

AGENDA
SPECIAL MEETING OF THE AMES CITY COUNCIL
COUNCIL CHAMBERS - CITY HALL
MARCH 21, 2017

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. Resolution approving Remote Parking Agreement for 114 S. Duff Avenue
2. Resolution approving Change Order No. 16 with Knutson Construction for New Water Treatment Plant Contract 2

ORDINANCES:

3. Second passage of ordinance to clarify Mixed-Use Parking Standards for Downtown and Campustown
4. Second passage of ordinance relating to child care as a home occupation

WORKSHOP:

5. Discussion of high-speed internet service in Ames:
 - a. Presentation of plans by internet service providers to serve the community
 - b. Questions
6. Discussion of public parking and public gathering space for the Welch/Chamberlain/Hayward interior space in Campustown:
 - a. Discussion with stakeholders on intentions for projects that could affect the space

COUNCIL COMMENTS:

CLOSED SESSION:

7. Motion to hold Closed Session as provided by Section 21.5(1)c, *Code of Iowa*, to discuss matters presently in or threatened to be in litigation

ADJOURNMENT:

COUNCIL ACTION FORM

SUBJECT: REMOTE PARKING AGREEMENT FOR 114 SOUTH DUFF AVENUE

BACKGROUND:

The applicant for a new restaurant located at 114 South Duff Avenue has requested approval of a minor site development plan that necessitates use of remote parking on adjoining properties at 113 and 117 Sumner Avenue. (see Attachment A - Location Map). The existing building is a nonconforming building for setbacks and the former use as a restaurant was non-conforming for on-site parking as well. **The former restaurant use previously relied upon the 113 and 117 Sumner Avenue properties for parking, as is proposed with the new restaurant, but the remote parking had not been approved by the City Council previously.**

The current restaurant building includes 5,062 square feet of gross floor area that will be partially demolished and reconstructed for the new restaurant use. The reconstructed building also will include an additional 915 square feet for a total of 5,977 square feet of gross floor area. The increase in square footage necessitates the review of the parking and the need for approval of the requested remote parking agreement.

The minimum required parking for a “sit-down” restaurant is nine parking spaces per 1,000 square feet of gross floor area. A minimum of 54 parking spaces are required for the proposed restaurant. The property at 114 S. Duff Avenue can accommodate 17 parking spaces. The applicant needs an additional 37 parking spaces off-site to meet the minimum parking requirements. Two properties, located at 113 and 117 Sumner Avenue, can be utilized to provide an additional 44 parking spaces, through approval of a Remote Parking Agreement by the City Council. The 44 remote spaces would result in a total of 61 spaces available as customer parking for the restaurant. These are seven more parking spaces than are required for the proposed restaurant.

Ames Municipal Code Section 29.406(18) allows for remote parking to satisfy required parking needed in the Highway Oriented Commercial (HOC) zoning district, subject to City Council approval. **The Municipal Code requires that parking be within 300 feet of the subject site and a written agreement be signed that identifies the required amount of parking for the principal use and is reserved exclusively for the use.** When reviewing the proposal for remote parking, the City also assesses the convenience and use of the area for remote parking as meeting the City’s development standards.

The proposed remote parking site is across the alley, east of the restaurant site, which is 16 feet from the subject property. The applicant proposes to reuse the current parking lot in its existing condition. The current parking lot is non-conforming in terms of its

layout and landscaping. Such non-conformities are permitted to continue as “other conformities” and are not required to be eliminated with reuse of the existing parking lots. Staff will condition the minor site development plan approval associated with the remote parking request to have the existing landscape planters refreshed with new landscaping materials. However, no dimensional changes to the planter areas or parking stalls are required with the minor site development plan.

The parking spaces at 113 and 117 Sumner Avenue were used by the customers of the former restaurant on the subject property, without the required Remote Parking Agreement. All three properties are owned by Quam Family Properties LLC. Therefore, parking is available and the owner is reserving exclusive use of the parking spaces by the owners, tenants, customers, invitees and permittees of the restaurant parcel, for the parking of motor vehicles, and for no other use, without the City’s prior consent (see *Attachment B - Site Plan/Remote Parking at 113 & 117 Sumner Ave.*). The applicant has signed the Remote Parking Agreement that specifies the location of the spaces, number of spaces, and the terms of the Agreement.

ALTERNATIVES:

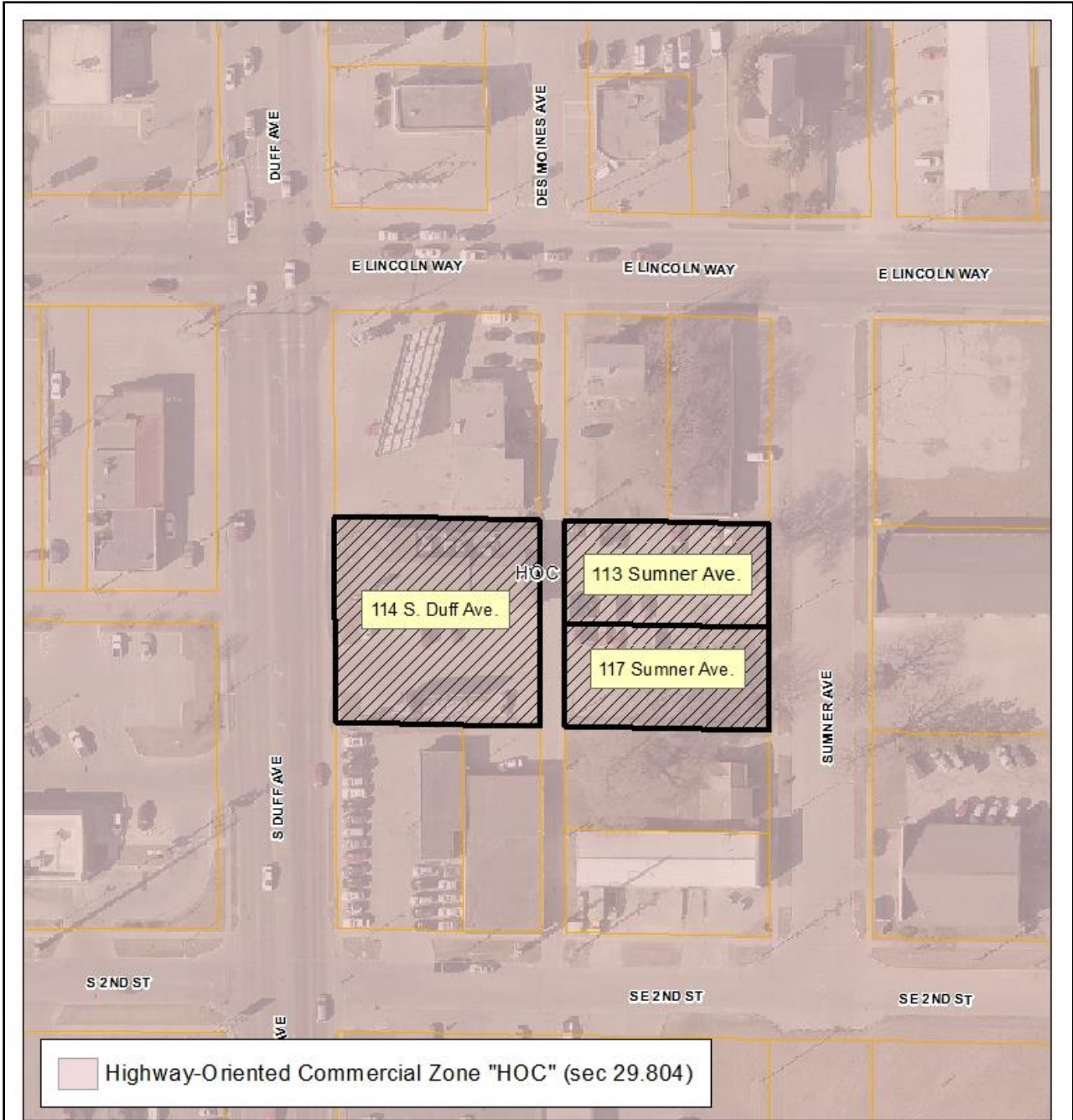
1. The City Council can approve the “Remote Parking Agreement” to provide required parking at 113 and 117 Sumner Avenue for the proposed restaurant at 114 S. Duff Avenue.
2. The City Council can deny the “Remote Parking Agreement” to provide required parking at 113 and 117 Sumner Avenue for the proposed restaurant at 114 S. Duff Avenue.
3. The City Council can refer this item to staff or the applicant for further information.

MANAGER'S RECOMMENDED ACTION:

City staff approval of a Minor Site Development Plan for the proposed restaurant site requires that a minimum number of parking spaces be provided to meet development standards. The proposal to use the parcels located at 113 and 117 Sumner Avenue, as remote parking, meets the standards in the Zoning Ordinance for remote parking, and for the minimum number of parking spaces required for the restaurant use of the site at 114 S. Duff Avenue. The parking is in close proximity to the use and has traditionally been used to serve the same property. The required ADA accessible parking spaces are included on site with the restaurant and are not included within the area of the remote parking.

Therefore, it is the recommendation of the City Manager that the City Council approve Alternative #1, thereby approving the attached Remote Parking Agreement to provide required parking at 113 and 117 Sumner Avenue for the proposed restaurant at 114 S. Duff Avenue.

**ATTACHMENT A
Location Map**



**Location & Zoning Map
114 S. Duff Ave.
113 & 117 Sumner Ave.**



ATTACHMENT B

Site Plan for 114 S. Duff Avenue/Remote Parking at 113 & 117 Sumner Ave.



BOLTON & MENK 277 PARKWAY S.E. SUITE 3000 ATLANTA, GA 30316 PH: 404.525.1800 WWW.BOLTONMENK.COM		PETE POEPPING ARCHITECT/PLANNER PARKING LAYOUT & GEOMETRICS	
DATE:	NOV 2022	PROJECT NO:	114 S. DUFF
DRAWN BY:	JAY W. MOSE	SCALE:	AS SHOWN
CHECKED BY:		DATE:	
SHEET NO.: 4 OF 5 114 S. DUFF AVENUE		PROJECT NO.: 114 S. DUFF	

TYPE OF DOCUMENT:

Remote Parking Agreement

PREPARER INFORMATION:

Rinke Noonan (HAM)
1015 West St. Germain, Suite 300
P.O. Box 1497
St. Cloud, MN 56302-1497
(320) 251-6700
File No. 16866-0004

RETURN DOCUMENT TO:

Rinke Noonan
Attn: Scott Hamak
1015 West St. Germain, Suite 300
P.O. Box 1497
St. Cloud, MN 56302-1497
(320) 251-6700

REMOTE PARKING AGREEMENT

Quam Family Properties, LLC (“**Quam**”) makes this Remote Parking Agreement (this “**Agreement**”) in favor of the **City of Ames, Iowa** (the “**City**”) effective as of March __, 2017.

RECITALS

- A. Quam owns real estate located at 114 South Duff Avenue in the City of Ames, Story County, Iowa described as follows (the “**Restaurant Parcel**”):

All of Lots Five (5) and Eight (8), all in Block One (1), Kingsbury’s First Addition (A/K/A Kingsbury’s Addition), Ames, Story County, Iowa, more particularly described as follows:

Beginning at the northwest corner of said Lot Five; thence S89°02’07”E, 130.11 feet along the north line of said Lot Five; thence S00°20’25”E, 66.40 feet along the east line of said Lot Five; thence continuing S00°20’25”E, 66.39 feet along the east line of said Lot Eight; thence N89°12’34”W, 129.30 feet along the south line of said Lot Eight; thence N00°41’13”W, 66.60 feet along the west line of said Lot Eight; thence continuing N00°41’13”W, 66.60 feet along the west line of said Lot Five to the point of beginning.

- B. Quam also owns real estate located at 113 Sumner Avenue in the City of Ames, Story County, Iowa described as follows (the “**113 Parcel**”):

Lot 6 in Block One (1) of Kingsbury’s First Addition of the NW 1/4 of the NW 1/4 of Section 11-T83N-R24W of the 5th P.M., in the City of Ames, Iowa.

- C. Quam also owns real estate located at 117 Sumner Avenue in the City of Ames, Story County, Iowa described as follows (the “**117 Parcel**”) (the 113 Parcel and the 117 Parcel are collectively referred to as the “**Parking Parcels**”):

Lot 7 in Block One (1) of Kingsbury’s First Addition of the NW 1/4 of the NW 1/4 of Section 11-T83N-R24W of the 5th P.M., in the City of Ames, Iowa.

- D. Quam is required to provide sufficient parking for the tenants of the Restaurant Parcel, and the Restaurant Parcel does not have sufficient parking for such tenants as required by the City's regulations.
- E. To meet the City's off-street parking requirements for the Restaurant Parcel, Quam desires to provide that all of the parking spaces (the "**Parking Spaces**") located on the Parking Parcels (consisting of 25 parking spaces on the 113 Parcel and 19 parking spaces on the 117 Parcel) be for the exclusive use of the Restaurant Parcel.
- F. The City is willing to allow Quam to utilize the Parking Spaces on the Parking Parcels to meet the City's off-street parking requirements for the Restaurant Parcel.

For good and valuable consideration, the receipt and sufficiency of which Quam acknowledges, Quam agrees as follows:

1. **Exclusive Parking.** All of the Parking Spaces located on the Parking Parcels shall be for the exclusive use and enjoyment of the Restaurant Parcel, and the owners, tenants, customers, invitees and permittees of the Restaurant Parcel, for the parking of motor vehicles and for no other use without the City's prior consent.
2. **Termination.** If Quam desires to terminate this Agreement, prior to termination Quam shall provide sufficient alternative parking approved by the City and shall give the City written notice at least ten (10) days prior to recording a termination of this Agreement.
3. **Nature of Agreement.** This Agreement shall run with the land and shall bind upon Quam and its successors and assigns.

(Signature Page to Follow)

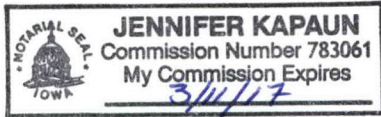
QUAM FAMILY PROPERTIES, LLC

By Jerry Quam M.D.
Its MANAGING PARTNER

STATE OF Iowa)
) SS
COUNTY OF Story)

On this 8th day of March, 2017, before me, a Notary Public for this County, personally appeared Jerry Quam, who, being by me duly sworn, did say that s/he is the managing partner of Quam Family Properties, LLC, and that this instrument was signed on behalf of said limited liability company by authority of its Members and acknowledged said instrument to be the free act and deed of said limited liability company.

[Signature]
Notary Public



APPROVED AS TO FORM
BY Judy K. Parks
JUDY K. PARKS
CITY ATTORNEY

COUNCIL ACTION FORM

SUBJECT: NEW WATER PLANT CHANGE ORDER NO. 16 – CONTRACT 2

BACKGROUND:

The new Water Treatment Plant project is budgeted to wrap up in the current fiscal year. Table 1 below shows the entire project budget, from 2008 through the mid-year budget amendments currently being considered by Council.

Table 1: Total Project Budget

	Water Fund	SRF Loan
All Prior Years	\$ 813,792	\$ 39,728,135
Current Year	706,002	29,667,686
Subtotal	\$ 1,519,794	\$ 69,395,821
Total		\$ 70,915,615

On October 14, 2014, City Council awarded a construction contract to Knutson Construction of Minneapolis, Minnesota for the City's new water treatment plant. This contract, along with all other project expenses, is summarized in Table 2.

Table 2: Total Project Costs To Date

Contract	Amount	Total
FOX Engineering		
Original Contract	\$ 8,240,000	
Change Orders 1-11	763,986	\$ 9,003,986
Contract 1: Pipeline – S.M. Hentges & Sons		
Original Contract	\$ 3,197,273	
Change Orders 1-4	54,566	\$ 3,251,839
Contract 2: Treatment Plant – Knutson Construction		
Original Contract	\$ 52,497,000	
Change Orders 1-15	902,322	\$ 53,399,322
All Other Expenses		\$ 3,163,437
(e.g., land acquisition, lime sludge disposal, environmental investigations, etc.)		
Subtotal		\$ 68,818,584
Contingency		\$ 2,097,031
Total		\$ 70,915,615

Fifteen previous change orders have been executed for Contract 2 with Knutson Construction (see the attached summary for a description of each). Additional items have been identified that need to be addressed and require a change to the contract. Knutson has provided a proposed change order for the work. Each item is described below.

- **Low voltage modifications.** Modifications are needed to accommodate the city phone system including equipment racks, changes in cable and adjusting the size of phone cabinets. **Total cost for the change is \$130,298.**

The net cost for this change order is \$130,298. It is the opinion of the consulting team that this is a fair and reasonable price for the requested changes.

The table below shows project contingency before and after approval of this change order.

Table 3: Contingency Balance

	Total
Available Contingency Before Change Order 16	\$ 2,097,031
Contract 2 Change Order 16 (this Council Action)	130,298
Remaining Project Contingency	\$ 1,966,733

There are still a number of additional changes needed for the project that will result in additional change orders to Contract 2. The contractor and consultant are working to determine appropriate pricing for these changes. As these are completed, they will appear on future change orders.

ALTERNATIVES:

1. Approve Change Order No. 16 for Contract 2 with Knutson Construction in the amount of \$130,298.
2. Do not approve the change order at this time.

MANAGER’S RECOMMENDED ACTION:

The proposed changes are to improve reliability and function of the Water Plant. The consulting engineers, City staff, and Knutson Construction have worked together to come up with reasonable, cost effective recommendations. After approving Change Order No. 16, the remaining contingency available for the project will be \$1,966,733. Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1 as described above.

**New Water Treatment Plant
Summary of Change Orders to Construction Contracts**

Contract 1: S.M. Hentges & Sons (Pipeline)

Description	Net Change
Contract 1, Change Order #1 Raw water realignment, site work, communication structure	\$ 9,256.45
Contract 1, Change Order #2 Piping changes, bypass structure changes, hydrant valves	\$ 21,687.60
Contract 1, Change Order #3 Air relief hydrants, pedestrian ramp, thrust block removal and replacement	\$ 16,974.83
Contract 1, Change Order #4 Road stone, replace lime sludge line laterals, repaint hydrants	\$ 6,647.12
Total Approved Changes to Contract 1	\$54,566.00

Contract 2: Knutson Construction (Treatment Plant)

Description	Net Change
Contract 2, Change Order #1 Sanitary Sewer Realignment	\$ 127,023.00
Contract 2, Change Order #2 Second water service line; additional gate valve; change in pipe material; manhole waterproofing.	\$ 55,634.00
Contract 2, Change Order #3 Minor plumbing changes, tree removal, minor electrical change to elevator, process valve simplification	\$ 5,457.00
Contract 2, Change Order #4 Clearwell access hatches	\$ 6,192.00
Contract 2, Change Order #5 Debris removal, analyzers, access doors, lime pond gates, structural clarifications	\$ 21,790.00
Contract 2, Change Order #6 Electrical modifications, valve floor stand, tracer wire, loss of work time	\$ 22,624.00
Contract 2, Change order #7 Piping modifications to eliminate maintenance in a confined space	\$ 8,985.00

Contract 2, Change order #8 Flooring changes, plumbing modifications, concrete construction changes, valves, concrete pad	\$ 19,341.00
Contract 2, Change order #9 Miscellaneous construction modifications and process piping adjustments	\$ 3,659.00
Contract 2, Change order #10 Service water piping rerouting	\$ 6,027.00
Contract 2, Change order #11 Glass revisions	(\$ 2,360.00)
Contract 2, Change order #12 Natural gas pressure reducing valve and concrete pad	\$ 5,211.00
Contract 2, Change order #13 Lime pond work, water service lines, interior finish selections, hose bib modifications	\$ 21,136.00
Contract 2, Change order #14 Technology revisions, building modifications, equipment relocation, hardware revisions, code requirements	\$ 564,932.00
Contract 2, Change order #15 Finished water sample system, flooring, cabinet modifications	\$ 36,671.00
Contract 2, Change order #16 Low voltage modifications	\$ 130,298.00
Total Approved Changes to Contract 2, including this request	\$ 1,032,620.00



TO: Honorable Mayor and City Council

FROM: Planning & Housing Department

DATE: March 17, 2017

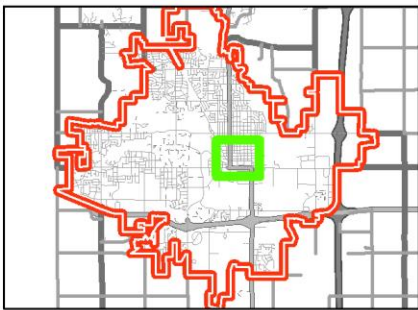
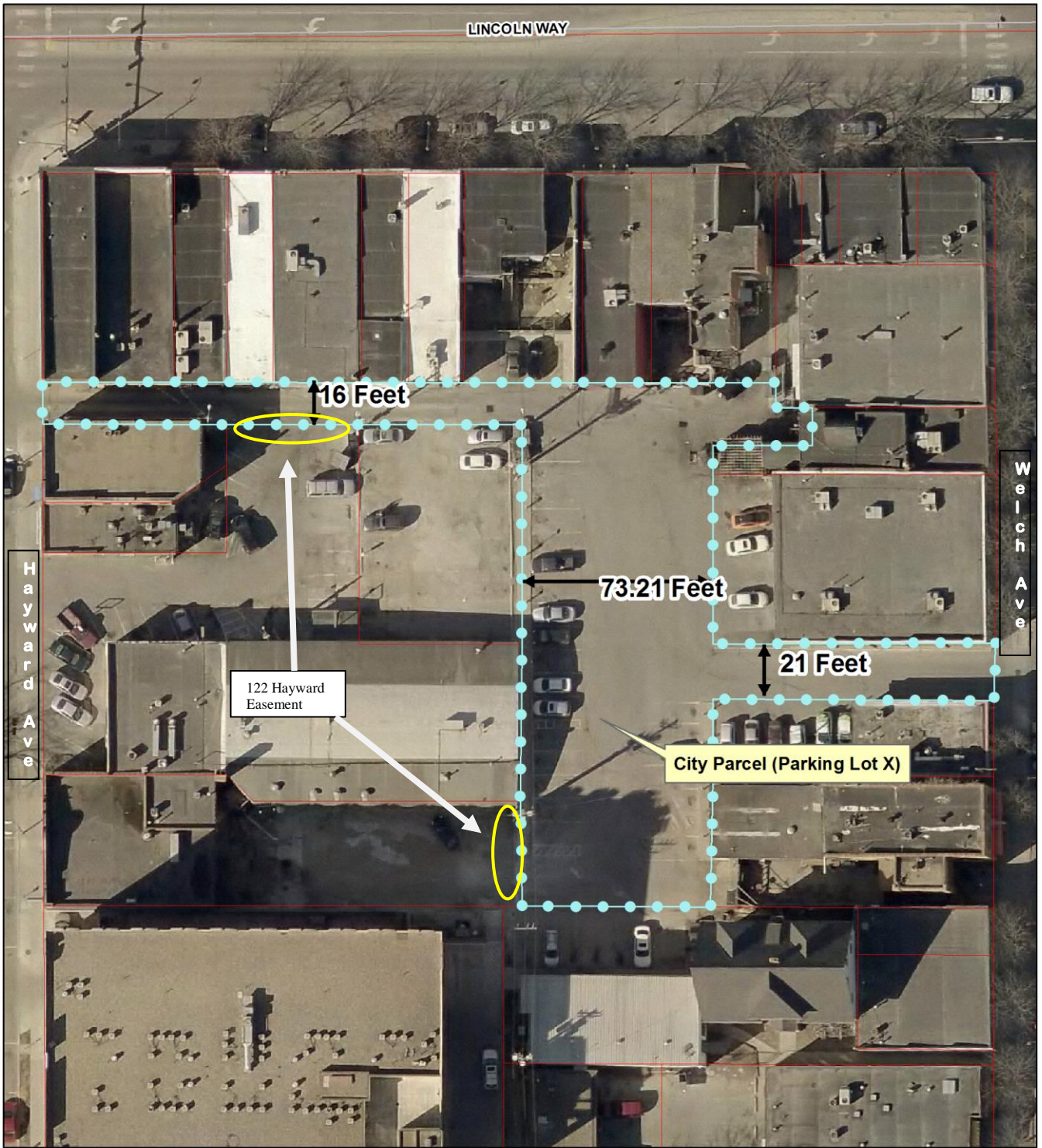
SUBJECT: City Council Workshop- Campustown Parking Lot X Discussion

In January 2017, City Council set goals, objectives, and tasks for the upcoming year, one of which included **“Plan for Public parking and public gathering space for the Welch/Chamberlain/Hayward interior space in Campustown.”** A specific task was identified to hold a workshop with property owners, Student Government, CAA, ISU and other stakeholders to share intentions for projects that could affect this space. A letter was mailed to the aforementioned inviting them to this workshop.

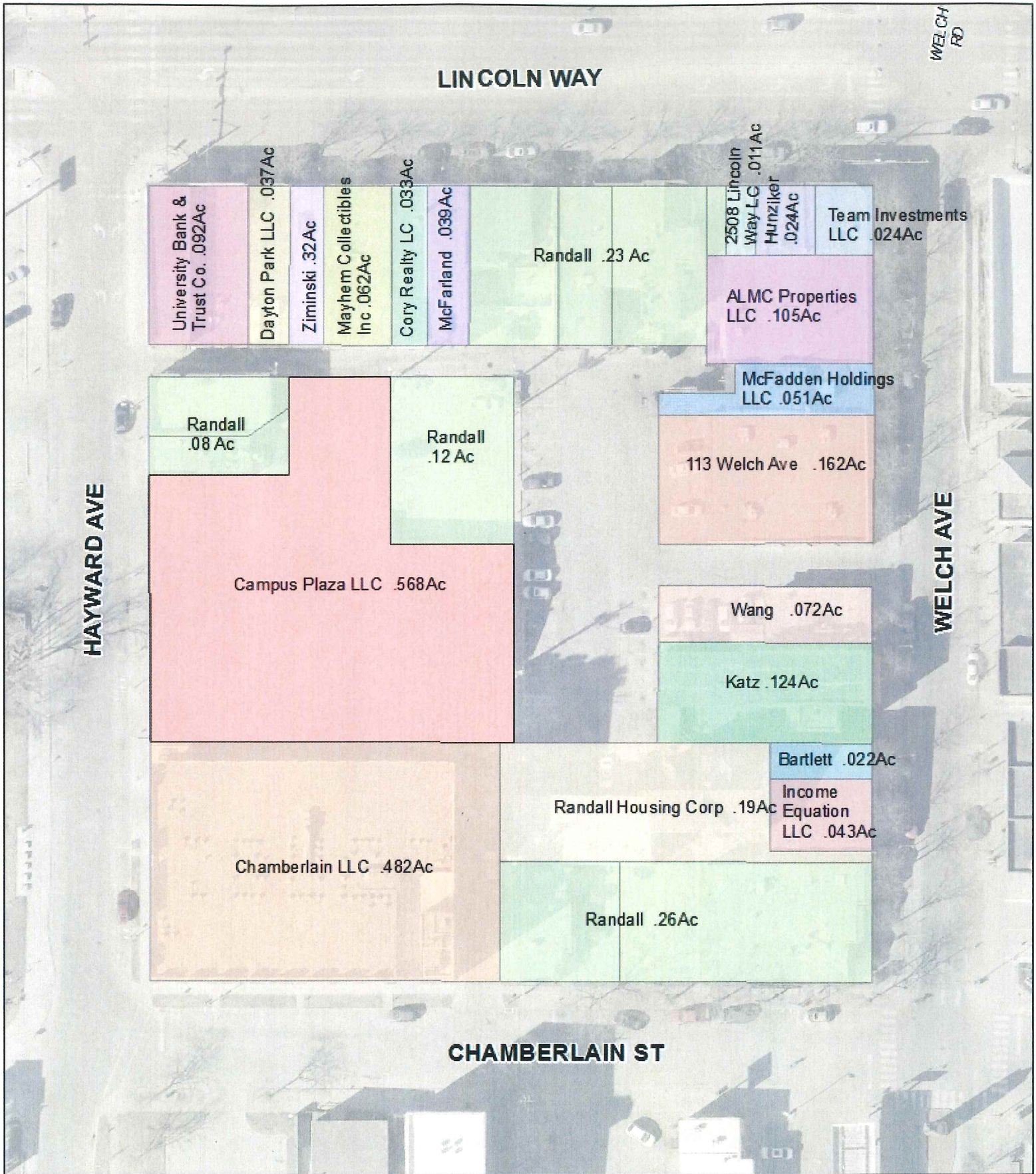
City Council indicated an interest in an open discussion about the City property and to gauge the level of interest in creating a useable and viable public open space and how might the City potentially partner with abutting property owners. The City Council was specifically interested in having an opportunity for property owners to share if they have intentions of redeveloping their properties in a manner that might encourage use of this space by potential commercial/residential tenants.

The City’s parcel is approximately .47 Acres. It currently has two-way access to Welch Avenue and a one-way exit to Hayward Avenue. The lot currently provides for service access to rear of most of the properties abutting the parcel. Additionally, the City has granted an access easement to the 122 Hayward property to allow for two driveway access points to their parking garage. The City has also granted revocable access through an agreement to parking for the Randall Cooperative Housing at 127 Welch Avenue through Lot X. Within the site there are currently 25 public parking stalls. Ames Electric has electric lines running north/south through the block and has a centrally located transformer in the area to serve the block.

Attached to this memo are a location map identifying the abutting property owners to the City’s parcel and a map outlining the dimensions of the City parcel.



City Parcel Dimensions



Property Owners By Area

