable.

Bond Counsel has not participated in the preparation of this Preliminary Official Statement and is not expressing any opinion as to the completeness or accuracy of the information contained therein.

Compensation of the Municipal Advisor, payable entirely by the City, is contingent upon the sale of the issue.



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## TABLE OF CONTENTS

<b>TERMS OF OFFERING.....</b>	<b>i</b>
<b>SCHEDULE OF BOND YEARS .....</b>	<b>vii</b>
<b>INTRODUCTION.....</b>	<b>1</b>
Authority and Purpose .....	1
Optional Redemption .....	1
Interest on the Bonds .....	1
Payment of and Security for the Bonds .....	2
Book-Entry-Only Issuance.....	3
Future Financing .....	4
Litigation.....	4
Debt Payment History .....	5
Legal Matters .....	5
Tax Exemption and Related Considerations.....	5
Related Tax Matters .....	7
Bondholders' Risk .....	8
Rating.....	8
Municipal Advisor .....	8
Continuing Disclosure .....	9
Financial Statements.....	9
Certification .....	9
<b>CITY OF AMES, IOWA MUNICIPAL ELECTRIC UTILITY .....</b>	<b>10</b>
Organization and Management .....	10
Description of the Municipal Electric Utility .....	10
Regulatory Matters .....	12
Rates and Charges.....	12
Electricity Produced, Purchased and Cost .....	13
History of Electric Sales .....	13
Billable Consumption by Class of Service (Kilowatt Hours) .....	13
History of Electric Accounts Served (Kilowatt Hours) .....	13
Peak Demand .....	13
Electric Users (FY 2014-15).....	14
Municipal Electric Utility Revenue Debt.....	14
Utility's Historical Cashflow and Projected Debt Service Coverage .....	15
<b>APPENDIX A - GENERAL INFORMATION ABOUT THE CITY OF AMES, IOWA</b>	
<b>APPENDIX B - FORM OF LEGAL OPINION</b>	
<b>APPENDIX C - JUNE 30, 2014 COMPREHENSIVE ANNUAL FINANCIAL REPORT</b>	
<b>APPENDIX D - FORM OF CONTINUING DISCLOSURE CERTIFICATE</b>	
<b>OFFICIAL BID FORM</b>	

## CITY OF AMES, IOWA

### Mayor/City Council

<u>Member</u>	<u>Office</u>	<u>Initial Term Commenced</u>	<u>Term Expires</u>
Ann Campbell	Mayor	January 03, 2006	December 31, 2017
Gloria Betcher	Council Member – 1 <sup>st</sup> Ward	January 02, 2014	December 31, 2017
Tim Gartin	Council Member – 2 <sup>nd</sup> Ward	January 02, 2014	December 31, 2015
Peter Orazem	Council Member – 3 <sup>rd</sup> Ward	January 02, 2014	December 31, 2017
Chris Nelson	Council Member – 4 <sup>th</sup> Ward	January 02, 2014	December 31, 2015
Matthew Goodman	Council Member – At Large	January 01, 2004	December 31, 2015
Amber Corrieri	Council Member – At Large	January 02, 2014	December 31, 2017
Sam Schulte	Ex-Officio		

### Administration

Steven Schainker, City Manager  
Duane Pitcher, Director of Finance  
Diane Voss, City Clerk  
Roger Wisecup II, City Treasurer  
John Dunn, Director of Water and Pollution Control  
John Joiner, Director of Public Works  
Don Kom, Director of Electric Utility

### City Attorney

Judy Parks  
Ames, Iowa

### Bond Counsel

Dorsey & Whitney LLP  
Des Moines, Iowa

### Municipal Advisor

Public Financial Management, Inc.  
Des Moines, Iowa

## TERMS OF OFFERING

### CITY OF AMES, IOWA

Bids for the purchase of the City of Ames, Iowa's (the "City") \$10,350,000\* Electric Revenue Bonds, Series 2015B (the "Bonds") will be received on Tuesday, December 8, 2015, before 11:00 o'clock A.M. Central Time after which time they will be tabulated. The City Council will consider award of the Bonds at 5:30 o'clock P.M. Central Time, on the same day. Questions regarding the sale of the Bonds should be directed to the City's Municipal Advisor, Public Financial Management, Inc., 801 Grand Avenue, Suite 3300, Des Moines, Iowa, 50309, or by telephoning 515-243-2600. Information can also be obtained from Mr. Duane Pitcher, Director of Finance, City of Ames, 515 Clark Avenue, Ames, Iowa, 50010, or by telephoning 515-239-5114. The following section sets forth the description of certain terms of the Bonds as well as the TERMS OF OFFERING with which all bidders and bid proposals are required to comply, as follows:

### DETAILS OF THE BONDS

ELECTRIC REVENUE BONDS, SERIES 2015B, in the principal amount of \$10,350,000\* to be dated the date of delivery (December 29, 2015), in the denomination of \$5,000 or multiples thereof, will mature on June 1 as follows:

<u>Year</u>	<u>Amount*</u>	<u>Year</u>	<u>Amount*</u>
2016	\$910,000	2022	\$845,000
2017	750,000	2023	875,000
2018	765,000	2024	900,000
2019	780,000	2025	935,000
2020	800,000	2026	965,000
2021	825,000	2027	1,000,000

### ADJUSTMENT TO BOND MATURITY AMOUNTS

The aggregate principal amount of the Bonds, and each scheduled maturity thereof, are subject to increase or reduction by the City or its designee after the determination of the successful bidder. The City may increase or decrease each maturity in increments of \$5,000 but the total amount to be issued will not exceed \$10,950,000. Interest rates specified by the successful bidder for each maturity will not change. Final adjustments shall be in the sole discretion of the City.

The dollar amount of the purchase price proposed by the successful bidder will be changed if the aggregate principal amount of the Bonds is adjusted as described above. Any change in the principal amount of any maturity of the Bonds will be made while maintaining, as closely as possible, the successful bidder's net compensation, calculated as a percentage of bond principal. The successful bidder may not withdraw or modify its bid as a result of any post-bid adjustment. Any adjustment shall be conclusive, and shall be binding upon the successful bidder.

### TERM-BOND OPTION

Bidders shall have the option of designating the Bonds as serial bonds or term bonds, or both. The bid must designate whether each of the principal amounts shown above represent a serial maturity or a mandatory redemption requirement for a term bond maturity. (See the OFFICIAL BID FORM for more information.) In any event, the above principal amount scheduled shall be represented by either serial bond maturities or mandatory redemption requirements, or a combination of both.

\* Preliminary; subject to change.



### OPTIONAL REDEMPTION

Bonds due after June 1, 2023 will be subject to call prior to maturity in whole, or from time to time in part, in any order of maturity and within a maturity by lot on said date or on any date thereafter at the option of the City, upon terms of par plus accrued interest to date of call. Written notice of such call shall be given at least thirty (30) days prior to the date fixed for redemption to the registered owners of the Bonds to be redeemed at the address shown on the registration books.

### INTEREST

Interest on the Bonds will be payable on June 1, 2016 and semiannually on the 1<sup>st</sup> day of December and June thereafter. Principal and interest shall be paid to the registered holder of a bond as shown on the records of ownership maintained by the Registrar as of the 15<sup>th</sup> day of the month preceding the interest payment date (the "Record Date"). Interest will be computed on the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to rules of the Municipal Securities Rulemaking Board.

### LIEN

The Bonds will constitute a lien on the net revenues of the Municipal Electric Utility (the "Utility") of the City.

### PARITY OBLIGATIONS

The City reserves the right and privilege to issue additional obligations on a parity and equality of rank with the Bonds with respect to the lien and claim of such additional obligations to the net revenues of the Utility and the money on deposit in the funds adopted by the resolution for the Bonds, for the purpose of refunding any of the Bonds, parity obligations, or making extensions, additions, improvements or replacements to the Utility. Before any such additional obligations ranking on a parity are issued, there will have been procured and filed with the City, a statement of an independent auditor or an independent financial consultant, not a regular employee of the City, reciting the opinion, based upon necessary investigations, that the net revenues of the Utility for the preceding fiscal year (with adjustments as provided in the resolution for the Bonds) were equal to at least 1.25 times the maximum amount that will be required in any fiscal year prior to the longest maturity of any of the Bonds or parity obligations for both the principal of and interest on all Bonds or parity obligations then outstanding which are payable from the net earnings of the Utility and the additional obligations then proposed to be issued.

### GOOD FAITH DEPOSIT

A good faith deposit in the amount of \$103,500 (the "Deposit") is required from the lowest bidder only. The lowest bidder is required to submit such Deposit payable to the order of the City, not later than 1:00 P.M. Central Time on the day of the sale of the Bonds in the form of either (i) a cashier's check provided to the City or its Municipal Advisor or (ii) a wire transfer as instructed by the City's Municipal Advisor. If not so received, the bid of the lowest bidder may be rejected and the City may direct the second lowest bidder to submit a Deposit and thereafter may award the sale of the Bonds to the same. No interest on a Deposit will accrue to the successful bidder (the "Purchaser"). The Deposit will be applied to the purchase price of the Bonds. In the event a Purchaser fails to honor its accepted bid proposal, the Deposit will be retained by the City.

### FORM OF BIDS AND AWARD

All bids shall be unconditional for the entire issue of Bonds for a price not less than \$10,251,675, plus accrued interest, and shall specify the rate or rates of interest in conformity to the limitations as set forth in the BIDDING PARAMETERS section. Bids must be submitted on or in substantial compliance with the OFFICIAL BID FORM provided by the City. The Bonds will be awarded to the bidder offering the lowest interest rate to be determined on a true interest cost (the "TIC") basis assuming compliance with the GOOD FAITH DEPOSIT section. The TIC shall be determined by the present value method, i.e., by ascertaining the semiannual rate, compounded semiannually,



necessary to discount to present value as of the dated date of the Bonds, the amount payable on each interest payment date and on each stated maturity date or earlier mandatory redemption, so that the aggregate of such amounts will equal the aggregate purchase price offered therefore. The TIC shall be stated in terms of an annual percentage rate and shall be that rate of interest which is twice the semiannual rate so ascertained (also known as the Canadian Method). The TIC shall be as determined by the Municipal Advisor based on the TERMS OF OFFERING and all amendments, and on the bids as submitted. The Municipal Advisor's computation of the TIC of each bid shall be controlling. In the event of tie bids for the lowest TIC, the Bonds will be awarded by lot.

The City will reserve the right to: (i) waive non-substantive informalities of any bid or of matters relating to the receipt of bids and award of the Bonds, (ii) reject all bids without cause and (iii) reject any bid which the City determines to have failed to comply with the terms herein.

#### BIDDING PARAMETERS

Each bidder's proposal must conform to the following limitations:

1. Each annual maturity must bear a single rate of interest from the dated date of the Bonds to the date of maturity.
2. Rates of interest bid must be in multiples of one-eighth or one-twentieth of one percent.
3. The initial price to the public for each maturity must be 98% or greater.

#### RECEIPT OF BIDS

No bid will be accepted after the time specified in the OFFICIAL BID FORM. A bid may be withdrawn before the bid deadline using the same method used to submit the bid. If more than one bid is received from a bidder, the last bid received shall be considered.

Sealed Bidding: Sealed bids may be submitted and will be received at the office of the Director of Finance, City Hall, 515 Clark Avenue, Ames, Iowa 50010.

Electronic Internet Bidding: Electronic internet bids must be submitted through the Internet Bid System. Information about the Internet Bid System may be obtained by calling 212-849-5021.

Each bidder shall be solely responsible for making necessary arrangements to access the Internet Bid System for purposes of submitting its internet bid in a timely manner and in compliance with the requirements of the TERMS OF OFFERING and OFFICIAL BID FORM. The City is permitting bidders to use the services of the Internet Bid System solely as a communication mechanism to conduct the Internet bidding and the Internet Bid System is not an agent of the City. Provisions of the TERMS OF OFFERING and OFFICIAL BID FORM shall control in the event of conflict with information provided by the Internet Bid System.

Electronic Facsimile Bidding: Electronic facsimile bids will be received at the office of the City's Municipal Advisor, Public Financial Management, Inc. (facsimile number: 515-243-6994). Electronic facsimile bids will be sealed and treated as sealed bids.

Electronic facsimile bids received after the deadline will be rejected. Bidders electing to submit bids via facsimile transmission bear full responsibility for the transmission of such bid. Neither the City nor its agents shall be responsible for malfunction or mistake made by any person, or as a result of the use of the facsimile facilities or any other means used to deliver or complete a bid. The use of such facilities or means is at the sole risk of the prospective bidder who shall be bound by the terms of the bid as received. Neither the City nor its agents will assume liability for the inability of the bidder to reach the above named facsimile numbers prior to the time of sale specified above. Time of receipt shall be the time recorded by the facsimile operator receiving the bids.



## BOOK-ENTRY-ONLY ISSUANCE

The Bonds will be issued by means of a book-entry-only system with no physical distribution of bond certificates made to the public. The Bonds will be issued in fully registered form and one bond certificate, representing the aggregate principal amount of the Bonds maturing in each year, will be registered in the name of Cede & Co. as nominee of The Depository Trust Company ("DTC"), New York, New York, which will act as securities depository of the Bonds. Individual purchases of the Bonds may be made in the principal amount of \$5,000 or any multiple thereof of a single maturity through book entries made on the books and records of DTC and its participants. Principal and interest are payable by the Registrar to DTC or its nominee as registered owner of the Bonds. Transfer of principal and interest payments to participants of DTC will be the responsibility of DTC; transfer of principal and interest payments to beneficial owners by participants will be the responsibility of such participants and other nominees of beneficial owners. The Purchaser, as a condition of delivery of the Bonds, will be required to deposit the bond certificates with DTC.

## MUNICIPAL BOND INSURANCE AT PURCHASER'S OPTION

If the Bonds qualify for issuance of any policy of municipal bond insurance or commitment therefore at the option of the bidder, the purchase of any such insurance policy or the issuance of any such commitment shall be at the sole option and expense of the Purchaser. Any increased costs of issuance of the Bonds resulting from such purchase of insurance shall be paid by the Purchaser, except that, if the City has requested and received a rating on the Bonds from a rating agency, the City will pay that initial rating fee. Any other rating agency fees shall be the responsibility of the Purchaser. Failure of the municipal bond insurer to issue the policy after the Bonds have been awarded to the Purchaser shall not constitute cause for failure or refusal by the Purchaser to accept delivery on the Bonds. The City reserves the right in its sole discretion to accept or deny changes to the financing documents requested by the insurer selected by the Purchaser.

## DELIVERY

The Bonds will be delivered to the Purchaser through DTC in New York, New York, against full payment in immediately available cash or federal funds. The Bonds are expected to be delivered within forty-five days after the sale. Should delivery be delayed beyond sixty days from the date of sale for any reason except failure of performance by the Purchaser, the Purchaser may withdraw their bid and thereafter their interest in and liability for the Bonds will cease. When the Bonds are ready for delivery, the City will give the Purchaser five working days notice of the delivery date and the City will expect payment in full on that date; otherwise reserving the right at its option to determine that the Purchaser failed to comply with the offer of purchase.

## INFORMATION FROM PURCHASER

The Purchaser will be required to certify to the City immediately after the opening of bids: (i) the initial public offering price of each maturity of the Bonds (not including sales to bond houses and brokers or similar persons or organizations acting in the capacity of underwriters or wholesalers) at which price a substantial amount of the Bonds (not less than 10% of each maturity) were sold to the public; or (ii) if less than 10% of any maturity has been sold, the price for that maturity determined as of the time of the sale based upon the reasonably expected initial offering price to the public; and (iii) that the initial public offering price does not exceed the fair market value of the Bonds on the sale date. The Purchaser will also be required to provide a certificate at closing confirming the information required by this paragraph.

## OFFICIAL STATEMENT

The City has authorized the preparation of a Preliminary Official Statement containing pertinent information relative to the Bonds. The Preliminary Official Statement will be further supplemented by offering prices, interest rates, selling compensation, aggregate principal amount, principal amount per maturity, anticipated delivery date and underwriter, together with any other information required by law or deemed appropriate by the City, shall constitute a Final Official



Statement of the City with respect to the Bonds, as that term is defined in Rule 15c2-12 of the Securities and Exchange Commission (the "Rule"). By awarding the Bonds to any underwriter or underwriting syndicate submitting an OFFICIAL BID FORM therefore, the City agrees that, no more than seven (7) business days after the date of such award, it shall provide without cost to the senior managing underwriter of the syndicate to which the Bonds are awarded up to 40 copies of the Final Official Statement to permit each "Participating Underwriter" (as that term is defined in the Rule) to comply with the provisions of the Rule. The City shall treat the senior managing underwriter of the syndicate to which the Bonds are awarded as its designated agent for purposes of distributing copies of the Final Official Statement to the Participating Underwriter. Any underwriter executing and delivering an OFFICIAL BID FORM with respect to the Bonds agrees thereby that if its bid is accepted by the City, (i) it shall accept such designation and (ii) it shall enter into a contractual relationship with all Participating Underwriters of the Bonds for purposes of assuring the receipt by each such Participating Underwriter of the Final Official Statement.

#### CONTINUING DISCLOSURE

In order to permit bidders for the Bonds and other Participating Underwriters in the primary offering of the Bonds to comply with paragraph (b)(5) of Rule 15c2-12 promulgated by the Securities and Exchange Commission (the "SEC") under the Securities Exchange Act of 1934, as amended, the City will covenant and agree, for the benefit of the registered holders or beneficial owners from time to time of the outstanding Bonds, in the resolution authorizing the issuance of the Bonds and the Continuing Disclosure Certificate, to provide Annual Financial Information filings of specified information and notice of the occurrence of certain material events as hereinafter described (the "Undertakings"). The information to be provided on an annual basis, the events as to which notice is to be given, and a summary of other provisions of the Undertakings, including termination, amendment and remedies, are set forth as APPENDIX D to this Preliminary Official Statement.

Within the past five years, notice of the June 1, 2011 call of the City's General Obligation Series 2002A, Series 2002B, and Series 2003 Bonds were filed June 28, 2011, thirteen (13) days after the date required.

In regard to the now matured Hospital Revenue Series 2003 debt, the Mary Greeley Medical Center filed required reports for the fiscal year ended June 30, 2010 two (2) days after the date specified in the Undertaking, and filed required reports for the quarters ended June 30, 2010, September 30, 2010, and June 30, 2011, each within three (3) days after the dates required. Additionally, the Mary Greeley Medical Center's required report for the quarter ended December 31, 2012 was timely filed February 6, 2013, but not linked to the Hospital Revenue Series 2011 CUSIPs. This was corrected upon discovery.

In an effort to augment the City's procedures and policies to maintain future compliance, the City has taken additional steps intended to assure future compliance with its Undertakings. These steps include implementing the MSRB's EMMA notification system whereby the City will receive timely email reminders a month in advance for all the City's annual disclosure filings to ensure all disclosure obligations have been made on a timely basis and in all material respects.

Breach of the Undertakings will not constitute a default or an "Event of Default" under the Bonds or the resolution for the Bonds. A broker or dealer is to consider a known breach of the Undertakings, however, before recommending the purchase or sale of the Bonds in the secondary market. Thus, a failure on the part of the City to observe the Undertakings may adversely affect the transferability and liquidity of the Bonds and their market price.



## CUSIP NUMBERS

It is anticipated that Committee on Uniform Security Identification Procedures ("CUSIP") numbers will be printed on the Bonds and the Purchaser must agree in the bid proposal to pay the cost thereof. In no event will the City, Bond Counsel or Municipal Advisor be responsible for the review or express any opinion that the CUSIP numbers are correct. Incorrect CUSIP numbers on said Bonds shall not be cause for the Purchaser to refuse to accept delivery of said Bonds.

BY ORDER OF THE CITY COUNCIL

Diane Voss, City Clerk

City of Ames, Iowa

515 Clark Avenue

Ames, Iowa 50010

## SCHEDULE OF BOND YEARS

**\$10,350,000\***

**CITY OF AMES, IOWA**

**Electric Revenue Bonds, Series 2015B**

Bonds Dated: December 29, 2015

Interest Due: June 1, 2016 and each December 1 and June 1 to maturity

Principal Due: June 1, 2016-2027

<u>Year</u>	<u>Principal*</u>	<u>Bond Years</u>	<u>Cumulative Bond Years</u>
2016	\$910,000	384.22	384.22
2017	750,000	1,066.67	1,450.89
2018	765,000	1,853.00	3,303.89
2019	780,000	2,669.33	5,973.22
2020	800,000	3,537.78	9,511.00
2021	825,000	4,473.33	13,984.33
2022	845,000	5,426.78	19,411.11
2023	875,000	6,494.44	25,905.56
2024	900,000	7,580.00	33,485.56
2025	935,000	8,809.78	42,295.33
2026	965,000	10,057.44	52,352.78
2027	1,000,000	11,422.22	63,775.00

Average Maturity (dated date):

6.16 Years

\* Preliminary; subject to change.

## PRELIMINARY OFFICIAL STATEMENT

### CITY OF AMES, IOWA

#### \$10,350,000\* Electric Revenue Bonds, Series 2015B

### INTRODUCTION

This Preliminary Official Statement contains information relating to the City of Ames, Iowa (the "City") and its issuance of \$10,350,000\* Electric Revenue Bonds, Series 2015B (the "Bonds"). This Preliminary Official Statement has been authorized by the City and may be distributed in connection with the sale of the Bonds authorized therein. Inquiries may be made to the City's Municipal Advisor, Public Financial Management, Inc., 801 Grand Avenue, Suite 3300, Des Moines, Iowa, 50309, or by telephoning 515-243-2600. Information can also be obtained from Mr. Duane Pitcher, Director of Finance, City of Ames, 515 Clark Avenue, Ames, Iowa, 50010, or by telephoning 515-239-5114.

### AUTHORITY AND PURPOSE

The Bonds are being issued pursuant to Division V of Chapter 384 of the Code of Iowa and a resolution to be adopted by the City. The Bonds are being issued for the purpose of paying the cost, to that extent, of constructing improvements to the municipal electric light and power plant and system. The purchaser of the Bonds agrees to enter into a loan agreement (the "Loan Agreement") with the City pursuant to authority contained in Section 384.24A of the Code of Iowa. The bonds are issued in evidence of the City's obligations under the Loan Agreement.

The estimated Sources and Uses of the Bonds are as follows:

#### Sources of Funds

Par Amount of Bonds	\$10,350,000.00 *
Cash on Hand	<u>1,035,000.00</u>
Total Sources	\$11,385,000.00 *

#### Uses of Funds

Deposit to Project Fund	\$10,175,000.00
Deposit to Reserve Account	1,035,000.00 *
Underwriter's Discount	98,325.00 *
Cost of Issuance and Contingency	<u>76,675.00 *</u>
Total Uses	\$11,385,000.00 *

\* Preliminary; subject to change.

### OPTIONAL REDEMPTION

Bonds due after June 1, 2023 will be subject to call prior to maturity in whole, or from time to time in part, in any order of maturity and within a maturity by lot on said date or on any date thereafter at the option of the City, upon terms of par plus accrued interest to date of call. Written notice of such call shall be given at least thirty (30) days prior to the date fixed for redemption to the registered owners of the Bonds to be redeemed at the address shown on the registration books.

### INTEREST ON THE BONDS

Interest on the Bonds will be payable on June 1, 2016 and semiannually on the 1<sup>st</sup> day of December and June thereafter. Principal and interest shall be paid to the registered holder of a bond as shown on the records of ownership maintained by the Registrar as of the 15<sup>th</sup> day of the month preceding the interest payment date (the "Record Date"). Interest will be computed on the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to rules of the Municipal Securities Rulemaking Board.



## **PAYMENT OF AND SECURITY FOR THE BONDS**

This section contains a summary of security provisions. A detailed statement of security provisions is contained in the resolution for the Bonds, which is available upon request from the City's Municipal Advisor, Public Financial Management, Inc.

Source of Payment: THE BONDS ARE NOT GENERAL OBLIGATIONS OF THE CITY, but are payable solely and only from the net revenues of the City's Municipal Electric Utility (the "Utility"). The City pledges a first lien on the net revenues of the Utility for payment of principal of and interest on the Bonds and on all outstanding Parity Bonds after paying costs of operating, maintaining, repairing, and insuring the Utility.

Rate Covenant: The City covenants to impose just and equitable rates or charges for the use of the service rendered by the Utility at levels sufficient to pay all expenses of operation and maintenance, to maintain the Utility in good condition and operate it in an efficient manner and at reasonable cost. On or before the beginning of each fiscal year, the City will adopt rates or charges determined to be sufficient to produce net revenues for the next succeeding fiscal year adequate to pay principal and interest requirements and create reserves as provided in the resolution for the Bonds but not less than 125 percent of the principal and interest requirements of the fiscal year.

Reserve Fund: The City covenants to maintain a separate Principal and Interest Reserve Fund (the "Reserve Fund") into which there shall be set apart and paid from legally available funds of the City at the time of the delivery of the Bonds, a sum equal to the lesser of i) the maximum amount of principal and interest becoming due on the Bonds and Parity Bonds in any succeeding fiscal year ii) 125% of the average amount of principal of and interest becoming due on the Bonds and Parity Bonds in any succeeding fiscal year, or iii) 10% of the original principal amount of the Bonds and Parity Bonds outstanding at any time. Whenever the sum on deposit in the Reserve Fund has been reduced to less than the required Reserve Fund balance by the expenditure of all or a portion of the funds on deposit in said fund for any of the purposes specified herein, there shall be deposited into such Reserve Fund the remaining net revenues after first making the required deposits into the sinking fund, until the sum on deposit in the Reserve Fund has been restored to the required Reserve Fund balance. Upon issuance of the Bonds, it is estimated the Reserve Fund requirement will be approximately \$1,035,000, equal to 10% of the original principal amount of the Bonds and Parity Bonds outstanding at any time.

Additional Bonds Test: The City reserves the right and privilege to issue additional revenue bonds, from time to time, payable from the net revenues of the Utility and ranking on a parity with the Bonds and outstanding obligations, in order to pay the cost of extensions, additions, or improvements or replacements to the Utility or for refunding any Bonds, outstanding parity obligations, which were issued or the proceeds thereof were expended for the Utility, but before any such additional bonds ranking on a parity are issued, there will have been procured and filed with the City's Clerk, a statement of an independent auditor, an independent financial consultant or a consulting engineer not a regular employee of the City, reciting the opinion based upon necessary investigations that the net revenues of the Utility for the preceding fiscal year (with adjustments as provided in the resolution for the Bonds) were equal to at least 1.25 times the maximum amount that will be required in any fiscal year prior to the longest maturity of any of the Bonds or parity obligations for both principal of and interest on all Bonds and parity obligations then outstanding which are payable from the net revenues of the Utility and the additional parity obligations then proposed to be issued.

For the purpose of determining the net revenues of the Utility for the preceding fiscal year as aforesaid, the amount of the gross revenues for such year may be adjusted by an independent auditor or independent financial consultant, not a regular employee of the City, so as to reflect any changes in the amount of such revenues which would have resulted had any revision of the schedule of rates or charges imposed at or prior to the time of the issuance of any such additional obligations been in effect during all of such preceding fiscal year.

The "preceding fiscal year" shall be the most recently completed fiscal year for which audited financial statements prepared by a certified public accountant are issued and available, but in no event a fiscal year which ended more than eighteen months prior to the date of issuance of additional obligations.



## BOOK-ENTRY-ONLY ISSUANCE

*The information contained in the following paragraphs of this subsection "Book-Entry-Only System" has been extracted from a schedule prepared by Depository Trust Company ("DTC") entitled "SAMPLE OFFERING DOCUMENT LANGUAGE DESCRIBING BOOK-ENTRY-ONLY ISSUANCE." The information in this section concerning DTC and DTC's book-entry system has been obtained from sources that the City believes to be reliable, but the City takes no responsibility for the accuracy thereof.*

The Depository Trust Company ("DTC"), New York, NY, will act as securities depository for the securities (the "Securities"). The Securities will be issued as fully-registered securities registered in the name of Cede & Co. (DTC's partnership nominee) or such other name as may be requested by an authorized representative of DTC. One fully-registered Security certificate will be issued for each issue of the Securities, each in the aggregate principal amount of such issue, and will be deposited with DTC. If, however, the aggregate principal amount of any issue exceeds \$500 million, one certificate will be issued with respect to each \$500 million of principal amount, and an additional certificate will be issued with respect to any remaining principal amount of such issue.

DTC, the world's largest securities depository, is a limited-purpose trust company organized under the New York Banking Law, a "banking organization" within the meaning of the New York Banking Law, a member of the Federal Reserve System, a "clearing corporation" within the meaning of the New York Uniform Commercial Code, and a "clearing agency" registered pursuant to the provisions of Section 17A of the Securities Exchange Act of 1934. DTC holds and provides asset servicing for over 3.5 million issues of U.S. and non-U.S. equity issues, corporate and municipal debt issues, and money market instruments from over 100 countries that DTC's participants (the "Direct Participants") deposit with DTC. DTC also facilitates the post-trade settlement among Direct Participants of sales and other securities transactions in deposited securities, through electronic computerized book-entry transfers and pledges between Direct Participants' accounts. This eliminates the need for physical movement of securities certificates. Direct Participants include both U.S. and non-U.S. securities brokers and dealers, banks, trust companies, clearing corporations, and certain other organizations. DTC is a wholly-owned subsidiary of The Depository Trust & Clearing Corporation ("DTCC"). DTCC is the holding company for DTC, National Securities Clearing Corporation and Fixed Income Clearing Corporation, all of which are registered clearing agencies. DTCC is owned by the users of its regulated subsidiaries. Access to the DTC system is also available to others such as both U.S. and non-U.S. securities brokers and dealers, banks, trust companies, and clearing corporations that clear through or maintain a custodial relationship with a Direct Participant, either directly or indirectly (the "Indirect Participants"). DTC has Standard & Poor's rating: AA+. The DTC Rules applicable to its Participants are on file with the Securities and Exchange Commission. More information about DTC can be found at [www.dtcc.com](http://www.dtcc.com) and [www.dtc.org](http://www.dtc.org).

Purchases of Securities under the DTC system must be made by or through Direct Participants, which will receive a credit for the Securities on DTC's records. The ownership interest of each actual purchaser of each Security (the "Beneficial Owner") is in turn to be recorded on the Direct and Indirect Participants' records. Beneficial Owners will not receive written confirmation from DTC of their purchase. Beneficial Owners are, however, expected to receive written confirmations providing details of the transaction, as well as periodic statements of their holdings, from the Direct or Indirect Participant through which the Beneficial Owner entered into the transaction. Transfers of ownership interests in the Securities are to be accomplished by entries made on the books of Direct and Indirect Participants acting on behalf of Beneficial Owners. Beneficial Owners will not receive certificates representing their ownership interests in Securities, except in the event that use of the book-entry system for the Securities is discontinued.

To facilitate subsequent transfers, all Securities deposited by Direct Participants with DTC are registered in the name of DTC's partnership nominee, Cede & Co., or such other name as may be requested by an authorized representative of DTC. The deposit of Securities with DTC and their registration in the name of Cede & Co. or such other DTC nominee do not affect any change in beneficial ownership. DTC has no knowledge of the actual Beneficial Owners of the Securities; DTC's records reflect only the identity of the Direct Participants to whose accounts such Securities are credited, which may or may not be the Beneficial Owners. The Direct and Indirect Participants will remain responsible for keeping account of their holdings on behalf of their customers.

Conveyance of notices and other communications by DTC to Direct Participants, by Direct Participants to Indirect Participants, and by Direct Participants and Indirect Participants to Beneficial Owners will be governed by arrangements among them, subject to any statutory or regulatory requirements as may be in effect from time to time. Beneficial Owners of Securities may wish to take certain steps to augment the transmission to them of notices of



significant events with respect to the Securities, such as redemptions, tenders, defaults, and proposed amendments to the Security documents. For example, Beneficial Owners of Securities may wish to ascertain that the nominee holding the Securities for their benefit has agreed to obtain and transmit notices to Beneficial Owners. In the alternative, Beneficial Owners may wish to provide their names and addresses to the registrar and request that copies of notices be provided directly to them.

Redemption notices shall be sent to DTC. If less than all of the Securities within an issue are being redeemed, DTC's practice is to determine by lot the amount of the interest of each Direct Participant in such issue to be redeemed.

Neither DTC nor Cede & Co., nor any other DTC nominee, will consent or vote with respect to Securities unless authorized by a Direct Participant in accordance with DTC's MMI Procedures. Under its usual procedures, DTC mails an Omnibus Proxy to the City as soon as possible after the record date. The Omnibus Proxy assigns Cede & Co.'s consenting or voting rights to those Direct Participants to whose accounts Securities are credited on the record date identified in a listing attached to the Omnibus Proxy.

Redemption proceeds, distributions, and dividend payments on the Securities will be made to Cede & Co., or such other nominee as may be requested by an authorized representative of DTC. DTC's practice is to credit Direct Participants' accounts upon DTC's receipt of funds and corresponding detail information from the City or Agent, on payable date in accordance with their respective holdings shown on DTC's records. Payments by Participants to Beneficial Owners will be governed by standing instructions and customary practices, as is the case with securities held for the accounts of customers in bearer form or registered in "street name," and will be the responsibility of such Participant and not of DTC, Agent, or the City, subject to any statutory or regulatory requirements as may be in effect from time to time. Payment of redemption proceeds, distributions, and dividend payments to Cede & Co., or such other nominee as may be requested by an authorized representative of DTC, is the responsibility of the City or Agent, disbursement of such payments to Direct Participants will be the responsibility of DTC, and disbursement of such payments to the Beneficial Owners will be the responsibility of Direct and Indirect Participants.

A Beneficial Owner shall give notice to elect to have its Securities purchased or tendered, through its Participant, to Remarketing Agent, and shall effect delivery of such Securities by causing the Direct Participant to transfer the Participant's interest in the Securities, on DTC's records, to Remarketing Agent. The requirement for physical delivery of Securities in connection with an optional tender or a mandatory purchase will be deemed satisfied when the ownership rights in the Securities are transferred by Direct Participants on DTC's records and followed by a book-entry credit of tendered Securities to Remarketing Agent's DTC account.

DTC may discontinue providing its services as depository with respect to the Securities at any time by giving reasonable notice to the City or Agent. Under such circumstances, in the event that a successor depository is not obtained, Security certificates are required to be printed and delivered.

The City may decide to discontinue use of the system of book-entry-only transfers through DTC (or a successor securities depository). In that event, Security certificates will be printed and delivered to DTC.

The information in this section concerning DTC and DTC's book-entry system has been obtained from sources that the City believes to be reliable, but the City takes no responsibility for the accuracy thereof.

## **FUTURE FINANCING**

The City does not anticipate issuing additional electric revenue debt within 90 days of the date of this Preliminary Official Statement.

## **LITIGATION**

The City is not aware of any threatened or pending litigation affecting the validity of the Bonds or the City's ability to meet its financial obligations.

At closing, the City will certify that no controversy or litigation is pending, prayed or threatened involving the incorporation, organization, existence or boundaries of the Bonds, or the titles of the City officers to their respective positions, or the validity of the Bonds, or the power and duty of the Bonds to provide and apply adequate taxes for the



full and prompt payment of the principal and interest of the Bonds, and that no measure or provision for the authorization or issuance of the Bonds has been repealed or rescinded.”

## **DEBT PAYMENT HISTORY**

The City knows of no instance in which they have defaulted in the payment of principal and interest on its debt.

## **LEGAL MATTERS**

Legal matters incident to the authorization, issuance and sale of the Bonds and with regard to the tax-exempt or taxable status of the interest thereon (see “TAX EXEMPTION AND RELATED CONSIDERATIONS” herein) are subject to the approving legal opinion of Dorsey & Whitney LLP, Des Moines, Iowa, Bond Counsel, a form of which is attached hereto as APPENDIX B. Signed copies of the opinion, dated and premised on law in effect as of the date of original delivery of the Bonds, will be delivered to the Purchaser at the time of such original delivery. The Bonds are offered subject to prior sale and to the approval of legality of the Bonds by Bond Counsel.

The legal opinion will express the professional judgment of Bond Counsel and by rendering a legal opinion, Bond Counsel does not become an insurer or guarantor of the result indicated by that expression of professional judgment or of the transaction or the future performance of the parties to the transaction.

Bond Counsel has not been engaged, nor has it undertaken, to prepare or to independently verify the accuracy of the Preliminary Official Statement, including but not limited to financial or statistical information of the City and risks associated with the purchase of the Bonds, except Bond Counsel has reviewed the information and statements contained in the Preliminary Official Statement under the first paragraph of the section “AUTHORITY AND PURPOSE”, “PAYMENT OF AND SECURITY FOR THE BONDS”, and “TAX EXEMPTION AND RELATED CONSIDERATIONS” insofar as such statements contained under such captions purport to summarize certain provisions of the Internal Revenue Code of 1986, the Bonds and any opinions rendered by Bond Counsel. Bond Counsel has prepared the documents contained in APPENDIX B and APPENDIX D.

## **TAX EXEMPTION AND RELATED CONSIDERATIONS**

Federal Income Tax Exemption: The opinion of Bond Counsel will state that under present laws and rulings, interest on the Bonds (including any original issue discount properly allocable to an owner thereof) is excluded from gross income for federal income tax purposes, and is not an item of tax preference for purposes of the federal alternative minimum tax imposed on individuals and corporations under the Internal Revenue Code of 1986, as amended (the “Code”), provided, however, that such interest must be taken into account in determining adjusted current earnings for the purpose of computing the alternative minimum tax imposed on corporations (as defined for federal income tax purposes).

The opinion set forth in the preceding sentence will be subject to the condition that the City comply with all requirements of the Code that must be satisfied subsequent to the issuance of the Bonds in order that interest thereon be, or continue to be, excluded from gross income for federal income tax purposes. Failure to comply with certain of such requirements may cause the inclusion of interest on the Bonds in gross income for federal income tax purposes to be retroactive to the date of issuance of the Bonds. In the resolution for the Bonds, the City will covenant to comply with all such requirements.

There may be certain other federal tax consequences to the ownership of the Bonds by certain taxpayers, including without limitation, corporations subject to the branch profits tax, financial institutions, certain insurance companies, certain S corporations, individual recipients of Social Security and Railroad Retirement benefits and taxpayers who may be deemed to have incurred (or continued) indebtedness to purchase or carry tax-exempt obligations. Bond Counsel will express no opinion with respect to other federal tax consequences to owners of the Bonds. Prospective purchasers of such Bonds should consult with their tax advisors as to such matters.



NOT-Qualified Tax-Exempt Obligations: The City will NOT designate the Bonds as “qualified tax-exempt obligations” under the exception provided in Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (the “Code”).

Proposed Changes in Federal and State Tax Law: From time to time, there are Presidential proposals, proposals of various federal committees, and legislative proposals in the Congress and in the states that, if enacted, could alter or amend the federal and state tax matters referred to herein or adversely affect the marketability or market value of the Bonds or otherwise prevent holders of the Bonds from realizing the full benefit of the tax exemption of interest on the Bonds. Further, such proposals may impact the marketability or market value of the Bonds simply by being proposed. No prediction is made whether such provisions will be enacted as proposed or concerning other future legislation affecting the tax treatment of interest on the Bonds. In addition, regulatory actions are from time to time announced or proposed and litigation is threatened or commenced which, if implemented or concluded in a particular manner, could adversely affect the market value, marketability or tax status of the Bonds. It cannot be predicted whether any such regulatory action will be implemented, how any particular litigation or judicial action will be resolved, or whether the Bonds would be impacted thereby.

Purchaser of the Bonds should consult their tax advisors regarding any pending or proposed legislation, regulatory initiatives or litigation. The opinions expressed by Bond Counsel are based upon existing legislation and regulations as interpreted by relevant judicial and regulatory authorities as of the date of issuance and delivery of the Bonds, and Bond Counsel has expressed no opinion as of any date subsequent thereto or with respect to any proposed or pending legislation, regulatory initiatives or litigation.

Original Issue Discount: The Bonds maturing in the years \_\_\_\_ through \_\_\_\_ (collectively, the “Discount Bonds”) are being sold at a discount from the principal amount payable on such Bonds at maturity. The difference between the price at which a substantial amount of the Discount Bonds of a given maturity is first sold to the public (the “Issue Price”) and the principal amount payable at maturity constitutes “original issue discount” under the Code. The amount of original issue discount that accrues to a holder of a Discount Bond under section 1288 of the Code is excluded from federal gross income to the same extent that stated interest on such Discount Bond would be so excluded. The amount of the original issue discount that accrues with respect to a Discount Bond under section 1288 is added to the owner’s federal tax basis in determining gain or loss upon disposition of such Discount Bond (whether by sale, exchange, redemption or payment at maturity).

Interest in the form of original issue discount accrues under section 1288 pursuant to a constant yield method that reflects semiannual compounding on dates that are determined by reference to the maturity date of the Discount Bond. The amount of original issue discount that accrues for any particular semiannual accrual period generally is equal to the excess of (1) the product of (a) one-half of the yield on such Discount Bonds (adjusted as necessary for an initial short period) and (b) the adjusted issue price of such Discount Bonds, over (2) the amount of stated interest actually payable. For purposes of the preceding sentence, the adjusted issue price is determined by adding to the Issue Price for such Discount Bonds the original issue discount that is treated as having accrued during all prior semiannual accrual periods. If a Discount Bond is sold or otherwise disposed of between semiannual compounding dates, then the original issue discount that would have accrued for that semiannual accrual period for federal income tax purposes is allocated ratably to the days in such accrual period.

An owner of a Discount Bond who disposes of such Discount Bond prior to maturity should consult owner’s tax advisor as to the amount of original issue discount accrued over the period held and the amount of taxable gain or loss upon the sale or other disposition of such Discount Bond prior to maturity.

Owners who purchase Discount Bonds in the initial public offering but at a price different than the Issue Price should consult their own tax advisors with respect to the tax consequences of the ownership Discount Bonds.

The Code contains provisions relating to the accrual of original issue discount in the case of subsequent purchasers of bonds such as the Discount Bonds. Owners who do not purchase Discount Bonds in the initial offering should consult their own tax advisors with respect to the tax consequences of the ownership of the Discount Bonds.



Original issue discount that accrues in each year to an owner of a Discount Bond may result in collateral federal income tax consequences to certain taxpayers. No opinion is expressed as to state and local income tax treatment of original issue discount. All owners of Discount Bonds should consult their own tax advisors with respect to the federal, state, local and foreign tax consequences associated with the purchase, ownership, redemption, sale or other disposition of Discount Bonds.

Original Issue Premium: The Bonds maturing in the years \_\_\_\_ through \_\_\_\_ are being issued at a premium to the principal amount payable at maturity. Except in the case of dealers, which are subject to special rules, Bondholders who acquire Bonds at a premium must, from time to time, reduce their federal tax bases for the Bonds for purposes of determining gain or loss on the sale or payment of such Bonds. Premium generally is amortized for federal income tax purposes on the basis of a bondholder's constant yield to maturity or to certain call dates with semiannual compounding. Bondholders who acquire any Bonds at a premium might recognize taxable gain upon sale of the Bonds, even if such Bonds are sold for an amount equal to or less than their any original cost. Amortized premium is not deductible for federal income tax purposes. Bondholders who acquire any Bonds at a premium should consult their tax advisors concerning the calculation of bond premium and the timing and rate of premium amortization, as well as the state and local tax consequences of owning and selling the Bonds acquired at a premium.

## **RELATED TAX MATTERS**

Information Reporting and Back-up Withholding; Audits: In general, information reporting requirements will apply with respect to payments to an owner of principal and interest (and with respect to annual accruals of OID) on the Bonds, and with respect to payments to an owner of any proceeds from a disposition of the Bonds. This information reporting obligation, however, does not apply with respect to certain owners including corporations, tax-exempt organizations, qualified pension and profit sharing trusts, and individual retirement accounts. In the event that an owner subject to the reporting requirements described above fails to supply its correct taxpayer identification number in the manner required by applicable law or is notified by the Internal Revenue Service (the "Service") that it has failed to properly report payments of interest and dividends, a backup withholding tax (currently at a rate of 28%) generally will be imposed on the amount of any interest and principal and the amount of any sales proceeds received by the owner on or with respect to the Bonds.

Any amounts withheld under the backup withholding provisions may be credited against the United States federal income tax liability of the beneficial owner, and may entitle the beneficial owner to a refund, provided that the required information is furnished to the Service.

The Service has an ongoing program of auditing tax-exempt obligations to determine whether, in the view of the Service, interest on such tax-exempt obligations is includable in the gross income of the owners thereof for federal income tax purposes. It cannot be predicted whether or not the Service will commence an audit of the Bonds. If an audit is commenced, under current procedures the Service may treat the City as a taxpayer and the bondholders may have no right to participate in such procedure. The commencement of an audit could adversely affect the market value and liquidity of the Bonds until the audit is concluded, regardless of the ultimate outcome.

Opinion: Bond Counsel's opinion is not a guarantee of a result, or of the transaction on which the opinion is rendered, or of the future performance of parties to the transaction, but represents its legal judgment based upon its review of existing statutes, regulations, published rulings and court decisions and the representations and covenants of the City described in this section. No ruling has been sought from the Service with respect to the matters addressed in the opinion of Bond Counsel and Bond Counsel's opinion is not binding on the Service. Bond Counsel assumes no obligation to update its opinion after the issue date to reflect any further action, fact or circumstance, or change in law or interpretation, or otherwise.



## **BONDHOLDERS' RISKS**

An investment in the Bonds is subject to certain risks. No person should purchase the Bonds unless such person understands the risks described below and is willing to bear those risks. There may be other risks not listed below which may adversely affect the value of the Bonds.

Nature of Obligation: The Bonds are not general obligations of the City but are payable solely from the Net Revenues of the Utility. The Bonds are not payable by, and have no recourse to, the power of taxation. The bondholders have no lien on or security interest in any of the physical assets of the City, including the Utility.

Future revenues and expenses of the City, with respect to the Utility, are subject to conditions which may change in the future to an extent that cannot be determined at this time. Future events may occur that upset the assumptions upon which projections of revenues and expenses are based or those assumptions may fail to materialize. Because no assurance can be made that actual events will correspond to such assumptions, no assurances can be made that the Net Revenues will be realized in amounts sufficient to pay the debt service on the Bonds.

Revenues and Expenses: Several factors not within the control of the City could affect the City's ability to generate sufficient Net Revenues to pay the debt service on the Bonds. These factors include, but are not limited to, inflation and adverse economic conditions, increases in operation and maintenance costs, unexpected repairs, replacements or improvements to the Utility and the ability of the City to supply the services demanded and to maintain necessary rates for those services. Any one of the above factors, among others, individually or combined may cause the City to be unable to generate sufficient Net Revenues to pay debt service on the Bonds.

Secondary Market Not Established: There is no established secondary market for the Bonds, and there is no assurance that a secondary market will develop for the purchase and sale of the Bonds. Prices of municipal Bonds traded in the secondary market, if any, are subject to adjustment upward and downward in response to changes in the credit markets and changes in the operating performance of the entities operating the facilities subject to bonded indebtedness. From time to time it may be necessary to suspend indefinitely secondary market trading in selected issues of municipal Bonds as a result of the financial condition or market position, prevailing market conditions, lack of adequate current financial information about the entity operating the subject facilities, or a material adverse change in the operations of that entity, whether or not the subject Bonds are in default as to principal and interest payments, and other factors which, may give rise to uncertainty concerning prudent secondary market practices.

Municipal Bonds are generally viewed as long-term investments, subject to material unforeseen changes in the investor's circumstances, and may require commitment of the investor's funds for an indefinite period of time, perhaps until maturity.

## **RATING**

The City has requested a rating on the Bonds from Moody's Investors Service ("Moody's"). Currently, Moody's rates the City's outstanding General Obligation long-term debt 'Aa1'. The existing rating on long-term debt reflects only the view of the rating agency and with any explanation of the significance of such rating may only be obtained from Moody's. There is no assurance that such rating will continue for any period of time or that it will not be revised or withdrawn. Any revision or withdrawal of the rating may have an effect on the market price of the Bonds.

## **MUNICIPAL ADVISOR**

The City has retained Public Financial Management, Inc., Des Moines, Iowa as Municipal advisor (the "Municipal Advisor") in connection with the preparation of the issuance of the Bonds. In preparing the Preliminary Official Statement, the Municipal Advisor has relied on government officials, and other sources to provide accurate information for disclosure purposes. The Municipal Advisor is not obligated to undertake, and has not undertaken, an independent verification of the accuracy, completeness, or fairness of the information contained in this Preliminary Official Statement. Public Financial Management, Inc. is an independent advisory firm and is not engaged in the business of underwriting, trading or distributing municipal securities or other public securities.



## **CONTINUING DISCLOSURE**

In order to permit bidders for the Bonds and other Participating Underwriters in the primary offering of the Bonds to comply with paragraph (b)(5) of Rule 15c2-12 promulgated by the Securities and Exchange Commission (the "SEC") under the Securities Exchange Act of 1934, as amended, the City will covenant and agree, for the benefit of the registered holders or beneficial owners from time to time of the outstanding Bonds, in the resolution authorizing the issuance of the Bonds and the Continuing Disclosure Certificate, to provide Annual Financial Information filings of specified information and notice of the occurrence of certain material events as hereinafter described (the "Undertakings"). The information to be provided on an annual basis, the events as to which notice is to be given, and a summary of other provisions of the Undertakings, including termination, amendment and remedies, are set forth as APPENDIX D to this Preliminary Official Statement.

Within the past five years, Notice of the June 1, 2011 call of the City's General Obligation Series 2002A, Series 2002B, and Series 2003 Bonds were filed June 28, 2011, thirteen (13) days after the date required.

In regard to the now matured Hospital Revenue Series 2003 debt, the Mary Greeley Medical Center filed required reports for the fiscal year ended June 30, 2010 two (2) days after the date specified in the Undertaking, and filed required reports for the quarters ended June 30, 2010, September 30, 2010, and June 30, 2011, each within three (3) days after the dates required. Additionally, the Mary Greeley Medical Center's required report for the quarter ended December 31, 2012 was timely filed February 6, 2013, but not linked to the Hospital Revenue Series 2011 CUSIPs. This was corrected upon discovery.

In an effort to augment the City's procedures and policies to maintain future compliance, the City has taken additional steps intended to assure future compliance with its Undertakings. These steps include implementing the MSRB's EMMA notification system whereby the City will receive timely email reminders a month in advance for all the City's annual disclosure filings to ensure all disclosure obligations have been made on a timely basis and in all material respects.

Breach of the Undertakings will not constitute a default or an "Event of Default" under the Bonds or the resolution for the Bonds. A broker or dealer is to consider a known breach of the Undertakings, however, before recommending the purchase or sale of the Bonds in the secondary market. Thus, a failure on the part of the City to observe the Undertakings may adversely affect the transferability and liquidity of the Bonds and their market price.

## **FINANCIAL STATEMENTS**

The City's June 30, 2014 Comprehensive Annual Financial Report, as prepared by City management and audited by a certified public accountant, is reproduced as APPENDIX C. The City's certified public accountant has not consented to distribution of the audited financial statements and has not undertaken added review of their presentation. Further information regarding financial performance and copies of the City's prior Comprehensive Annual Financial Report may be obtained from Public Financial Management, Inc.

## **CERTIFICATION**

The City has authorized the distribution of this Preliminary Official Statement for use in connection with the initial sale of the Bonds. I have reviewed the information contained within the Preliminary Official Statement prepared on behalf of the City of Ames, Iowa, by Public Financial Management, Inc., Des Moines, Iowa, and said Preliminary Official Statement does not contain any material misstatements of fact nor omission of any material fact regarding the issuance of \$10,350,000\* Electric Revenue Bonds, Series 2015B.

CITY OF AMES, IOWA  
/s/ Duane Pitcher, Director of Finance

\* Preliminary; subject to change.

## **CITY OF AMES, IOWA MUNICIPAL ELECTRIC UTILITY**

### **ORGANIZATION AND MANAGEMENT**

The City of Ames, Iowa's (the "City") Municipal Electric Utility (the "Utility") was established pursuant to an election in 1896 and has successfully operated since that time.

The Utility is governed by the Electric Utility Operations Review and Advisory Board ("EUORAB"), which was established on November 10, 1981. The EUORAB is composed of five members, each qualified by demonstrated expertise or experience in generation, distribution or marketing of electric energy. The board members are appointed by the Mayor with Council approval for three-year terms. Appointees who have served 2 consecutive full terms are not eligible for reappointment to the board. The board is charged with investigating and reviewing, on a continuing basis, all aspects of the operations of the Utility, including any and all practices, plans or proposals pertaining to generation, distribution and marketing.

The board provides to the City Council a critique of management practices, planning and proposals, including rate structures and power sale contracts. The EUORAB also provides advice and proposals to the City Council on matters as aforesaid at such times and in such frequency as the board deems appropriate, or in response to requests from the City Council.

The City Council is directly responsible for the operations of the Utility and has sole authority to establish rates and charges. The Utility's Director, Mr. Donald Kom, is responsible for overseeing the day-to-day operations and reports to the City Manager.

#### **Electric Utility Operations Review and Advisory Board Members**

<u>Member</u>	<u>Original Appointment</u>	<u>Term Expires</u>
Cathy Brown	Sept 2009	April 2018
Justin Dodge	April 2014	April 2017
John Russell	April 2011	April 2017
Jim Converse	April 2013	April 2016
Steve Goodhue	March 2013	April 2018

### **DESCRIPTION OF THE MUNICIPAL ELETRIC UTILITY**

#### **Service Area**

The Utility serves the majority of the City, as well as certain installations of Iowa State University (the "ISU"). Service is provided to ISU either by direct service or by wheeling power generated by the Iowa State University generating facilities, which system is interconnected with that of the City.

The present service boundary of the Utility covers an area of approximately 25 square miles and includes approximately 22,824 residential customers, 3,135 commercial customers, and 4 industrial and large power customers.

#### **Owned Generation**

The City owns and operates two coal/gas/refuse-fired steam generation units, as well as two gas turbine units used to meet peak demand. The installed capacity of the Utility's generating units is 146,000 KW and is operated from adjoining plants located three blocks east of the principal business district. In addition, in 2010 the Utility entered into a 20 year purchase power agreement for 36 MW of wind from the Story County II Windfarm.

The Utility's total nameplate capacity is expected to be adequate to serve the projected load growth through approximately 2022 assuming no unusual growth and no generating units are retired or taken out of service.



## Sources of Power

The City has the capability of burning coal, fuel oil, and refuse derived fuel in their electric system. The two main coal-fired units are presently being converted from burning coal to natural gas. This conversion is scheduled to be complete by April 2016.

The Utility has purchased refuse derived fuel ("RDF") for Units No. 7 & 8 since January 1976 to burn in combination with coal. RDF has since provided 8 - 10 percent of the annual fuel requirement at the plant. The RDF is supplied by the Ames Resource Recovery plant, a separate municipal utility. The RDF is produced by a two-stage shredding and separation process which yields a fuel with about half of the heating value of coal and sulfur content of only 0.1 percent. The City has an electric interchange agreement with MISO for the interchange of power and economy energy.

Refuse fuel is supplied by the City's Resource Recovery Plant. Approximately 34,000 tons are supplied annually.

Coal fuel is supplied under a contract by Peabody COALSALES LLC since January 1, 2010 and expires December 31, 2015. The contract quantity is 100,000 tons annually.

Natural gas is supplied by a number of actions taken by the City Council to secure a stable, firm source of fuel to the power plant for years to come. For natural gas transportation, the City has entered into a 10 year contract with Northern Natural Gas for firm transport service at a rate well under filed tariff. For the natural gas commodity, the City solicited competitive bids and signed a 5 year contract to provide 12,000 MMBTU per day at \$3.02 per MMBTU. This volume represents the typical amount that the power plant consumes on a daily basis to meet customer electrical power demand. For additional natural gas required to meet demand, the City has signed an asset management contract with BP Canada Energy Marketing Corp. to schedule the natural gas and manage any day-to-day changes in the City's usage. These arrangements will provide for relatively stable fuel costs over the next several years.

In addition, the City is interconnected with the State of Iowa, acting through the State Board of Regents for Iowa State University. The interconnection is a 69 KV line completed in March, 1993.

It is the policy of the City to maintain an 8 percent capability reserve above predicted system peak demand, which is determined each year by the regional transmission operator.

The Utility's transmission system now consists of a 69 KV and 161 KV tie line to MidAmerican Energy Company, a 161 KV line to ITC, and a 69 KV loop feed around the City serving eight substations.

The Utility's distribution system consists of 13.8 KV circuits serving all but a small part of the City which is served by 4.16 KV circuits.

## Ratings of Existing Generating Equipment

<u>Plant No.2</u>				
<u>Unit No.</u>	<u>Date of Installation</u>	<u>Fuel Fired</u>	<u>Nameplate Rating (KW)</u>	<u>Net Capability(KW) <sup>1)</sup></u>
7	1968	Coal/Gas/Refuse	33,000	30,000
8	1982	Coal/Refuse	65,000	<u>65,000</u>
Total				95,000

<u>Combustion Turbine</u>				
<u>Unit No.</u>	<u>Date of Installation</u>	<u>Fuel Fired</u>	<u>Nameplate Rating (KW)</u>	<u>Net Capability(KW)</u>
1	1971	Fuel Oil	22,000	19,000
2	2005	Fuel Oil	29,000	<u>29,000</u>
Total				48,000
Total Net Capability of the System				<u>143,000</u>
Story County II Windfarm (contract)				36,000

## **Transmission**

Firm network transmission service for the Utility's entire load is provided by the Midcontinent Independent System Operator ("MISO"), a regional transmission organization. The Utility is a Transmission Owner ("TO") in MISO. The Utility owns several local transmission lines that provide service to the City and also supports the regional electric system. The Utility actively participates in the planning of the regional transmission system and invests in expansion projects as approved by the MISO planning process. As a TO in MISO, the Utility receives revenues from MISO collected from transmission rate payers. These rates are based on the net book value of the assets and the Federal Energy Regulatory Commission approved rate-of-return on these assets. Beginning in 2012 and continuing through 2014, the Utility made large investments in transmission assets. These assets allowed the Utility to experience fewer congestion issues that impact wholesale market prices as well as providing a rate of return on invested transmission equity that offsets transmission network service charges. The Utility currently has over \$34 million in transmission assets.

## **REGULATORY MATTERS**

As the City currently operates a coal-fired power plant, it is subject to the Environmental Protection Agency's Mercury and Air Toxic Standards rule ("MATS"). With approval of the 4<sup>th</sup> year by EPA Region 7, the City is to meet MATS requirements by April 16, 2016. To meet the emission standards outlined in the MATS rule, the City has chosen to convert its two coal-fired units to operate with natural gas and eliminate coal. Once accomplished by April 2016, all of the City's generation will be in full compliance of EPA's MATS rule.

## **RATES AND CHARGES**

The City Council adopted the following electric rates and charges in November, 2012. Rates of the Utility, as a municipal system, are not subject to Iowa Utilities Board Regulation. The current electric rate tariff provides for a monthly energy cost adjustment factor, which reflects changes in the price of fuel used to generate electricity and purchased power. Following are the basic monthly rates for electric service effective January 1, 2013.

### Residential

Basic Service Charge	\$8.00 per month
All kWh (June – Sept.)	\$0.1166 per kWh
All kWh (Oct. – May)	\$0.0966 per kWh
Minimum Billing	\$8.00 per month

### Small Commercial

Basic Service Charge	\$15.00 per month
All kWh (June – Sept.)	\$0.1148 per kWh
All kWh (Oct. – May)	\$0.0948 per kWh
Minimum Billing	\$15.00 per month

### Large Commercial

Basic Service Charge	\$150.00 per month
All kWh (June – Sept.)	\$0.0619 per kWh
All kWh (Oct. – May)	\$0.0619 per kWh
All KVA (June – Sept.)	\$10.30 per KVA
All KVA (Oct. – May)	\$7.70 per KVA
Minimum Billing	\$150.00 per month

### Industrial

Basic Service Charge	\$150.00 per month
All kWh (June – Sept.)	\$0.0619 per kWh
All kWh (Oct. – May)	\$0.0619 per kWh
All KVA (June – Sept.)	\$10.00 per KVA
All KVA (Oct. – May)	\$7.50 per KVA
Minimum Billing	\$150.00 per month



**ELECTRICITY PRODUCED, PURCHASED AND COST**

<u>Year</u>	<u>kWh Produced (000's)</u>	<u>kWh Purchased (000's)</u>	<u>Cost</u>
2011	341,229	254,651	\$28,970,180
2012	307,448	287,847	27,663,336
2013	318,395	267,910	28,056,819
2014	282,349	320,114	30,029,217
2015	278,472	306,896	25,977,209

**HISTORY OF ELECTRIC SALES**

<u>Year</u>	<u>Number of Customers</u>	<u>Total kWh Sold (000's)</u>	<u>Total Billings</u>
2011	24,521	570,072	\$51,984,567
2012	24,723	567,391	51,143,042
2013	24,868	561,860	52,834,497
2014	25,292	574,659	54,555,355
2015	25,559	554,167	52,435,240

**BILLABLE CONSUMPTION BY CLASS OF SERVICE (Kilowatt Hours)**

<u>Fiscal Year</u>	<u>Residential</u>	<u>Small Commercial</u>	<u>Large Commercial and Industrial</u>	<u>Industrial</u>	<u>Total</u>
2011	163,288,498	51,169,606	225,588,368	130,025,466	570,071,938
2012	157,208,406	50,804,253	226,910,422	132,468,362	567,391,443
2013	161,851,581	54,020,115	223,465,399	122,523,014	561,860,109
2014	166,620,541	57,447,338	226,883,810	123,707,577	574,659,266
2015	156,807,514	53,596,265	220,057,475	123,705,299	554,166,553

**HISTORY OF ELECTRIC ACCOUNTS SERVED (Kilowatt Hours)**

<u>Fiscal Year</u>	<u>Residential</u>	<u>Small Commercial</u>	<u>Large Commercial and Industrial</u>	<u>Industrial</u>	<u>Total</u>
2011	21,756	2,344	418	3	24,521
2012	21,892	2,404	423	4	24,723
2013	21,999	2,457	408	4	24,868
2014	22,386	2,502	400	4	25,292
2015	22,648	2,502	404	5	25,559

**PEAK DEMAND**

<u>Year</u>	<u>Peak Demand (MW)</u>
2011	123.6
2012	128.6
2013	130.7
2014	130.2
2015	122.6

**LARGER ELECTRIC USERS (FY 2014-15)**

<u>Customer</u>	<u>Kilowatt Hours</u>
AMCOR Rigid Plastics USA	53,158,173
Danfoss Power Solutions	25,020,576
ISU FP&M Utilities	21,173,166
3 M Co.	20,973,211
COA-Mary Greeley Hospital	14,941,465
ISU Athletic Department	8,063,013
Hach Company	6,596,100
ISU Ames Lab	6,261,600
Hy-Vee Inc.	4,384,200
Wal-Mart Stores	4,178,400

**MUNICIPAL ELECTRIC UTILITY REVENUE DEBT****Electric Revenue Debt (Includes the Bonds)**

The City has electric revenue debt paid solely from the net revenues of the Electric Utility as follows:

<u>Date of Issue</u>	<u>Original Amount</u>	<u>Purpose</u>	<u>Final Maturity</u>	<u>Principal Outstanding As of 12/29/15</u>
12/15B	\$10,350,000*	Electric System Improvements	6/27	\$10,350,000 *

\* Preliminary; subject to change.

**Annual Fiscal Year Electric Revenue Debt Service Payments (Includes the Bonds)**

<u>Fiscal Year</u>	<u>Bonds Principal*</u>	<u>Principal &amp; Interest*</u>
2015-16	\$910,000	\$1,039,655
2016-17	750,000	1,041,335
2017-18	765,000	1,040,810
2018-19	780,000	1,038,139
2019-20	800,000	1,038,405
2020-21	825,000	1,041,245
2021-22	845,000	1,036,907
2022-23	875,000	1,040,374
2023-24	900,000	1,036,412
2024-25	935,000	1,040,632
2025-26	965,000	1,037,626
2026-27	<u>1,000,000</u>	1,037,500
Total	\$10,350,000	

\* Preliminary; subject to change.

## UTILITY'S HISTORICAL CASHFLOW AND PROJECTED DEBT SERVICE COVERAGE

The following table sets forth the Utility's historical financial performance for FY 2010-11 through FY 2013-14 based on information from the Utility's Comprehensive Annual Financial Report, as well as the Utility's unaudited financial performance for FY 2014-15.

Based on the FY 2013-14 Comprehensive Annual Financial Report, the \$10,916,148 net revenue for debt service would provide 10.48 times debt service coverage for the \$1,041,335 projected maximum annual debt service on the Bonds. Based on the unaudited FY 2014-15 projected financial performance, the \$9,329,913 net revenue for debt service would provide 8.96 times debt service coverage of the projected maximum annual debt service.

	Audited Financial Reports				Unaudited
	FY 2010-11	FY 2011-12	FY 2012-13	FY 2013-14	FY 2014-15
<b>OPERATING REVENUES</b>					
Retail Sales	\$52,154,428	\$53,484,774	\$52,461,248	\$51,160,052	\$49,197,757
Customer Service Charges	0	0	0	3,326,616	3,360,768
ISU Sales	4,007,508	2,149,934	3,586,865	3,895,298	2,478,425
Street Lights	791,613	830,443	768,973	870,623	873,669
Penalties	99,831	99,212	97,174	99,067	88,720
Miscellaneous	<u>460,432</u>	<u>631,195</u>	<u>438,939</u>	<u>664,549</u>	<u>636,623</u>
<b>Total Operating Revenues</b>	<b>\$57,513,813</b>	<b>\$57,195,559</b>	<b>\$57,353,200</b>	<b>\$60,016,205</b>	<b>\$56,635,962</b>
<b>OPERATING EXPENSES</b>					
Administration	\$1,025,438	\$1,057,343	\$1,062,207	\$1,055,898	\$1,075,784
Electric Administration	1,572,767	1,728,734	1,392,937	1,093,777	997,050
Production	9,802,897	10,365,722	10,576,108	10,710,498	10,340,200
Fuel & Purchased Power	24,996,842	25,409,624	27,210,684	27,024,274	25,835,736
ISU Purchased Power	2,439,004	2,024,536	2,187,684	2,760,118	2,207,136
Distribution/Operations	2,441,588	2,529,716	2,438,895	2,870,838	2,780,827
Distribution/Improvements	1,033,264	1,448,144	1,796,819	1,797,661	2,090,849
Technical Services	918,116	978,819	993,935	975,909	1,036,658
Engineering	571,382	660,533	578,751	616,631	633,409
Customer Service	661,615	655,681	626,832	670,971	651,035
Depreciation	<u>3,002,356</u>	<u>3,217,121</u>	<u>3,463,395</u>	<u>3,921,411</u>	<u>4,184,701</u>
<b>Total Operating Expenses</b>	<b>\$48,465,269</b>	<b>\$50,075,973</b>	<b>\$52,328,247</b>	<b>\$53,497,986</b>	<b>\$51,833,385</b>
<b>OPERATING INCOME</b>	<b>\$9,048,544</b>	<b>\$7,119,586</b>	<b>\$5,024,954</b>	<b>\$6,518,219</b>	<b>\$4,802,577</b>
<b>NONOPERATING REVENUES &amp; EXPENSES</b>					
Interest Earnings	\$275,016	\$302,711	(\$49,896)	\$412,025	\$326,744
Reimbursements	0	0	87,175	2,073	6,315
Other Income	31,331	0	36,801	62,420	53,867
Add back Depreciation	<u>3,002,356</u>	<u>3,217,121</u>	<u>3,463,395</u>	<u>3,921,411</u>	<u>4,184,701</u>
Subtotal	\$3,308,703	\$3,519,832	\$3,537,475	\$4,397,929	\$4,571,628
<b>NET REVENUE FOR DEBT</b>	<b>\$12,357,247</b>	<b>\$10,639,418</b>	<b>\$8,562,428</b>	<b>\$10,916,148</b>	<b>\$9,374,204</b>
<b>ELECTRICE REVENUE DEBT</b>					
Proposed Series 2015B Bonds	\$0	\$0	\$0	\$0	\$0
<b>Debt Coverage Ratio (Parity Debt)</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>
<b>CASHFLOW AFTER DEBT</b>	<b>\$12,357,247</b>	<b>\$10,639,418</b>	<b>\$8,562,428</b>	<b>\$10,916,148</b>	<b>\$9,374,204</b>



ITEM #: 28  
DATE: 11-10-15

**COUNCIL ACTION FORM**

**SUBJECT:** PUBLIC HEARING ON THE SALE OF CITY-OWNED PROPERTY AT  
1109 ROOSEVELT TO HABITAT FOR HUMANITY OF CENTRAL IOWA.

**BACKGROUND:**

At the City Council meeting on February 24, 2015 the City Council, as part of the City's 2014-15 Community Development Block Grant (CDBG) Neighborhood Sustainability Program, adopted a resolution proposing the sale of the City-owned property at 1109 Roosevelt Avenue to Habitat for Humanity of Central Iowa (HHCI) for \$25,000. The proposed sale is scheduled to occur on or by November 13, 2015.

The City has approved Habitat's family selected to purchase the property at 1109 Roosevelt Avenue. Now that the rehabilitation work on the property has been satisfactorily completed as outlined in the purchase agreement, the property can now be sold to Habitat to Humanity of Central Iowa.

**ALTERNATIVES:**

1. The City Council can approve the sale of the property of the City-owned property located at 1109 Roosevelt Avenue to Habitat for Humanity of Central Iowa for affordable housing to occur on or before November 13, 2015.
2. The City Council can deny approval of the proposed resolution.

**MANAGER'S RECOMMENDED ACTION:**

It is the recommendation of the City Manager that the City Council approve Alternative #1. This alternative approves a resolution approving the sale of the property of the City owned property located at 1109 Roosevelt Avenue to Habitat for Humanity of Central Iowa for affordable to occur on or before November 13, 2015.

**COUNCIL ACTION FORM**

**SUBJECT: PUBLIC HEARING ON ACCEPTANCE & SUBMITTAL OF THE CITY'S 2014-15 CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER) IN CONNECTION WITH THE CITY'S COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (CDBG)**

**BACKGROUND:**

The Community Development Block Grant (CDBG) regulations require that the City must prepare a Consolidated Annual Performance and Evaluation Report (CAPER) and submit it to the Department of Housing and Urban Development (HUD). This normally occurs within 90 days of the end of the fiscal year, but the City previously requested and received an extension to submit the report on or by November 16, 2015.

The 2014-15 CAPER consists of accomplishments in relation to goals and objectives identified in the City's 2014-2018 Consolidated Plan implemented through the Annual Action Plan for fiscal year July 1, 2014, through June 30, 2015.

Attached for Council review is a copy of the Executive Summary of the 2014-15 CAPER. We reported in the CAPER a budget for expenses of \$1,047,965 (not including administration). A total of \$433,265 was expensed on the following housing-related activities: Renter Affordability, Homebuyer Assistance, Operation/Repair, and Acquisition/Reuse of Properties for Affordable Housing Program Activities. It should be noted that not all program categories are included in HUD's format for the executive summary, including our property acquisition program. Under the Acquisition/Reuse of Properties for Affordable Housing Program five (5) properties were acquired during the program year. Fifty-seven (57) low-income households were assisted. The City also generated program income of approximately \$200,883 from the sale of homes and repayments from single-family homes that were sold through the Homebuyer Assistance Program.

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

Federal regulations require that the CAPER be available for a 15-day public review and comment period, which occurred October 22, 2015, through November 6, 2015. No comments have been received on the CAPER.

**ALTERNATIVES:**

1. The City Council can adopt a resolution approving the submittal of the City's 2014-15 Consolidated Annual Performance and Evaluation Report (CAPER).
2. The City Council can decline to adopt a resolution approving the submittal of the City's 2014-15 Consolidated Annual Performance and Evaluation Report (CAPER) and direct staff to request an extension from HUD and to provide additional

information to the Council prior to accepting the CAPER.

**MANAGER'S RECOMMENDED ACTION:**

In accordance with CDBG regulations, it is the recommendation of the City Manager that the City Council adopt Alternative #1. This action will adopt a resolution approving the submittal of the City's 2014-15 Consolidated Annual Performance and Evaluation Report (CAPER), which is to be submitted to HUD on or before November 16, 2015.





## **CITY OF AMES**

# **CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORTS (CAPER) FOR FEDERAL FISCAL YEAR 2013 - 2014**

**CITY OF AMES FISCAL YEAR  
JULY 1, 2014 THROUGH JUNE 30, 2015**



**Public Comment Period:  
October 22, 2015 thru November 6, 2015**

## Table of Contents

CR-05-Goals and Outcomes	1
CR-10-Racial and Ethnic composition of families assisted	6
CR-15-Resources and Investments	7
CR-20-Affordable Housing	9
CR-25-Homeless and Other Special Needs	11
CR-30-Public Housing	13
CR-35-Other Actions	14
CR-40-Monitoring	18
CR-45-CDBG 91.520(c)	19
Other Documents:	20
Appendix I – Integrated Disbursement and Information System Reports (IDIS)	
Appendix II – Program Maps and Budgets	
Appendix III – ASSET Priorities & Funding, Housing Inventory Chart, & Point in Time Count	

## **CR-05 - Goals and Outcomes**

### **Progress the jurisdiction has made in carrying out its strategic plan and its action plan. 91.520(a)**

This could be an overview that includes major initiatives and highlights that were proposed and executed throughout the program year.

With community input, the overall goals and outcomes of the City's 2014-18 Strategic Plan is to increase the supply of affordable housing for low and moderate income persons and to continue to support and maintain the public service needs for special populations, the homeless, and low income households. The major progress that the City made in carrying out these two overall strategies was through the implementation of the following project activities for 2014-15: Homebuyer Assistance, Acquisition/Reuse for Affordable Housing, and Renter Affordability Program.

-The Homebuyer Assistance Program was designed to assist low- and moderate-income first-time homebuyers (80% or less of AMI) with the purchase of a single-family home. During the program year, two households received down payment and closing assistance to purchase two rehabilitated, City-owned properties.

-The Acquisition/Reuse Program was designed to create, expand and maintain affordable housing for homeless and low-income persons (80% or less of AMI) by: a. increasing the supply of affordable rental housing, b. improving the quality of affordable rental housing, c. increasing the availability of affordable owner-occupied housing or d. maintaining the supply of affordable owner-occupied housing. During the program year the acquisition of four (4) in-fill lots and one duplex was completed. The purchase of these properties can provide up to approximately 13 housing units for rental or homeownership purposes.

-The Renter Affordability Program was designed to provide assistance to low-income households, who are at or below 50% or less of the Story County median income limits, gain access to rental housing units that will improve their housing status, and help them to secure economic stability in order to obtain and/or remain in affordable housing units. The activities implemented were a Deposit, 1st Month's Rent and Transportation Assistance. During the program year, 55 households with incomes at 50% or below the AMI were assisted. Of the 55 households assisted, 31 received assistance with Deposit and 1st Month's Rent and 24 were received assistance with Transportation (14 gas vouchers, 8 Cy-ride Bus Passes & 2 with HIRTA Bus Passes).

-The Housing Improvement and the Public Facilities Improvement Programs were not implemented during this program year. However, the impact on expanding and maintaining the supply and the need for affordable housing for low income persons and households met the heart of the strategic plan through the implementation of the three activities that were implemented.

**In addition to the outcomes listed below, a summary of accomplishments in attaining the goals and objectives for the reporting period, and other supporting documents can be found in Appendixes I-III.**

**Comparison of the proposed versus actual outcomes for each outcome measure submitted with the consolidated plan and explain, if applicable, why progress was not made toward meeting goals and objectives. 91.520(g)**

Categories, priority levels, funding sources and amounts, outcomes/objectives, goal outcome indicators, units of measure, targets, actual outcomes/outputs, and percentage completed for each of the grantee's program year goals.

Goal	Category	Source / Amount	Indicator	Unit of Measure	Expected – Strategic Plan	Actual – Strategic Plan	Percent Complete	Expected – Program Year	Actual – Program Year	Percent Complete
Create & expand Affordable Housing for <b>LMI Persons</b>	Affordable Housing	CDBG: \$0	Rental units constructed	Household Housing Unit	10	0	0.00%	6	0	0.00%
Create & expand Affordable Housing for <b>LMI Persons</b>	Affordable Housing	CDBG: \$125,000	Rental units rehabilitated	Household Housing Unit	15	0	0.00%	3	0	0.00%
Create & expand Affordable Housing for <b>LMI Persons</b>	Affordable Housing	CDBG: \$175,000	Homeowner Housing Rehabilitated	Household Housing Unit	60	0	0.00%	10	0	0.00%
Create & expand Affordable Housing for <b>LMI Persons</b>	Affordable Housing	CDBG: \$55,000	Direct Financial Assistance to Homebuyers	Households Assisted	15	2	13.33%	3	2	66.67%



Create & expand Affordable Housing for <b>LMI Persons</b>	Affordable Housing	ASSET: \$132,057	Overnight/Emergency Shelter/Transitional Housing Beds added/maintained	Beds	10	0	00%			
Create & expand Affordable Housing for <b>LMI Persons</b>	Affordable Housing	CDBG: \$25,000	Buildings Demolished	Buildings	5	1	20.00%	1	1	100.00%
Create & expand Affordable Housing for <b>LMI Persons</b>	Affordable Housing	CDBG: \$65,255	Housing Code Enforcement/Foreclosed Property Care	Household Housing Unit	10	6	60.00%	4	4	100.00%
Maintain Development Services in the Community	Affordable Housing Homeless Non-Homeless Special Needs	CDBG: \$200,00	Public Facility or Infrastructure Activities for Low/Moderate Income Housing Benefit	Households Assisted	10	0	0.00%	3	0	0.00%
Maintain Development Services in the Community	Affordable Housing Homeless Non-Homeless Special Needs	CDBG: \$43,500 ASSET \$428,925	Public service activities for Low/Moderate Income Housing Benefit	Households Assisted	300	1536	512.00%	50	55	110.00%

Maintain Development Services in the Community	Affordable Housing Homeless Non-Homeless Special Needs	CDBG: \$43,500 ASSET: \$28,100	Homelessness Prevention	Persons Assisted	95	1591	1,674.74%	95	936	985.26%
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**Table 1 - Accomplishments – Program Year & Strategic Plan to Date**

**Assess how the jurisdiction's use of funds, particularly CDBG, addresses the priorities and specific objectives identified in the plan, giving special attention to the highest priority activities identified.**

For the 2014-15 program year, approximately \$ 1,047,965 (not including administration) was allocated to implement the program activities listed under CR-05 Goals and Outcomes. Of that amount approximately \$433,265 was expended on housing related activities that were specific objectives identified in the strategic plan in regards to creating and expanding affordable housing for low and moderate income households through the implementation of the Homebuyer Assistance, the Renter Affordability and the Operation/Repair Programs. Special attention was given to the highest priority activity, which was the implementation of the Acquisition/Reuse for Affordable Housing Program. Approximately \$344,041 was expended purchasing in-fill lots, and demolishing deteriorated housing to allow for the construction of affordable housing.

In addition to CDBG funding, ASSET funding expensed approximately \$428,925 towards addressing the goal to maintain Development Services in the Community. Of that amount the City's share expensed was approximately \$160,157 by the following agencies that provided housing services to homeless, non homeless and special needs households in Ames (Youth and Shelter Services, Good Neighbor, Emergency Residence Project, Assault Care Center Extending Shelter & Support, and The Salvation Army). Through the efforts of these agencies, approximately 2,421 households/persons received assistance.

## Staff Report

**APPROACHES TO DEVELOPMENT IN THE FLOOD PLAIN AND  
ENVIRONMENTALLY SENSITIVE AREAS**

November 10, 2015

**BACKGROUND:**

In a response to recent development in the floodway and floodway fringe, on March 10, 2015 the City Council included as part of the work plan of the Planning and Housing Department a task to address potential issues with improvements in the floodway. Specifically, the work plan states:

- Flood Plain and Environmentally Sensitive Overlay Areas: *Add or clarify development standards within the Floodway or natural Riparian Areas for site disturbance and paving (Does not intend to alter the 3-foot fill requirement)*

The City Council had previously considered broad flood plain regulation issues in a work shop in February 2014. The workshop was a follow up from the Ames Flood Study that had looked at flood mitigation strategies for the City. **Staff generated this item for the work plan based on more recent comments and feedback related to intensification of developments that relied upon use of floodway or displacement of natural areas to support development of sites. Some of the issues that were raised from the public and Council were about parking within a floodway, potential for increased runoff from development, and disturbance of riparian areas.** This item was not meant to reconsider the issue of use of development in the floodway fringe or our principal development standard of requiring buildings to be protected to 3 feet above the 100-year base flood elevation.

**FLOOD PLAIN ZONING REGULATIONS**

The City has adopted flood plain regulations (Chapter 9 of the Ames Municipal Code) to fulfill the requirements of our participation in the National Flood Insurance Program. Chapter 9 describes the purposes of the ordinance as:

Purpose of this ordinance is to promote the public health, safety, and general welfare by minimizing those flood losses described in Section 9.1(2) with provisions designed to:

- (a) Reserve sufficient flood plain area for the conveyance of flood flows so that flood heights and velocities will not be increased by greater than one (1) foot.
- (b) Restrict or prohibit uses which are dangerous to health, safety or property in times of flood or which cause excessive increases in flood heights or velocities.
- (c) Require that uses vulnerable to floods, including public utilities which serve such uses, be protected against flood damage at the time of initial construction or substantial improvement.



- (d) Protect individuals from buying lands which are unsuited for intended purposes because of flood hazard.
- (e) Assure that eligibility to purchase flood insurance through the National Flood Insurance Program is maintained for property owners in the community.

To meet these purposes the City has adopted the standards required by the Iowa Department of Natural Resources as well as a few regulations unique to Ames, such as the standard that new development be protected to 3 feet above the water surface level of a 100-year flood event (aka, BFE+3). Chapter 9 also describes what uses are allowed within the floodway and the floodway fringe and the process for receiving flood plain development permits. (Attachments 3 through 6 illustrate the floodplains and floodways of the city)

Chapter 9 allows all types of development in the Floodway Fringe subject to compliance with the underlying zoning regulations and with the appropriate flood development standards. **In the Floodway, though, development is limited to open space uses, such as parking lots, golf courses, gardens, and sod farming.** It should also be noted that the City has a number of parking areas associated with parks that are in the floodway, such as some of the parking at Brookside Park. **There are also a limited number of conditional uses that are allowed in the floodway, such as utilities, car lots, accessory structures for open space uses, boat marinas, billboards.**

### **ENVIRONMENTALLY SENSITIVE AREA ZONING OVERLAY**

The City also has adopted a Zoning Ordinance (Chapter 29) whose purpose is to promote health, safety, and general welfare in a broader sense than Chapter 9. The Zoning Ordinance includes specific base zones for allowed uses and development standards that govern all aspects of the use of a property that is not controlled by Chapter 9. In addition to base zones, the City also at times applies Overlay Zones to address issues that are broader than one zoning district or affect a subset of properties within a base zoning district. In regards to riparian and flood plain issues, the City has an “Environmentally Sensitive Area Overlay (Section 29.1103).” Its purpose is quoted below and the full text is found in Attachment 1.

The Environmentally Sensitive Overlay (O-E) Zone is intended to supplement the City's flood plain regulations and to protect designated natural resource areas by using the natural resources inventory to identify and preserve natural resources and by establishing parks and open space areas. Greenways are included in this district for stream corridors, linear parks, and open spaces adjacent to environmentally sensitive areas to create a continuous system throughout the City.

**The O-E overlay zone has never been mapped to specific properties within the City.** The ordinance allows such overlays to be mapped based on a scientific study that concludes the area is “especially sensitive to adverse public impact from development due to unique environmental concerns.” The ordinance suggests that flood plains, designated natural resource areas, parks and open spaces, greenways, and areas adjacent to aquifers are eligible based on existing scientific evidence (FEMA Flood Insurance Study, Norris Study of 1994, etc.). Other areas may be so designated by the City Council based on other scientific studies done by the City or by other parties.

The O-E does not contain specific regulatory requirements, such as use limitations. It requires the applicant to prepare an Environmental Assessment Report on how the development will “address, obviate, or mitigate” the environmental issues which led to the designation. **The major**

**regulatory tool within the O-E is the requirement for a City Council approval of a major site development plan for any development within the overlay district.**

## **POST CONSTRUCTION STORMWATER MANAGEMENT**

The City also has a natural area (riparian area) assessment requirement as part of its stormwater management requirements in Chapter 5B. The intent of assessing resources prior to development is an attempt to potentially preserve desirable natural areas and plan for incorporating their existing benefits into the development of the site and preserve water quality. The most significant protection standard is a general requirement for a 100-foot riparian area setback. Chapter 5B applies to development with 10,000 square feet of new impervious surfaces and ground disturbance activities exceeding 1 acre. Approval of a plan or a waiver from the standards is the purview of the Municipal Engineer.

## **OPTIONS**

Some developments rely upon use of the Floodway to maximize the buildable area within the Floodway Fringe. Locating parking lots or stormwater detention ponds in the floodway are the two most common development activities that staff sees proposed in the floodway. Issues of this type could be addressed with text amendments to Flood Plain Regulations (Chapter 9) or Zoning standards (Chapter 29).

### **Option 1. Prohibit Development Activities In The Floodway Under Chapter 9**

Chapter 9 allows parking lots and impervious surfaces as accessory uses within the Floodway. If impervious surfaces are prohibited from the Floodway, the Floodway could be used to meet landscaping or open space requirements of a base zoning district. If this option is selected, areas in the Floodway that have been used for parking would remain, but new parking lots would be prohibited. **Council would select this option if it believed that no disturbance of a Floodway is warranted to support development in the Floodway Fringe.**

### **Option 2. Conditionally Permit Development Activities In the Floodway Under Chapter 9**

The City Council can direct staff to propose amendments to the flood plain regulations of Chapter 9 that would allow parking lots and impervious surfaces only as a conditional use rather than as a permitted use in the Floodway. The Zoning Board of Adjustment is the approval authority for Conditional Uses within the Floodway. The Board would review an application for a conditional use permit and consider a number of factors relating to impacts on life and property, susceptibility to flood damage, alternative design and location, safety, and impacts on flood velocities and heights. The factors upon which approval of a conditional use permit would be based are found in Attachment 2.

Under this option, the Board could place any conditions needed to mitigate the impact of such development. **The intent of requiring a conditional use permit process would be Council's belief that a case-by-case evaluation is necessary to assure such improvements are consistent with the expectations of the ordinance or individual circumstances would make allowing the improvements permissible when they would not typically be acceptable.**

### **Option 3. Zone Properties Within The Floodway As Environmentally Sensitive Area Overlay (Chapter 29)**

The City Council can direct staff to rezone all properties that include the Floodway with the Environmentally Sensitive Overlay. The underlying base zoning district would not be

changed with this option, but the additional requirements of the overlay would apply. Such an overlay zoning designation would require developers to describe how they will “address, obviate, or mitigate” flood hazards through a major site development plan. The approval process would be a Major Site Development plan that requires a recommendation from the Planning and Zoning Commission and a final decision by the City Council.

This approach would require a developer to identify measures to reduce the expected increase in runoff from an impervious surface in the Floodway. Like the conditional use permit described above, this approach would not entirely prohibit parking lots in the Floodway but instead would require the project to demonstrate how its impacts will be mitigated. The City Council could impose conditions on any approval to mitigate any possible negative effects. Denial of such a request for a parking lot improvement would need to be based upon a determination that the design of the parking lot does not meet the criteria of a site development plan. Criteria 1 relates to stormwater runoff and criteria 5 relates to incorporating natural features into a project design. (Site Plan Criteria are Attachment 7) **Council would select this option if they want to allow for a case-by-case review of projects as a Major Site Development Plan and also require applicants to submit environmental assessments as part of the review process.**

### **STAFF COMMENTS:**

The options above would tend to limit, if not outright prohibit, creation of additional impervious surfaces in the Floodway. The applicability of any of these changes would impact only those developments in which a portion of the property lies within the designated Floodway. While a number of commercial properties along S. Duff Avenue or SE 16<sup>th</sup> Street are in the Floodway Fringe and have the Floodway cross their properties, there are other areas of the City that also contain developable areas within a portion of the Floodway. For example, the City recently approved an apartment complex on S 4<sup>th</sup> Street in which a parking lot for 322 cars is located within the Floodway. Maps in Attachment 3 through 6 show various areas of the City that contain developable land within the Floodway.

If the Council believes further limiting improvements within the Floodway to reduce disturbances in the Floodway is needed, choosing Option 1 would accomplish this goal. Option 1 would amend Chapter 9 to restrict improvements, such as parking lots, within the Floodway. Option 1 does not affect use of a property within the Floodway Fringe. Staff would return with a text amendment and no specific outreach would be expected by staff for this approach.

If Council was concerned about the general use or site specific features of a site, it may wish to add a discretionary review process to improvements proposed in the Floodway. Council could decide to address Floodway concerns with Option 2 that consists of a case-by-case review of a conditional use permit by the ZBA under the factors described in Chapter 9 or it could pursue Option 3 that would establish City Council as the approval authority for projects with impacts to the Floodway. Option 2 would require a text amendment establishing the conditional use permit process for the ZBA. The conditional use permit would not necessarily restrict use of the floodway, but a determination of consistency with Chapter 9 purposes and standards would be required before work could be done.

Option 3 would be involve rezoning of property to add the O-E Overlay. The Overlay would not necessarily restrict use of the entire property, especially in the Floodway Fringe, but require a public hearing based approval process. The strength of this approach is that the burden is on the applicant to demonstrate to the City Council that they have designed the project to address

any negative impacts associated with the development. If Council chose this option for mapping the O-E, staff would notify all properties with the floodway of a pending zoning change and the public hearings for adopting the new Zoning Map Overlay for the O-E. There are approximately 460 properties within the City, including government owned lands (City, Iowa State University, State of Iowa), that intersect with the floodway.

**If the City Council supports a change in our current regulations to either limit or prohibit additional impervious surfaces in the Floodway, direction is needed as to which option should be pursued by the staff.**

## ATTACHMENT 1: FULL TEXT OF SECTION 29.1103

### Sec. 29.1103. "O-E" ENVIRONMENTALLY SENSITIVE AREA OVERLAY.

(1) **Purpose.** The Environmentally Sensitive Overlay (O-E) Zone is intended to supplement the City's flood plain regulations and to protect designated natural resource areas by using the natural resources inventory to identify and preserve natural resources and by establishing parks and open space areas. Greenways are included in this district for stream corridors, linear parks and open spaces adjacent to environmentally sensitive areas to create a continuous system throughout the City.

(2) **Designation of Environmentally Sensitive Areas.** Any area may be designated an O-E Zone by ordinance of City Council, after the advice and recommendation of the Planning and Zoning Commission, if the results of a scientific study of the area support the conclusion that the area so designated is especially sensitive to adverse public impact from development due to unique environmental circumstances. Examples of such areas that may be designated as an O-E zone are:

- (a) Flood Plain Areas. Those areas defined in Chapter 9 of the Municipal Code;
- (b) Designated Natural Resource Areas. Those areas defined in "A Natural Areas Inventory of Ames" (July 18, 1994);
- (c) Park and Open Space Areas. Those areas defined in the City's Parks and Recreation Master Plan of the Municipal Code;
- (d) Green-ways. Those areas as may be defined as Green-ways by the City Council; and
- (e) Aquifer Protection Areas. Those areas as may be defined as Aquifer Protection Areas as defined by the City Council.

(3) **Studies.** The Department of Planning and Housing and the Planning and Zoning Commission are authorized to conduct studies in order to evaluate areas for environmental sensitivity as part of the continuing process of maintaining a current comprehensive land use plan for the City. Additionally, studies done by or for other governmental or private parties may be adopted for the purposes of this section.

(4) **Procedures.** No Building/Zoning Permit shall be issued and no grading, excavation, construction or change in use shall occur in an area designated as an O-E Zone except in accordance with the procedures set forth in Section 29.1503(4), "Major Site Development Plan Review". In addition, the applicant shall prepare and submit an Environmental Assessment Report which shall detail how the problems identified in the study on which the O-E Zone designation was based will be addressed, obviated or mitigated. City Council shall not approve the Major Site Development Plan unless it has reviewed and approved the Environmental Assessment Report.

(5) **Enforcement.** Development or other activities in conflict with the Major Site Development Plan, or a failure to implement the Plan, including the measures set out in the Environmental Assessment Report shall constitute the violation of this section for which any and all enforcement means and remedies established by law or zoning regulations may be invoked and instituted.

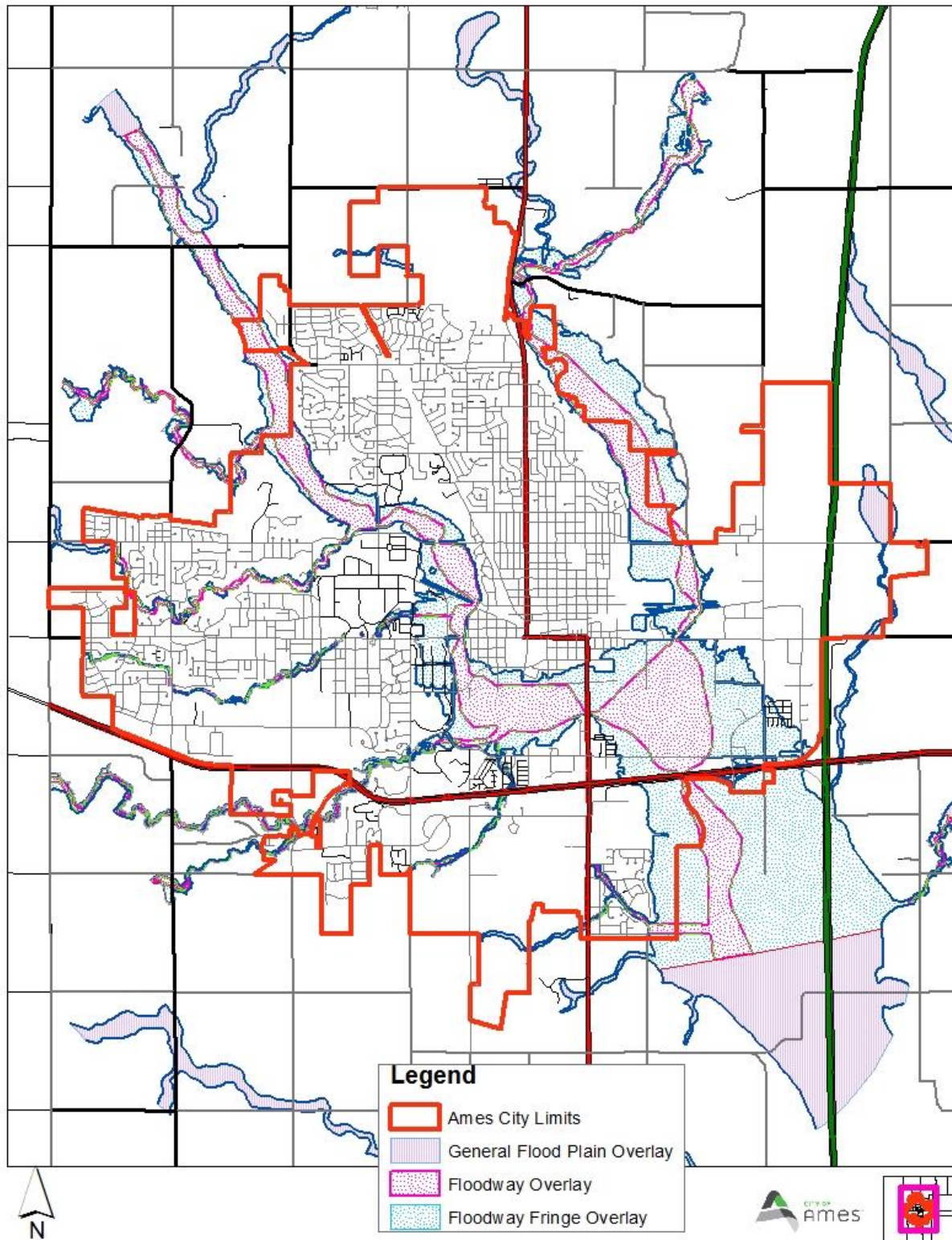


## **ATTACHMENT 2: FULL TEXT OF SECTION 9.7 (3) (E) (II) (A)**

a. Factors Upon Which the Decision of the Board Shall be Based. In passing upon requests for Conditional Uses or Variances, the Zoning Board shall consider all relevant factors specified in other sections of this ordinance and:

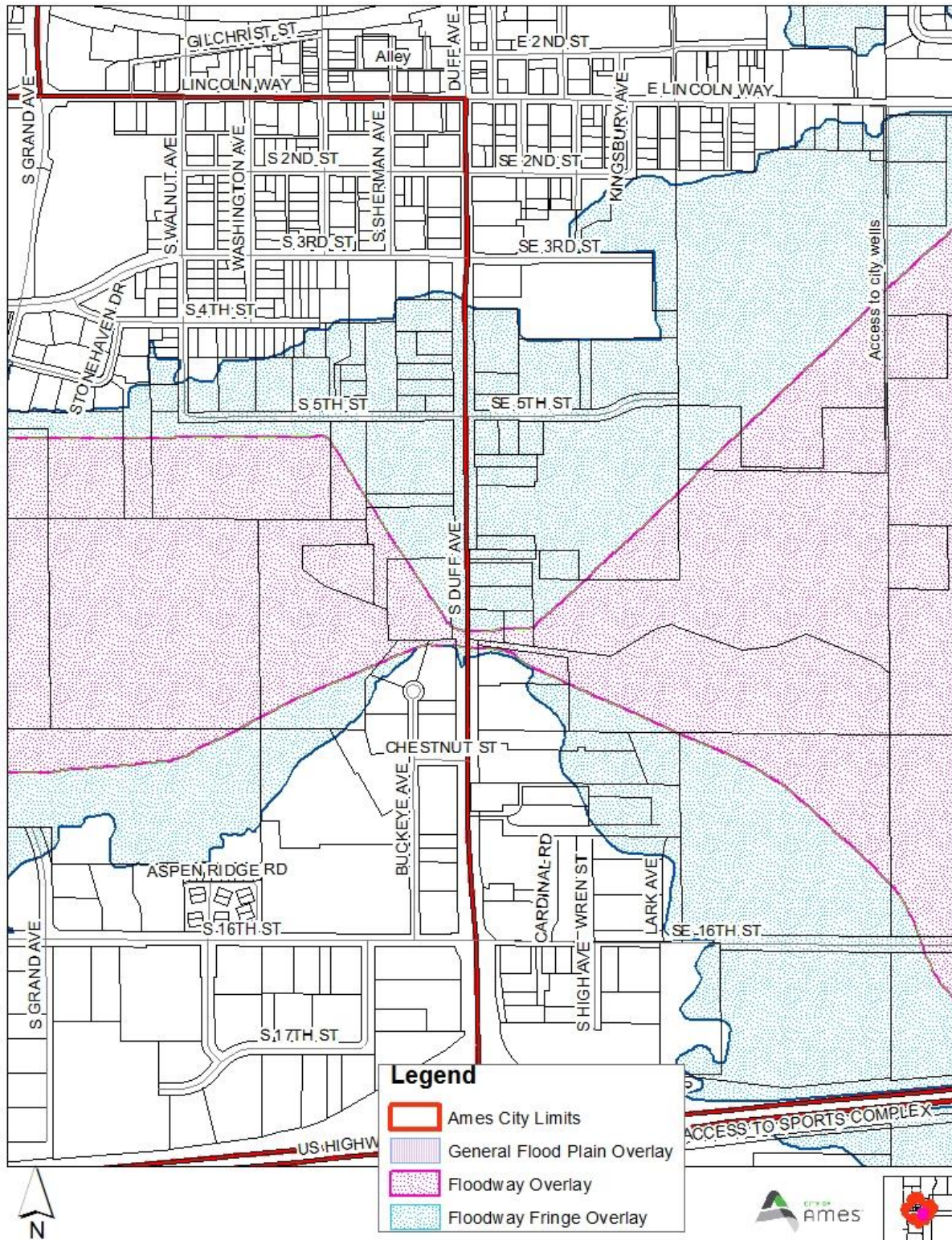
1. The danger to life and property due to increased flood heights or velocities caused by encroachments.
2. The danger that materials may be swept onto other lands or downstream to the injury of others.
3. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
5. The importance of the services provided by the proposed facility to the community.
6. The requirements of the facility for a flood plain location.
7. The availability of alternative locations not subject to flooding for the proposed use.
8. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
9. The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
10. The safety of access to the property in times of flood for ordinary and emergency vehicles.
11. The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.
12. Such other factors which are relevant to the purpose of this ordinance.

### ATTACHMENT 3: FULL CITY FLOOD PLAIN MAP



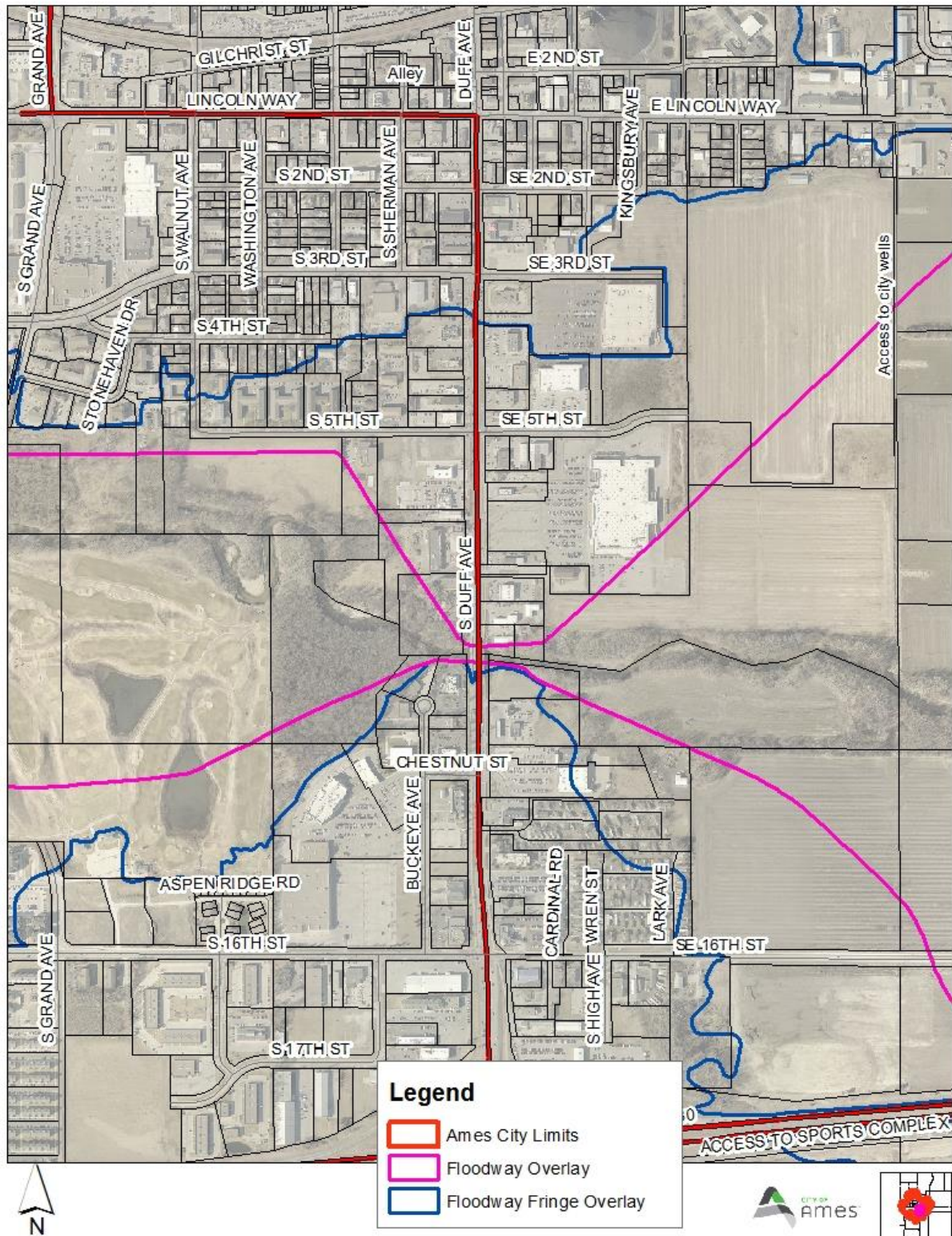


## ATTACHMENT 4: SOUTH DUFF AVENUE FLOOD PLAIN MAP



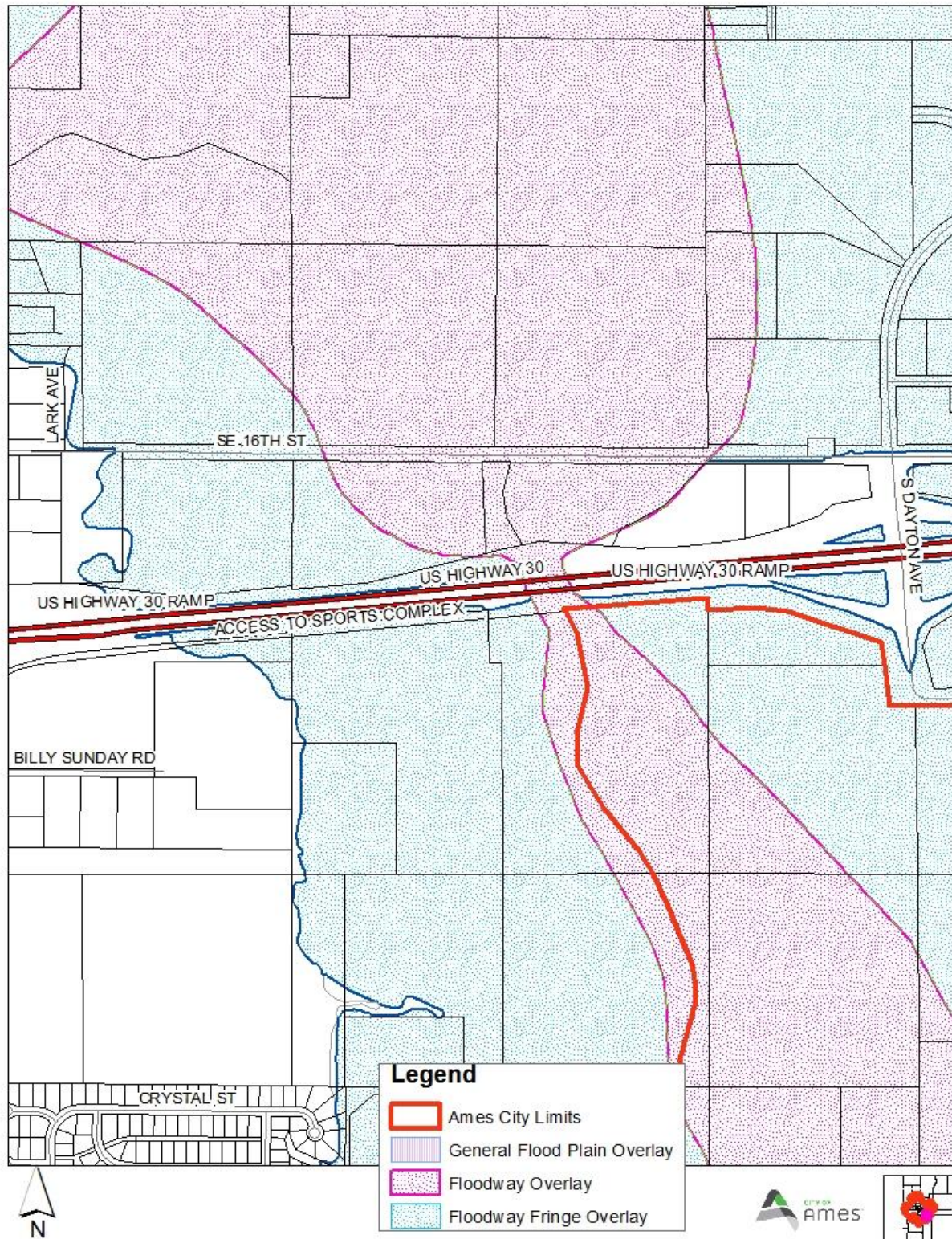


## ATTACHMENT 4A: SOUTH DUFF AVENUE FLOOD PLAIN MAP W/ AERIAL



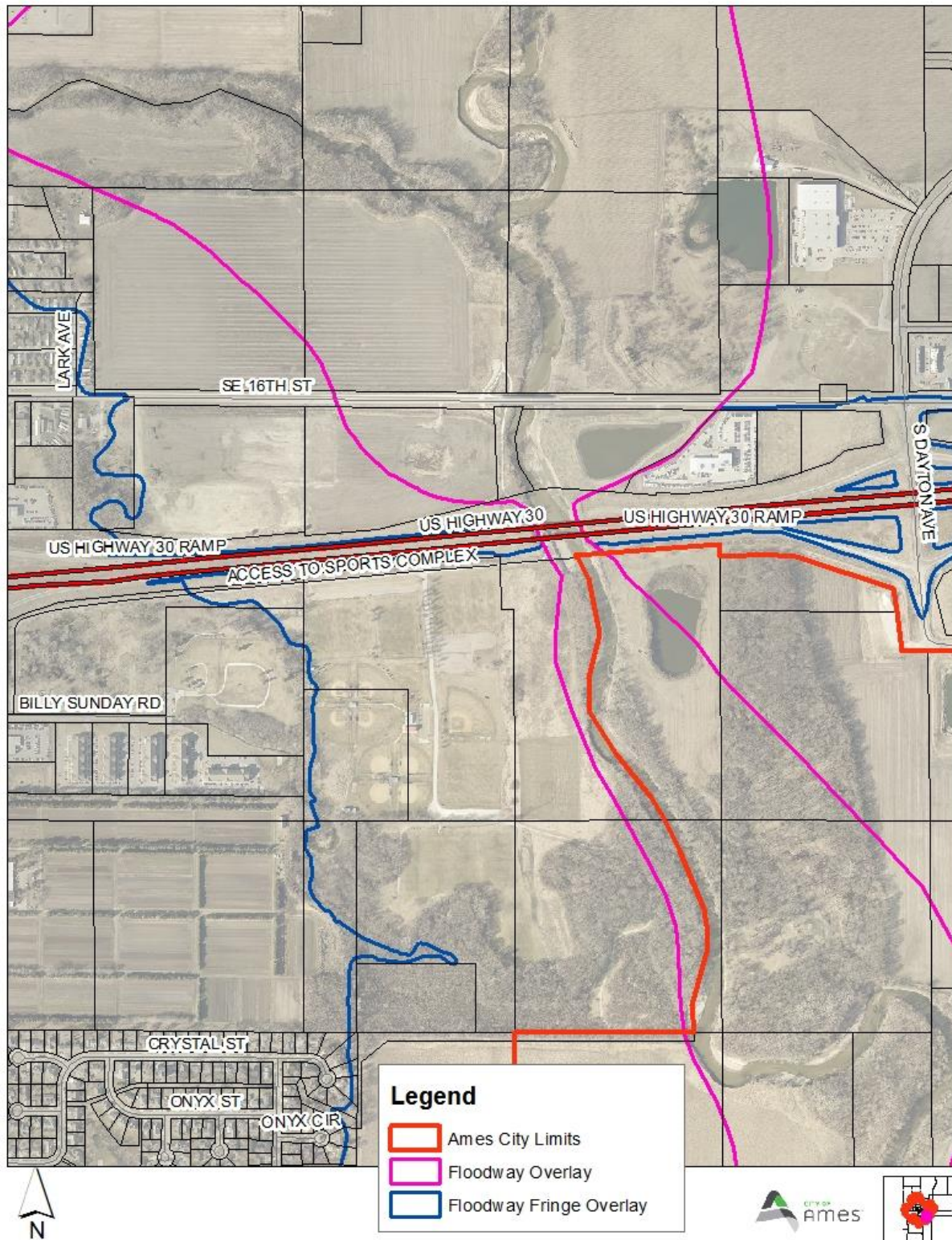


## ATTACHMENT 5: SE 16<sup>TH</sup> STREET FLOOD PLAIN MAP

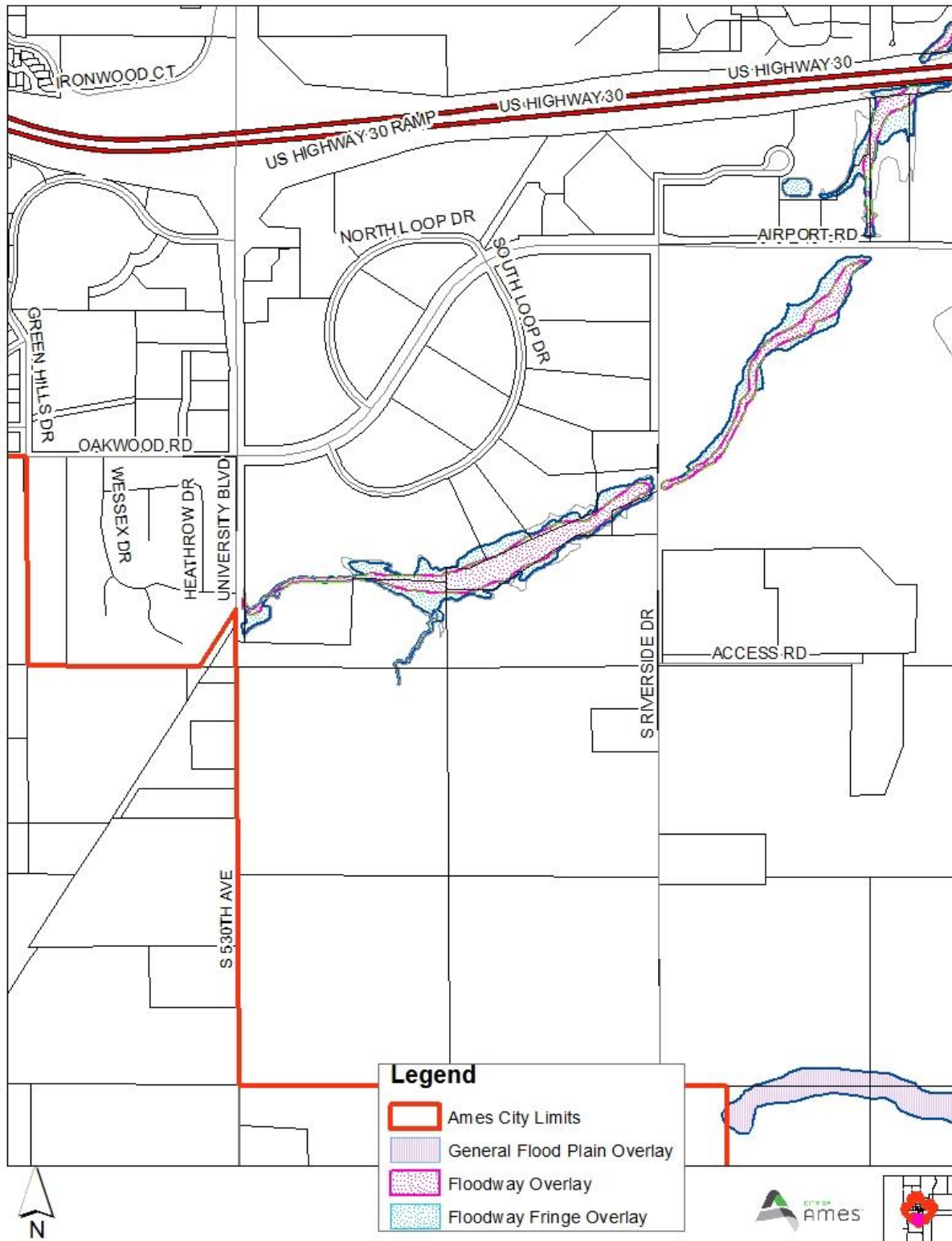




## ATTACHMENT 5A: SE 16<sup>TH</sup> STREET FLOOD PLAIN MAP W/ AERIAL



## ATTACHMENT 6: ISU RESEARCH PARK FLOOD PLAIN MAP





## ATTACHMENT 6: MAJOR SITE DEVELOPMENT PLAN CRITERIA

(vii) City Council Decision. After the transmittal of the recommendation from the Planning and Zoning Commission, the City Council shall consider the application at a public hearing conducted as part of a regularly scheduled meeting. Notification of the public hearing shall be made by mail and posting, in accordance with Sections 29.1500(2)(d)(i) and (iii) above. The City Council must approve, deny or modify the Major Site Development Plan approval application within 60 days of the public hearing.

(d) Design Standards. When acting upon an application for a major site plan approval, the City Council shall rely upon generally accepted site planning criteria and design standards. These criteria and standards are necessary to fulfill the intent of the Zoning Ordinance, the Land Use Policy Plan, and are the minimum necessary to safeguard the public health, safety, aesthetics, and general welfare. These criteria and standards include:

(i) The design of the proposed development shall make adequate provisions for surface and subsurface drainage to limit the rate of increased runoff of surface water to adjacent and down stream property;

(ii) The design of the proposed development shall make adequate provision for connection to water, sanitary sewer, electrical and other utility lines within the capacity limits of those utility lines;

(iii) The design of the proposed development shall make adequate provision for fire protection through building placement, acceptable location of flammable materials, and other measures to ensure fire safety;

(iv) The design of the proposed development shall not increase the danger of erosion, flooding, landslide, or other endangerment to adjoining and surrounding property;

(v) Natural topographic and landscape features of the site shall be incorporated into the development design;

(vi) The design of interior vehicle and pedestrian circulation shall provide for convenient flow of vehicles and movement of pedestrians and shall prevent hazards to adjacent streets or property;

(vii) The design of outdoor parking areas, storage yards, trash and dumpster areas, and other exterior features shall be adequately landscaped or screened to minimize potential nuisance and impairment to the use of adjoining property;

(viii) The proposed development shall limit entrances and exits upon adjacent streets in order to prevent congestion on adjacent and surrounding streets and in order to provide for safe and orderly vehicle movement;

(ix) Exterior lighting shall relate to the scale and location of the development in order to maintain adequate security, while preventing a nuisance or hardship to adjacent property or streets;

(x) The proposed development shall ensure that dust and other forms of air pollution, noise disturbances, odor, glare, and other nuisances will be limited to acceptable levels as prescribed in other applicable State and City regulations; and

(xi) Site coverage, building scale, setbacks, and open spaces shall be in proportion with the development property and with existing and planned development and structures, in adjacent and surrounding property.

**COUNCIL ACTION FORM**

**SUBJECT: MINOR SUBDIVISION FINAL PLAT FOR MCFARLAND SUBDIVISION,  
PLAT 2**

**BACKGROUND:**

Ames Associates received City Council approval in June, 2015 for a two-lot subdivision that separated the McFarland Clinic at 3600 Lincoln Way from the remainder of the parcel. The remainder contains the West Hy-Vee (3800 Lincoln Way), the former Wallaby's site, and several smaller businesses in a small shopping center. A location map with existing and proposed lot lines is found in Attachment 1.

Ames Associates are now requesting approval of a Final Plat for a Minor Subdivision of Lot 1 of that plat to separate the former Wallaby's pad from the rest of the Hy-Vee parcel. Sports Page, a small Iowa chain of restaurants, is seeking the redevelopment of the site with a new restaurant building. The proposed final plat is found in Attachment 2.

A Minor Subdivision process allows for filing of a Final Plat without the need of a Preliminary Plat. This is permitted when the subdivision does not require installation of public infrastructure, with certain exceptions for sidewalks and bicycle paths, and when there are area less than three lots created by the plat. Approval of a Minor Subdivision Final Plat requires a finding that the proposed subdivision meets all of the design and improvements standards, city's ordinances, and adopted plans per the requirements of Chapter 23 Subdivision Code of the Ames Municipal Code.

The creation of the separate lot for the proposed restaurant requires assuring conformance with the parking standards for each lot. The proposed restaurant is estimated to be 5,000 square feet, which would lead to a shortage of 12 parking spaces on the proposed new lot. When reviewing the other properties parking needs. McFarland has a shortage of 5 spaces and Hy-Vee has an excess of 44.

	<b>Required</b>	<b>Supplied</b>
Sports Page	48	36
McFarland Lot	315	310
Hy-Vee Lot	358	402
Total	721	748

The current property owner has granted remote parking rights to support the development of a restaurant on the proposed new lot. The City would normally require a remote parking agreement approved by the City Council to allow the restaurant to use



the extra spaces on either the Hy-Vee or McFarland lot. However, as part of the platting of the first subdivision plat, Ames Associates created and recorded a cross access and parking agreement that provides for the shared use of all parking.

**After reviewing that agreement, staff believes it serves the purposes of a remote parking agreement even without having the City be a party to the agreement and no additional remote parking agreement is needed with this subdivision request.** In the proposed agreement, the rights of parking and access are by easement and can only be amended by mutual agreement. This means the rights of parking and access are in place for perpetuity as an easement and the owners would risk losing their property rights if they agreed to reduce the remote parking allocation.

Approval of the Final Plat requires that all public improvements are in place, with exceptions for sidewalk/bike facilities, or the subdivision must be denied and a preliminary plat prepared showing the required improvements. **In this instance, staff has determined that the subject property has all required infrastructure in place for utilities and streets.** A shared use path exists along Lincoln Way. Along the Dotson Drive boundary of the proposed plat, there is a 30-foot driveway at the south boundary and a 35-foot driveway near the middle of the site. Dotson does not have complete sidewalks, but in staff's opinion there was no practical means to construct a sidewalk across the driveways or to create curb returns due to the width of the lot matching the existing pavement of the driveways. Therefore, no sidewalk improvements across the existing driveways are required along Dotson with the subdivision.

### **BIKE PATH ISSUE :**

In regards to bike paths, the site conforms to the shared use path needs along Lincoln Way. Chapter 23 specifies that new subdivisions must provide infrastructure that matches the requirements of the Ames Bicycle Route Master Plan and in general must conform to the plans adopted by the City. Currently, there is no active Bicycle Route Master Plan that specifies additional bicycle path facilities for the subject site. However, the Ames Area Metropolitan Long Range Transportation Plan 2040 (LRTP) went into effect on October 12, 2015 and it includes a facility identified as OFF-5 as a planned off street bicycle facility along the south property line of the Hy-Vee lot in this subdivision. An excerpt from the LRTP is found in Attachment 3. The OFF-5 project is meant to create a parallel bicycle facility to Lincoln Way from Beedle Drive to the Inter-Modal facility in Campustown. The project is shown as potentially traversing numerous properties, including the subject Hy-Vee site. The LRTP labels it as a "Short-Term Implementation Time." Attachment 4 provides photos of the rear of the Hy-Vee lot related to the potential alignment of the bicycle path.

**Due to the language of Chapter 23 specifying bicycle paths must be provided in accordance with the Route Master Plan or duly adopted City plans, staff did not indicate to the applicant that OFF-5 would be a mandatory improvement with the proposed Minor Subdivision. Staff did review the area to consider placement of a facility and there is a high degree of uncertainty about the exact configuration of**

the path along the south property line and how opportunities may exist with apartment property to the south. The one key piece of the bicycle path that would be the most desirable in association with the Hy-Vee lot, would be 150-foot long easement through the existing south driveway to bypass a single-family home located at 202 Dotson. This would allow for the path to then connect to the apartment complex south of the Hy-Vee lot for the remainder of its extension to the east. However, this has not been designed or coordinated with the property owner as it was not a mandatory condition for Final Plat approval.

#### **ALTERNATIVES:**

1. The City Council can approve the Minor Final Plat for McFarland Subdivision, Plat 2.
2. The City Council can deny the Minor Final Plat for McFarland Subdivision, Plat 2, if it does not find the proposed plat to meet the criteria of Section 23.303 (b) of the Subdivision Code.
3. The City Council can refer this request back to staff to pursue a voluntary easement for the bicycle path from the property owner.

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

The proposed Final Plat for McFarland Subdivision, Plat 2 conforms to the City's subdivision and zoning regulations, to other City ordinances and standards, to the City's Land Use Policy Plan, and to the City's other duly adopted plans as described in the report above.

The first issue, conformance with the parking requirements, is resolved by the owner's recorded cross access and cross parking agreement. It is not the standard agreement that the City typically utilizes to meet the standards, but planning and legal staff have reviewed it and find it acceptable.

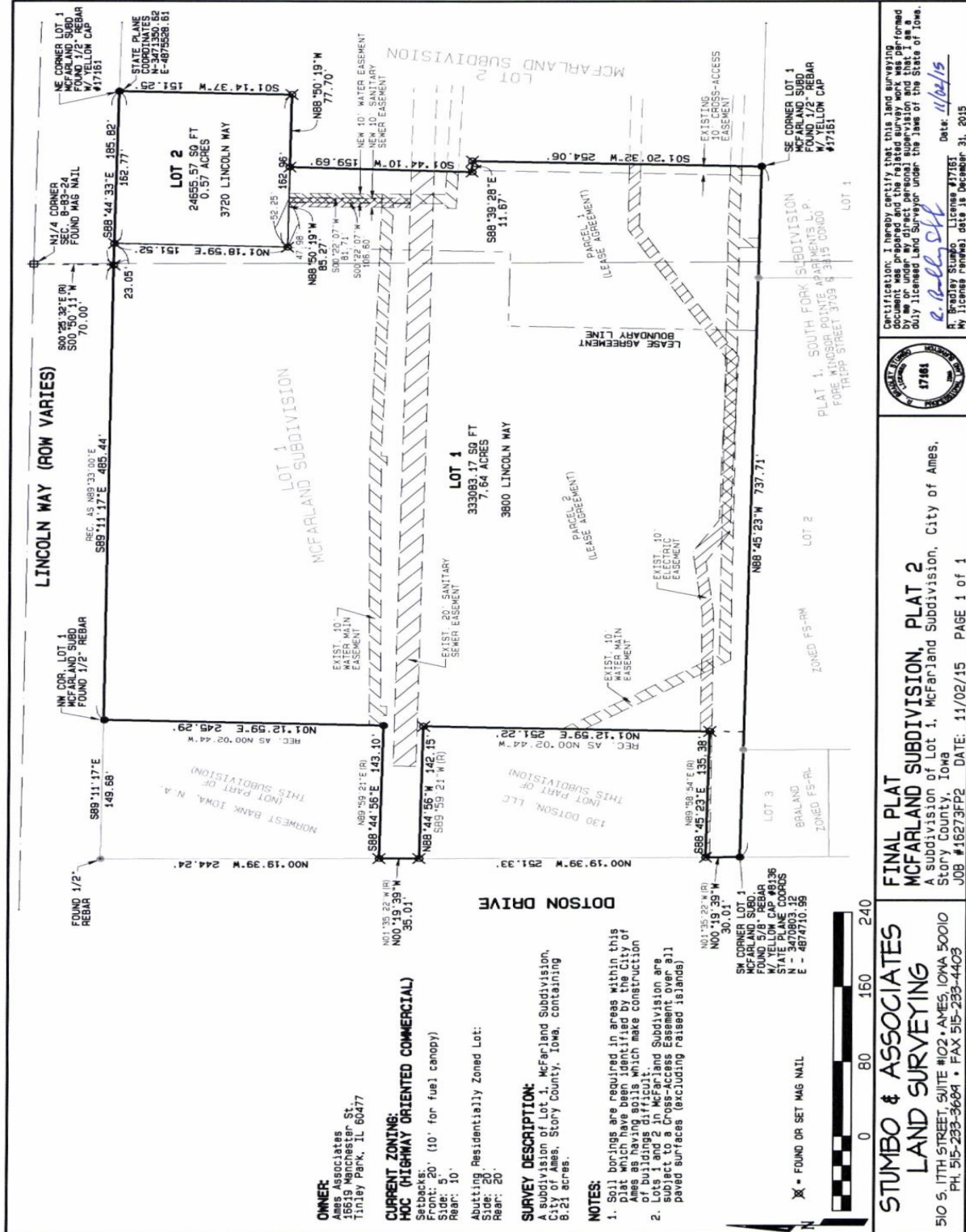
In regards to sidewalks there is no practical improvement to be made along Dotson Drive at this time. **For the bicycle path issue, the timing of the project is such that the OFF-5 improvement shown in the recently enacted LRTP is not mandatory as interpreted by staff.** It would be desirable to secure an easement for public access through the south driveway, but it is not a mandatory condition. Based upon the missing infrastructure ordinance (Chapter 22) adopted by Council this past summer, future investments and improvements on the Hy-Vee site may trigger providing for an easement or improvements in relation to the OFF-5 bicycle facility as the City updates its plan references and further reviews the feasibility of the OFF-5 project.

**Therefore, it is the recommendation of the City Manager that the City Council accept Alternative #1, thereby approving the Final Plat for McFarland Subdivision, Plat 2.**

**ATTACHMENT 1: LOCATION MAP**



# ATTACHMENT 2: PROPOSED SUBDIVISION

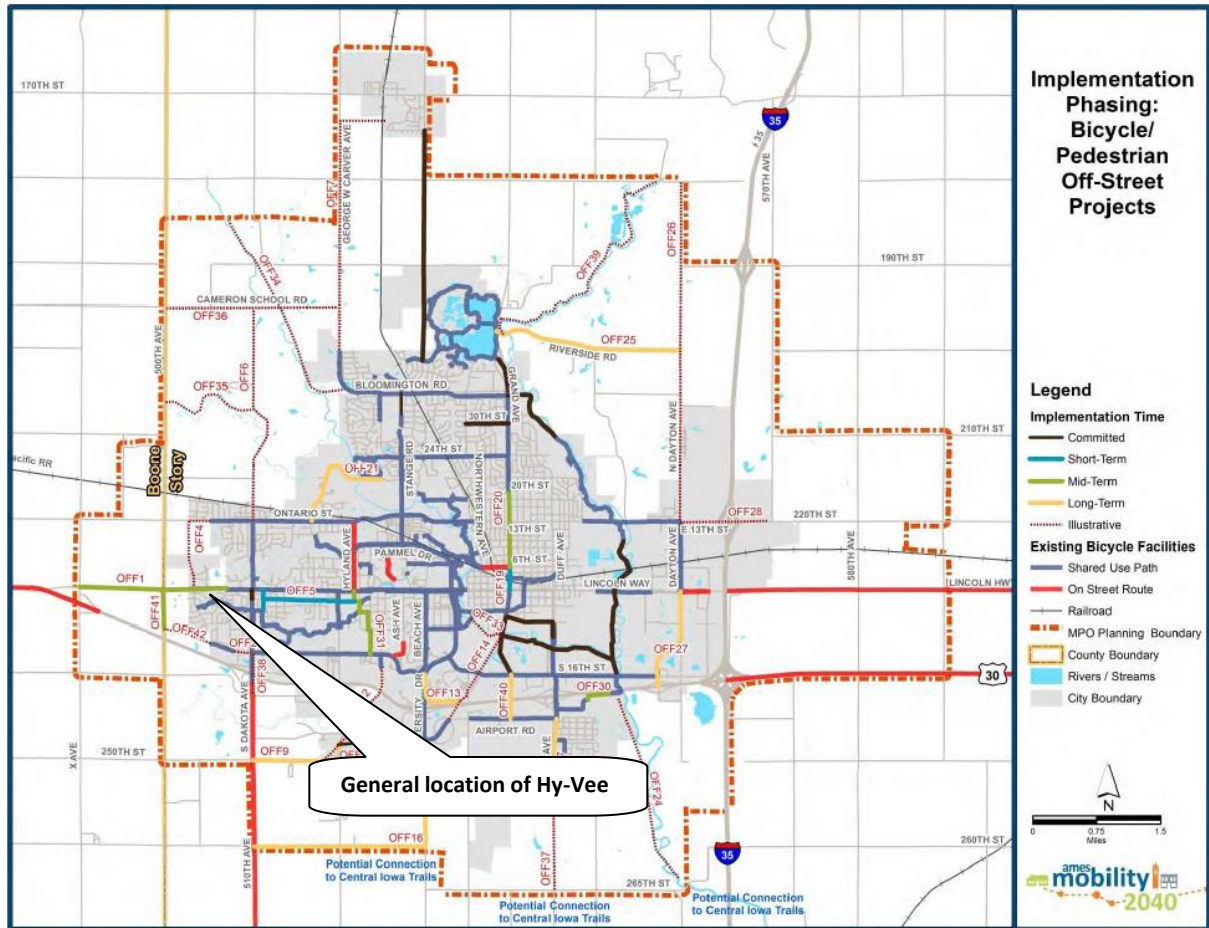


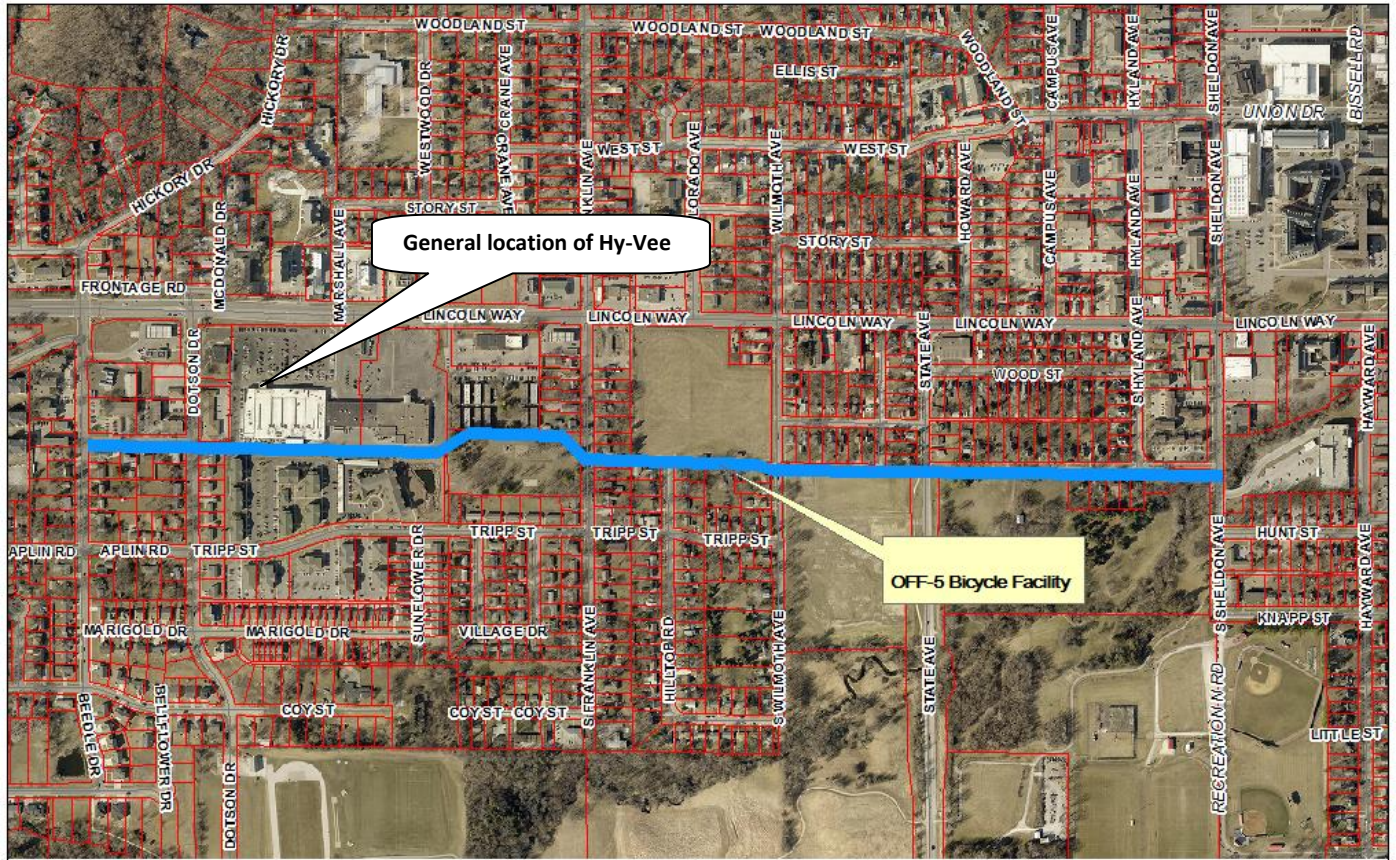


# ATTACHMENT 3: EXCERPTS OF LRTP OFF-STREET BICYCLE AND PEDESTRIAN PROJECTS (P. 208)

AMES MOBILITY 2040: AMES AREA MPO LONG RANGE TRANSPORTATION PLAN

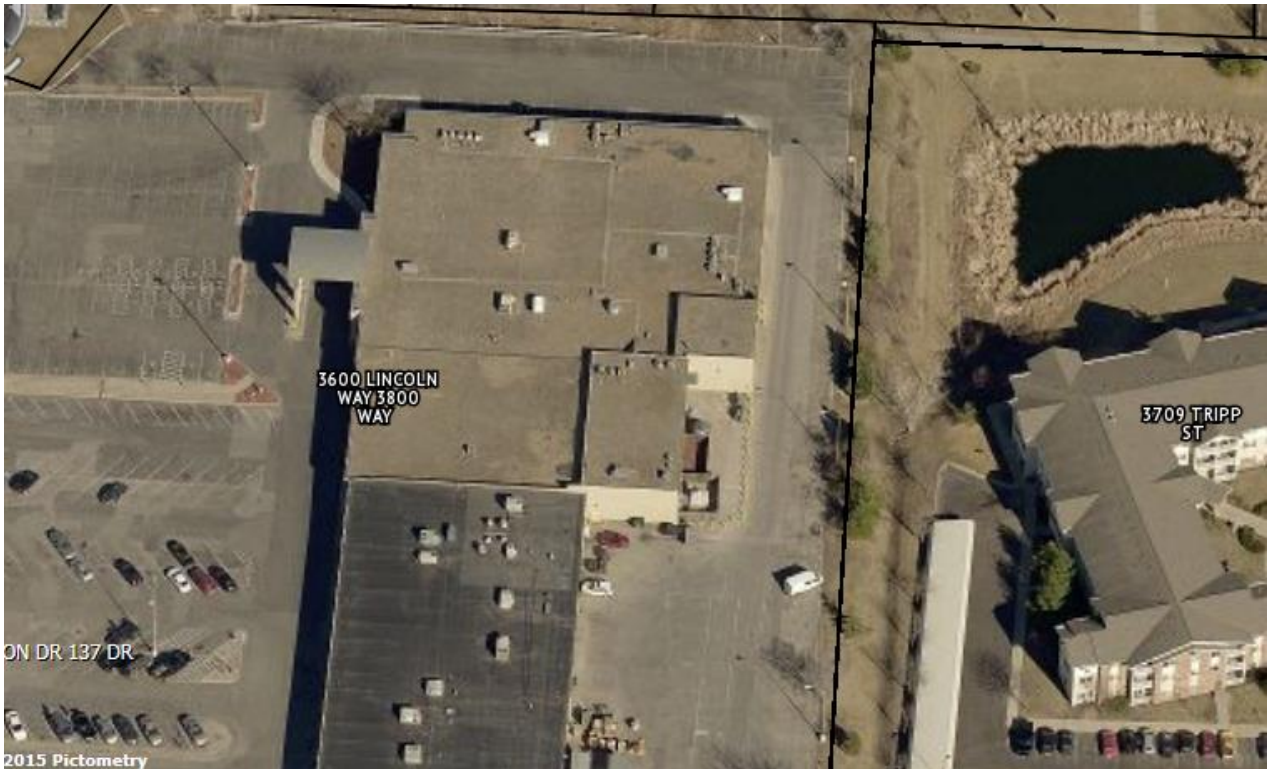
Figure 62. Planned Off-Street Bicycle and Pedestrian Projects







**ATTACHMENT 4: OBLIQUE PHOTOS OF BICYCLE PATH AREA**



**Above Hy-Vee looking East Along Rear of McFarland (Franklin Park at Top)**



**Above Dotson Drive looking East Along Rear of Hy-Vee**

## ATTACHMENT 5: APPLICABLE LAWS

The laws applicable to this case file are as follows:

*Code of Iowa*, Chapter 354.8 states in part:

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

*Ames Municipal Code Chapter 23 Subdivision Code*

Section 23.303(3) states as follows:

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

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

(b) Based upon such examination, the City Council shall ascertain whether the Final Plat conforms to relevant and applicable design and improvement standards in these Regulations, to other City ordinances and standards, to the City's Land Use Policy Plan and to the City's other duly adopted plans. **If the City Council determines that the proposed subdivision will require the installation or upgrade of any public improvements to provide adequate facilities and services to any lot in the proposed subdivision or to maintain adequate facilities and services to any other lot, parcel or tract, the City Council shall deny the Application for Final Plat Approval of a Minor Subdivision and require the Applicant to file a Preliminary Plat for Major Subdivision. [emphasis added]**

23.403 Street Improvements

(15) Bikeways: A bicycle path shall be constructed in an area to be subdivided in order to conform with the Bicycle Route Master Plan adopted by the City Council. The dimensions and construction specifications of any such bicycle path shall be determined by the number and type of users and the location and purpose of the bicycle path. (Ord. No. 3524, 5-25-99)



**COUNCIL ACTION FORM**

**SUBJECT: TAX INCREMENT FINANCING (TIF) AND REPORTING RESOLUTIONS FOR ANNUAL URBAN RENEWAL REPORT, CERTIFICATION OF TIF DEBT FOR CAMPUSTOWN AND ISU RESEARCH PARK, AND ANNUAL APPROPRIATION OF KINGLAND TIF REBATE**

**BACKGROUND:**

The 2012 Iowa Urban Renewal and Tax Increment Financing Reform bill included provisions for reporting, including the Annual Urban Renewal Report, which must be approved by the governing board and provided to the Iowa Department of Management to be made available to the public on an internet site.

This report includes uploading documents related to the urban renewal districts, such as the plan document and City Council action establishing the district, as well as financial information on TIF funds related to urban renewal districts. The due date for the report filing is December 1 of each year. The penalty for non-compliance is withholding certification of tax levies. The attached report includes financial information for the South Bell TIF district, the only active TIF for the City. Documents for the ISU Research Park and Campustown (Kingland) TIF districts have been uploaded to the Department of Management website and will be available for public viewing. The attached Annual Urban Renewal Report is for the fiscal year ending June 30, 2015.

In addition to the state reporting, the City is required to certify TIF debt with the County Auditor for the upcoming fiscal year. Of the two new TIF districts, the ISU Research Park debt is a general obligation bond debt, so no additional action is required by the City Council. The Kingland TIF involves a rebate of incremental property taxes subject to annual appropriation by the City Council. A resolution is required for the annual appropriation for the collection and rebate of incremental taxes per the agreement with Kingland.

**ALTERNATIVES:**

1. Approve the City's annual 2015 Urban Renewal Report and resolution appropriating the payment of a rebate of incremental taxes for the Campustown TIF district.
2. Do not approve the report and resolution and refer back to staff.

**MANAGER'S RECOMMENDED ACTION:**

In order for the City to comply with mandated reporting requirements and fulfill requirements under the development agreement with Kingland, it is necessary to submit

this report to the Iowa Department of Management by December 1 of this year and approve the appropriation of the tax increment rebate.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the City's annual 2015 Urban Renewal Report and resolution appropriating the payment of a rebate of incremental taxes for the Campustown TIF district.

# Annual Urban Renewal Report, Fiscal Year 2014 - 2015

## Levy Authority Summary

Local Government Name: AMES  
Local Government Number: 85G811

Active Urban Renewal Areas	U.R. #	# of Tif Taxing Districts
AMES COMMUNITY DEVELOPMENT PARK URBAN RENEWAL	85012	1
AMES SOUTH BELL AVENUE URBAN RENEWAL	85021	2
AMES CAMPUSTOWN URBAN RENEWAL	85900	0
AMES ISU RESEARCH PARK URBAN RENEWAL	85901	0

**TIF Debt Outstanding: 833,053**

<b>TIF Sp. Rev. Fund Cash Balance as of 07-01-2014:</b>	<b>-175,731</b>	<b>0</b>	<b>Amount of 07-01-2014 Cash Balance Restricted for LMI</b>
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TIF Revenue:	37,250
TIF Sp. Revenue Fund Interest:	-1,640
Property Tax Replacement Claims	1,632
Asset Sales & Loan Repayments:	0
<b>Total Revenue:</b>	<b>37,242</b>

Rebate Expenditures:	0
Non-Rebate Expenditures:	117,251
Returned to County Treasurer:	0
<b>Total Expenditures:</b>	<b>117,251</b>

<b>TIF Sp. Rev. Fund Cash Balance as of 06-30-2015:</b>	<b>-255,740</b>	<b>0</b>	<b>Amount of 06-30-2015 Cash Balance Restricted for LMI</b>
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**Year-End Outstanding TIF  
Obligations, Net of TIF Special  
Revenue Fund Balance: 971,542**

♣ Annual Urban Renewal Report, Fiscal Year 2014 - 2015

## Urban Renewal Area Data Collection

Local Government Name: AMES (85G811)  
 Urban Renewal Area: AMES COMMUNITY DEVELOPMENT PARK URBAN RENEWAL  
 UR Area Number: 85012

UR Area Creation Date: 11/1997

UR Area Purpose: Enhance the availability of sites to accommodate the construction of new industrial and commercial buildings and encourage and support development that will expand the tax base.

## Tax Districts within this Urban Renewal Area

	Base No.	Increment No.	Increment Value Used
AMES CITY/AMES SCH/AMES COMMUNITY DEVELOPMENT PARK URBAN RENEWAL TIF INCREM	85526	85126	0

## Urban Renewal Area Value by Class - 1/1/2013 for FY 2015

	Agricultural	Residential	Commercial	Industrial	Other	Military	Total	Gas/Electric Utility	Total
Assessed	0	0	0	0	0	0	0	0	0
Taxable	0	0	0	0	0	0	0	0	0
Homestead Credits									0

## TIF Sp. Rev. Fund Cash Balance as of 07-01-2014:

0

0

## Amount of 07-01-2014 Cash Balance Restricted for LMI

TIF Revenue:	0
TIF Sp. Revenue Fund Interest:	0
Property Tax Replacement Claims	0
Asset Sales & Loan Repayments:	0
<b>Total Revenue:</b>	<b>0</b>

Rebate Expenditures:	0
Non-Rebate Expenditures:	0
Returned to County Treasurer:	0
<b>Total Expenditures:</b>	<b>0</b>

## TIF Sp. Rev. Fund Cash Balance as of 06-30-2015:

0

0

## Amount of 06-30-2015 Cash Balance Restricted for LMI



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Sum of Private Investment Made Within This Urban Renewal Area  
during FY 2015

## TIF Taxing District Data Collection

Local Government Name:	AMES (85G811)
Urban Renewal Area:	AMES COMMUNITY DEVELOPMENT PARK URBAN RENEWAL (85012)
TIF Taxing District Name:	AMES CITY/AMES SCH/AMES COMMUNITY DEVELOPMENT PARK URBAN RENEWAL TIF INCREM
TIF Taxing District Inc. Number:	85126
TIF Taxing District Base Year:	1997
FY TIF Revenue First Received:	2000
Subject to a Statutory end date?	Yes
Fiscal year this TIF Taxing District statutorily ends:	2020

UR Designation	
Slum	No
Blighted	No
Economic Development	11/1997

## TIF Taxing District Value by Class - 1/1/2013 for FY 2015

	Agricultural	Residential	Commercial	Industrial	Other	Military	Total	Gas/Electric Utility	Total
Assessed	0	0	0	0	0	0	0	0	0
Taxable	0	0	0	0	0	0	0	0	0
Homestead Credits									0

	Frozen Base Value	Max Increment Value	Increment Used	Increment Not Used	Increment Revenue Not Used
Fiscal Year 2015	43,167	0	0	0	0

FY 2015 TIF Revenue Received: 0

## Urban Renewal Area Data Collection

Local Government Name: AMES (85G811)  
 Urban Renewal Area: AMES SOUTH BELL AVENUE URBAN RENEWAL  
 UR Area Number: 85021

UR Area Creation Date: 01/2009

UR Area Purpose: To expand the available inventory  
 of fully serviced industrial land  
 within Ames.

Tax Districts within this Urban Renewal Area	Base No.	Increment No.	Increment Value Used
AMES CITY/AMES SCH/SOUTH BELL AVENUE URBAN RENEWL TIF INCREM	85586	85186	1,646,350
AMES CITY AG/AMES SCH/SOUTH BELL AVENUE URBAN RENEWAL TIF INCREM	85587	85187	0

## Urban Renewal Area Value by Class - 1/1/2013 for FY 2015

	Agricultural	Residential	Commercial	Industrial	Other	Military	Total	Gas/Electric Utility	Total
Assessed	0	0	1,733,000	0	0	0	1,733,000	0	1,733,000
Taxable	0	0	1,646,350	0	0	0	1,646,350	0	1,646,350
Homestead Credits									0

<b>TIF Sp. Rev. Fund Cash Balance as of 07-01-2014:</b>	<b>-175,731</b>	<b>0</b>	<b>Amount of 07-01-2014 Cash Balance Restricted for LMI</b>
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TIF Revenue:	37,250
TIF Sp. Revenue Fund Interest:	-1,640
Property Tax Replacement Claims	1,632
Asset Sales & Loan Repayments:	0
<b>Total Revenue:</b>	<b>37,242</b>

Rebate Expenditures:	0
Non-Rebate Expenditures:	117,251
Returned to County Treasurer:	0
<b>Total Expenditures:</b>	<b>117,251</b>

<b>TIF Sp. Rev. Fund Cash Balance as of 06-30-2015:</b>	<b>-255,740</b>	<b>0</b>	<b>Amount of 06-30-2015 Cash Balance Restricted for LMI</b>
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## Projects For AMES SOUTH BELL AVENUE URBAN RENEWAL

### South Bell Infrastructure

Description:	Public Infrastructure for South Bell Area
Classification:	Roads, Bridges & Utilities
Physically Complete:	Yes
Payments Complete:	No



## Debts/Obligations For AMES SOUTH BELL AVENUE URBAN RENEWAL

### 2009B GO Bonds

Debt/Obligation Type:	Gen. Obligation Bonds/Notes
Principal:	737,136
Interest:	95,917
Total:	833,053
Annual Appropriation?:	No
Date Incurred:	10/29/2009
FY of Last Payment:	2020

## **Non-Rebates For AMES SOUTH BELL AVENUE URBAN RENEWAL**

TIF Expenditure Amount:	117,251
Tied To Debt:	2009B GO Bonds
Tied To Project:	South Bell Infrastructure

## ◆ Annual Urban Renewal Report, Fiscal Year 2014 - 2015

### TIF Taxing District Data Collection

Local Government Name:	AMES (85G811)
Urban Renewal Area:	AMES SOUTH BELL AVENUE URBAN RENEWAL (85021)
TIF Taxing District Name:	AMES CITY/AMES SCH/SOUTH BELL AVENUE URBAN RENEWL TIF INCREM
TIF Taxing District Inc. Number:	85186
TIF Taxing District Base Year:	2008
FY TIF Revenue First Received:	2010
Subject to a Statutory end date?	Yes
Fiscal year this TIF Taxing District statutorily ends:	2030

UR Designation	
Slum	No
Blighted	No
Economic Development	01/2009

### TIF Taxing District Value by Class - 1/1/2013 for FY 2015

	Agricultural	Residential	Commercial	Industrial	Other	Military	Total	Gas/Electric Utility	Total
Assessed	0	0	1,733,000	0	0	0	1,733,000	0	1,733,000
Taxable	0	0	1,646,350	0	0	0	1,646,350	0	1,646,350
Homestead Credits									0

	Frozen Base Value	Max Increment Value	Increment Used	Increment Not Used	Increment Revenue Not Used
Fiscal Year 2015	14,531	1,646,350	1,646,350	0	0

FY 2015 TIF Revenue Received: 37,250

### TIF Taxing District Data Collection

Local Government Name:	AMES (85G811)
Urban Renewal Area:	AMES SOUTH BELL AVENUE URBAN RENEWAL (85021)
TIF Taxing District Name:	AMES CITY AG/AMES SCH/SOUTH BELL AVENUE URBAN RENEWAL TIF INCREM
TIF Taxing District Inc. Number:	85187
TIF Taxing District Base Year:	2008
FY TIF Revenue First Received:	2011
Subject to a Statutory end date?	Yes
Fiscal year this TIF Taxing District statutorily ends:	2031

UR Designation	
Slum	No
Blighted	No
Economic Development	01/2009

### TIF Taxing District Value by Class - 1/1/2013 for FY 2015

	Agricultural	Residential	Commercial	Industrial	Other	Military	Total	Gas/Electric Utility	Total
Assessed	0	0	0	0	0	0	0	0	0
Taxable	0	0	0	0	0	0	0	0	0
Homestead Credits									0

	Frozen Base Value	Max Increment Value	Increment Used	Increment Not Used	Increment Revenue Not Used
Fiscal Year 2015	0	0	0	0	0

FY 2015 TIF Revenue Received: 0

## Urban Renewal Area Data Collection

Local Government Name: AMES (85G811)  
 Urban Renewal Area: AMES CAMPUSTOWN URBAN RENEWAL  
 UR Area Number: 85900

UR Area Creation Date: 12/2013

UR Area Purpose: Redevelopment of the urban renewal area including construction of a commercial facility for retail and office use within the Ames Campustown Urban Renewal Area.

## Tax Districts within this Urban Renewal Area

Base No. Increment No. Increment Value Used

## Urban Renewal Area Value by Class - 1/1/2013 for FY 2015

	Agricultural	Residential	Commercial	Industrial	Other	Military	Total	Gas/Electric Utility	Total
Assessed	0	0	0	0	0	0	0	0	0
Taxable	0	0	0	0	0	0	0	0	0
Homestead Credits									0

**TIF Sp. Rev. Fund Cash Balance as of 07-01-2014:**

0

0

**Amount of 07-01-2014 Cash Balance Restricted for LMI**

TIF Revenue: 0  
 TIF Sp. Revenue Fund Interest: 0  
 Property Tax Replacement Claims: 0  
 Asset Sales & Loan Repayments: 0  
**Total Revenue: 0**

Rebate Expenditures: 0  
 Non-Rebate Expenditures: 0  
 Returned to County Treasurer: 0  
**Total Expenditures: 0**

**TIF Sp. Rev. Fund Cash Balance as of 06-30-2015:**

0

0

**Amount of 06-30-2015 Cash Balance Restricted for LMI**



♣ Annual Urban Renewal Report, Fiscal Year 2014 - 2015

# Urban Renewal Area Data Collection

Local Government Name: AMES (85G811)  
 Urban Renewal Area: AMES ISU RESEARCH PARK URBAN RENEWAL  
 UR Area Number: 85901

UR Area Creation Date: 11/2014

UR Area Purpose: To support economic development  
 and the necessary infrastructure for  
 the expansion of the Iowa State  
 University Research Park.

Tax Districts within this Urban Renewal Area	Base No.	Increment No.	Increment Value Used
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## Urban Renewal Area Value by Class - 1/1/2013 for FY 2015

	Agricultural	Residential	Commercial	Industrial	Other	Military	Total	Gas/Electric Utility	Total
Assessed	0	0	0	0	0	0	0	0	0
Taxable	0	0	0	0	0	0	0	0	0
Homestead Credits									0

<b>TIF Sp. Rev. Fund Cash Balance as of 07-01-2014:</b>	<b>0</b>	<b>0</b>	<b>Amount of 07-01-2014 Cash Balance Restricted for LMI</b>
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TIF Revenue:	0
TIF Sp. Revenue Fund Interest:	0
Property Tax Replacement Claims	0
Asset Sales & Loan Repayments:	0
<b>Total Revenue:</b>	<b>0</b>

Rebate Expenditures:	0
Non-Rebate Expenditures:	0
Returned to County Treasurer:	0
<b>Total Expenditures:</b>	<b>0</b>

<b>TIF Sp. Rev. Fund Cash Balance as of 06-30-2015:</b>	<b>0</b>	<b>0</b>	<b>Amount of 06-30-2015 Cash Balance Restricted for LMI</b>
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RESOLUTION\_\_\_\_\_

Obligating funds from City of Ames Campustown Urban Renewal Area Urban Renewal Tax Revenue Fund for appropriation to the payment of annual appropriation tax increment rebate payments due to be paid in the next succeeding fiscal year

WHEREAS, the City of Ames, Iowa (the “City”), pursuant to and in strict compliance with all laws applicable to the City, and in particular the provisions of Chapter 403 of the Code of Iowa, has adopted an Urban Renewal Plan for the Campustown Urban Renewal Area (the “Urban Renewal Area”); and

WHEREAS, this Council has adopted an ordinance providing for the division of taxes levied on taxable property in the Urban Renewal Area pursuant to Section 403.19 of the Code of Iowa and establishing the fund referred to in Subsection 2 of Section 403.19 of the Code of Iowa (the “Campustown Urban Renewal Tax Revenue Fund”), which fund and the portion of taxes referred to in that subsection may be irrevocably pledged by the City for the payment of the principal and interest on indebtedness incurred under the authority of Section 403.9 of the Code of Iowa to finance or refinance in whole or in part projects in the Urban Renewal Area; and

WHEREAS, pursuant to the City’s Development Agreement (the “Agreement”) with Kingland Systems Corporation (the “Company”), approved by resolution of the City Council on December 10, 2013, the City agreed to make economic development tax increment payments to the Company, subject to annual appropriation by the City Council; and

WHEREAS, payments under the Agreement are scheduled to be made from the Campustown Urban Renewal Tax Revenue Fund during the fiscal year that will begin July 1, 2016, in a total amount equal to 100% of the incremental property tax payments made by the Company in that fiscal year (the “Payments”); and

WHEREAS, it is now necessary for the City Council to obligate for appropriation to the Payments, funds anticipated to be received in the Campustown Urban Renewal Tax Revenue Fund in the fiscal year that will begin July 1, 2016;

NOW, THEREFORE, It Is resolved by the City Council of the City of Ames, Iowa, as follows:

Section 1. The City Council hereby obligates for appropriation from the Campustown Urban Renewal Tax Revenue Fund the amount of \$200,017.00, which is estimated to be an amount equal to 100% of the incremental property tax revenues that are expected to be received by the City in such fund from the Story County Treasurer in the fiscal year that will begin July 1, 2016.

Section 2. The City Clerk and Finance Director are hereby authorized and directed to certify to the Story County Auditor the amount obligated for appropriation in Section 1 above as part of the City's 2015 certification of debt payable from the Campustown Urban Renewal Tax Revenue Fund and to reflect such estimated amount in the City's budget for the fiscal year that will begin July 1, 2016.

Section 3. All resolutions or parts of resolutions in conflict herewith are hereby repealed.

Passed and approved November 10, 2015.

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Mayor

Attest:

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City Clerk