

AGENDA
REGULAR MEETING OF THE AMES CITY COUNCIL
COUNCIL CHAMBERS - CITY HALL
DECEMBER 8, 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.

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

1. Motion approving payment of claims
2. Motion approving Minutes of Regular Meeting of November 24, 2015
3. Motion approving Report of Contract Change Orders for November 16-30, 2015
4. Motion setting January 12 and February 23, 2016, at 5:30 p.m. as Conference Board meeting dates
5. Motion approving renewal of the following Beer Permits, Wine Permits, and Liquor Licenses:
 - a. Class C Liquor & Outdoor Service – Thumbs Bar, 2816 West Street
 - b. Class C Beer – Swift Stop #7, 2700 Lincoln Way
 - c. Class C Liquor – Tip Top Lounge, 201 East Lincoln Way
 - d. Class C Beer – Casey’s General Store #2298, 428 Lincoln Way
 - e. Class C Liquor – Cyclone Liquors, 626 Lincoln Way
6. Motion approving 5-day (December 12-16) Class A Liquor License for Great Caterers of Iowa at CPMI Event Center, 2321 North Loop Drive
7. Motion approving Ownership Change of Class C Liquor License & Outdoor Service for Chipotle, 435 South Duff Avenue, Ste. 102
8. Motion approving 5-day (January 2-6) Class B Beer Permit for Olde Main at Reiman Gardens, 1407 University Boulevard
9. Motion approving Encroachment Permit for sign at 427 Douglas Avenue, Octagon Center for the Arts
10. Resolution approving 2015/16 Spring Special Project Commission On The Arts grants
11. Resolution approving Agreement with Iowa Department of Transportation for Curb and Intake Repair on U.S. Highway 69 [North Grand Avenue (500' north of 16th Street to 900' north of 24th Street)]
12. Resolution approving preliminary plans and specifications for Ada Hayden North Shelter Water Service Line Project; setting January 5, 2016, as bid due date and January 12, 2016, as date of public hearing
13. Resolution approving preliminary plans and specifications for Furman Aquatic Center Pool Basin Repainting project; setting January 6, 2016, as bid due date and January 12, 2016, as date of public hearing
14. Resolution awarding contract to Keck Energy of Des Moines, Iowa, for purchase of fuel for CyRide for calendar year 2016
15. Resolution waiving purchase policy requirement for competitive bidding for Testing Equipment and awarding contract to OMICRON Electronics Corporation USA of Houston, Texas, in the amount of \$75,284 (inclusive of Iowa sales tax)

16. Resolution approving Change Order No. 2 in the amount of \$150,000 with General Electric International, Inc., of Omaha, Nebraska for Bid No. 2 Turbine Steam Seal System for Unit No. 8
17. Resolution accepting completion of Methane Engine-Generator Set No. 2 Rehabilitation project at Water Pollution Control facility
18. Resolution accepting partial completion of public improvements and reducing security for Quarry Estates Subdivision
19. Resolution accepting completion of public utility improvement (12-inch water main installation) and releasing security for Dauntless Subdivision, 5th Addition
20. Resolution approving Plat of Survey for 535 South Duff Avenue

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

ADMINISTRATION:

21. Options for regulation of e-cigarettes:
 - a. Motion providing direction to staff
22. Follow-Up Staff Report regarding number of clients turned away from ASSET:
 - a. Motion directing staff regarding ASSET funding for Fiscal Year 2016/17
23. Request from Ames Economic Development Commission for donors to Airport Hangar to be given first right of notification:
 - a. Motion approving/denying request
24. Staff Report regarding request of First National Bank pertaining to Eastgate Subdivision:
 - a. Resolution approving modifications to covenant and Development Agreement to allow properties to be sold to Ames National Corporation without requiring payment for road widening costs

PUBLIC WORKS:

25. Resolution approving 2017-2021 Federal Airport Improvement Plan
26. Resolution approving Agreements with Hunziker Development and Skeye 1, LLC, to allow operation of Unmanned Aircraft Systems within Ames airspace for Calendar Year 2016

FINANCE:

27. Resolution accepting bids and authorizing sale and issuance of Electric Revenue Bonds in an amount not to exceed \$10,360,000

PLANNING & HOUSING:

28. Resolution approving final tax abatement for 2320 Lincoln Way

HEARINGS:

29. Hearing on Amendment to Campustown Urban Revitalization Plan:
 - a. Resolution approving amendment to Plan

ORDINANCES:

30. First passage of ordinance setting parking regulations for new and/or extended streets
31. Second passage of ordinance revising Chapter 23 pertaining to Bicycle Plans and Bikeways
32. Second passage of ordinance rezoning property at 205 South Wilmoth Avenue from Residential Low Density (RL) to Residential High Density (RH)

33. Second passage of ordinance rezoning property at 101, 105, and 107 South Wilmoth Avenue from Residential High Density (RH) with University West Impact Overlay to Residential High Density (RH)
34. Second passage of ordinance establishing South Wilmoth Avenue Urban Revitalization Area
35. Second passage of ordinance rezoning property at 516 South 17th Street from Highway-Oriented Commercial (HOC) to Residential High Density (RH)
36. Third passage and adoption of ORDINANCE NO. 4236 pertaining to solar energy systems regulations

COUNCIL COMMENTS:

ADJOURNMENT:

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

MINUTES OF THE REGULAR MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

NOVEMBER 24, 2015

The Regular Meeting of the Ames City Council was called to order by Mayor Ann Campbell at 6:00 p.m. on the 24th day of November, 2015, in the City Council Chambers in City Hall, 515 Clark Avenue. Council Members Gloria Betcher, Tim Gartin, Chris Nelson, and Peter Orazem and *ex officio* Member Sam Schulte were present. Council Member Matthew Goodman arrived at 6:06 p.m. As it was not possible for her to be at the meeting in person, Council Member Amber Corrieri was brought in telephonically.

Mayor Campbell announced that there would not be a Closed Session held at this meeting as outside counsel had a scheduling conflict arise.

PRESENTATION OF NEW CITY WEB SITE: Susan Gwiasda, City Public Relations Officer, and Stan Davis, Information Technology Manager, gave a presentation highlighting the City's new Web site. The City went live with the new site on November 23, 2015.

CONSENT AGENDA: Moved by Goodman, seconded by Betcher, to approve the following items on the Consent Agenda:

1. Motion approving payment of claims
2. Motion approving Minutes of Regular Meeting of November 10, 2015, and Special Meeting of November 17, 2015
3. Motion approving certification of civil service applicants
4. Motion approving Report of Contract Change Orders for November 1-15, 2015
5. Motion approving renewal of the following Beer Permits, Wine Permits, and Liquor Licenses:
 - a. Class C Liquor & Outdoor Service – Outlaws, 2522 Chamberlain Street
 - b. Class B Native Wine – Chocolaterie Stam, 230 Main Street
 - c. Class C Beer – Swift Stop #8, 705 24th Street
 - d. Class C Liquor & Outdoor Service – Aunt Maude's, 543-547 Main Street
 - e. Class C Liquor & Outdoor Service – The Café, 2616 Northridge Parkway
6. Motion approving 5-day (December 7-11) Special Class C Liquor License for Olde Main Brewing Company at ISU Alumni Center, 420 Beach Avenue
7. Motion approving Sunday Sales for Bar, 823 Wheeler Street, Suite 4
8. Motion approving Class B Beer Permit for Mongolian Buffet, 1620 South Kellogg Avenue, Suite 103
9. Motion approving Class B Liquor License and Outdoor Service for Country Inn & Suites, 2605 SE 16th Street (pending satisfactory background check)
10. RESOLUTION NO. 15-697 accepting Abstract of Votes for November 3, 2015, Regular City Election
11. RESOLUTION NO. 15-698 approving 36-month contract with CenturyLink for Internet Services
12. RESOLUTION NO. 15-699 approving Storm Water Easement with Arbor on the Green Homeowners Association for pond
13. RESOLUTION NO. 15-700 approving request to close Lynn Avenue for installation of storm sewer

14. RESOLUTION NO. 15-701 approving transfer of cellular antenna site lease at Homewood Golf Course from Iowa Wireless Services to TowerCo 2013, LLC
 15. RESOLUTION NO. 15-702 approving reallocation of Wellmark "3-Point Play" monies for purchasing specified indoor fitness equipment instead than outdoor fitness equipment that was approved in FY 2013/14 CIP
 16. RESOLUTION NO. 15-703 approving Modification to Self-Insured Health Insurance Summary Plan Document
 17. RESOLUTION NO. 15-704 awarding contract to Wesco Distribution of Des Moines, Iowa, for 750 KCMIL Copper Cable in the amount of \$73,252.20 (Alternate) for Electric Services, subject to metals adjustment at time of order
 18. RESOLUTION NO. 15-705 approving preliminary plans and specifications for WPC Decant Line Replacement project; setting the bid due date for January 5, 2016, and January 12, 2016, as date of public hearing
 19. RESOLUTION NO. 15-706 approving contract and bond for Water Treatment Plant High Service Pump #3 Replacement Project
 20. RESOLUTION NO. 15-707 approving Change Order No. 3 with TEI Construction Services, Inc., for Power Plant Fuel Conversion - Mechanical Installation General Work in the amount of \$187,984
 21. RESOLUTION NO. 15-708 approving Change Order No. 3 with Integrity Construction for Library Renovation project in an amount not to exceed \$5,750
 22. RESOLUTION NO. 15-709 approving Change Order No. 4 with HPC, LLC, for City Hall Renovation Project, Phase 2 in the amount of \$18,684
 23. 2013/14 CyRide Route Pavement Improvements Program #2 (Garden Road, Garnet Drive, Viola Mae Avenue):
 - a. RESOLUTION NO. 15-710 approving Change Order No. 1
 - b. RESOLUTION NO. 15-711 accepting final completion
 24. 2011/12 Asphalt Pavement Improvements (Ironwood Court):
 - a. RESOLUTION NO. 15-712 approving Change Order No. 1
 - b. RESOLUTION NO. 15-713 accepting final completion
 25. RESOLUTION NO. 15-714 accepting partial completion of public improvements and reducing security requirement for Quarry Estates Subdivision, 1st Addition
 26. RESOLUTION NO. 15-715 accepting final completion of 2012/13 Concrete Pavement Improvements Contract #3 (Lincoln Way Frontage Road)
 27. RESOLUTION NO. 15-716 accepting final completion of 2014/15 Collector Street Pavement Improvements (West Street and Woodland Street)
- 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: Mayor Campbell opened Public Forum. She closed same after no one requested to speak.

HEARING ON REZONING PROPERTY AT 101, 105, AND 107 SOUTH WILMOTH AVENUE AND 205 SOUTH WILMOTH AVENUE (Continued from November 10, 2015): Planning and Housing Director Kelly Diekmann advised that two rezoning applications had been received: one for 101, 105, and 107 South Wilmoth Avenue and one for 205 South Wilmoth Avenue.

City Planner Karen Marren explained that the four lots (101, 105, 107, and 205 S. Wilmoth Avenue) proposed for rezoning contain 8.91 acres. The property at 205 S. Wilmoth is currently zoned Residential Low-Density and 101, 105, and 107 S. Wilmoth is zoned Residential High Density with the University West Impacted District Overlay. The developer of the sites proposed a mixed residential and commercial development and is requesting a rezoning from Residential Low Density to Residential High Density (RH) for 205 Wilmoth and from RH with the West University Impacted District Overlay to the base RH zoning.

Ms. Marren advised that there had been valid Protests filed by owners of property abutting all the subject parcels. An additional signature was received today pertaining to 101, 105, and 107 S. Wilmoth; that put the percentage of property area over the 20% threshold. Because of the valid Protests, a super majority (five out of six) vote must be received to approve the Ordinance. City Attorney Judy Parks explained her interpretation of the *Code, Administrative Acts*, and case law pertaining to what constitutes a valid Protest.

Director Diekmann stated that staff received the signed Contract Rezoning Agreement today. It will be binding on its own and incorporated into the Ordinances. He clarified that the square footage (15,000) for required mixed use may be in one building or additional buildings along Lincoln Way; it does not mean that all buildings along Lincoln Way must be mixed use. There will be two Ordinances; however, the Contract Rezoning Agreement will pertain to both. The Agreement will be effective upon the third reading of the Ordinances rezoning the properties. Mr. Diekmann reminded the Council that the development of the properties will be required to be consistent with the approved Settlement Agreement from July 28, 2015, between the City and Breckenridge Group that would allow for future development of a residential use of up to 422 beds and the development of between 15,000 and 40,000 square feet of commercial development as mixed use. The property owner has also agreed to a three-story height limitation for development of the combined sites.

Mayor Campbell opened the public hearing.

Sharon Guber, 2931 Northwestern Avenue, Ames, advised that she had filed the Protests with the City Clerk for 101, 105, and 107 South Wilmoth Avenue and 205 South Wilmoth Avenue; the Protests had been verified to be valid. Ms. Guber reiterated that, since the Protests had been filed and proven to be valid, a super majority of the City Council will be necessary to pass any motion to approve the rezoning. Ms. Guber urged the Council to listen to the adjacent property owners and set the zoning at only Low-Density Residential. In terms of the “optional parcel (101, 105, and 107 South Wilmoth),” Ms. Guber noted that the number of property owners who had signed own smaller properties, so it takes a lot of them to total 20% or more of the area. Ms. Guber urged the Council to not accept the applications for rezoning.

Joanne Pfeiffer, 3318 Morningside Street, Ames, expressed her concerns that the Breckenridge development will be poorly planned and poorly constructed. She had hoped that the North Parcel would be a showcase, a sort of role model, on how to lift up a neighborhood with 422 students. She hoped it would bring a sense of belonging to the neighborhood. Ms. Pfeiffer questioned why the City would change the zoning to RH. She asked that the Council reject the applications.

Brian Torresi, DavisBrown Law Firm, Ames, asked the Council to approve Option 1, which would be in accordance with the Settlement Agreement and the Contract Rezoning Agreement. He pointed out that a full RH zone is in line with the HOC zone. Mr. Torresi advised that staff is in support of the requested rezonings.

Sharon Stewart, 437 Hilltop Road, Ames, asked why, if there is no difference whether the Overlay is in place or not, is its removal being requested. Director Diekmann said that there are very slight differences. Staff's recommendation is based on the fact that with RH, certain requirements are still triggered.

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

The uses to be allowed under RH zoning were listed by Mr. Diekmann. He emphasized that a Major Site Development Plan would be required for development of the site due to the requirement of the Settlement Agreement and stipulations of the contract rezoning for at least 15,000 square feet of mixed-use commercial development. Mr. Diekmann pointed out that there are many alternative configurations of development that could occur under the proposed designation that are not actually known at this time.

Council Member Goodman also asked to know why the developers felt it necessary to remove the Overlay. Director Diekmann explained that there are subtle differences between having the Overlay in place and not have the Overlay in place. He gave a few examples comparing development with the Overlay and without it. Attorney Torresi explained that it is cleaner from a development perspective to have the Parcel be zoned the same instead of having split zoning.

It was noted by Director Diekmann that, at a public hearing on October 21, 2015, the Planning and Zoning Commission voted 5-0 to recommend that the City Council rezone the subject properties from RL and RH with the West University Impacted District Overlay to RH.

Moved by Nelson, seconded by Gartin, to pass on first reading an ordinance rezoning property at 205 South Wilmoth Avenue from Residential Low Density (RL) to Residential High Density (RH).
Roll Call Vote: 6-0. Motion declared carried unanimously.

Moved by Nelson, seconded by Gartin, to pass on first reading an ordinance rezoning property at 101, 105, and 107 South Wilmoth Avenue from Residential High Density (RH) with University West Impact Overlay to Residential High Density (RH).
Roll Call Vote: 6-0. Motion declared carried unanimously.

HEARING ON URBAN REVITALIZATION PLAN FOR SOUTH WILMOTH AVENUE:
Director Diekmann explained that Breckenridge was requesting the designation of 101, 105, 107, and 205 South Wilmoth as an Urban Revitalization Area (URA). The proposed URA comprises the former North Middle School Parcel (205 South Wilmoth) as well as three additional parcels (101, 105, and 107 South Wilmoth) acquired by Breckenridge. The property addressed as 205 South Wilmoth is a vacant parcel of land while the other three parcels have vacant residential structures on them. Mr.

Diekmann reminded the Council that the Settlement Agreement with Breckenridge approved on July 28, 2015, allows Breckenridge to construct an apartment complex of up to 422 beds. The project must also have between 15,000 and 40,000 square feet of commercial space along the Lincoln Way frontage as mixed-use development.

Mr. Diekmann referenced the draft Urban Revitalization Plan, which includes all the materials required under *Iowa Code* and includes the qualifying criteria selected by the City Council at its October 13, 2015, meeting. It was noted that *Iowa Code* requires the Plan to state a time frame in which the Plan may expire. The Draft Plan includes an expiration date of December 31, 2021, when any improvement requesting abatement must be completed. If a project has already been determined to be eligible for abatement, then it would continue to receive abatement consistent with the chosen schedule and requirements of state law. Under “Applicability,” the Plan now states that, in addition to complying with a Site Development Plan approval, the buildings must have received Building Certificates of Occupancy. Mr. Diekmann emphasized that that does not mean the buildings must be occupied by people or businesses, but that the construction of the buildings complies with *Ames Municipal Code* requirements for occupancy of a building.

According to Director Diekmann, there is one major change. The Council’s qualifying criteria were modified for No. 1 and No. 8. To avoid confusion of the word “front,” staff inserted the term “street facing” as was previously used in the Multi-Family Criteria, rather than the use of the term “front” that is used in Campustown. Mr. Diekmann said staff believes that the intent is still the same, which is that any facade oriented towards a street, Lincoln Way, or Wilmoth, would be required to have 80% brick, rather than 50% brick. In the event of a site being a corner or through lot, the Zoning Code considers a site to have two fronts, which could trigger two facades being street-facing. It was noted that Breckenridge believes that the meaning of that section should be that only buildings literally fronting upon a street must meet the 80% brick enhancement standard and that in the event that a building is located behind another building (“substantially blocked”), the second building would only be subject to the 50% brick requirement. Staff did not make any clarification as they felt it would be up to the City Council to make that determination. Council could insert language, if it so desired, to state, “Buildings substantially obstructed by other street-facing buildings must only have one facade that meets the 80% brick requirement.” The change to No. 8 is to add meaning to the phrase “architectural enhanced.” It was noted by Director Diekmann that Breckenridge had provided a letter prior to the October 13, 2015, City Council meeting that stated that it feels the criteria go beyond the expectations of the Settlement Agreement.

Council Member Gartin said that he is concerned about the precedent that will be set by approving the qualifying criteria for this URA. Specifically, he expressed concern over the use of the word “substantially blocked” as it pertains to the percentage of brick to be required. Mr. Gartin felt that the word should be defined so other developers would know the requirement. Council Member Betcher commented that the difference is really whether 80% or 50% would be required to be brick. Director Diekmann emphasized that every URA is unique; different criteria are approved for each URA.

Council Member Betcher asked staff to address Criterion No. 13 (“There shall be no balconies facing the south, west, or east on the perimeter of the project.”) She pointed out that in Campustown, there are no balconies in the right-of-way; this should be consistent. Ms. Betcher asked if a change could be made to state: “There shall be no balconies facing the south, west, or east on the perimeter of the project or adjacent to Lincoln Way.” Director Diekmann stated that the set back from Lincoln Way

is 25 feet. The Council could prohibit balconies along Lincoln Way if it so desired. At the inquiry of Council Member Goodman, City Attorney Parks felt that that would be a minor enough change that it could be made. Council Member Gartin expressed his reluctance to say balconies in the right-of-way would not be allowed just because they are not allowed in Campustown. He said he is not necessarily in favor of prohibiting all balconies on Lincoln Way. Council Member Betcher explained her perspective that these properties are located in the University-Impacted Overlay. It is such because it is a University-Impacted neighborhood. She does not believe that a balcony prohibition would necessarily need to be applied to all areas along Lincoln Way.

Attorney Torresi stated that the developer is not protesting any of the items in the Plan; he is only asking for clarification. He expressed how the developer is interpreting street-facing facade or perimeter. The developer does not think it makes sense to require 80% brick facade when a building is blocked by another building. Another issue would be from what vantage point would the determination be made.

Council Member Gartin asked Mr. Torresi if the developer would be opposed to a prohibition of balconies along Lincoln Way. Mr. Torresi said, if this project's criteria regarding balconies had to match that required of the Campustown URA, he would assume that the Council then would not allow any balconies for any project along the Lincoln Way Corridor. He also questioned whether or not the "standard" had ever been applied to another URA project. Director Diekmann emphasized that nothing in this URA would be precedent-setting; each one is unique with its own unique set of circumstances.

Sharon Guber showed a three-dimensional rendition of what potentially could be developed on the Parcel. In reference to Criterion No. 11 (i.e., landscape buffering with certain standards), she asked if "by perimeter" meant putting a fence around the owner-occupied house along Lincoln Way.

Joanne Pfeiffer read a statement from Mike Petersen, 3302 Morningside Street, Ames, who could not be present at the meeting. In his statement, Mr. Petersen said that this was a perfect opportunity for the Council to prove that it is not to be intimidated by Breckenridge. He expressed his desire that the Urban Revitalization criteria to be approved by the City Council keep developers in check.

After no one else came forward to speak, the Mayor closed the hearing.

Council Member Goodman said that he had not seen a letter confirming that the developers are not objecting to any of the criteria. He would like to see a letter to that effect.

Moved by Betcher, seconded by Goodman, to amend No. 13 criterion so that it reads: "There shall be no balconies facing the south, west, or east on the perimeter of the project or adjacent to Lincoln Way."

Council Member Goodman commented on his experiences with balconies along rights of ways. He believes that there are risks about placing balconies along major arterials.

Council Member Gartin said that if this were a concern, it should have been articulated before this meeting. If it is a public safety concern, he could support it; however, then it should be consistent throughout all major arterials. Council Member Betcher explained what her expectation had been after the discussion on October 13, 2015. She did not feel the motion was intended to cover the HOC

portion of the lot. Balconies along Lincoln Way are a major concern of hers. She believes that balconies do constitute a public safety concern.

Council Member Gartin asked Planning Director Diekmann for his opinion on the possible amendment. Mr. Diekmann advised that he had not talked to Police Chief Cychosz about the safety aspect of prohibiting balconies on Lincoln Way. Mr. Gartin asked if staff felt balconies should be prohibited along the entire Lincoln Way Corridor Study. Mr. Diekmann advised that that would be discussed as part of the Lincoln Way Corridor Study.

Council Member Goodman said that what he had heard was that Mr. Torresi wanted to see consistency; so if balconies were to be prohibited along Lincoln Way for this development, they would be prohibited along Lincoln Way for other developments.

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

Council Member Betcher said that she would like to “cut the developer some slack on the brick facade requirement.” She believes that 50% brick is still a lot of brick. Council Member Goodman said he would be more willing to cut Breckenridge some slack if this were not part of lawsuit. He is not willing to support such a motion.

Moved by Betcher, seconded by Gartin, to alter Criterion No. 1 to read: All buildings shall use clay brick as the principal building material for 80% of a street facing facade area excluding openings. The remaining facades shall incorporate clay brick or cut stone into 50% of the facade materials in the event that a building is behind another building and is set back more than 200' of Lincoln Way.

Council Member Gartin pointed out that the developer filed a lawsuit against the City because it felt that was its only remedy to retain its rights.

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

Moved by Betcher, seconded by Gartin, to pass on first reading an ordinance establishing the South Wilmoth Avenue Urban Revitalization Area.

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

Moved by Betcher, seconded by Orazem, to adopt RESOLUTION NO. 15-717 approving the Urban Revitalization Plan, as amended.

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 FACILITY STREET REPAIRS: Mayor Campbell opened the public hearing and closed same after no one came forward to speak.

Moved by Goodman, seconded by Orazem, to adopt RESOLUTION NO. 15-718 approving final plans and specifications and awarding a contract to Manatt’s, Inc., of Ames, Iowa, in the amount of \$406,901.48.

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

HEARING ON REZONING PROPERTY AT 516 SOUTH 17TH STREET: Director Diekamnn recalled that, on October 13, 2015, the City Council had held a public hearing for the rezoning of approximately 12 acres of property at 516 S. 17th Street. At that meeting, the Council directed staff to proceed with rezoning of the site with a Contract Rezoning Agreement reflecting five conditions. The Development Agreement has now been prepared by the City Attorney's Office and addresses those five items. The developer, Scott Randall, has agreed to the conditions specified in the agreement and has signed same.

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

Moved by Goodman, seconded by Orazem, to pass on first reading an ordinance rezoning property at 516 South 17th Street from Highway-Oriented Commercial (HOC) to Residential High Density (RH).

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

CAMPUSTOWN FACADE PROGRAM: City Planner Karen Marren reminded the Council that it had, in November 2014, accepted the concept for a Campustown Facade Program based on the Idea Book and pilot projects. The City hired Haila Architecture-Structure-Planning as the consultant to assist in all phases of development of the Program. Council had directed that, at the completion of the pilot projects, staff would provide an assessment of the process. After the assessment, Council direction will be needed as to whether it wants staff to proceed with formalizing the Facade Program for continued use.

Ms. Marren described the five design concepts from the Campustown Facade Idea Book that had been approved by the Council.

A summary of both pilot projects (West Street Deli at 2812 West Street) and the Cranford Building at 103 Stanton) was given by Ms. Marren. The consultant has provided a Final Report on the evaluation and results of the two pilot projects. Staff believes that both projects have successfully embodied distinct concepts of the Idea Book.

Planner Marren commented that if the City Council is satisfied with the results of the pilot projects, the next step would be to consider policies necessary to establish a final program. She pointed out that there is \$50,000 budgeted in the FY 2015/16 Budget for the Facade Program. After the Council provides direction, staff would return with the final program in December with the intent to allow for a new round of facade applications this winter.

Staff outlined the following issues that should be addressed regarding eligibility criteria, requirements for awarding grants, and administration of the Program before establishing a formal Campustown Facade Grant Program.

Eligibility:

1. Building Use or Ownership

2. Second-Floor Facades

Grant Award/Process:

1. Application Timing
2. Scoring
3. Grant Awards

Facade Improvements:

1. Scope of Work
2. Applying the Concepts
3. Improvements Beyond Facades
4. Street Facing/Side/Rear Facades

Rebecca Olson, Director of the Campustown Action Association (CAA), stated that the CAA Board had discussed this Program. She expressed a few of the opinions of the Board members. Ms. Olson said that because the program is somewhat broad, you can have something historic and something modern; that still speaks to the fabric of Campustown.

At the inquiry of Council Member Gartin, Ms. Olson stated the the CAA Board had not taken an official stance on this issue. There will be additional discussion on the program in the future. She had talked to approximately 25 business owners about the program, and 100% of them was happy with the pilot programs and the possibility of the Program continuing. Council Member Goodman said it is important to know what the CAA Board thinks about whether there should be multiple grants allowed for each user in one year.

Moved by Goodman, seconded by Gartin, to include the \$2,000 for design and wait for decisions on the other two issues until the opinion of the CAA Board is known.

City Manager Schainker said that staff could meet with the CAA Board to get feedback and report that back to the Council. Staff then would bring a report back to Council for action. Director Diekmann stated that he could wait to bring this back to the Council at its December 22 meeting, which should allow time for the CAA Board to meet.

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

MAJOR FINAL PLAT FOR IOWA STATE UNIVERSITY RESEARCH PARK PHASE III, FIRST ADDITION: Moved by Goodman, seconded by Betcher, to adopt RESOLUTION NO. 15-719 approving the Sidewalk Installation Agreement.

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

Moved by Goodman, seconded by Betcher, to adopt RESOLUTION NO. 15-720 accepting the commitment letter from ISU as financial security for sidewalk improvements and maintenance of storm water facilities.

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

Moved by Goodman, seconded by Betcher, to adopt RESOLUTION NO. 15-721 approving the Major Final Plat.

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

The meeting recessed at 8:18 p.m. and reconvened at 8:23 p.m.

118/120 HAYWARD STORM SEWER: Eric Cowles, City Civil Engineer, said that, on September 21, 2015, Dean Jensen, owner of the 118 and 120 Hayward, had submitted a Sketch Plan Pre-Application Conference request. The developers proposed to redevelop those two parcels into the Campus Plaza subdivision. The redevelopment would create a mixed-use structure, which would have two levels of parking at the commercial level and four (+/-) levels of student residential partment son the upper floors. The existing building at 118 Hayward Avenue was constructed over the in-place 8' x 7' box culvert. That culvert conveys College Creek under the site as well as beneath the buildings at 2522 and 2518 Lincoln Way. Ultimately, College Creek flows towards Lake LaVerne on the Iowa State University Campus. Prior to the Conference with the developers, staff had consulted with the City's Legal Department for guidance about how to proceed with the development discussion since City staff had not located a land record of any official easement covering the existing box culvert. Legal's determination is that, since no written easement exists, the City has an "easement by prescription" for this structure and has the rights typically attendance to any other utility that runs through a private site.

On October 9, 2015, staff met with the developer and the developer's request as part of the Development Review sketch plan process. Staff stated its desire to not place a new building over the existing box culvert. Historically, if a utility is in conflict with a development, the developer is responsible for all costs associated with relocation of the utility to a location that is not in conflict with the proposed development. On November 10, 2015, the City Council referred a letter from Dean and Luke Jensen requesting that staff evaluate the possibility of leaving the culvert in place and building over it or relocating the culvert at the City's expense.

Mr. Cowles noted that the official abstract was presented to staff on November 19, 2015. Staff found an entry in that abstract dated April 5, 1934, that references a contemplated storm sewer by the City at the location in question. It is known that the building over the storm sewer was built in 1936. Staff believes the information that it does have supports the conclusion that the culvert was constructed in 1935. Another reason that the abstract entry was important is that the then-owners of the land in question executed a waiver of any claims for damangers now or hereafter sustained by the construction, reconstruction, perpetuation, repair, maintenance, or overflow of the proposed storm sewer and further waived any claims for damages sustained from any flood water caused by the inability of the storm sewer to receive same. The waiver was also made binding on their heirs and assigns. That waiver was granted by those land owners in consideration of the benefits that were going to be derived from having it in existence, which exceeds the benefits and rights the City presently receives when it is granted a storm sewer easement.

The alternatives available to the Council were outlined by Mr. Cowles, as follows:

1. Leave the culvert in place pursuant to the existing prescriptive easement and liability waivers contained in the abstract.

This option would require an existing conditions assessment of the existing box culvert, in-situ condition of the existing box culvert for load/vibration impacts must be monitored during construction, and a post-construction assessment of the existing box culvert must be completed, all at the developer's expense. The developer must certify that no additional load will be placed on the existing box culvert.

2. Leave the culvert in place and allow the developer to perform an analysis to determine if an upstream flow reduction project would allow for the abandonment of the box culvert.

This option would include the same requirements of the developer as noted in Option 1 with the additional provision that the developer can pay for an optional study to determine if it is possible to abandon the existing box culvert through the addition of up-stream flow reduction projects. If a viable solution is identified up stream within the College Creek Watershed, the city Council could then determine (1) whether or not to proceed with such a project and (2) whether to pay for the total cost of the project through the Storm Water Utility revenues or assess the cost to the benefitted property owners.

3. Relocate the culvert (around this building only) at the Developer's expense.

This option is not a long-term solution as it does not address the remaining portion of the box culvert that exists under buildings at 2522 and 2518 Lincoln Way as well as the undeveloped property at 110 Hayward.

4. Relocate the culvert (around this building only) at the City's expense.

In this option, the box culvert would no longer be impacted by the footprint of the proposed structure. This would provide the opportunity to maintain the box culvert from outside the structure. However, the ability for the city to bear the cost of the relocation is in question as this is not currently programmed in the Capital Improvements Plan and funding would need to be determined. It was also noted that historically the relocation of utilities in conflict with a development are relocated at the developer's expense.

According to Mr. Cowles, redevelopment of the site would still require the developer to meet all of the Post Construction Storm Water Management Ordinance requires set forth in *Municipal Code* Section 5B, along with other DRC-related requirements.

Dean Jensen, 2519 Chamberlain, Ames, said that the developers believe that enhanced redevelopment of Campustown in this area will further enhance Campustown. He said that the developers would be supportive of analyzing the condition of the culvert. They will look closely at the relationship of this culvert to other properties. The developers are willing to pay for the analysis. The developers would be willing to further look at mitigation techniques, but do not want to be required to do so.

Moved by Goodman, seconded by Orazem, to approve Option 2: to leave the culvert in place and allow the developer to perform an analysis to determine if an upstream flow reduction project would allow for the abandonment of the box culvert; and add that the City hire the consultant.

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

EMERGENCY REPAIR OF UNIT NO. 8 EXPANSION JOINTS: Electric Services Director Donald Kom explained that Power Plant staff members were in the process of accessing and security the siding (lagging skin) on the duct work on Unit No. 8 between the electrostatic precipitator and the air heater when it discovered the expansion joints were in bad shape. In fact, at least one is virtually non-existent. With the current condition of the expansion joints, unwanted outside air will be pulled through the failed leaking joints passing through the air heater and fan, which negatively will effect overall Plant performance and fan capacity. This must be fixed before test-firing of Unit No. 8 on natural gas.

Mr. Kom explained that Iowa Code Chapter 384.103(2) allows for a finding of necessity to institute emergency proceedings if it procures a certificate from a competent licensed professional engineer or registered architect not in the regular employ of the city certifying that emergency repairs are necessary. In that case, the governing body may contract for emergency repairs without holding a public hearing and advertising for bids. Black & Veatch Corporation has certified that emergency proceedings are necessary to avoid the risk of serious loss to the City.

According to Mr. Kom, two companies were contacted: Babcock & Wilcox and Frenzelit. The cost comparison between the two companies were within 10% of each other; however, Babcock & Wilcox cannot meet the January testing schedule.

Regarding the expenditure, Mr. Kom advised that the Power Plant will be carrying forward \$1,500,300 of unspent maintenance funding from the approved FY 2014/15 Operating Budget into the FY 2015/16 Adjusted budget from which the contract will be funded. He noted that the City Council does not approve the FY 2015/16 Adjusted budget until March 2016, and approval of this contract is predicated on the approval of the FY 2015/16 Adjusted budget for the Power Plant.

Moved by Goodman, seconded by Gartin, to adopt RESOLUTION NO. 15-722 instituting emergency proceedings and authorizing staff to obtain informal bids and enter into contract.

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

Moved by Goodman, seconded by Gartin, to adopt RESOLUTION NO. 15-723 waiving the Purchasing Policy requirement for competitive bidding and awarding contract to Frenzelit of Lexington, North Carolina, in the amount of \$680,328, plus applicable sales taxes to be paid directly by City of Ames to State of Iowa.

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

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

Finance Director Duane Pitcher said that the City's overall financial situation continues to remain

relatively strong. For FY 16/17, improvement in retail sales and overall property valuation are expected to have a positive financial impact on the City budget. However, some of this positive impact will be offset by higher-than-average increases in health care and the impact of the property tax reform.

Road Use Tax from fuel sales is expected to exceed the budgeted revenues for the current year due to the increase in the Road Use Tax rate; the increased revenue will continue in future years.

Interest revenues for the City will likely show some improvement in FY 2016/17 as the Federal Reserve appears to be in the process of increasing short-term interest rates in the near future. Though that action will provide some additional revenue, rates for G.O. Bonds are likely to increase from the current very favorable levels.

Mr. Pitcher shared that the General Fund balance ended FY 14/15 better than budgeted with the General Fund balance at 37.4% of expenditures, up from 23.3% anticipated in the adopted budget. Around \$2.3 million of the approximately \$3.7 million in added fund balance is due to uncompleted projects which are being carried forward into the FY 2015/16 adjusted budget. Major projects carried over in the General Fund include improvements to the City Hall roof and parking lot, the completion of Phase 2 of the City Hall basement renovation project, brand marketing, the update to the Land Use Policy Plan, and the Emerald Ash Borer program. Of the remainder, large increases in two revenue sources account for approximately two thirds of the net \$1.4 million increase in the General Fund balance. Those are Building Permit revenue and Hotel/Motel Tax revenue. The remaining portion was the result of savings distributed across various programs funded through the General Fund. City Manager Schainker noted that the Council could decide to use some amount of the additional balance to subsidize operating costs and thereby reduce property tax levels in FY 16/17. He again warned, however, that that strategy would only lead to a larger increase the following year, since one-time monies would need to be replaced with a more permanent revenue source. He also stated that, in similar past situations, the Council had used those one-time increases in the available balance to fund one-time expenditures in the current year. Staff will develop a list of such recommended one-time uses as part of the Recommended Budget.

Finance Director Pitcher stated that there is good news in that improved investment returns and changes in funding plans for the Municipal Fire and Police Retirement System have resulted in a decrease in the City's pension contribution rate from 27.77% of covered wages to 25.92% for FY 2016/17. It is expected that the City contribution rate will fall slowly in the future.

Health Insurance. The Council was told by Mr. Pitcher that, due to the recent less-favorable claims experience and additional costs related to the Patient Protection and Affordable Care Act (PPACA), an 9% increase in health rates was necessitated in the FY 2015/16 budget. Based on recent claims experience, a 7% increase in health insurance rates is being built in for FY 2016/17. The status of the plan will be reviewed again in December.

Rollback. Finance Director Pitcher advised that, overall, modest increases in assessed property valuations are expected along with a slight decrease in the rollback rate. This will result in increased taxable valuation for residential property. Commercial and industrial property will continue to be taxed at 90% of value with state replacement tax frozen at the FY 2015/16 level. A new property classification will be implemented in FY 2016/17: multi-residential property formerly taxed at 90%

of value will begin the first step of rollback to the residential rate and will be taxed at 86.25% of value with no state replacement tax; this will mean a loss to the City of approximately \$50,000 per year.

Long-Range Transportation Plan (LRTP). Public Works Director John Joiner advised that, as staff begins preparation of the 2016-2021 CIP, it is the City's intent to implement the LRTP by including the previously committed projects in the Plan as well as new short-term projects based on existing engineering data such as pavement condition, safety, and levels of service. Other important factors are responses from the Resident Satisfaction Survey and citizen input during LRTP development.

City Manager Schainker noted the motion made at the September 22, 2015, Council meeting by Council Member Goodman to get information on four projects, as requested by the Ames Bicycle Coalition. Those projects were: (1) Ontario improvements, (2) three intersection improvement categories, (3) two single block categories, and (4) Worrel Creek Trail project. It was later found that Items No. 1, 2, and 4 referenced projects are shown in the 2040 LRTP. Item No. 3 referenced one block extensions of existing shared use paths in two different locations. He also advised that certain bicycle/pedestrian projects that have been categorized in the LRTP beyond the short-term period could still be included in the Recommended CIP. Those projects might be accelerated to accomplish network connectivity or coordination with previously programmed roadway projects.

Grand Avenue Extension Project. Council Member Gartin asked about the possibility of using part of the General Fund balance towards the Grand Avenue Extension project. City Manager Schainker pointed out that this Project is being done and noted the schedule. Construction could begin in Summer/Fall 2017 and be completed by Summer 2019.

East Industrial Area Utility Extension. City Manager Schainker pointed out that water and sewer rates were raised in FY 2014/15 to generate revenue to pay for extending a water line and a sanitary sewer line along Lincoln Way eastward all the way to 590th Street to facilitate additional industrial development. The City Council included a \$2,000,000 project in the CIP to extend a sanitary sewer line just east of Interstate 35. With that section in place, it was believed that the City could respond more quickly to any proposed development to the east.

According to Mr. Schainker, during the past year, staff has been engaged in negotiations with the Central Iowa Water Association to buy out its service territory. It is hoped that an agreement can be reached in the next month. In addition, the Ames Economic Development Commission has been contacting property owners in the Eastern Industrial Growth Area to gauge their support for annexion of their properties.

Mr. Schainker noted that the City Council had received a letter from the AEDC requesting that the City Council include in the CIP the total project, which includes the extension of both water and sewer lines to 590th Street. A decision by the City Council will help the staff in preparation of the CIP.

Storm Water Utility Fees. City Manager Schainker stated that, as developed areas within the City continue to expand, staff has received an increasing number of requests to deal with storm water issues. Last year, staff informed the City council that two \$.25/month fee increases would be needed over the next five years to finance the Storm Water Utility. In identifying the storm water projects for the upcoming CIP, it is now apparent that the two projected fee increases will not be sufficient to cover operating and capital improvement costs in this Utility over the next five years. Mr. Schainker

referenced the four strategies that had been identified for dealing with the projected shortfall. He said that since the monthly fee has not been increased since 2013 and no other utility rate increase is scheduled for FY 2016/17, it might be an appropriate time to consider an increase in the Storm Water Utility monthly fee, perhaps by as much as an additional \$1.00/month for the Tier 1 properties.

Local Option Sales Tax. Finance Director Pitcher advised, that for the current year, local option sales tax receipts are expected to be \$7,831,295, up \$346,690 or 4.6% from the adopted budget. The adjustment payment reflects an underestimate of local option sales tax revenue by the Iowa Department of Revenue and Finance for FY 2014/15.

City Manager Schainker requested Council direction on funding levels for ASSET and COTA, as well as total funding direction for other outside organizations.

ASSET. Management Analyst Brian Phillips advised that for FY 2016/17, City ASSET funds being requested by agencies totals \$1,359,822, which is an increase of \$147,447 or 12% over the current FY 2015/16 contracted services of \$1,212,375. Mr. Phillips summarized the requests of the City by ASSET Panel, as follows:

Panel 1 - Health Services (mental health and substance abuse services). Requests for services in this Panel total \$276,024, which is a 25.2% increase from the FY 2015/16 contracted total. This is the largest percentage increase of the four panels. This increase is primarily attributable to two services: (1) MICA - from \$27,750 to \$52,608. (2) Eyerly Ball has requested \$55,000 for mental health crisis services, an increase of \$18,022 from the current contract amount. Council Member Orazem pointed out that Eyerly Ball did not request any funding for a couple years when it first became an agency under ASSET.

Panel 2 - Basic Needs Services (shelter, food, disaster services, transportation, and bill payer programs). Requests for services total \$529,372, which is a 10.9% increase from the FY 2015/16 contracted total. The increases are spread across a variety of services. Mr. Phillips noted that this is the City's No. 1 Priority Area.

Panel 3 - Children's Services. Requests in this Panel total \$357,128, which is an 8% increase from FY 2015/16. Child care services have increased approximately \$10,000 over the current contracted amount, or 6%. Youth and Shelter Services have requested city funds in two programs which did not receive City funds in FY 2015/16.

Panel 4 - Prevention/Support Services. Request for services total \$197,298, which is a 7.3% increase from the FY 2015/16 contracted total.

Discussion ensued as to the amount of detail being provided to the Council pertaining to the needs of the agencies. Council Member Gartin recalled that the Council had previously wanted to know how many persons asking for services are being turned away from the ASSET-funded agencies. Council members concurred that that information was crucial in order for the Council to make good decisions.

Council Member Corrieri noted that that question was added to the application. Mr. Phillips said he would provide the data to the Council if that line has been filled out on the application by the agencies.

Council Member Gartin noted that one of the things that was brought up last year is the question as to whom is being served and whether they are from Ames. He asked Mr. Phillips if that information was provided. Mr. Phillips said he would check on that. Council Member Gartin specifically made the request for that information to be provided to the Council.

Moved by Gartin, seconded by Corrieri, to continue the discussion on the amount of ASSET funding until the December 8, 2015, Council meeting.

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

Moved by Goodman, seconded by Gartin, to request staff to look into developing some sort of grant program to utilize Local Option that could be implemented in the following budget year (FY 2017/18) with the first piece being that staff reach out to human service agencies.

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

COTA. Management Analyst Phillips stated that the Commission on the Arts (COTA) allocation for FY 15/16 is \$148,733, which is 3% higher than the \$144,401 allocated in FY 14/15. For FY 16/17 COTA organizations have requested funding in the amount of \$183,571 (excluding special Spring and Fall Grants). This is a 23% (\$34,838) increase over the FY 15/16 appropriation. No new groups have applied for COTA funds for FY 16/17.

Moved by Goodman, seconded by Orazem, to increase COTA's allocation by 5%. Vote on Motion: 6-0. Motion declared carried unanimously.

Outside Funding Requests. Management Analyst Phillips referenced the changes to the Ames Fall Grant Program process. The total amount allocated for Outside Funding Requests in FY 2015/16 was \$130,680. The total 2016/17 request is \$165,300, which is a 26.5% increase over the 2015/16 total.

The Council's attention was brought to the table listing the requests. Mr. Phillips noted that the Main Street Cultural District (MSCD) made a one-time request of \$20,000 for holiday lighting in the Downtown.

Moved by Goodman, seconded by Betcher, to increase the allocation by 5%.

Council Member Gartin said that he would not be opposed to increase the funding by 26.5%, which is the total amount being requested.

Vote on Motion: 3-3. Voting aye: Betcher, Corrieri, Goodman.

Moved by Gartin to fund the 26.5% increase.

Motion failed for lack of a second.

Moved by Goodman, seconded by Orazem, to increase the allocation by 10%.

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

ORDINANCE REVISING CHAPTER 23 PERTAINING TO BICYCLE PLANS AND BIKEWAYS: Moved by Goodman, seconded by Gartin, to pass on first reading an ordinance revising Chapter 23 pertaining to Bicycle Plans and Bikeways.

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

ORDINANCE REVISING SIDE SETBACKS FOR S-HM (HOSPITAL-MEDICAL) ZONED PARCELS ON THE WEST SIDE OF DUFF AVENUE: Moved by Orazem, seconded by Nelson, to pass on second reading an ordinance revising side setbacks for S-HM (Hospital-Medical) zoned parcels on the west side of Duff Avenue.

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

ORDINANCE PERTAINING TO SOLAR ENERGY SYSTEMS REGULATIONS: Moved by Nelson, seconded by Betcher, to pass on second reading an ordinance pertaining to solar energy systems regulations.

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

ORDINANCE REZONING, WITH MASTER PLAN, PROPERTY AT 601 AND 705 DOTSON DRIVE: Moved by Goodman, seconded by Nelson, to pass on third reading and adopt ORDINANCE NO. 4234 rezoning, with Master Plan, property at 601 and 705 Dotson Drive from Government-Airport (S-GA) to Floating Suburban Residential Low Density (FS-RL).

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

COUNCIL COMMENTS: Moved by Orazem, seconded by Gartin, to refer to staff for a memo the letter from Dan Culhane, President of the Ames Economic Development Commission, dated November 16, 2015, requesting the City to extend a Right-of-Notification to those interested in investing in the Airport at a level of \$50,000 or more.

It was clarified by City Manager Schainker that the Right-of-Notification would allow for any investors at \$50,000 or more to be notified when space in the new hangar was available for lease.

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

Moved by Goodman, seconded by Gartin, requesting that staff reach out to human service agencies and the faith-based community to gauge interest in whether they are willing to participate in accepting Syrian refugees if the City is asked to do so. Mayor Campbell suggested that the Council be allowed to think about that motion. She felt it would require a great deal of staff time to make those contacts. Council Member Gartin shared that he had had a conversation about this with Alan Kamp from the Iowa League of Cities. Mr. Kamp's recommendation was to wait to see what happens at the state level.

Motion withdrawn.

Moved by Betcher, seconded by Gartin, to refer an email from Leadership Ames about creating an ADA actuators grant program. City Manager Schainker noted that there is an established process, and the application deadline has passed. Ms. Betcher asked what action should be taken. City Manager Schainker said he would contact the group to explain the process.

The phone connection with Council Member Corrieri was lost.

Mayor Campbell noted that McFarland Clinic had requested that the Council suspend the rules and adopt the ordinance revising side setbacks for S-HM (Hospital-Medical) zoned parcels on the west side of Duff Avenue.

Moved by Betcher, seconded by Gartin, to suspend the rules necessary for the adoption of an ordinance.

Roll Call Vote: 5-0. Motion declared carried unanimously.

Moved Betcher, seconded by Goodman, to pass on third reading and adopt ORDINANCE NO. 4235 revising side setbacks for S-HM (Hospital-Medical) zoned parcels on the west side of Duff Avenue.

Roll Call Vote: 5-0. Ordinance declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

ADJOURNMENT: Moved by Goodman to adjourn the meeting at 10:33 p.m.

Diane R. Voss, City Clerk

Ann H. Campbell, Mayor



REPORT OF CONTRACT CHANGE ORDERS

Period:	<input type="checkbox"/>	1 st – 15 th
	<input checked="" type="checkbox"/>	16 th – End of Month
Month & Year:	November 2015	
For City Council Date:	December 8, 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	WPCF Make-up Air Unit & Heat Recovery Units Replacement	1	\$297,141.00	Mechanical Comfort	\$0.00	\$205.00	J. Dunn	MA
Public Works	2014/15 Traffic Signal Program (13 th St. & Stange Rd.)	1	\$266,072.75	KWS, Inc.	\$0.00	\$10,689.57	T. Warner	MA
Public Works	2012/13 Concrete Pavement Improvements Program #3 (Lincoln Way Frontage Road)	1	\$116,141.91	Manatt's, Inc.	\$0.00	\$4,491.42	T. Warner	MA
Electric Services	Portable Electric Space Heaters for Power Plant	1	\$166,835.50	Hertz Equipment Rental Corporation	\$0.00	\$10,766.34	D. Kom	MA
Electric Services	GT1 Combustable Turbine - Generator Preaction Sprinkler System, Carbon Dioxide System and Fire Alarm Upgrade	2	\$145,200.00	Associated Fire Protection	\$4,190.00	\$2,940.00	D. Kom	MA
Electric Services	Power Plant Fuel Conversion - Distributed Control System	1	\$1,595,000.00	Emerson Process Management Power & Water Solutions, Inc.	\$0.00	\$39,377.00	B. Kindred	CB



MEMO

*Caring People
Quality Programs
Exceptional Service*

5a-f

TO: Mayor Ann Campbell and Ames City Council Members

FROM: Lieutenant Jeff Brinkley – Ames Police Department

DATE: November 27, 2015

SUBJECT: Beer Permits & Liquor License Renewal Reference City Council Agenda
December 8, 2015

The Council agenda for December 8, 2015, includes beer permits and liquor license renewals for:

- Class C Liquor & Outdoor Service – Thumbs Bar, 2816 West St
- Class C Beer – Swift Stop #7, 2700 Lincoln Way
- Class C Liquor – Tip Top Lounge, 201 E Lincoln Way
- Class C Beer – Casey’s General Store #2298, 428 Lincoln Way
- Class C Liquor – Cyclone Liquors, 626 Lincoln Way

A routine check of police records for the past twelve months found no violations for Thumbs, Swift Stop #7, Tip Top Lounge, or Cyclone Liquors. The police department would recommend renewal of these licenses.

Violations

- Casey’s #2298 was cited during a police compliance check for selling alcohol to minors. They have since passed a follow-up check.

We are continuing to monitor compliance and would recommend renewal at this time for these licenses.

Applicant License Application ()

Name of Applicant: <u>Great Caterers of Iowa</u>		
Name of Business (DBA): <u>Great Caterers of Iowa</u>		
Address of Premises: <u>2321 N Loop</u>		
City <u>Ames</u>	County: <u>Story</u>	Zip: <u>50010</u>
Business <u>(515) 264-8765</u>		
Mailing <u>1480 Sloans Way</u>		
City <u>Pleasant Hill</u>	State <u>IA</u>	Zip: <u>50327</u>

Contact Person

Name <u>Joni Bell</u>
Phone: <u>(515) 264-8765</u> Email <u>joni@greatcaterersofiowa.com</u>

Classification Class A Liquor License (LA) (Private Club)

Term: 5 days

Effective Date: 12/12/2015

Expiration Date: 01/01/1900

Privileges:

Class A Liquor License (LA) (Private Club)

Living Quarters

Status of Business

BusinessType: <u>Privately Held Corporation</u>
Corporate ID Number: <u>39-1876218</u> Federal Employer ID <u>39-1876218</u>

Ownership

Joni Bell

First Name: Joni

Last Name: Bell

City: Pleasant Hill

State: Iowa

Zip: 50327

Position: owner

% of Ownership: 100.00%

U.S. Citizen: Yes

Insurance Company Information

Insurance Company: <u>Founders Insurance Company</u>	
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: <u>Chipotle Mexican Grill of Colorado</u>		
Name of Business (DBA): <u>Chipotle Mexican Grill</u>		
Address of Premises: <u>435 S. Duff Avenue</u>		
City <u>Ames</u>	County: <u>Story</u>	Zip: <u>50010</u>
Business <u>(303) 222-2524</u>		
Mailing <u>Attn.: Licensing, 1401 Wynkoop St., Ste. 500</u>		
City <u>Denver</u>	State <u>CO</u>	Zip: <u>80202</u>

Contact Person

Name <u>Nicholas Cooper (515) 558-0180 and Kim Oganesyian (Chipotle)</u>	
Phone: <u>(303) 222-2524</u>	Email <u>licensing@chipotle.com</u>

Classification Class C Liquor License (LC) (Commercial)

Term: 12 months

Effective Date: 02/01/2016

Expiration Date:

Privileges:

Class C Liquor License (LC) (Commercial)

Status of Business

BusinessType: <u>Limited Liability Company</u>
Corporate ID Number: <u>349085</u> Federal Employer ID <u>84-1485992</u>

Ownership

M. Steven Ells

First Name: M. Steven **Last Name:** Ells
City: New York **State:** New York **Zip:** 10011
Position: Manager (LLC) / Co-CEO
(of parent)
% of Ownership: 0.00% **U.S. Citizen:** Yes

Montgomery Moran

First Name: Montgomery **Last Name:** Moran
City: Boulder **State:** Colorado **Zip:** 80303
Position: Manager (LLC) / Co-CEO
(of parent)
% of Ownership: 0.00% **U.S. Citizen:** Yes

John Hartung

First Name: John **Last Name:** Hartung
City: Naperville **State:** Illinois **Zip:** 60565
Position: CFO (of parent)
% of Ownership: 0.00% **U.S. Citizen:** Yes

Mark Crumpacker

First Name: Mark **Last Name:** Crumpacker
City: Denver **State:** Colorado **Zip:** 80202
Position: CMO (of parent)
% of Ownership: 0.00% **U.S. Citizen:** Yes

Chipotle Mexican Grill, Inc.

First Name: Chipotle Mexican **Last Name:** Grill, Inc.
City: Denver **State:** Colorado **Zip:** 80202
Position: Parent Company
% of Ownership: 100.00% **U.S. Citizen:** Yes

Insurance Company Information

Insurance Company: <u>Safety National Casualty Corporation</u>	
Policy Effective Date: <u>02/01/2015</u>	Policy Expiration <u>02/01/2016</u>
Bond Effective	Dram Cancel Date:
Outdoor Service Effective	Outdoor Service Expiration
Temp Transfer Effective	Temp Transfer Expiration Date:

Applicant License Application ()

Name of Applicant: <u>LJPS Inc.</u>		
Name of Business (DBA): <u>Olde Main Brewing Company</u>		
Address of Premises: <u>1407 University Blvd</u>		
City <u>Ames</u>	County: <u>Story</u>	Zip: <u>50011</u>
Business <u>(515) 232-0553</u>		
Mailing <u>PO Box 1928</u>		
City <u>Ames</u>	State <u>IA</u>	Zip: <u>50010</u>

Contact Person

Name <u>Matt Sinnwell</u>	
Phone: <u>(505) 400-5981</u>	Email <u>mattombc@gmail.com</u>

Classification Class B Beer (BB) (Includes Wine Coolers)
Term: 5 days
Effective Date: 01/02/2016
Expiration Date: 01/01/1900
Privileges:
Class B Beer (BB) (Includes Wine Coolers)
Status of Business

BusinessType: <u>Privately Held Corporation</u>	
Corporate ID Number: <u>286196</u>	Federal Employer ID <u>77-0613629</u>

Ownership
Scott Griffen

First Name: Scott **Last Name:** Griffen
City: Ames **State:** Iowa **Zip:** 50010
Position: Owner
% of Ownership: 50.00% **U.S. Citizen:** Yes

Daniel Griffen

First Name: Daniel **Last Name:** Griffen
City: Potomac **State:** Maryland **Zip:** 24854
Position: Owner
% of Ownership: 25.00% **U.S. Citizen:** Yes

Susan Griffen

First Name: Susan **Last Name:** Griffen
City: Potomac **State:** Maryland **Zip:** 24854
Position: Owner
% of Ownership: 25.00% **U.S. Citizen:** Yes

Insurance Company Information

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

COUNCIL ACTION FORM

SUBJECT: ENCROACHMENT PERMIT FOR A SIGN AT 427 DOUGLAS AVENUE

BACKGROUND:

The owner of the building at 427 Douglas Avenue, Octagon Center for the Arts, has requested an encroachment permit for a new sign which will encroach over the City sidewalk.

The proposed sign will be a sign that will project from the front of the building. The sign will extend not more than five feet over the sidewalk, and will not infringe upon the use of the sidewalk by the public.

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

ALTERNATIVES:

1. Approve the request.
2. Deny the request.

MANAGER'S RECOMMENDED ACTION:

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



OCTAGON
CENTER FOR THE ARTS

50
1966-2016

2 ft

8 ft

2 ft

2 ft

11 ft 2 in

OCTAGON COMMUNITY GALLERY

OCTAGON
GALLERY SHOP

OCTAGON

417

OCTAGON COMMUNITY GALLERY

OCTAGON

COUNCIL ACTION FORM

SUBJECT: APPROVAL OF COMMISSION ON THE ARTS (COTA) SPECIAL GRANTS FOR SPRING 2016

BACKGROUND:

On November 2, 2015 the Commission on the Arts (COTA) finalized its recommendations for the Spring 2016 Special Project Grants. A total of four grant requests were received from three organizations. The organizations requested \$3,450 in funding.

Based on the merits of each application and the criteria established for the special grants, COTA recommended the following allocations. Contracts were sent to the awarded organizations for approval and have been returned. The contracts are now presented for your approval.

<u>Organization</u>	<u>Request</u>	<u>Project</u>	<u>Award</u>
Co'Motion Dance Theater	\$ 750	"A Different Drummer"	\$ 750
The Octagon Center	750	Termespheres	750
The Octagon Center	750	50 th Anniversary Video	750
India Cultural Association	1,200	Shakuntala	0
Total	\$ 3,450		\$ 2,250

Special Project grant awards are limited to \$750 per project. However, organizations are not limited in the number of projects that may be proposed. Grant applicants are required to attend a COTA meeting to present their project. The India Cultural Association did not attend and was therefore not awarded funds by COTA. Commission staff has followed up with that organization to ensure it can meet grant requirements for future funding opportunities.

ALTERNATIVES:

1. Approve the COTA three special grant contracts as recommended by Commission on the Arts.
2. Delay approval of these contracts and ask the Commission for further information.
3. Do not approve the contracts.

MANAGER'S RECOMMENDED ACTION:

These projects help advance participation in and awareness of the arts in the Ames community, which is a key goal of the Commission on the Arts. COTA has reviewed the requests and has recommended the approval of the contracts now presented to the City Council.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the COTA Spring 2015 special grant contracts as recommended by the Commission on the Arts.

COUNCIL ACTION FORM

**SUBJECT: IOWA DOT AGREEMENT FOR CURB AND INTAKE REPAIR ON
NORTH GRAND AVENUE (500 FEET NORTH OF 16TH STREET TO 900
FEET NORTH OF 24TH STREET)**

BACKGROUND:

As part of its jurisdictional responsibilities for federal highways, the Iowa Department of Transportation (DOT) will be resurfacing North Grand Avenue (US Highway 69) from 500 feet north of 16th Street to 900 feet north of 24th Street. Construction is scheduled to take place sometime during the 2016 construction season.

As a part of the DOT project, there are several intakes and lengths of curb that are in need of repair. The DOT proposes to have these repairs included under their contract and completed by their contractor. However, these items are the responsibility of the local jurisdiction (City of Ames). The City of Ames would then reimburse the DOT for the actual costs of these curb and intake repairs, payable in November/December of 2016.

The total estimated costs of the repairs are \$50,000. Funding will be proposed in the 2016-2021 Capital Improvements Plan (CIP) US Highway 69 Improvements in FY 16/17.

ALTERNATIVES:

1. Approve an agreement with the Iowa Department of Transportation whereby the City will provide up to \$50,000 in funding for the repairs to US Highway 69 as part of the DOT's resurfacing project.
2. Do not approve this agreement with DOT.

MANAGER'S RECOMMENDED ACTION:

This section of US Highway 69 through Ames is in urgent need of repair and resurfacing. While the DOT will pay for repair and resurfacing costs along this section of roadway, an associated part of the project requires the City to pay for repairs to curbs and storm sewer intakes. The funding will be proposed for approval in advance of the project through Council approval of the 2016-2021 CIP.

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

**IOWA DEPARTMENT OF TRANSPORTATION
Preconstruction Agreement
For Primary Road Project**

County	<u>Story</u>
City	<u>Ames</u>
Project No.	<u>MP-069-4(709)117--76-85</u>
Iowa DOT	
Agreement No.	<u>2016-6-096</u>
Staff Action No.	<u>N/A</u>

This Agreement, is entered into by and between the Iowa Department of Transportation, hereinafter designated the "DOT", and the city of Ames, Iowa, a Local Public Agency, hereafter designated the "LPA" in accordance with Iowa Code Chapters 28E, 306, 306A and 313.4 as applicable;

The DOT proposes to establish or make improvements to U.S. 69 within Story County, Iowa; and

The DOT and the LPA are willing to jointly participate in said project, in the manner hereinafter provided; and

This Agreement reflects the current concept of this project which is subject to modification by mutual agreement between the LPA and the DOT; and

Therefore, it is agreed as follows:

1. Project Information

- a. The DOT will design, let, and inspect construction of the following described project in accordance with the project plans and DOT standard specifications:

Pavement scarification and Hot Mix Asphalt (HMA) resurfacing on U.S. 69 from 500 feet north of 16th Street north to 900 feet north of 24th Street.

- b. As part of the project, the LPA has requested curb and intake repairs within the city all at no cost to the DOT.
- c. All storm sewers constructed by the DOT as part of the project will become the property of the LPA, which will be responsible for their maintenance and operations. The LPA will not make any connections to said storm sewers without the prior written approval of the DOT. The LPA will prevent use of such storm sewers as a sanitary sewer.

2. Project Costs

- a. The LPA shall reimburse the DOT for its share of the project costs estimated at \$46,835.00, as shown in Exhibit A. The amount paid by the LPA upon completion of construction and proper billing by the DOT will be determined by the actual quantities in place and the accepted bid at the contract letting.
- b. The DOT will bear all costs except those allocated to the LPA under other terms of this Agreement.

3. Traffic Control

- a. U.S. 69 through-traffic will be maintained during the construction.

- b. If it becomes necessary to temporarily close LPA side roads during construction, the DOT will furnish and install the required barricades and signing for the closure at project cost and shall remove same upon completion of the project also at no expense or obligation to the LPA. The DOT will work in close cooperation with the LPA and the contractor to accommodate emergency services and local access across the project during construction. Any detours which may be necessary for project related LPA road closures will be the responsibility of the LPA all at no expense or obligation to the DOT.

4. Right of Way and Permits

- a. Subject to the provisions hereof, the LPA in accordance with 761 Iowa Administrative Code Chapter 150.3(1)c and 150.4(2) will remove or cause to be removed (within the corporate limits) all encroachments or obstructions in the existing primary highway right of way. The LPA will also prevent the erection and/or placement of any structure or obstruction on said right of way or any additional right of way which is acquired for this project including but not limited to private signs, buildings, pumps, and parking areas.
- b. The DOT will be responsible for the coordination of utility facility adjustments for the primary road project.
- c. The LPA agrees to relocate all utilities necessary for construction which are located within the existing street or alley right of way, subject to the approval of and without expense to the DOT and in accordance with 761 Iowa Administrative Code Chapter 150.4(5) and the DOT Utility Accommodation Policy.
- d. With the exception of service connections no new or future utility occupancy of project right of way, nor any future relocations of or alterations to existing utilities within said right of way will be permitted or undertaken by the LPA without the prior written approval of the DOT. All work will be performed in accordance with the Utility Accommodation Policy and other applicable requirements of the DOT.

5. Construction & Maintenance

- a. The LPA, in cooperation with the DOT, will take whatever steps may be required with respect to alteration of the grade lines of the new highway facilities constructed under the project in accordance with Iowa Code section 364.15. The DOT and LPA will work together to minimize potential impacts to properties that may occur as a result of the project.
- b. Upon completion of the project, no changes in the physical features thereof will be undertaken or permitted without the prior written approval of the DOT.
- c. Future maintenance of the primary highway within the project area will be carried out in accordance with the terms and conditions contained in 761 Iowa Administrative Code Chapter 150.

6. General Provisions

- a. If the LPA has completed a Flood Insurance Study (FIS) for an area which is affected by the proposed Primary Highway project and the FIS is modified, amended or revised in an area affected by the project after the date of this Agreement, the LPA shall promptly provide notice of the modification, amendment or revision to the DOT. If the LPA does not have a detailed Flood Insurance Study (FIS) for an area which is affected by the proposed Primary Highway project and the LPA does adopt an FIS in an area affected by the project after the date of this Agreement, the LPA shall promptly provide notice of the FIS to the DOT.

July 2014

- b. The LPA will comply with all provisions of the equal employment opportunity requirements prohibiting discrimination and requiring affirmative action to assure equal employment opportunity as required by Iowa Code Chapter 216. No person will, on the grounds of age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion, pregnancy, or disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which State funds are used.
- c. It is the intent of both (all) parties that no third party beneficiaries be created by this Agreement.
- d. If any section, provision, or part of this Agreement shall be found to be invalid or unconstitutional, such finding shall not affect the validity of the Agreement as a whole or any section, provision, or part thereof not found to be invalid or unconstitutional, except to the extent that the original intent of the Agreement cannot be fulfilled.
- e. This Agreement may be executed in (two) counterparts, each of which so executed will be deemed to be an original.
- f. This Agreement, as well as the unaffected provisions of any previous agreement(s), addendum(s), and/or amendment(s); represents the entire Agreement between the LPA and DOT regarding this project. All previously executed agreements will remain in effect except as amended herein. Any subsequent change or modification to the terms of this Agreement will be in the form of a duly executed amendment to this document.

July 2014

IN WITNESS WHEREOF, each of the parties hereto has executed Agreement No. 2016-6-096 as of the date shown opposite its signature below.

CITY OF AMES:

By: _____ Date _____, 20____.
Title: Mayor

I, _____, certify that I am the Clerk of the City, and that
_____, who signed said Agreement for and on behalf of
the City was duly authorized to execute the same on the ____ day of _____, 20____.

Signed: _____
City Clerk of Ames, Iowa

IOWA DEPARTMENT OF TRANSPORTATION:

By: _____ Date _____, 20____.
Scott A. Dockstader
District Engineer
District 1

Estimated Project Quantities & Costs

Project Number: MP-069-1(709)117--76-85

Proposed Letting Date: 02-16-2016

Item Number	Item Code	Item	Unit	Quantity	Unit Price	Total
1	2102-2713070	EXCAVATION, CLASS 13, ROADWAY AND BORROW	CY	93.0	\$15/CY	\$1,395.00
2	2435-0250714	INTAKE, SW-507 MODIFIED, TOP ONLY (INSERT & CURB)	EACH	10.0	\$2500/EA	\$25,000.00
3	2510-6745850	REMOVAL OF PAVEMENT	SY	140.0	\$25/SY	\$3,500.00
4	2512-1725156	CURB AND GUTTER, P.C. CONCRETE, 1.5 FT.	LF	839.0	\$15/LF	\$12,585.00
5	2123-7450020	SHOULDER FINISHING, EARTH	STA	8.5	\$500/STA	\$4,250.00
					Total Estimated City Costs	\$46,835.00

COUNCIL ACTION FORM

SUBJECT: ADA HAYDEN HERITAGE PARK SERVICE LINE PROJECT

BACKGROUND:

The current water supply at the Ada Hayden Heritage Park north restroom facility is not connected to the City's municipal drinking water system. The restroom facility utilizes its own well and on-site treatment system. This current system is unable to meet the Iowa Department of Natural Resources (IDNR) standard for a consistent chlorine residual, straying both above and below the acceptable range. As a result, the sinks and water fountains associated with the north restroom have been turned off since 2013. Staff has previously looked into options to retrofit the current system with different technology to meet IDNR standards. Due to the complexity of the system needed for a comparatively small water use, these options were not cost-effective.

This project will consist of connecting the north restroom facility to the City's water distribution system. This had not been an option until recently. With the development occurring adjacent to the northern border of the park, a service line connecting to the Quarry Estates subdivision water main can now provide water to the north restroom facility and drinking fountains. Along with installing the new service line, the project will abandon the current well, remove the current treatment system, and simplify the interior piping in the restroom facility.

This service line project is associated with the Ada Hayden Heritage Park project and was included in the 2015/2016 Capital Improvements Plan. The budget for the service line project is \$104,000. This project was designed by the Water and Pollution Control Department in collaboration with the Parks & Recreation Department, so there are no outside engineering design fees. The project estimate including contingency is \$49,800.

ALTERNATIVES:

1. Grant preliminary approval of the plans and specifications and issue a Notice to Bidders, setting January 5, 2016, as the bid due date and January 12, 2016, as the date for public hearing and award.
2. Do not issue preliminary approval of plans and specifications and a notice to bidders at this time.

MANAGER'S RECOMMENDED ACTION:

Ada Hayden Heritage Park is widely used by the City of Ames residents. Currently the water available at the north restroom facility does not meet the Iowa Department of

Natural Resources (IDNR) standards for drinking water. This project would allow the north restroom facilities to connect to the City's water system. Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1 as stated above.

COUNCIL ACTION FORM

SUBJECT: FURMAN AQUATIC CENTER POOL BASIN REPAINTING PROJECT

BACKGROUND:

This project is to repair cracks in all three basins, level several areas in the Lazy River and 50M pool, prepare the painting surface, and repaint all three basins at the Furman Aquatic Center. The facility was constructed and painted in the fall of 2009, and opened in May of 2010. The summer of 2016 will be the seventh season the facility is open and through visual inspections, the basins are in need of repainting. Painting contractors recommend repainting every five to seven years.

The 2014/15 Capital Improvements Plan (CIP) appropriated \$48,000 to paint all of the white and black areas of the three basins. It was determined after the 2014 season that the project could be delayed at least one more season. Preliminary cost estimates were obtained after the 2014 season and it was determined that the costs were going to be significantly higher than the original \$48,000 appropriated in the CIP. The range to repair minor cracks, level areas in the Lazy River and 50 M pool, prepare the surface, and paint the basins was between \$90,000 and \$124,800.

During Fall 2014, the City Manager asked the Parks & Recreation Director to review all CIP projects to determine if his priorities were the same as the previous administration. Changes were made to the CIP and communicated to Council in a memo dated January 23, 2015. One of the changes added an additional \$82,000 for this project bringing the total available to \$130,000.

Dave Schwartz, Engineer with Water's Edge Aquatics, was hired to develop specifications, prepare a cost estimate, provide review of painting in progress and review final completion. According to the Engineer's estimate, the funds appropriated by City Council will be sufficient to cover the costs of the project. Project details and costs is as follows:

Engineer's Estimate:

Crack Repair, Level Areas, Prepare and Repaint all Basins	\$124,800
Engineering	<u>\$ 3,000</u>
Total Estimate	\$127,800

The contractor will be asked to complete the painting prior to May 1 2015. If that is not possible, the project will need to wait until September 15, 2015 which is when the pools will be empty. In evaluating the bidders, staff will need assurance they can successfully meet the timelines so the project is completed and the aquatic center can open as scheduled.

ALTERNATIVES:

1. Approve Plans and Specifications for the Furman Aquatic Center Pool Basin Repainting Project and set the bid due date for January 6, 2016, and January 12, 2016, as the date of hearing and award of the contract.
2. Do not approve the plans and specifications at this time, delaying the Furman Aquatic Center Pool Basin Repainting Project.
3. Refer back to staff.

MANAGER'S RECOMMENDED ACTION:

The proposed project will address needed repairs to minor cracks, protect the pool basins from chlorinated water required for swimming, and continue to provide the citizens with an excellent facility. Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving Plans and Specifications for the Furman Aquatic Center Pool Basin Repainting Project and set the bid due date for January 6, 2016, and January 12, 2016, as the date of hearing and award of the contract.

COUNCIL ACTION FORM

SUBJECT: CONTRACT TO KECK ENERGY OF DES MOINES, IOWA FOR PURCHASE OF FUEL FOR CYRIDE FOR CALENDAR YEAR 2016

BACKGROUND:

CyRide purchases approximately 400,000 gallons of fuel each year, divided into smaller purchases every seven to fourteen days. In order to procure fuel, CyRide, in cooperation with the City of Ames Purchasing Department, annually releases a fuel bid for both diesel and biodiesel fuel with biodiesel levels varying from 5% to 20%, depending on the weather and season.

For the 2016 calendar year, bids were received on November 19, 2015. **Under the bid specifications, fuel would be purchased at the market rate with the competitive portion of the bid being the vendor's charge above or below that market rate for delivery of the fuel.** The following bids were received.

Bidder	#1 Diesel	#2 Diesel	Biodiesel	Cold Flow Improver Additive
Keck Energy	-\$0.010	-\$0.010	-\$0.85	\$0.0125
Diamond Oil	-\$0.005	-\$0.005	-\$0.600	\$0.010
New Century FS	\$0.015	\$0.010	\$0.020	\$0.0200
FS Fauser Energy Resources	\$0.050	\$0.025	\$0.050	\$0.0100
REG Energy Services, LLC	\$0.0545	\$0.0125	-\$0.900	\$0.0085
Key Cooperative	\$0.070	\$0.070	\$0.070	\$0.0300

The lowest bid in each category is highlighted. In calculating estimated gallons of each type of fuel CyRide anticipates using during the next calendar year at \$2.57/gallon for diesel and \$3.48 for biodiesel, as well as the over/under rack rate, Keck Energy's bid is the overall lowest cost bid as follows:

Bidder	Total Estimated Cost of Fuel
Keck Energy	\$773,165.67
REG Energy Services, LLC	\$775,856.15
Diamond Oil	\$789,311.91
New Century FS	\$816,904.49
FS Fauser Energy Resources	\$835,565.25
Key Cooperative	\$848,076.49

In addition to awarding the fuel delivery bid, CyRide will need to establish a maximum or total contract amount for fuel costs so that the Transit Agency may order fuel when needed every seven to fourteen days under the successful bidder's contract. In estimating CyRide's maximum fuel cost for calendar year 2016, staff estimated its fuel usage for the year (400,000 gallons) and multiplied this times the budgeted price per gallon for the current and next year. (This award spans the latter part of the current year and the first six months of next fiscal year.) This calculation is as follows:

January – June 2016	
196,000 gallons x \$3.50 (2015-2016 budgeted price) =	\$686,000
July – December 2016	
204,000 gallons x \$3.00 (2016-2017 budgeted price) =	<u>\$612,000</u>
TOTAL ESTIMATED COST	\$1,298,000

CyRide received approval for the vendor bid and fuel cost from the Transit Board of Trustees at their December 3, 2015 meeting.

ALTERNATIVES:

1. Award the purchase of fuel during calendar year 2016 to Keck Energy of Des Moines, Iowa with the lowest cost bid and establish the maximum total contract amount for fuel and delivery not to exceed \$1,298,000.
2. Do not enter into a fuel contract and purchase fuel at the time it's needed at the market rate.
3. Do not enter into a fuel vendor contract to purchase fuel at the market rate, plus mark-up/deduct and instead, direct staff to bid fuel to lock in prices for the next twelve-month period.

MANAGER'S RECOMMENDED ACTION:

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

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby purchasing fuel from Keck Energy during calendar year 2016.

COUNCIL ACTION FORM

SUBJECT: TESTING EQUIPMENT FOR ELECTRIC SUBSTATIONS

BACKGROUND:

The testing equipment that needs to be procured will be used to guarantee that a transformer that was taken out of service for any reason is healthy enough to be placed back in service. This is especially necessary if there has been a fault on any of the feeds that caused high amperage to be supplied by the transformer prior to it being shut down by the protective relays. It also checks for moisture in the internal insulation of the transformer and gasses that could cause mechanical damage to the transformer or danger to maintenance crews. It can also be used to test for failure/expected life on cables insulators and arresters.

Staff tested units from two companies, Megger and OMICRON Electronics Corporation USA (OMICRON) which are the two major manufacturers of this testing equipment and concluded that the OMICRON unit can best meet the City's needs. The OMICRON unit (\$75,284) contains extensive software that drives the unit and walks the operator through the entire process including deciphering the results. The operator only needs to connect the necessary wires and press a few buttons. This feature significantly decreases testing time, ensures more accurate analysis, and the operator does not need to make any assumptions about the test results. The Megger unit (\$47,500) tested did not offer a comparable software option, failed to fully integrate with City computers, and had limited functionality compared to the OMICRON unit.

Council should note that this testing equipment is sold to the end user directly from the manufacturer (OEM). One major benefit of this is the City is receiving factory direct pricing without a distributor mark-up. **Since the manufacturer distributes this testing equipment directly, it was not possible to get multiple bids from various suppliers, as we do on other types of electrical equipment.**

Staff is requesting that the City Council waive the City's purchasing policies requiring competitive bids, and award this contract to OMICRON Electronics Corporation USA, Houston, Texas, in the amount of \$75,284 (inclusive of Iowa sales tax).

Funding for the purchase of this equipment will be charged to the approved FY2015/16 Electric Meter operating budget which contains \$76,000 for Movable Equipment.

ALTERNATIVES:

1. Waive the purchasing policy requirement for competitive bidding for the testing equipment and award a contract to OMICRON Electronics Corporation USA of Houston, Texas, in the amount of \$75,284 (inclusive of Iowa sales tax).
2. Waive the purchasing policy requirement for competitive bidding for the testing equipment and award a contract to Megger in the amount of \$47,500 (inclusive of Iowa sales tax).
3. Do not purchase this equipment at this time and continue contracting for this testing service.

MANAGER'S RECOMMENDED ACTION:

Purchase of this testing equipment with the extensive software can significantly decrease testing time and ensure more accurate analysis which results in increased efficiency.

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

COUNCIL ACTION FORM

SUBJECT: POWER PLANT FUEL CONVERSION – BID NO. 2 – TURBINE STEAM SEAL SYSTEM – 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.

Presently the City of Ames has two open contracts with General Electric (GE) in regards to the power plant conversion project. It was necessary at that time to enter into two contracts because the City is working with two separate divisions within GE and using two distinct skill sets. One contract provides for a replacement of the Turbine Control system. The second contract provides for a Turbine Steam Seal system. On April 14, 2015, City Council awarded a contract to General Electric International, Inc., Omaha, NE, for the Bid No. 2 Turbine Steam Seal System for Unit 8 in the amount of \$186,320.

The action being requested is to approve Change Order No. 2 to the Bid No. 2 Turbine Steam Seal System Contract. When the contract to provide the Turbine Control system was bid, sufficient technical support from GE was included in the bid in regards to the electronic/controls portion. However, both staff and the City's consulting engineer feel that additional technical support from GE is needed on the mechanical area to successfully carry out the project. The mechanical technical expertise to support the Turbine Control project will come from the division supplying the Steam Seal system. The Change Order to the second contract is being requested to supply support for the first contract in order to gain the correct skill set from GE.

The first change order for this contract was for \$24,536 to General Electric International, Inc. to procure a steam seal relief valve. **The total cost of this Change Order No. 2 is \$150,000 and will be billed on a Time & Material basis.**

The engineer's cost estimate for procurement of the equipment covered by this contract was \$1,064,728. With this change order, the total costs for the Bid No. 2 Turbine Steam Seal System within the project will be increased to \$360,856.

Overall, the total project dollar amount committed to date (inclusive of this Change order No. 3) is \$16,941,238.87. The approved FY 2015/16 Capital Improvements Plan includes \$26,000,000 for the Unit 7 and Unit 8 fuel conversion. However, some of the funding of the conversion project is coming from the sale of Electric Revenue bonds.

Considering that the project is coming in much less than the budgeted amount, staff has chosen to reduce the size of the bonds issuance and has reflected the budgeted amount accordingly. The project budget to date is shown on page 3. It should be noted if there are future Change Orders that cause the budget to exceed the remaining balance, the bond request cannot/will not be adjusted. Staff at that time will look at cancelling or delaying lower priority projects to fund the change.

ALTERNATIVES:

1. Approve contract Change Order No. 2 with General Electric International, Inc., Omaha, NE, for the Bid No. 2 Turbine Steam Seal System for Unit 8 in the amount of \$150,000.
2. Reject contract Change Order No. 2.

MANAGER'S RECOMMENDED ACTION:

The Power Plant's existing turbine controls for Units 7 and 8 are 48 and 33 years old, respectively. Up-to-date turbine controls are needed to maintain, and to reliably and safely operate the Unit 7 and 8 turbine-generators over the long term.

This change order is needed in order to bring the right mechanical skill set onto the project in order to make sure the Turbine Control upgrade is successful.

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:

\$17,475,000	FY 2015/16 CIP amount budgeted for project \$26,000,000 less reduced bonds issuance by \$8,525,000
<u>Sargent & Lundy, LLC</u>	
\$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
<u>Alstom Power Inc.</u>	
\$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
<u>Emerson Process Management Power & Water Solutions, Inc.</u>	
\$1,595,000	Contract cost for DCS equipment
\$39,377	DCS Contract Change Order No. 1
<u>GE Energy Control Solutions, Inc.</u>	
\$814,920	Contract cost for TCS equipment Bid 1
\$244,731	TCS Bid 1 Contract Change Order No. 1
<u>General Electric International, Inc.</u>	
\$186,320	Contract Cost for Turbine Steam Seal System - TCS Bid 2
\$24,536	TCS Bid 2 Contract Change Order No. 1
\$150,000	TCS Bid 2 Contract Change Order No. 2
<u>Henkel Construction Co.</u>	
\$898,800	Contract cost for Control Room Installation General Work Contract
\$66,782	Control Room Contract Change Order No. 1
<u>TEI Construction Services, Inc.</u>	
\$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

\$187,984	Mechanical Contract Change Order No. 3
\$9,785.37	Mechanical Contract Change Order No. 4
	<u>FPD Power Development, LLC</u>
\$3,145,149	Contract cost for Electrical Installation General Work Contract
	<u>Graybar Electric</u>
\$98,560	Contract cost for UPS System
(-\$1,010)	UPS System Contract Change Order No. 1
	<u>Hertz Equipment Rental Corporation</u>
<u>\$166,835.50</u>	Contract cost for Portable Electric Space Heaters
\$16,941,238.87	Costs committed to date for conversion
\$533,761.13	Remaining Project Balance to cover miscellaneous equipment and modifications to the power plant needed for the fuel conversion

COUNCIL ACTION FORM

SUBJECT: ACCEPT FINAL COMPLETION OF WATER POLLUTION CONTROL FACILITY METHANE ENGINE-GENERATOR SET NO. 2 REHABILITATION

BACKGROUND:

Council awarded the contract to Ziegler Power Systems of Altoona, IA on August 27, 2013 in the amount of \$176,608.

Ziegler Power Systems has completed the work. There were no change orders. The total cost of the project, including \$1,224.50 for engineering, is \$177,832.50. The Certification of Completion from the engineering firm, Barr Engineering of Minneapolis, MN, is attached.

ALTERNATIVES:

- 1) Accept completion of the Methane Engine-Generator Set No. 2 Rehabilitation Project at the Water Pollution Control Facility in the amount of \$176,608.
- 2) Do not accept completion of the rehabilitation of Methane Engine-Generator Set No. 2.

MANAGER'S RECOMMENDED ACTION:

It is the recommendation of the City Manager that the City Council adopt Alternative No. 1, accepting completion of the Methane Engine-Generator Set No. 2 Rehabilitation Project at the Water Pollution Control Facility by Ziegler Power Systems of Altoona, IA in the amount of \$176,608.



Barr Engineering Company
4700 West 77th Street • Minneapolis, MN 55435-4803
Phone: 952-832-2600 • Fax: 952-832-2601 • www.barr.com *An EEO Employer*

Minneapolis, MN • Hibbing, MN • Duluth, MN • Ann Arbor, MI • Jefferson City, MO • Bismarck, ND
Calgary, Alberta •

November 18, 2015

City of Ames
Water and Pollution Control Department
Attn: Mr. James McElvogue
56797 – 280th Street East
Ames, IA 50010-9337

Re: City of Ames, Iowa
Water and Pollution Control Department
Water Pollution Control Facility
Contract between the City of Ames
and Ziegler Power Systems, Des Moines, IA.
Gas Engine Generator #2 Rehabilitation

Dear Mr. McElvogue,

In response to the inquiry regarding the completion of the rehabilitation of gas engine generator #2 at the Water Pollution Control Facility, it is our opinion that the project is substantially complete.

Upon confirmation that the final tax certificates and related information have been received by the City, and are in order, the recommendation is that the project be considered complete.

If you have questions, please contact me.

Sincerely,



Paul W. Kaeding, PE
Barr Engineering Co.



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

18

December 8, 2015

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

RE: Quarry Estates LOC Reduction #2

Ladies and Gentlemen:

I hereby certify that the curb and gutter and base pavement, required as a condition for approval of the final plat of **Quarry Estates, 1st Addition** have been completed in an acceptable manner by **H&W Contracting of Sioux Falls, South Dakota , and Manatts, Inc of Ames, IA**. The above-mentioned improvements have been inspected by the Engineering Division of the Public Works Department of the City of Ames, Iowa and found to meet City specifications and standards.

As a result of this certification, it is recommended that the financial security for public improvements on file with the City for this subdivision be reduced to \$1,054,537.95 The remaining work covered by this financial security includes installation of the water main, final asphalt surfacing, pedestrian ramps and walks, final adjustment of utility features, erosion control, and street lighting.

Sincerely,

John C. Joiner, P.E.
Director

JJ/ec

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

Quarry Estates, First Addition
December 8, 2015

Description	Unit	Quantity
Temporary Traffic Control	LS	1
Excavation and Embankment	CY	30,075
Subgrade Preparation	SY	10,800
Sanitary Sewer Gravity Main, Trenched, 8"	LF	4,752
Sanitary Sewer Service Stub, 4"	EA	53
Footing Drain Collector, Case D, Type 2, 8"	LF	1,404
Footing Drain Cleanout, 8"	EA	5
Sump Service Stub, 1.5"	EA	53
Storm Sewer, Trenched, RCP Class III, 15"	LF	804
Storm Sewer, Trenched, RCP Class III, 18"	LF	623
Storm Sewer, Trenched, RCP Class III, 24"	LF	402
Pipe Apron, RCP, 18"	EA	5
Pipe Apron, RCP, 24"	EA	2
Water Main, Trenched, 8"	LF	4,677
Fitting, M.J. Bend, 8"	EA	6
Fitting, M.J. Tee, 8"	EA	4
Fitting, M.J. Cross, 8"	EA	1
Water Service Stub, 1"	EA	53
Valve, M.J. Tapping, 12"x8"	EA	1
Valve, M.J. Gate, 8"	EA	14
Fire Hydrant Assembly (includes 8"x8"x6" M.J. Tee, 6" M.J. Gate Valve, 6" Pipe, and Hydrant)	EA	12
Temporary Blowoff Hydrant Assembly (includes 8"x6" M.J. Reducer, 6" Pipe, and Hydrant)	EA	5
Water Service Stub, 2"	EA	1
Sanitary Manhole, SW-301, 48"	EA	17
Storm Sewer Manhole, SW-401, 48"	EA	2
Single Grate Intake, SW-501	EA	9
Single Grate Intake, with Manhole SW-503	EA	7
Open-Sided Area Intake, SW-513, 48"x48"	EA	1
Sanitary Manhole Drop Connection	EA	2
PCC Curb and Gutter, 30"	LF	5,554
Trail Pavement, HMA, 6"	SY	600
Pavement, HMA Base, 6"	SY	2,402
Pavement, HMA Base, 7.5"	SY	5,540
Pavement, HMA Surface, 2"	SY	7,942
Pedestrian Ramps, PCC, 6"	SY	93
Detectable Warning Panels	SF	120
Class 'A' Rock Surfacing	TON	100
Manhole Adjustments	EA	11
Watervalue Adjustments	EA	2

Quarry Estates, First Addition
December 8, 2015

Sidewalk and Shared-Use Path, PCC, 4"	SY	3,915
Seeding (Type 1), Fertilizing and Mulching	AC	25
Inlet Protection	EA	16
Silt Fence	LF	2,500
Stabilized Construction Entrance	EA	2
Conservation Seeding, Planting, and Landscaping	LS	1



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

November 30, 2015

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

Ladies and Gentlemen:

I hereby certify that the public utility improvement, 12-inch water main installation, required as a condition for approval of the final plat of **Dauntless, 5th Addition** has been completed in an acceptable manner. The above-mentioned improvement has been inspected by the Engineering Division of the Public Works Department of the City of Ames, Iowa and found to meet City specifications and standards.

During review of the City's records it was discovered that the financial security for the referenced subdivision was not released following installation of the public improvements in 2001. As a result of this certification, it is recommended that the financial security for public improvements on file with the City for this subdivision (\$27,400) be released in full.

Sincerely,

John C. Joiner, P.E.
Director

JJ/jc

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

Description	Unit	Quantity
12" WATER MAIN	LF	682
HYDRANT ASSEMBLY (NEW)	EA	1
HYDRANT ASSEMBLY (REMOVE AND RELOCATE)	EA	1
12" WATER VALVE	EA	1
WALL PIPE REACTION BLOCK	EA	1
CONSTRUCTION SURVEY	LS	1

COUNCIL ACTION FORM

SUBJECT: PLAT OF SURVEY FOR 535 S DUFF AVENUE

BACKGROUND:

The City's subdivision regulations are found in Chapter 23 of the Ames Municipal Code. These regulations include the process for creating or modifying property boundaries and for determining if any improvements are required in conjunction with the platting of property. The regulations also describe the process for combining existing platted lots or conveyance parcels in order to create a parcel for development purposes. A plat of survey is allowed by Section 23.309 for the consolidation of conveyance parcels.

This particular plat of survey is for a proposed consolidation of an existing conveyance parcel, as shown on Attachment A. The parcel (a consolidation of one platted lot and a portion of an adjacent platted lot) has been existing in its present configuration since a deed was recorded in 1953.

This 1.01-acre parcel is zoned Highway-Oriented Commercial (HOC). The site is almost entirely within the Floodway Fringe, although a small portion at the southwest corner falls within the Floodway. The placement of fill on the site has been approved in anticipation of future development that has not yet been submitted for site development plan approval.

The site has access to all city utilities and no additional easements or improvements are required in conjunction with the proposed plat of survey. **Staff notes that the subject site only has a sidewalk present at this time and not a shared use path as exists to the south of the site.** Despite the lack of a shared use path along the frontage, installation of a shared use path is not required as the Subdivision Code has not been updated to require bikeway improvements in coordination with the Ames Area MPO Transportation Plan. **However, upon redevelopment of the site the property owner will be responsible for constructing an 8-foot shared use path to replace the existing sidewalk as required under Chapter 22 for missing infrastructure.**

Approval of this plat of survey (Attachment B) will allow the applicant to prepare the official plat of survey and submit it to the Planning and Housing Director for review. The Director will sign the plat of survey confirming that it fully conforms to all conditions of approval. The prepared plat of survey may then be signed by the surveyor, who will submit it for recording in the office of the County Recorder.

ALTERNATIVES:

1. The City Council can adopt the resolution approving the proposed plat of survey.
2. The City Council can deny the proposed plat of survey if the City Council finds that the requirements for plats of survey as described in Section 23.308 have not been

satisfied.

3. The City Council can refer this back to staff and/or the owner for additional information.

MANAGER'S RECOMMENDED ACTION:

Staff has determined that the proposed plat of survey satisfies all code requirements for a boundary line adjustment of existing lots and has made a preliminary decision of approval.

Therefore, it is the recommendation of the City Manager that the City Council accept Alternative #1, thereby adopting the resolution approving the proposed plat of survey.

**ADDENDUM
PLAT OF SURVEY FOR 535 South Duff Avenue**

Application for a proposed plat of survey has been submitted for:

- Conveyance parcel (per Section 23.307)
- Boundary line adjustment (per Section 23.309)
- Re-plat to correct error (per Section 23.310)
- Auditor's plat (per Code of Iowa Section 354.15)

The site is located at:

Owners: Flummerfelt, Inc.

Existing Street Address: 535 South Duff Avenue

Assessor's Parcel #: 0911176070

Legal Description: Lot 18 and the North 28 feet of Lot 19, all in Cayler's Second Addition to Ames, Story County, Iowa.

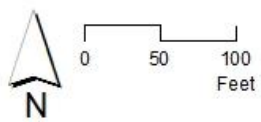
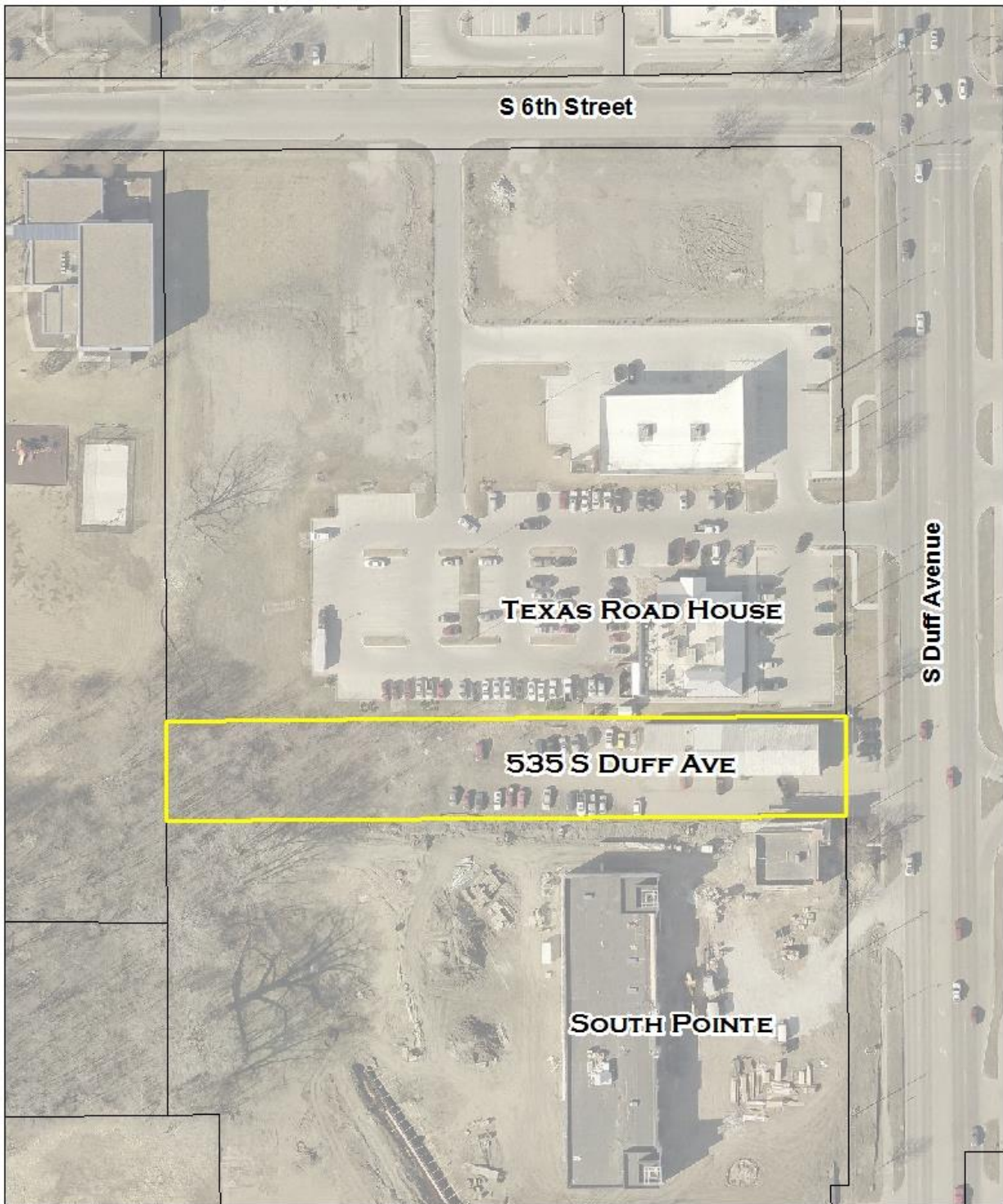
Public Improvements:

The preliminary decision of the Planning Director finds that approval requires all public improvements associated with and required for the proposed plat of survey be:

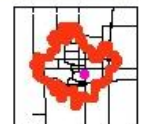
- Installed prior to creation and recordation of the official plat of survey and prior to issuance of zoning or building permits.
- Delayed, subject to an improvement guarantee as described in Section 23.409.
- Not Applicable.(no additional improvements required)

Note: The official plat of survey is not recognized as a binding plat of survey for permitting purposes until a copy of the signed and recorded plat of survey is filed with the Ames City Clerk's office and a digital image in Adobe PDF format has been submitted to the Planning & Housing Department.

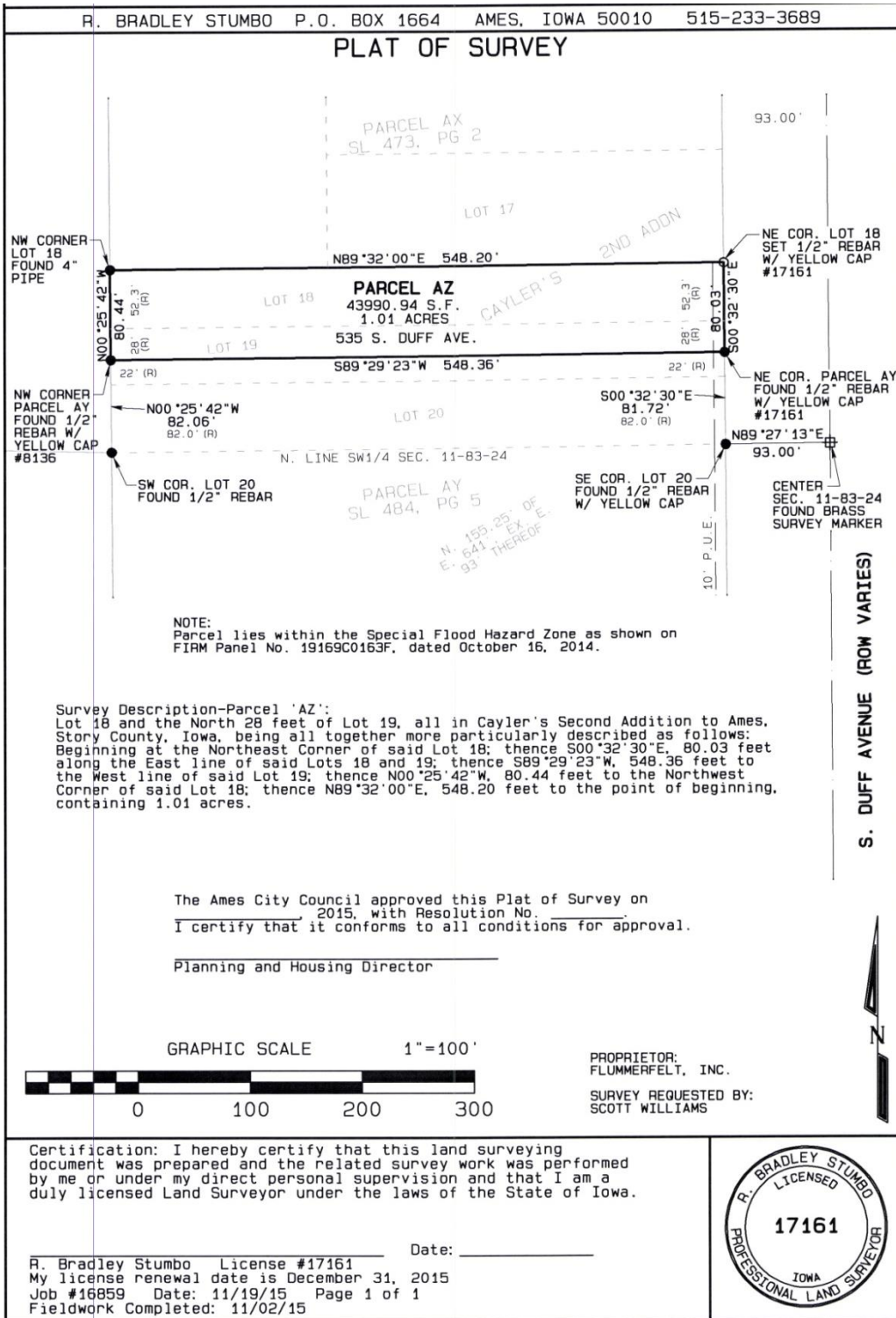
ATTACHMENT A: LOCATION MAP



Location Map



ATTACHMENT B: PROPOSED PLAT OF SURVEY



Staff Report

E-CIGARETTE ORDINANCE OPTIONS

December 8, 2015

BACKGROUND:

In the fall of 2014, Council requested staff assessment of enforcement and constitutional issues potentially associated with enacting a new ordinance banning the use of electronic nicotine delivery devices in public places.

Recently, there have been actions being considered at local, state, and federal levels that would regulate alternative nicotine products or vapor products. While none of the considered state or federal actions would prohibit public use of these devices, there does seem to be an effort to better define the risk associated with nicotine vapors, additives, and the consequences of exposure. With broader discussion of this information, it seems likely there will be greater public acceptance of reasonable regulations.

At the April 14, 2015 City Council meeting, staff reported on the enforcement and potential constitutional issues related to adopting an ordinance regulating the use of e-cigarettes. The main constitutional concern in enacting local regulation prohibiting the use of these products in public places is possible preemption by State law. The State recently adopted Chapter 453A which includes the same provision on uniform application as the former Chapter 142B, Smoking Prohibitions. Therefore, a court would likely find, as in a previous Supreme Court case, that the City is preempted from enacting local regulations on alternative nicotine products and vapor products, at least to the extent the regulation pertains to (1) age restrictions; (2) permitting requirements; (3) taxation; and (4) product placement. However, since Chapter 453A does not address regulations related to prohibiting the use of these products in public places and The Smokefree Air Act, Chapter 142D, does not include a provision on uniform application, the City is likely not preempted from enacting local regulation on this specific issue.

At the May 26, 2015 City Council meeting, staff reported on the primary, secondhand, and other health risks of e-cigarettes or other alternative vaping products. Staff gave a status update at the June 19, 2015 City Council meeting reporting that the City of Iowa City had passed on first reading an ordinance restricting the use of e-cigarettes in the same places that tobacco cigarettes are restricted. Staff also reported that the University of Iowa had taken action regarding e-cigarettes. Staff had yet to obtain information from Iowa State University to determine whether the University planned to take any action regarding the use of these products.

At the June 19, 2015 City Council meeting, the City Council requested the City Attorney prepare options as to how and where the use of e-cigarettes could be regulated. The following options were explored: (1) adopt an ordinance prohibiting the use of these products in the same places as are prohibited under The Smokefree Air Act; (2) adopt a policy similar to the City of Iowa City; (3) adopt an ordinance prohibiting the use of these products similar to the prohibitions proposed by Iowa State University; and (4) not prohibit the use of these products in any particular areas.

Option #1 - Adopt an ordinance prohibiting the use of e-cigarettes in the same places as smoking is prohibited under The Smokefree Air Act.

The City Council can choose to prohibit the use of e-cigarettes and other alternative nicotine products in the same places as smoking is prohibited under The Smokefree Air Act. This would prohibit the use of e-cigarettes in all public places and some private areas including: (1) all enclosed areas within places of employment; the seating areas of outdoor sports arenas, stadiums, amphitheaters, and other entertainment venues where members of the general public assemble to witness entertainment events; (2) outdoor seating or serving areas of restaurants; (3) public transit stations, platforms, and shelters; (4) school grounds; (5) the grounds of any public buildings owned, leased or operated by or under the control of the state government or its political subdivisions. IA Code §142D.3. A “public place” is further defined as an enclosed area to which the public is invited or in which the public is permitted, including common areas, and includes a non-exhaustive list of approximately twenty-two (22) places that fall under the definition of public place. IA Code §142D.2(16). A notice in the form of a posted sign is required under The Smokefree Air Act.

The areas that e-cigarettes would not be prohibited include (a) private residences, unless used as a child care facility, child care home, or a health care provider location; (b) hotel and motel rooms that are rented to guests and are designated smoking rooms; (c) retail tobacco stores; (d) private and semi-private long-term care facilities; (e) private clubs that have no employees; (f) outdoor areas that are places of employment except those areas where smoking is prohibited under section 142D.3; (g) limousines under private hire or vehicles owned, leased, or provided by a private employer that are for the sole use of the driver; (h) an enclosed area within a place of employment or public place that provides a smoking cessation program for a medical or scientific research or therapy program; (i) farm tractors and trucks; (j) certain areas of a gaming floor; and (k) the Iowa Veterans Home.

Option #2 - Adopt an ordinance similar to the City of Iowa City.

The City of Iowa City adopted an ordinance on July 15, 2015 which prohibits the use of an e-cigarette in any smoke free place listed in Iowa City Municipal Code section 6-10-1 or in any place where The Smokefree Air Act prohibits smoking a tobacco product. In addition to The Smokefree Air Act, section 6-10-1 prohibits smoking in seventeen (17) other areas under the custody or control of the city. A violation of this prohibition is punishable as a simple misdemeanor by a fine of fifty dollars (\$50.00). Prior to adopting

the ordinance, Iowa City adopted a policy in 2014 which prohibited the use of alternative nicotine products and vapor products on all property owned or controlled by the city on which smoking was prohibited by either The Smokefree Air Act or classified as a smoke free place in city code. These products were defined as are defined in Section 453A.1 of the Iowa Code.

Option #3 - Adopt an ordinance prohibiting the use of these products similar to the prohibitions adopted by Iowa State University.

Iowa State University has proposed amendments to the Smoke-Free Campus policy to extend the policy to include e-cigarette (personal vaporizers). The University proposes to amend the definition of smoking materials to also include electronic smoking devices. "Electronic smoking devices" is defined as "any product containing or delivering nicotine (e.g. Electronic Nicotine Delivery System or ENDS) or any other substance intended for human consumption that can be used by a person to simulate smoking through inhalation of vapor or aerosol from the product. The term includes such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor." The use of these products would be prohibited on the entire grounds of the university; in any enclosed area within places of employment; vehicles owned, lease or provided by the university; privately owned vehicles when operated or parked on the grounds of the university; the seating and parking areas of outdoor sports arenas, stadiums, amphitheaters and other entertainment venues; the ISU farms; and Veenker golf course. ISU Department of Public Safety is responsible for the enforcement of the policy, which is anticipated to become effective on January 1, 2016.

Option #4 – Do not prohibit the use of these products.

The City can choose to take no action and choose not to prohibit these products.

Attachments:

A - Iowa Code §142D.2(16)

B - Iowa State University Smoke-Free Policy

C - Iowa City Chapter 10, "Smoke Free Places"

142D.2 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. "Bar" means an establishment where one may purchase alcoholic beverages, as defined in section 123.3, for consumption on the premises and in which the serving of food is only incidental to the consumption of those beverages.
2. "Business" means a sole proprietorship, partnership, joint venture, corporation, association, or other business entity, either for-profit or not-for-profit, including retail establishments where goods or services are sold; professional corporations and other entities where legal, medical, dental, engineering, architectural, or other professional services are delivered; and private clubs.
3. "Common area" means a reception area, waiting room, lobby, hallway, restroom, elevator, stairway or stairwell, the common use area of a multiunit residential property, or other area to which the public is invited or in which the public is permitted.
4. "Employee" means a person who is employed by an employer in consideration for direct or indirect monetary wages or profit, or a person who provides services to an employer on a voluntary basis.
5. "Employer" means a person including a sole proprietorship, partnership, joint venture, corporation, association, or other business entity whether for-profit or not-for-profit, including state government and its political subdivisions, that employs the services of one or more individuals as employees.
6. "Enclosed area" means all space between a floor and ceiling that is contained on all sides by solid walls or windows, exclusive of doorways, which extend from the floor to the ceiling.
7. "Farm tractor" means farm tractor as defined in section 321.1.
8. "Farm truck" means a single-unit truck, truck-tractor, tractor, semitrailer, or trailer used by a farmer to transport agricultural, horticultural, dairy, or other farm products, including livestock, produced or finished by the farmer, or to transport any other personal property owned by the farmer, from the farm to market, and to transport property and supplies to the farm of the farmer.
9. a. "Farmer" means any of the following:
 - (1) A person who files schedule F as part of the person's annual form 1040 or form 1041 filing with the United States internal revenue service, or an employee of such person while the employee is actively engaged in farming.
 - (2) A person who holds an equity position in or who is employed by a business association holding agricultural land where the business association is any of the following:
 - (a) A family farm corporation, authorized farm corporation, family farm limited partnership, limited partnership, family farm limited liability company, authorized limited liability company, family trust, or authorized trust, as provided in chapter 9H.
 - (b) A limited liability partnership as defined in section 486A.101.
 - (3) A natural person related to the person actively engaged in farming as provided in subparagraph (1) or (2) when the person is actively engaged in farming. The natural person must be related as spouse, parent, grandparent, lineal ascendant of a grandparent or a grandparent's spouse, other lineal descendant of a grandparent or a grandparent's spouse, or a person acting in a fiduciary capacity for persons so related.
- b. For purposes of this subsection, "actively engaged in farming" means participating in physical labor on a regular, continuous, and substantial basis, or making day-to-day management decisions, where such participation or decision making is directly

related to raising and harvesting crops for feed, food, seed, or fiber, or to the care and feeding of livestock.

10. "Health care provider location" means an office or institution providing care or treatment of disease, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including but not limited to a hospital as defined in section 135B.1, a long-term care facility, an adult day services program as defined in section 231D.1, clinics, laboratories, and the locations of professionals regulated pursuant to Title IV, subtitle III, and includes all enclosed areas of the location including waiting rooms, hallways, other common areas, private rooms, semiprivate rooms, and wards within the location.

11. "Implement of husbandry" means implement of husbandry as defined in section 321.1.

12. "Long-term care facility" means a health care facility as defined in section 135C.1, an elder group home as defined in section 231B.1, or an assisted living program as defined in section 231C.2.

13. "Place of employment" means an area under the control of an employer and includes all areas that an employee frequents during the course of employment or volunteering, including but not limited to work areas, private offices, conference and meeting rooms, classrooms, auditoriums, employee lounges and cafeterias, hallways, medical facilities, restrooms, elevators, stairways and stairwells, and vehicles owned, leased, or provided by the employer unless otherwise provided under this chapter. "Place of employment" does not include a private residence, unless the private residence is used as a child care facility, a child care home, or as a health care provider location.

14. "Political subdivision" means a city, county, township, or school district.

15. "Private club" means an organization, whether or not incorporated, that is the owner, lessee, or occupant of a location used exclusively for club purposes at all times and that meets all of the following criteria:

a. Is operated solely for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose, but not for pecuniary gain.

b. Sells alcoholic beverages only as incidental to its operation.

c. Is managed by a board of directors, executive committee, or similar body chosen by the members.

d. Has established bylaws or another document to govern its activities.

e. Has been granted an exemption from the payment of federal income tax as a club pursuant to 26 U.S.C. § 501.

16. "Public place" means an enclosed area to which the public is invited or in which the public is permitted, including common areas, and including but not limited to all of the following:

a. Financial institutions.

b. Restaurants.

c. Bars.

d. Public and private educational facilities.

e. Health care provider locations.

f. Hotels and motels.

g. Laundromats.

h. Public transportation facilities and conveyances under the authority of the state or its political subdivisions, including buses and taxicabs, and including the ticketing, boarding, and waiting areas of these facilities.

i. Aquariums, galleries, libraries, and museums.

j. Retail food production and marketing establishments.

- k. Retail service establishments.
- l. Retail stores.
- m. Shopping malls.
- n. Entertainment venues including but not limited to theaters; concert halls; auditoriums and other facilities primarily used for exhibiting motion pictures, stage performances, lectures, musical recitals, and other similar performances; bingo facilities; and indoor arenas including sports arenas.
- o. Polling places.
- p. Convention facilities and meeting rooms.
- q. Public buildings and vehicles owned, leased, or operated by or under the control of the state government or its political subdivisions and including the entirety of the private residence of any state employee any portion of which is open to the public.
- r. Service lines.
- s. Private clubs only when being used for a function to which the general public is invited.
- t. Private residences only when used as a child care facility, a child care home, or health care provider location.
- u. Child care facilities and child care homes.
- v. Gambling structures, excursion gambling boats, and racetrack enclosures.

17. "Restaurant" means eating establishments, including private and public school cafeterias, which offer food to the public, guests, or employees, including the kitchen and catering facilities in which food is prepared on the premises for serving elsewhere, and including a bar area within a restaurant.

18. "Retail tobacco store" means a retail store utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is incidental to the sale of tobacco products.

19. "Service line" means an indoor line in which one or more individuals are waiting for or receiving service of any kind, whether or not the service involves the exchange of money.

20. "Shopping mall" means an enclosed public walkway or hall area that serves to connect retail or professional establishments.

21. "Smoking" means inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, or other tobacco product in any manner or in any form. "Smoking" does not include smoking that is associated with a recognized religious ceremony, ritual, or activity, including but not limited to burning of incense.

22. "Sports arena" means a sports pavilion, stadium, gymnasium, health spa, boxing arena, swimming pool, roller or ice rink, bowling alley, or other similar place where members of the general public assemble to engage in physical exercise, participate in athletic competition, or witness sports or other events.

DRAFT REVISION, December 2, 2015

Smoke-Free Campus Policy

Effective: November 1, 2012

Updated/Revised: January 1, 2016Contact: ISU ~~Police~~Department of Public Safety

Introduction

The Smokefree Air Act, effective July 1, 2008, applies to Iowa State University. The purpose of this legislation is “to reduce the level of exposure by the general public and employees to environmental tobacco smoke” and is designed to “regulate smoking in public places, places of employment, and outdoor areas” and “to improve the public health of Iowans.”

Included in this policy statement are the applicable sections of the Smokefree Air Act, Iowa Code Chapter 142D, and the rules and regulations of the Iowa Department of Public Health found at Iowa Administrative Code Section 641, Chapter 153, that relate to the campus community.

To protect the health and environment of the campus community, Iowa State University has extended this policy to include electronic smoking devices.

Scope

This policy applies to all university employees, students and visitors. This policy covers all university owned, leased or operated buildings, property and grounds under the control of the university.

Definitions

For the purpose of ~~the Smokefree Air Act;~~this policy:

- The **university** is a “school” and “public educational facility” governed by the Board of Regents, State of Iowa, pursuant to Iowa Code section 262.7.
- The **grounds of the university** include parking lots, athletic fields, playgrounds, tennis courts, and any other outdoor areas under the control of the university, including inside any vehicle located on university grounds.
- **Smoking materials** include lighted cigars, cigarettes, pipes, or other tobacco products in any manner or form including ash, cigarette butts or filters, or cigar stubs. Smoking materials also include electronic smoking devices.
- **Electronic smoking device** means any product containing or delivering nicotine (e.g., Electronic Nicotine Delivery System or ENDS) or any other substance intended for human consumption that can be used by a person to simulate smoking through inhalation of vapor or aerosol from the product. The term includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor.

Policy Statement

It is the policy of Iowa State University to comply with the Smokefree Air Act by declaring the entire university grounds and properties as a Smoke-Free Campus. Therefore, smoking is prohibited in “public buildings and vehicles owned, leased, or operated by or under the control of” the university as well as on the entire “grounds of the university.”

Smoking is prohibited and a person shall not smoke in any of the following enclosed areas:

- Enclosed areas within places of employment including but not limited to work areas, private offices, conference and meeting rooms, classrooms, auditoriums, employee lounges and cafeterias, hallways, medical facilities, restrooms, elevators, stairs and stairwells.
- Vehicles owned, leased or provided by the university.
- Privately owned vehicles when operated or parked on the grounds of the university.

Smoking is prohibited and a person shall not smoke in or on any of the following outdoor areas:

- The entire grounds of the university.
- The seating and parking areas of outdoor sports arenas, stadiums, amphitheaters and other entertainment venues where members of the general public assemble to witness entertainment events.

DRAFT REVISION, December 2, 2015

- The ISU Farms.
- Veenker Golf Course.

When a university employee, student, or visitor enters the grounds of the university any smoking material shall be extinguished and disposed of in an appropriate receptacle at the perimeter of the grounds of the university.

The sale, sampling or advertisement of all tobacco products is prohibited on university property or at university sponsored events in accordance with university Trademark Management policy.

Exceptions

- ~~Smoking will be allowed in designated private apartments in university housing in accordance with Department of Residence policy.~~

Exception

Smoking will be allowed in an enclosed area within the university that conducts a medical or scientific research or therapy program, if smoking is an integral part of the program.

Responsibilities and Enforcement

All members of the ISU community are responsible for observing the provisions of this policy and share responsibility for compliance.

The Smokefree Air Act designates the Iowa Department of Public Health as responsible for enforcement ~~with respect to tobacco products~~. ISU Department of Public Safety will coordinate compliance with the law on campus.

The Iowa Department of Public Health designates law enforcement authorities of the state and of each political subdivision of the state to assist with the enforcement of ~~this law~~ the Smokefree Air Act. ISU Department of Public Safety ~~officers may issue citations against a person who smokes in an area where smoking is prohibited~~ responsible for enforcement of this policy and the Smokefree Air Act on the grounds of the university.

Complaints

Concerns or complaints regarding this policy that involve ISU property should be directed to the ISU Department of Public Safety by calling 294-4428 or by visiting their website, www.police.iastate.edu.

Any person may also register a complaint regarding a violation of the Smokefree Air Act with the Iowa Department of Public Health by:

- Calling the toll-free number, 1-888- 944-2247, or
- Registering a complaint on the department's website, www.IowaSmokefreeAir.gov, or
- Downloading a complaint form from the department's website and mailing it to the department at:

Department of Public Health
Division of Tobacco Use Prevention and Control
Lucas State Office Building
321 East 12th Street
Des Moines, IA 50319.

Resources

Iowa State University Police (<http://www.police.iastate.edu/>)
Iowa Department of Public Health (<http://www.idph.state.ia.us/>)
[CDC Electronic Nicotine Delivery Systems Key Facts \[PDF\]](#)
Quit Line Iowa: <http://www.quitlineiowa.org/default.asp>
Smokefree Air Act website (<http://www.iowasmokefreeair.gov/>)
Smoking Cessation: [\(see Other Benefits\)](#); (<http://www.hrs.iastate.edu/benefits/homepage.shtml>)

Chapter 10

SMOKE FREE PLACES

6-10-1: SMOKE FREE PLACES ITEMIZED:

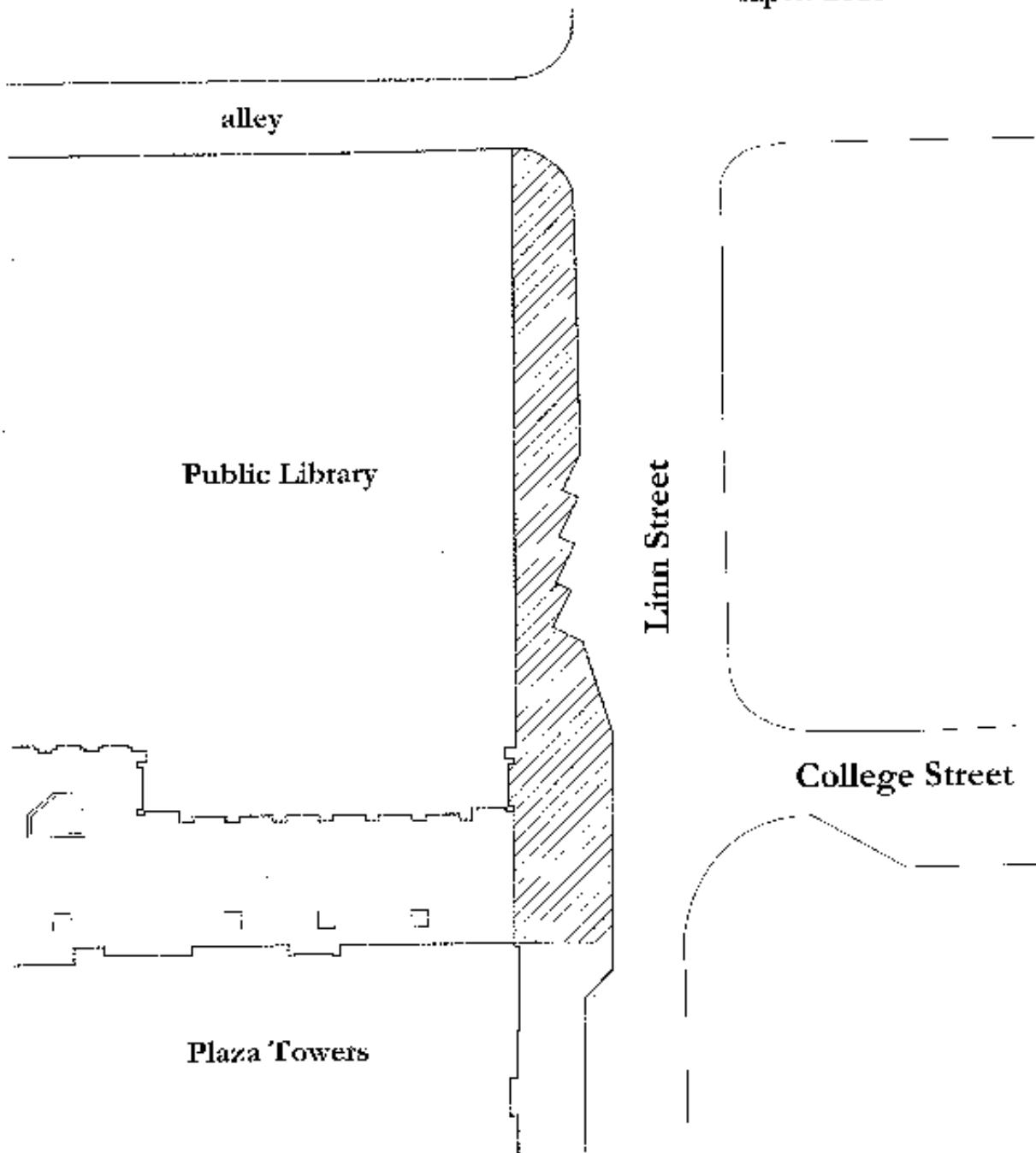
It is illegal to smoke in a smoke free place. Pursuant to HF 2212, section 5, to be codified at section 142D.5 of the Iowa Code, the city declares the following areas to be smoke free places:


- A. Iowa City Municipal Airport. (Ord. 08-4314, 9-9-2008)
- B. Municipal parking ramps except in privately owned vehicles that are not located in the Chauncey Swan Parking Ramp during the farmers' market as provided in this section.
- C. City Plaza except the public alleys. "City Plaza" is defined in section [10-5-2](#) of this code.
- D. The area between the public library and Linn Street including the sidewalk, as illustrated on the diagram below, and the area within ten feet (10') of a sidewalk cafe that is not in City Plaza. "Sidewalk cafe" is defined in section [10-3-1](#) of this code. (Ord. 10-4393, 6-1-2010)
- E. Napoleon Park except the parking lot and the Iowa River Corridor Trail.
- F. Baseball/softball complex at Mercer Park not including the parking lots.
- G. Iowa City Kickers Soccer Park including the parking lots.
- H. The area within fifty feet (50') of the City Park pool building and the fence that encompasses the City Park pool and the area inside the fence.
- I. Riverside Festival stage/seating area and the area within fifty feet (50') of Riverside Festival stage/seating area.

- J. Bobby Oldis baseball fields in lower City Park including the bleachers, sidewalk, and all other areas between the fields.
- K. The area within fifty feet (50') of the amusement rides in lower City Park.
- L. Skateboard Park.
- M. Tennis courts in all city parks.
- N. Dog parks. (Ord. 08-4314, 9-9-2008)
- O. Farmers' market beginning thirty (30) minutes prior to the opening of the farmers' market. "Farmers' market" is defined in section [10-11-1](#) of this code.
- P. The area within fifty feet (50') of any outdoor stage or location where musicians are performing during any outdoor entertainment venues where members of the general public assemble to witness entertainment events, such as, but not limited to, Arts Fest and Jazz Fest. (Ord. 10-4393, 6-1-2010)
- Q. The streets and adjacent sidewalks along the parade route of the University Of Iowa homecoming parade from five o'clock (5:00) P.M. to eight o'clock (8:00) P.M. on Friday evening of the homecoming parade. (Ord. 08-4314, 9-9-2008)
- R. Black Hawk Mini Park. (Ord. 13-4563, 12-3-2013)

Nonsmoking Places

April 2010



 Designated nonsmoking area



(Ord. 10-4393, 6-1-2010)

6-10-2: ELECTRONIC CIGARETTES:

It is illegal to use an electronic cigarette in any smoke free place listed in section [6-10-1](#) of this chapter or in any place where chapter 142D of the Iowa Code prohibits smoking a tobacco product. "Electronic cigarette" means vapor product as defined in section 453A.1 of the code of Iowa. (Ord. 15-4634, 7-15-2015)

6-10-3: VIOLATION; PENALTY:

Violation of this chapter shall be a simple misdemeanor punishable by a fine of fifty dollars (\$50.00). (Ord. 10-4410, 10-26-2010; amd. Ord. 15-4634, 7-15-2015)

December 3, 2015

To the Ames City Council,

As officers of the Iowa State Health Promotion Club we are writing on behalf of our many members who belong to this organization because of our vested interest in the field of public health. Last year we participated in a community outreach project surveying Iowa State students and other community members on their perceptions and opinions regarding the use of e-cigarettes/vaping devices. We spent countless hours collecting this data. The results were clear that the majority of the 600 participants involved have an unfavorable opinion of the devices and the use of them in public spaces.

In January of this year we took these findings to the ISU Government of the Student Body who passed a resolution to go forward with a ban of all vaping products on Iowa State property. That has recently been approved and is now waiting for final signatures. It is scheduled for adoption on January 1, 2016. We approached the Story County Board of Supervisors with the same findings. They approved a similar ban involving county property in July.

While electronic cigarettes do not contain tobacco, they do contain varying levels of nicotine; a poisonous and addictive compound that has been linked to birth defects. The aerosol vapor that is produced is known to contain other chemicals and toxins which are carcinogenic. Additionally, the vaping devices themselves have a history of leakage which can then lead to nicotine poisoning through exposure to the skin or eyes. This is of particular concern for children, as very small amounts of the concentrated nicotine found in these devices can be very toxic and potentially fatal.

As a club we have spent this year monitoring the growing body of research that supports what our survey participants already knew; the use of vaping devices, no matter what the contents, have no place in public spaces. We have recently contacted Senator Herman Quirmbach to ask for his assistance in banning the use of all vaping devices through the Smoke Free Air Act. However we do not wish to wait on legislation that could take years so we implore you to act now. The Health Promotion Club is asking you to join us in our commitment to public health by allowing Ames to join the other over 400 U.S. municipalities in creating a comprehensive ban on the use of all vaping devices in public spaces. Ames was recently named the healthiest place to live. Let's make that really true.

Sincerely,

Spencer Thomas Cain *President, ISU Health Promotion Club*

Darien Woods *Vice-President, ISU Health Promotion Club*

December 3, 2015

To the Members of the Ames City Council,

Last January the Ames Mayor's Youth Committee conducted a survey of Ames High staff and students seeking their opinions concerning e-cigarettes and other vaping devices. The results were clear that of the 631 respondents, approximately half of high school staff and students indicated they would feel uncomfortable and less likely to visit public spaces that allow e-cigarettes/vaping devices. The responses also showed that the Ames High community would support a county wide ordinance prohibiting e-cigarettes and vaping in public spaces.

We urge you to consider our survey results and encourage you to adopt the most stringent and comprehensive ordinance prohibiting e-cigarettes and vaping in public spaces in the City of Ames. Ames was recently named one of the healthiest cities in the United States. It has also been named one of the best places to live. Students and staff of Ames High are proud of our city and want to continue for this to be true. We feel that this ordinance could help make our "best" even better.

Ames Mayor's Youth Committee

Story County Prevention Policy Board

P.O. Box 1628, Ames, IA 50010-1628

The Prevention Policy Board is a community coalition working to address issues impacting youth substance use through prevention, education and social policy.

December 2, 2015

To Members of the Ames City Council,

The Story County Prevention Policy Board represents professionals and community members from throughout Story County. With the expressed mission of reducing the incidence of substance abuse this coalition works to promote local and state policies which support this goal. To that end we wish to revisit our February 24th request to the Council to create a policy that would prohibit the use of any electronic smoking devices in all public spaces in Ames. The research is clear that the emissions from e-cigarette aerosols and flavorings damage lung cells by creating harmful free radicals and inflammation in lung tissue. The nicotine released in this vapor is a toxic substance that is particularly damaging to developing brains and should for that reason alone be banned in any public spaces where children and adolescents are present. Leakage from these devices is also potentially hazardous when it contains nicotine which is itself a poison. The Iowa Poison Control Center has just released their most recent data which reflects an increase in calls involving poisoning from e-cigarettes from 5 calls in 2011 to 37 in 2014. In 2015 there have been 28 calls received from January 1 to October 31st. This is a seven times increase in only four years.

To date there are five states, 18 countries and over 400 U.S. municipalities which already have a policy banning the use of electronic smoking devices in public spaces. On July 28th the Story County Board of Supervisors voted to ban electronic smoking devices from being used in or on Story County property. Iowa State University is on track to “ban e-cigarettes from campus completely” (with the exception of medical or scientific research) by January 1, 2016. We see no reason why Ames cannot create a similar ordinance which would serve to protect the health and safety of its citizens. But there is one really good reason why they should. The research is clear that a major risk factor for adolescents being involved in substance abuse, delinquency and violence is not only the “availability of substances” but also a “favorable use of alcohol, tobacco and other drugs as evidenced by community’s norms and laws”. Recently the American Heart Association released a statement which acknowledged “the potential of e-cigarettes to renormalize smoking behavior.” A community’s “accepted” use of substances can lead to the impression of low perception of harm which also contributes to other adolescent problem behaviors including teen pregnancy and school drop-out. Recognized protective factors include clear rules and regulations which provide consistent messages which in turn increase perception of harm and pro health behavior. We urge the Ames City Council to adopt the most stringent of options so that it might come into alignment with both Story County and Iowa State University thus creating that consistent message that is so crucial for prevention.

Sincerely,

Karen Mills

Chair – Story County Prevention Policy Board

Staff Report

**ASSET VOLUNTEER DIRECTION FOR
FY 2016-17 BUDGET PROCESS**

December 8, 2015

BACKGROUND:

At the November 24, 2015, City Council meeting, the City Council requested additional information regarding the ASSET requests. Specifically, the City Council wanted to know how many clients had been turned away for each service in the most recent complete fiscal year.

In the process of retrieving information regarding clients turned away, City staff discovered that one request had been omitted from the information presented to the City Council on November 24. The total request for City-funded services has therefore been revised to \$1,375,822 for FY 16/17, which is a 13.5% increase over the current year's allocation. The ASSET section of the November 24 Budget Guidelines report has been revised and is attached to this report (Attachment A).

There are 75 individual services being requested for FY 2016/17. Each proposed service, requested amounts, and responses to the question regarding clients turned away are detailed in the attached spreadsheet. The table below shows the breakdown of whether clients were turned away for each service in the last full fiscal year and for what reasons:

Agency response to whether clients were turned away	# of services
No clients turned away	43
Clients turned away	13
No information provided regarding clients turned away	6
Some clients turned away due to eligibility requirements not being met or violations of rules	5
No clients turned away, but other sources of funding used or services curtailed	4
No data – new service	4

The 13 services in which clients were turned away are detailed in Attachment B. These services are predominantly child care and sheltering programs. The average request for an increase in funding among those 13 services is 10.3%

(\$430,899 proposed in FY 16/17 versus \$390,551 adopted in FY 15/16). Of those 13 services, eight have a maximum licensed capacity. Licensed capacity can be affected by staffing and the size of the facility where the services are provided, meaning that in some instances a very large investment must be made to increase the facility size or add additional staff to increase the capacity to accommodate more clients. In the eight requests in which clients were turned away and there is a maximum licensed capacity for the service, no increases in the licensed capacity of the service providers have been proposed, and the average increase in funds requested is 10.5% (\$304,196 proposed in FY 16/17 versus \$275,151 adopted in FY 15/16).

There are five services, out of the thirteen, that turned away clients and do not have a licensed capacity cap. Based solely on the budget information provided to ASSET, a conclusion could be drawn that additional funds for these five services would have a direct effect in serving more clients. The requested increase for these services is an additional \$11,303, or 9.8% in funding over the FY 15/16 allocation.

All 75 individual ASSET programs and summaries of the responses are listed in Attachment C.

NEXT STEPS:

The City Council is being asked to establish the pot of money for the ASSET volunteers to consider when making their recommendations for ASSET funding. A variety of options are indicated below. The City Council may choose from this list or provide other direction. ASSET hearings will take place January 5th-6th, and recommendations will be made official at the January 21st ASSET and Joint Funders meeting.

Increase From Current	Dollar Increase	Total City Funding Authorized
2%	\$24,248	\$1,236,623
4%	\$48,495	\$1,260,870
5.5% (9.8% for the 5 services* that turned away clients and don't have a capacity cap, plus 5% for all other services)	\$66,152	\$1,278,527
6%	\$72,743	\$1,285,118
8%	\$96,990	\$1,309,365
13.5% (request)	\$163,447	\$1,375,822
<i>ASSET Admin Share</i>	\$3,026	<i>In addition to services</i>

*9.8% is the full requested increase for those five services. It equals \$11,303.

The City Council should note that the ASSET volunteers have completed their agency visits. Reports of these visits were discussed at the December 3rd ASSET meeting, and volunteers have been reviewing the ASSET budget request documents in preparation for the January hearings and work sessions. Story County will make its decision regarding the ASSET pot of money on December 15th. United Way and the Central Iowa Community Services will make their ASSET funding decisions on December 17th. **City staff has been told that United Way and Story County are each considering a 5% increase. Over the past six years, United Way has averaged a 4.5% increase annually, and the ISU Student Government has averaged a 3.7% increase annually. Story County averaged a 2.5% annual increase, excluding 2015/16, the year in which mental health services were shifted towards regionalization.**

STAFF COMMENTS:

Approving a 5.5% increase, or an additional \$66,152, will allow those services that meet the City Council's priorities to receive a healthy increase (5% average) and fully fund the request from those agencies that were forced to turn away clients due to a lack of funding. This increase would also likely outpace the increase from the other funders in the ASSET process.

ASSET

The City Council has adopted the following priorities for human services program funding in FY 16/17:

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

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

#2 Meet mental health and chemical dependency needs

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

#3 Youth development services and activities

- Provide services for social development

The table below summarizes each year’s recommendations by funder.

	Story County	CICS	United Way	ISU Student Gov’t	City Budgeted Amount	City % Increase	Total
2010/11	\$ 983,591	--	\$ 803,707	\$ 139,781	\$ 1,079,065	9.3%	\$ 3,006,144
2011/12	995,618	--	814,333	149,960	1,111,437	3.0%	3,071,348
2012/13	1,029,339	--	819,607	136,755	1,150,278	3.5%	3,135,979
2013/14	1,193,438	--	883,256	138,178	1,184,786	3.0%	3,299,850
2014/15	1,082,602	--	955,145	152,605	1,139,226	-3.8%	3,329,578
2015/16	879,857	349,856	1,002,833	167,339	1,212,375	6.4%	3,612,260

Context is important when evaluating the chart above. The large decrease in funds in FY 14/15 coincided with the withdrawal of Orchard Place from ASSET and the decrease in the use of City funds for mental health services.

The prior year budget is not the only way to evaluate the amount to budget for the next fiscal year. The amount budgeted each year at this time can vary slightly if the volunteers do not recommend allocating the entire amount. The amount contracted with agencies is often not entirely drawn down. In FY 14/15, \$10,593 (1%) of the City allocation was not drawn down.

ATTACHMENT A – November 24, 2015 Budget Guideline ASSET Report (revised)

<i>Ames Requested FY 14/15</i>	<i>Ames Budget FY 14/15</i>	<i>Ames Contracted FY 14/15</i>	<i>Ames Request FY 15/16</i>	<i>Ames Budget FY 15/16</i>	<i>Ames Contract FY 15/16</i>	<i>Ames Request FY 16/17</i>
\$1,275,268	\$1,139,227	\$1,133,061	\$1,295,872	\$1,212,375	\$1,212,375	\$1,375,822

FY 16/17 Program and Service Requests

For FY 16/17, City ASSET funds requested by agencies totals \$1,375,822, up \$163,447 or 13.5% over the current FY 15/16 contracted services of \$1,212,375. One new agency has been accepted into the ASSET process this year, Friendship Ark Homes. That agency, however, has not requested City funds.

Below is a summary of the requests of the City by ASSET panel:

Panel 1 – Health Services (mental health and substance abuse services)

Requests for services in this panel total \$292,024, which is a 32.5% increase from the FY 15/16 contracted total. This is the largest percentage increase of the four panels. This increase is primarily attributable to two services:

- MICA has requested an increase in dental clinic funding from \$27,750 to \$52,608. Increases were requested by MICA from all of its ASSET funders for this service.
- Eyerly Ball has requested \$55,000 for mental health crisis services, an increase from the current contract amount of 18,022. This proposal doubles the units of service provided by offering mental health crisis services during afternoons and evenings, when the Police mental health liaison is unavailable. Further discussions are necessary between the Police Department and Eyerly Ball to determine how this service would function.

Panel 2 – Basic Needs Services (shelter, food, disaster services, transportation, and bill payer programs)

Requests for services in this panel total \$529,372, which is a 10.9% increase from the FY 15/16 contracted total. These increases are spread across a variety of services. This is the City’s #1 priority area.

Panel 3 – Children’s Services

Requests for services in this panel total \$357,128, which is an 8% increase from the FY 15/16 contracted total. Child care services have increased approximately \$10,000 over the current contracted amount, or 6%. Youth and Shelter Services has requested City funds in its AMP program and its summer enrichment program, neither of which received City funds in FY 15/16.

Panel 4 – Prevention/Support Services

Requests for services in this panel total \$197,298, which is a 7.3% increase from the FY 15/16 contracted total. Youth and Shelter Services has requested \$2,000 in City funds

ATTACHMENT A – November 24, 2015 Budget Guideline ASSET Report (revised)

in two programs that did not receive funds in FY 15/16: Adolescent Pregnancy Prevention and Public Education – Human Trafficking.

The table below indicates allocation options based on the percentage increases from the FY 15/16 contracted amount of \$1,212,375. In addition to the amount authorized for these programs, the City will also budget its share of the ASSET administrative expenses. These expenses include services provided by the ASSET Administrative Assistant and printing costs. The City’s estimated share for these expenses in FY 16/17 is \$3,026.

Increase From Current	Dollar Increase	Total City Funding Authorized
2%	\$24,248	\$1,236,623
4%	\$48,495	\$1,260,870
6%	\$72,743	\$1,285,118
8%	\$96,990	\$1,309,365
13.5% (request)	\$163,447	\$1,375,822
+		
<i>ASSET Admin Share</i>	\$3,026	<i>In addition to services</i>

The attached spreadsheet (Attachment C) indicates the services requested from the City compared to the current year, as well as the total amount requested from ASSET funders for each of these services. It does not include services requested of other funders that the City does not participate in.

ATTACHMENT B – 13 Services Where Clients Were Turned Away in 2014/15

ACCESS - Battering Shelter

126 clients were served overall in our Ames shelter, with 58 clients originating from Story County. The total number of nights provided to Story County residents was 2122, or an average of 37 nights per Story Co. resident. In FY15, 143 duplicate turnaways were from Story County, and 226 duplicate turnaways were from other counties. (turnaways are counted by the call not the person) If/ when Story County residents were turned away, they were provided with a referral to another housing option, or were provided with assistance in order to stay safe/ stable in their current housing situation. All persons seeking shelter/ housing for safety related reasons are assisted in some way.

ACPC - Daycare- Infant

ACPC provided care for 28 infant/ toddlers last year (12 at one time or 3120 units of service in that room). Many families are regularly turned away. We currently have 30 waiting until the child is 18 months and another 26 wanting care at anytime. We only have one room for the youngest age and the largest waiting list for care. The ACPC Board of Directors needs to determine if we should open another toddler room, weighing the pros for the families and the cons of the financial loss.

ACPC – Daycare - Children

ACPC provided care to 110 different preschool- age children ages 2 to 5 years. We provided 19950 units of care for this age of children. We had 89 children on the waiting list at the beginning of the year. We also have a list of children who wish to start at a later designated time—January to June of the current year. We do not keep a list of all the phone call inquiries which may or may not lead to a sign-up on the waiting list. This would be too cumbersome and perhaps misleading to people who may think they have signed up for care with a call- not a complete form. We cannot calculate units provided—space and ratio limits determine the number in each room.

ACPC – Daycare - School Age

43294 units of service were provided for 307 different children at six sites in Ames – five schools and one church. We always have to turn children away due to group size limits. There were 89 on the list at the beginning of the year, and 22 who did not get into our summer camp. There are already 18 on the list for new kindergarteners for fall of 2016. We keep the group sizes for our programs close to 40 children even though gym space could take more. Problems occur when the schools need us to vacate the gyms with no place to go. New schools should minimize this issue and more children can be served.

Boys & Girls Club of Story County – Daily Program

During the FY15, we served 572 registered members. We provided a total of 16,159 units of service at the Ames and Nevada Middle School After School Programs. In June 2015, put 44 individuals on a waitlist to register because we were operating over our functional capacity of the Ames clubhouse. When we began to open the waitlist, 19 did not return to the Club for programming. Of the 13,843 possible units that could have

been claimed for the City of Ames, we were only able to claim 9,214 before ASSET funding was exhausted. For GSB, we were able to claim only 69 units of a possible 1,101 units. And for the County, we were only able to claim 249 of 874. In total 8,584 units were claimed for ASSET.

Childserve – Childserve Infant Care

44 infants can be served in the 5 center classrooms. We had 4 spots open most of the 14/15 fiscal year. We had 13 infants on the waiting list looking for care. Some of those individuals were turned away due to finding alternate care because we were full and needed the care in order to work. We did run out of ASSET funds this past year which affected one infant which ended up leaving our care.

Emergency Resident Project – Shelter plus Meals

We served 611 individuals who were provided with 9078 nights (units) of shelter, as well as with food and other help. We are leasing three or four motel rooms a night on a regular basis. We still cannot keep up with the need and must turn people away. This is because requests come from not only Story County, but the rest of Iowa, and surrounding states. Many of the requests are from agencies throughout Iowa or are the result of individual internet searches. There is a large mismatch between the number of shelter beds and the number of people who need them. Several requests for shelter on a single day are common. We choose certain days at random to keep a log of the requests. We must turn away somewhere between 600 and 800 requests a year.

Emergency Resident Project – Transitional Housing

We served 40 individuals who were provided with 6672 nights (units) of shelter, as well as with case work services. Our transitional apartments house people for periods of three months to two years, the stays often dependent upon the waits to get into affordable subsidized housing. Those we house have a good chance of getting into long term affordable housing. The extended stays result in long waits between openings. The result is that most people who apply will not get in. We begin accepting transitional housing applications when we are fairly certain we will have an opening in the next 30 days. An estimate of the units we cannot provide is difficult. We know that the need dwarfs the supply however as we have contact with multiple families daily who would benefit from our housing.

The Salvation Army – Rent/Utility/Mortgage/Lodging Assistance

Rental/Deposit/Mortgage/Lodging = 104 households (258 total people) totaling \$15,761. Utilities= 91 households (221 total people) totaling \$12,287.31. Grand total of \$28,048.31 of assistance provided. We decline services to 177 for rent & 54 for utility assistance due to lack of funds. We utilized all of the funding from UWSC and City of Ames but not GSB allocation (\$1,800). Only 5 ISU students/ families requested assistance for rent and/or utility assistance for a total of \$767.00. We can only assume that the reason the entire allocation wasn't used is that the students are not aware that we offer this assistance to them. We helped fewer families than anticipated but with larger amounts of money per household. Reasons for declining services, including but not limited to: a) no available funds; b) household is requesting funds prior to the year

waiting period; c) they do not reside within Story County; d) they will be evicted in spite of our assistance per landlord; e) they do not follow through with our requirements; f) the family has shown a pattern of co-dependency on service agencies, to name a few.

University Community Childcare – Infant

(25) clients were served; (3099) units of service were provided (occupancy = 99.9%). Between July 14 – June 15, (48) infants were added to the waiting list. During the same time period, (15) new infants were enrolled. August 14, the infant waiting list had (35) ISU student families and (30) non-student families waiting for services. By June 2015, the waiting list had (65) ISU student families and (48) non-student families. (22) families removed their child from the waiting list from Aug. 14- June 15. We let parents know their wait might be 1-1.5 years or longer. The list is fluid in that some families are no longer interested in care when contacted, new families are being added to the list on a regular basis and when a child gets older, they are moved to the next section of the list. When an opening is available, families are contacted according to the date they added their name to the waiting list. In an effort to keep the list current, they are offered two opportunities to accept an offer of enrollment before being removed from the list.

University Community Childcare – Children

(42) clients were served; (8278) units of service were provided (occupancy = 99.9%). Between July 14 – June 15 (48) “older toddler” and preschool children were added to the waiting list. During that same time period, (13) new children were enrolled. August 14, the infant waiting list had (21) ISU student families and (26) non-student families waiting for services. By June 2015, the waiting list had (54) ISU student families and (68) non-student families. (27) families removed their child from the waiting list from Aug. 14 – June 15. The list is fluid in that some families are no longer interested in care when contacted and new families are being added to the list on a regular basis. When an opening is available, families are contacted according to the date they added their name to the waiting list. They are offered two opportunities to accept an offer of enrollment before being removed from the list.

Youth & Shelter Services – Rosedale Shelter

108 Story Co. clients (unduplicated) were served for placement services at Rosedale Shelter and 1,139 units (some clients were served on more than one occasion) were provided services for FY 2014-15. We had 57 diversions from shelter placement and utilized our alternative to placement services as our intervention to meet the needs. 11 Story Co. clients were turned away for placement services at Rosedale Shelter. Of the 11 clients that were turned away: for 5 we had “no bed available”; for 1, the client was actively suicidal; and for 2, client was an adult looking for shelter; for 2, the client was under 10 yrs old; for 1, client was exhibiting too many risk factors for the level of structure shelter provides.

Youth & Shelter Services – GRIP Mentoring Program

260 mentoring matches were made in Story County during the 2014-15 school year with 4,736 units of service (client contacts) provided. 40 youth were on a waiting list for services at the end of the school year and will be matched at the beginning of the school

year. Limited funding has restricted our ability to recruit mentors and to service all children needing the service, however for 2014-2018 we gave received a \$60,000/ year grant to serve more children and possibly expand the program.

Agency	Service	Index	City of Ames		16/17 Proposed Units of Service	Unit of Service	16/17 Proposed Cost per Unit	Service Statistics
			Contracted 15/16	Request 16/17				
ACCESS	Battering Shelter	2.1h	\$ 47,514	\$ 48,464	2,450	24-Hour Period of Shelter	\$ 97.46	143
ACCESS	Battering Crisis Intervention	2.1b	\$ 2,650	\$ 2,703	210	Staff Hours	\$ 115.71	0
ACCESS	Battering Counseling and Support	2.1b	\$ 25,000	\$ 25,250	1,300	Staff Hours	\$ 133.24	0
ACCESS	Rape Relief Crisis Intervention	2.1c	\$ 1,800	\$ 1,872	435	Staff Hours	\$ 125.69	0
ACCESS	Rape Relief Counseling and Support	2.1c	\$ 4,200	\$ 4,326	1,120	Staff Hours	\$ 117.51	0
ACCESS	Battering Courtwatch	2.1b	\$ 5,000	\$ 5,100	865	Staff Hours	\$ 130.03	0
ACCESS	Public Education and Awareness	4.3a	\$ 3,000	\$ 3,578	465	Staff Hours	\$ 115.70	0
			\$ 89,164	\$ 91,293				
Ames Comm. Preschool Center	Day Care - Infant	3.1a	\$ 5,052	\$ 5,254	3,120	Full Days	\$ 57.62	"Many families are regularly turned away"
Ames Comm. Preschool Center	Day Care - Children	3.1b	\$ 54,004	\$ 56,164	22,176	Full Days	\$ 37.84	"Cannot calculate units not provided--space and ratio limits determine the number in each room"
Ames Comm. Preschool Center	Day Care - School Age	3.1c	\$ 25,104	\$ 26,108	43,294	Partial Days	\$ 11.50	22
			\$ 84,160	\$ 87,526				
The Arc of Story County	Special Recreation - Active Lifestyles	1.3b	\$ 1,667	\$ 2,200	9,500	Participant Hours	\$ 6.37	0, but 1500 units of service that were not billed to ASSET and were paid for with other funding sources
The Arc of Story County	Respite Care	2.3f	\$ 3,500	\$ 4,000	1,000	Client Hours	\$ 15.76	0
The Arc of Story County	Service Coordination	4.2c	\$ 1,043	\$ 1,000	350	Client Hours	\$ 24.71	0
			\$ 6,210	\$ 7,200				
Boys and Girls Club	Youth Development and Social Adjustment - Daily Program	3.2a	\$ 98,700	\$ 105,700	19,700	Client Contact/Day	\$ 29.28	19 did not return to Club after being put on waitlist. City funds paid for 9,214 of the 13,834 eligible units before City funds were exhausted.
			\$ 98,700	\$ 105,700				
Campfire	Day Care- School Age	3.1c	\$ 2,385	\$ 2,510	3,200	Partial Days	\$ 48.99	There were a few weeks of camp where it was at capacity and had to turn away some families. No families were turned away because of an inability to pay.
Campfire	Day Care - School Age - Scholarships	3.1c	\$ 4,255	\$ 4,462	625	Partial Days	\$ 35.36	No families were turned away, even when the dollars ran out.
			\$ 6,640	\$ 6,972				
Center for Creative Justice	Correctional Services - Probation Supervision	2.2a	\$ 54,007	\$ 56,437	5,150	Client Hours	\$ 63.39	0
			\$ 54,007	\$ 56,437				
ChildServe	Day Care - Infant	3.1a	\$ 4,500	\$ 16,000	10,450	Full Days	\$ 48.23	4 spots open most of the year, but 13 on the waiting list. ASSET funds were exhausted prior to year end which caused one infant to leave our care.
ChildServe	Day Care - Children	3.1b	\$ 15,290	\$ 5,000	17,242	Full Days	\$ 37.20	There were about 8 openings through the year.
			\$ 19,790	\$ 21,000				
Eyerly Ball	Primary Treatment/ Health Maintenance - Crisis	1.2b	\$ 18,022	\$ 55,000	312	Client Hours	\$ 182.37	New Service
			\$ 18,022	\$ 55,000				
Emergency Residence Project	Emergency Assistance for Basic Material Needs	2.1h	\$ 68,500	\$ 75,000	9,078	24 Hr Period Food/Shelter	\$ 25.40	600-800 requests per year
Emergency Residence Project	Transitional Housing	2.1a	\$ 4,500	\$ 3,000	6,700	Client Contacts	\$ 14.21	Multiple contacts daily with families who would benefit from housing, but no firm estimate.
			\$ 73,000	\$ 78,000				
Good Neighbor	Emergency Assistance for Basic Material Needs	2.1a	\$ 13,427	\$ 13,736	983	Client Contacts	\$ 138.23	0
Good Neighbor	Healthy Food Vouchers	2.1a	\$ 3,178	\$ 3,284	1,218	Client Contacts	\$ 41.29	0
			\$ 16,605	\$ 17,020				
HIRTA	Transportation - City	2.3d	\$ 40,000	\$ 38,133	43,000	One-Way Trip	\$ 15.39	Nothing Indicated
HIRTA	Transportation - Iowa City	2.3d	\$ 2,000	\$ 2,000	60	One-Way Trip	\$ 168.33	Nothing Indicated
			\$ 42,000	\$ 40,133				
Heartland Senior Services	Day Care - Adults , Adult Day Center	1.4a	\$ 49,375	\$ 51,844	5,500	Client Days	\$ 73.60	Participation days are reduced on occasion due to space limitations
Heartland Senior Services	Congregate Meals	1.4e	\$ 27,045	\$ 28,397	21,295	Meals	\$ 9.88	Clients without reservations may be turned away or may not get a full meal. This accounts for 10 meals not served.
Heartland Senior Services	Senior Food Program	2.1a	\$ 4,177	\$ 4,177	1,500	Client Contacts	\$ 12.95	0
Heartland Senior Services	Service Coordination - Outreach	4.2c	\$ 37,000	\$ 41,655	3,695	Client Hours	\$ 40.00	None; however, some were not eligible due to age or location requirements
Heartland Senior Services	Service Coordination - Friendly Visitor	4.2c	\$ 2,671	\$ -	-	-	-	Service combined into Outreach
Heartland Senior Services	Activity and Resource Center	4.2d	\$ 33,481	\$ 34,000	11,998	Client Contacts	\$ 14.87	0
			\$ 153,749	\$ 160,073				
Mary Greeley Home Health Services	Community Clinics and Health Education	1.1a	\$ 15,025	\$ 16,000	4,080	Clinic Hours	\$ 96.70	0

Agency	Service	Index	City of Ames		Service Statistics			
			Contracted 15/16	Request 16/17	16/17 Proposed Units of Service	Unit of Service	16/17 Proposed Cost per Unit	Clients Turned Away in 14/15
Mary Greeley Home Health Services	In-Home Health Assistance	1.4c	\$ 12,000	\$ 13,000	7,680	Hours	\$ 51.00	0
Mary Greeley Home Health Services	Home Delivered Meals - Meals on Wheels	1.4d	\$ 13,000	\$ 13,500	14,350	Meals	\$ 8.45	0
			\$ 40,025	\$ 42,500				
Legal Aid	Legal Aid - Society , Legal Aid - Civil	2.2c	\$ 85,000	\$ 105,000	4,700	Staff Hours	\$ 59.51	None, except in conflicts of interest or ineligibility under income guidelines
			\$ 85,000	\$ 105,000				
Lutheran Services in Iowa	Crisis Intervention , Crisis Child Care	2.1e	\$ 4,500	\$ 5,635	112	Contacts	\$ 492.11	Nothing Indicated
			\$ 4,500	\$ 5,635				
MICA	Community Clinics - Child Dental	1.1a	\$ 1,650	\$ 1,650	106	Clinic Hours	\$ 202.83	0
MICA	Dental Clinics	1.1a	\$ 27,750	\$ 52,608	3,500	Clinic Hours	\$ 206.52	Only for missing appointments or inappropriate behavior
MICA	Community Clinics - Fluoride Varnish	1.1a	\$ 825	\$ 825	1,232	Clinic Hours	\$ 34.49	0
MICA	Food Pantry	2.1a	\$ 16,555	\$ 16,555	6,750	Client Contacts	\$ 12.42	0
MICA	Family Development/ Education	4.1a	\$ 7,279	\$ 7,279	523	Client Hours	\$ 98.08	0
			\$ 54,059	\$ 78,917				
NAMI	Public Education and Awareness	4.3a	\$ 500	\$ 500	195	Staff Hours	\$ 141.22	0
NAMI	Wellness Center	4.3b	\$ 5,000	\$ 5,500	2,000	Staff Hours	\$ 19.04	0
			\$ 5,500	\$ 6,000				
Raising Readers	Thrive by Five	4.1a	\$ 8,000	\$ 9,000	1,550	Client Hours	\$ 21.61	0
Raising Readers	Out-of-School Time Learning	4.1a	\$ 6,000	\$ 8,000	350	Client Hours	\$ 58.57	0
			\$ 14,000	\$ 17,000				
Red Cross	Disaster Services Program	2.3c	\$ 9,000	\$ 9,000	65	Staff Hours	\$ 727.69	Nothing indicated
			\$ 9,000	\$ 9,000				
RSVP	Disaster Services - Volunteer Management for Emergencies	2.3c	\$ 6,300	\$ 6,500	450	Staff Hours	\$ 27.59	0
RSVP	Transportation	2.3d	\$ 600	\$ 1,200	2,800	One-Way Trips	\$ 10.83	0
RSVP	Volunteer Management	4.2b	\$ 21,600	\$ 21,900	5,800	Staff Hours	\$ 23.62	0
			\$ 28,500	\$ 29,600				
The Salvation Army	Food Pantry	2.1a	\$ 5,250	\$ 7,500	1,500	Client Contacts	\$ 27.01	0
The Salvation Army	Rent and Utility Assistance	2.1a	\$ 17,750	\$ 22,000	300	Client Contacts	\$ 200.87	Clients were turned away due to lack of funds, ineligibility, eviction in spite of assistance, failure to follow program requirements, and a pattern of co-dependency on services.
The Salvation Army	Disaster Services	2.3c	\$ -	\$ 1,000	100	Staff Hours	\$ 78.61	No Services Provided
The Salvation Army	Representative Payee Services	2.3e	\$ 10,000	\$ 15,000	2,000	Client Contacts	\$ 78.54	Nothing indicated
The Salvation Army	Bill Payer	2.3e	\$ 1,000	\$ 5,000	400	Client Contacts	\$ 30.37	
			\$ 34,000	\$ 50,500				
University Community Childcare	Child Care - Infant	3.1a	\$ 23,504	\$ 25,854	3,120	Full Days	\$ 67.17	Wait list for services, but remains fluid due to some families no longer being interested in services when contacted. Occupancy was 99.9% for the year, based on licensed capacity.
University Community Childcare	Child Care - Children	3.1b	\$ 28,287	\$ 31,116	8,320	Full Days	\$ 53.70	Wait list for services, but remains fluid due to some families no longer being interested in services when contacted. Occupancy was 99.9% for the year, based on licensed capacity.
University Community Childcare	Comfort Zone	3.1h	\$ 960	\$ 960	160	Partial Days	\$ 402.17	Children are only turned away if they do not have current immunization information or if they are not "mildly ill"
			\$ 52,751	\$ 57,930				
Visiting Nurse Services	Foster Grandparent Program	4.2b	\$ 5,386	\$ 5,386	34,277	Staff Hours	\$ 3.12	0
			\$ 5,386	\$ 5,386				
Volunteer Center of Story County	Volunteer Management	4.2b	\$ 6,775	\$ 7,500	3,778	Staff Hours	\$ 27.27	0
Volunteer Center of Story County	Service Learning , Youth Volunteering	4.3b	\$ 700	\$ 1,000	1,040	Staff Hours	\$ 17.49	0
			\$ 7,475	\$ 8,500				
Youth and Shelter Services	Substance Abuse Treatment - Outpatient	1.1e	\$ 6,830	\$ 8,000	2,000	Client Hours	\$ 130.00	0
Youth and Shelter Services	Primary Treatment /Health Maintenance Family Counseling	1.2b	\$ 47,250	\$ 49,000	7,500	Client Hours	\$ 130.00	0
Youth and Shelter Services	Transitional Living / Homeless	2.1a	\$ -	\$ 2,500	2,075	Client Contacts	\$ 70.90	New Service
Youth and Shelter Services	Emergency Shelter - Rosedale	2.1h	\$ 36,000	\$ 38,000	1,740	24 Hr Period Food/Shelter	\$ 157.07	11 Total (5 for no bed available, 6 for ineligibility)
Youth and Shelter Services	Storks Nest	2.3a	\$ 6,000	\$ 7,000	1,000	Client Contacts	\$ 40.00	0

			City of Ames		Service Statistics			
Agency	Service	Index	Contracted 15/16	Request 16/17	16/17 Proposed Units of Service	Unit of Service	16/17 Proposed Cost per Unit	Clients Turned Away in 14/15
Youth and Shelter Services	GRIP Mentoring Program	3.2a	\$ 22,000	\$ 24,000	8,260	Client Contact/Days	\$ 22.28	40 youth on waitlist at end of school year who will be matched at start of school year.
Youth and Shelter Services	Youth Development and Social Adjustment	3.2a	\$ 27,714	\$ 28,500	8,080	Client Contact/Days	\$ 21.02	0
Youth and Shelter Services	Foster Care Youth Council - AMP	3.2a	\$ -	\$ 500	900	Client Contact/Days	\$ 40.33	0
Youth and Shelter Services	Employment Assistance for Youth - Skills	3.2c	\$ 19,000	\$ 20,000	1,500	Staff Hours	\$ 24.41	0
Youth and Shelter Services	Summer Enrichment	3.2d	\$ -	\$ 5,000	3,890	Partial Days	\$ 11.57	Nothing Indicated
Youth and Shelter Services	Family Development/Education - Pathways, FADSS	4.1a	\$ 9,000	\$ 9,000	1,400	Client Hours	\$ 71.43	0
Youth and Shelter Services	Public Education/ Awareness - Substance Abuse Prevention	4.3a	\$ 27,500	\$ 30,000	5,500	Staff Hours	\$ 40.00	0
Youth and Shelter Services	Public Education/ Awareness - Child Abuse	4.3a	\$ 8,838	\$ 10,000	508	Staff Hours	\$ 60.04	0
Youth and Shelter Services	Adolescent Pregnancy Prevention	4.3a	\$ -	\$ 500	1,800	Staff Hours	\$ 50.00	0
Youth and Shelter Services	Pub ed/Aware Human Trafficking	4.3a	\$ -	\$ 1,500	1,018	Staff Hours	\$ 55.01	New Service
			\$ 210,132	\$ 233,500				

TOTAL

\$ 1,212,375 \$ 1,375,822

COUNCIL ACTION FORM

SUBJECT: REQUEST FROM AMES ECONOMIC DEVELOPMENT COMMISSION FOR DONORS TO THE AIRPORT HANGAR BE GIVEN FIRST RIGHT OF NOTIFICATION

BACKGROUND:

The leadership of the AEDC continues their efforts to raise \$1,000,000 to finance the construction of a new hangar that is designed primarily to house corporate aircraft for short-term stays at the Ames Municipal Airport.

Since this effort is slightly short of its goal, the fund raisers are attempting to identify creative ways to entice more private sector giving. For example, the City Council recently approved the request from the AEDC to approve naming rights for the conference and training rooms in the new Airport Terminal for major contributors.

An additional request from the AEDC recently was referred by the City Council on November 24, 2015 asking the City to extend a "Right-of-Notification" to those interested in investing in the new Airport Hangar at a level of \$50,000 or more.

The Right-of-Notification, as the City staff understands it, will require the FBO to notify any of the private donors to the Airport Hangar project that contributed \$50,000 or more when space in the new hangar is available for lease. It is important to emphasize that these donor companies would still pay market-rate rent for space in the new hangar as negotiated with the Fixed-Base Operator (FBO). In addition, the FBO would be able to notify others parties of the availability of hangar space. Furthermore, this Right-of-Notification does not bind the FBO to lease only to these donors. It will, however, make sure that the qualifying donors are aware of the space in the new hangar when it becomes available, as determined by the FBO.

AEDC representatives currently anticipate that four companies will qualify for this notification right.

ALTERNATIVES:

- 1) The City Council can decide to approve this request to provide a "Right-of-Notification" to those private donors to the new Airport Hangar that contribute \$50,000 or more towards the project.
- 2) The City Council can decide to reject this request to provide a "Right-of-Notification" to those private donors to the new Airport Hangar that contribute \$50,000 or more towards the project.

It should be noted that even if this additional incentive is not available to entice additional donors, under the recently approved agreement with the City, Iowa State University will be required to provide any additional funds that are needed to complete the new Airport Hangar.

MANAGER'S RECOMMENDED ACTION:

Under the approved funding strategy, the private sector is to be a significant partner in the funding of this airport improvement project. The Right-of-Notification, as proposed, will not inhibit the FBO's ability to generate needed operational revenue nor negate the primary purpose of the new facility to house visiting aircraft. Therefore, it is the recommendation of the City Manager that the City Council approve Alternative #1 and approve the request from the AEDC to provide a "Right-of-Notification" to those private donors to the new Airport Hangar that contribute \$50,000 or more towards the project.

The City Council should understand that in order to formally satisfy the request, this Right-of-Notification will have to be added to the new FBO contract that will be negotiated, hopefully, in the spring of 2016. Council's approval of this request on December 8th will allow the AEDC to make commitments to the donors prior to the requirement being approved in an agreement between the City Council and FBO. However, since this requirement does not seem to inhibit the FBO in any way, the risk of the FBO rejecting this provision appears to be remote.

November 16, 2015

Honorable Mayor Ann Campbell
City of Ames
515 Clark Ave.
Ames, IA 50010

Mayor Campbell,

I write to you on behalf of the Ames Economic Development Commission (AEDC) respectfully seeking the approval from you and the Ames City Council on an issue that will support the fundraising effort of the Ames Municipal Airport Modernization Project.

In numerous conversations we have had with companies solicited for airport funding, we have been asked if their investment in the airport would allow an opportunity to lease space in the new hangar. Companies that have made this request were quick to point out that they would pay market rent.

We believe that if the City of Ames would extend a Right-of-Notification to those interested in investing in the airport at a level of \$50,000 or more, some may be willing to contribute a larger amount to the project. At this time, we anticipate four (4) companies will qualify to receive such notification. The Right-of-Notification would allow for any of those investors at \$50,000 or more to be notified when space in the new hangar is available for lease. These companies would still pay market-rate rent for space in the new hangar as negotiated with the Fixed-Base Operator (FBO) that you will select. The FBO would of course be able to notify any others of hangar space availability.

We have spoken to at least two FBO's in other markets that have indicated that the hangar we are constructing will be large enough to house many aircraft. As many as 8-10 aircraft spaces, depending on the model, will be available in the hangar. The rental income from this new hangar will support the operations of the FBO. Ultimately, it will be up to the FBO to strike a balance between space for visiting aircraft and permanent aircraft.

We are open to discussion on this important matter as soon as possible since we are working diligently to wrap up the fundraising portion of this endeavor.

Thank you for your consideration.

Sincerely,



Daniel A. Culhane, President & CEO
Ames Chamber of Commerce & Economic Development Commission

CC: Gloria Betcher; Amber Corrieri; Tim Gartin; Matthew Goodman; Chris Nelson;
Peter Orazem; Steve Schainker, City Manager; Steve Goodhue, Chair, AEDC
Dean Hunziker

COUNCIL ACTION FORM

SUBJECT: REQUEST TO DEFER STREET WIDENING ASSESSMENT FOR EASTGATE PROPERTIES

BACKGROUND:

First National Bank owns 12 lots within the Eastgate Subdivision (Near East 13th Street and Dayton Avenue). In 1998, the original Eastgate developer signed a development agreement promising payment for improvements to roads and utilities in the area. The development was then the subject of a bankruptcy proceeding, and in 2001, the City entered into a covenant that modified the owner's public infrastructure obligations. The covenant was intended to clarify the owner's obligations and more strictly bind the property owner to pay for improvements earlier than required under the development agreement. The property was ultimately acquired by First National Bank through the bankruptcy proceeding.

The covenant requires payment to the City for the estimated costs of widening Dayton Avenue for a turn lane and for connections to water and sewer service. **This payment is to be made upon the sale or transfer of each lot.** The water and sewer connection fees have all been paid, and only the road widening cost remains outstanding. The road widening cost was revised in 2004 to reflect increased construction costs. **The amount outstanding for the 12 lots remaining in the subdivision is \$94,710.**

First National Bank has requested that it be allowed to sell the properties to its holding company, Ames National Corporation, without being required to pay the outstanding road assessment. The rationale for this transfer is that federal regulations prohibit national banks from holding real estate for periods greater than ten years. December 15th is the ten-year anniversary of First National Bank's acquisition of the properties.

In a previous staff report, City staff recommended that deferring payment for the road widening costs should be made contingent upon a revision in the amount owed, since construction costs have increased since the time when the assessment was last revised. **First National Bank has requested that the construction cost not be revised, because this transaction is to a corporation with essentially the same ownership, and it further believes an increase in the assessment amount will make the lots more difficult to sell for development.**

The covenant indicates that the original cost estimate for the road widening was only binding until May 1, 2001. The City Council revised the construction cost in

November 2004. It is City staff's belief that the City Council has the option in the future to again unilaterally revise the construction cost estimate in response to construction cost inflation, and therefore adjust the amount owed per lot for the widening of Dayton Road. This request to transfer the ownership of the property does not preclude adjustments in the construction cost estimate from being made in the future.

Modifying the covenant and development agreement will have two additional effects: First, it will allow the development agreement to be clarified as to what components remain incomplete, and in what manner those components have been superseded by the covenant. Second, it will extend the duration of the covenant another 21 years from the date of revision. It is currently only binding until February 2022.

ALTERNATIVES:

1. Approve the attached amendments to the covenant and development agreement with First National Bank for the Eastgate Subdivision, allowing the properties to be sold to Ames National Corporation without requiring payment for the road widening costs. The road widening costs would become payable upon the sale of the lots by Ames National Corporation in accordance with the covenant.
2. Do not approve modifications to the covenant and development agreement.

MANAGER'S RECOMMENDED ACTION:

First National Bank has requested to transfer the Eastgate properties to its holding company without requiring payment for the road widening costs. The holding company would not develop the lots, but would continue to market them for sale to developers. The acquisition of the properties by Ames National Corporation is not an arm's length transaction, since the ownership of First National Bank and Ames National Corporation is largely identical. Therefore, the bank proposes that the costs owed not be due until the holding company sells the lots to a developer.

The need for the Dayton Road widening is driven primarily by the development of this subdivision. No project to widen the road has been designed, and the project remains a medium-term priority in the Long-Range Transportation Plan.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving modifications to the covenant and development agreement with First National Bank for the Eastgate Subdivision, allowing the properties to be sold to Ames National Corporation without requiring payment for the road widening costs. No revision to the road construction cost estimate has been proposed, but the City Council has the option to update the cost if it chooses in the future. These road widening costs would become payable upon the sale of the lots by Ames National Corporation in accordance with the covenant.

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

Prepared by: Jessica D. Spoden, City of Ames Legal Department, 515 Clark Ave., Ames, IA 50010; 515-239-5146
Return to: Ames City Clerk, Ames City Hall, 515 Clark Ave., P.O. Box 811, Ames, IA 50010

AMENDMENT TO EASTGATE SUBDIVISION
COVENANT FOR ASSESSMENT OF COSTS OF IMPROVEMENTS
DAYTON AVENUE

This Amendment to Eastgate Subdivision Covenant for Assessment of Costs of Improvements made and entered into this ____ day of _____, 2015, by and between the City of Ames, Iowa (hereinafter called "City") and First National Bank, Ames, Iowa, its successors and assigns (hereinafter called "Owner"), amends the Covenant for Assessment of Costs of Improvement (hereinafter "Covenant") entered into between Eastgate Development, Inc. (hereinafter called "Developer") and the City on the 13th day of February, 2001, and recorded in the office of the Story County Recorder on March 13, 2001, as Instrument No. 01-02822.

WITNESSETH THAT:

WHEREAS, Owner owns twelve (12) lots (hereinafter "Property") within the Eastgate Subdivision (hereinafter called "Eastgate"); and

WHEREAS, the Developer, Eastgate Development, Inc., entered into a Development Agreement (hereinafter called "Agreement") with the City promising payment for improvements to roads and utilities in the area; and

WHEREAS, the Agreement required the Developer to pay for certain public improvements in the area, including the widening of Dayton Avenue for a left turn lane; and

WHEREAS, during a bankruptcy proceeding for Eastgate, the City and Developer entered into the Covenant that modified the Developer's public infrastructure obligations to clarify the obligations and to more strictly bind the Developer and any future property owner(s) to pay for improvements earlier than required under the Agreement; and

WHEREAS, the Owner ultimately acquired Eastgate through the bankruptcy proceeding;
and

WHEREAS, as the successor to the Developer, Owner is bound by the Agreement and required to pay for the cost of improvements upon sale or transfer of the property; and

WHEREAS, the total cost of the improvement was subject to change after May 1, 2001 pursuant to an increase in anticipated construction costs; and

WHEREAS, Owner desires to transfer the Property to its holding company, Ames National Corporation (hereinafter "ANC"), while deferring the obligation to pay for the widening of Dayton Avenue to add a left turn lane.

NOW, THEREFORE THE PARTIES HERETO HAVE AGREED TO THE FOLLOWING:

1. The parties agree to amend the Covenant to clarify the obligation(s) related to the widening of Dayton Avenue and the costs associated with the improvement. Provision 3 of the Covenant is amended to state: "The Developer, its successors, and assigns, including purchasers of lots, shall be responsible for all costs of construction for a northbound left turn lane on Dayton Avenue by paying to the City that amount that is the percentage shown on Exhibit A with respect to said lot or lots to be sold or transferred. Such costs for the said left turn lane on Dayton Avenue shall be due and payable upon the sale or transfer of the property."
2. The parties agree to allow Owner to transfer the Property to ANC without paying said costs for the left turn lane on Dayton Avenue. Owner shall be required to pay such costs for the improvement upon the future sale or transfer from ANC to a third party. At such time, Owner shall pay the costs established by Exhibit A, or as revised by the City.

IN WITNESS WHEREOF, the parties hereto have caused this amendment to be executed as of the date referenced above.

CITY OF AMES, IOWA

FIRST NATIONAL BANK, AMES, IOWA

By _____
Ann H. Campbell, Mayor

By _____
Scott T. Bauer, President

Attest _____
Diane R. Voss, City Clerk

STATE OF IOWA, COUNTY OF STORY, ss:

STATE OF IOWA, COUNTY OF STORY, ss:

This instrument was acknowledged before me on _____, 2015, by Scott T. Bauer, President of First National Bank, Ames, Iowa.

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

Notary Public in and for the State of Iowa

Notary Public in and for the State of Iowa

EXHIBIT A
EASTGATE SUBDIVISION

December, 2015

LOT #	AREA	% of ASSESSMENT	COST ALLOCATION
8	0.95	3.1	\$ 6,510.00
9	0.95	3.1	\$ 6,510.00
10	0.95	3.1	\$ 6,510.00
11	0.95	3.1	\$ 6,510.00
12	2.00	6.6	\$ 13,860.00
13	2.00	6.6	\$ 13,860.00
15	1.00	3.3	\$ 6,930.00
16	1.00	3.3	\$ 6,930.00
17	1.00	3.3	\$ 6,930.00
21	1.01	3.3	\$ 6,930.00
22	0.91	3.0	\$ 6,300.00
23	1.00	3.3	\$ 6,930.00
TOTALS	19.23		\$94,710.00*

*The total cost shall be subject to revision by the City in response to an increase in anticipated construction costs. The revision shall not require an amendment to the Covenant.

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

Prepared by: Jessica D. Spoden, City of Ames Legal Department, 515 Clark Ave., Ames, IA 50010; 515-239-5146
Return to: Ames City Clerk, Ames City Hall, 515 Clark Ave., P.O. Box 811, Ames, IA 50010

AMENDMENT TO DEVELOPMENT AGREEMENT
EASTGATE SUBDIVISION

This Amendment to Development Agreement made and entered into this _____ day of _____, 2015, by and between the City of Ames, Iowa (hereinafter called "City") and First National Bank, Ames, Iowa its successors and assigns (hereinafter called "Owner") amends the Development Agreement (hereinafter called "Agreement") entered into between Eastgate Development, Inc. (hereinafter called "Developer") and the City on the 6th day of October 1998, and recorded in the office of the Story County Recorder on October 16, 1998, as Instrument No. 98-14377.

WITNESSETH THAT:

WHEREAS, Owner owns twelve (12) lots (hereinafter "Property") within the Eastgate Subdivision (hereinafter called "Eastgate"); and

WHEREAS, the Developer, Eastgate Development, Inc., signed the above reference Agreement promising payment for improvements to roads and utilities in the area; and

WHEREAS, the Agreement required the Developer to pay for certain public improvements in the area, including the widening of Dayton Avenue for a left turn lane; and

WHEREAS, during a bankruptcy proceeding for Eastgate, the City and Developer entered into a covenant that modified the Developer's public infrastructure obligations to clarify the obligations and to more strictly bind the Developer and any future property owner(s) to pay for improvements earlier than required under the Agreement; and

WHEREAS, the Owner ultimately acquired Eastgate through the bankruptcy proceeding;
and

WHEREAS, as the successor to the Developer, Owner is bound by the Agreement and required to pay for the cost of improvements upon sale or transfer of the property; and

WHEREAS, Owner desires to transfer the Property to its holding company, Ames National Corporation (hereinafter called "ANC"), while deferring the obligation to pay for the widening of Dayton Avenue to add a left turn lane.

NOW, THEREFORE, THE PARTIES HERETO HAVE AGREED TO THE FOLLOWING:

1. Certain provisions of the Agreement were superseded by the Eastgate Subdivision Covenant for Assessment of Costs of Improvements Dayton Avenue (hereinafter called "Covenant") Therefore, the parties agree to amend the Agreement. Section II.2.d. Streets: Vehicular and Pedestrian Access of the Agreement is amended to state: "Developer shall be responsible for all costs of construction for a northbound left turn lane on Dayton Avenue to facilitate Plymouth Drive. Such turn lane may be constructed by the City when there is sufficient traffic to warrant that improvement under established standards of traffic engineering. The Developer shall pay for the costs incurred for the said left turn lane on Dayton Avenue upon the sale or transfer of the property. The costs for such improvement shall be as listed in Exhibit A of the Eastgate Subdivision Covenant for Assessment of Costs of Improvements Dayton Avenue, notwithstanding a revision to the cost which may be made at any time by the City in response to an increase in anticipated construction costs."
2. The parties agree to allow Owner to transfer the Property to ANC without paying for the left turn lane on Dayton Avenue. Owner shall be required to pay such costs for the improvement upon the future sale or transfer from ANC to a third party. At such time, Owner shall pay the costs as established by the Covenant, or as revised by the City.

IN WITNESS WHEREOF, the parties hereto have caused this amendment to be executed as of the date referenced above.

CITY OF AMES, IOWA

FIRST NATIONAL BANK, AMES, IOWA

By _____
Ann H. Campbell, Mayor

By _____
Scott T. Bauer, President

Attest _____
Diane R. Voss, City Clerk

STATE OF IOWA, COUNTY OF STORY, ss:

STATE OF IOWA, COUNTY OF STORY, ss:

This instrument was acknowledged before me on _____, 2015, by Scott T. Bauer, President of First National Bank, Ames, Iowa.

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

Notary Public in and for the State of Iowa

Notary Public in and for the State of Iowa

COUNCIL ACTION FORM

SUBJECT: 2017-2021 FEDERAL AIRPORT IMPROVEMENTS PROGRAM

BACKGROUND:

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

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

FFY = Federal Fiscal Year

Project Description	FFY 2017	FFY 2018	FFY 2019	FFY 2020	FFY 2021
Masterplan Update	\$166,000				
Electrical Vault & Terminal Demolition			\$396,000		
Runway 01/19 Justification Report			\$ 14,000		
Environmental Assessment, RW 01/19				\$100,000	
Annual Totals	\$166,000	\$ -	\$410,000	\$100,000	\$ -
Funding Source: Federal / State Funds	\$149,400		\$356,400	\$ 90,000	
Local Funds	\$ 16,600		\$ 53,600	\$ 10,000	

The remaining projects are in the Long Range Needs Assessment (LRNA), which are those remaining steps necessary to extend the main Runway 01/19 to a length of approximately 8,000 feet. This will include land acquisition (2022), grading (2023), road realignment (2024), and paving (2025).

ALTERNATIVES:

1. Approve the 2017-2021 Federal Airport Improvements Program.
2. Approve the 2017-2021 Federal Airport Improvements Program with identified changes.

MANAGER’S RECOMMENDED ACTION:

Approving this annual update to the 5-year Federal Airport Improvement Program will ensure that those federal dollars programmed for the Ames Municipal Airport will be available in the respective year of the City’s Capital Improvement Plan. Projects shown represent improvements necessary to meet current and future demands of the Ames Municipal Airport.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the 2017-2021 Federal Airport Improvements Program.

**FEDERAL AIRPORT IMPROVEMENT PROGRAM (AIP)
PRE-APPLICATION FFY 2017
CHECKLIST**

Please attach the following documents with your application:

- Sponsor Identification Sheet for the Airport
- CIP Data Sheet (one for **each** project listed in the first 3 years of the CIP) and detailed cost estimate for each data sheet.
- 5-year Capital Improvement Program (CIP)
- Long Range Needs Assessment
- Verification of an updated ALP (when applying for new construction of buildings or airfield expansion)
- Verification of completed environmental processing in accordance with NEPA.
- Verification of completed land acquisition or signed purchase agreement.
- Verification of pavement maintenance program (when applying for pavement preservation or reconstruction)
- If requesting Federal assistance for snow removal equipment, please include an inventory of the existing equipment and calculations based on Chapters 4 & 5 of the Airport Winter Safety and Operations, Advisory Circular (AC) 150/5200-30 and the Airport Snow and Ice Control Equipment, AC 150/5220-20 showing the minimum equipment needed, along with the ACIP Data Sheet. Include a copy of a completed FAA Snow Plow Design Spreadsheet.
- If requesting Federal assistance for general aviation apron expansion, include a copy of a completed GA Apron Design spreadsheet.
- If requesting pavement reconstruction, submit an engineering report showing the need for the reconstruction as part of the CIP justification.
- For revenue-producing facilities (i.e., fueling facilities and hangars), please submit:
 - 1) a statement that airside development needs are met or include a financial plan to fund airside needs over the next 3 years;
 - 2) a statement that runway approach surfaces are clear of obstructions (the FAA Airport 5010 should show at least a 20:1 clear approach), and;
 - 3) justification for the project.
- SAM (System for Award Management) registration is up-to-date. (www.sam.gov)

Please scan and e-mail with support documents identified in checklist to shane.wright@dot.iowa.gov.

Iowa Department of Transportation
Office of Aviation
800 Lincoln Way
Ames, IA 50010

Attn.: Program Manager
E-mail: shane.wright@dot.iowa.gov
FAX: 515-233-7983
515-239-1048

**FEDERAL AIRPORT IMPROVEMENT PROGRAM (AIP)
PRE-APPLICATION FFY 2017
AIRPORT SPONSOR IDENTIFICATION**

Airport Name: Ames Municipal Airport

Airport Sponsor Name: City of Ames, Iowa

Contact Person: Damion Pregitzer Title: Traffic Engineer

Complete Mailing Address: 515 Clark Avenue

<u>Ames</u>	<u>IA</u>	<u>50010</u>	Daytime Phone: <u>515-239-5275</u>
City	State	ZIP Code	

E-mail Address: dpregitzer@city.ames.ia.us FAX Number: 515-239-5404

U.S. Congressional District Number: Iowa 4th District

Please scan and e-mail with support documents identified in checklist to shane.wright@dot.iowa.gov.

Iowa Department of Transportation
Office of Aviation
800 Lincoln Way
Ames, IA 50010

Attn.: Program Manager
E-mail: shane.wright@dot.iowa.gov
FAX: 515-233-7983
515-239-1048

FIVE-YEAR AIRPORT CAPITAL IMPROVEMENT PROGRAM (CIP)

Airport Name: Ames Municipal Airport

Telephone: 515-239-5275

Prepared By: Damion Pregitzer

E-mail Address: dpregitzer@city.ames.ia.us

Date Prepared: October 2015

Date Approved: _____

Project Description	Funding Source	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Masterplan	Federal	\$ 149,400.00	\$	\$	\$	\$
	State	\$	\$	\$	\$	\$
	Local	\$ 16,600.00	\$	\$	\$	\$
	Total	\$ 166,000.00	\$	\$	\$	\$
Electrical Vault & Terminal Demolition	Federal	\$	\$	\$ 356,400.00	\$	\$
	State	\$	\$	\$	\$	\$
	Local	\$	\$	\$ 39,600.00	\$	\$
	Total	\$	\$	\$ 396,000.00	\$	\$
Runway Justification Report	Federal	\$	\$	\$	\$	\$
	State	\$	\$	\$	\$	\$
	Local	\$	\$	\$ 14,000.00	\$	\$
	Total	\$	\$	\$ 14,000.00	\$	\$
Environmental Assessment	Federal	\$	\$	\$	\$ 90,000.00	\$
	State	\$	\$	\$	\$	\$
	Local	\$	\$	\$	\$ 10,000.00	\$
	Total	\$	\$	\$	\$ 100,000.00	\$
	Federal	\$	\$	\$	\$	\$
	State	\$	\$	\$	\$	\$
	Local	\$	\$	\$	\$	\$
	Total	\$	\$	\$	\$	\$
	Federal	\$	\$	\$	\$	\$
	State	\$	\$	\$	\$	\$
	Local	\$	\$	\$	\$	\$
	Total	\$	\$	\$	\$	\$

AIRPORT LONG RANGE NEEDS ASSESSMENT

FFY 2021 – FFY 2025

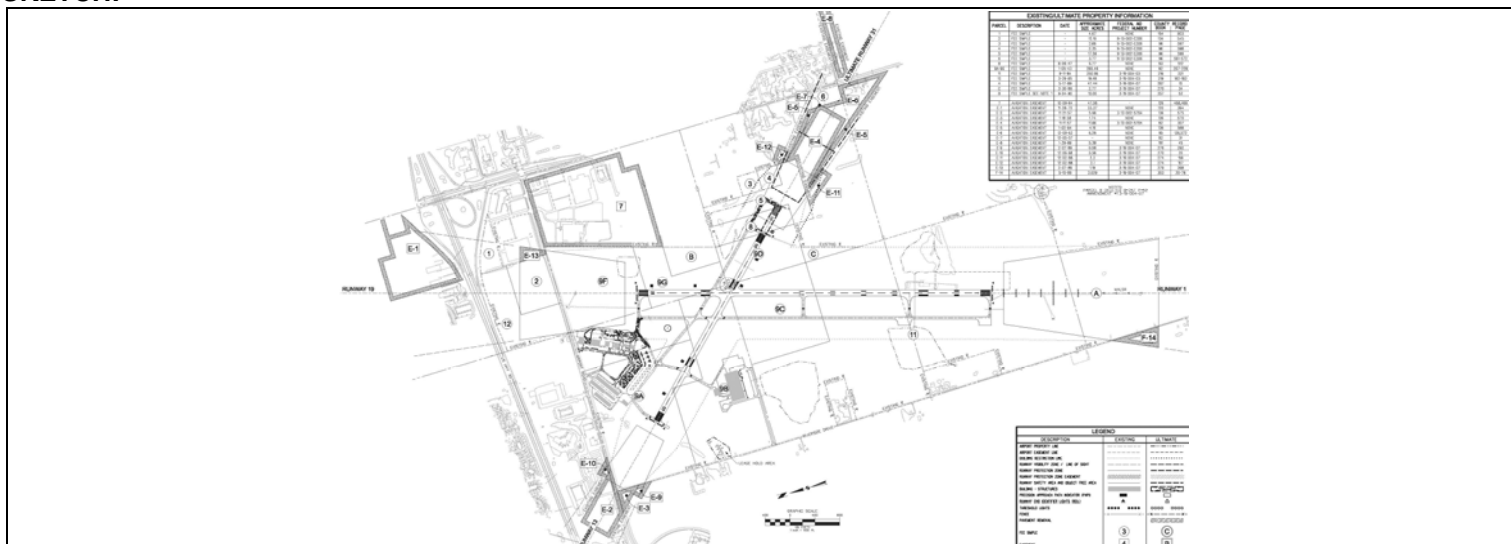
Airport Name: Ames Municipal Airport

Description of Project (include estimated Fiscal Year)	Funding Source	Total Estimated Cost
Runway 01/19 - 2000' Extension Land Acquisition (2022)	Federal: 90% State: Local: 10% Total: 100%	\$ 2,148,300.00 \$ \$ 238,700.00 \$ 2,387,000.00
Runway 01/19 Extension Design & Grading (2023)	Federal: 90% State: Local: 10% Total: 100%	\$ 1,759,320.00 \$ \$ 195,480.00 \$ 1,954,800.00
Road Relocation for Runway 01/19 Extension (2024)	Federal: 90% State: Local: 10% Total: 100%	\$ 1,285,740.00 \$ \$ 142,860.00 \$ 1,428,600.00
Runway 01/19 - 2000' Extension Paving (2025)	Federal: 90% State: Local: 10% Total: 100%	\$ 3,928,500.00 \$ \$ 436,500.00 \$ 4,365,000.00
	Federal: State: Local: Total:	\$ \$ \$ \$
	Federal: State: Local: Total:	\$ \$ \$ \$

CIP DATA SHEET

AIRPORT	Ames Municipal Airport	LOCID	AMW	LOCAL PRIORITY	1
PROJECT DESCRIPTION	Masterplan	Identify FFY that you desire to construct (FFY: Oct. 1-Sept. 30)			FFY 17

SKETCH:



JUSTIFICATION:

The current masterplan is nearing full buildout. In order to continue to grow and expand the Ames Municipal Airport need to complete a new masterplan and ALP in order to continue to meet the goals of a growing community.

COST ESTIMATE: (Attach detailed cost estimate)

Federal(90%) \$149,400.00 State \$0 Local (10%) \$16,600.00 Total \$166,000.00

SPONSOR'S VERIFICATION:

For each and every project as applicable

Date	(see instruction sheet or point mouse over each date box for more information)
12/2008	<ul style="list-style-type: none"> - Date of approved ALP with project shown - Date of environmental determination (ROD, FONSI, CE), or cite CE paragraph # (307-312) in Order 1050.1E - Date of land acquisition or signed purchase agreement
9/10/2012	<ul style="list-style-type: none"> - Date of pavement maintenance program - Snow removal equipment inventory & sizing worksheet (for SRE acquisition) - Apron sizing worksheet (for apron projects) - Revenue producing facilities (for fuel farms, hangers, etc.) - Date statement submitted for completed airside development - Date statement submitted for runway approaches are clear of obstructions

FAA USE ONLY
FAA Verification: (initial/date)

SPONSOR'S SIGNATURE: _____ DATE: _____

PRINTED NAME: Damion Pregitzer TITLE: Traffic Engineer

PHONE NUMBER: 515-239-5275

FAA USE ONLY

PREAPP NUMBER	GRANT NUMBER	NPIAS CODE	WORK CODE	FAA PRIORITY	FEDERAL \$

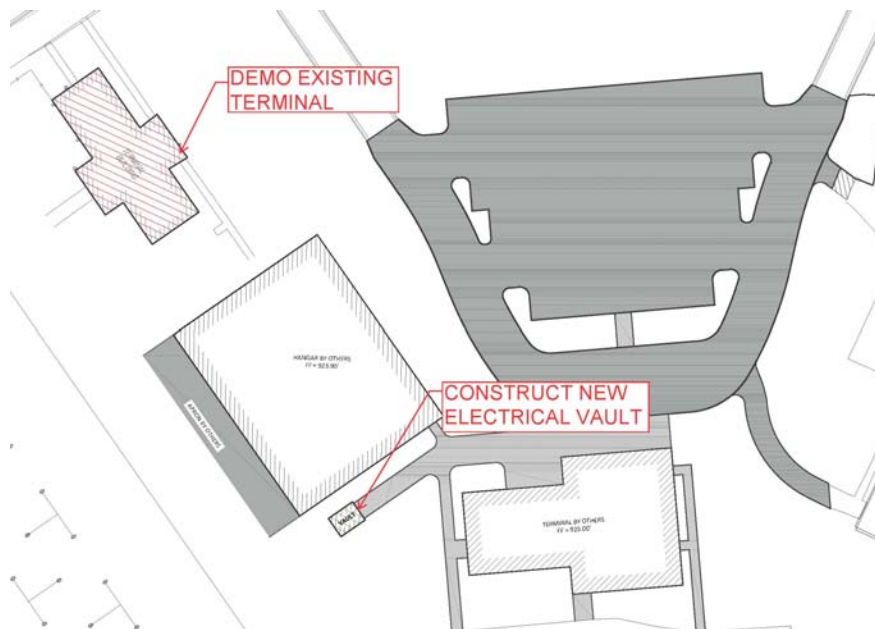
MASTERPLAN

No.	ITEM	QTY	UNIT	UNIT PRICE	TOTAL	Federal 90%	State 0%	Local 10%
1	MASTERPLAN	1	LS	\$ 166,000.00	\$ 166,000.00	\$ 149,400.00	\$ -	\$ 16,600.00
MASTERPLAN					\$ 166,000.00	\$ 149,400.00	\$ -	\$ 16,600.00

CIP DATA SHEET

AIRPORT	Ames Municipal Airport	LOCID	AMW	LOCAL PRIORITY	2
PROJECT DESCRIPTION	Electrical Vault & Existing Terminal Demo	Identify FFY that you desire to construct (FFY: Oct. 1-Sept. 30)			2019

SKETCH:



JUSTIFICATION:

With the construction of a new terminal building in 2015-2016 the existing terminal building is not longer needed expect to house the existing electrical vault in the basement. This project will relocate the electrical equipment to a new vault building and

COST ESTIMATE: (Attach detailed cost estimate)

Federal(90%)	\$356,400.00	State	\$0	Local (10%)	\$39,600.00	Total	\$396,000.00
---------------------	---------------------	--------------	------------	--------------------	--------------------	--------------	---------------------

SPONSOR'S VERIFICATION:

For each and every project as applicable

Date	(see instruction sheet or point mouse over each date box for more information)
12/2008 Required	<ul style="list-style-type: none"> - Date of approved ALP with project shown - Date of environmental determination (ROD, FONSI, CE), or cite CE paragraph # (307-312) in Order 1050.1E - Date of land acquisition or signed purchase agreement
9/10/12	<ul style="list-style-type: none"> - Date of pavement maintenance program - Snow removal equipment inventory & sizing worksheet (for SRE acquisition) - Apron sizing worksheet (for apron projects) - Revenue producing facilities (for fuel farms, hangers, etc.) - Date statement submitted for completed airside development - Date statement submitted for runway approaches are clear of obstructions

FAA USE ONLY
FAA Verification: (initial/date)

SPONSOR'S SIGNATURE: _____ DATE: _____

PRINTED NAME: Damion Pregitzer TITLE: Traffic Engineer

PHONE NUMBER: 515-239-5275

FAA USE ONLY

PREAPP NUMBER	GRANT NUMBER	NPIAS CODE	WORK CODE	FAA PRIORITY	FEDERAL \$

ELECTRICAL VAULT & TERMINAL DEMOLITION

No.	ITEM	QTY	UNIT	UNIT PRICE	TOTAL	Federal 90%	State 0%	Local 10%
1	MOBILIZATION	1	LF	\$ 43,800.00	\$ 43,800.00	\$ 39,420.00	\$ -	\$ 4,380.00
2	TRENCHING	485	LF	\$ 5.50	\$ 2,667.50	\$ 2,400.75	\$ -	\$ 266.75
3	NO. 8 AWG L824C CABLE, INSTALLED IN DUCT BANK OR CONDUIT	2524	LF	\$ 1.65	\$ 4,164.60	\$ 3,748.14	\$ -	\$ 416.46
4	NO. 6 AWG 600V CABLE, INSTALLED IN DUCT BANK OR CONDUIT	160	LF	\$ 1.95	\$ 312.00	\$ 280.80	\$ -	\$ 31.20
5	NO. 8 AWG 600V CABLE, INSTALLED IN DUCT BANK OR CONDUIT	336	LF	\$ 1.55	\$ 520.80	\$ 468.72	\$ -	\$ 52.08
6	AIRPORT VAULT, 11'x16', COMPLETE	1	LS	\$ 110,000.00	\$ 110,000.00	\$ 99,000.00	\$ -	\$ 11,000.00
7	INSTALLATION OF VAULT EQUIPMENT, COMPLETE, IN PLACE	1	LS	\$ 33,000.00	\$ 33,000.00	\$ 29,700.00	\$ -	\$ 3,300.00
8	L-828 CONSTANT CURRENT REGULATOR, 10KW, COMPLETE, IN PLACE	1	EA	\$ 14,300.00	\$ 14,300.00	\$ 12,870.00	\$ -	\$ 1,430.00
9	L-828 CONSTANT CURRENT REGULATOR, 7.5KW, COMPLETE, IN PLACE	2	EA	\$ 12,100.00	\$ 24,200.00	\$ 21,780.00	\$ -	\$ 2,420.00
10	INSTALL EXISTING 25KW REGULATOR, COMPLETED, IN PLACE	1	EA	\$ 11,000.00	\$ 11,000.00	\$ 9,900.00	\$ -	\$ 1,100.00
11	CONDUIT, 2" PVC, IN TRENCH	358	LF	\$ 12.10	\$ 4,331.80	\$ 3,898.62	\$ -	\$ 433.18
12	CONDUIT, 4" PVC, IN TRENCH	150	LF	\$ 15.40	\$ 2,310.00	\$ 2,079.00	\$ -	\$ 231.00
13	DUCT BANK, CONCRETE ENCASED, WITH (6) 3" CONDUITS & (4) 2" CONDUITS	52	LF	\$ 192.50	\$ 10,010.00	\$ 9,009.00	\$ -	\$ 1,001.00
14	REMOVAL OF TERMINAL BUILDING	1	LS	\$ 75,000.00	\$ 75,000.00	\$ 67,500.00	\$ -	\$ 7,500.00
	Subtotal				\$ 335,616.70	\$ 302,055.03	\$ -	\$ 33,561.67
	PROJECT DEVELOPMENT / SCOPING					\$ -	\$ -	\$ -
	DESIGN ENGINEERING (8%)			\$	26,849.34	\$ 24,164.40	\$ -	\$ 2,684.93
	CONSTRUCTION ENGINEERING (10%)			\$	33,561.67	\$ 30,205.50	\$ -	\$ 3,356.17
	GRANT ADMINISTRATION			\$	-	\$ -	\$ -	\$ -
	DISADVANTAGED BUSINESS ENTERPRISE (DBE) PLAN			\$	-	\$ -	\$ -	\$ -
	ENVIRONMENTAL CATEx			\$	-	\$ -	\$ -	\$ -
	ESTIMATED CITY ADMINISTRATION			\$	-	\$ -	\$ -	\$ -
	ELECTRICAL VAULT & TERMINAL DEMOLITION			\$	396,000.00	\$ 356,400.00	\$ -	\$ 39,600.00

COUNCIL ACTION FORM

**SUBJECT: 2016 AGREEMENTS FOR UNMANNED AIRCRAFT SYSTEMS
(HUNZIKER DEVELOPMENT AND SKEYE 1 LLC)**

BACKGROUND:

On June 9, 2015, City council granted an interim approval to Hunziker Development to operate an Unmanned Aerial Vehicle (UAV), which will be referred to as a “drone,” within the airspace controlled by the Ames Municipal Airport. The airspace is defined by a 5-nautical mile boundary around the Airport’s runway surfaces. Since that time, Hunziker has conducted several flights to record video and take photos of its various properties for marketing purposes. It should be noted that the approval for Hunziker expires on December 31, 2015.

On November 10, 2015, City Council granted special approval to Hunziker to take video, from the public right-of-way, of the Downtown, Campustown, Somerset, and the South Duff business districts, as well as various City Parks. The purpose was two-fold, 1) to collect video that can be used to promote Ames as a great place to live; and, 2) to test the technical capabilities of a commercial grade drone. Specifically, this testing process is intended to determine if there is a particular elevation at which a drone would operate that potentially creates a privacy concern. Should privacy concerns be identified at a particular elevation, a threshold of operation would be established based upon the resolution of the video or photos taken and would require special approval by the City. The testing process is still under consideration as the video is being reviewed by City Staff.

In recent months, staff has been approached by Terry Lankford and Kevin Buck with Skeye 1 LLC, a business that provides UAV Services which is also seeking approval to operate a drone within the Ames area. Skeye 1 LLC has submitted its FAA certificate of authorization and insurance as required of all commercial Unmanned Aircraft Systems (UAS) operators. Skeye 1 LLC provides data collection services, such as agricultural surveys, aerial photography, and topographic surveys using post processing software. It should be noted that the FAA approval, like Hunziker, limits Skeye’s operation to line-of-sight and daytime hours only. It is also subjected to all the same State and Federal standards as Hunziker (and as all UAS operators).

The proposed agreements would authorize Hunziker and Skeye 1 LLC, respectively, to operate within the 5-mile area around the Ames Airport for the calendar year 2016. Each entity will be subjected to all applicable State and Federal rules, as well as any specific requirements outlined in their certificate of authorization. Because of the ongoing evolution in regulations and standards on a national level, City staff has not yet been able to complete a comprehensive, specific policy and standards for the City of Ames. Therefore, the agreements with Skeye and Hunziker refer to two documents that will be established as new information becomes available: 1) The

Ames administrative policy on UAS operations; and, 2) The Ames minimum operating standards for UAVs. This will allow the flexibility for these documents to be approved and updated without requiring each user to enter into a new agreement.

ALTERNATIVES:

1. Approve the agreements with Hunziker Development and Skeye 1 LLC to operate a UAV within Ames airspace for calendar year 2016.
2. Reject any requests to operate UAV's within Ames airspace until the Ames administrative policy and minimum operating standards are adopted.

MANAGER'S RECOMMENDED ACTION:

City Council has asked staff to develop a draft UAV policy that addresses the safety and privacy of the public, while protecting the potential benefits from using these technologies. Part of that development effort is already under way by coordinating test flights with our local commercial partners. Staff is also continuing to work with State and Federal counterparts on current and upcoming standards, as well as, reviewing ongoing legal cases that happen nationally. It is anticipated that drafts of a policy and minimum operating standards will be ready for City Council review during the first quarter of 2016.

By approving these agreements for 2016, it will allow staff and the Ames community to gain real-world experience in the use of UAV's by commercial users. The benefit of commercial use is that those operations must be done so following all FAA safety standards. Commercial users also have the requirement to notify the City of all operations. This relationship provides an environment that allows staff to monitor when, where, and for what purpose a drone is be used. **Furthermore, the proposed agreements, which are substantially the same, specify that once the City's standards are approved, these two operators will be subject to the new local requirements.**

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

**AGREEMENT WITH HUNZIKER & ASSOCIATES, INC., REALTORS,
AUTHORIZING COMMERCIAL USE OF
UNMANNED AIRCRAFT SYSTEM IN THE CITY OF AMES**

THIS AGREEMENT is made and entered into effective the _____ day of _____, 2015, by and between Hunziker & Associates, Inc., Realtors (“Owner”) and the City of Ames, Iowa (“City”).

WHEREAS, City owns and operates a municipal airport located within the corporate boundaries of the city which is in active use for civil aviation activities on a daily basis; and

WHEREAS, as airport owner, the City is charged with control of the airspace around the City’s airport; and

WHEREAS, the Federal Aviation Administration is the national governmental authority whose duty it is to regulate and oversee all aspects of civil aviation; and

WHEREAS, Unmanned Aircraft Systems (UAS) are a technology that has recently become generally available for purchase and operation by citizens for uses which may include aerial photography; and

WHEREAS, the use of Unmanned Aircraft Systems creates the potential to disrupt air traffic and potentially endanger persons and property, both in flight and on the ground, and is therefore subject to regulation by the Federal Aviation Administration; and

WHEREAS, Owner is in the business of real estate development and has occasion to desire to photographically document its properties and developments, which can more effectively be accomplished through the use of aerial photography; and

WHEREAS, Owner owns an Unmanned Aircraft System and would like to obtain the permission of the City to make commercial use of the UAS for aerial observation and photography of Owner’s properties; and

WHEREAS, the Parties desire to work collaboratively with consideration of each other’s rights and interests, to assure public safety, and establish by agreement terms and conditions allowing Owner limited commercial operation of its UAS within the city.

NOW THEREFORE, in consideration of the above recitals and the provisions contained herein and reliance on the same, the Parties agree as follows:

I.
PURPOSE

The purpose of this agreement is to authorize Owner's operation of an Unmanned Aircraft System (UAS) under parameters specified herein, within a five nautical mile radius of the Ames Municipal Airport.

II.
OPERATION AUTHORITY AND PARAMETERS

- A. **Identity of UAS and Operator.** The City agrees to allow Owner to operate the Unmanned Aircraft System (hereinafter "UAS") specified in the Department of Transportation Federal Aviation Administration Certificate of Waiver or Authorization #FAA-2015-0035-333E (hereinafter "Certificate") within five nautical miles of the Ames Municipal Airport.

This UAS may be flown only by the individual natural person who is granted that Certificate, hereinafter designated "Operator."

- B. **Compliance with Certificate.** Owner and Operator agree to strictly comply with all Standard Provisions and Air Traffic Control Special Provisions set forth in the Certificate, which are incorporated into this contract by this reference.
- C. **Operational Restrictions.** Owner and the specific Operator agree to strictly comply with the "Operations Authorized" provision of the Certificate, which are incorporated into this contract by reference.
- D. **Additional Regulatory and Statutory Compliance.** Owner and Operator agree to comply with all other Federal Aviation Administration regulations which are presently in effect, or may come into effect, for Unmanned Aircraft Systems, as well as with all other Federal, State, Municipal or other laws or regulations which may exist or be enacted or adopted.

Owner and Operator also agree to comply with any policies that have been, or may be, established by the City regarding UAS operation, including but not limited to 1) the City's administrative policy on UAS operations, and 2) the City's minimum operation standards for UAVs.

This agreement does not operate as a waiver of any other statutory or regulatory authority.

- E. **Special Local Requirements.** In addition to the above provisions, the City is requiring that Owner agree to the following:
1. Operator must carry a handheld radio tuned into the Ames Common Traffic advisory Frequency (CTAF) of 122.70 when operating inside the five nautical mile ring.

2. Any operations between 50 feet above ground level and 200 feet above ground level inside the one to five nautical mile ring require contacting the FBO at least one hour prior to operations.
 3. Any operations inside the one nautical mile ring of the Ames Municipal airport require FBO notification, and City of Ames notification, a minimum of 24 hours prior to operations, regardless of altitude.
 4. Operator shall have the ability to conduct operations on its own properties between the surface of the ground up to 50 feet above ground level without FBO or City notification inside the one to five nautical mile ring from the airport.
 5. Operator agrees to carry the Certificate any time the UAS is being operated, and agrees to present it for inspection upon request to any authorized representative of the FAA, or any Federal, State, County or Municipal official charged with enforcing local laws or regulations, or any peace officer.
 6. Owner and Operator agree to operate the UAS only above property they own, or above property that is owned by another who has expressly and in writing consented to UAS operation by Owner and Operator. Owner and Operator, upon request by the City, shall promptly furnish proof of express written consent.
 7. This agreement shall remain in effect so long as Owner remains as a corporation in good standing pursuant to the Iowa Secretary of State.
- F. **Flight Log.** Owner and Operator shall maintain a flight log which contains and complies with all the documentation necessary under the “Reporting Requirements” provisions of the Certificate, including but not limited to, date, time and location of all flights, including any ‘zero-entry’ flights, and shall, upon request, allow City inspection of the log. When requested by the City, the furnished log shall be in the same form as the documentation submitted to the FAA monthly.

III. INSURANCE REQUIREMENTS

Owner shall obtain, and keep in effect, insurance as follows:

- A. **Type.** Owner shall maintain General Liability or a similar type of policy of insurance that affords coverage of \$1,000,000 combined single limit per occurrence and \$2,000,000 in aggregate limits for bodily injury, personal injury, and property damage.
- B. **Deductibles.** Any deductibles or self-insured retentions must be declared and approved by the City of Ames. At the option of the City of Ames, either the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects the City of Ames, its

officials and employees, or Owner shall procure a bond guaranteeing payment of losses and related investigations, claims administration and defense expenses.

- C. **Endorsements.** Each insurance policy required shall be endorsed to state that coverage shall not be suspended, voided, cancelled by either party, reduced in coverage or in limits, except after thirty days prior written notice by certified mail, return receipt requested, has been given to the City. Owner shall furnish the City with certificates of insurance and original endorsements for effecting coverage required by this clause. The certificates and endorsements for each insurance policy are to be signed by a person authorized by that insurer to bind coverage on its behalf. The certificates and endorsements are to be approved by the City before operations of the UAS commence. The City reserves the right to require complete, certified copies of all required insurance policies, at any time.

IV. INDEMNIFICATION

To the fullest extent permitted by law, Owner and Operator shall indemnify and hold harmless the City of Ames, its officials, agents and employees from and against all claims, damages, losses and expenses, including but not limited to, attorneys fees arising out of or resulting from the operation of the UAS, provided that any such claim, damage, loss or expense 1) is attributable to bodily injury, sickness, disease or death, or to injury to, or destruction of, tangible property, including the loss of use resulting therefrom; and 2) is caused in whole or in part by any intentional or negligent act or omission of the Owner or Operator, or anyone directly or indirectly employed by the Owner or Operator, or anyone for whose acts the Owner or Operator may be liable, regardless of whether such claim, damage, loss, or expense is caused in part by a party indemnified hereunder.

V. TERM AND TERMINATION

- A. **Term.** This agreement is in effect from December _____, 2015, to December 31, 2016, unless sooner terminated.
- B. **Termination.** The City may terminate this agreement by providing written notice of said termination to the other party. If a hazardous occurrence, danger or emergency renders written notification too slow, the City reserves the right to terminate this agreement upon verbal notification to the Owner or Operator to be expeditiously confirmed in writing.

VI. CONTACT PERSONS

For purposes of carrying out the provisions of this agreement, including notification and reporting, the City's contact person is the Ames Municipal Airport Manager, Damion Pregitzer. The Owner's contact person shall be _____. Each party shall promptly notify the other if there is a change of Contact person.

IN WITNESS WHEREOF, in consideration of the provisions set forth above, the parties have caused this agreement to be executed in their behalf.

HUNZIKER & ASSOCIATES, INC.,
REALTORS

CITY OF AMES, IOWA

By _____
Dean E. Hunziker, President

By _____
Ann H. Campbell, Mayor

STATE OF IOWA, COUNTY OF STORY, ss:

Attest _____
Diane R. Voss, City Clerk

This instrument was acknowledged before me on _____, 2015, by Dean E. Hunziker as President of Hunziker & Associates, Inc., Realtors.

STATE OF IOWA, COUNTY OF STORY, ss:

Notary Public in and for the State of Iowa

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

Notary Public in and for the State of Iowa

ITEM # 27
DATE: 12-8-15

COUNCIL ACTION FORM

SUBJECT: SALE AND 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 bond-funded capital improvement projects in the amount of \$18,875,000 for fuel conversion from coal to natural gas and cooling tower repairs. Favorable bids allowed for reduction of the issuance amount to \$10,360,000. The City Council held a public hearing on issuance of these bonds on November 10, 2015. Council action is now required to authorize the sale. The bonds were assigned an Aa2 credit rating from Moody's Investor Services. **This is a very strong credit rating especially for revenue debt and is only one step down from the City's Aa1 general obligation rating. With this rating the bonds are classified as "high quality and very low credit risk."** A copy of the published credit report is attached to this Council Action Form.

On the morning of December 8, 2015, the City will accept bids for the bonds per the terms of our offering statement. The bids will be evaluated by our financial advisor, Public Financial Management, by the City's Bond Counsel, and by City staff to recommend award to the bidder with the lowest cost. A report of bids will be provided to Council at the December 8 meeting. The City Council will then be asked to adopt a resolution accepting bids and authorizing the sale of bonds to be awarded to the chosen bidder.

ALTERNATIVES:

1. The City Council can adopt a resolution accepting bids and authorizing the sale and issuance of Electric Revenue Bonds in an amount not to exceed \$10,360,000.
2. The Council can reject the bond sale resolution and delay the capital projects.

MANAGER'S RECOMMENDED ACTION:

Issuance of these bonds is necessary in order to accomplish the City's approved capital improvements during this fiscal year and complete the fuel conversion for the primary electric generating units.

Therefore, it is the recommendation of the City Manager that the City Council accept Alternative No. 1, thereby adopting a resolution accepting bids and authorizing the sale and issuance of Electric Revenue Bonds in an amount not to exceed \$10,360,000.

MOODY'S

INVESTORS SERVICE

New Issue: Moody's assigns initial Aa2 to Ames, IA's \$10.4M Electric Rev. Bonds, Ser. 2015B

Global Credit Research - 01 Dec 2015

Current issuance comprises all of enterprise's outstanding debt

AMES (CITY OF) IA ELECTRIC ENTERPRISE
Electric Distribution
IA

Moody's Rating

ISSUE	RATING
Electric Revenue Bonds, Series 2015B	Aa2
Sale Amount \$10,350,000	
Expected Sale Date 12/09/15	
Rating Description Revenue: Government Enterprise	

Moody's Outlook NOO

NEW YORK, December 01, 2015 --Moody's Investors Service has assigned an initial Aa2 rating to Ames Electric Enterprise, IA's \$10.4 million Electric Revenue Bonds, Series 2015B. The current offering represents the utility's only outstanding debt.

SUMMARY RATING RATIONALE

The Aa2 rating reflects the utility's stable service area and growing customer base; sound financial operations resulting in projected strong coverage levels well above covenanted levels and very healthy reserves; modest debt burden and satisfactory legal covenants; and unlimited local rate setting authority subject to city council approval.

OUTLOOK

Outlooks are not usually assigned to local government credits with this amount of debt outstanding.

WHAT COULD MAKE THE RATING GO UP

-Expansion and diversification of the customer base

WHAT COULD MAKE THE RATING GO DOWN

-Significant increases in customer concentration

-Material narrowing of annual debt service coverage and/or liquidity

STRENGTHS

-Modest debt burden

-Strong liquidity and sound debt service coverage

CHALLENGES

-Small system size for the rating category

-Elevated customer concentration

RECENT DEVELOPMENTS

Recent developments are incorporated into the detailed rating rationale.

DETAILED RATING RATIONALE

REVENUE GENERATING BASE: MODERATE, GROWING SERVICE AREA BOLSTERED BY INSTITUTIONAL PRESENCE OF IOWA STATE UNIVERSITY

We expect the continued stability of the region's residential and commercial sectors as well as the institutional presence of Iowa State University of Science & Tech. (ISU; Aa2 stable) will contribute to long-term service area health. The customer base has grown moderately in recent years from 24,500 customers in 2010 to 25,600 customers in 2015. The top ten users comprised an elevated 30% of kWh billed in fiscal 2015, but concentration risk is partially mitigated by the stable presence of the industrial users, particularly AMCOR Rigid Plastics USA (9.6% of fiscal 2015 kWh billed), Danfoss Power Solutions (4.5%), and 3M Company (Aa3 negative; 3.8%), as well as the ISU FP&M Utilities (3.8%), the ISU Athletic Department (1.5%), and the ISU Ames Lab (1.1%). Ames' socioeconomic profile is above the nation with median family income at 123% of the US.

The utility owns 143,000 kilowatts (kW) of generating capacity, in excess of 130,700 kW peak demand (in 2013), but satisfies 55% to 60% of its energy requirements via a long term purchase power agreement with the Midcontinent Independent System Operator (MISO) (A1 stable). Generating capacity includes the utility's ownership and operation of two coal/gas/refuse fired steam generation units as well as two diesel gas turbine units used to meet peak demand. The two main coal fired units are presently being converted from burning coal to natural gas and the project is scheduled to be completed by April 2016. The completion of this project will remove any coal generation risks and will eliminate the utility's potential for additional capital investment required by environmental regulations. Management reports that its local generation capacity is utilized primarily for refuse requirements (the city has an obligation to burn city refuse given the lack of a county-wide landfill), peaking purposes, as well as a back-up source of energy.

The utility also has a 20-year purchase power agreement to purchase 36 megawatts (MW) from a nearby wind farm that expires in 2030. Management indicates that current total capacity is expected to serve their projected load growth needs through 2022.

OPERATIONAL AND FINANCIAL PERFORMANCE: SOUND FINANCIAL OPERATIONS DEMONSTRATED BY STRONG LIQUIDITY

Moody's expects the system's financial operations will remain sound due to the operational stability and sound financial management of the utility. While the current issuance represents the utility's only outstanding series of debt, projected maximum annual debt service (MADS) coverage based on unaudited fiscal 2015 net revenues is very strong at 7.6 times over the last three years. Coverage is projected to maintain strong levels and current projections do not incorporate any rate increases or changes in the power cost adjustment. While the utility does not have a defined schedule for reviewing its rate structure and the last rate increase was in 2012, the utility's strong operations have not necessitated a need for additional rate increases and there are no planned increases at this time. When evaluating debt service coverage, we include as an expense the payment in lieu of taxes (PILOT) to the city's General Fund. The utility's PILOT payment to the city is set by the city council and is disbursed only after all operational and debt service requirements have been met. The PILOT was approximately \$1.96 million in fiscal 2014 and \$1.93 million in fiscal 2013.

Liquidity

In fiscal 2014, the utility's unrestricted cash and investments totaled \$41.2 million, or a strong 303 days cash on hand. The utility's liquidity has historically been maintained at these levels.

DEBT AND OTHER LIABILITIES: MODEST DEBT AND SATISFACTORY LEGAL COVENANTS

The utility's debt profile is expected to remain modest as the current issuance represents the utility's only outstanding obligations. The utility's debt ratio will increase to 9.7% in fiscal 2016. Management has no plans to issue any debt for at least the next two years, if not longer.

Debt Structure

All of the utility's debt is fixed rate. Principal repayment is rapid with 90% retired in ten years and 100% retired by 2027. The legal provisions outlined in the bond ordinance specify a rate covenant of 1.25 times the principal and interest due each fiscal year. The additional bonds test is set at 1.25 times. The flow of funds specifies that the bonds have a first claim on the system's net revenues, defined as gross revenues less operational expenses. A bond reserve is to be cash funded and equivalent to the lesser of 1) MADS, including the current bonds and any future parity bonds; 2) 10% of stated par and future parity debt; or 3) 125% of average annual debt service on the bonds and future parity debt.

Debt-Related Derivatives

The utility has no exposure to debt-related derivatives.

MANAGEMENT AND GOVERNANCE: UNLIMITED RATE SETTING AUTHORITY SUBJECT TO CITY COUNCIL APPROVAL

Management maintains a 5-year financial plan and benefits from an unlimited local rate setting authority subject to approval by the city council. The utility is advised by the Electric Utility Operations Review and Advisory Board (EUORAB), which is comprised of five members who are appointed by the Mayor, subject to city council approval, for up to two three-year terms. The EUORAB provides the city council with a critique of management practices, planning and proposals, including recommended rate structures and power sales contracts. We note that while the utility does not have ultimate rate setting authority, historically there has been minimal friction between the utility and city council on rate structures.

The utility's last rate increase was in November 2012 and the utility does not have a set schedule for rate studies. While this is considered a weak practice, we note that the utility's strong liquidity and projected debt service coverage are reflective of overall strong management.

KEY STATISTICS

System type: Municipal-owned electric generation

Electric system customer base (FY2014): 25,600 customers

Factor 1 - Cost Recovery Framework within Service Territory (25% weight): Aa

Factor 2 - Willingness to Recover Costs with Sound Financial Metrics (25% weight): A

Factor 3 - Management of Generation Risks (10% weight): A

Factor 4 - Rate Competitiveness (10% weight): 2.31%

Factor 5 - Financial Strength - Days liquidity on hand (10% weight; 3-year average): 311 days

Factor 5 - Financial Strength - Debt Ratio (10% weight): 9.7%

Factor 5 - Financial Strength - Debt Service Coverage (10% weight): 7.6x

Grid indicated rating: Aa3

Notching factors: 0.5 notch down for reliance on purchased energy

Scorecard Indicated rating: Aa3

Other Considerations:

Moody's evaluates Ames Municipal Electric Utility relative to the U.S. Public Power Electric Utilities with Generation Ownership Exposure methodology and, as depicted above, the scorecard indicated rating for the utility is Aa3, which is one notch below the assigned public rating of Aa2. We note that while the utility's rate management practices are not clearly defined, the utility's strong debt service coverage and liquidity levels are indicative of overall strong management.

OBLIGOR PROFILE

Ames Municipal Electric Utility is a moderately sized electric utility in north central Iowa that serves an estimated

25,600 customers in the City of Ames and at Iowa State University.

LEGAL SECURITY

The bonds are secured by a first lien on net revenues of the city's electric utility.

USE OF PROCEEDS

The proceeds from the Series 2015B Bonds will finance improvements to the municipal electric light and power plant and system, which includes the conversion of the utility's two coal fired power plants to natural gas.

RATING METHODOLOGY

The principal methodology used in this rating was U.S. Public Power Electric Utilities with Generation Ownership Exposure published in November 2011. Please see the Credit Policy page on www.moody.com for a copy of this methodology.

REGULATORY DISCLOSURES

For ratings issued on a program, series or category/class of debt, this announcement provides certain regulatory disclosures in relation to each rating of a subsequently issued bond or note of the same series or category/class of debt or pursuant to a program for which the ratings are derived exclusively from existing ratings in accordance with Moody's rating practices. For ratings issued on a support provider, this announcement provides certain regulatory disclosures in relation to the rating action on the support provider and in relation to each particular rating action for securities that derive their credit ratings from the support provider's credit rating. For provisional ratings, this announcement provides certain regulatory disclosures in relation to the provisional rating assigned, and in relation to a definitive rating that may be assigned subsequent to the final issuance of the debt, in each case where the transaction structure and terms have not changed prior to the assignment of the definitive rating in a manner that would have affected the rating. For further information please see the ratings tab on the issuer/entity page for the respective issuer on www.moody.com.

Regulatory disclosures contained in this press release apply to the credit rating and, if applicable, the related rating outlook or rating review.

Please see www.moody.com for any updates on changes to the lead rating analyst and to the Moody's legal entity that has issued the rating.

Please see the ratings tab on the issuer/entity page on www.moody.com for additional regulatory disclosures for each credit rating.

Analysts

Kevin Archer
Lead Analyst
Public Finance Group
Moody's Investors Service

Mark G. Lazarus
Additional Contact
Public Finance Group
Moody's Investors Service

Contacts

Journalists: (212) 553-0376
Research Clients: (212) 553-1653

Moody's Investors Service, Inc.
250 Greenwich Street
New York, NY 10007
USA

MOODY'S

INVESTORS SERVICE

© 2015 Moody's Corporation, Moody's Investors Service, Inc., Moody's Analytics, Inc. and/or their licensors and affiliates (collectively, "MOODY'S"). All rights reserved.

CREDIT RATINGS ISSUED BY MOODY'S INVESTORS SERVICE, INC. AND ITS RATINGS AFFILIATES ("MIS") ARE MOODY'S CURRENT OPINIONS OF THE RELATIVE FUTURE CREDIT RISK OF ENTITIES, CREDIT COMMITMENTS, OR DEBT OR DEBT-LIKE SECURITIES, AND CREDIT RATINGS AND RESEARCH PUBLICATIONS PUBLISHED BY MOODY'S ("MOODY'S PUBLICATIONS") MAY INCLUDE MOODY'S CURRENT OPINIONS OF THE RELATIVE FUTURE CREDIT RISK OF ENTITIES, CREDIT COMMITMENTS, OR DEBT OR DEBT-LIKE SECURITIES. MOODY'S DEFINES CREDIT RISK AS THE RISK THAT AN ENTITY MAY NOT MEET ITS CONTRACTUAL, FINANCIAL OBLIGATIONS AS THEY COME DUE AND ANY ESTIMATED FINANCIAL LOSS IN THE EVENT OF DEFAULT. CREDIT RATINGS DO NOT ADDRESS ANY OTHER RISK, INCLUDING BUT NOT LIMITED TO: LIQUIDITY RISK, MARKET VALUE RISK, OR PRICE VOLATILITY. CREDIT RATINGS AND MOODY'S OPINIONS INCLUDED IN MOODY'S PUBLICATIONS ARE NOT STATEMENTS OF CURRENT OR HISTORICAL FACT. MOODY'S PUBLICATIONS MAY ALSO INCLUDE QUANTITATIVE MODEL-BASED ESTIMATES OF CREDIT RISK AND RELATED OPINIONS OR COMMENTARY PUBLISHED BY MOODY'S ANALYTICS, INC. CREDIT RATINGS AND MOODY'S PUBLICATIONS DO NOT CONSTITUTE OR PROVIDE INVESTMENT OR FINANCIAL ADVICE, AND CREDIT RATINGS AND MOODY'S PUBLICATIONS ARE NOT AND DO NOT PROVIDE RECOMMENDATIONS TO PURCHASE, SELL, OR HOLD PARTICULAR SECURITIES. NEITHER CREDIT RATINGS NOR MOODY'S PUBLICATIONS COMMENT ON THE SUITABILITY OF AN INVESTMENT FOR ANY PARTICULAR INVESTOR. MOODY'S ISSUES ITS CREDIT RATINGS AND PUBLISHES MOODY'S PUBLICATIONS WITH THE EXPECTATION AND UNDERSTANDING THAT EACH INVESTOR WILL, WITH DUE CARE, MAKE ITS OWN STUDY AND EVALUATION OF EACH SECURITY THAT IS UNDER CONSIDERATION FOR PURCHASE, HOLDING, OR SALE.

MOODY'S CREDIT RATINGS AND MOODY'S PUBLICATIONS ARE NOT INTENDED FOR USE BY RETAIL INVESTORS AND IT WOULD BE RECKLESS FOR RETAIL INVESTORS TO CONSIDER MOODY'S CREDIT RATINGS OR MOODY'S PUBLICATIONS IN MAKING ANY INVESTMENT DECISION. IF IN DOUBT YOU SHOULD CONTACT YOUR FINANCIAL OR OTHER PROFESSIONAL ADVISER.

ALL INFORMATION CONTAINED HEREIN IS PROTECTED BY LAW, INCLUDING BUT NOT LIMITED TO, COPYRIGHT LAW, AND NONE OF SUCH INFORMATION MAY BE COPIED OR OTHERWISE REPRODUCED, REPACKAGED, FURTHER TRANSMITTED, TRANSFERRED, DISSEMINATED, REDISTRIBUTED OR RESOLD, OR STORED FOR SUBSEQUENT USE FOR ANY SUCH PURPOSE, IN WHOLE OR IN PART, IN ANY FORM OR MANNER OR BY ANY MEANS WHATSOEVER, BY ANY PERSON WITHOUT MOODY'S PRIOR WRITTEN CONSENT.

All information contained herein is obtained by MOODY'S from sources believed by it to be accurate and reliable. Because of the possibility of human or mechanical error as well as other factors, however, all information contained herein is provided "AS IS" without warranty of any kind. MOODY'S adopts all necessary measures so that the information it uses in assigning a credit rating is of sufficient quality and from sources MOODY'S considers to be reliable including, when appropriate, independent third-party sources. However, MOODY'S is not an auditor and cannot in every instance independently verify or validate information received in the rating process or in preparing the Moody's Publications.

To the extent permitted by law, MOODY'S and its directors, officers, employees, agents, representatives, licensors and suppliers disclaim liability to any person or entity for any indirect, special, consequential, or incidental losses or damages whatsoever arising from or in connection with the information contained herein or the use of or inability to use any such information, even if MOODY'S or any of its directors, officers, employees, agents, representatives, licensors or suppliers is advised in advance of the possibility of such losses or damages, including but not limited to: (a) any loss of present or prospective profits or (b) any loss or damage arising where the relevant financial instrument is not the subject of a particular credit rating assigned by MOODY'S.

To the extent permitted by law, MOODY'S and its directors, officers, employees, agents, representatives, licensors and suppliers disclaim liability for any direct or compensatory losses or damages caused to any person or entity, including but not limited to by any negligence (but excluding fraud, willful misconduct or any other type of liability that, for the avoidance of doubt, by law cannot be excluded) on the part of, or any contingency within or beyond the

control of, MOODY'S or any of its directors, officers, employees, agents, representatives, licensors or suppliers, arising from or in connection with the information contained herein or the use of or inability to use any such information.

NO WARRANTY, EXPRESS OR IMPLIED, AS TO THE ACCURACY, TIMELINESS, COMPLETENESS, MERCHANTABILITY OR FITNESS FOR ANY PARTICULAR PURPOSE OF ANY SUCH RATING OR OTHER OPINION OR INFORMATION IS GIVEN OR MADE BY MOODY'S IN ANY FORM OR MANNER WHATSOEVER.

Moody's Investors Service, Inc., a wholly-owned credit rating agency subsidiary of Moody's Corporation ("MCO"), hereby discloses that most issuers of debt securities (including corporate and municipal bonds, debentures, notes and commercial paper) and preferred stock rated by Moody's Investors Service, Inc. have, prior to assignment of any rating, agreed to pay to Moody's Investors Service, Inc. for appraisal and rating services rendered by it fees ranging from \$1,500 to approximately \$2,500,000. MCO and MIS also maintain policies and procedures to address the independence of MIS's ratings and rating processes. Information regarding certain affiliations that may exist between directors of MCO and rated entities, and between entities who hold ratings from MIS and have also publicly reported to the SEC an ownership interest in MCO of more than 5%, is posted annually at www.moody.com under the heading "Investor Relations — Corporate Governance — Director and Shareholder Affiliation Policy."

For Australia only: Any publication into Australia of this document is pursuant to the Australian Financial Services License of MOODY'S affiliate, Moody's Investors Service Pty Limited ABN 61 003 399 657AFSL 336969 and/or Moody's Analytics Australia Pty Ltd ABN 94 105 136 972 AFSL 383569 (as applicable). This document is intended to be provided only to "wholesale clients" within the meaning of section 761G of the Corporations Act 2001. By continuing to access this document from within Australia, you represent to MOODY'S that you are, or are accessing the document as a representative of, a "wholesale client" and that neither you nor the entity you represent will directly or indirectly disseminate this document or its contents to "retail clients" within the meaning of section 761G of the Corporations Act 2001. MOODY'S credit rating is an opinion as to the creditworthiness of a debt obligation of the issuer, not on the equity securities of the issuer or any form of security that is available to retail clients. It would be dangerous for "retail clients" to make any investment decision based on MOODY'S credit rating. If in doubt you should contact your financial or other professional adviser.

For Japan only: MOODY'S Japan K.K. ("MJKK") is a wholly-owned credit rating agency subsidiary of MOODY'S Group Japan G.K., which is wholly-owned by Moody's Overseas Holdings Inc., a wholly-owned subsidiary of MCO. Moody's SF Japan K.K. ("MSFJ") is a wholly-owned credit rating agency subsidiary of MJKK. MSFJ is not a Nationally Recognized Statistical Rating Organization ("NRSRO"). Therefore, credit ratings assigned by MSFJ are Non-NRSRO Credit Ratings. Non-NRSRO Credit Ratings are assigned by an entity that is not a NRSRO and, consequently, the rated obligation will not qualify for certain types of treatment under U.S. laws. MJKK and MSFJ are credit rating agencies registered with the Japan Financial Services Agency and their registration numbers are FSA Commissioner (Ratings) No. 2 and 3 respectively.

MJKK or MSFJ (as applicable) hereby disclose that most issuers of debt securities (including corporate and municipal bonds, debentures, notes and commercial paper) and preferred stock rated by MJKK or MSFJ (as applicable) have, prior to assignment of any rating, agreed to pay to MJKK or MSFJ (as applicable) for appraisal and rating services rendered by it fees ranging from JPY200,000 to approximately JPY350,000,000. MJKK and MSFJ also maintain policies and procedures to address Japanese regulatory requirements.

COUNCIL ACTION FORM

SUBJECT: URBAN REVITALIZATION TAX ABATEMENT REQUEST FOR 2320 LINCOLN WAY

BACKGROUND:

In accordance with Chapter 404 of the Code of Iowa, the City Council has established Urban Revitalization Areas (URAs) with Plans specifying standards for types and elements of physical improvements that provide public benefits. When property within one of these URAs is developed, redeveloped, rehabilitated, or remodeled, the property owner is eligible for abatement of property taxes on the incremental increase in property value after the improvements are completed. This abatement can extend for three, five or ten years, based on the individual Urban Revitalization Plan approved by Council.

Property owners within an approved URA may apply for tax exemption for a complete project or preapproval for project that is planned to be built. **The City must determine if the completed improvements meet the standards in the Urban Revitalization Plan in order to grant tax abatement and forward the determination to the Assessor.** If the project complies with the criteria, it must be approved for tax abatement.

The Gilbane Development Company is seeking final approval of their mixed-use project with the fulfillment of the fixed window requirement along Lincoln Way. Gilbane received pre-approval on October 13th of an alternative method of meeting the fixed windows requirement by applying an epoxy sealant to the windows. Gilbane completed this work in November and representatives from the Police Department did a spot check of units in the building and were satisfied they had met the fixed window requirement. Staff had previously completed a site inspection and found the site to substantially comply with the Campustown criteria.

The overall project consists of approximately 5,300 square feet of commercial space, 96 apartment units totaling 320 beds, and structured and surface parking. Gilbane estimates cost of the project at \$12,470,000. The estimate is based on construction cost or sales price provided by the property owner and may not be the same as the added property value upon which the abatement is based. The applicant indicates they will choose the 10-year abatement option.

ALTERNATIVES:

1. The City Council can approve the request for approval of tax exemption for the mixed use project located at 2320 Lincoln Way, if it finds that it substantially conforms to the Campustown Urban Revitalization Area Criteria, as adopted by the City Council.

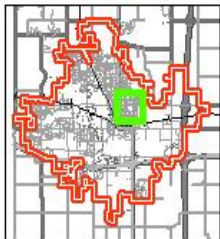
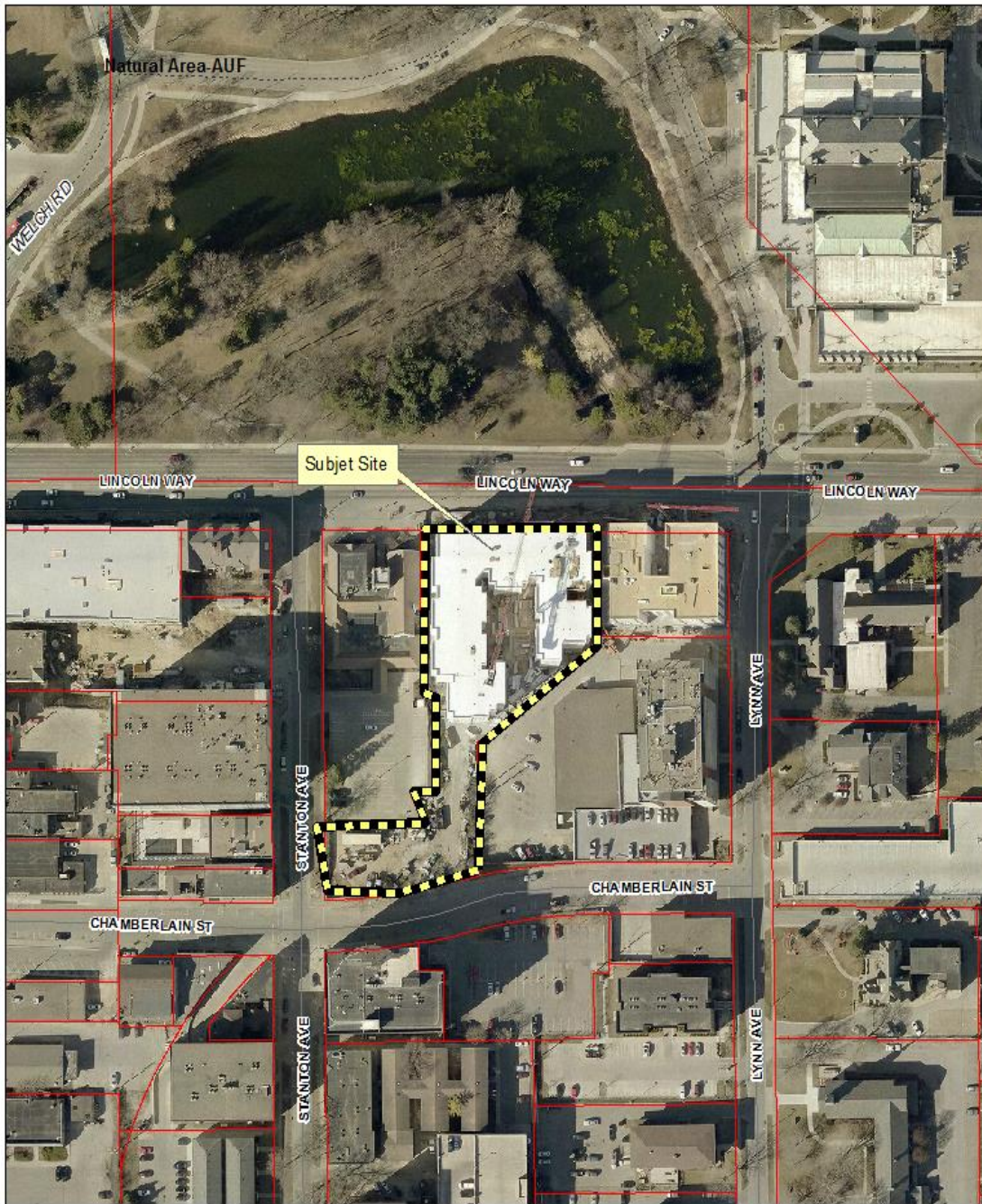
2. The City Council can deny the request for approval of tax exemption for the mixed use project located at 2320 Lincoln Way, if it finds that the improvements are not in conformance with the Campustown Urban Revitalization Area Criteria, as adopted by the City Council. If denied, the applicant may make modifications to the project to meet the criteria and submit a new request for tax abatement.

MANAGER'S RECOMMENDED ACTION:

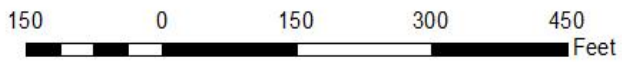
Staff has completed an on-site inspection of the improvements constructed, and finds that the work completed conforms to the Campustown Urban Revitalization Area Criteria. **With Council's final approval of the tax abatement eligibility, the site will be exempt from any changes to the URA criteria during the life of the tax abatement.** The developer is also obligated to maintain the required improvements for the life of the tax abatement schedule.

Therefore, it is the recommendation of the City Manager that the City Council accept Alternative #1, thereby approving the request for tax exemption as conforming to the Campustown Urban Revitalization Criteria. Approval of the request for tax exemption will enable the City Assessor to process tax exemption for this property and determine the value of the respective exemption.

Attachment A



2320 Lincoln Way



CAMPUSTOWN URBAN REVITALIZATION CRITERIA MATRIX

PROJECT MUST MEET CRITERIA OF ONE OF THESE COLUMNS	AND	PROJECT MUST MEET CRITERIA OF ONE OF THESE COLUMNS	OR
<p>Slum and Blighted Properties where a majority of the assessed valuation of the properties has been determined to be substantially unsafe or to have an unsafe use by the City Council.</p>	<p>Parking A minimum of 70% of the total required parking is provided in a structure. If utilizing a parking deck, the restrictions in Chapter 29.406 12 of the Municipal Code must be adhered to.</p> <p>AND</p> <p>Mixed Use The first floor must be used for permitted commercial and retail uses as shown in Table 29.803(2) of the Municipal Code. The second floor must be used for either commercial or retail uses as shown in the Table 29.803(2) or for household living. All floors above the second floor must be used for household living</p>	<p>Adaptive Reuse The building on the site was originally built before 1941.</p> <p>AND</p> <p>70% of the area of existing exterior walls of the structure will remain</p> <p>AND</p> <p>Historic materials and designs are preserved and/or restored.</p>	<p>Underrepresented Properties that are to include a business use where that actual sales of the business use is below the expected sales for the business use as determined by the City Council to be of benefit to the City (should be supported by a retail leakage study).</p>
<p>Design Standards Retail and office uses on the first floor adjacent to a public sidewalk must have direct access to the public sidewalk.</p> <p>AND</p> <p>Signage The signage design, scale, materials, and colors shall be in proportion to and consistent with the architecture of the building and support the business identity.</p> <p>AND</p> <p>Brick Material 100% of the front and 80% of the three remaining sides of the structure shall be faced with clay brick for the first four stories. On stories five through seven any other building materials except vinyl will be allowed.</p>	<p>Alternative Siding Material If historically significant - use and repair of historically appropriate siding material is permitted and must be maintained for the term of the selected tax abatement schedule.</p>	<p>OR</p>	
ALL RESIDENTIAL USES SHALL ALSO MEET THE FOLLOWING CRITERIA OR EQUIVALENT AS APPROVED BY THE CITY COUNCIL			
<ol style="list-style-type: none"> 1. Limit commercial space in the same building to the ground floor 2. Provide separate entrances for commercial and residential uses 3. Locate all residential entrances to be visible from the street and provide secure access control at each 4. Prevent access from the exterior to the interior through doors that serve only as fire exits 5. Prohibit public access to structured parking, using overhead door and secure access control 6. Provide transparent glass windows into all stairwells 7. Provide camera monitoring of all pedestrian and vehicle entrances and areas 	<ol style="list-style-type: none"> 8. Minimum widths of all exit routes: 48" for halls, 42" for doors, 60" between rails for stairs 9. No balconies are permitted 10. Provide for natural daylight requirements of applicable codes with exterior windows 11. On facades facing any street use only fixed windows 12. Design of all other windows to prevent passing of sphere larger than 4" diameter 13. Prevent by physical means access to all roofs 14. Where access is not required, provide security fencing controlling access to all areas between new or existing buildings 15. Provide a minimum of four 100 w. metal halide light fixtures on each building façade: two at elevation between first and second floors and two at elevation between third and fourth floor 		

COUNCIL ACTION FORM

**SUBJECT: AMENDMENTS TO CAMPUSTOWN URBAN REVITALIZATION PLAN
CRITERIA**

BACKGROUND:

City Council reviewed potential changes to the Campustown Urban Revitalization Plan Criteria on both June 9, 2015 and September 8, 2015. City Council directed staff to include amendments to the URA Criteria that addressed the following issues:

1. Require Non-Formula Retail uses on a sliding scale of the total commercial square footage of a project.
2. Define Non-Formula Retail as a business with 10 or less operating businesses at the time of the request for tax abatement and that it does not have the characteristics of formula retail with common elements of appearance and services.
3. Require that Non-Formula Retail tenants occupy commercial space prior to granting tax abatement approval, or with an alternative schedule approved by the City Council.
4. Change the option for Adaptive Reuse from buildings built prior to 1941 to any building that is at least 50 years in age.
5. Add criterion for design standards to limit driveways and drive-throughs.
6. Add criterion for architectural variation and interest.
7. Modify the sign program criterion to provide more clarity on its objective.
8. Clarify fixed windows does not allow for tamper proof windows.
9. Modify lighting standards to allow for LED lighting equivalent to metal halide.

Staff has also added minor changes to clarify that a small production facility (brewery) is an allowed use on the ground floor of a mixed-use building as is permitted with the CSC zoning and that front façade means all front facades of a corner building.

The proposed criteria matrix for the Campustown Urban Revitalization Plan is Attachment A. **In further detailing out the requirements for Non-Formula Retail it is important to review the appendix of Attachment A. Notably, staff has clarified how to administer the occupancy requirement. Under the staff's recommendation, Occupancy of Non-Formula Retail space will be required at the time of initial approval of tax abatement, but to be clear, that space will not be required to be**

continuously occupied during the life of tax abatement. This covers two scenarios that could arise over a 10-year tax abatement. One being the business grows after it is initially located in Campustown and exceeds the 10 location limit. Secondly, it addresses a circumstance that a business may fail and that the space could be vacant while searching for a new tenant. However, only a new Non-Formula Retail tenant could then occupy the required space reserved for Non-Formula Retail. (See Attachment A, paragraph 5)

The appendix also clarifies that to be eligible for tax abatement, that a project must be in compliance with a site development plan, have building occupancy, and maintain required features for the life of the tax abatement. An application for final tax abatement approval must include documentation from the property owner in support of a finding of compliance with the criteria.

ALTERNATIVES

1. City Council may adopt a resolution to amend the Campustown Urban Revitalization Plan with the criteria included in Attachment A.
2. City Council may direct staff to make different changes to the proposed Urban Revitalization Plan criteria or to the date of implementation.

This alternative could be supported if the City Council does not want to apply the Campustown Urban Revitalization Plan amendments to projects that are currently under construction. Currently, only the Edge project at 2311 Chamberlain is under construction in this Urban Revitalization Area.

MANAGER'S RECOMMENDED ACTION:

Council previously gave staff direction on drafting amendments to the criteria and asked staff to bring these amendments back for Council approval once the 2320 Lincoln Way project had resolved its status for tax abatement eligibility. The 2320 Lincoln Way project is a separate item on this same agenda and the property owner now seeks the project's final approval for tax abatement. If Council grants final approval of the 2320 Lincoln Way project, it would be exempt from the proposed amendments. All projects seeking final tax abatement approval after December 8th would be subject to any amendments approved by Council.

Staff believes that the amendments shown in Attachment A encompass all of Council's previous direction regarding non-formula retail, adaptive reuse, architectural standards, driveway limitations, signage, windows, and lighting. Staff has also included an appendix to the criteria matrix to help define the City's standards and expectations for compliance with the criteria.

Council gave permission to staff to write additional design language into the criteria to ensure that there is architectural variation and interest that exceed the minimum brick material requirements within the criteria. However, because of the inherent level of discretion implied through guidelines and the need for certainty by developers, staff believes that the new standards for architecture and driveways may necessitate that

applicants more frequently seek pre-approval of their projects by Council and not just rely upon staff approval of site plans to meet the criteria. The alternative to having the standards in the Plan's criteria would be to include them as part of the zoning standards for site development plan review by staff. If the guidelines and driveway limits were in the zoning standards, then Council would not review the design as part of a project's Urban Revitalization Plan consistency determination.

The most difficult element of the proposed amendments has been the language regarding occupancy of the non-formula retail spaces prior to receiving tax abatement. Staff has received verbal comments from two Campustown developers that expressed some concern about finding qualifying tenants on the schedule required to receive tax abatement. The final language does allow for Council to approve an alternative schedule for tenancy, but there is still risk in the eyes of developers on approval of an alternative schedule.

Therefore, it is the recommendation of the City Manager that the City Council approve Alternative #1 thereby adopting the amendment to the Campustown Urban Revitalization Plan with the criteria included in Attachment A.

CAMPUSTOWN URBAN REVITALIZATION PLAN - Criteria for Renovation or New Construction

(A)

Project must meet one criterion of three options from Column (A).

(1) Slum and Blighted

Properties where a majority of the assessed valuation has been determined to be substantially unsafe or to have an unsafe use by the City Council.

-OR-

(2) Parking & Mixed Use

- A minimum of 70% of the total required parking is provided in a structure. If utilizing a parking deck, the restrictions in Chapter 29.406(12) of the Municipal Code must be adhered to.

and

- The first floor must be used for permitted commercial and retail uses as shown in Table 29.809 (2) of the Municipal Code or for a small production facility. The second floor must be used for either commercial or retail uses as shown in Table 29.809 (2) or for household living. All floors above the second floor must be used for household living.

-OR-

(3) Adaptive Reuse

- The building on the site is at least 50 years or older.

and

- 70% of the area of existing walls of the structure will remain.

and

- Historic materials and designs are preserved and/or restored.

(B)

Project must meet one criterion of two options from Column (B).

(1) Underrepresented

Properties that are to include a business use where that actual sales of the business use is below the expected sales for the business use as determined by the City Council to be of benefit to the City.

-OR-

(2) Design Standards

- Retail and office uses on the first floor adjacent to a public sidewalk must have direct access to the public sidewalk.

and

- Buildings greater than 3-stories shall include architectural features that create visual interest and variation in building design by differentiating building façade elements and include visual relief for long facades.

and

- Approval of master sign program by the Planning and Housing Director with signage designs that are complimentary to the building design and supports business identity

and

- Limit driveways along Lincoln Way and Welch Avenue if alternative means of access are available. No drive-troughs are allowed along the Lincoln Way and Welch Avenue.

and

- 100% of the front facades and 80% of the remaining sides of the structure shall be faced with clay brick for the first four stories. On stories five through seven any other building materials except vinyl will be allowed. -OR- An adaptive reuse project(A3) may use siding materials that are historically significant for all stories of a building.

(C)

All commercial development must provide space for Non-Formula Retail (NFR) as described below.

The square foot area required for NFR corresponds to the total commercial development square footage:

Total commercial square footage	Minimum NFR
0 - 2,499	none
2,500 - 4,999	1,000
5,000 - 9,999	2,200
10,000 - 14,999	3,700
15,000 - 24,999	6,000
25,000 +	7,500

All minimum NFR square footage must be occupied by a NFR tenant at the time of application for the first year of tax abatement approval, unless an alternative schedule for tenant occupancy has been approved by City Council.

Non-Formula Retail means ten or less independent or formula businesses that are in operation prior to receiving final approval of tax abatement. Real estate offices are not considered to be a non-formula retail business. (see appendix for full definition of Non-Formula Retail)

(D)

All residential uses shall also meet the following criteria or equivalent as approved by City Council.

- Limit commercial space in the same building to the ground floor.
- Provide separate entrances for commercial and residential uses.
- Residential entrances are visible from the street and provide secure access.
- Prevent access from the exterior to the interior through doors that serve only as fire exits.
- Prohibit public access to structured parking, using overhead door and secure access control.
- Provide transparent glass windows into all stairwells.
- Provide camera monitoring of all pedestrian and vehicle entrances and areas.
- Minimum widths of all exit routes: 48" for halls, 42" for doors, 60" between rails for stairs.
- No balconies are permitted.
- Provide for natural daylight requirements of applicable codes with exterior windows.
- On facades facing any street use only fixed windows, note modified tamper resistant windows do not comply.
- Design of all other windows to prevent passing of sphere larger than 4" diameter.
- Prevent by physical means access to all roofs.
- Where access is not required, provide security fencing controlling access to all areas between new or existing buildings.
- Provide a minimum of four 100w metal halide or LED 6,500 lumens light fixtures on each building façade: two at elevation between first and second floors and two at elevation between third and fourth floor.

Campustown URA Criteria Appendix

1. All Projects must comply with an option from both column A and column B and all of the requirements of column C. Additionally, projects with residential uses must also comply with all requirements of column D.
2. Projects requesting final tax abatement approval must be compliant with an approved Site Development Plan and have received a certificate of building occupancy from the City of Ames Inspection Division.
3. All features incorporated into a project to meet URA criteria must be maintained for the life of the tax abatement.
4. Applications for final tax abatement approval must include supporting documentation for each of the relevant criteria.
5. Non-Formula Retail space must be occupied at the time of initial final tax abatement approval by a tenant(s) that meets the definitions below. Once tax abatement has been granted, the initial NFR tenant(s) will be deemed to conform to the NFR definition for the full term of occupancy of the NFR required square footage, regardless of if the business grows and exceeds the NRF limitation on the number of establishments. If the NRF square footage or portion of the square footage becomes vacant during the life of the tax abatement schedule, it only may be reoccupied by a NFR tenant. A project will continue to conform to the URA Criteria during the marketing and leasing of vacant NFR space after the initial occupancy of the NFR space.

Non-Formula Retail (NFR) is defined as an Office, Trade, or small production facility use that does not meet the definition of Formula Retail. A NFR business must have 9 or less operating locations and the proposed Campustown location can be number 10 at the time of tax abatement approval.

Formula Retail is defined as a use that is an Office or Trade Use described in Article V of Chapter 29 Zoning Ordinance of the City of Ames Municipal Code that provides a standardized array of services or goods or contractually branded good or services that makes it substantially similar to 11 or more (including the proposed new location) other businesses located in the United States of America, regardless of ownership or operation, with at least one of the following additional traits of standard employee uniforms, architectural décor, façade appearance, trademarks, signage, menu, or similar standardized features so as make it nearly identical to another business. Real estate or leasing offices of any type are included as Formula Retail regardless of the number of locations. Examples of formula business can include company owned business locations, individual franchise locations, branch locations, etc.

A request for final tax abatement approval must include a list of tenants within the project and evidence supporting a determination finding a tenant to meet the NFR definition.

6. Architectural Design Guidelines:

The intent of this criterion is to promote building variation appearance within Campustown. The relative scale of new buildings can lead to similar building appearances due to construction techniques, uniform roof lines, and long building lengths; whereas, Campustown historically had diversity in building appearance and scale.

Visual interest of a building means incorporating architectural features that define buildings elements, such as the base, middle, and top of a building. Appropriate architectural features can include window details, brick and material color variations that highlight building elements and support building identity, parapets, or expressive storefront glazing systems.

Variation and Relief means building offsets that affect the apparent massing of the building at the ground level or for upper stories. For example, a uniform storefront at the base of building may have upper floor relief with a courtyard or changes in façade planes, alternatively, the lower levels of the building may have the appearance of multiple facades with a building offset that differentiates the façades and has a minimum depth of 6 inches. Recessed storefronts creating outdoor usable space at the ground floor can also provide variation and relief. The degree of needed facade relief will correspond to the scale of the building and length of the facade to achieve the desired effect of the URA criteria. Long facades are generally in excess of 60 feet, substantially longer façades may necessitate additional elements of relief.

7. Master Sign Program

Sign program details in the plan shall include the style of signs (blade, channel letters, etc.) location of signs, size and scale, lighting details, method of attachment to buildings.

Signage shall be orientated to the pedestrian level, internal illuminated cabinet signs with white or light color backgrounds are prohibited, channel letters should be affixed directly to the building without a visible raceway or have a backing panel that covers a creating the appearance of an overall sign face. Preferred signage would be decorative in appearance through its use of sign face materials, design, lighting, and style of signage.

In consideration of approval of the Sign Program, the Planning Director will review the Campustown Idea Book signage guidelines, scale of signage and location in relation to the building features, and lighting type. Once a sign program is approved, individual sign permits must be consistent with the sign program.

ITEM # 14
Date: 10/13/15

COUNCIL ACTION FORM

SUBJECT: PARKING REGULATIONS (NEW OR EXTENDED STREETS)

BACKGROUND:

When new or recently extend streets are completed in developing residential subdivisions, the wording of the Municipal Code's Parking Ordinance (Section 18) must be updated to reflect these new streets. The following list will bring those street segments into compliance with standard City parking regulations where parking is allowed on one side of the street:

New Streets:

Aberdeen Drive – Parking is prohibited at all times on the north and east sides.

Aldrin Avenue – Parking is prohibited at all times on the east side.

Allerton Drive – Parking is prohibited at all times on the north side.

Bellflower Drive – Parking is prohibited at all times on the east side.

Brighton Circle – Parking is prohibited at all times on the west side.

Cartier Avenue – Parking is prohibited at all times on the east side.

Street Extensions:

Coy Street – Parking is prohibited at all times on the north side.

Dotson Drive – Parking is prohibited at all times on the east side; and on the west side from Lincoln Way to Baughman Road, and from Harris Street to the southern end of Dotson Drive.

Typical streets within Ames subdivisions are designed to minimize impervious impacts and ongoing infrastructure cost, while providing a safe transportation environment. Thus, parking is only allowed on one side of the street in order to maintain two-way traffic and provide adequate space for emergency vehicle access.

ALTERNATIVES:

1. Direct the City Attorney to draft an ordinance to change Municipal Code Section 18.31 to codify the parking regulations noted above.
2. Direct staff to leave the parking ordinance section unchanged.

MANAGER'S RECOMMENDED ACTION:

These modifications to the Municipal Code will provide standard parking regulations on the aforementioned streets.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby directing the City Attorney to draft an ordinance to change parking regulations as specified above.

ORDINANCE NO.

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY AMENDING SECTION 18.31 (63) AND 18.31 (72) AND ENACTING NEW SECTIONS 18.31 (365), (366), (367), (368), (369) AND (370) THEREOF, FOR THE PURPOSE OF SETTING PARKING REGULATIONS FOR NEW AND/OR EXTENDED STREETS ; 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 amending Section 18.31 (63) and 18.31 (72) and Enacting New Sections 18.31 (365), (366), (367), (368), (369) and (370) as follows:

“Sec. 18.31. REGULATIONS FOR SPECIFIC STREETS OR LOCATIONS.

...

(63) **COY STREET.** Parking is prohibited at all times on the north side

...

(72) **DOTSON DRIVE.** Parking is prohibited at all times on the east side; and on the west side from Lincoln Way to Baughman Road, and from Harris Street to the southern end of Dotson Drive.

...

(365) **ABERDEEN DRIVE.** Parking is prohibited at all times on the north and east sides.

(366) **ALDRIN AVENUE.** Parking is prohibited at all times on the east side.

(367) **ALLERTON DRIVE.** Parking is prohibited at all times on the north side.

(368) **BELLFLOWER DRIVE.** Parking is prohibited at all times on the east side.

(369) **BRIGHTON CIRCLE.** Parking is prohibited at all times on the west side.

(370) **CARTIER AVENUE.** Parking is prohibited at all times on the east side.”

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