

**AGENDA**  
**MEETING OF THE AMES AREA METROPOLITAN**  
**PLANNING ORGANIZATION TRANSPORTATION POLICY COMMITTEE AND**  
**REGULAR MEETING OF THE AMES CITY COUNCIL**  
**COUNCIL CHAMBERS - CITY HALL**  
**JANUARY 9, 2018**

**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.

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

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

1. Hearing on Amendment to FY 2015-2019 Passenger Transportation Plan (PTP):
  - a. Motion approving Amendment
2. Hearing on Amendments to FY 2018-2021 Transportation Improvement Program (TIP):
  - a. Motion approving Amendment
3. Motion approving 2014-2018 Safety Performance Targets

**POLICY COMMITTEE COMMENTS:**

**ADJOURNMENT:**

**REGULAR CITY COUNCIL MEETING\***

\*The Regular City Council Meeting will immediately follow the meeting of the Ames Area Metropolitan Planning Organization Transportation Policy Committee

**PROCLAMATIONS:**

1. Proclamation for Slavery and Human Trafficking Prevention and Awareness Week, January 9-16, 2018

**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.

2. Motion approving payment of claims
3. Motion approving Minutes of Regular City Council Meetings of December 12, 2017, and December 19, 2017, and Special Meeting of January 3, 2018
4. Motion approving certification of civil service applicants
5. Motion approving Report of Contract Change Orders for December 1-15, 2017, and December 16-31, 2017
6. Motion approving renewal of the following Beer Permits, Wine Permits, and Liquor Licenses:

- a. Class B Liquor – Quality Inn & Suites, Starlite Village Conference, 2601 E. 13<sup>th</sup> Street
- b. Class C Liquor & Outdoor Service – Café Beau, 2504 Lincoln Way
- 7. Motion approving 5-day (January 27-31) Class C Liquor License for Christiani’s Events at ISU Alumni Center, 420 Beach Avenue
- 8. Motion approving 5-day (January 19-January 23) Class C Liquor License for McFly’s at the Hansen Ag Student Learning Center, 2508 Mortensen Road
- 9. Motion approving 5-day (January 20-24) Class C Liquor License for Gateway Market MLK at ISU Alumni Center, 420 Beach Avenue
- 10. Resolution approving application for procurement cards for Mayor John Haila and Council Member David Martin and setting transaction limits
- 11. Resolution approving appointment of David Martin to Ames Convention & Visitors Bureau Board of Directors
- 12. Resolution approving designation of City representatives to Central Iowa Regional Transportation Planning Alliance (CIRTPA)
- 13. Resolution setting date of public hearing for State Revolving Fund Clean Water Loan in an amount not to exceed \$1,001,000 for WPC Bar Screen Improvements
- 14. Resolution approving request from Main Street Cultural District for waiver of parking meter fees and enforcement for January Dollar Days, January 25-27, 2018
- 15. Resolution approving contract and bond for 2016/17 Storm Water Erosion Control Program (South Skunk River - Carr Park to Homewood Golf Course) - Contract A
- 16. Resolution approving Change Order No. 2 for 2015/16 & 2016/17 Seal Coat Street Pavement Improvements

**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.

**ORDINANCES:**

- 17. Third passage and adoption of ORDINANCE NO. 4332 limiting rental occupancy in single- and two-family residences
- 18. 415 Stanton Avenue (Old Crawford School) [Tabled from 12/19/17 Agenda]:
  - a. Resolution approving Contract Rezoning Agreement
  - b. Third passage and adoption of ORDINANCE NO. 4330 rezoning property at 415 Stanton Avenue from Government/Airport Zoning District (S-GA) to Residential High-Density Zoning District (RH)

**PARKS & RECREATION:**

- 19. Resolution approving/motion denying Appeal for removal of trees at 427 Lynn Avenue

**PLANNING & HOUSING:**

- 20. Staff Report on Zoning Text Amendment to allow installation of public art in front-yard setbacks:
  - a. Motion providing direction to staff
- 21. 321 State Avenue Affordable Housing Development (Old Middle School):
  - a. Resolution approving Development Agreement with JCORP, Inc.
  - b. Resolution awarding contract to Keller Excavating, Inc., of Boone, Iowa, in an amount not to exceed \$1,196,833.26 for public improvements

**HEARINGS:**

22. Hearing on rezoning of property at 3504 Grand Avenue from Residential High Density (RH) to Neighborhood Commercial (NC)
  - a. First passage of ordinance
23. Hearing on North River Valley Park Low Head Dam Improvements Project:
  - a. Motion rejecting bid

**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*.**

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

**SUBJECT: AMENDMENT TO THE AMES AREA MPO 2015 – 2019 FINAL PASSENGER TRANSPORTATION PLAN**

**BACKGROUND:**

The Federal government requires a locally-coordinated planning process for transportation issues between human/health service agencies and transportation providers. States and metropolitan planning organizations in turn, have been charged to carry out this process and as a result are required to develop a Passenger Transportation Plan (PTP). This plan provides needs-based justification for identifying passenger transportation priorities and/or strategies.

CyRide staff works on the AAMPO's behalf for this coordination with the Story County Human Service Council and the Transportation Collaboration groups. The PTP must be updated, at a minimum, every five years. The Ames Area MPO last approved their PTP in March 2014 and will be required to submit their next full PTP to the Iowa DOT in 2019. During the interim, there must be documentation of at least two coordination meetings to be submitted to the IDOT annually by July 31<sup>st</sup> of which the Ames Area MPO exceeds this requirement.

**PTP AMENDMENT INFORMATION:**

In October 2017, **HIRTA announced their plan to implement a customer service portal** where customers will be able to book their own trips online, change their account status (address, phone number, etc.), check on their trip status, pay for trips online, etc. HIRTA is implementing this for their passengers throughout their service area including Story County and the Ames area. Section 5310 federal funding from the Federal Transit Administration supports projects that improve mobility for seniors and individuals with riding in Ames and the portal will be an outstanding technological improvement, benefiting ADA Paratransit (Dial-A-Ride) customers.

**There is 5310 funding available within the existing annual Dial-A-Ride Service budget due to unspent funds from previous fiscal years, which can be used to support this one-time project implementation of the HIRTA portal.** Funding is anticipated to be drawn over a six-month period under the service agreement contract. Therefore, **no additional funding other than from 5310 is needed. The only action needed is to specifically identify the project within this plan.** No other changes are being proposed to the PTP plan.

**A comment period was opened on December 12, 2017. As of Friday, January 5, 2018, staff has not received any comments regarding the proposed amendment.**

**ALTERNATIVES:**

1. Approve the amendment to the Ames Area MPO 2015 – 2019 Final Passenger Transportation Plan to utilize the remaining Section 5310 funding for the HIRTA customer service portal.
2. Approve the amendment to the Ames Area MPO 2015 – 2019 Final Passenger Transportation Plan to utilize the remaining Section 5310 funding for the HIRTA customer service portal, with modifications.

**ADMINISTRATOR'S RECOMMENDATION:**

The amendment to the Ames Area MPO 2015 – 2019 Final Passenger Transportation Plan has been developed in coordination as prescribed by the federal requirements.

Therefore, it is recommended by the Administrator that the Transportation Policy Committee adopt Alternative No. 1, as noted above.

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

**SUBJECT: AMENDMENT TO THE FY 2018 – 2021 TRANSPORTATION IMPROVEMENT PROGRAM**

**BACKGROUND:**

The amendment to the Fiscal Year 2018 - 2021 Transportation Improvement Program includes the addition of a new project for FY 2018. The project by the City of Ames is for the Ames Traffic Network Master Plan with a total project cost of \$100,000. This project was awarded Iowa Clean Air Attainment funds in spring 2016 and programmed in FY 2017 of the FY 2017 – 2020 Transportation Improvement Program. The project was anticipated to be under development during 2017 and was not included in the FY 2018 – 2021 Transportation Improvement Program. Due to project delay, current TIP needs to be amendment to add this project into the 2018 Fiscal Year.

**Although this was previously programmed, since this project does not appear in the current TIP, adding a new project constitutes an amendment to the program. Because this project was programmed in the previous TIP, no additional funds are needed.**

**A comment period was opened on December 12, 2017. As of Friday, January 5, 2018, staff has not received any comments regarding the proposed amendment.**

**ALTERNATIVES:**

1. Approve the amended FY 2018 – 2021 Transportation Improvement Program to include the project: Ames Traffic Network Master Plan.
2. Approve the amend FY 2018 – 2021 Transportation Improvement Program, with Transportation Policy Committee modifications, to include the project: Ames Traffic Network Master Plan.

**ADMINISTRATOR'S RECOMMENDED ACTION:**

The Ames Traffic Network Master Plan was awarded by the Iowa Department of Transportation and must be programmed into the Transportation Improvement Program to access the funds. Because this project was programmed in the previous TIP, no additional funds are needed.

Therefore, it is the recommendation of the Administrator that the Transportation Policy Committee adopt Alternative No. 1, as described above.

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

**SUBJECT: FY 2014 – 2018 SAFETY PERFORMANCE TARGETS**

**BACKGROUND:**

As required by the FAST Act, the Iowa Department of Transportation was required to establish safety measures for five metrics. On September 1, 2017, the Iowa Department of Transportation submitted the State Highway Safety Improvement Program (HSIP) annual report to the Federal Highway Administration. The report included the State's 2014-20218 safety targets for the performance measures established in 23 § 490.207 as follows.

Performance Measures	Five Year Rolling Averages	
	2012-2016 Baseline	2014-2018 Target
Number of Fatalities	345.4	367.9
Fatality Rate*	1.063	1.080
Number of Serious Injuries	1529.0	1562.2
Serious Injury Rate*	4.707	4.587
Non-Motorized Fatalities and Serious Injuries	144.2	150.7

\*Rates are per 100 million vehicle miles traveled (VMT)

The Ames Area MPO is required within 180 days of the State's submission of the safety performance measures (by February 27, 2018), to adopt safety performance targets which either:

- 1) Support the State's target by agreeing to plan and program projects so that they contribute toward the accomplishment of the Iowa DOT target for that performance measure; or
- 2) Set quantifiable targets for that performance measure for the MPO's planning area.

Upon approving safety measures, the Ames Area MPO will be required to reflect the performance measures and targets in all Long Range Transportation Plans and Transportation Improvement Programs updated after October 1, 2018. Each update to the Long Range Transportation Plan will report system performance measure progress towards achieving these targets. The Transportation Improvement Programs will be

required to describe how implementation of the TIP anticipates making progress towards achieving the targets.

**ALTERNATIVES:**

1. Approve supporting the safety performance targets established by the Iowa Department of Transportation in coordination with Iowa MPOs
2. Direct staff to make quantifiable modifications to the safety performance targets.

**ADMINISTRATOR'S RECOMMENDED ACTION:**

The Ames Area MPO has participated in coordination meetings with the Iowa Department of Transportation and other Iowa MPOs. These performance measures were developed in a coordinated manner.

Therefore, it is recommended by the Administrator that the Transportation Policy Committee adopt Alternative No. 1, as noted above.



**MINUTES OF THE MEETING OF THE AMES AREA  
METROPOLITAN PLANNING ORGANIZATION (AAMPO)  
TRANSPORTATION POLICY COMMITTEE AND  
REGULAR MEETING OF THE AMES CITY COUNCIL**

**AMES, IOWA**

**DECEMBER 12, 2017**

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

The Ames Area Metropolitan Planning Organization (AAMPO) Transportation Policy Committee meeting was called to order by Ames Mayor and voting member Ann Campbell at 6:00 p.m. on the 12<sup>th</sup> day of December, 2017, in the City Council Chambers in City Hall, 515 Clark Avenue, pursuant to law. Other voting members present were: Bronwyn Beatty-Hansen, City of Ames; Gloria Betcher, City of Ames; Amber Corrieri, City of Ames; Tim Gartin, City of Ames; Chris Nelson, City of Ames; Lauris Olson, Story County Supervisor; and Peter Orazem, City of Ames.

AAMPO Administrator John Joiner, City of Ames Transportation Planner Tony Filippini, and City of Ames Transit Director Sheri Kyras were also present. Voting members Bill Zinnel, Boone County Supervisor; Jonathan Popp, Gilbert Mayor; and Transit Representative Kate Gregory were absent.

**AMENDMENT TO FY 2018-2021 TRANSPORTATION IMPROVEMENT PROGRAM (TIP):** Transportation Planner Tony Filippini stated the TIP needed to be amended to add one project; Ames Traffic Network Master Plan. This is a project that was included in the last Transportation Improvement Program and is a result of the Iowa Clean Air Attainment Program from last year. It was programmed, but not expended by the end of the Federal fiscal year. The project needs to be added to the current year Transportation Program so the City can receive funds.

Moved by Beatty-Hansen, seconded by Olson, to set January 9, 2018, as the hearing date to amend the FY 2018-2021 Transportation Improvement Program.

Vote on Motion: 8-0. Motion approved unanimously.

**AMENDMENT TO 2015-2019 FINAL PASSENGER TRANSPORTATION PLAN (PTT):** Mr. Filippini stated that staff is requesting to add a project to the five-year Final Passenger Transportation Plan. In this amendment, there is an addition to the narrative. The project would be included with Dial-a-Ride and participation with HIRTA to implement a customer service portal. Transit Director Sheri Kyras added this is a project HIRTA and CyRide have identified that would be beneficial to both sets of customers. This was a service requested by Dial-a-Ride customers. Customers would be able to do online reservations. CyRide will pay a portion of the technology cost that is equivalent to the CyRide ridership compared to the whole HIRTA ridership, in order to move this project forward and be beneficial to the whole community.

Moved by Beatty-Hansen, seconded by Olson, to set January 9, 2018 as the hearing date to amend the FY 2015-2019 Final Passenger Transportation Plan.

Vote on Motion: 8-0. Motion approved unanimously.

**ADJOURNMENT:** Moved by Betcher, seconded by Olson, to adjourn the AAMPO Policy Committee meeting at 6:05 p.m.

Vote on Motion: 8-0. Motion approved unanimously.

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

The Regular Meeting of the Ames City Council was called to order by Mayor Ann Campbell at 6:06 p.m. on December 12, 2017, in the City Council Chambers in City Hall, 515 Clark Avenue. Present from the Ames City Council were Bronwyn Beatty-Hansen, Gloria Betcher, Amber Corrieri, Tim Gartin, Chris Nelson, and Peter Orazem. *Ex officio* Member Rob Bingham was also present.

**PRESENTATION:** Mayor Ann Campbell presented Fiancé Director Duane Pitcher and Budget Officer Nancy Masteller with the Government Finance Officers Association Distinguished Budget Presentation Award. This is the 33<sup>rd</sup> consecutive year that the City of Ames has received this Award.

**CONSENT AGENDA:** Council Member Betcher pulled for separate discussion, Item No. 11, a request from Hunziker Youth Sports Complex to install a fence and access gate; and Item No. 12, an Encroachment Permit for a sign at 2420 Lincoln Way.

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

1. Motion approving payment of claims
2. Motion approving Minutes of Regular Meeting of November 28, 2017
3. Motion approving Report of Contract Change Orders for November 16-30, 2017
4. Motion approving renewal of the following Beer Permits, Wine Permits, and Liquor Licenses:
  - a. Class C Liquor & Outdoor Service - Aunt Maude's, 543-547 Main Street
  - b. Class C Liquor - Tip Top Lounge, 201 E. Lincoln Way
  - c. Class C Beer & Class B Wine - Casey's General Store #2298, 428 Lincoln Way
5. Motion approving new Class C Liquor, Catering, & Outdoor Service for Thumbs Bar, 2816 West Street
6. RESOLUTION NO.17-682 approving appointment of Council Member Chris Nelson to Conference Board's Mini Board
7. RESOLUTION NO. 17-683 accepting Annual Affirmative Action Report
8. RESOLUTION NO. 17-684 approving Intergovernmental Agreement with Iowa alcoholic Beverages Division for police enforcement of tobacco, alternative nicotine, and vapor products and regulations
9. RESOLUTION NO. 17-685 approving 36-Month Line Volume Plan Agreement with Century Link for Information Technology Division
10. RESOLUTION NO. 17-688 approving Roadway Easement for University Boulevard paving
11. RESOLUTION NO. 17-689 approving preliminary plans and specifications for 2017/18 Shared-Use Path System Expansion (Mortensen Road); setting January 17, 2018, as bid due date and January 23, 2018, as date of public hearing
12. RESOLUTION NO. 17-690 approving preliminary plans and specifications for North river

Valley Park Low-Head Dam Improvements Project; setting January 3, 2018, as bid due date and January 9, 2018, as date of public hearing

13. RESOLUTION NO. 17-691 approving contract and bond for Furnishing 15kV Outdoor Metalclad Switchgear and 69kV Control Panels for top-O-Hollow Substation
14. RESOLUTION NO. 17-692 approving Change Order No. 1 in the amount of \$93,279.70 for 2015/16 West Lincoln Way Intersection Improvements (Franklin Avenue)
15. RESOLUTION NO. 17-693 approving Plat of Survey for 2329, 2415, and 2505 University Boulevard
16. RESOLUTION NO. 17-694 accepting partial completion of public improvements and lessening security for Quarry Estates Subdivision, 1<sup>st</sup> Addition
17. RESOLUTION NO. 17-695 accepting partial completion of public improvements and lessening security for Crane Farm Subdivision, 2<sup>nd</sup> Addition
18. RESOLUTION NO. 17-696 accepting completion of public improvements and releasing security for Scenic Point Subdivision
19. RESOLUTION NO. 17-697 accepting completion of public improvements and releasing security being held for street trees for South Fork Subdivision, 3<sup>rd</sup> Addition

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

**REQUEST FROM HUNZIKER YOUTH SPORTS COMPLEX TO INSTALL A FENCE AND ACCESS GATE:** Council Member Betcher stated that she had pulled Item No. 11 because she wanted to clarify that granting approval of the gate does not mean that the City Council is approving the payment for the fence and access gate.

Moved by Betcher, seconded by Beatty-Hansen, to adopt RESOLUTION NO. 17-686 approving the request from Hunziker Youth Sports Complex to install a fence and access gate.

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

**ENCROACHMENT PERMIT FOR SIGN AT 2420 LINCOLN WAY:** Council Member Betcher requested to pull Item No. 12 because the sign has already been installed despite the fact that there has not been an Encroachment Permit approved. She commented that this seems to be a pattern and highlights that the Permit approval process is not working. Council Member Betcher believes that applicants need to be held accountable to the Permit process and be fined or the City Permit process needs to be adjusted. City Attorney Lambert added that the applicant can be cited for a municipal infraction.

Moved by Betcher, seconded by Beatty-Hansen to adopt RESOLUTION NO. 17-687 approving the Encroachment Permit for a sign at 2420 Lincoln Way (Freddy's Frozen Custard & Steakburgers).

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

**PUBLIC FORUM:** Mayor Campbell opened Public Forum.

Richard Deyo, 505 8<sup>th</sup> Street #2, Ames, requested to speak during Council Comments.

Mayor Campbell closed Public Forum as there was no one else wishing to speak.

**ORDINANCE LIMITING RENTAL OCCUPANCY IN SINGLE- AND TWO-FAMILY RESIDENCES:** Mayor Campbell noted that she and Mr. Schainker had attended an Iowa State Student Government meeting to clear up some misconceptions that had been circulating about the proposed ordinance.

City Attorney Mark Lambert summarized the ordinance to limit the occupancy in single-and two-family rental homes or duplexes up to three adult occupants for one, two-and three-bedroom rentals. Four or more bedroom rentals are limited to one adult per bedroom with a cap of five. One-two and three-bedroom rentals are required to have at least two off-street parking spaces. Four bedrooms or more need one off-street parking space per bedroom for occupancy purposes. Also the references to family have been taken out of the language to be in compliance with the new state law.

Planning and Housing Director Kelly Diekmann addressed the applicability to single-and two-family residences. When the first motion was made in October, it was to have a maximum of five adults in a low-density residence. The meeting in November gave new direction to discuss three, four-and five-bedroom houses across the City. The recommendation of staff was to treat the residences equally for all single-and two-family houses, no matter what the neighborhood is zoned. It is based on the building, not the zoning district.

Building Official Sara VanMeeteren stated Council froze the number of occupants on January 1, 2018, but not the number of bedrooms. This doesn't prohibit the change of a room into a bedroom; it just prohibits the landlord from using that bedroom to change the number of people allowed for existing registered rentals anywhere in the City.

Council Member Betcher inquired whether the City was only looking at the building type and not the zone, would that nullify the meaning of a dwelling house (single-family home with not more than one person up to five in a Medium (RM) or High (RH) density neighborhood). Director Diekmann responded that a dwelling house is a defined use within the Zoning Ordinance. It is distinguished from a single-family detached dwelling and is only allowed in RM and RH, while a single-family home can be in any zone. The owner of the property is able to decide if it is a dwelling or single-family home.

Council Member Corrieri asked about people who have current leases now and would exceed occupancy after the City Ordinance is passed. She gave the example of a married couple that had parents living with them in a three-bedroom house. City Attorney Mark Lambert stated that would not be allowed under this Ordinance. He added there is a safety valve within the Ordinance regarding a Functional Family. It allows them to go to the Zoning Board of Adjustment (ZBA) and be declared a Functional Family. Council Member Corrieri added that the City could not make an exception because of familial status; that can no longer be used as a tool.

Director Diekmann noted that Functional Family is a Zoning Ordinance device. If a group of people got that Permit, the Rental Code would accommodate them because that group would now be something else. There are criteria for the Permit and a hearing process for groups who can demonstrate they live in a common household, not just any group of people. Mr. Diekmann is not sure this avenue has ever been pursued. It was originally a chance for a group who didn't meet a family definition in the Zoning Ordinance previously to have ZBA authorize group living, but counted as household living. It is a very narrow provision in the Zoning Ordinance, not the Rental Code. Functional Family is the outcome of the Federal Housing Law to accommodate unique situations regarding housing. It is in the Zoning Ordinance because it is a use question not an occupancy question. Director Diekmann stated Functional Family can be found in the Zoning Ordinance definition of Functional Family. A Functional Family includes not more than five people who are granted a Special Use Permit as a single non-profit housekeeping unit as a Functional Family. Then a person would be redirected to the provisions of the Zoning Ordinance as to how to go about getting the Permit. This excludes fraternities, lodges, clubs, associations, temporary living situations, and homes for criminal offenders.

*Ex-officio Member* Robert Bingham asked if there was a provision to allow for the expansion of parking. Building Official Sara VanMeeteren stated that is not possible under the Ordinance; Council froze the parking. The amount of parking on a site will dictate the number of adult occupants in a house. If parking is added that would also add occupants. Part of the freeze was freezing parking. Mr. Bingham inquired about matching the freeze dates with the moratorium. Council Member Corrieri agreed; that would give people time to adjust to the new Code.

Council Member Orazem asked if there were other legal existing spaces that include off-site parking. Director Diekmann responded that there could be, but that is typically only allowed for apartments and commercial uses. Single-family homes can't have off-site parking to meet the City parking requirements. Article 4 of the Zoning Ordinance describes when remote parking may be approved by City Council.

Council Member Betcher inquired about the possibility of tearing down an existing rental and how the ordinance would affect that. Director Diekmann stated that the existing rentals are regulated by maximum occupancy, but tear-downs and rebuilds are not because they will need a new Letter of Compliance (LOC). Council Member Betcher also asked if each side to a duplex has an LOC and if the owner-occupied side could add a bedroom before getting the LOC. Ms. VanMeeteren stated that each side does have its own LOC. The owner-occupied side doesn't necessarily mean that it is not registered. If it is not registered now a bedroom can be added, but if it is registered, the number of bedrooms will be locked in.

Council Member Beatty-Hansen questioned a statement that was made earlier concerning the freezing of occupants. Director Diekman stated the motion was to account for the number of bedrooms in existing rentals as of January 1, 2018. Council Member Beatty-Hansen added that her understanding was this was to be the beginning count, not to freeze at that count. Mr. Diekman stated that staff took freezing to mean the construction or conversion to create bedrooms. The motion was about setting occupancy limits, not about modifying structures. That was how staff

broke the two directions apart. A landlord can't create another bedroom that is not either on the Assessor's count or Inspection's count, whichever is greater. Another bedroom can never be created to an existing rental to add occupants. A landlord can tear down and build something new or give up their registration. Older properties may not want to do that because it may have been given some relief from compliance; then would have to totally comply for a new LOC.

Mayor Campbell invited people to speak if they had questions or additional comments that have not been heard before.

Kelly Junge, 401 East 14<sup>th</sup> Street, Ames, stated he is an owner-occupied person of a duplex. According to the Assessor page it is a two bedroom, but before he purchased the duplex a third bedroom was made. Council Member Betcher asked if there was a Letter of Compliance for his side of the duplex. Mr. Junge responded that there was not. Council Member Betcher inquired to Ms. VanMeeteren that if his side was up to code and applied for an LOC that would be the necessary action. Ms. VanMeeteren stated that was correct.

Al Warren, 3121 Maplewood Road, Ames, stated that the Supreme Court, in 1972, declared that a City could not limit the number of family in a house. He also feels that the City will need to allocate time and resources to physically go in to see what meets the guidelines for a bedroom, because the Assessor's Office is not actually going into units. Mayor Campbell added that a new inspector will be on board. Council Member Betcher stated that the most current information and higher number of bedrooms on January 1, 2018, between the Assessor's Office and the Inspections Office will be the number the City will go off of for occupancy.

Leslie Kawaler, 2121 Hughes Street, Ames, stated that if a landlord could prove a bedroom was there before January 1, 2018, there could be an appeals process to go through.

Mike Helwig, 423 West Riverside Road, Ames, stated that he was in support of the plus one proposal that had been discussed. Mr. Helwig feels that under the ordinance being proposed now there is no consistency: Four-and five-bedroom houses are better equipped to accommodate more people, but yet people can not be added, but it is fine to cram more people into smaller houses. He also commented on the length of the driveway. He stated that the number of feet doesn't matter, just stack the cars. A garage has to be so far from the street, so there can be one car in the garage and two stacked in the driveway. That would be a clever way of regulating three parking spaces and making a three occupancy max rule. If the City is going to base occupancy on parking, it needs to use a parking metric (number of vehicles). Mr. Helwig does not believe that will work and the City Council should look back to the plus-one proposal to keep things consistent.

Barbara Pleasants, 516 Lynn Avenue, Ames, addressed the previous remarks about the number of people allowed in four-and five-bedroom houses. The plus-one was raised because of the concern for a couple living in a one-bedroom unit. There has always been three people allowed. The maximum occupancy would be least three people and four-and five-bedroom houses get one or two more people than they had before.

Kris Abel-Helwig, 423 West Riverside Road, Ames, commented that she understands the limit of one adult person per bedroom, but feels that limiting occupancy to parking spaces does not address the concerns of the students. Many take the bus or use other means of transportation. Mayor Campbell responded that the City does not reexamine the new renters each year to see who has a car and who does not.

Adam Daniel, 2342 Storm Street, Ames, stated that he thought part of the issue is the on-street parking. He doesn't understand why when he has a four bedroom house and wants to expand off-street parking to fit four vehicles and he has the room that he can't do that. Director Diekmann responded that he could up until January 1, 2018. Mr. Daniel feels that restricting the creation of off-street parking is unfair to the landlord who wants to help the parking issue. He asked that the City at least have the parking ratio be consistent (the number of bedrooms to the number of off-street parking spaces). Council Member Beatty-Hansen stated the reason for that is because some landlords have paved spots on the property.

Mayor Campbell closed public input.

Moved by Beatty-Hansen, seconded by Corrieri, to amend the freezing of the current off-street parking spaces to expire at the end of the moratorium period.

Council Member Beatty-Hansen clarified that the amendment she made was that landlords can not add parking spaces until the end of the moratorium period.

Ms. VanMeeteren stated this could freeze parking for another whole year because of the timing for signing new leases. Mr. Diekmann clarified that the intent for calculating parking spaces for either existing or requests for new rental properties prior to April 30, 2018, is restricting the number of parking spaces that exist on January 1, 2018. Beginning May 1, 2018, that rule is gone. Council Member Beatty-Hansen confirmed that was her intent of the motion.

Ms. VanMeeteren stated that she had compiled all the information on the number of bedrooms for registered rental properties and compared that with the Assessor's numbers. She was able to find the number of bedrooms for all registered rentals except for 63. If a landlord disagrees with a number, they can file a form with Inspections. An inspection to see what is actually there or provided records from the landlord could give a better number. This process can be done with other rentals if the landlord contests it. Eighty three percent of the rental units are one-two or three bedroom. The four-bedroom and higher is very minimal. The larger units are going to want to increase their occupancy. The focus will need to be on those units and compile numbers for parking off the Assessor site.

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

Moved by Beatty-Hansen, seconded Corrieri, to amend the freezing of the current bedroom count to expire at the end of the moratorium period.

Council Member Betcher clarified that Council Member Beatty-Hansen is talking about bedrooms, but Council is not freezing bedrooms. *Ex-officio Member* Rob Bingham stated that a change that could be made to the motion would be to say the number of bedrooms that can be used to calculate occupancy, that way a change can be made to occupancy based upon the bedrooms after the moratorium. Mayor Campbell reminded Council that the moratorium was so occupancy could not expand. Council Member Betcher explained that the ordinance now is to capture the number of bedrooms at January 1, 2018 to determine occupancy. A landlord could then build another bedroom but could not increase occupancy. Council Member Nelson added that Council Member Beatty-Hansen wants to have the opportunity to increase occupancy if a bedroom is added at a future point in May. This would provide an avenue if an addition is made. City Attorney Lambert reminded the Council if the Ordinance is adopted, a change can be made before April 30, 2018.

Council Member Beatty-Hansen withdrew the motion.

Mayor Campbell stated that “one size does not fit all”. The driving force is for the properties near Campus, but Ames does have renters who are not students and live in other parts of town. Council Member Corrieri added that this will affect them and the landlords of those properties.

Moved by Gartin, seconded by Betcher, to pass on first reading an ordinance as amended, to limit rental occupancy in single- and two-family residences.

Council Member Nelson added that this is a kind of stop-gap to have further conversations about overlays. Council Member Gartin stated that he is glad to hear from new people and learning of new situations. Council Member Corrieri stated that she believes some of the reason for that is because of understanding and communication with customers who are affected. City Attorney Lambert stated that the amendment is not a major change to the ordinance. The occupancy issue has been discussed and published for quite some time. Legally it is fine to proceed.

Roll Call Vote: 5-1. Voting Aye: Orazem, Nelson, Betcher, Beatty-Hansen, Gartin. Voting Nay: Corrieri. Motion declared carried.

Mayor Campbell reminded Council that the next meeting is December 19, 2017, that will have the second reading with the amendment. The Council has three options to suspend the rules to do second and third reading at the next meeting, have a special meeting before the end of year, or have the third reading at the January meeting with a new Council.

The meeting recessed at 7:42 p.m. and reconvened at 7:48 p.m.  
Reconvened at 7:48

**ORDINANCE REZONING PROPERTY AT 415 STANTON AVENUE FROM GOVERNMENT/AIRPORT ZONING DISTRICT TO RESIDENTIAL HIGH-DENSITY ZONING DISTRICT:** Moved by Corrieri, seconded by Betcher, to pass on second reading an ordinance to rezone property at 415 Stanton Avenue from Government/Airport Zoning District to Residential High-Density.



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

**ORDINANCE TO ALLOW DOG GROOMING AS PERMITTED USE IN VILLAGE ZONING DISTRICT:** Moved by Beatty-Hansen, seconded by Corrieri, to pass on second reading an ordinance to allow dog grooming as permitted use in Village Zoning District.

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

**ORDINANCE REVISING SITE LANDSCAPE STANDARDS RELATING TO ADMINISTRATIVE STANDARDS AND OTHER GENERAL LANDSCAPE STANDARDS:** Moved by Corrieri, seconded by Betcher, to pass on third reading and adopt ORDINANCE NO. 4329 revising the site landscape standards relating to administrative standards and other general landscape standards.

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

**321 STATE AVENUE DEVELOPMENT (AFFORDABLE HOUSING PROJECT):** Planning and Housing Director Kelly Diekmann reminded Council that in November staff came back to them with bids that were well over budget and delayed awarding the contract.

Council Member Orazem stated that this project has gotten too expensive and the subsidy per home is beyond what makes sense. He believes a different model is needed. Council Member Beatty-Hansen added that she agreed but is concerned about the time cost, amount of time for staff and Council to rework this project. Council Member Orazem continued stating his position that the infrastructure is not going to change much. The City is trying to make detached houses, which limits the number of people benefitting and increasing the cost per beneficiary. The City needs to have a project that benefits more people and the way to do that is to have attached housing.

Council Member Gartin inquired about the amount of subsidy. Planning and Housing Director Diekmann stated that the estimated cost the City would not get back would be about \$75,800. Council Member Nelson agrees with Council Member Beatty-Hansen that it will cost the City a lot of time and money to change direction. The amount is not a reasonable and sustainable subsidy for each of these units but the cost of going back is more.

Director Diekmann stated that an additional \$350,000 is needed to the original \$550,000 budget. JCorp is committed to \$400,000 regarding infrastructure, also responsible for preparation of plans, any other costs for constructing houses, completing the development site and getting final plat and occupancy. No one ever knows if contingency is enough. Staff has not crossed that bridge if contingency is not enough where to go from there.

Council Member Betcher inquired about having any legal issues with having to rebid this project if the City were to add \$350,000 to the incentive package. Director Diekmann responded that in the summer staff was told a new RFP is not needed when negotiating proposals. Purchasing Manager Karen Server responded to the question of having to go back out for bids since the incentive number may change. Ms. Server did not feel the City was violating rules by going forward with the addition

of funds by not going out for public bid.

Council Member Corrieri stated that she feels the City is getting further away from affordable housing with this project. Council Member Gartin stated that he agreed with the concern of the cost, but also has reservations on principal of good governance and stewardship of tax resources when the community has been told there would be some kind of low-income-owner-occupied housing. Council Member Beatty-Hansen reiterated her concern of more money by the tax payer being lost by further delays.

Council Member Corrieri asked Housing Coordinator Vanessa Baker-Latimer what could be done concerning CDBG funds and what significant waste of resources. Ms. Baker-Latimer responded that CDBG will already need a different plan because of timing. A project needs to be done that can add diversity and housing types that can meet HUD guidelines. Council Member Corrieri suggested the possibility of using the CDBG funds for the City to do the infrastructure and request proposals to construct on the developed land. Ms. Baker-Latimer thought that is an option. Council Member Beatty-Hansen commented she believed that ship had already passed, the cost of going that route is greater than the difference.

Duane Jensen, 708 North Highway 69, Huxley, representing JCorp, stated that this project began with a plan and a layout. Changes were made for various reasons. There ended up being less lots and smaller lots which reduced the lots to distribute the overall cost to. Mr. Jensen added that there are advantages to continue to move forward. The City would get \$400,000 of engineering fees to partner with Jcorp, local developer to depend on, to build the houses that are within the control of the Developer Agreement, and look to one party for consistency.

Council Member Betcher asked Mr. Jensen if there were any concerns on carrying cost on the potential of getting certified buyers. Ms. Baker-Latimer responded that there is not a requirement for the builder to build any houses until there are qualified buyers. When there is a qualified buyer construction would need to begin. This is to remove the builder from doing two model homes in advance and to help alleviate the closing costs of the construction side of the house. Mr. Jensen added that he is optimistic that the revision will not impact what is being done.

Moved by Beatty-Hansen, seconded by Gartin, to authorize staff to utilize an additional \$350,000 as the negotiation finalizes the Agreement.

Vote on Motion: 4-2. Voting Aye: Nelson, Beatty-Hansen, Betcher, Gartin. Voting Nay: Orazem, Corrieri. Motion declared approved.

**GARAGE DOOR WIDTHS:** Director Diekmann introduced Planner Eloise Sahlstrom. Director Diekmann provided background on the subject of garage door widths. He stated that the current restriction is a 27-foot dimension of garage doors. Code compliance is easy to determine when reviewing plans. Council did refer a letter to staff from Shelby Ebel, Chairperson of the Zoning board of Adjustment, asking for review of the City's 27-foot maximum cumulative width for garage doors design standard. Most residents do not have an issue with this standard, but there are situations; such as larger homes, configuration and placement of the garage on the lot, and the

visibility of the garage from the street frontage. Option 1 is to maintain the current 27-foot cumulative garage door width standard.

Mr. Diekmann stated that Option 2 could be an increase to the standard from 27-30 feet cumulative dimensional standard. There could be an allowance for wider doors that would make entering and exiting of garages more accommodating for the larger and wider vehicles. The down side to this is that it would increase the visual dominance of the garage when doors are visible from the street. Compliance would be easy to determine and enforce.

Director Diekmann presented Option 3 to create an exemption to the 27-foot maximum cumulative width, whereby garage doors which are not parallel to the street and viewable from the street are allowed to exceed the existing maximum dimension. This approach would retain the existing requirement, while allowing some flexibility for larger sites that utilize alternative configurations. If done in the way that staff looked at it as minimizing the appearance from the street, it would encourage to either have rear garages or an L-shaped garage. An L-shaped garage would have at most two garage doors that could be seen from the street.

Mr. Diekmann concluded with Option 4 being to remove the 27-foot maximum cumulative width restriction and instead create a maximum percentage of the front facade that can be occupied with garage doors. Option 4 is more protective of the aesthetics and would take more outreach time.

Council Member Betcher addressed the point of routinely seeing the construction of townhomes that are mostly garage with a tiny entry off to the side. This practice has not convinced her that the City is overly worried about aesthetics and the appearance from the street.

Moved by Orazem, seconded by Betcher, to approve Option 3: to create an exemption to the 27-foot maximum cumulative width, whereby garage doors which are not parallel to the street and viewable from the street are allowed to exceed the existing maximum dimension.

Chuck Winkelblack, 105 South 16<sup>th</sup> Street, Ames, stated that it is a challenge for SUVs and pickups to get through a nine foot door. Not every lot is the same, some can't be turned for an L-shape garage. There is no sense in going for a variance test because there is always another way to complete the project. This issue needs to be investigated and allow people that design houses to give staff some input. Mr. Winkelblack does believe that increasing the standard from 27' to 30' would make a significant difference.

Council Member Nelson inquired if it were possible to incorporate the 30' with Option 3. Director Diekmann stated that the Options are not exclusive. The change from 27' to 30' allows for larger garage doors for versatility and accessibility. Option 3 gets a four-car garage.

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

Moved by Orazem, seconded by Nelson, to approve Option 2 to increase the standard from 27-30 feet cumulative dimensional standard.

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

**VOLUNTARY ANNEXATION OF 68.19 ACRES, OUTLOT Z OF COCHRANE FARM SUBDIVISION -AUBURN TRAIL:** Director Diekmann gave the background for this annexation. Staff advised Council a year ago about the opportunity to set this area up for closing the gap on Hyde Street. City Council proceeded and looked for an 80/20 annexation that was approved. The City Development Board rejected the findings about creating consistency with uniform boundaries. This invalidated the annexation that Council had approved. The developer proceeded with 100% voluntary annexation and is bringing in the piece that is able to be developed with no other non-consenting properties. City Council is able to approve this and would be the final action because of the parameters being voluntary and the distance from another community would not be reviewed by another entity.

Clayton Greg, 4604 Hyde Avenue, Ames, gave a background from his perspective. Residents who lived on Grant were told that it would cost them to be annexed into the City for the amenities provided. The last number figured was \$45,000. Residents in this area already paid for sewer and water when they built. They have sheriff and fire protection. If the City would have covered most of the expenses, there wouldn't be an attorney involved and there would be 15-20 houses paying City taxes and using City utilities. Residents supplied the City their concerns. The City replied that it does not give tax abatements, free hook-ups to City water and sewer, or buyout water districts. The developer is not interested in providing any more financial help to spur the development and speed it up. Residents are glad that Hunziker found a plan that doesn't force them into the City, but feels annexation will rear its head again. Mr. Greg doesn't feel the annexation is in the public interest and violates *Iowa Code* Chapter 368 in various ways including creating an island in the County for the properties east and north of the annexation territory. Mayor Campbell questioned those properties being an island. Mr. Greg responded that he understood that, but it is an attached by a 50' piece of land and railroad track, so it effectively creates an island. Mayor Campbell added that if he was not going to apply for annexation then none of the costs would be going to him.

City Manager Schainker stated that it is the choice of the non-consenting residents to hook up to the City water or not. When the road was built, the City and Developers shared the cost of the road and excluded the assessment to the property owners. There is a cost to buy-out rural water, which was not a requirement of the City.

Moved by Gartin, seconded by Corrieri, to adopt RESOLUTION NO. 17-698 approving voluntary annexation of 68.19 acres of land owned by Erben and Margaret Hunziker Apartments, LLC (Outlot Z of Cochrane Farm Subdivision - Auburn Trail).

Council Member Beatty-Hansen voiced her concern that the City will not have a smooth northern border. The alternative would be to delay the voluntary annexation until the others come in. Council Member Gartin stated that this is 68 acres that needs to be developed. These people won't own this land forever. There also will be a huge improvement in their property value by the improvements in the road and by this development. He believes that the City needs to move forward with this.

Roll Call Vote: 5-1. Voting Aye: Gartin, Orazem, Corrieri, Nelson, Betcher. Voting Nay: Beatty-Hansen. Resolution declared adopted, signed by the Mayor, and hereby made a portion of these minutes.

**SPECIAL EVENT NOTIFICATION REQUIREMENTS IN DOWNTOWN AND CAMPUSTOWN:** Assistant City Manager Brian Phillips introduced Management Analyst Tasheik Kerr.

Mr. Phillips reminded Council that the City does not have minimum Special Event requirements, beside the discussion in 2014 stating that applicants should be required to prepare a plan and present it to staff. If the staff felt that was sufficient, it would be fine. If the staff feels components need some modifications, approval would be contingent on the improvements. Mr. Phillips stated that there is a report with a background on complaints that have a written record. The complaint is put in the file for the next year's event to make sure the issues are resolved for the future.

Ms. Kerr stated some options other communities have used for special events are requiring event organizers to: Submit a written notification plan to the City prior to event approval, obtain approval signatures from affected parties, mail notifications to affected parties, or post temporary signage throughout the affected area.

Mr. Phillips stated the next step is to decide if the City Council would like to adopt specific event notification requirements for events in Downtown and Campustown. He recommended that Council consider if the intent is to inform the affected neighbors of an event or give them an opportunity to indicate their support or lack of support for the event. Council should also consider the following questions: who is an "affected neighbor", are there minimum notification requirements the Council believes all events in Downtown and Campustown should meet, what are consequences for events that don't meet the City Council's expectations, and should there be changes to notification requirements for all special events. Some requirements may be in some areas but not in others. Staff does try to work with applicants. Many applicants can and will comply with whatever is put in place. There are also committees that rotate who is to be responsible each year, which can become a challenge with communication.

Council Member Betcher stated that some residents feel that they are not notified in time of an event to give their input. She is not concerned if necessarily in favor of or not, but giving enough notice for affected people to give their input if they so wish. Mr. Phillips stated that there is an effort to minimize the affect of an event on the community as much as possible. Council Member Betcher added her concern for the commercial business that may be losing money because of a street closure. She believes it to be very important for affected businesses to know that there will be an impact from an event.

Assistant City Manager Phillips stated that the typical advice and process that staff gives is to:

1. Submit Special Event Application well in advance of the event. Participate in Special Event meeting with City staff.

2. Notify affected property owners, renters, and establishments of the proposed event and the date and time the City Council will discuss the event.
3. Receive City Council approval for the event.
4. Begin advertising the event to the public.

Council Member Gartin stated that there needs to be some flexibility and reasonableness to pre-advertising. Council Member Betcher reiterated her concern to make sure that affected people have notice and in a timely manner to give input. She believes that the requests need to be in before two weeks prior to the event.

Mr. Phillips stated that it is staff's practice to tell the organizers not to advertise the event before Council approval. Organizers are also advised to complete their notifications including telling people when the City Council will consider the event. This is so an affected party can attend the City Council meeting to express concerns if they wish. They are asked to do both prior to the City Council meeting, but they are not required and it is not verified. Mr. Phillips added that an acceptable requirement is to have requests in two weeks prior to the event.

Cindy Hicks, 304 Main Street, Ames, stated the Main Street Cultural District (MSCD) came up with a policy to try to alleviate the problem of notification. Their policy is to make a request to the City at least three months prior to the event. The event will still need to go in front of the Board to get approved with a letter of support. Every business owner in the affected area has to sign either approval, denial, or on what conditions. It is important to know that it is properly marketed when a street is closed so people are coming downtown. There is a need for 50% approval of affected businesses. Nothing is perfect, there are instances such as the Ames High Homecoming parade. Students don't start school within that time period, but it is a recurrence every year.

Moved by Betcher, seconded by Beatty-Hansen, to require notification of affected business in the Main Street Cultural District and Campustown when there are events that are planned at least two weeks before the City Council meeting at which it will be discussed and the applicant provided notification will be accompanied by a signed document and shared with the City.

Mr. Phillips clarified the intent of the motion to be if the organizer doesn't meet the two week requirement either the event would not be approved or need the verification. Council Member Betcher feels it should be put off to the next meeting. Council Member Beatty-Hansen stated that it should still be brought to Council just with the information that the organizer did not notify affected parties.

Vote on Motion: 3-3. Voting Aye: Betcher, Beatty-Hansen, and Corrieri. Voting Nay: Gartin, Orazem, Nelson. Mayor Campbell broke the tie by voting nay. Motion failed.

**WELCH AVENUE BICYCLE/PEDESTRIAN PILOT PROJECT:** Assistant City Manager Brian Phillips reminded Council of the pilot project that was directed to staff to take place along the 100 and 200 blocks of Welch Avenue. One safety issue is riding down the 100 block hill and a car door opens. This project removed several parking spaces and replaced them with street furniture, bike

racks and concrete planters. This was to create a safer environment for pedestrians and bicyclists.

Mr. Phillips stated that feedback was sought from people who may use the space. Business owners were contacted by sending a letter requesting feedback, sending notices with utility bills asking for comment, and posting a video to Facebook. Director of Fleet Corey Mellies stated that a Hash Tag approach was experimented with for social media. That did not receive the feedback that was hoped for. He added that the City did receive feedback on the project through emails. Those that did not support the project stated reasons are the reduction in parking in Campustown, condition and look of the planters, increased trash in the planters, and furniture not being used regularly. Those that did support commented that the area was safer for bicyclists, more pedestrian friendly, improved outdoor dining, and the availability of the bike racks.

Assistant City Manager Brian Phillips added that feedback received from Campustown Action Association (CAA) was mixed from its members. Some were concerned on the parking issue, while others saw the benefits of outdoor seating and the greenery. The bicycle racks are used frequently. Overall, CAA is supportive of the efforts to improve safety for all modes of transportation. Feedback from the Iowa State University Student Government was minimal, but what was provided was that the planters made the students feel safer when walking or bicycling on Welch Avenue. The Ames Bicycle Coalition added that promoting bicycle and walking in Campustown should be a high priority. They also appreciate the bicycle racks that were installed.

Mr. Phillips noted that there are a couple of issues to be worked through. The increased space for pedestrians to congregate can cause groups of pedestrians to move past the planters and into the roadway. Delivery trucks, taxis, and rideshare services blocking the street and fire station driveway during busy times. There is no longer outside furniture at this time, only bike racks, to try and help with snow removal. Those situations are being worked on now.

Moved by Beatty-Hansen, seconded by Corrieri, approving to leave the planters, bike racks, and street furniture in place until Welch Avenue is reconstructed in both the 100 and 200 blocks of Welch Avenue.

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

**“SUNSMART AMES” COMMUNITY SOLAR PROJECT:** Director of Electric Services Don Kom reminded Council that a goal was to increase the sustainability within the Community. Electric Services has been working on building a Community Solar Farm where customers can pay to participate and get the benefits. Three things that are looked at are the site selection, choice of developer because the Federal Government gives tax credits that are available to for profit organizations that make it cheaper to do the project then if the City would do it, and also create a customer program.

Director Kom continued stating that a site that is being looked at is City land on Airport Road across from the runway. The land has been vetted by the Federal Aviation Administration. Several developers have come out to look at the land and have approved of the site. Electric Services has sent out a request for proposal for the cost to build a two megawatt Solar Farm on that site. A team

of City employees and Iowa State University representation to decide on a developer. Four companies were invited to come in to give a presentation. The team felt the necessary items to look at were the cost and also how much energy would be produced. The team recommends ForeFront because they are a National company and their marketing ability. Electric Services will continue to market the PowerPacks until 80% are sold. ForeFront will share their marketing expertise to continue to sell the PowerPacks. Electric Services is asking to sign a letter of intent that will last 120 days to develop the Power Purchase Agreement while the marketing is developed.

Moved by Nelson, seconded by Corrieri, to adopt RESOLUTION NO. 17-699 selecting ForeFront Power of San Francisco, California, as the developer of the “SunSmart Ames” community solar project and entering into a Letter of Intent to begin working on the Energy Services Agreement. Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

**HEARING ON 2016/17 STORM WATER EROSION CONTROL PROGRAM (SOUTH SKUNK RIVER - TO CARR PARK TO HOMEWOOD GOLF COURSE) - CONTRACT A:** Mayor Campbell opened the hearing and seeing noone wishing to speak closed the hearing.

Moved by Gartin, seconded by Corrieri, to adopt RESOLUTION NO. 17-700 approving final plans and specifications and awarding contract to On-Track Construction, LLC, of Nevada, Iowa, in the amount of \$793,415.00. Roll Call Vote: 6-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these minutes.

**HEARING ON 2016/17 STORM WATER EROSION CONTROL PROGRAM (SOUTH SKUNK RIVER - CARR PARK TO HOMEWOOD GOLF COURSE) - CONTRACT B:** Mayor Campbell opened the hearing and closed the hearing since noone came forward to speak.

Moved by Gartin, seconded by Nelson, to adopt RESOLUTION NO. 17-701 approving final plans and specifications and awarding contract to GreenTech of Iowa, LLC, of Grimes, Iowa, in the amount of \$82,637.50. 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 9:29 p.m. and reconvened at 9:34 p.m.

**COUNCIL BUDGET ISSUES:** Finance director Duane Pitcher stated that there are a couple of areas of concern. The City receives close to one million dollars in replacement tax from the State. It is appropriated for this year, but is at risk for next year. This was a promise that came with the reduction in evaluations. The City would like to see that stay, so there will be advocating for this during the legislative session. Local options sales tax is the other area of concern. There is a loss of sales tax to online purchases that has created price pressure and the fact that there has not been much inflation. The impact this has to the budget would be no growth and the City would still need about 3% growth for that. This would result in no growth in the percentage to replace property taxes



and arts, human services, and community development. The potential loss is about \$260,000. Finance is budgeting to stay at what is adopted for this current year. The City will need to gain back what it is not receiving this year. City Manager Schainker explained that the recommendation for next year is to return the City to the budget level of this year, which is 3% more than what the City is getting this year. When the budget level has no growth and expenditures go up that is not what the City would like to see. This will be a National issue.

Finance Director Pitcher stated that the local economy is doing well. Ames has a very low unemployment rate and there is a good demand for growth in both commercial and residential properties. General fund ended with higher revenue than expected. Factors that contributed to that were the increased revenue in hotel/motel and the permit revenue was higher due to demand on construction. Staff is recommending that a one-time available balance be used for one-time expenses, due to not knowing if it will be available next year.

Finance Director Pitcher outlined the following:

CyRide Budget Challenges. CyRide's ridership is now levelling out and facing the struggles that come with being a more mature organization. CyRide was affected more than any other part of the City as a result of the Affordable Care Act (ACA), because of how they schedule drivers, how the City offers insurance, the affordability, and the way the hours vary amongst those drivers. CyRide has offered insurance to more drivers, but there could be some penalties that come with that.

Fire and Police Retirement and IPERS. City Contribution rate will go up slightly about \$30,000 to the budget, but that is all born by the general fund, that doesn't count the increase in salary. Contribution rate for employees remains fixed. All the variability is picked up by the tax payers. IPERS, the retirement system, is increasing by \$140,000 spread across all the funds.

Health Insurance. Rates are projected to increase the current year by only 5%.

Rollback and Valuation. Lost permanently 10% of the value of commercial industrial property that was replaced by the State. The City continues to have multi-residential value rollback per the schedule, which is a loss of \$50,000 per year. Residential rollback will be a reduction, but is still stable. Reduction is good for the home-owner, but not good for the City. Even if all other areas stay equal the City would have to raise the rate to get the same amount of taxes because of the reduction in the rollback for residential.

Local Option Sales Tax. Staff is recommending no increase, adopted to adopted. The City will still need an increase to get to that number. The bigger concern is long-term. This seems to be a trend in retail and will be in place for awhile.

Council Member Beatty-Hansen asked about a possible contingency plan in the case of no backfill. City Manager Schainker stated that either the City could raise rates, cut expenditures or build a balance up just in case. City Manager Schainker would prefer to start to build a balance. Hopefully

the City will know quickly if something is going to be done.

Assistant City Manager Brian Phillips continued with the following:

Capital Improvement Funding for Human Service Agencies. \$500,000 split between two funding projects. Council authorized to partner with United Way for \$250,000. United Way has initiated letters of intent to start the process. The challenges that were anticipated with local option led Council to take \$250,000 out of the general fund to preserve some flexibility with the local option sales tax. Council could decide at a later time to allocate or not.

ASSET Human Services Funding. According to Mr. Phillips, for FY 2017/18, City ASSET funds requested of \$1.5 million, an increase of 15%. Large increase from Daycare ACPC, MICA, Raising Readers is seeing an increase in demand for its programs, and Boys and Girls Club has proposed expanding to a second site. This will require additional staffing and cost to pay them. At the original site they are at capacity and can not serve any more children.

Mr. Phillips noted that the City Council requested information as to which services indicated they had turned away clients due to a lack of funding. There were 16 services in which clients were turned away. The four services where individuals were turned away because of lack of funding were:

1. MICA. MICA is not requesting an increase from the ASSET funders this year for its Family Development and Education service
2. The Arc of Story County Respite Care. The Arc of Story County is not requesting an increase from the ASSET funders this year for this service.
3. Salvation Army Representative Payee Services. This organization is requesting a slight increase.
4. Youth and Shelter Services Mentoring Program. This organization is requesting a slight increase.

According to Mr. Phillips, the City's estimated share for ASSET administrative expenses will be \$4,500 in FY 2018/19.

Council Member Gartin inquired about Emergency Residence Project (ERP) not being on this list of agencies that turned individuals away for lack of funding. Mr. Phillips responded that the problem for ERP is that a client could show up but, ERP does not have the room or a bed for another person. The City could pay them incremental dollars, but ERP would not be able to do anything with that, because the room is the factor.

Moved by Gartin, seconded by Betcher, to increase ASSET funding by 5%.

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

COTA - Performing Arts Funding. Allocation for current year a little under \$164,000. This year the requested amount is slightly below the 2017/18 amount. The slight decrease that is requested is due to some agencies not attending the workshop and would not be able to be awarded more than what they were awarded this current year and three agencies did not apply. The Commission will take an amount based on what the Council authorizes to spend and the difference will be the money that is reserved for special project grants. The cap for special project grants has gone up and will be encouraged.

Moved by Beatty-Hansen, seconded by Corrieri, for a flat allocation for next year.

Vote on Motion: 5-0-1. Voting Aye: Betcher, Beatty-Hansen, Orazem, Corrieri, Nelson. Abstained for conflict of interest: Gartin. Motion carried.

Outside Organizations Funding Requests. The request is up about 55% over what we allocated last year. There were two one-time requests. One is a portion of the Hunziker gated request. The second request is from The Ames Foundation requesting \$20,000 to contribute to install a larger version of Ames concrete signs on I 35 North for the Water Pollution Farm. Some substantial increases came from Campustown Action Association from \$27,000 to \$74,000 due to increased level of service for cleaning to sidewalks and streets and more. The Self Supported Municipal Improvement District (SSMID) is lower than what was anticipated so that contributes to the increase in requests. Mayor Campbell added that these requests will be ongoing. Things could change depending on the SSMID.

Mr. Phillips stated that staff is looking for a percentage increase from Council to authorize staff to make recommendations back to Council. There is a group of staff and volunteers that go through the applications checking to see that the applications are complete and comply with the criteria that is set up. The group will make recommendations based on the substance of the requests and the response to the criteria. That recommendation is provided to the Council to make changes where needed. These are the type of requests that don't fall neatly into other programs so changes may be needed. City Manager Schainker added you can set aside the one-time requests because there is not an on-going obligation. Those requests can be dealt with on their merits. The other ones are on-going, once established it may be necessary to have a pot of money, once that money has been given it won't come back.

The motion by Beatty-Hansen to approve a 3% increase failed for lack of second.

Moved by Nelson, seconded by Orazem, to fund \$216,000 to be designated as staff sees fit.

Vote on Motion: 2-3-1 Voting Aye: Nelson, Orazem. Voting Nay: Betcher, Beatty-Hansen, Gartin. Abstaining due to conflict of interest: Corrieri. Motion failed.

Moved by Betcher, seconded by Beatty-Hansen, to approve a 5% increase.

Vote on Motion: 4-1-1. Voting Aye: Nelson, Betcher, Beatty-Hansen, Gartin. Voting Nay: Orazem. Abstaining due to conflict of interest: Corrieri. Motion failed.

Mr. Phillips clarified that staff will bring back a 5% increase on-top of the \$179,114 for a total of \$188,070 for the operational components of the requests and separately bring Council the one-time-

requests at the budget wrap-up so Council can decide how to deal with those.

Public Art Commission. Finance Director Pitcher stated that there is a place holder of the current adopted amount of \$41,000. The Public Art Commission will put in their request in January.

Road Conditions/Road Use Tax Fund. Director Pitcher stated this was the second full year with the tax in place. The Iowa Department of Transportation intends to bump that tax up a bit. It does maintain strong revenues. Ames will be having a new census showing that the City is growing. Ames will receive a greater percentage of the allocation of Road Use Tax Fund.

Complete Streets. City Manager Schainker stated that he is seeing requests from Public Works on street projects. Now incorporating on street-bike paths that is adding onto the cost. The amount of spending of GO bonds per year to work on the streets may go up as much as \$2 million dollars per year, which will effect property tax. If Council were to think that the asking of property tax is too high, Council will have to cut back on some of the streets.

**COUNCIL COMMENTS:** Moved by Nelson, seconded by Gartin, to refer to staff for a memo for the request from Wanda McCay Trust to initiate an amendment of the Ames Urban Fringe Plan for the property at 5500 240<sup>th</sup> Street.

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

Moved by Nelson, seconded by Gartin, to refer to staff for a memo for the request from Ames Tennis Friends, LLC, the enlargement of the lot the Ames Fitness Center is on and to bring back to Council as an action item.

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

Moved by Betcher, seconded by Beatty-Hansen, to get a staff memo on the implication of putting the sign encroachment approval process in the hands of staff.

vote on Motion: 6-0. Motion carried unanimously.

Moved by Betcher, seconded by Beatty-Hansen, to direct staff for a memo to allow the Main Street Cultural District to apply on behalf of the City of Ames for the Iowa Economic Development Authority Community Catalyst building Remediation Program Grant.

Vote on Motion: 5-0-1. Voting Aye: Betcher, Beatty-Hansen, Gartin, Orazem, Corrieri. Abstaining due to conflict of interest: Nelson. Motion declared carried.

Moved by Gartin, seconded by Orazem, to refer to staff for a memo the request from Pat Brown to allow placement of public art along South Duff.

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

Moved by Gartin, seconded by Orazem, to refer to staff for a memo the request for a text amendment on two pieces of ground (1305 and 1315 Dickinson Avenue) directly north of Hilton Garden Inn in West Ames.

Vote on Motion: 5-1. Voting Aye: Betcher, Beatty-Hansen, Gartin, Orazem, Nelson. Voting Nay:

Corrieri. Motion declared carried.

**ADJOURNMENT:** Moved by Corrieri, to adjourn the meeting at 10:50 p.m.

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Diane R. Voss, City Clerk

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Ann H. Campbell, Mayor

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Stacy Craven, Recording Secretary

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

AMES, IOWA

DECEMBER 19, 2017

The Regular Meeting of the Ames City Council was called to order by Mayor Ann Campbell at 6:00 p.m. on December 19, 2017, in the City Council Chambers in City Hall, 515 Clark Avenue, pursuant to law. Present were Council Members Bronwyn Beatty-Hansen, Gloria Betcher, Amber Corrieri, Tim Gartin, and Chris Nelson. Council Member Peter Orazem joined the meeting telephonically. *Ex officio* Member Rob Bingham was also present.

Mayor Campbell announced that the Council would be working from an Amended Agenda. Added under Planning & Housing was the following:

321 State Avenue Affordable Housing Development (Old Middle School):

- a. Resolution approving Development Agreement with JCORP, Inc.
- b. Resolution awarding contract to Keller Excavating, Inc., of Boone, Iowa, in an amount not to exceed \$1,196,833.26 for public improvements

Council Member Nelson asked to pull Item No. 13 (Community Catalyst Building Remediation Program Grant for Main Street Cultural District) for separate discussion.

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

1. Motion approving payment of claims
2. Motion approving renewal of the following Beer Permits, Wine Permits, and Liquor Licenses:
  - a. Class C Liquor – Cyclone Liquors, 626 Lincoln Way (Back Room Only)
  - b. Class C Liquor – 1 Night Stand, 124 Welch Avenue
3. Motion approving 5-day (January 12-16) Class C Liquor License for Olde Main at CPMI Event Center, 2321 N. Loop Drive
4. Motion approving new Class C Beer & B Wine Permit for Fresh Thyme Farmers Market, 215 S.E. 5<sup>th</sup> Street (pending final inspection)
5. Motion accepting Progress Report from Sustainability Coordinator
6. RESOLUTION NO. 17-702 approving and adopting Supplement No. 2018-1 to *Municipal Code*
7. RESOLUTION NO. 17-703 approving appointment of Liz Jeffrey to fill vacancy on Ames Transit Agency Board of Trustees
8. RESOLUTION NO. 17-704 approving Council Member Gloria Betcher to serve on the NLC University Communities Council
9. RESOLUTION NO. 17-705 approving Amendment to 2017/18 Pay Plan
10. RESOLUTION NO. 17-706 approving Contract for COTA Spring Special Project Grant
11. RESOLUTION NO. 17-707 approving additional funding for prosecution assistance for Legal Department
12. RESOLUTION NO. 17-708 accepting right-of-way dedication of Sheffield Avenue
13. Asset Management Agreement (AMA)/Pipeline Services for Power Plant:
  - a. RESOLUTION NO. 17-710 approving renewal of contract with BP Canada Energy Marketing Corp. of Omaha, Nebraska, for AMA Transaction Confirmation

- b. RESOLUTION NO. 17-711 approving renewal of contract with BP Canada Energy Marketing Corp. of Omaha, Nebraska, for Transaction Confirmation
  - c. RESOLUTION NO. 17-712 authorizing purchase of additional natural gas, plus delivery as needed, in an amount not to exceed \$300,000
14. RESOLUTION NO. 17-713 approving Change Order No. 3 for 2016/17 Water System Improvements Program #1 - Water Service Transfer (8<sup>th</sup> Street, Hayward Avenue, Little Street)
15. RESOLUTION NO. 17-714 approving Change Order No. 1 for additional engineering services with Strand Associates, Inc., of Madison, Wisconsin, for the WPCF Digester Pumps, Piping, and Valves Replacement Project
16. RESOLUTION NO. 17-715 approving partial completion of public improvements for Hayden's Crossing, 2<sup>nd</sup> Addition
- Roll Call Vote: 6-0. Resolutions/Motions declared adopted/approved unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

**COMMUNITY CATALYST BUILDING REMEDIATION PROGRAM GRANT:** Council Member Nelson stated that he had requested this item be pulled as he has a possible conflict of interest. Therefore, he would be abstaining from the vote.

Moved by Corrieri, seconded by Gartin, to adopt RESOLUTION NO. 17-709 authorizing City staff to sign the Pre-Application prepared by Main Street Cultural District for Community Catalyst Building Remediation Program Grant for a building located at 131 Main Street.

Roll Call Vote: 5-0-1. Voting aye: Beatty-Hansen, Betcher, Corrieri, Gartin, Orazem. Voting nay: None. Abstaining due to conflict of interest: Nelson.

**PUBLIC FORUM:** Mayor Campbell opened Public Forum. Merlin Pfannkuch, 1424 Kellogg Avenue, Ames, commented that he had asked the Council for two things last fall:

1. To review the East Industrial Area before bids are let for the infrastructure. However, he heard the recent announcement about an agreement between the Ames Economic Development Commission (AECDC) and Alliant Energy to develop the area further; so, he doesn't know if a review is still warranted.
2. For the City Council to adopt a more formal policy relating to industrial tax abatement. As the area develops, Mr. Pfannkuch believes that there will be more and more companies asking for the City to give them more than what it would offer them. He expressed his dismay over the way Barilla's tax increment financing developed and felt that the Council should have had more say early on. Mr. Pfannkuch noted that the City has had the regular five-year tax abatement for industrial for decades and he does not want more pressure to be put on staff to negotiate with a company that wants more than the usual five-year abatement. If a company is not happy with the usual five-year abatement, it should have to come before Council more than 14 days prior to any approval granted by the City.

Mr. Pfannkuch also stated that he was not pleased that Barilla was never made to come before the

Council at a meeting and ask for more incentives.

Richard Deyo, 505-8th Street, #2, Ames, said “Merry Christmas.”

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

**HEARING ON AMENDMENT TO THE EAST UNIVERSITY IMPACTED AREA (UIA EAST) URBAN REVITALIZATION PLAN:** City Planner Charlie Kuester reminded the City Council members that at its November 28, 2018, meeting, the Council had directed staff to prepare an amendment to the East University Impacted Area Urban Revitalization Plan. The Council’s direction was to include new construction of Greek residences as an eligible criterion for tax abatement. He noted that the existing criterion of allowing for abatement for rehabilitation and expansion remains. Mr. Kuester brought the Council’s attention to the map of the Urban Revitalization Area in question.

Council Member Betcher said that she was looking at the proposed language, specifically, at the two bulleted items listed as Attachment 3, Page 5, of the Council Action Form. She noted that, under the first bullet, it talks about existing or former residences, which is the previous language with the 70% remaining, but the second one doesn’t say anything about demolition of existing buildings; it simply talks new construction. Therefore, in her opinion, that opens the door for Greek houses anywhere in the UIA East to be constructed with the potential for tax abatement. Planner Kuester confirmed that that was the way the language reads. He specified that it was not tied to the demolition of an existing building; it was just tied to building a new one. Ms. Betcher then inquired if that would leave it open for an assembly of properties that could then be developed as a single property for the construction of a Greek residence. Mr. Kuester again confirmed that it would. Council Member Betcher said it had been her assumption that that was not the Council’s intention; however, she is not sure that that was specified by the City Council.

Mayor Campbell opened the public hearing.

Doug Moore, a resident of Franklin Township, advised that he owns commercial property at 611 East Lincoln Way, Ames. He asked the Council to slow down and get all the information about the possible consequences on the finances of the City and of the neighborhood. Mr. Moore feels that the Council’s decision was being made with very little analysis being done. According to Mr. Moore, this would cost an enormous amount of money to the City of Ames, Ames School District, and Story County. The cost of the proposed abatement, as noted in the *Ames Tribune*, would be \$750,000 for two properties that have already been built and are now asking for tax abatement. According to Mr. Moore, the proposed change to the current Plan would allow every Greek House to be torn down and rebuilt with the potential for tax abatement. Mr. Moore said he understands that the City Assessor can provide the data as to what it would cost if every Greek house decided to build new. He felt that the intent of the existing current Ordinance is very clear; in fact, the Ordinance specifically states in several places (at least four) its goal is to discourage demotion. Requiring at least 70% of the existing structure to remain makes sense to retain the historic character of the building. It was also noted by Mr. Moore that when the Plan was initially adopted, the Historic



Preservation Commission was fully in favor of it. He asked if the Historic Preservation Commission had been informed of this potential change. Mr. Moore stated that there was no question that the Greek community contributes positively to the City of Ames. He would like the Council to explore a compromise and cap the abatement at \$200,000 for fully rebuilt properties. In his opinion, that would discourage demolition while still showing support for the Greek System. Mr. Moore would like a thorough review by the City Assessor's Office, particularly Greg Lynch, on such a compromise as it pertains to revenue and the cost of the change.

Paul Livingston, 1926 George Allen Avenue, Ames, offered his support of the proposed amendment to the East University Impacted Area Urban Revitalization Plan, as written. He noted that there are little or no options for construction of new fraternities in the present stock of properties for sale in Ames. Mr. Livingston said he is currently working with a sorority and fraternity in trying to find properties for sale where a new Greek House could be built. He has been charged the task to try to assemble properties - whether they be tri-plexes, duplexes, or older homes - as they are only permitted in a designated area. He asked the Council to support the proposal, as written.

Justin Dodge, 2013 Green Briar Circle, Ames, advised that he was representing the Greek Alumni Alliance. He stated that the Greek Alumni Alliance is very supportive of the proposed amendment. Mr. Dodge referenced the video of the Council meeting in 2011 when the Council's direction was clear. He asked Planner Kuester to clarify a few things about what is reviewed before Greek houses are allowed to be demolished. According to Mr. Dodge, there are very few properties that would be allowed to be demolished. Planner Kuester confirmed that in order to demolish a Greek House, it would have to apply and get permission from the City Council. The Zoning Code does encourage the maintenance and rehabilitation of existing building. There are a number of economic hardship and other criteria that would have to be met before the building could be demolished. Also, any design of new construction would have to meet the same design criteria as rehabilitation. According to Mr. Kuester, the tax abatement program works hand in hand with the Zoning Code.

The hearing was closed after no one else requested to speak.

Moved by Nelson, seconded by Corrieri, to adopt RESOLUTION NO. 17-716 to approve the Amendment to the East University Impacted Area Urban Revitalization Plan, as shown in Attachment 3 of the Council Action Form.

Council Member Beatty-Hansen commented that "this would be a bad idea." She believes that the purpose of the original Ordinance was to discourage demolition and she does not see how demolition is being discouraged if the same abatement is allowed for new construction. Ms. Beatty-Hansen asked if the City had ever approved a retroactive abatement. City Manager Steve Schainker said that he did not recall any such instance. Council Member Orazem said he recalled another project approximately seven years ago, which he believed was an mobile home park, that was approved for urban revitalization. The Council did not give approval before the mobile home park was cleaned up and given some kind of retroactive approval. Director Diekmann noted that the Council did not approve abatement retroactively; it was approved with the project. Ms. Beatty-Hansen advised that she would like to preserve some way to encourage rehabilitation instead of demolition. She would

like to explore some sort of a tiered system. City Manager Schainker said the City would need to see what state law will allow. It was Ms. Beatty-Hansen's opinion that the Council was being pressured to perhaps make a poor policy decision because of the time frame for abatement. She would like to know what possible consequences there could be from approving retroactive abatement and also would like the Council to receive more information on a tiered system.

Council Member Betcher stated that she was concerned about the proposed language. She sees it as opening the door for Greek houses to be constructed in all areas of the City. Because of what she has learned tonight, which was not how she had understood the proposed change, she is not sure whether she should be voting on it as the information presented tonight came as a surprise to her. Ms. Betcher commented that she was concerned that the City is not "walking the talk" when it comes to sustainability if the City is using incentives such as abatement that encourages demolition as opposed to requiring renovation. Ms. Betcher also noted that the circumstances that guided the 2011 City Council are not the same as today. The consequences could be far-ranging and unintended. The Greek System at that time was not doing well because they were losing students plus many more students have been added in the past five years. This Council should consider its best practices at this time as opposed to a decision that was never voted on in 2011.

Council Member Nelson commented that residential neighborhoods are not going to be torn down; the area is already zoned RH. He sees the proposed change as incentivizing Greek houses to aggregate in the same area. "community." Mr. Nelson believes that if they are building new, it would be because they need to enlarge the structure, which is still going to be constrained by lot size. He said that there is a complicated interplay as to whether the economics makes sense to renovate or tear down and build new.

Council Member Gartin asked if the Council should be focusing on what Justin Dodge originally brought before the Council or have there been new elements added, such as buying up properties to build a new Greek house. Planner Kuester advised that this would mean that a new chapter would have the same opportunity for tax abatement as existing houses. Mr. Gartin thought that the Council was only dealing with replacing existing Houses. He agreed that there is value in keeping the Houses in the same area.

Roll Call Vote: 2-4. Voting aye: Corrieri, Nelson. Voting nay: Beatty-Hansen, Betcher, Gartin, Orazem. Motion failed.

Moved by Gartin to approve the proposed language with the exception of the construction of new Greek residence recognized by Iowa State University as part of the Greek residence system.

Council Member Gartin withdrew the motion.

Council Member Beatty-Hansen asked if there was any interest in having staff bring back options to allow for some tiered system. City Manager Schainker reminded the Council about the time frame (that the Greek House has two years to apply). Council Member Betcher offered that she thinks there is merit in discussing that further.

Council Member Beatty-Hansen commented that, with renovation, the historic character of the structure is preserved. She questioned what public good would be achieved if tax abatement were to be offered for new construction.

Council Member Betcher said she was also struggling to see what public good would be gained. She again pointed out that the market conditions today are different than in 2011. Ms. Betcher commented that she believes that the Council would not even be looking at incentivizing new construction if a video of the meeting in 2006 had not been shown.

*Ex officio* Member Rob Bingham commented that the public good would be in giving students a safe place to live close to Campus. He offered that he does not think those starting up a new chapter should be penalized and not offered the same incentives that existing Greek houses are afforded. Mr. Bingham thinks that every stakeholder should be asked for their opinions.

Moved by Gartin, seconded by Corrieri, to allow tax abatement only for construction of new Greek residences recognized by ISU if they are built on a site that was formerly a Greek residence.

It was clarified that the tax abatement for renovation with the 70% rule would still be in effect.

Roll Call Vote: 4-2. Voting aye: Corrieri, Gartin, Nelson, Orazem. Voting nay: Beatty-Hansen, Betcher. Motion declared adopted, signed by the Mayor, and hereby made a portion of these Minutes.

**HEARING ON REZONING AND MAJOR SITE DEVELOPMENT PLAN (MSDP) FOR 398 SOUTH 500<sup>TH</sup> AVENUE AND PROPERTY WEST OF 5508 LINCOLN WAY:** Planning and Housing Director Kelly Diekmann recalled that the Council had reviewed the initial proposal for this development in June 2017. The vote was 3-3 on the rezoning request, which was equal to denial. The applicant was allowed to revise the rezoning request. The applicant is now proposing a Planned Residence District (PRD) rezoning request with a modified arrangement of uses and a new MSDP. The general layout of the site and intent for development of 100% rental property that is principally student housing remains the same as the original proposal.

Planner Julie Gould advised that the proposed site plan includes a total unit count of 261 and a bedroom count of 855. The dwelling types are divided into 214 dwelling units within two-family dwellings (attached dwelling houses), four apartment buildings with 46 dwelling units, and one single dwelling unit with the associated maintenance building. According to Planner Gould, the newly proposed site plan includes changes to the southeast corner of the development to include four apartment buildings, rather than all attached dwelling houses. The developer has indicated that the intent of including apartments is to provide a “workforce housing” use type. The workforce housing units would not be rented to students. According to Ms. Gould, parking requirements have been met throughout the site. The proposed apartments replace 13 two-family dwelling houses with four apartment buildings. Ms. Gould stated that the inclusion of four three-story apartment buildings changes how the project interfaces with the existing single-family development to the east. The three-story apartments are set back 60 feet from the east property line, which exceeds the minimum

setback requirements.

Brian Torresi, DavisBrown Law Firm, representing the potential developer, said that the last time this was discussed by the City Council, the vote was 3-3; however, the developer did not receive any further direction. Mr. Torresi also noted that the vote by the Planning & Zoning Commission was 2-5.

Travis Vencel, representing Trinitas Ventures LLC, advised that the proposed project is not an apartment complex; it is a residential community with duplexes and townhomes. The project is planned to consist of 261 units comprised of one-, two-, three-, four-, and five-bedroom units. The density will be 7.8 units/acre, which is one-half of apartment density. It will be marketed and leased to everyone. There will be 17% of the units reserved for non-students. According to Mr. Vencel, the developer is requesting approval by the City Council of the rezoning, Site Development Plan, and Preliminary Plat (at a later time) for the development of 32 acres on Lincoln Way, with the 11 conditions as recommended by staff.

Mr. Vencel presented statistics pertaining to Ames, one of which was that 17,901 students live in conventional apartments, workforce housing, core neighborhoods, or commute to Ames. He noted that 57.76% of renters in Ames are “over-burdened,” meaning that their rent expense is more than 30% of their gross income. There are 9,500 residents of Ames who are between the ages of 24 and 34 based on Census data. There are 3,627 people commuting into Ames daily.

According to Mr. Vencel, several changes had been made to the project since last summer, including increased landscaping, additional townhomes, and addition parking to exceed the zoning standards. The developer has agreed to many improvements including \$863,257 in drainage improvements, \$290,923 in drainage and pedestrian infrastructure (for a total \$1,154,000). In addition, they have agreed to a shuttle service. The development will have walking paths throughout the project and along Lincoln Way. The off-site storm water improvements are not required; however, the developer is agreeing to do them to make the drainage in the area better. Maintenance will be the developer’s responsibility (not that of the Drainage District).

Mr. Vencel showed a video of one of their developments, i.e., The Annex at Southpointe. According to the developer, “it lives like a community, not apartments.” He said that in regards to public transportation, the site is 2.1 miles and 5 minutes to the Union, less than the Copper Beech or The Quarters apartment complexes. The developer has committed to providing shuttle service until such a time as CyRide provides service.

The public hearing was opened by Mayor Campbell.

Robert Dowling, 108 North Riverside Drive, Ames, shared that his parents are both Iowa State grads. They still love to come to Ames to see how it has grown. Mr. Dowling said that when he came to ISU, housing was so expensive, so his dad purchased a home for him and his brother to live. He is supportive of the project as more competition would bring rent prices down.

Hunter Moser, 2323 Knapp, Ames, noted that he spends the majority of his income on rent. Mr. Moser is supportive of the project.

Truman Brady, 4210 Lincoln Swing, Ames, encouraged the Council to approve the development.

Deborah Harmison, 5429 Norris Street, Ames, said that she and her husband just purchased their home in 2014. One of the things that attracted them to that area was that there was a field behind them. They could not afford a place in the country, so this was the closest they could come to living in the country. Ms. Harmison noted that her neighborhood is “a community” and she doesn’t want the field to be developed into apartments or duplexes.

Peter Wolfe, 5508 West Lincoln Way, Ames, noted that he and George Belitsos own the property in question. He feels that Trinitas has proposed an innovative and affordable proposal, and he likes the proposal. Mr. Wolf asked the Council to vote “yes” for what he considers a quality and affordable housing project.

Lori Whitmer, 5426 Frost Drive, Ames, said that her home is adjacent to the proposed development. She shared her concerns: traffic on Lincoln Way; drainage, which has been a problem on her property in the past; and the size of the possible project.

Natalie Hallman, 111 Lynn Avenue, Ames, a senior at Iowa State University, shared that she and her roommates had to sign a lease 12 months before they moved in. The price of rental housing in Ames continues to rise. She asked the Council to approve the development.

Marilyn Clem, 3306 Morningside, Ames, advised that she has been a resident of the College Creek Neighborhood for 41 years. She is concerned about all the concrete that would be installed as part of the project and where the water will go. Ms. Clem said that her and her neighbors’ backyards already flood. She doesn’t want to re-do her basement again and again if the proposed project is built.

George Belitsos, 5508 West Lincoln Way, Ames, said that he and Peter Wolf bought the property in question 31 years ago. He noted that Norris Street ends where his property begins. In March 2016, Mr. Belitsos said he went to an Affordable Housing Conference in Ames. He sat next to representatives of Trinitas, who noted that they had just been turned down for a project. City staff had told them where they should look to develop. His property met the developer’s location criteria. Mr. Belitsos shared that they have an employee who helps with their animals who is trying to get into the Vet College, but she does not afford to live in Ames. Mr. Belitsos noted that he and Mr. Wolf built the existing detention pond for water run-off.

Vladimir Chernobrytzer, Kiev stated that he is considering Iowa State University for getting his PhD. The proposed project is exactly what he is looking for in a residence, as it has the amenities that he is looking for without driving to a gym, pool, studying room, etc.

John Crane, 632 North 500<sup>th</sup> Avenue, Ames, said that he is one of the potential sellers. Mr. Crane noted that at some point, cities grow; there is only so much land available. He believes that the proposed project will solve the water run-off problems. Mr. Crane said that he visited one of the

developments built by Trinitas. He did so before he would discuss selling his land to them. Mr. Crane advised that the development he visited was very different than apartments; it looked like other newer subdivisions in Ames.

Council Member Betcher asked about rent prices. Mr. Vencel stated that rents will start at \$540/bed for the five-bedroom units. Everything (furniture, cable, Internet, utilities) is included. The non-furnished units for non-students will be about \$75 less.

Ms. Betcher noted that the number of students listed by Mr. Vencel is not quite correct because it includes “on-line students.” Mr. Vencel said that the numbers might not be absolutely exact, but there is a need for this housing project.

*Ex officio* Member Robert Bingham asked how the shuttle would work. Mr. Vencel said that they will have three shuttles that are operated so that they have a 20-minute trip. At peak times, they will probably have a shuttle every ten minutes. They will not be letting off at a CyRide stop.

Council Member Gartin thanked the students who were offering comments at this meeting tonight during a time when students are on break. He feels that the project in question is an opportunity to provide the kind of housing that students want that are not part of an apartment complex. Mr. Gartin feels this would be a beautiful addition to the community.

Mr. Diekmann stated that if the project is approved, the developer will have public improvement obligations that would be triggered by approval of the Final Plat.

Moved by Beatty-Hansen, seconded by Betcher, to approve Alternative No. 3, which is to deny.

Ms. Beatty-Hansen feels that the density is still an issue; it is not much different than what the Council had already seen.

Ms. Bingham said his issue with this still stands with its proximity to Campus. He agreed with Ms. Beatty-Hansen that what was shown at this meeting was not much different than the previous project. Mr. Bingham said he doesn't deny that this project will help drive down rents, but he doesn't think this is the best project for the community.

Council Member Nelson offered that he thinks the project is a good project, but he feels that the proposed location is not the best.

Council Member Gartin shared his opinion that there are very few opportunities for projects like this that are not going to cause disruption in neighborhoods.

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

Mayor Campbell advised that she would like to move Item No. 23 up on the Agenda and have it be discussed next. There were no objections from the Council members.

**2017 COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR):** Assistant Finance Director Tina Stanley stated that the City is required by Iowa law to have an annual audit of its financial statements. She said that it was a “clean audit,” meaning the Auditor’s Report stated that there were no significant deficiencies and no noncompliance material to the financial statements noted. There was one material weakness found: an adjustment to the beginning net position of the Transit Fund was necessary to correctly match revenues and expenses of a reimbursable grant. Staff has met with the Transit Board to explain the need for this change and to correctly account for funds in the future. Ms. Stanley pointed out the management letter, which confirmed that there were no other issues that came up during the Audit.

Moved by Gartin, seconded by Corrieri, to adopt RESOLUTION NO. 17-718 approving the 2017 Comprehensive Annual Financial Report.

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

**ORDINANCE LIMITING RENTAL OCCUPANCY IN SINGLE- AND TWO-FAMILY RESIDENCES:** Council Member Corrieri offered her opinion that the Council was moving too fast with this Ordinance. She noted that she would like to know more about how this would affect “functional families.” Council Member agreed with Ms. Corrieri and was also interested in knowing the effects its adoption would have on certain types of families.

Moved by Orazem, seconded by Gartin, to pass on second reading an ordinance limiting rental occupancy in single- and two-family residences.

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

The meeting recessed at 8:22 p.m. and reconvened at 8:34 p.m.

**415 STATION AVENUE (OLD CRAWFORD SCHOOL):** Planning and Housing Director Diekmann advised that when staff was drafting the Development Agreement, the applicant advised that they were asking for something different than was provided in the Code pertaining to senior-restricted living. The Code states that all members of the household must be 55 and older, and the applicant is wanting it to state that one member of the housing must be 55 and older. Since that is a change, Director Diekmann asked the Council for direction. He advised that if the Council chooses to grant the developer’s request, the Council would not address it as a City-wide text amendment. However, if the City Council is wanting it to be City-wide, it could be done. Council Member Betcher asked if that would be a significant impediment to the deal. Mr. Diekmann deferred to the applicant for the answer. Applicant Luke Jensen, 2519 Chamberlain, Ames, said that the answer at this time is unknown. The answer will become apparent as the developer begins to meet with potential buyers. As an example, Mr. Jensen said that one person in the household who was 55 might have a 52- or 54-year-old spouse, who under the current Code, would be disqualified from living there. Ms. Betcher stated that her main concern is that someone who buys a unit could possibly have to take in grandchildren. She is looking at what might negatively impact the other residents. Council Member Nelson asked what would happen if a caregiver, e.g., a younger son or daughter who needs to move in with a parent to care for him or her. He wondered if that could

possibly be addressed through the Homeowners' Association. Mr. Jensen felt that it could be addressed if need be in the Homeowners' Association rules. At the inquiry of Council Member Orazem, Director Diekmann advised that there is a "carve out" in the Fair Housing Act (Housing for Older Persons) that allows the restriction of occupancy based on age.

Moved by Gartin, seconded by Nelson, to approve Alternative No. 2, to require at least one occupant to be 55 years of age or older.

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

Mr. Diekmann advised that third passage of the Ordinance would come back to the Council on January 9, 2017, after the Developer's Agreement has been prepared and signed.

**ORDINANCE TO ALLOW DOG GROOMING AS PERMITTED USE IN VILLAGE ZONING DISTRICT:** Moved by Betcher, seconded by Beatty-Hansen, to adopt ORDINANCE NO. 4331 to allow dog grooming as permitted use in Village Zoning District.

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

**321 STATE AVENUE AFFORDABLE HOUSING DEVELOPMENT (OLD MIDDLE SCHOOL):** Planning and Housing Director Kelly Diekmann stated that the Development Agreement was not able to be completed by this meeting. He advised that the bids are good for 60 days; therefore, the offer is valid to January 6, 2018. Staff has asked Keller Excavating to grant an extension to January 10, 2018, which would allow the Council to act on it at its meeting to be held on January 9, 2018. If the bidder is not willing to do that, the project will have to be re-bid. City Manager Schainker advised that the other possibility is for the City Council to schedule a special meeting prior to January 6, 2018. There was no further direction by the City Council.

**COUNCIL COMMENTS:** Moved by Betcher, seconded by Nelson, to direct staff to place on a future agenda the request from Pat Brown for a Zoning Text Amendment to allow for public art installations in front-yard setbacks.

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

Moved by Gartin, seconded by Orazem, to get a memo from staff pertaining to abatement for new construction of Greek houses, i.e., whether it is possible to have a separate and distinct abatement schedule for new construction and whether options to give less abatement than what is offered to the renovation of Greek houses is possible.

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

Moved by Corrieri, seconded by Gartin, to get a memo from staff with some information about the functional family and how it applies and what the process would be for those faced with having an "illegal lease" after the adoption of the Occupancy Ordinance.

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

**ADJOURNMENT:** Moved by Betcher to adjourn the meeting at 8:56 p.m.



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Diane R. Voss, City Clerk

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Ann H. Campbell, Mayor

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

**AMES, IOWA**

**JANUARY 3, 2018**

The Ames City Council met in special session at 2:03 p.m. on the 3rd day of January, 2018, in the City Council Chambers of City Hall, 515 Clark Avenue, pursuant to law with Mayor John Haila presiding. As it was impractical for all Council members to be present in person, the following were brought in telephonically: Bronwyn Beatty-Hansen, Gloria Betcher, Amber Corrieri, Tim Gartin, David Martin, and Chris Nelson. Also joining telephonically was ex officio Member Robert Bingham.

**CRANE FARM SUBDIVISION, 6<sup>TH</sup> ADDITION:** Moved by Corrieri, seconded by Beatty-Hansen, to adopt RESOLUTION NO. 18-001 approving the Major Final Plat for Crane Farm Subdivision, 6<sup>th</sup> Addition.

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

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

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Diane R. Voss, City Clerk

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Ann H. Campbell, Mayor

**MINUTES OF THE AMES CIVIL SERVICE COMMISSION**

**AMES, IOWA**

**DECEMBER 21, 2017**

The Ames Civil Service Commission convened in regular session at 8:15 a.m. on December 21, 2017, in the Council Chambers of City Hall, 515 Clark Avenue. Because it was impractical for the Commission members to be present in person, Commission Members Mike Crum, Harold Pike, and Charlie Ricketts were brought into the meeting telephonically. Human Resources Director Kaila Boothroy attended the meeting.

**APPROVAL OF MINUTES:** Moved by Pike, seconded by Ricketts, to approve the minutes of the Regular Meeting of November 16, 2017, and of the Special Meeting of December 6, 2017, as written.

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

**CERTIFICATION OF ENTRY-LEVEL APPLICANTS:** Moved by Crum, seconded by Ricketts, to certify the following individuals to the Ames City Council as entry-level applicants:

Mechanic Assistant:	Chris Lumley	72
	Michael Hlavacek	70
City Forester:	Joe Herring	92
	Pat Griffith	81
	Kelli Tuttle	73

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

**REQUEST TO ABOLISH MECHANIC ASSISTANT ENTRY-LEVEL CERTIFIED LIST:**

When questioned by Commission Member Pike, Human Resources Director Boothroy indicated that the hiring Department did not feel the remaining two candidates on the list met all of the attributes desired for this role. She explained that the Civil Service Commission's Policies and Procedures allows the Commission to abolish the current certified list when the list has diminished to three or fewer eligible candidates.

Moved by Ricketts, seconded by Crum, to grant the request to abolish the Mechanic Assistant entry-level certified list.

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

**REQUEST TO ABOLISH CITY FORESTER ENTRY-LEVEL CERTIFIED LIST:**

Ms. Boothroy stated that this is a similar situation to that of the aforementioned request to abolish a certified list. The preferred candidate declined the offer of employment, and the hiring Department determined that, while both candidates met the minimum qualifications, neither of the two remaining candidates met all of the desired elements for this new position.

Moved by Pike, seconded by Crum, to grant the request to abolish the City Forester entry-level certified list.

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

**COMMENTS:** The next regularly scheduled Civil Service Commission meeting was set for January 25, 2018, at 8:15 a.m.

**ADJOURNMENT:** The meeting adjourned at 8:21 a.m.

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Michael R. Crum, Chair

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Jill Ripperger, Recording Secretary



## REPORT OF CONTRACT CHANGE ORDERS

<b>Period:</b>	<input checked="" type="checkbox"/>	1 <sup>st</sup> – 15 <sup>th</sup>
	<input type="checkbox"/>	16 <sup>th</sup> – End of Month
<b>Month &amp; Year:</b>	December 2017	
<b>For City Council Date:</b>	January 9, 2018	

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	Audio/Visual Equipment - Water Treatment Plant	1	\$84,997.00	Communications Engineering Co.	\$0.00	\$425.00	J. Dunn	MA
Water & Pollution Control	Well Rehabilitation Project: Well Nos. 8, 14, 16, 20, & 23.	3	\$97,500.00	Northway Corporation	\$7,879.00	\$741.00	J. Dunn	MA
			\$		\$	\$		
			\$		\$	\$		
			\$		\$	\$		
			\$		\$	\$		



## REPORT OF CONTRACT CHANGE ORDERS

<b>Period:</b>	<input type="checkbox"/>	1 <sup>st</sup> – 15 <sup>th</sup>
	<input checked="" type="checkbox"/>	16 <sup>th</sup> – End of Month
<b>Month &amp; Year:</b>	December 2017	
<b>For City Council Date:</b>	January 9, 2018	

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)
Electric Services	15 kV Aluminum Cable for Electric Services	1	\$75,723.90	WESCO Distribution	\$0.00	\$757.24	D. Kom	CB
Public Works	2017 Subwatersheds 5 & 6 Sanitary Sewer Rehabilitation	1	\$2,048,362.10	Hydro-Klean, LLC	\$0.00	\$6,280.15	J. Joiner	MA
Public Works	2007/08 Shared Use Path System Expansion (Oakwood Rd)	2	\$203,988.90	Con-Struct, Inc.	\$9,970.00	\$4,074.90	T. Warner	MA
Ames Public Library	Custodial Services for the Ames Public Library	1	\$77,739.48	Nationwide Office Care	\$0.00	\$6,814.08	K. Thompson	MA
			\$		\$	\$		
			\$		\$	\$		

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Quality Programs  
Exceptional Service*

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**6a&b**

**TO:** Mayor John Haila and Ames City Council Members  
**FROM:** Lieutenant Dan Walter – Ames Police Department  
**DATE:** January 5, 2018  
**SUBJECT:** Beer Permits & Liquor License Renewal Reference City Council Agenda

The Council agenda for January 9<sup>th</sup> 2018, includes beer permits and liquor license renewals for:

- Class B Liquor - LB0001328 - Quality Inn & Suites, Starlite Village Conference, 2601 E. 13th Street
- Class C Liquor & Outdoor Service - LC0033642 - Cafe Beau, 2504 Lincoln Way

A routine check of police records for the past twelve months found no liquor law violations for the above listed business. **Therefore, the Police Department recommends renewal of licenses for the above businesses, Quality Inn & Suites and Café Beau.**

**Applicant License Application ( )**

<b>Name of Applicant:</b> <u>Christiani's Events LLC</u>		
<b>Name of Business (DBA):</b> <u>Christiani's Events</u>		
<b>Address of Premises:</b> <u>420 Beach Avenue</u>		
<b>City</b> <u>Ames</u>	<b>County:</b> <u>Story</u>	<b>Zip:</b> <u>50011</u>
<b>Business</b>	<u>(515) 360-8069</u>	
<b>Mailing</b>	<u>1150 E. Diehl</u>	
<b>City</b> <u>Des Moines</u>	<b>State</b> <u>IA</u>	<b>Zip:</b> <u>50315</u>

**Contact Person**

<b>Name</b> <u>Peter Worsham</u>
<b>Phone:</b> <u>(515) 360-8069</u> <b>Email</b> <u>peter@christianicatering.com</u>

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

**Term:** 5 days

**Effective Date:** 01/27/2018

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

**Privileges:**

Class C Liquor License (LC) (Commercial)

Sunday Sales

**Status of Business**

<b>BusinessType:</b> <u>Limited Liability Company</u>
<b>Corporate ID Number:</b> <u>XXXXXXXXXX</u> <b>Federal Employer ID</b> <u>XXXXXXXXXX</u>

**Ownership**

**Carol Christiani**

**First Name:** Carol

**Last Name:** Christiani

**City:** DesMoines

**State:** Iowa

**Zip:** 50321

**Position:** member

**% of Ownership:** 100.00%

**U.S. Citizen:** Yes

**Insurance Company Information**

<b>Insurance Company:</b> <u>Illinois Union Insurance Company</u>	
<b>Policy Effective Date:</b> <u>01/27/2018</u>	<b>Policy Expiration</b> <u>02/01/2018</u>
<b>Bond Effective</b>	<b>Dram Cancel Date:</b>
<b>Outdoor Service Effective</b>	<b>Outdoor Service Expiration</b>
<b>Temp Transfer Effective</b>	<b>Temp Transfer Expiration Date:</b>



**Applicant License Application ( )**

<b>Name of Applicant:</b> <u>High 5 LLC</u>		
<b>Name of Business (DBA):</b> <u>McFlys</u>		
<b>Address of Premises:</b> <u>ISU Hanson Ag Building</u>		
<b>City</b> <u>Ames</u>	<b>County:</b> <u>Story</u>	<b>Zip:</b> <u>50010</u>
<b>Business</b> <u>(515) 509-9843</u>		
<b>Mailing</b> <u>115 5th St</u>		
<b>City</b> <u>Ames</u>	<b>State</b> <u>IA</u>	<b>Zip:</b> <u>50010</u>

**Contact Person**

<b>Name</b> <u>Tanya K Doyle</u>	
<b>Phone:</b> <u>(515) 509-9843</u>	<b>Email</b> <u>teebone1966@gmail.com</u>

**Classification** Class C Liquor License (LC) (Commercial)
**Term:** 5 days
**Effective Date:** 01/19/2018
**Expiration Date:** 01/01/1900
**Privileges:**
Class C Liquor License (LC) (Commercial)
**Status of Business**

<b>BusinessType:</b> <u>Limited Liability Company</u>	
<b>Corporate ID Number:</b> <u>XXXXXXXXXX</u>	<b>Federal Employer ID</b> <u>XXXXXXXXXX</u>

**Ownership**
**Tanya Doyle**

**First Name:** Tanya                      **Last Name:** Doyle  
**City:** Boone                              **State:** Iowa                      **Zip:** 50036  
**Position:** Owner  
**% of Ownership:** 50.00%                      **U.S. Citizen:** Yes

**Steven Perlowski**

**First Name:** Steven                      **Last Name:** Perlowski  
**City:** Ames                              **State:** Iowa                      **Zip:** 50014  
**Position:** Owner  
**% of Ownership:** 50.00%                      **U.S. Citizen:** Yes

**Insurance Company Information**

<b>Insurance Company:</b> <u>Badger Mutual Insurance Company</u>	
<b>Policy Effective Date:</b> <u>01/19/2018</u>	<b>Policy Expiration</b> <u>01/24/2018</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:** Orchestrate Management  
**Name of Business (DBA):** Gateway Market MLK  
**Address of Premises:** ISU Alumni Center  
**City** Ames **County:** Story **Zip:** 50011  
**Business** (515) 331-1753  
**Mailing** 130 E 3rd St., Ste201  
**City** Des Moines **State** IA **Zip:** 50309

**Contact Person**

**Name** Michelle Mathews  
**Phone:** (515) 331-1753 **Email** mmathews@ohospitality.com

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

**Term:** 5 days

**Effective Date:** 01/20/2018

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

**Privileges:**

Class C Liquor License (LC) (Commercial)

**Status of Business**

**BusinessType:** Limited Liability Company  
**Corporate ID Number:** XXXXXXXXXX **Federal Employer ID** XXXXXXXXXX

**Ownership**

**Paul Rottenberg**

**First Name:** Paul **Last Name:** Rottenberg  
**City:** Des Moines **State:** Iowa **Zip:** 50315  
**Position:** Partner  
**% of Ownership:** 14.06% **U.S. Citizen:** Yes

**LADCO Development, Inc**

**First Name:** LADCO **Last Name:** Development, Inc  
**City:** West Des Moines **State:** Iowa **Zip:** 50266  
**Position:** Partner  
**% of Ownership:** 14.06% **U.S. Citizen:** Yes

**REB Development, LLC**

**First Name:** REB **Last Name:** Development, LLC  
**City:** Clive **State:** Iowa **Zip:** 50325  
**Position:** Partner  
**% of Ownership:** 14.06% **U.S. Citizen:** Yes

**Michelle Mathews**

**First Name:** Michelle                      **Last Name:** Mathews  
**City:** Des Moines                      **State:** Iowa                      **Zip:** 50309  
**Position:** Controller  
**% of Ownership:** 0.00%                      **U.S. Citizen:** Yes

**Insurance Company Information**

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

ITEM # 10  
DATE: 01-09-18

### **COUNCIL ACTION FORM**

**SUBJECT: PROCUREMENT CARD FOR NEW CITY MAYOR AND COUNCIL MEMBER**

#### **BACKGROUND:**

On February 26, 2002, City Council approved a procurement card (p-card) program to facilitate payment for small purchases and travel expenses. Policies and procedures for the program are part of the City purchasing policies approved by City Council. All cardholders attend training on the related policies and procedures prior to being issued a card.

Procurement card applications for employees are approved by the applicant's department head. Applications for elected City officials are to be approved by City Council. Applications for new Mayor Haila and City Council Member Martin were submitted, and they attended the required training session on December 4, 2017. The proposed accounts will have a single purchase limit of \$2,000, a daily spend limit of \$3,000, and a monthly billing cycle limit of \$5,000.

#### **ALTERNATIVES:**

1. Approve applications for procurement card for Mayor Haila and City Council Member Martin and set the spend limit at \$2,000 per transaction, \$3,000 per day, and \$5,000 per monthly billing cycle.
2. Have Mayor Haila and City Council Member Martin use their personal account rather than procurement card for travel and related expenses, and request reimbursement in accordance with applicable City policies.

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

The procurement card program is intended to facilitate payment for small purchases and travel expenses. Applications for the new Mayor Haila and City Council Member Martin were submitted, and they have attended the required training session.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the applications for a procurement card for Mayor Haila and City Council Member Martin and setting the spend limits as indicated above.

**To:** Members of the City Council

**From:** John A. Haila, Mayor

**Date:** January 9, 2018

**Subject:** Council Appointment to Ames Convention & Visitors Bureau Board of Directors

Bronwyn Beatty-Hansen's term of office on the Ames Convention & Visitors Bureau (ACVB) Board of Directors expired December 31, 2017; therefore, it will be necessary to appoint a council member to fill this position.

I recommend that the City Council appoint David Martin to a two-year term on the ACVB Board of Directors effective January 1, 2018.

JAH/jlr

**COUNCIL ACTION FORM**

**SUBJECT: DESIGNATION OF CIRTPA REPRESENTATIVES**

**BACKGROUND:**

Each year, the City Council appoints representatives and alternate representatives to the two committees of the Central Iowa Regional Transportation Planning Alliance (CIRTPA). These are the Transportation Policy Committee (TPC) and the Transportation Technical Committee (TTC). Because the City is an advisory member of CIRTPA, these are non-voting positions.

Although the City of Ames is a member of the Ames Area Metropolitan Planning Organization (AAMPO), we are still within the boundaries of CIRTPA. Therefore, even though the City receives funding from the AAMPO, Ames stills serve a planning role in the CIRTPA region and our input is solicited.

Staff is recommending that the City's designated representatives to CIRPTA be as follows:

TPC Representative: Damion Pregitzer, Traffic Engineer  
TPC Alternate Representative: Tracy Warner, Municipal Engineer  
TTC Representative: Damion Pregitzer, Traffic Engineer  
TTC Alternate Representative: Tracy Warner, Municipal Engineer

**ALTERNATIVES:**

1. Appoint the individuals named above to their respective roles with CIRTPA.
2. Designate some other individuals to serve the City in this capacity.

**MANAGER'S RECOMMENDED ACTION:**

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

**COUNCIL ACTION FORM**

**SUBJECT: SETTING DATE OF PUBLIC HEARING FOR STATE REVOLVING FUND CLEAN WATER LOAN IN AN AMOUNT NOT TO EXCEED \$1,001,000 FOR WPC BAR SCREEN IMPROVEMENTS**

**BACKGROUND:**

The City's Capital Improvement Plan includes a project to make significant improvements to the bar screen system at the Water Pollution Control (WPC) Facility. The project consists of removal of existing equipment and installation of a new mechanically cleaned bar screening system with washer/compactor/bagging system. Past expenses and available funding for the project are as follows.

FY 15 Actual Expenses	\$ 11,354.86
FY 16 Actual Expenses	40,264.50
FY 17 Actual Expenses	5,499.68
FY 18 Available Carryover	884,042.32
<u>FY 18 Mid-year Transfer*</u>	<u>27,593.00</u>
	\$968,754.36

*\* - Savings from the WPC Site Drive Repaving Project, that are being transferred as a part of the mid-year budget amendment process*

A Clean Water State Revolving Fund (SRF) Loan in the amount of \$1,001,000 has been identified as the funding source for the bar screen improvements. The loan amount being authorized is slightly higher to provide an available contingency that can be used without having to modify the loan agreement. The final loan amount will include only the actual expenses incurred, and will not include the contingency unless it is required. Repayment of the loan will be from wastewater utility revenues. A public hearing is required to proceed with the SRF loan.

**ALTERNATIVES:**

1. The City Council can set January 23, 2018, as the date of public hearing to enter into a State Revolving Fund Clean Water Loan agreement in an amount not to exceed \$1,001,000.
2. The Council can delay the hearing on the loan agreement and the project to improve the WPC bar screen.

**MANAGER'S RECOMMENDED ACTION:**

Setting the date of public hearing will ensure that City staff can proceed with the loan funding and WPC bar screen improvements plan as previously approved by Council.

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



**COUNCIL ACTION FORM**

**SUBJECT:**           **MAIN STREET CULTURAL DISTRICT REQUESTS  
FOR JANUARY DOLLAR DAYS**

**BACKGROUND:**

Main Street Cultural District is planning to host its annual dollar days from Thursday, January 25 through Saturday, January 27, and requests a waiver of parking fees and enforcement in the downtown district on those days. The request is detailed in the attached letter.

Fulfilling this request and providing free parking for the 597 metered parking spaces in the downtown area for three days yields a loss of \$3,223.80 to the Parking Fund (597 meters at \$0.20 per hour for nine metered hours per day).

**ALTERNATIVES:**

1. Approve the request from Main Street Cultural District to waive parking fees and enforcement for the downtown area for January Dollar Days as described above.
2. Do not approve the request.

**MANAGER'S RECOMMENDED ACTION:**

The MSCD sidewalk sales are successful events held twice a year. Since these events bring shoppers to the MSCD, this request furthers the City Council's goals to continue to provide support for the downtown commercial area.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the request from Main Street Cultural District to waive parking fees and enforcement for the downtown area for January Dollar Days as described above.



December 6, 2017

Dear Honorable Mayor Ann Campbell and City Council,

The Main Street Cultural District is planning to hold the annual January Dollar Days event on Thursday, January 25 through Saturday, January 27, 2018. This event is for the businesses and community to enjoy small business sales in the destination district in the heart of the community. January Dollar Days offers the opportunity to use the gift cards they got for Christmas while finding that great after-the-holiday sale! We would like to request free parking in the downtown district from that Thursday to Saturday to offer the opportunity for great sales to the businesses as well as comfort to the community to shop downtown.

Thank you for your consideration of this request and continued support of the Main Street Cultural District.

Sincerely,

Cindy Hicks  
Main Street Cultural District



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# MEMO

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

**From:** City Clerk's Office

**Date:** January 9, 2018

**Subject:** Contract and Bond Approval

There is no Council Action Form for Item No. 15. Council approval of the contract and bond for this project is simply fulfilling a *State Code* requirement.

/jr

**COUNCIL ACTION FORM**

**SUBJECT: 2015/16 & 2016/17 SEAL COAT STREET PAVEMENT IMPROVEMENTS (E. 14<sup>TH</sup> STREET, GABLE LANE, S. 2<sup>ND</sup> STREET, S. MAPLE AVE)**

**BACKGROUND:**

The Seal Coat Street Pavement Improvements is the annual program for removal of built-up seal coat from streets with asphalt surface. This program restores surface texture, corrects structural deficiencies, removes built-up seal coat, and prevents deterioration of various streets. This resurfacing process results in better riding surfaces, increased safety with improved surface texture, and increased life expectancy of streets. Built-up seal coat on streets causes excess crown which results in vehicles dragging at driveway entrances. Complete removal of this built-up seal coat allows for repair to curb and gutter and placement of 4" of asphalt surface.

**The locations for this project include E. 14<sup>th</sup> Street (Duff Avenue to Meadowlane Avenue), Gable Lane (Ash Avenue to Gray Avenue), S 2<sup>nd</sup> Street (S Hazel Avenue to S Oak Avenue), and S Maple Avenue (S 2<sup>nd</sup> Street to Lincoln Way).**

At the March 28, 2017 meeting, City Council awarded the contract to Manatt's Inc. of Ames, Iowa in the amount of \$1,341,472.79.

Through the construction, staff has administratively approved 1 change order. The first change order was approved in the amount of \$8,018.05 to replace PCC Pavement at the intersection of S. Maple Avenue and S. 4<sup>th</sup> Street in order to make water main connections.

Now that construction is substantially complete, a balancing change order is required to adjust the quantities based on field measurements. The balancing change order is for a **savings of \$53,553.90**. The majority of the cost savings came from not having to utilize subgrade stabilization items due to good quality preexisting subgrades below the new pavement.

**ALTERNATIVES:**

1. Approve Change Order No. 2, with savings in the amount of \$53,553.90.
2. Do not proceed with the change order and direct staff to pursue other options.

**MANAGER'S RECOMMENDED ACTION:**

By approving this change order, this project can move towards final acceptance. The project has provided a more reliable and improved street quality for our citizens in these areas.

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

**COUNCIL ACTION FORM**

**SUBJECT: REZONING CONTRACT FOR PROPERTY LOCATED AT 415 STANTON AVENUE FROM S-GA (GOVERNMENT/AIRPORT DISTRICT) TO RH (RESIDENTIAL HIGH DENSITY).**

**BACKGROUND:**

The City Council approved the first reading for the rezoning of the property at 415 Stanton Avenue to Residential High Density (RH) on November 28, 2017 with the condition to complete a contract rezoning agreement to limit the use. **At the December 19, 2017, City Council meeting, it was determined that a condition of the rezoning can be altered to allow the 55 or older age restriction to apply to one or more members of the household, rather than all members of the household. Staff has prepared a contract rezoning agreement consistent with this age restriction as requested by the developer. The other rezoning conditions will remain as approved on November 28, 2017.**

**The attached draft agreement limits the site use to Senior Living with a minimum of one occupant per dwelling as 55 or older, that the existing Crawford School building will be retained and adapted to residential use, and that the new development is restricted to a maximum of three stories and 50 feet. (Attachment A.)**

**ALTERNATIVES:**

1. The City Council can approve and adopt the contract rezoning agreement that specifies the use is limited to Senior Living with a minimum of one occupant per dwelling as 55 or older, retain and adapt the existing Crawford School building for residential purposes and restrict the maximum height to three stories and 50 feet.
2. The City Council can deny the contract rezoning agreement on property located at 415 Stanton Avenue.
3. The City Council can defer the third reading and provide staff with different direction on the contract rezoning agreement or for a zoning text amendment.

**CITY MANAGER'S RECOMMENDATION:**

The attached contract rezoning agreement requires the re-use of the existing Crawford School site and new building to be used for residential purposes. The proposed rezoning limitations are consistent with the applicant's intended use of the site. The

contract rezoning agreement is a permissible method of restricting use of a site at the time of rezoning when agreed upon with the applicant.

Alternative #1 reflects the direction from December 19th that would allow occupants to be limited to Senior Living with a minimum of one occupant per dwelling as 55 or older. **Therefore, it is the City Manager's recommendation that the City Council approve Alternative #1.**

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S P A C E   A B O V E   R E S E R V E D   F O R   O F F I C I A L   U S E

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**Legal description:** See page 4.

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**Return document to:** City Clerk, 515 Clark Avenue, Ames IA 50010

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**Document prepared by:** Victoria A. Feilmeyer, City of Ames Legal Department, 515 Clark Ave., Ames, IA 50010 – 515-239-5146

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**CONTRACT REZONING AGREEMENT PERTAINING TO THE  
LAND AT 415 STANTON AVENUE**

**THIS AGREEMENT**, made and entered into this \_\_\_\_ day of \_\_\_\_\_, 201\_\_, by and between the City of Ames, Iowa (hereinafter called “City”) and The Crawford Ames, LLC, an Iowa limited liability company (hereinafter called “Developer”), its successors and assigns.

**WITNESSETH THAT:**

**WHEREAS**, the Developer owns real property which had formerly been used by the Ames Community School District for an elementary school and later for school district offices, legally described as set out on Attachment A and locally addressed as 415 Stanton Avenue, Ames, Iowa, (hereinafter called the “Property”); and

**WHEREAS**, the Developer desires to redevelop the property so that it may be intended and operated for occupancy as Housing for Older Persons aged 55 years or older; and

**WHEREAS**, the City approved a Minor Map Amendment to the Land Use Policy Plan (LUPP) designation for the subject real property by Resolution 17-676, which changed its designation from Low-Density Residential/Governmental Lands to High Density Residential to provide for a LUPP designation compatible with the proposed Housing for Older Persons; and

**WHEREAS**, the Developer has applied for a zoning designation of RH (Residential High Density) for the subject property in order to advance its plan of renovating the site to be used as Housing for Older Persons; and



**WHEREAS**, as contemplated by Iowa Code section 414.5, the City desires to impose certain additional conditions on the property owner in addition to existing regulations in connection with granting the base zoning; and

**WHEREAS**, both City and the Developer expressly agree that said additional conditions are reasonable and imposed to satisfy public needs which are directly caused by the requested zoning change to RH (Residential High-Density).

**NOW, THEREFORE**, the parties hereto have agreed and do agree as follows:

### **I. INTENT AND PURPOSE**

A. It is the intent of this Agreement to:

1. Recognize that the Developer, The Crawford Ames, LLC, is the owner of the real property being rezoned and expressly agrees to the imposition of additional conditions as authorized by Iowa Code section 414.5.
2. Confirm and document that the Parties recognize and acknowledge that a substantial benefit to the public will be realized by imposition of the additional conditions for rezoning.
3. Grant rezoning of the real property from Government/Airport Lands (S-GA) to Residential High Density (RH) subject to these additional conditions:
  - a. The residential use of the site is age restricted to Housing for Older Persons with each unit having at least one occupant who is 55 years of age or older.
  - b. The existing Crawford School Building will be retained and adapted to residential use.
  - c. New development shall be restricted to a maximum of three stories no more than 50 feet in height in the aggregate.
  - d. Prior to the approval of the third reading of the Ordinance rezoning the property, this rezoning agreement must be signed by the Developer and delivered to the City.

### **II. GENERAL PROVISIONS**

A. Modification. The parties agree that this Agreement may be modified, amended or supplemented only by written agreement of the parties, and their successors and/or assigns.

B. General Applicability of Other Laws and Ordinances. The Developer understands and agrees that all work done by or on its behalf shall be made in compliance with Iowa Code, the Ames Municipal Code, Iowa Statewide Urban Design and

Specifications and all other federal, state and local laws of general application (including the Fair Housing Act as applicable), whether or not such requirements are specifically stated in this agreement. All ordinances, regulations and policies of the City now existing, or as may hereafter be enacted, shall apply to activity or uses on the site.

C. Incorporation of Recitals and Exhibits. The recitals, together with any and all exhibits attached hereto, are confirmed by the parties as true and incorporated herein by reference as if fully set forth verbatim. The recitals and exhibits are a substantive contractual part of this agreement.

### III. COVENANTS RUN WITH THE LAND

This Agreement shall run with the site and shall be binding upon the Developer, its successors, subsequent purchasers and assigns. Each party hereto agrees to cooperate with the other in executing a Memorandum of Agreement that may be recorded in place of this document.

**IN WITNESS WHEREOF**, the parties hereto have caused this instrument to be executed effective as of the date first above written.

<p><b>CITY OF AMES, IOWA</b></p> <p>By _____ John A. Haila, Mayor</p> <p>Attest _____ Diane R. Voss, City Clerk</p> <p>STATE OF IOWA, COUNTY OF STORY, ss:</p> <p>On this _____ day of _____, 2016, before me, a Notary Public in and for the State of Iowa, personally appeared John A. Haila and Diane R. Voss, to me personally known, who, being 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 _____, 201____, and that John A. Haila 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.</p> <p>_____ Notary Public in and for the State of Iowa</p>	<p><b>THE CRAWFORD AMES, LLC</b></p> <p>By _____</p> <p>STATE OF IOWA, COUNTY OF STORY, ss: This instrument was acknowledged before me on _____, 2017, by _____, as Manager, of The Crawford Ames, LLC.</p> <p>_____ Notary Public in and for the State of Iowa</p>
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**Legal Description – Exhibit 'A'**

Lots Two (2), Three (3), Four (4), Five (5), Six (6) and Seven (7), except the South five (5) feet of Lot Seven (7), all in W.T. Smith's addition to Ames, Story County, Iowa, **AND** the East fifteen (15) feet of Lots Three (3), Four (4), Five (5), Six (6) and Seven (7), and the East fifteen (15) feet of the North forty-five (45) feet of Lot Eight (8), all in Block One (1), Lee & Little's Addition to Ames, Story County, Iowa

**COUNCIL ACTION FORM**

**SUBJECT:** APPEAL FOR REMOVAL OF TREES AT 427 LYNN AVENUE

**BACKGROUND:**

On November 30, staff received an e-mail from the owner of 427 Lynn Avenue regarding sidewalk concerns along Baker Street on their property. Staff visited the site and noticed there was also sidewalk concerns along Lynn Avenue and determined tree roots from two street trees, a hackberry and silver maple, were the cause of the heaving sidewalks. The photos below show the tree location and extent of the sidewalk issues:



Property at 427 Lynn Avenue – trees in question are circled



Hackberry tree on Lynn Avenue



Silver Maple on Baker Street

**The first issue to resolve was to determine if the sidewalk areas affected by the two trees needed to be repaired or replaced.** Staff used the City's Standards for Sidewalk Repair or Replacement (Attachment A) for guidance and determined the sidewalks should be replaced.

According to Municipal Code Chapter 22 Sec. 22.1, the abutting property owner shall maintain sidewalks, parkings, and all other property outside the lot and property lines and inside the curb lines upon the public streets except that the property owner shall not remove diseased trees or dead wood on the publicly owned property or right-of-way. A letter will be sent to the property owner in the spring of 2018 regarding the need to have the sidewalks repaired/replaced and explain it is the property owner's responsibility to do so.

**The second issue to resolve was to inspect the trees and determine what course of action was needed.** Staff inspected the trees and their findings are below:

#### **Hackberry on Lynn Avenue**

- Overall the tree appeared healthy.
- The tree is too large for the right-of-way space it is in.
- Several dead limbs were observed.
- The roots of the tree on the street side had already been pruned due to curb and gutter installation a few years ago.
- The edge of the tree has grown in to wires and needs to be pruned.
- In order to repair the sidewalk in its current location, the tree roots would need to be pruned. This is not a good option as this will likely result in decline and eventual death of the tree in the future.

### **Silver Maple on Baker Street**

- The tree is too large for the right-of-way space it is in.
- The tree has two metal posts embedded in the trunk where the tree has grown around them (see picture below).
- There is damage to the base of the tree (see picture below).
- There is decay and “included bark” taking place in the crotch of the tree (see picture below) which could result in the tree splitting at some point.



Posts embedded



Damage at trunk base



Decay & included bark

Based on the information above, staff made the determination the trees need to be removed.

**According to Municipal Code Chapter 27, Section 27.3.1, street trees which are dead or which for some other reason constitute a clear and present danger to the public safety may be removed at the direction to the City Manager or designee at any time without notice. Staff did not feel this section pertained to these trees.**

**Section 27.3.2 refers to removing trees which have been identified in an approved plan by City Council to manage a current or impending infestation or disease. These trees are not part of an approved plan.**

**Section 27.3.3 states, “To remove a street tree for any reason other than as stated above the City Manager shall cause a notice of intention to do so to be posted on the subject tree or trees. The notice shall remain posted for a period of not less than fifteen (15) days, during which period any local resident may file a written objection with the City Manager. If no objections are filed after fifteen days’ notice as aforesaid, the City Manager may cause or permit the tree to be removed. If objections are filed within the fifteen days of notice as aforesaid, they shall be referred to the City Council and a hearing held thereon at its next regular meeting and the Council may thereafter sustain the objection or authorize the tree removed as is deemed in the best interest of the public.”**

This section does apply in this instance and staff posted the trees on December 15 giving notice the trees were going to be removed. After the posting, staff received a phone call from a neighborhood resident objecting to the removal and the process for appeal was explained to her. In addition, two letters (attachments B & C) objecting to the removal was received in the City Manager's office on December 22. Due to this appeal, nothing has been done to the trees pending direction from City Council.

### **ALTERNATIVES:**

Listed below are possible alternatives with an explanation as to whether or not they are good options in this situation:

- 1) Prune the roots and replace the sidewalk in its current location

*Staff feels this is not a good option for either tree based on the trees current condition and what has been done in the past.*

- 2) Curve the sidewalk around the tree

*This is not preferred as the roots could cause issues in the future, there may be potential ADA compliance issues, the sidewalk may not fit within the right-of-way, and a curve around a tree is not the standard for sidewalks.*

- 3) Build up the sidewalk to go over the tree roots

*This is not favored as it presents grading issues, concerns regarding compliance with ADA, creates water flow issues, and adds additional expense to the property owner.*

- 4) Remove the sidewalk completely

*This is not preferred as it creates a sidewalk gap in the neighborhood.*

- 5) Remove the trees

*This is preferred option for the aforementioned reasons and is why the trees were posted.*

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

Staff always prefers to retain trees if they are healthy and no actions are needed that might jeopardize the trees health in the future. It should be noted, the right tree in the right place is also something staff considers when assessing tree condition location.

This is a situation where the condition of the sidewalk warrants repair or replacement in order to comply with the Standards for Sidewalk Repair. It appears that the two right-of-way trees' roots at the corner of Baker and Lynn are causing the sidewalk issues. While the Hackberry appears to be healthy, in order to repair the sidewalk in its current location, the roots would need to be pruned which will result in the decline of this tree. The Silver Maple, on the other hand, is concerning due to the decay and "included bark" in the crotch of the tree. In the last six months, there have been two incidents where limbs have fallen off of trees and onto vehicles. Removing this tree would be a proactive action to prevent something potentially bad happening were the tree to split.

There is also the idea of the right tree in the right place concept. Since the right-of-way on this property is approximately six feet, both of these trees have outgrown the space they are in. Currently, there are approximately 180 trees in the area bordered by Storm, Stanton, Knapp, and Lynn and a majority of them are mature trees. Admittedly, removing these two trees will create a void of mature trees on this corner. However, new trees will be planted in their place to start bringing some age diversity in trees in the neighborhood.

Therefore, the recommendation of the City Manager that City Council approve Alternative #5 which is to authorize the removal of the two trees in question located adjacent to the corner lot at 427 Lynn Avenue.



## ATTACHMENT A

# Standards for Sidewalk Repair or Replacement

Compliance is determined by Public Works using the following criteria in accordance with the United States Access Board's Public Right-of-Way Accessibility Guidelines (PROWAG):

- Cracked slab or joint with  $\frac{1}{2}$ " or more horizontal displacement.
- Change in vertical level greater than  $\frac{1}{4}$ " without bevel or up to  $\frac{1}{2}$ " with a 2:1 bevel



In addition, the following local standards for extent of damage are applied:

- Two or more cracks in one 4' x 4' panels that have a  $\frac{1}{8}$ " or greater opening.



- Holes with one dimension greater than  $\frac{1}{2}$ ".



- Spalling  $\frac{1}{4}$ " in depth over at least 50% of the panel area.

- All repairs shall be performed in accordance with City of Ames standard specifications. The City of Ames follows Iowa Statewide Urban Design and Specifications (SUDAS) and all local supplemental specifications. Crack sealing is not an approved method of repair.

## ATTACHMENT B

Martin Huber  
430 Lynn Ave  
Ames, IA. 50014  
720-876-7498  
mdhuber@gmail.com

City Managers office  
City of Ames  
515 Clark Ave.  
Ames, IA 50010

Re: Written Objection to tree removals at 427 Lynn Ave

Dear City Manager,

I am writing to object to the proposed tree removals at 427 Lynn Ave. I am a homeowner across the street from this property.

Our street has already lost several large trees due to mechanical damage from the street repairs performed in 2014, in addition to removal of Ash trees due to Emerald Ash borer. The two trees at 427 that are posted for removal are large, healthy trees (Hackberry and Maple, I believe) which add character and value to the neighborhood. Not to mention, shade, fall color, and bird habitat. There are also Ash trees nearby that will likely require removal in the near future, which will leave this section of our block with nearly no mature trees.

Our street and neighborhood already suffers from the blight of student rental houses (427 is a student rental). These properties receive minimal maintenance or landscaping. Removing the large trees further adds to the blighted appearance of the neighborhood and hurts the property values of all the homeowners around them.

I understand that large trees can damage sidewalks over time, and that the property owner is likely upset that he will make less profit from his rentals by being required to repair the sidewalks. However, the sidewalks were not damaged overnight. They have been neglected for many years and the removal of the trees will not repair the sidewalks. The sidewalks can be repaired without removing the trees and will likely remain in fine shape for many more years, as the slow growth of these large trees will have minimal impact.

Many of my neighbors feel the same as I do and I hope that you will listen to our request to save these trees. Unlike the property owner of 427, We live in the neighborhood and look at these trees every day. Mature trees are rare in Ames neighborhoods and it is one of the reasons we decided to live in this particular area. The historic homes and large trees are unique and add character and history to Ames. With so much new development and huge apartment complexes sprawling everywhere, older neighborhoods (and trees) like this should be protected.

Sincerely,



Martin Huber

CITY MANAGER'S OFFICE

DEC 22 2017

CITY OF AMES, IOWA

## ATTACHMENT C

December 17, 2017

City Manager, City of Ames

515 Clark Avenue

Ames, IA 50010

Dear City Manager,

I am writing to protest under City Code Chapter 27, section 27.3, the scheduled removal of a mature oak tree on the 400 block of Lynn Avenue and a mature tree at the corner of Lynn Avenue and Baker Street. Neither tree is ill or diseased or at risk of falling down or a threat to the public. I believe the reason behind the proposed removal of the trees is because the roots have pushed up the sidewalk. The sidewalks have been pushed up since we have moved to Ames in July of 2014, and I would expect have been in that condition at least 5 years before.

Removal of these trees is not in the best interest of the public. These trees should be saved and the sidewalk diverted to accommodate their root structure because the value of the trees far outweighs the inconvenience of diverting the sidewalk.

Campus town is a historic neighborhood. Part of Campus town's charm and allure for my family as home owners is the old trees that canopy the neighborhood. This is in contrast to track housing that is present in a number of newer neighborhoods in Ames. The aesthetic and property value of Campus town is important to maintain and preserve and respect. A mature tree takes decades to establish.

These trees provide shelter and habitat for wildlife. Campus town is home to birds, squirrels, and owls which rely on these mature trees. These trees provide shade, temperature control, pollution control, light pollution control and a sense of history and well being for the neighborhood, and for my family.

Sidewalks being diverted or accommodating environmental issues or even absent has precedence in Ames. The sidewalks on the east side of Stranger Road, north of Iowa State University, meander closer or further to the road. Several rain management diverts have been created along the south side of 20<sup>th</sup> Street between Strange Road and Grand Avenue which abuts the sidewalk, consisting of a three foot depressions. There are no sidewalks on Ashmore Drive to accommodate foot traffic at all.

Thank you for your attention to this matter.

Sincerely,

Lisa Prichard and Bernard J Canniffe  
413 Lynn Avenue, Ames IA 50014  
Cell: 443-570-3016

December 17, 2017

City Manager, City of Ames  
515 Clark Avenue  
Ames, IA 50010

Dear City Manager,

I am writing to protest under City Code Chapter 27, section 27.3, the scheduled removal of a mature oak tree on the 400 block of Lynn Avenue and a mature tree at the corner of Lynn Avenue and Baker Street. Neither tree is ill or diseased or at risk of falling down or a threat to the public. I believe the reason behind the proposed removal of the trees is because the roots have pushed up the sidewalk. The sidewalks have been pushed up since we have moved to Ames in July of 2014, and I would expect have been in that condition at least 5 years before.

Removal of these trees is not in the best interest of the public. These trees should be saved and the sidewalk diverted to accommodate their root structure because the value of the trees far outweighs the inconvenience of diverting the sidewalk.

Campus town is a historic neighborhood. Part of Campus town's charm and allure for my family as home owners is the old trees that canopy the neighborhood. This is in contrast to track housing that is present in a number of newer neighborhoods in Ames. The aesthetic and property value of Campus town is important to maintain and preserve and respect. A mature tree takes decades to establish.

These trees provide shelter and habitat for wildlife. Campus town is home to birds, squirrels, and owls which rely on these mature trees. These trees provide shade, temperature control, pollution control, light pollution control and a sense of history and well being for the neighborhood, and for my family.

Sidewalks being diverted or accommodating environmental issues or even absent has precedence in Ames. The sidewalks on the east side of Stranger Road, north of Iowa State University, meander closer or further to the road. Several rain management diverts have been created along the south side of 20<sup>th</sup> Street between Strange Road and Grand Avenue which abuts the sidewalk, consisting of a three foot depressions. There are no sidewalks on Ashmore Drive to accommodate foot traffic at all.

Thank you for your attention to this matter.

Sincerely,

Lisa Prichard and Bernard J Canniffe  
413 Lynn Avenue, Ames IA 50014  
Cell: 443-570-3016

Staff Report

**PUBLIC ART INSTALLATION IN FRONT YARD SETBACKS  
TEXT AMENDMENT REQUEST**

January 9, 2018

**BACKGROUND:**

City Council referred to staff at its December 19 meeting a request for a Zoning Text Amendment from Pat Brown (Attachment A) to allow for installation of public art on commercial properties along South Duff Avenue. To promote its visibility and aesthetic interest, Ms. Brown would like to install the art (statuary) in the front yard setback along South Duff Avenue.

Statuary is currently permitted within setbacks, but is limited in height to four feet. Larger installations are not permitted unless located outside of setbacks, typically 25 feet back from the property line. Many commercial properties are situated along large arterial streets and it's likely a public art feature four feet in height would often go unnoticed do to the context of the area and speed of travel. To create visual interest and visibility of public art, it would likely need to be taller than the current four-foot exception if oriented to the right-of-way.

Although statuary is allowed in the front yard setback, there is no definition of public art or statuary in the Zoning Ordinance to distinguish it from signage or other ornamental features. This can be an issue when businesses use logos or trademarks that identify their business and could ask for this type of installation in addition to allowed signage. With an allowance for larger features, it may be beneficial to define Public Art to distinguish it from other commercial features. Some City's go so far as to define art as custom designed features that are not mass produced to ensure they are in fact unique art pieces and not ornamental decorations.

**OPTIONS:**

If the City Council is interested in promoting art installations on private property that are publicly visible there are two basic options for zoning changes to allow for this.

**Option 1. Increase height allowance for statuary.**

Allowing for a statuary ten-foot height limit exception in commercial and industrial area front yards would meet most expected art installation needs. This would be a basic change to the ordinance and would likely not include staff review unless the project exceeds 150 square feet. This option would not consider whether the statuary is commercial in nature or unique art. A definition of art that would narrow the scope of the exception could be added as well.

**Option 2. Public art exception.**

The City Council could create an exception that does not prescribe limits on height or size if it is in a defined area of a “public art easement” granted to the City. In this scenario, a property owner would propose an easement on their property that the City would need to accept as an area for the display of public art to allow for the front yard setback exception. The property owner would then need to place a public art feature in this area and signage would not be allowed. The benefit of this approach is to allow more flexibility on the front yard exception, but to also provide more definition on the type and location of installation that would occur.

**STAFF COMMENTS:**

Staff believes promoting public art installation is a positive aesthetic benefit for the community and consistent with many City initiatives involving art. Staff considered options for placement by private property owners of public art in right-of-way rather than on private property and concluded that in most situations it would not be appropriate due to safety and clearance needs. **Allowing for installation of art on commercial and industrial private property is more appropriate. Both of the options described above are straight forward changes to the Zoning Ordinance that can be accomplished in a short amount of time.** If the City Council has interest in a broader set of options or research into other community’s art in private development requirements for public art, City Council would need to refer the item to a future Planning Division Work Plan prioritization discussion.

## Attachment 'A'

November 28, 2017

Patricia J. Brown

3212 West Street

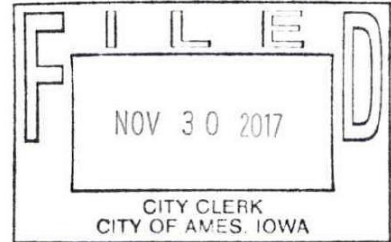
Ames, Ia. 50014

Dear Mayor and Council:

I am currently working on creating an art corridor along Duff Avenue in cooperation with the Arts commission and businesses. I met with Bob Kindred and Kelly Diekman to discuss any regulations that would need to be discussed. I am requesting that the Council forward a request to the Planning Department that will do the necessary changes to allow placement of public art along South Duff.

Thank you for your consideration.

*Pat Brown*



**COUNCIL ACTION FORM**

**SUBJECT: APPROVAL OF DEVELOPER'S AGREEMENT AND AWARD OF PUBLIC IMPROVEMENTS CONTRACT FOR THE 321 STATE AVENUE (OLD MIDDLE SCHOOL) AFFORDABLE HOUSING PROJECT**

**BACKGROUND:**

The City Council, at its July 11, 2017, meeting, provided direction to staff to proceed with development of a 37-lot subdivision at 321 State Avenue in partnership with JCorp, Inc., as the developer of the site. The development concept includes platting of 37 lots as Phase 1 of development of the site (Attachment A) with an option for a second phase of development off of Manning Avenue in the future for a total of 43 lots. The planned subdivision will include a minimum of 20 affordable homes to be constructed for low and moderate-income households and 17 market rate homes. JCorp, Inc. will be the developer for both the affordable and the market rate homes and they will be the builder of the all of the affordable low and moderate income homes.

City Council directed staff on December 12<sup>th</sup> to proceed with increasing the City's financial participation in the project by \$350,000 to cover additional public improvement costs for the project based upon the Keller Excavating bid for the project. City staff then proceeded to draft a development agreement reflecting the JCorp, Inc. proposal from July, its updated house plans from December, and public improvement (street, water, sewers) plans from October. Staff has presented a final version of the agreement for JCorp, Inc. review and acceptance prior to the City Council meeting on January 9<sup>th</sup>. **Attachment B is the unsigned agreement for City Council review.**

In addition to reviewing and approving the development agreement, the City Council can choose to award a contract to Keller Excavating of Boone in an amount not to exceed \$1,196,833.26 for public improvements. The proposed bid was due to expire on January 6<sup>th</sup>, but has been extended by Keller until January 10<sup>th</sup>. Keller also indicated they will likely seek a change order if the contract is awarded to extend the completion date from July 31<sup>st</sup> to September 30<sup>th</sup>. If City Council does not award the bid to Keller on the 9<sup>th</sup>, the City Council will need to provide direction on proceeding with rebidding the project with an extended construction timeline and alternative options in the specifications to potentially reduce costs to closer align with the original engineer's estimate.



## **FINANCIAL RESPONSIBILITIES CONTAINED IN THE DEVELOPER'S AGREEMENT:**

1. The City of Ames shall provide funding of up to \$900,000 for cost of construction of the public improvements for water, sewer, and streets consistent with the improvement plans.
2. The City shall provide land at no cost to the developer. (estimated value of \$550,000).
3. The City of Ames shall provide first-time homebuyer assistance of \$200,000 reflected in the first year of the project (2018). Any subsequent City funding for first-time homebuyers will be subject to future CDBG funding and City Council allocation at its discretion.
4. The Developer is responsible for the cost of preparing all subdivision, public improvements, and building plans. The City is responsible for preparation of deeds, homeowners association, and conveyance of properties in accordance with the agreement.
5. The Developer must provide to the City \$400,000 for the completion of public improvements.
6. The Developer must provide a letter of credit to City upon execution of the agreement in the amount of \$400,000 to ensure their payment of the share of costs for public improvements. The developer shall make two equal payments to the City, one payment on April 1, 2018 and a second payment upon completion of 90% of the public improvements.
7. The Developer is responsible for all other site costs to improve lots and complete the subdivision.
8. If the City Council elects to pursue Phase II (b) with eight attached single-family homes off the north alley and Manning Avenue, all costs for public improvements and subdivision plans will be the responsibility of the City.
9. The City will retain ownership of the site and all lots until conveyed to a LMI homebuyer or market rate lots to JCorp, Inc. in accordance with the agreement.
10. The agreement specifies that JCorp, Inc. has no ability to recover its investment in the project due to delay in the project or termination of the agreement. J-Corp Inc. may only terminate the agreement if the City does not appropriate funds required first time homebuyer CDBG funds in the amount of \$200,000.

11. The developer has obligation to ensure the completed homes appraise for agreed upon sales price to the LMI homebuyer.

### **HOME CONSTRUCTION REQUIREMENTS:**

1. The City must approve all LMI homebuyers, whether receiving City assistance or not.
2. The Developer must start construction of a LMI home within 45 days of notice of an eligible buyer by the City and complete the homes within 7 months.
3. The Developer has a maximum limit of construction of five LMI homes at a time.
4. The agreement includes typical house plans as Exhibit 'E'. However, the final design and details of the plans may be modified to match the affordability level of an eligible LMI homebuyer with the approval of the Housing Coordinator. (See attached plans)
5. The Developer has identified the lowest cost home option as a \$118,000 sale price for a two-bedroom 1,032 square foot finished first level that has no garage and an unfinished basement. A three-bedroom home of 1,097 square feet finished first level with no garage and an unfinished basement is \$126,000. Individual homes are to be designed in accordance with the plans shown in Exhibit E to the agreement. The individual home features and prices and will vary depending on loan qualifications of the individual homebuyers and the site development costs of lots requiring walk-out basements and overall house sizes.
6. The City will place resale restrictions upon LMI lots prior to their conveyance to an LMI homebuyer.
7. JCorp, Inc. will obtain ownership of market rate lots at ratio of one market rate lot for each sold LMI home.
8. The agreement specifies the City will record a covenant to restrict all LMI and market rate lots to "owner occupied" housing.

## **PUBLIC IMPROVEMENTS CONTRACT WITH KELLER EXCAVATING:**

The City Council approved specifications for public improvement plans at its October 10<sup>th</sup> meeting and set November 14<sup>th</sup> as the public hearing on the review of the bids. The lowest bidder was reported on November 14<sup>th</sup> as Keller Excavating of Boone with a bid of \$1,196,833.26. The low bid by Keller exceeded the Engineer's estimate for the project.

## **ALTERNATIVES:**

1. The City Council can accept a signed Developer's Agreement and financial security of \$400,000 from JCorp, Inc., and award the contract to Keller Excavating in the amount not to exceed \$1,196,833.26 for public improvements associated with 321 State Avenue.
2. The City Council can decline to enter into a Developer's Agreement and reject the bid for the public improvements.

*This option will require the Council to determine a different strategy in the future to accomplish its goal for an affordable housing project, including potentially rebidding the project with alternative specifications to potentially reduce costs.*

3. The City Council can approve the Developer's Agreement, but reject the bid for the public improvements.

*This option will allow the City to rebid the public improvement project in the hope of receiving more favorable bids in the future.*

4. The City Council can defer action on the Developer's Agreement and request that Staff negotiate different terms for the contract.

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

The proposed project is consistent with City Council's direction from July 2017 to negotiate an agreement for development of single-family detached homes with a minimum of 20 LMI homes and 17 market rate homes. The overall costs of the project have increased from the original projections and require additional City funds in the amount of \$350,000 that was originally identified in July.

The City staff has worked on various issues with the Developer over the past three months to complete an acceptable agreement and to present it to City Council for approval. The agreement binds the Developer to work with the City through completion of the project with the sale of all 20 LMI homes and commits the City to work with the development on the initial construction and support of a first-time homebuyer program for

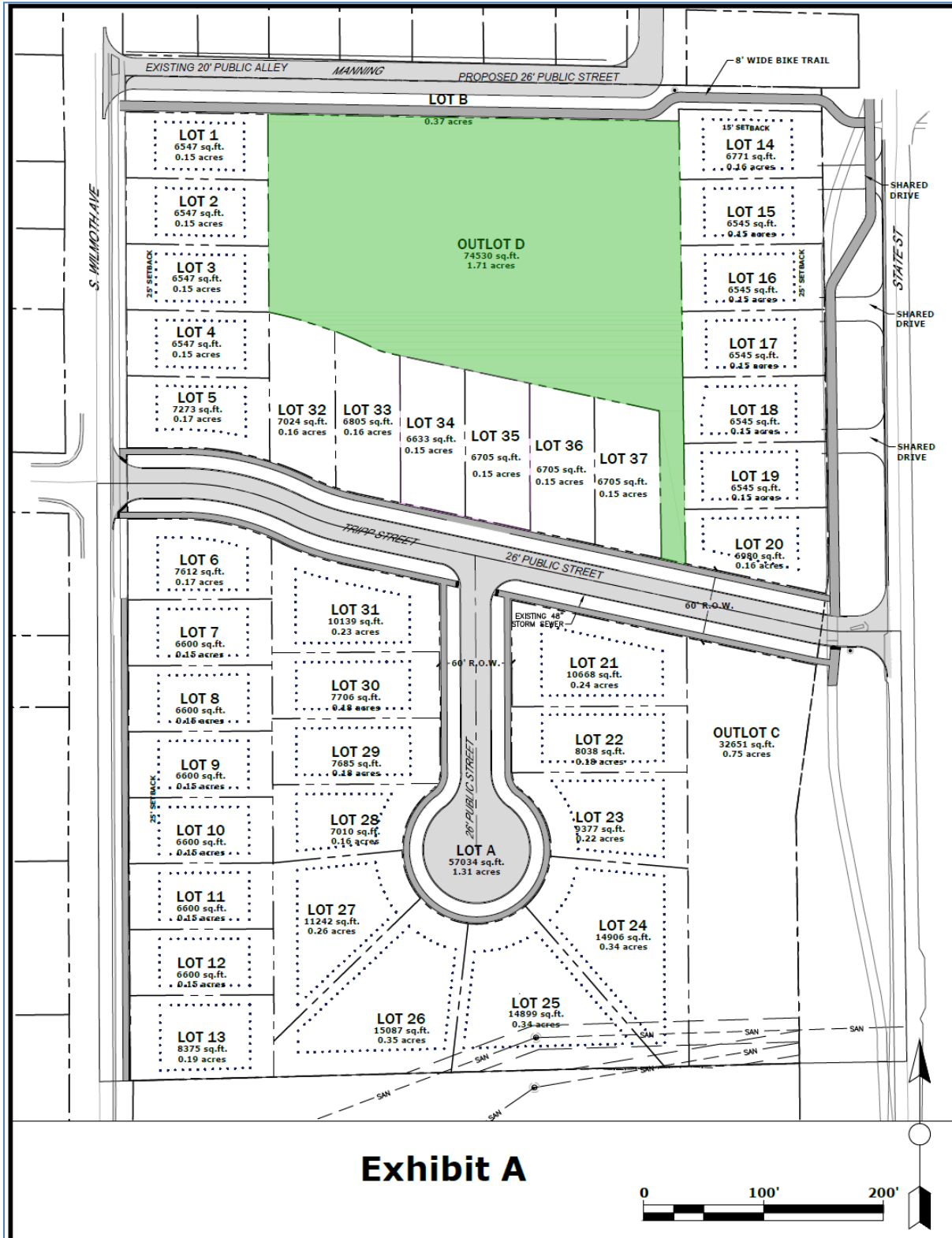
the LMI homes. Buildout of the development is projected to take three or more construction seasons depending on the ability to identify qualified homebuyers for the LMI homes.

Awarding the bid for public improvements will allow for the project to start construction this spring and for completion of the work in the summer of 2018. In addition to the \$550,000 of CDBG funds appropriated for this project, the City Council may need to appropriate up to and additional \$350,000 of unspent general obligation bond revenue to assure the full cost of the public improvements can be covered. **It should be noted that the Developer's agreement must be signed and financial security provided prior to the Council's January 9, 2018 meeting in order for the City to move forward on the proposed project and award the construction contract for public improvements.**

**Assuming that the Developer will sign the agreement proposed by the Staff prior to the beginning of the January 9th meeting, it is the recommendation of the City Manager that the City Council act in accordance with Alternative #1 and approve the Developer agreement and award the contract to Keller Excavating.**

**If, however, the Developer decides that he will not sign the agreement because he finds the provisions proposed by Staff to be unacceptable, then the recommendation is to support Alternative #2 and move on to a different affordable housing project.**

# Attachment A Site Plan Layout



**DEVELOPMENT AGREEMENT - AFFORDABLE HOUSING SUBDIVISION  
321 STATE AVENUE**

**THIS DEVELOPMENT AGREEMENT**, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_ 2018, by and between the City of Ames, (hereinafter called the “City”), an Iowa municipal corporation, and JCorp, Inc., an Iowa for-profit corporation, (hereinafter called “JCORP”), their successors and assigns,

**WITNESSETH THAT:**

**WHEREAS**, the City has a need for more affordable housing for low and moderate income households, and a major goal of the City’s 2014-18 Community Development Block Grant (“CDBG”) Five-year Consolidated Strategic Plan is to create, expand, and maintain affordable housing for homeless and low-income persons;

**WHEREAS**, through the use of its CDBG funding, the City of Ames has secured ownership of an approximately ten-acre tract of infill land located at 321 State Avenue in Ames and legally described on Exhibit “A” to this Development Agreement (hereinafter the “Site”), and the Site is the location of the former Ames Middle School and is also located in the City’s first Neighborhood Revitalization Strategy Area (NRSA), which will allow for a greater flexibility in the development of mixed-income housing units;

**WHEREAS**, the City intends to use additional CDBG funds to assist in construction of public infrastructure for the development of new homes for persons of low and moderate income (“LMI”), defined as households having gross incomes at or less than 80% of the average income in the Ames Metropolitan Statistical Area (“AMSA”) and intends to use CDBG funds to assist in down-payment and closing cost assistance for LMI households;

**WHEREAS**, the City published a Request for Proposals (“RFP”) to seek a

partner developer for development of the Site and ultimately JCORP as the partner developer to jointly develop single-family home lots and to construct affordable homes. On the designated LMI lots, JCORP will construct the homes and the City will market, find qualified buyers for, and coordinate the financing and closing of the sale of the constructed homes. On the market rate (“MR”) lots, JCORP will market, find buyers for, and coordinate the closing of the sale of the lots with or without homes constructed by JCORP;

**WHEREAS**, the City and JCORP are bound to the terms and conditions of the RFP published by the City, unless otherwise amended by the terms of this Development Agreement;

**WHEREAS**, the yet-to-be-developed lots and the yet-to-be-built homes are the subject of this Development Agreement and are to be located in this new subdivision to be platted in the City of Ames in the designated State Avenue NRSA, at least 51% of which shall be comprised of LMI homes;

**WHEREAS**, the parties contemplate that this new residential development shall be accomplished in two phases (each, a “Phase”) as set forth herein; and

**WHEREAS**, it is the intention of the parties under the RFP that 18 of the lots in the first phase of Site development shall be LMI homes and the remaining 17 shall be conveyed to the JCORP in accordance with this Development Agreement for use by JCORP at market rates; and

**WHEREAS**, the parties acknowledge that it is the goal to complete the first Phase of development in 36 months from the time that housing construction commences. The parties understand that any changes to the terms of this Developer’s agreement must be approved by City Council.

**NOW THEREFORE**, the parties agree as follows:

**I. City Obligations – Identification and Assistance to LMI Homebuyers**

1. The City shall engage in a marketing process to develop a list of qualified homebuyers who meet HUD CDBG guidelines for affordable housing with gross annual income that does not exceed eighty-percent (80%) of the AMSA income limits.
2. The City shall interview and work with applicants to determine their qualifications and eligibility for assistance under the City’s CDGB Homebuyer Assistance Affordable Housing Program.

3. The City shall fund the first year (2018) of the LMI homebuyer program in the amount of \$200,000.00.
4. The City intends to fund additional years of LMI homebuyer assistance in subsequent years subject to annual allocation of CDBG funds by the United States Department of Housing and Urban Development (HUD) and by appropriation from the City Council.
5. The selection and use of a licensed real estate broker or realtor for the sale of all LMI homes shall be at the sole and absolute discretion of the City. The City does not contemplate utilizing the services of a real estate broker or realtor for the sale of LMI homes.
6. All LMI homebuyers, regardless of financial assistance provided, are subject to approval by the City of Ames Housing Division.

## **II. Subdivision and Development Plans**

1. JCORP shall have all responsibility for preparing public infrastructure improvement plans at JCORP's sole expense for the purpose of developing all lots for Phase I (and shown on Exhibit 'B' attached hereto) of the real property that is the subject of this Development Agreement identified by Exhibit 'A' herein. Upon the execution of this agreement, the public infrastructure improvement plans, the City and JCORP shall have equal ownership interest in and access to said plans.
2. The City has reviewed the attached as Exhibit 'D' public infrastructure plans and found them to be in compliance with City ordinances and consistency with the terms of this Development Agreement and the original RFP.
3. The City has solicited bids for the public infrastructure work, and the City will administrate the construction of Phase I per Section III below.
4. Except as otherwise provided in this Agreement, JCORP is responsible for preparation of all plans and costs associated with development and home construction that are not part of the public infrastructure described in Section III below.
5. Phase I of the development shall be a residential subdivision of at minimum 35 developable lots to be known as "Samuels Subdivision First Addition." In Phase I, 18 of the lots shall be constructed by JCORP as LMI homes and the remaining 17 shall be constructed by JCORP as MR homes. JCORP, in cooperation with the City of Ames, shall prepare a preliminary and final plat for the development of Samuels Subdivision First Addition as shown on and in substantial conformance with Exhibit 'B' attached to and made a part of this Development Agreement. Outlots



A and B shall be reserved for and dedicated to the public as right-of-way. JCORP shall be responsible for and pay all costs of the platting of Samuels Subdivision First Addition. The City shall prepare any deed required by this Development Agreement.

6. A future Phase II plan to be constructed upon the reserved Outlot D is identified in Exhibit 'C,' which has Options A and B. In accordance with ordinances of the City, the dimension plan, grading plan, and public infrastructure improvements plans attached hereto as Exhibit 'D' and by this reference are incorporated herein and made a part hereof. Phase II as shown on Exhibit 'C,' to be known as "Samuels Subdivision Second Addition," will consist of either two single-family detached homes (Option A) or eight attached single-family homes (Option B). Prior to completion of 14 of the LMI homes in Phase I, the City shall, in its sole and absolute discretion, select the preferred Phase II option. The City shall have all responsibility for preparing public infrastructure improvement plans and subdivision plans at the City's sole expense for the purpose of developing all lots for Phase II. JCorp shall have all responsibility for preparing all building plans for Phase II in coordination with the public infrastructure improvement and subdivision plans.
7. Except as provided in the immediately preceding subsection, if the City selects Phase II, Option A, the City shall be under no obligation to provide additional funds or incentives for the development of Phase II, Option A.
8. If the City selects Phase II, Option B, the City shall provide incentives in amounts to be determined by the City, in its sole and absolute discretion, for public improvements of the alley and Manning Avenue to serve the attached single-family homes for the development of Phase II, Option B. The City may at its option, but is not required to, move the overhead power line and extend the required utilities to each individual lot for Phase II, Option B. Nothing in this paragraph shall be construed so as to require the Developer to pay for the costs required to move the overhead power line and extend the required utilities to each individual lot for Phase II, Option B.
9. If required by the City, in its sole and absolute discretion, a homeowner's association may be formed under such terms and conditions as may be determined by the City. The City shall be responsible for forming the homeowner's association and any association formed shall include all platted lots (both LMI and MR) as members in the association. Obligations shared by the members of the association shall not be unduly favorable to either the LMI or the MR members.

### **III. Public Infrastructure Improvements**

1. The City shall construct or contract for the construction of the public infrastructure improvements as set forth in Exhibit 'D' attached to and made a part of this Development Agreement.
2. As set forth in Exhibit 'D,' but without limitation, the public improvements for the Site are: (i) frontage improvements along Wilmoth Avenue and State Avenue; (ii) extension of Tripp Street as a City street through the subdivision; (iii) construction of a new cul-de-sac local street within the subdivision; (iv) storm water utilities; (v) sanitary sewer utilities; and (vi) water line utilities, fire hydrants and sidewalks. All public improvements shall be installed in compliance with City ordinances in coordination with and under the direction of the City.
3. The total budget for public infrastructure improvements for the Site, Phase I, is \$1,300,000.00. The City commits funds in an amount not to exceed \$900,000.00 for payment of the costs of constructing said improvements serving the Site. JCORP commits \$400,000.00 of the amount budgeted for payment of the costs of constructing improvements serving the Site, Phase I, which shall be paid as set forth herein. Any cost savings for the construction of public improvements are solely to the benefit of the City, and JCORP shall in all events pay not less than \$400,000.00 for the public improvements.
4. Contemporaneously upon execution of this Development Agreement, JCORP shall provide financial security for the JCORP's obligation of \$400,000.00 in a form of, at JCORP's option, either a cash deposit with the City or a letter of credit. If JCORP provides a letter of credit, JCORP shall make a first cash deposit of \$200,000.00 on or before April 15, 2018, and a second cash deposit of \$200,000.00 no later than five business days from the date of City's written determination that the Project is ninety percent (90%) complete or July 1, 2018, whichever shall first occur, at which time the City will release JCORP's letter of credit. In the event that the City does not award a contract for construction of public improvements at its January 9, 2018, meeting, the dates for each \$200,000 deposit shall be extended by the number of days between January 9, 2018, and the date that the City approves the public improvements construction contract. A letter of credit shall be in a form acceptable to the City, irrevocable, and drawn upon an FDIC-insured bank having an office in Ames, Iowa, and authorizing the City to draw upon such letter of credit, at City's sole and absolute discretion, upon a failure of JCORP to comply with the terms of this paragraph.
5. The City shall be responsible for the administration of the public infrastructure improvements for the Site, including but not limited to, monitoring and progress payments to the contractor. The City's and JCORP's respective share of the payments to the contractor shall be as described herein.

6. JCORP's obligation to pay \$400,000 toward the cost of public improvements shall survive the termination of this agreement.

#### **IV. LMI House Construction Timeline**

1. JCORP shall construct LMI houses consistent with City requirements for timing and design as provided in this Development Agreement.
2. Provided that the City has identified a qualified LMI homebuyer, JCORP shall commence the construction of the first LMI home once the public improvements are in place or earlier as agreed by the City. Once construction on the initial LMI home is started, at a minimum, JCORP must start construction of each additional LMI home, up to five (5) homes maximum within 45 days' notice from the City of an approved LMI homebuyer; provided, if the City's notice is given in November, December, January, February, or March and weather and site conditions prevent the commencement at JCORP's reasonable discretion, commencement may be delayed until site conditions are suitable but in no event later than April 15.
3. The parties agree that LMI homes shall be restricted to construction upon numbered Lots 1-7, 14-20 and 32-37, as shown on Exhibit 'B' attached. Upon the closing and conveyance of the first LMI house to an LMI homebuyer, the City will convey a lot to JCORP for use as a market rate ("MR") house. Subsequently, for each closing and conveyance of a LMI house, the city will convey one lot to JCORP for use as an MR house. The first MR home may not be conveyed by JCORP until the first two LMI homes are conveyed to eligible homebuyers. Subsequently, the construction start ratio shall be a minimum of one LMI home for each MR home. At all times, the number of LMI home conveyances must be at least one more than MR home conveyances.
4. Each LMI home shall be completed within 7 months of the commencement of construction, unless an extension is otherwise authorized in writing by the City Manager.
5. If the City selects Phase II, Option B, JCORP shall construct all Phase II, Option B LMI homes prior to the conveyance by JCORP of the final two MR homes in Phase I.

#### **V. LMI Home Design Requirements**

1. JCORP shall construct LMI homes on-site upon permanent foundations and of quality materials consistent with the plans and specifications in the RFP incorporated by this Development Agreement to meet minimum

housing quality and livability standards of the City and as set forth in Exhibit 'E' attached to and made a part of this Development Agreement.

2. The specifications in Exhibit 'E' provide for alternative house styles and sizes. No abutting lots shall have the same house style in its exterior appearance. The Housing Coordinator, or other designee of the City Manager, may approve alternative house designs that meet the aesthetic and housing quality interests of the City.
3. LMI homes must contain the following features as set forth in the RFP and in the JCORP's proposal to meet the housing quality standards of the City: (i) A radon mitigation system; (ii) Energy Star qualified appliances to meet the needs of a family, including a refrigerator, range, range hood, dishwasher, water heater and sump pump; (iii) each room shall include at least one ceiling mounted light fixture; and (iv) water and lighting fixtures that are high efficiency.
4. Each LMI home shall include a central heating and cooling system that consists of a gas furnace and central air conditioning. JCORP may choose to install a geothermal system in lieu of these requirements.
5. The LMI and MR home lot is to be sodded in the front, side, and at least 25 feet out from the structure in the rear yard so as to eliminate areas of the lot from being susceptible to erosion and runoff. Seeding is to be done on the remaining rear yard if not sodded.
6. LMI Home Restrictions. Prior to the sale of any LMI home, a covenant restricting the use of the property for affordable housing shall be recorded related to the individual LMI property. The City shall prepare and record such covenant, at the City's expense.
7. Owner-Occupied Housing Restriction. Prior to the sale of any LMI or MR home, a covenant restricting the use of each home as an owner-occupied home shall be recorded. The City shall prepare and record such covenant, at its expense.

## **VI. LMI House Construction.**

1. Each LMI house shall be constructed in accordance with one of the four house plans and specifications attached as Exhibit 'E' and in such a manner as set forth in Section VII below.
2. The Housing Coordinator, in her sole and absolute discretion, shall determine the price qualification level of each eligible homebuyer, which shall serve as the maximum total price of the LMI house. JCORP shall construct each LMI home to meet the price qualification level of each eligible LMI homebuyer, which shall also be the sale price of the LMI

house.

3. If an LMI home constructed by JCORP fails to appraise at or above the established price and homebuyer's qualification level, the total purchase price of the LMI home shall be reduced to the appraised value, and JCORP shall bear the entire difference between the established price and the appraised value. Any appraisal required shall be made by a qualified and licensed appraiser selected by City or LMI homebuyer's lender. If an LMI home constructed by JCORP fails to appraise at or above the established price and homebuyer's qualification level, JCORP may, at its option, provide additional work or amenities to the home that are acceptable to the LMI buyer to increase the appraised value of the home. If JCORP opts to improve the property to increase the appraised value of the property, said additional appraisal, or supplemental appraisal required will be at JCORP's expense.
4. The Housing Coordinator shall approve in writing any adjustments by JCORP to the size or features or both of each LMI home to meet a homebuyer's price qualification level.
5. The sales price of each of the LMI homes set forth in Exhibit 'E' range in price depending on home size, lot type, garages and level of finish for basements. Notwithstanding Section 2 above, the minimum sales price of a 2-bedroom home is \$118,000.00 and a 3-bedroom home is \$126,000.00. The minimum sales price house plans are based upon construction of a home on a lot along State Avenue or Wilmoth Avenue that does not include a walkout basement or a garage and consists of a minimum of 1,032 to 1,097 square feet of finished living area and an unfinished basement. The minimum sales price may, but is not required to, be adjusted from time-to-time after 2018 in consultation with the Housing Coordinator to account for inflationary cost increases.
6. If the City selects Phase II - Option B, JCORP shall construct attached single-family homes for LMI households that are similar in appearance and features to the detached homes, or as approved by the Housing Coordinator. JCORP must start construction of the attached single-family homes within 45 days of the City's approval of the Final Plat for Phase II, Option B, or at such time the homes on all 17 of the Phase I lots are sold and a minimum of 3 attached homes on the 8 lots in Phase 2 have signed purchase agreements, whichever comes first.

**VII. JCORP Requirements.** Unless otherwise specified, for each LMI Home constructed (individually and collectively the "Project"), JCORP:

1. Shall provide all necessary labor, tools, equipment, materials, supplies, water, heat, utilities, transportation, and other services for the construction

of the Project.

2. Shall supervise, direct work and perform work using JCORP's best skill and attention.
3. Shall furnish efficient business administration and superintendence.
4. Shall enforce good discipline and order among JCORP's employees and other persons working on the Project.
5. Shall comply with all applicable laws, regulations, ordinances, and codes in the construction of the Project, and no work shall be undertaken prior to the issuance of all required permits.
6. Shall provide for the safety of all persons working on the Project.
7. Has visited the Site and has become familiar with the conditions under which the work on the Project will be performed.
8. Shall keep the Site free from accumulation of waste caused by the construction of the Project and shall remove from the Site upon completion of the Project all waste, surplus materials, tools, and equipment.
9. Warrants the Project for one year to be free from defective workmanship or materials.
10. Shall repair defective work performed on each LMI home at JCORP's own cost and expense for a period of one year from and after the Date that the LMI home is substantially completed and accepted by the City.

### **VIII. General and Administrative Provisions**

1. Consideration. JCORP and City agree that the mutual promises and agreements herein, the contributions toward public infrastructure, the conveyance by City to JCORP of the MR home lots, and the construction of the LMI homes by JCORP are all good and valuable consideration. It is agreed and understood that the City shall convey to JCORP by a special warranty deed one MR home lot for each LMI home substantially completed in accordance with this Development Agreement consistent with the construction start schedule terms of Section IV above.
2. LMI Home Costs. THE CITY AND DEVELOPER AGREE THAT IT IS FUNDAMENTAL TO AND THE ESSENCE OF THIS DEVELOPMENT AGREEMENT THAT THE LMI HOMES CONSTRUCTED PURSUANT TO THIS DEVELOPMENT AGREEMENT SHALL BE AT PRICE POINTS THAT ARE CONSISTENT WITH THE GOALS OF THE CITY'S CDGB HOMEBUYER ASSISTANCE AFFORDABLE HOUSING PROGRAM. It is understood that JCORP intends to construct each LMI home at JCORP's cost consistent with the plans stated in JCORP's response to the RFP, which is incorporated herein as if set out fully and which is integral

to this Development Agreement.

3. Security. As security for the performance of this Development Agreement by JCORP, the City shall maintain ownership of the unsold lots within the Site. JCORP shall not cause any liens or mortgages to attach to the Site and shall hold the City of Ames harmless from JCORP's officers, contractors, subcontractors, employees, and agents.
4. Property Taxes. It is understood and agreed that any and all taxes due and owing against the Site at the time of transfer to any other party are to be paid by the City. No tax proration shall be given to the Developer, or to any third party by the City upon transfer.
5. Construction Remedy. If JCORP's work is not materially in accordance with the requirements of this Development Agreement or persistently fails to carry out the construction work in accordance with this Development Agreement, the City may order JCORP to stop the work, or any portion thereof, until the cause for such order has been eliminated; however, the right of the City to stop the work shall not give rise to a duty on the part of the City to exercise this right for the benefit of any other person or entity.
6. Builder's Risk. JCORP shall indemnify and hold harmless the City, its officers and employees from and against claims, damages, losses and expenses, including but not limited to attorneys' fees, arising out of or resulting from performance of the construction work of this Development Agreement provided that such claim, damage, loss or expense is attributable to bodily injury, sickness, disease or death or to injury to or destruction of tangible property, including loss of use resulting therefore, but only to the extent caused in whole or in part by negligent acts or omissions of JCORP, a subcontractor, anyone directly or indirectly employed by them or anyone for whose acts they may be liable, regardless of whether or not such claim, damage, loss or expense is caused in part by a party indemnified hereunder. Such obligation shall not be construed to negate, abridge, or reduce other rights or obligations of indemnity which would otherwise exist as to a party or person described in this paragraph. JCORP shall maintain a policy of "builder's risk" insurance in effect with respect to all house construction done under this Development Agreement, which insurance policy shall name the City as an additional insured.
7. Safety. JCORP shall be responsible for initiating, maintaining, and supervising all safety precautions and programs in connection with the performance of the work required of JCORP by the Development Agreement, except for contracts awarded by the City. JCORP shall take reasonable precautions for safety of, and shall provide reasonable protection to prevent damage, injury, or loss to employees on the construction work and other persons who may be affected thereby; and property at the site or adjacent thereto. For all work required by JCORP, JCORP shall give required notices and comply with applicable laws,

ordinances, rules, regulations and lawful orders of public authorities bearing on safety of person and property and their protection from damage, injury or loss. JCORP shall promptly remedy damage and loss to property at the Site caused in whole or in part by JCORP, a subcontractor, or anyone directly or indirectly employed by any of them.

8. Code Compliance. All houses constructed by JCORP shall conform to all applicable state and local codes and regulation and all inspections shall be called for and made as required by said codes and regulations. JCORP shall comply with all state and federal regulations applicable to the work or to this Development Agreement.
9. Federal Compliance Delay. The City shall be responsible for compliance with federal statutory review for environmental and historic preservation, including but not limited to those requirements outlined in the National Environmental Policy Act and the National Historic Preservation act. Under no circumstances shall the City have any liability to JCORP, its successors and/or assigns, for out of pocket expenses or any other damages related to a delay caused, in whole or in part, by environmental or historic preservation matters.
10. Grant Agreement. JCORP is subject to all terms, conditions, and provisions of the grant agreement between the City and HUD to assist this development, construction and sale of LMI housing, which shall supersede the provisions of this Development Agreement. Any material noncompliance by the City concerning any matter that is solely within the discretion and control of the City in relation to the CDBG Homebuyer Assistance Affordable Housing Program and CDBG program is the responsibility of the City.
11. Compliance. The parties acknowledge and agree that this Development Agreement is being executed without review or approval of specific plans for development of the Site, with the exception of the public improvements plans attached as Exhibit 'D.'. The parties acknowledge and agree that it is not possible to anticipate all the requirements JCORP or the City may be required to complete to properly develop the Site. Therefore, both parties agree that all work done to public streets, sidewalks, bike paths, building design, construction and utilities, both on-site and off-site, shall be made in compliance with Iowa law, SUDAS, and all other federal, state, and local laws and policies of general application, including but not limited to subdivision and zoning codes, whether or not such requirements are specifically stated in this Development Agreement.
12. Covenant. This terms and conditions of this Development Agreement shall run with the Site and be binding upon JCORP, its successors and assigns.
13. Assignability. JCORP shall not assign any of JCORP's rights under this Development Agreement without the express written consent of the City;



provided however, JCORP may collaterally assign this Agreement to its lender, VisionBank with the City's written consent, which will not be unreasonably withheld

14. Severability. Any provision of this Development Agreement that may be found by a court of competent jurisdiction or by HUD to be invalid or inconsistent with applicable law shall be severable and the remaining terms of this Development Agreement shall remain fully enforceable.
15. Default. A default of this Development Agreement shall exist if JCORP fails to comply with an obligation of Section IV, V, VI, or VII of this Development Agreement. Upon a default, the City, at its option, shall notify JCORP of the default and of the remedy required to cure the default and of the reasonable amount of time permitted to cure the default. The notice may include a stop-work order as permitted by this Development Agreement. If JCORP fails to cure the specified default or defaults within the allotted time or if JCORP becomes insolvent or files for bankruptcy, the City may, in its sole and absolute discretion, terminate this Development Agreement. Upon terminating this Development Agreement, the City may take possession of and complete any existing LMI building project, compensating JCORP or any subcontractor for costs associated with any incomplete LMI house project as their interests may appear. Upon JCORP's failure to comply with paragraph 4 of Section III, the City may terminate this Development Agreement. Upon the City's failure to appropriate funds for the first time homebuyer program for lack of CDGB funding, as set forth in Section I(3), JCORP may terminate this Development Agreement. Upon termination for any reason, JCORP shall not be entitled to recover the costs of engineering, surveying, subdivision platting, or public improvements.
16. Governing law. The laws of the State of Iowa shall govern this Development Agreement. Any dispute relating to this Development Agreement shall be adjudicated in the Iowa District Court in and for Story County.

**IN WITNESS WHEREOF**, the parties hereto have caused this Development Agreement to be executed effective as of the date first above written.

[SPACE BELOW RESERVED]

**CITY OF AMES, IOWA**

By \_\_\_\_\_  
John A. Haila, Mayor

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

STATE OF IOWA, COUNTY OF STORY, ss:

On this \_\_\_\_\_ day of \_\_\_\_\_, 2018, before me, a Notary Public in and for the State of Iowa, personally appeared John A. Haila and Diane R. Voss, to me personally known, who, being 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 \_\_\_\_\_, 2018, and that John A. Haila 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

**JCorp, Inc.**

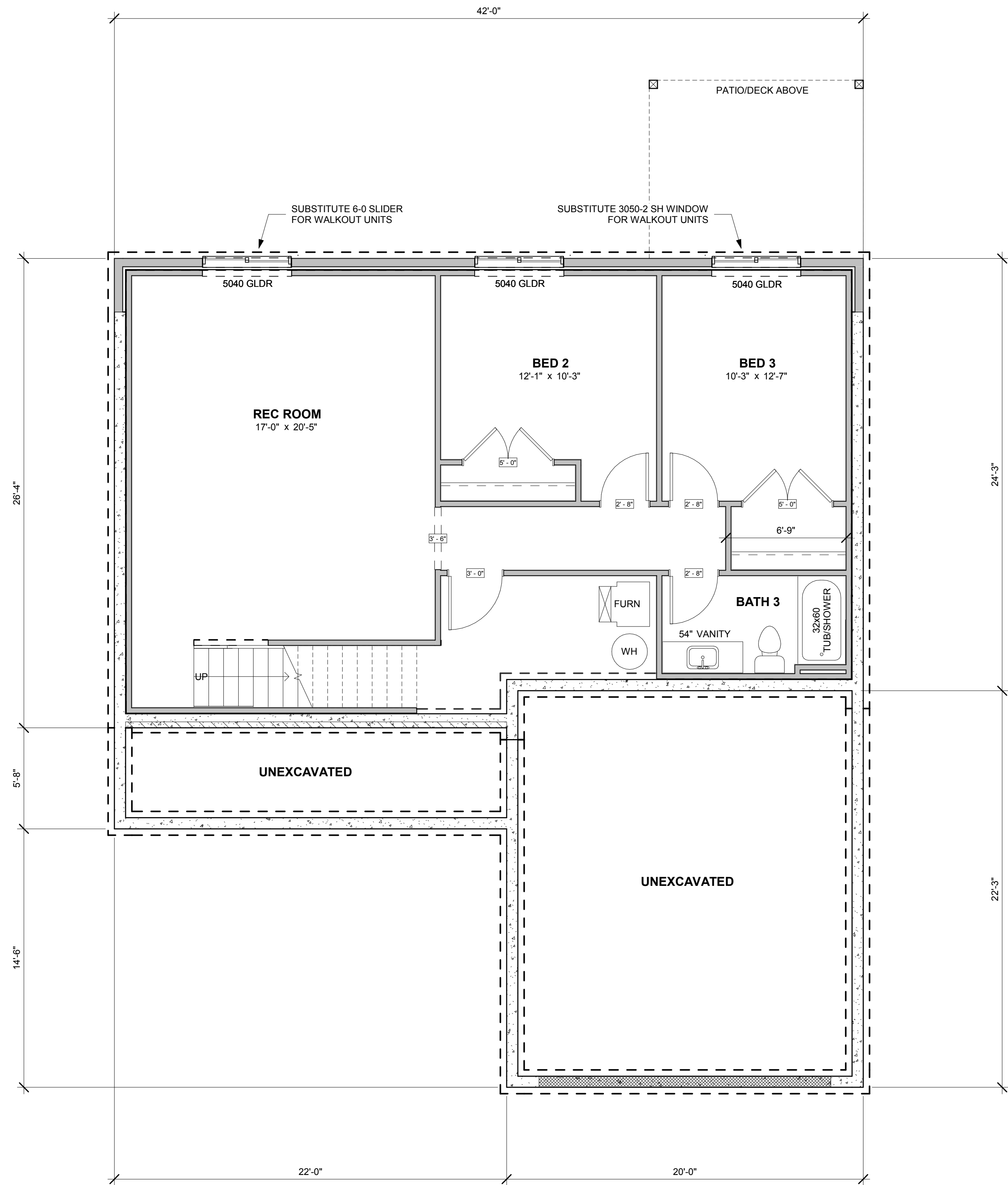
By \_\_\_\_\_  
Duane E. Jensen, President & Treasurer

STATE OF IOWA, COUNTY OF STORY, ss:

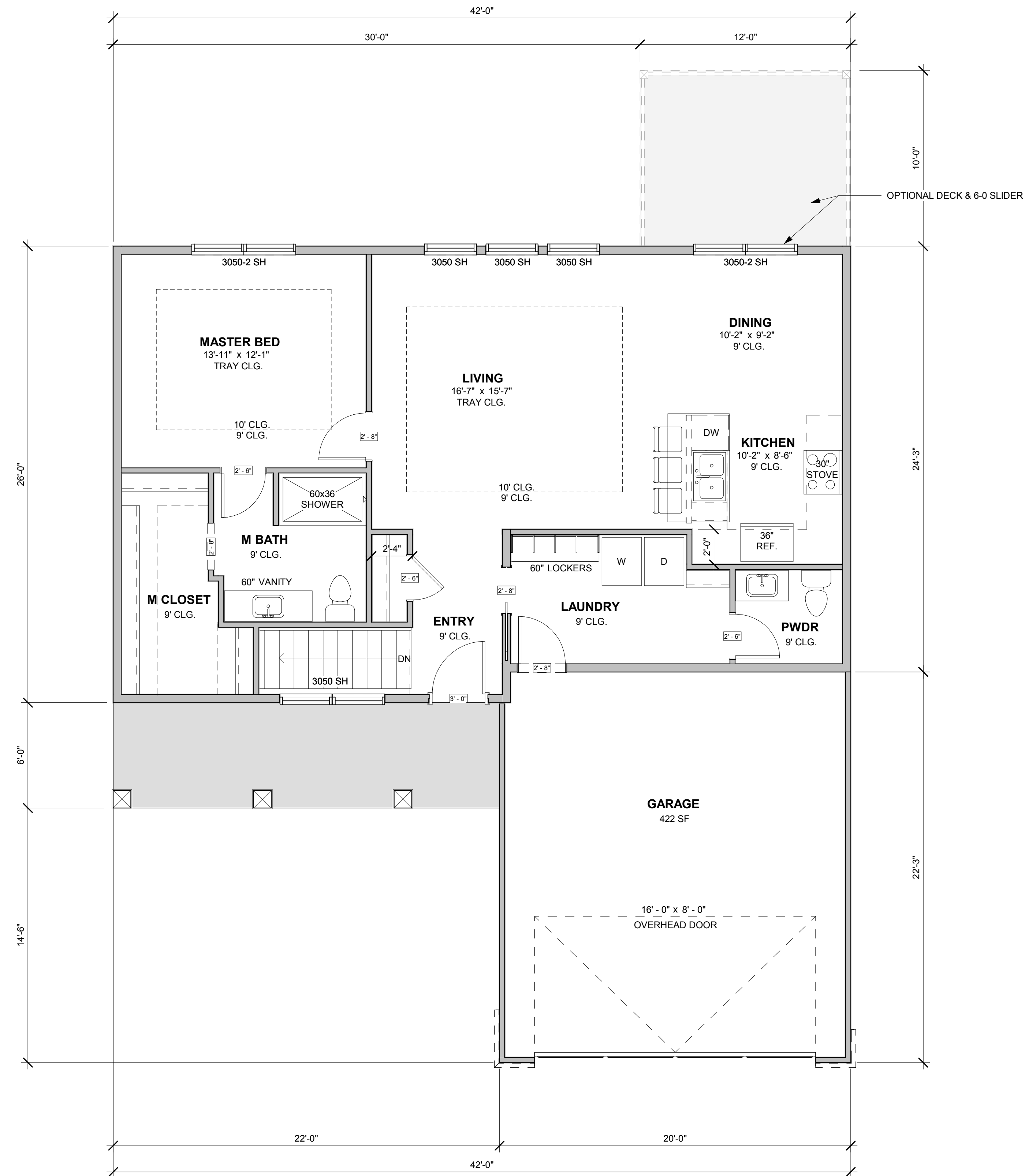
This instrument was acknowledged before me on \_\_\_\_\_, 2018, by Duane E. Jensen, as President and Treasurer of JCorp, Inc.

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

NOTE: ALL WINDOW DIMENSIONS ARE IN FEET AND INCHES UNLESS NOTED OTHERWISE. SO A 3050 IS A 3'-0" WIDE X 5'-0" HIGH WINDOW. WINDOW ROUGH OPENINGS MAY VARY. FINISHING SIZES PER WINDOW MANUFACTURER.



**2** Basement Plan  
 SCALE: 1/4" = 1'-0"



**1** First Floor Plan  
 SCALE: 1/4" = 1'-0"

SQUARE FOOTAGE	
1st Floor	1,063 SF
Basement Finished	838 SF
Basement Unfinished	86 SF
Grand total	1,987 SF

PROJECT:  
**LMI - Plan A**  
 321 State Street  
 Ames, IA

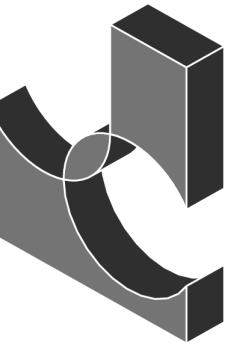
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3	

DATE: 10 / 02 / 2017  
 PROJECT NO: 17-029

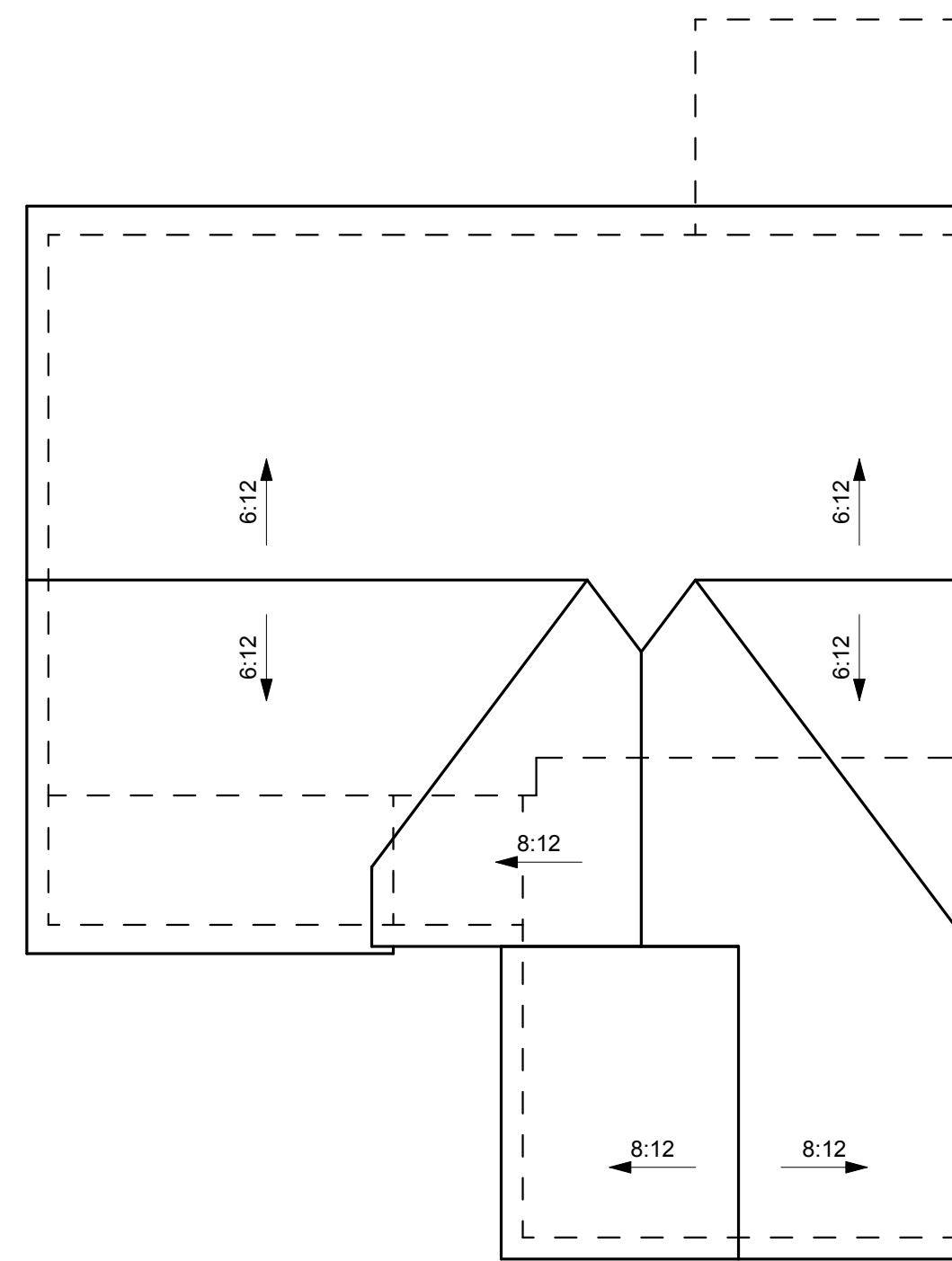
CONTENTS:  
 Floor Plans

SHEET NO:  
**A100**

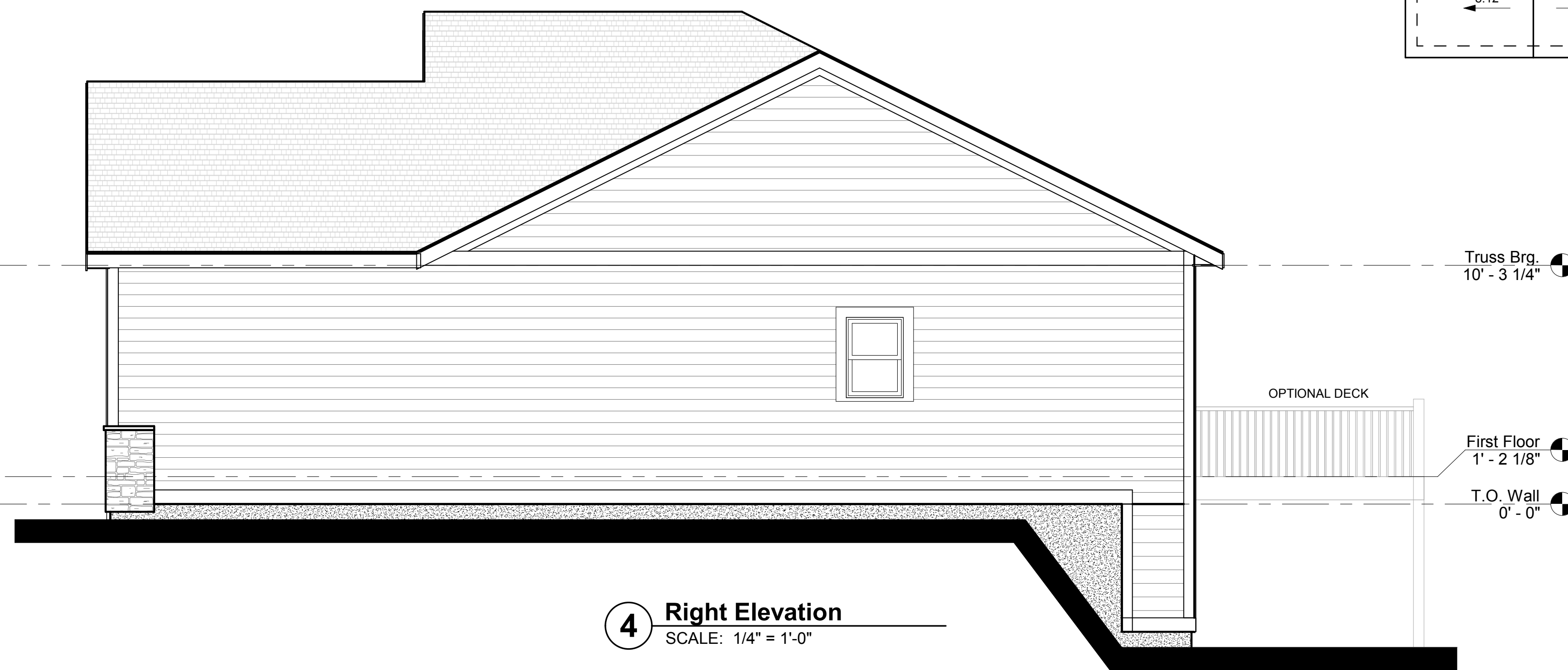


JCorp

P.O. Box 159  
Huxley, IA 50124  
Phone: (515) 597-5457  
Fax: (515) 597-5461  
www.jcorp.biz



**5 Roof Plan**  
SCALE: 1/8" = 1'-0"



**4 Right Elevation**  
SCALE: 1/4" = 1'-0"



**2 Rear Elevation**  
SCALE: 1/4" = 1'-0"



**3 Left Elevation**  
SCALE: 1/4" = 1'-0"



**1 Front Elevation**  
SCALE: 1/4" = 1'-0"

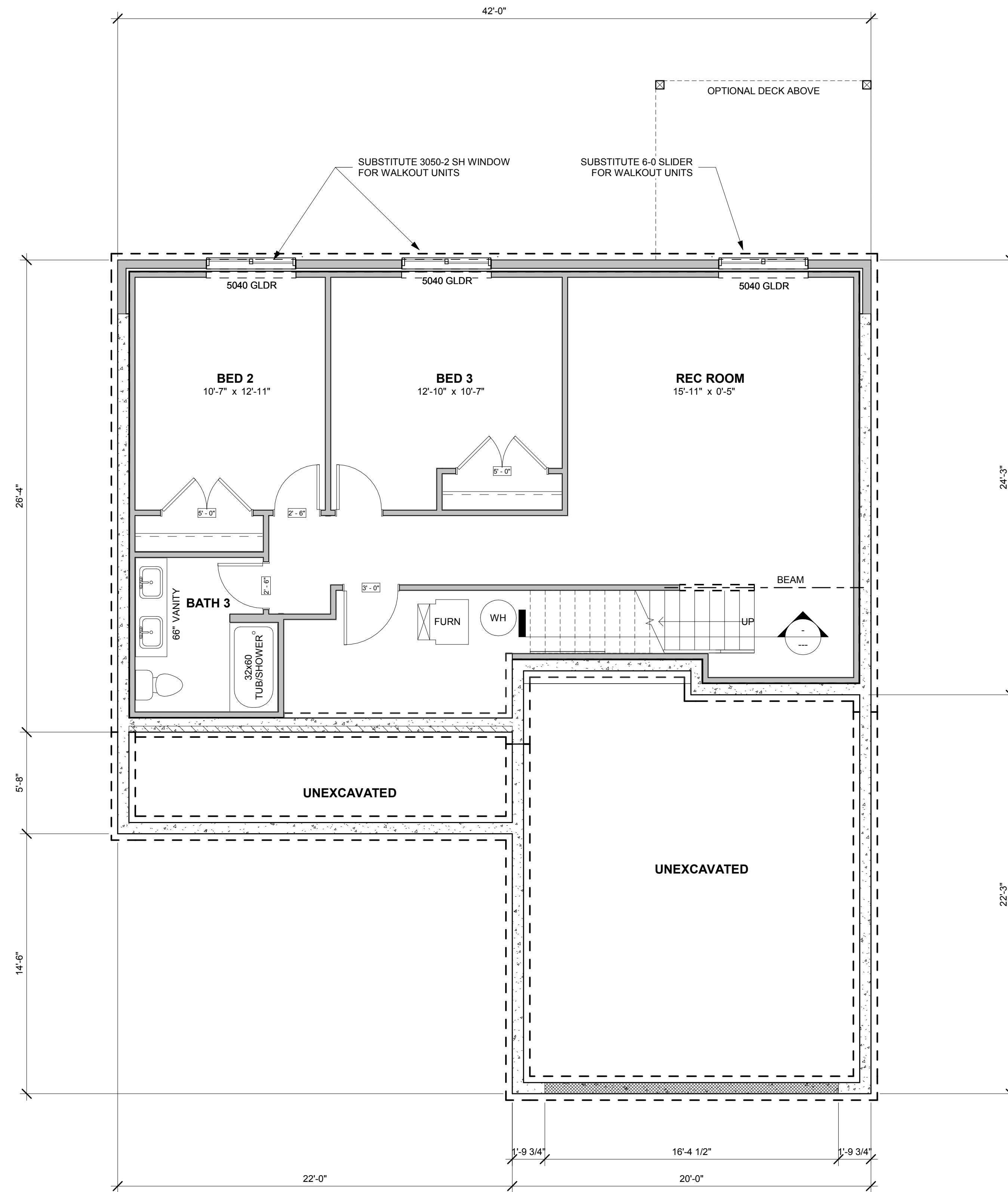
PROJECT:  
**LMI - Plan A**  
321 State Street  
Ames, IA

REVISIONS:	
1	
2	
3	

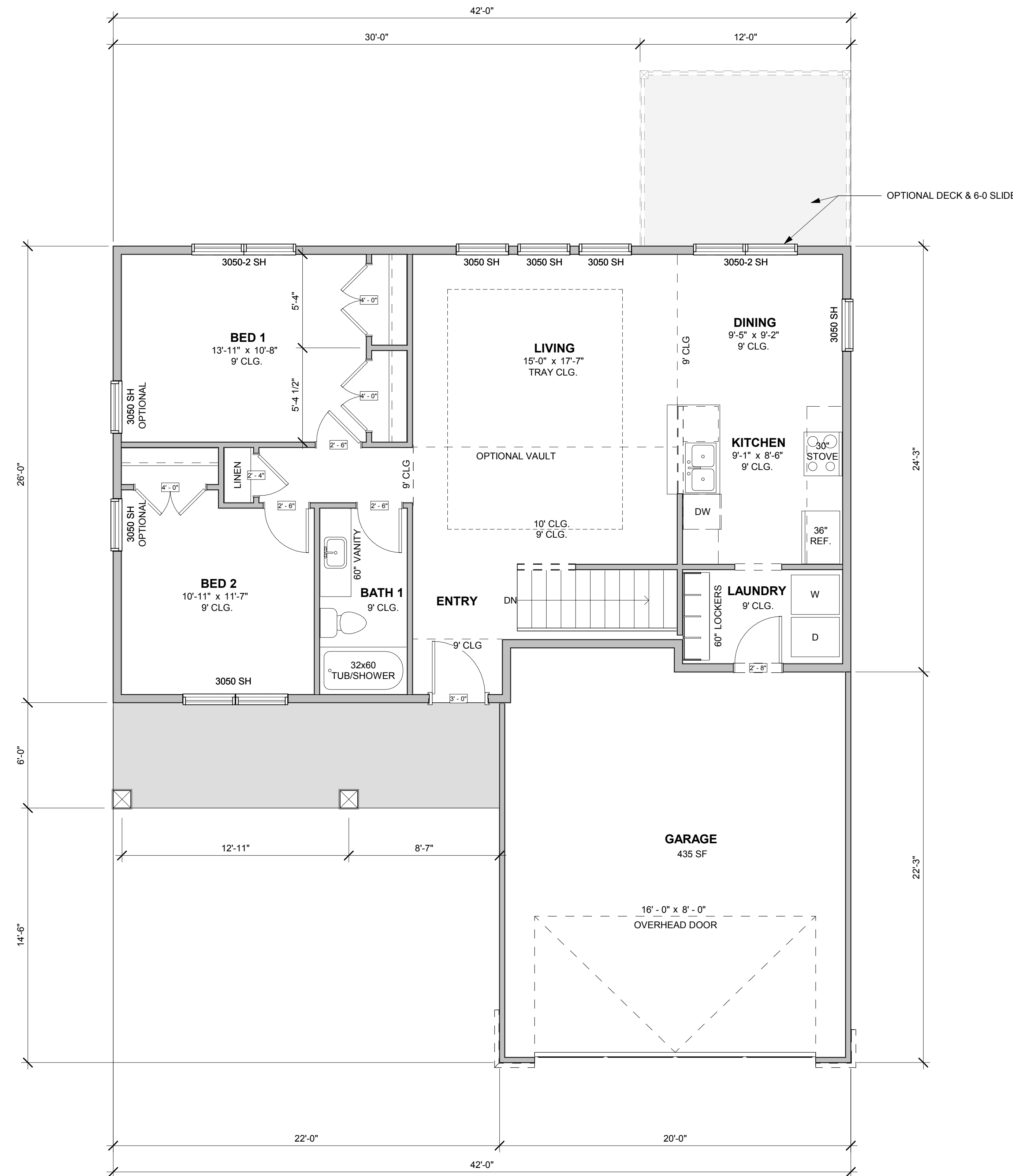
DATE: **10 / 02 / 2017**  
PROJECT NO: **17-029**  
CONTENTS:  
Elevations

SHEET NO:  
**A200**

NOTE: ALL WINDOW DIMENSIONS ARE IN FEET AND INCHES UNLESS NOTED OTHERWISE. SO A 3050 IS A 3'-0" WIDE X 5'-0" HIGH WINDOW. WINDOW ROUGH OPENINGS MAY VARY. FINISHING SIZES PER WINDOW MANUFACTURER.



**2** Basement Plan  
 SCALE: 1/4" = 1'-0"



**1** First Floor Plan  
 SCALE: 1/4" = 1'-0"

SQUARE FOOTAGE	
1st Floor	1,050 SF
Basement Finished	817 SF
Basement Unfinished	93 SF
Grand total	1,960 SF

PROJECT:  
**LMI - Plan B**  
 321 State Street  
 Ames, IA

- REVISIONS:
- 1 \_\_\_\_\_
  - 2 \_\_\_\_\_
  - 3 \_\_\_\_\_

DATE: **09 / 27 / 2017**

PROJECT NO: **17-029**

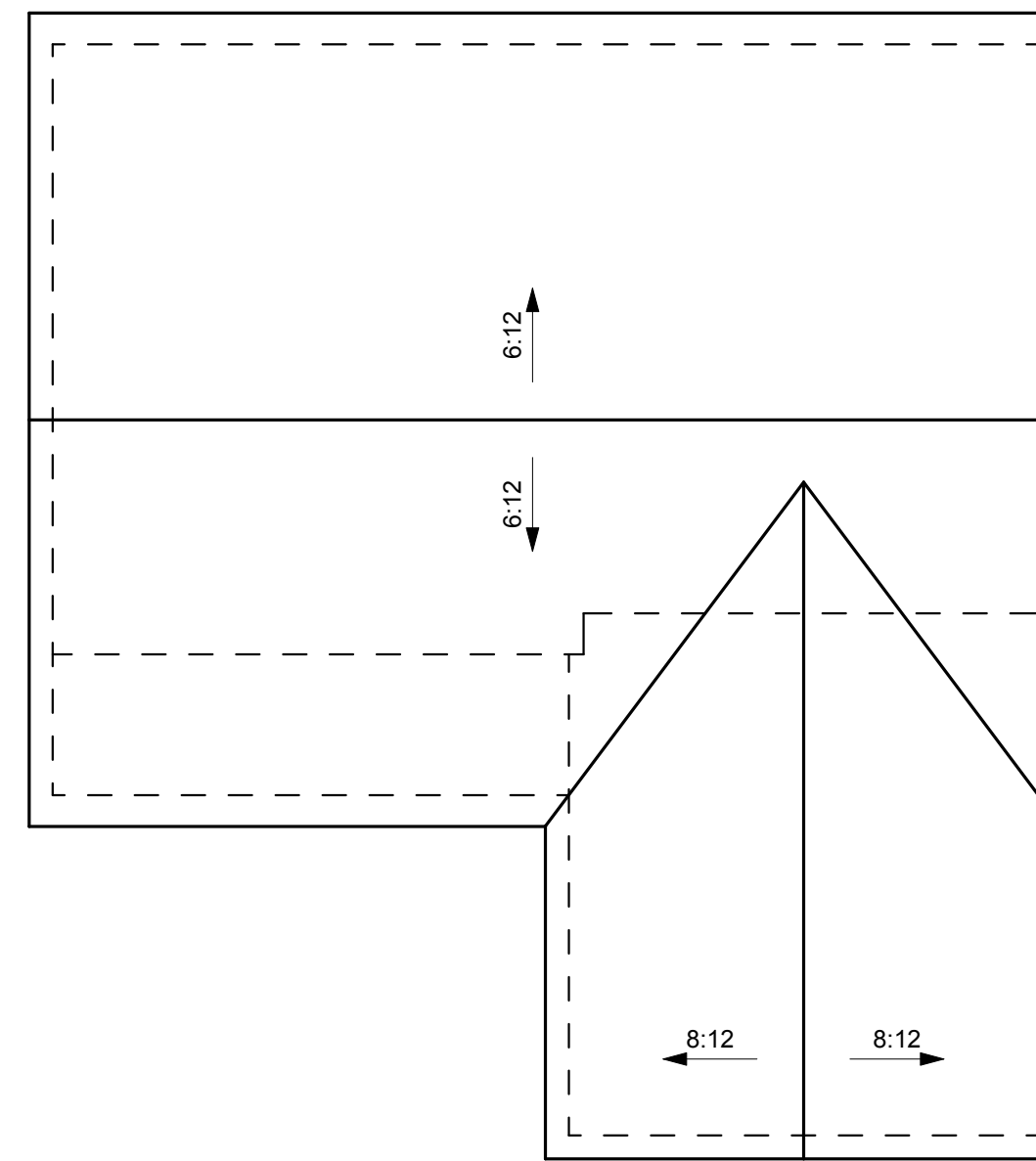
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 Floor Plans

SHEET NO:  
**A100**

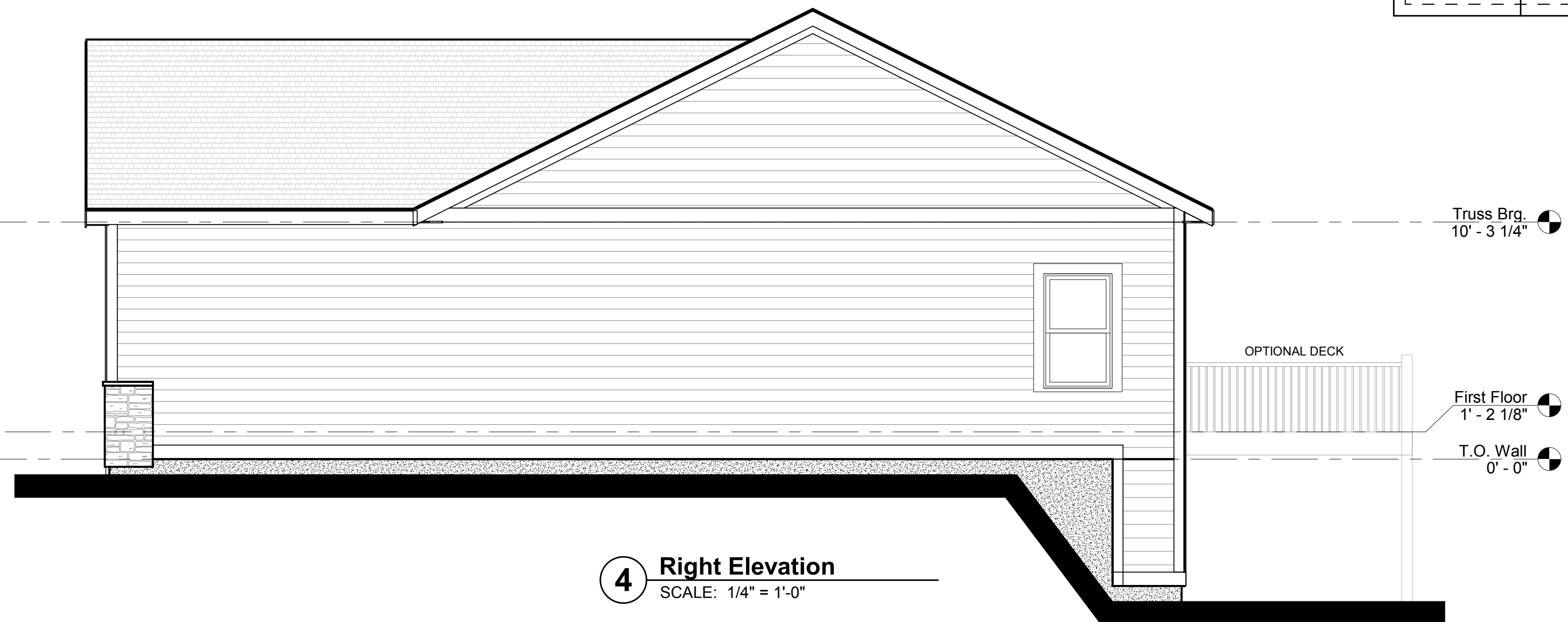


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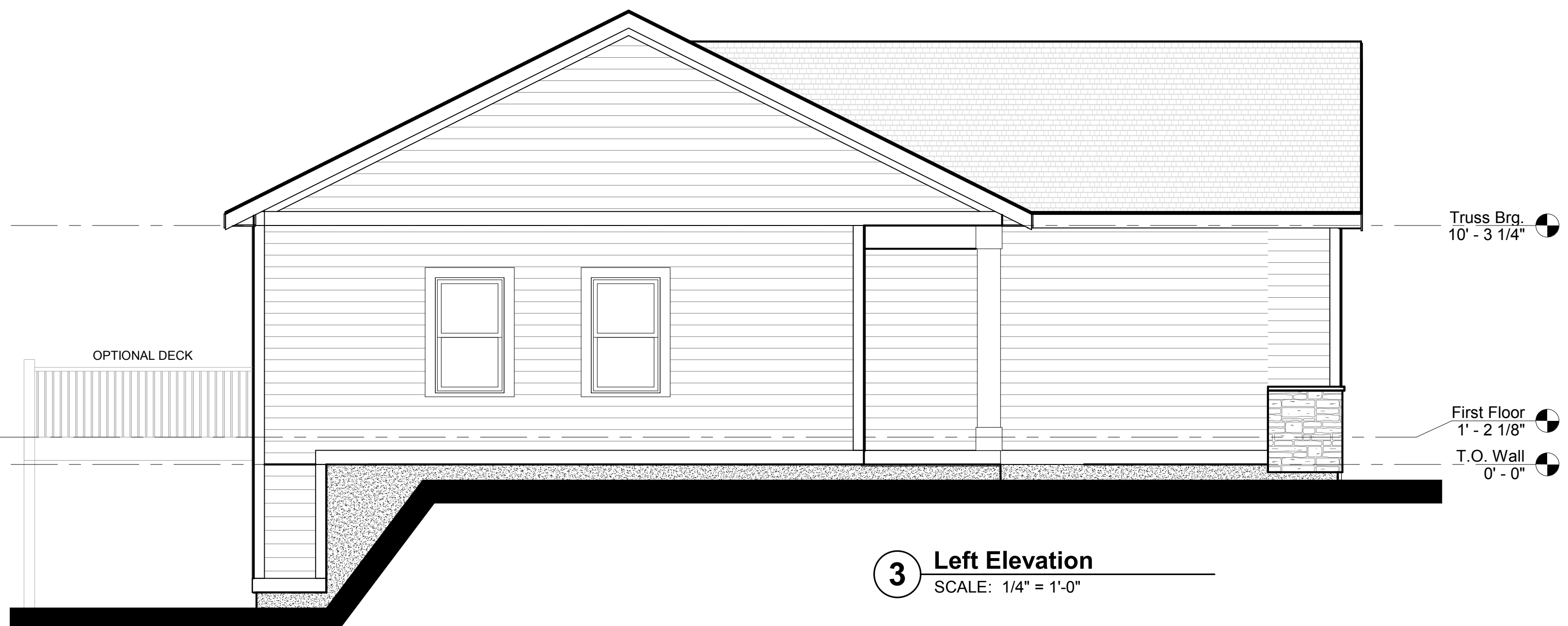
**5** Roof Plan  
SCALE: 1/8" = 1'-0"



**4** Right Elevation  
SCALE: 1/4" = 1'-0"



**2** Rear Elevation  
SCALE: 1/4" = 1'-0"



**3** Left Elevation  
SCALE: 1/4" = 1'-0"



**1** Front Elevation  
SCALE: 1/4" = 1'-0"

PROJECT:  
**LMI - Plan B**  
321 State Street  
Ames, IA

REVISIONS:
1
2
3

DATE: 09 / 27 / 2017

PROJECT NO: 17-029

CONTENTS:  
Elevations

SHEET NO:

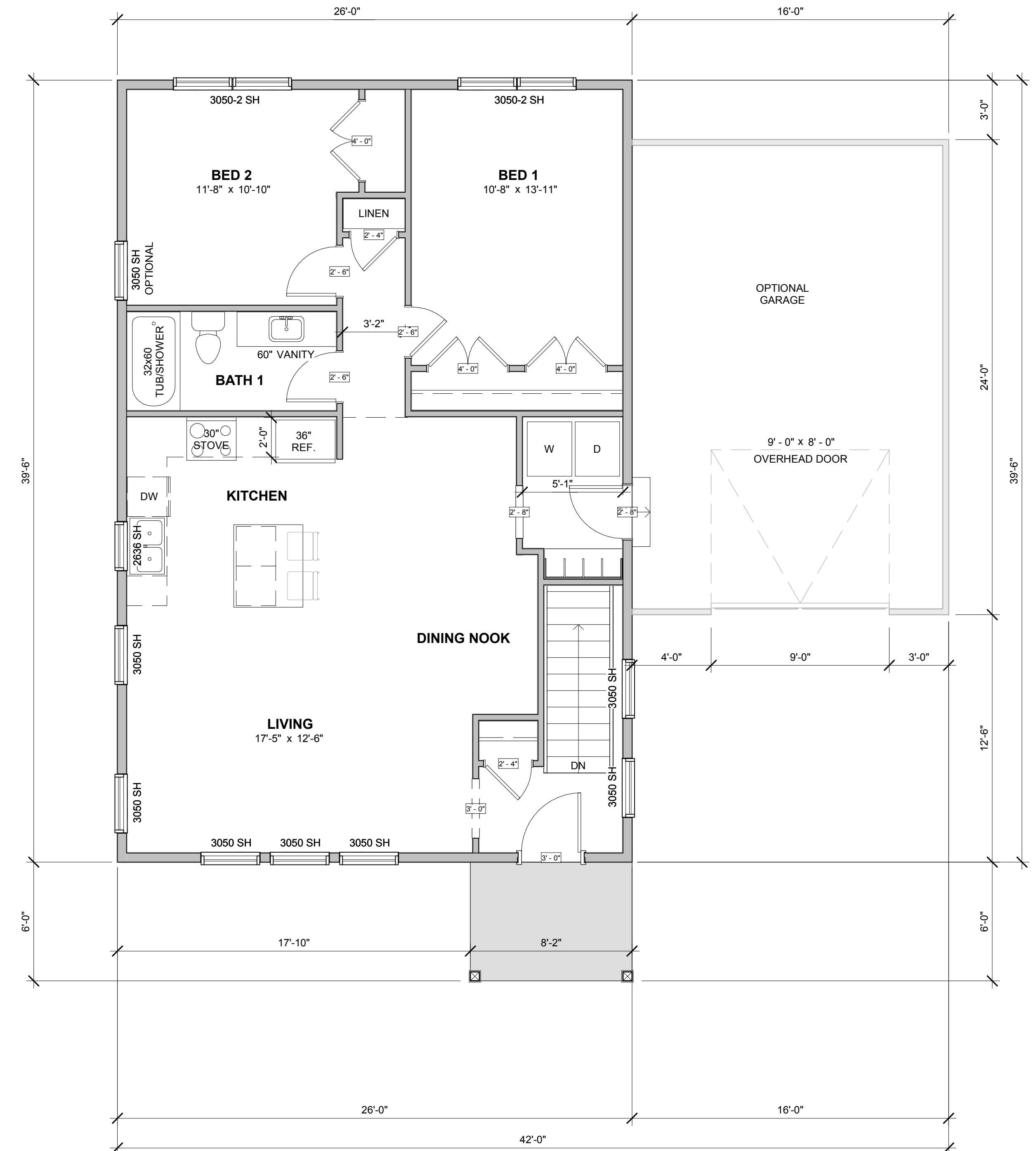
**A200**

**Abbreviations**

@	AT
AFF	ABOVE FINISHED FLOOR
ALLOW	ALLOWABLE
BT	BOTTOM OF
CJ	CONTROL JOINT
CLG	CEILING
CONC	CONCRETE
CPT	CARPET
DN	DOWN
DS	DOWNSPOUT
EQ	EQUAL
EQUIP	EQUIPMENT
EXIST	EXISTING
EW	EACH WAY
FD	FLOOR DRAIN
FDN	FOUNDATION
FO	FACE OF
FTG	FOOTING
GWB	GYPSUM WALL BOARD
INSUL	INSULATION
MANFR	MANUFACTURER
MATL	MATERIAL
MAX	MAXIMUM
MECH	MECHANICAL
MIN	MINIMUM
NA	NOT APPLICABLE
NOM	NOMINAL
OC	ON CENTER
OPT	OPTIONAL
ROD	REQUIRED
REF	REFERENCE
T.O.	TOP OF
TYP	TYPICAL
W/	WITH

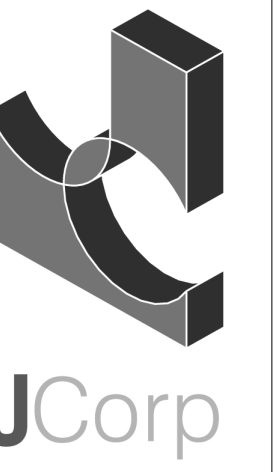


**2** Basement  
SCALE: 1/4" = 1'-0"



**1** First Floor Plan  
SCALE: 1/4" = 1'-0"

SQUARE FOOTAGE	
1st Floor	1,032 SF
Basement Finished	843 SF
Basement Unfinished	98 SF
Grand total	1,973 SF



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PROJECT:  
**LMI - Plan C**  
321 State Street  
Ames, IA

REVISIONS:

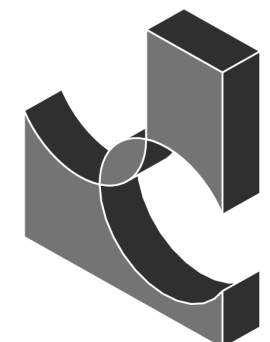
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2	_____
3	_____

DATE: **12 / 06 / 2017**

PROJECT NO: **17-029**

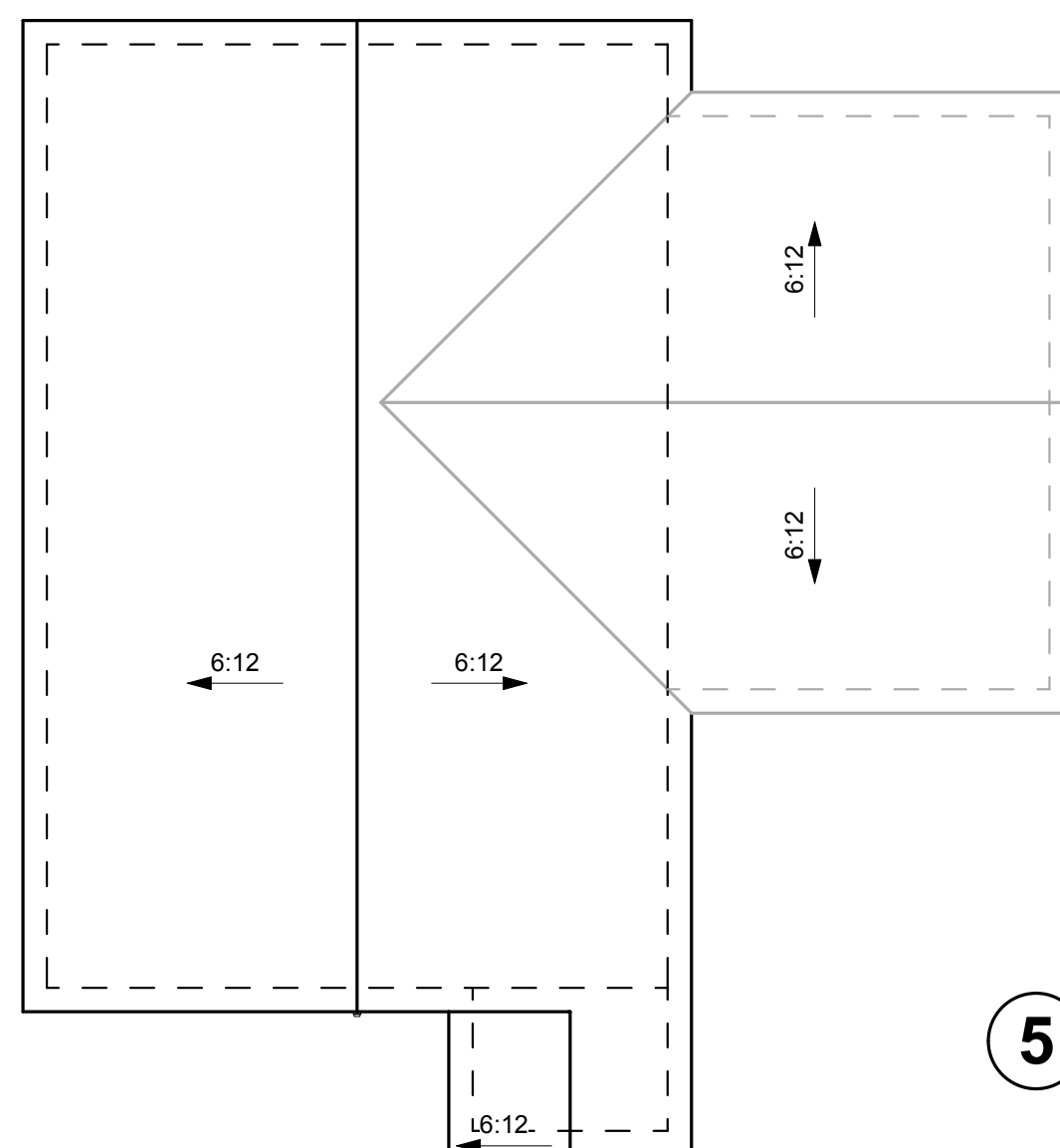
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Floor Plans

SHEET NO:  
**A100**

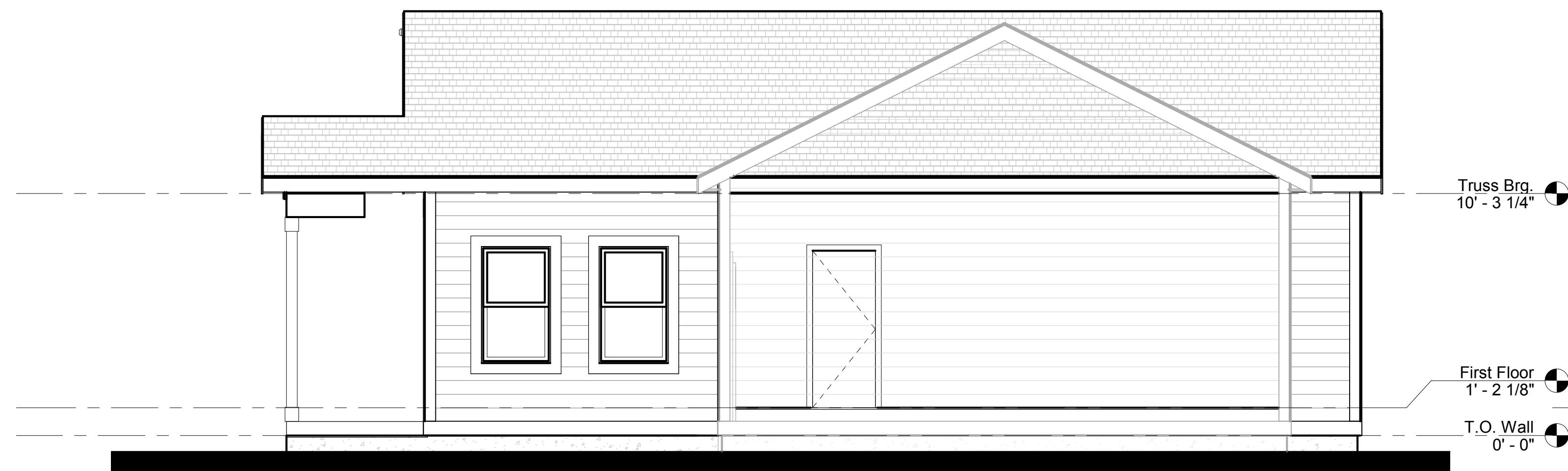


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**5 Roof Plan**  
SCALE: 1/8" = 1'-0"



**4 Right Elevation**  
SCALE: 1/4" = 1'-0"



**2 Rear Elevation**  
SCALE: 1/4" = 1'-0"



**3 Left Elevation**  
SCALE: 1/4" = 1'-0"



**1 Front Elevation**  
SCALE: 1/4" = 1'-0"

PROJECT:  
**LMI - Plan C**  
321 State Street  
Ames, IA

REVISIONS:

- 1
- 2
- 3

DATE: 12 / 06 / 2017

PROJECT NO: 17-029

CONTENTS:  
Elevations

SHEET NO:

**A200**

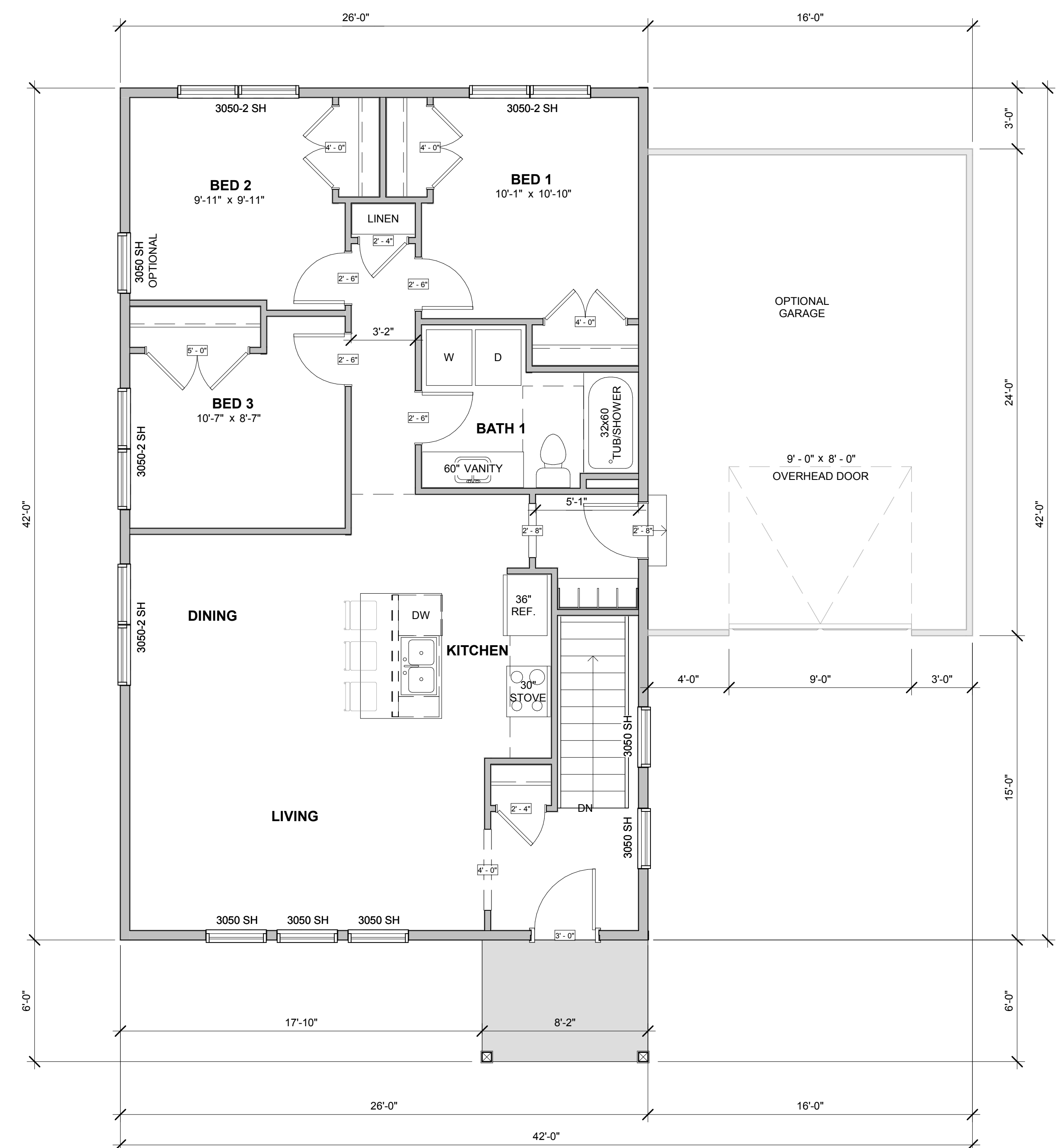


**Abbreviations**

@	AT
AFF	ABOVE FINISHED FLOOR
ALLOW	ALLOWABLE
BJ	BOTTOM OF
CJ	CONTROL JOINT
CLG	CEILING
CONC	CONCRETE
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DN	DOWN
DS	DOWNSPOUT
EQ	EQUAL
EQUIP	EQUIPMENT
EXST	EXISTING
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MATL	MATERIAL
MAX	MAXIMUM
MECH	MECHANICAL
MIN	MINIMUM
NA	NOT APPLICABLE
NOM	NOMINAL
OC	ON CENTER
OPT	OPTIONAL
ROD	REQUIRED
REF	REFERENCE
T.O.	TOP OF
TYP	TYPICAL
W/	WITH



**2** Basement  
SCALE: 1/4" = 1'-0"



**1** First Floor Plan  
SCALE: 1/4" = 1'-0"

SQUARE FOOTAGE	
1st Floor	1,097 SF
Basement Finished	897 SF
Basement Unfinished	57 SF
Grand total	2,051 SF



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Phone: (515) 597-5457  
Fax: (515) 597-5461  
www.jcorp.biz

PROJECT:  
**LMI - Plan D**  
321 State Street  
Ames, IA

REVISIONS:

1	
2	
3	

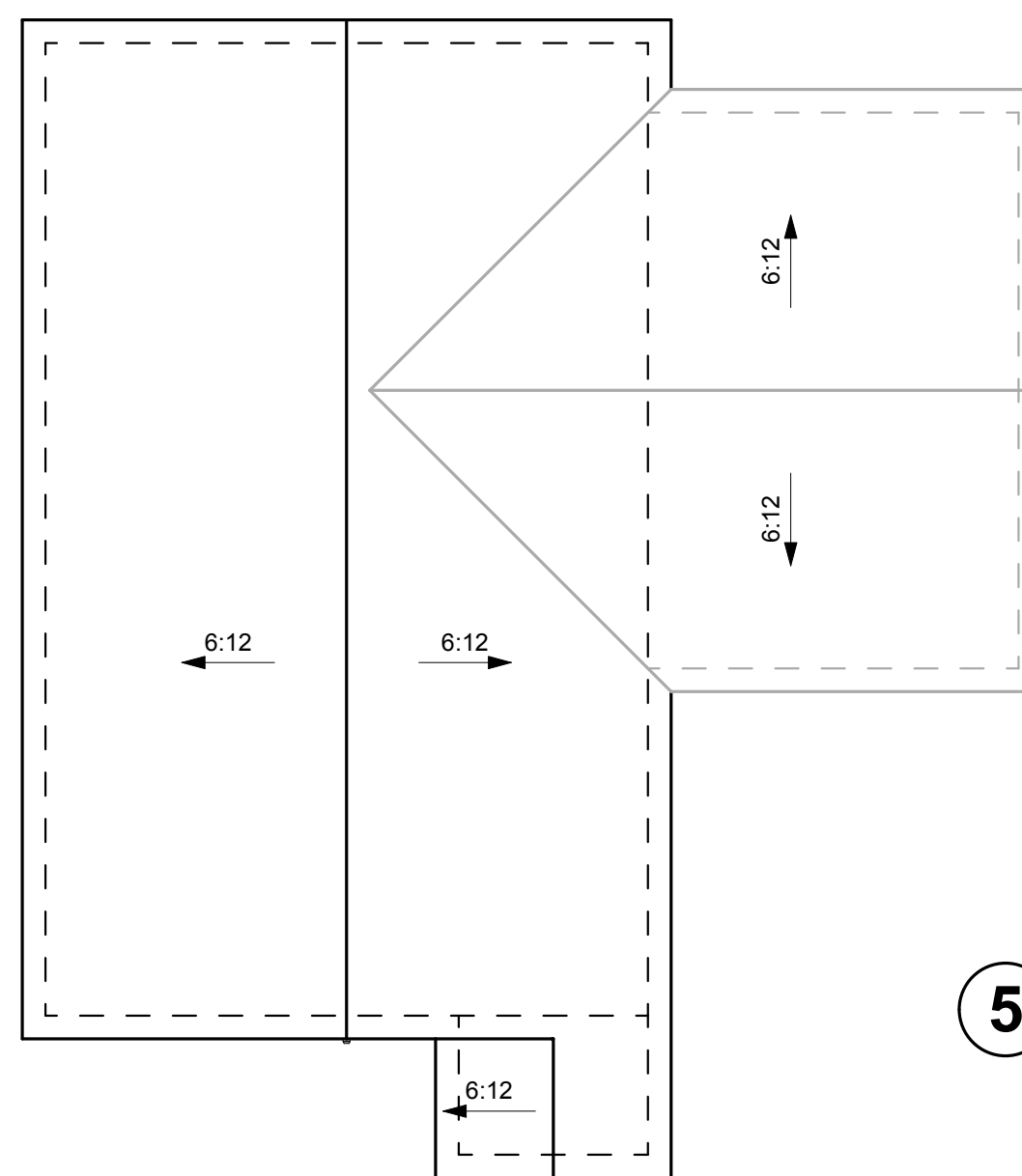
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PROJECT NO: **17-029**

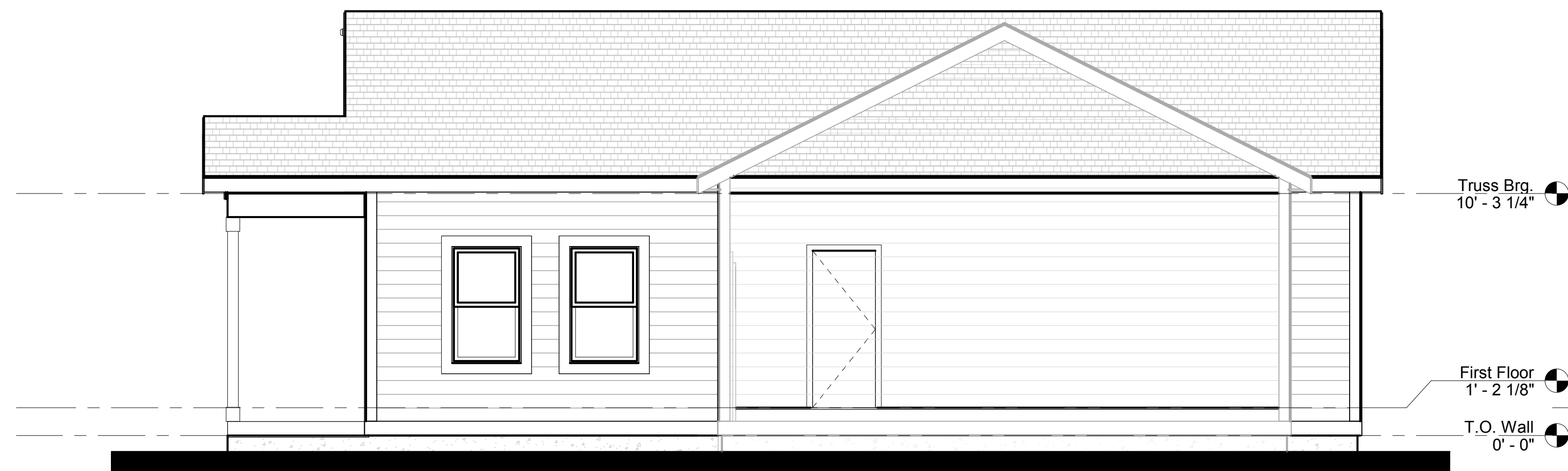
CONTENTS:  
Floor Plans

SHEET NO:

**A100**



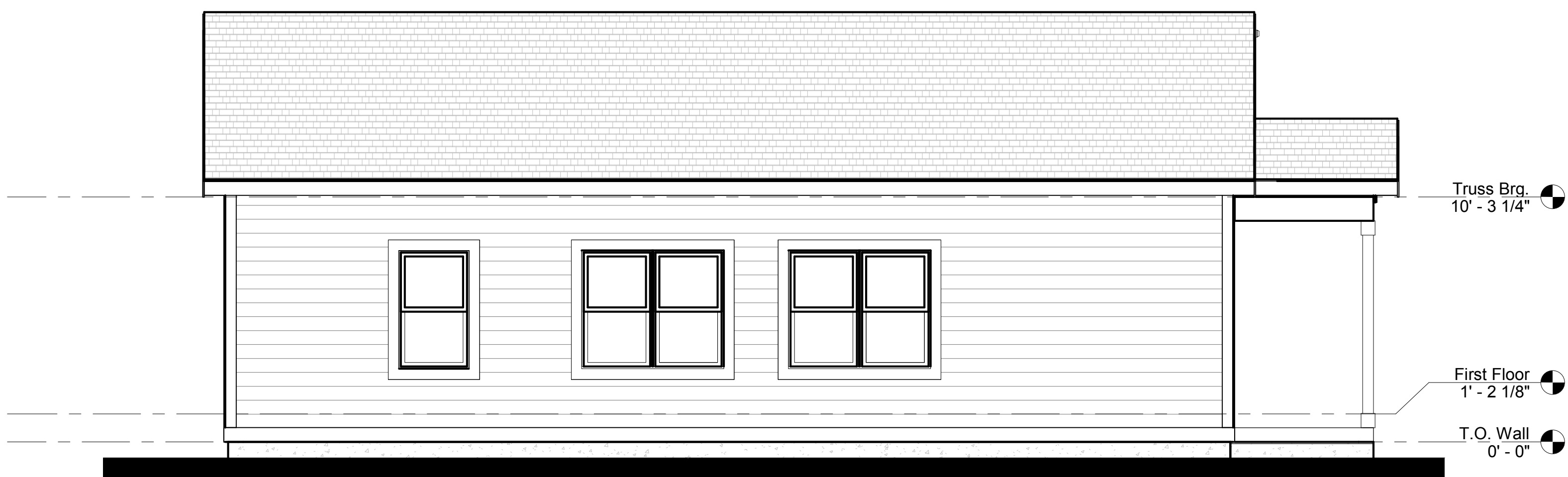
**5 Roof Plan**  
 SCALE: 1/8" = 1'-0"



**4 Right Elevation**  
 SCALE: 1/4" = 1'-0"



**2 Rear Elevation**  
 SCALE: 1/4" = 1'-0"



**3 Left Elevation**  
 SCALE: 1/4" = 1'-0"



**1 Front Elevation**  
 SCALE: 1/4" = 1'-0"

PROJECT:  
**LMI - Plan D**  
 321 State Street  
 Ames, IA

REVISIONS:

- 1
- 2
- 3

DATE: **10 / 06 / 2017**

PROJECT NO: **17-029**

CONTENTS:  
 Elevations

SHEET NO:

**A200**

**COUNCIL ACTION FORM**

**SUBJECT: REZONING FROM RH (RESIDENTIAL HIGH DENSITY) TO NC (NEIGHBORHOOD COMMERCIAL) FOR A PROPERTY LOCATED AT 3504 GRAND AVENUE**

**BACKGROUND:**

The property owner, Heartland Baptist Church, is requesting rezoning of a single parcel of land located at 3504 Grand Avenue from RH (Residential High Density) to NC (Neighborhood Commercial). The site, is located on the east side of the intersection of Grand Avenue and Bloomington Road, and includes 1.83 acres (79,516 square feet) (see *Attachment A: Location and Zoning Map*). The property is designate as Residential High Density on the future land use map the Land Use Policy Plan (LUPP).

On September 19, 2017, the City Council directed that a rezoning application was the preferred option for consideration of changing use of the site compared to a Highway Oriented Commercial LUPP change application. This direction was in response to a letter received from Heartland Baptist Church (see *Attachment D: Applicant's Letter*), and a letter received from Habitat for Humanity (see *Attachment E: Habitat for Humanity Letter*). Habitat for Humanity of Central Iowa proposes to relocate their main office, presently located at 401 Clark Avenue, and their retail store, presently located at 402 E. Lincoln Way, to the site at 3504 Grand Avenue.

**Stand alone office and retail sales and service uses, as proposed for this site, are not permitted in the RH zoning district. Rezoning of the site to NC allows the proposed uses in pre-existing buildings on a lot with a maximum lot area of 100,000 square feet, subject to approval of a Special Use Permit by the Zoning Board of Adjustment. The Special Use Permit requirement is triggered by the size of the property exceeding 20,000 square feet. If the rezoning is approved, the applicant would proceed with a Special Use Permit application for use of the site to address operational aspects of the business.**

The site contains a vacant building, previously occupied by Heartland Baptist Church, with 12,598 square feet of gross floor area. The vacant building is a single-story structure without a basement. A garage/storage building (6,000 sq. ft.) and a small storage shed are located behind the main building. The applicant intends to establish their planned uses with the existing structures without any alterations to the exterior, or changes to parking areas.

Further analysis of the rezoning petition is found in the Addendum.

**At the December 20, 2017 Planning & Zoning Commission meeting, the Commission recommended by a vote of 5-0 to approve the rezoning of the property located at 3504 Grand Avenue without conditions.** The owners of property at 3514 Grand Avenue and 3526 Grand Avenue, which both abut the north property line of the site, were in attendance and expressed their concerns about potential commercial uses that may locate on the property if rezoned to Neighborhood Commercial (NC). They did not object to use of the property by the Habitat for Humanity organization, provided it did not involve large trucks transporting building materials to and from the site. They would object to using the site for a restaurant, given the traffic, and trash that would be generated by such a use. They requested that the rezoning include restrictions to further limit the types of uses that may locate on the site, including prohibiting restaurants.

**ALTERNATIVES:**

1. The City Council can approve the request for rezoning from RH (Residential High Density) to NC (Neighborhood Commercial) for the property located at 3504 Grand Avenue, as proposed by the rezoning request and supported by the findings of fact.
2. The City Council can deny the request for rezoning from (RH) Residential High Density to (NC) Neighborhood Commercial for the property located at 3504 Grand Avenue, if the Commission finds that the City's regulations and policies are not met.
3. The City Council can defer action on this request and refer it back to City staff and/or the applicant for additional information.

**CITY MANAGER'S RECOMMENDED ACTION:**

The current RH zoning of the site is consistent with the Land Use Policy Plan land use designation and supports the use of the site as either a church or redevelopment with high density residential. Limited mixed use is also allowed with the current RH zoning district. However, the desire to have 100% commercial use of the site is not permitted within RH zoning.

**The proposed rezoning to NC can be found to be consistent with the allowances of the LUPP for small scale commercial zones and that the use of the site would not displace existing housing, despite the fact that it is not designated as commercial on the future land use map. Infrastructure is in place to serve the intended use. The applicant's proposed use is compatible with the surrounding uses, given the low volume of traffic anticipated for this site.**

Site improvements are currently non-conforming for the RH zoning with parking between the building and the street and lack of landscaping that meets current requirements. The rezoning to NC will not cure these deficiencies and the property will continue to have non-conformities upon its reuse if a special use permit is approved. The use of the site consistent with a special use permit ensures that future uses can be

accommodated in a manner that is compatible with the surroundings without specifying details in a rezoning master plan with the requested NC zoning district.

**In response to the concerns expressed at the Planning and Zoning Commission meeting by neighboring property owners, the Zoning Board of Adjustment could choose to exclude certain uses presently allowed in the NC zone, as part of the approval of the Special Use Permit.**

**Therefore, it is the recommendation of the City Manager that the City Council act in accordance with Alternative #1, which is to approve the request for rezoning from (RH) Residential High Density to (NC) Neighborhood Commercial as proposed by the rezoning request, and supported by the findings of fact.**

## **ADDENDUM:**

**Land Use Policy Plan Future Land Use Map.** No change in the land use designation is proposed in relation to the rezoning request. The Land Use Policy Plan (LUPP) Future Land Use Map designates this site as High-Density Residential. This designation is applied along the east side of Grand Avenue between Bloomington Road and 24<sup>th</sup> (see *Attachment B: LUPP Map*). Commercial uses are most commonly associated with Commercial designations on the Future Land Use Map that include: Highway-Oriented Commercial; Downtown Services Center; Regional Commercial; and Commercial Nodes.

Staff concluded upon review of the Highway Oriented Commercial land use designation that it was inappropriate for the site based upon the LUPP's policies to discourage expanded strip commercial development. Additionally, the site was not associated with a commercial node to support its rezoning to a traditional commercial zone. The only remaining option for considering small scale commercial use was to consider a rezoning to Neighborhood Commercial.

The proposed NC zoning does not have a corresponding commercial designation on the Future Land Use Map of the LUPP. There are no specific siting criteria for the zoning district, only the general discussion of its intent and purpose within Chapter 2 of the Land Use Plan. Neighborhood Commercial is of limited applicability within existing areas of the City for sites that did not meet the other commercial land use policies of the City and were also small scale in nature.

There are generally six other areas of the community with NC zoning. The land use designations of these areas on the Future Land Use Map include One- and Two-Family Medium-Density Residential, High-Density Residential, Downtown Services Center, and Highway-Oriented Commercial. The six areas zoned as NC are described as follows:

- Properties east of Grand Avenue and north of 24<sup>th</sup> Street includes a bank and a hardware store, and are designated as High-Density Residential;
- The area west of Grand Avenue between 5<sup>th</sup> Street and 6<sup>th</sup> Street includes three office buildings, and is designated as One- and Two-Family Medium-Density Residential;
- The area east of Clark Avenue to the east side of Duff Avenue between 6<sup>th</sup> Street and 7<sup>th</sup> Street includes a grocery store, single family homes, apartment buildings, offices, parking lots, an auto repair business, and a convenience store, and is designated as Downtown Services Center;
- Property southeast of the intersection of S. Hazel Avenue and Lincoln Way is used as general office and designated as One- and Two-Family Medium-Density Residential;

- Property at 926 S. 16<sup>th</sup> Street includes a restaurant and is designated as High-Density Residential; and,
- The area along Florida Avenue and Reliable Street includes a heating and air conditioning business, a painting company, self-storage units, single family homes, and a former grain elevator being converted for other commercial uses.

**Existing/Proposed Zoning.** The current zoning of the property is RH (Residential High Density). On August 28, 2001, the City Council approved Ordinance No. 3624, amending the official zoning map by changing the zoning of the eastern portion of the property located at 3504 Grand Avenue from RL (Residential Low Density) to RH (Residential High Density). The western portion of the parcel was already zoned as RH. At the time, the property was occupied by a Heartland Baptist Church, which was a conforming use of the property as a religious institution in the RH zone.

The proposed zoning of the property is NC (Neighborhood Commercial). The NC zone has more restrictive use limits than other zones, and requires Zoning Board of Adjustment (ZBA) approval of a Special Use Permit (SUP) for larger sites, such as the subject property. Continued use of the property by a religious institution would be allowed without triggering the requirement for a SUP. However, a change of the use on the site to a commercial use would require a SUP, since the size of the property exceeds 20,000 square feet. A SUP would be considered only if the rezoning is approved first.

**Permitted Uses.** The proposed NC zoning category allows a more limited range of uses than the HOC (Highway-Oriented Commercial) zoning district. Permitted uses in the NC zone include:

- Household Living;
- Office;
- Retail Sales and Services – General;
- Entertainment, Restaurant and Recreation Trade;
- Community Facilities;
- Social Service Providers;
- Religious Institutions;
- Basic Utilities;
- Personal Wireless Communication Facilities; and,
- Child Day Care Facilities.

The maximum lot area for pre-existing buildings and pre-existing neighborhood commercial centers is 100,000 square feet (with approval by Special Use Permit according to Section 29.1503).

The portion of the existing parking lot for the subject property that is located between the building and the street does not conform to the off-street parking regulations for the NC zone. Minimum required building setbacks in the NC zone are met by the location of the existing principal building on the site; however, the location of the building does not conform to the maximum allowed building setback of 60 feet from the street lot line.

**Existing Uses of Land.** Land uses that occupy the subject property and other surrounding properties are described:

<b>Location</b>	<b>Existing Land Uses</b>
Subject Property	Former Church Building and Accessory Structures
North	Single Family Homes
East	Farmland, Skunk River
South	Healthcare Facility
West	Apartment Buildings

**Public Infrastructure.** All public infrastructure is available and has the capacity to serve the site.

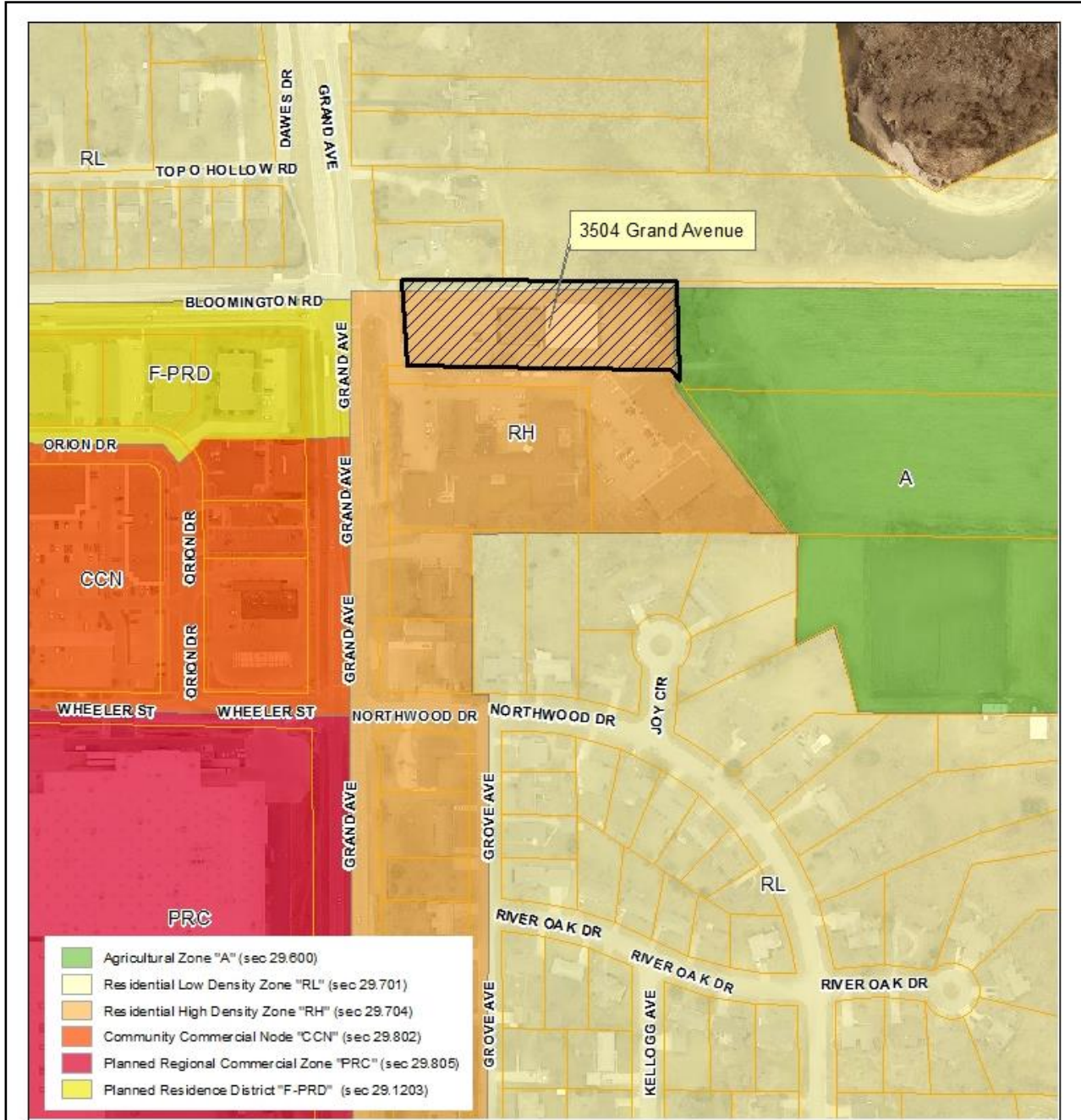
**Public Notice.** Notice was mailed to property owners within 200 feet of the subject site and a sign was posted on the subject property. As of this writing, no comments have been received.

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

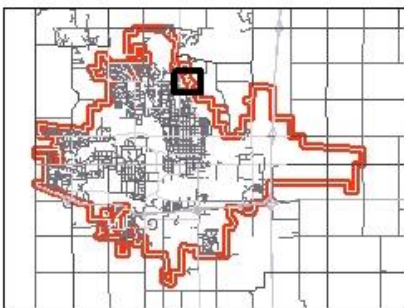
1. *Ames Municipal Code Section 29.1507(2)* allows owners of fifty percent (50%) or more of the area of the lots in any district desired for rezoning to file an application requesting that the City Council rezone the property. The owner of this single parcel has requested the rezoning.
2. The subject property has been designated on the Land Use Policy Plan (LUPP) Future Land Use Map as High-Density Residential.
3. There is no corresponding land use designation on the Future Land Use Map for the NC (Neighborhood Commercial) zoning designation.
4. Infrastructure is in place to serve the proposed use of this site.



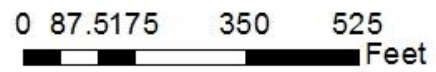
# Attachment A: Location and Current Zoning Map



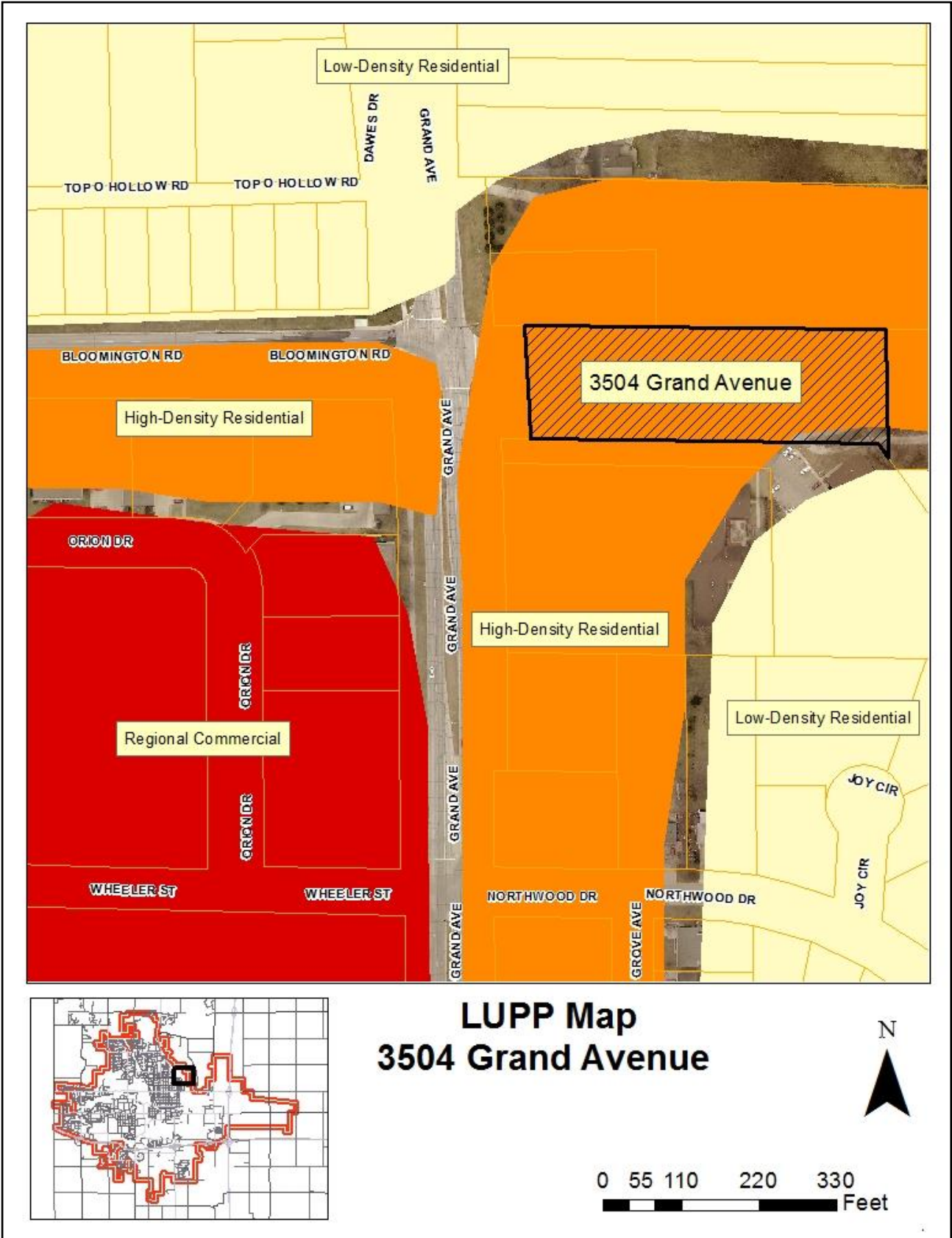
- Agricultural Zone "A" (sec 29.600)
- Residential Low Density Zone "RL" (sec 29.701)
- Residential High Density Zone "RH" (sec 29.704)
- Community Commercial Node "CCN" (sec 29.802)
- Planned Regional Commercial Zone "PRC" (sec 29.805)
- Planned Residence District "F-PRD" (sec 29.1203)



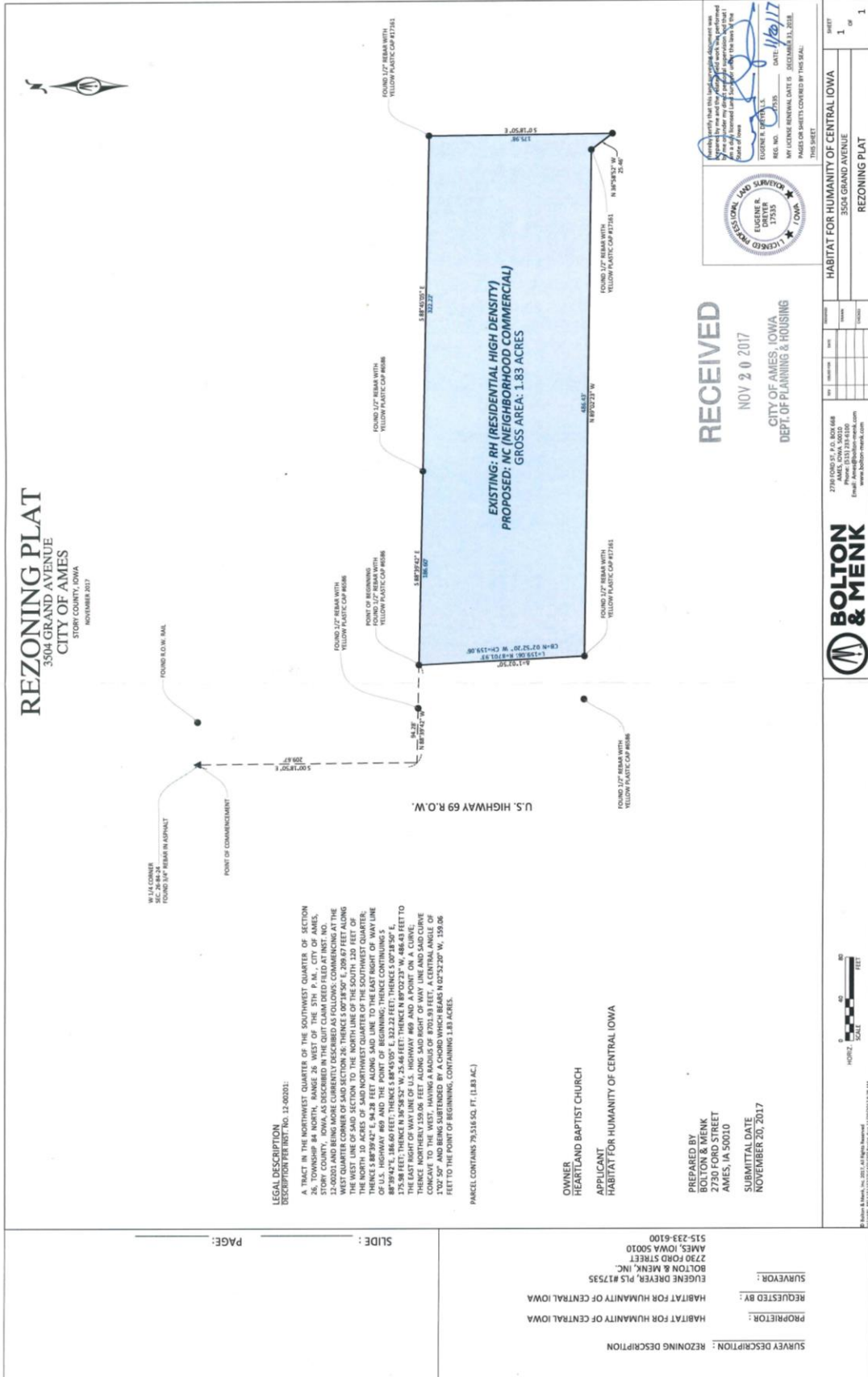
## Location & Zoning Map 3504 Grand Avenue



Attachment B: LUPP MAP [Excerpt]



# Attachment C: Rezoning Plat



**REZONING PLAT**  
 3504 GRAND AVENUE  
 CITY OF AMES  
 STORY COUNTY, IOWA  
 NOVEMBER 2017

**LEGAL DESCRIPTION**  
 DESCRIPTION PER IODT NO. 12-00201:  
 A TRACT IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 36 NORTH, RANGE 10 WEST, COUNTY OF STORY, IOWA, AS DESCRIBED IN THE QUIT CLAIM DEED FILED AT IODT NO. 12-00201 AND BEING MORE CURRENTLY DESCRIBED AS FOLLOWS: COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 26; THENCE S 00°18'50" E, 209.67 FEET ALONG THE WEST LINE OF SAID SECTION 26 TO THE POINT OF BEGINNING; THENCE S 88°39'42" E, 84.28 FEET ALONG SAID LINE TO THE EAST RIGHT OF WAY LINE OF U.S. HIGHWAY 69 AND THE POINT OF BEGINNING; THENCE CONTINUING S 175.98 FEET; THENCE N 30°28'52" W, 25.46 FEET; THENCE N 87°02'23" W, 486.43 FEET TO THE EAST RIGHT OF WAY LINE OF U.S. HIGHWAY 69 AND A POINT ON A CURVE; THENCE NORTHERLY 259.06 FEET ALONG SAID RIGHT OF WAY LINE AND SAID CURVE TO THE POINT OF BEGINNING; THENCE S 88°39'42" E, 209.67 FEET TO THE POINT OF BEGINNING; BEING SUBTENDED BY A CHORD WHICH BEARS N 02°52'20" W, 159.06 FEET TO THE POINT OF BEGINNING, CONTAINING 1.83 ACRES.

PARCEL CONTAINS 79,516 SQ. FT. (1.83 AC.)

**OWNER**  
 HEARTLAND BAPTIST CHURCH  
**APPLICANT**  
 HABITAT FOR HUMANITY OF CENTRAL IOWA

**PREPARED BY**  
 BOLTON & MENK  
 2730 FORD STREET  
 AMES, IA 50010  
**SUBMITTAL DATE**  
 NOVEMBER 20, 2017

**SURVEY DESCRIPTION** : REZONING DESCRIPTION  
**PROPRIETOR** : HABITAT FOR HUMANITY OF CENTRAL IOWA  
**REQUESTED BY** : HABITAT FOR HUMANITY OF CENTRAL IOWA  
**SURVEYOR** : EUGENE R. DREYER, PLS.#17535  
 BOLTON & MENK, INC.  
 2730 FORD STREET  
 AMES, IOWA 50010  
 515-233-6100

**PAGE** :  
**SLIDE** :

**RECEIVED**  
 NOV 20 2017  
 CITY OF AMES, IOWA  
 DEPT. OF PLANNING & HOUSING



I hereby certify that this plat was prepared in accordance with the laws of the State of Iowa and that I am a duly Licensed Land Surveyor under the laws of the State of Iowa.  
 EUGENE R. DREYER, L.S.  
 REG. NO. 17535 DATE 11/20/17  
 MY LICENSE RENEWAL DATE IS DECEMBER 31, 2022.  
 PAGES OR SHEETS COVERED BY THIS SEAL:  
 THIS SHEET

<b>BOLTON &amp; MENK</b> 2730 FORD STREET AMES, IOWA 50010 Phone: (515) 233-6100 Fax: (515) 233-6100 www.bolton-menk.com		HABITAT FOR HUMANITY OF CENTRAL IOWA 3504 GRAND AVENUE REZONING PLAT
SHEET 1 of 1	DATE 11/20/17	SCALE AS SHOWN

**Attachment D: Applicant's Letter**



**Heartland  
BAPTIST CHURCH**

To whom it may concern:

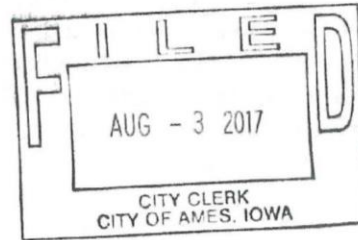
The congregation of HBC would be very pleased to see our old property at 3504 North Grand be able to continue to be used for such a great purpose as Habitat for Humanity. We love how this organization helps families in need of housing as that is something near and dear to our heart as well. In fact, our congregation has several families that have benefited through the years of getting into their first home through Habitat for Humanity. We would fully recommend working this out and if we might be of any assistance in the matter, please let us know.

Rev. Randy Abell  
Senior Pastor  
Heartland Baptist Church  
Cell - (515) 450-0200  
[RandyAbell@aol.com](mailto:RandyAbell@aol.com)

**Preaching God's Word As It Is To Men As They Are**  
3333 Stanze Rd. Ames Iowa 50010 (515) 268-1721 [churchames.org](http://churchames.org)

**Attachment E: Habitat for Humanity Letter (Page 1)**

*Pkts. 8-4-17*



July 27, 2017

Ames City Council Members  
515 Clark Street  
Ames, Iowa 50010

Re: Rezoning of the Former Heartland Baptist Church property at 3504 N. Grand Avenue

Dear Council Members:

Habitat for Humanity works in partnership with God and people everywhere, from all walks of life, to develop communities with God's people in need by building and renovating houses so that there are decent homes in decent communities in which people can live and grow into all they were intended to.

Habitat for Humanity of Central Iowa is headquartered here in Ames, and covers Story, Hardin and Hamilton counties. HFHCI is in its 21<sup>st</sup> year of operation, and has thus far built or remodeled 55 homes, over 60% of them being in Ames. Currently 2 more are being finished, and 2 more are scheduled to start soon in partnership with the city of Ames.

HFHCI currently is occupying 3 different locations in Ames. Our main office in which Executive Director Sandi Risdal is headquartered is at 401 Clark Street. Our retail store is located at 402 E. Lincoln Way, and an additional storage facility is located at 615 Lincoln Way. The primary purpose of the store is to raise funds for building new houses and rehabbing existing homes through the sale of donated items including furniture, appliances, building materials and other items.

To accomplish this we are searching for a facility that would give us substantially more room, and allow us to move our 3 current locations under one roof. We believe we have found such a building in the former Heartland Baptist church building at 3504 N. Grand Avenue. As Habitat is a faith based organization we believe it is no accident that God has led us to this location. Upon speaking with Pastor Randy Abell of Heartland Baptist about their hopes for the future of the building we have learned that it is definitely their preference that another faith based organization would relocate to their facility.

401 Clark Ames, IA 50010

Phone: (515) 232-8815 Fax: (515) 233-2650 www.hfhci.org

## Attachment E: Habitat for Humanity Letter (Page 2)

For us to move to this location it is our understanding that we will need to request a change to the current Land Use Policy Plan in place with the city, and upon the successful completion of that step we would then request a change in zoning from high density residential to commercial. As you know prior to the site being occupied by the Heartland congregation it was the Joy and Johnson Auction House, and with the near proximity to the Mall, the new Walmart, the Northern Lights shopping district, a florist, Dairy Queen and a convenience store the neighborhood is accustomed to commercial activity already. We will also hire a civil engineer to make recommendations on aesthetically pleasing borders with the adjoining properties to mitigate any impact our transition would have, and to harmonize with the surrounding neighborhood,

We believe we have established ourselves as good neighbors with the community, and good partners with the city in helping to ensure affordable housing for those who need it. Please give us your careful consideration in this matter as we endeavor to help make the city of Ames an even greater place to call home. Thank you for your consideration, and we look forward to working with you in this matter.

Cordially,



Dan Thomsen  
Habitat Store Manager  
515-232-2335 Store



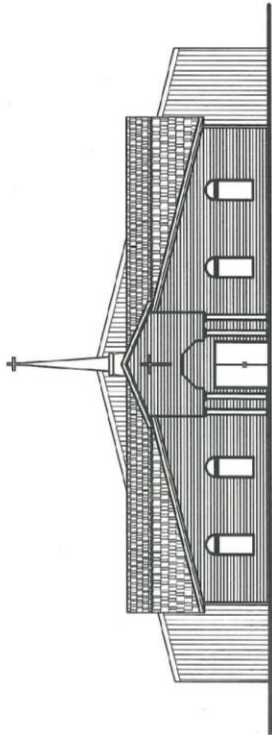
Sandi Risdal  
Executive Director  
515-232-8815

"Unless the Lord builds the house, the workers labor in vain."

Psalm 127:1

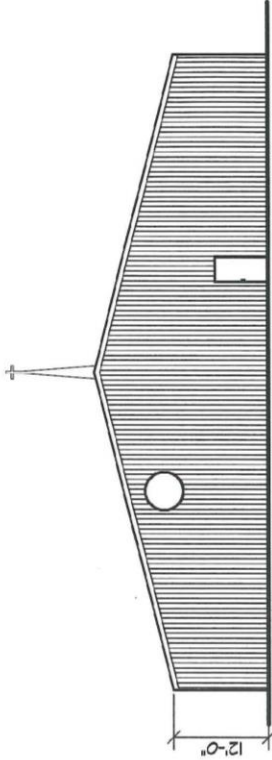


Attachment G: Existing Building Elevations



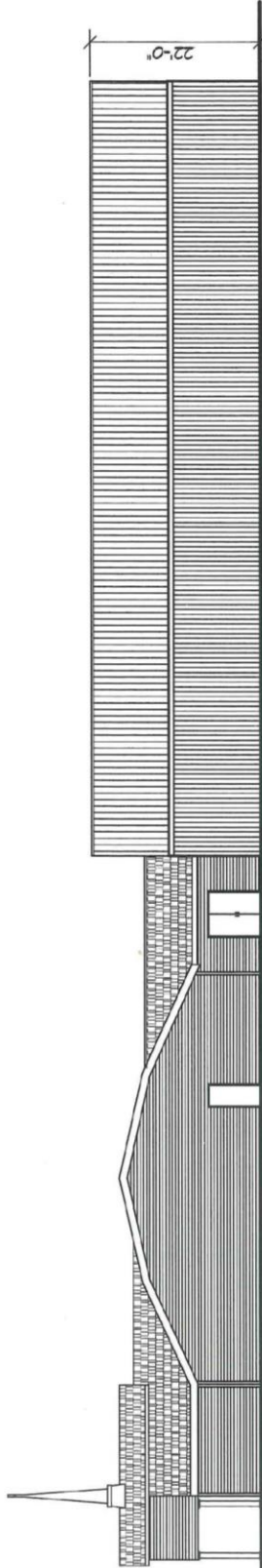
**WEST ELEVATION**

SCALE: 1" = 20'-0"



**EAST ELEVATION**

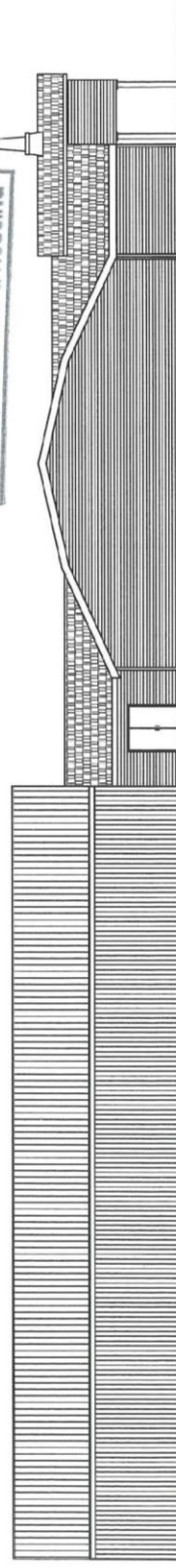
SCALE: 1" = 20'-0"



**SOUTH ELEVATION**

SCALE: 1" = 20'-0"

RECEIVED  
MAR 29 2005  
CITY OF AMES, IOWA  
DEPT. OF PLANNING & HOUSING



**NORTH ELEVATION**

SCALE: 1" = 20'-0"



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DO NOT WRITE IN THE SPACE ABOVE THIS LINE, RESERVED FOR RECORDER  
Prepared by: City Clerk's Office, 515 Clark Avenue, Ames, IA 50010 Phone: 515-239-5105  
Return to: Ames City Clerk, P.O. Box 811, Ames, IA 50010

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

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

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

Section 1: The Official Zoning Map of the City of Ames, Iowa, as provided for in Section 29.301 of the *Municipal Code* of the City of Ames, Iowa, is amended by changing the boundaries of the districts established and shown on said Map in the manner authorized by Section 29.1507 of the *Municipal Code* of the City of Ames, Iowa, as follows: That the real estate, generally located at 3504 Grand Avenue, is rezoned from Residential High Density (RH) to Neighborhood Commercial (NC).

**Real Estate Description:**

A TRACT IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 84 NORTH, RANGE 26 WEST OF THE 5<sup>TH</sup> P.M., CITY OF AMES, STORY COUNTY, IOWA, AS DESCRIBED IN THE QUIT CLAIM DEED FILED AT INST. NO.12-00201 AND BEING MORE CURRENTLY DESCRIBED AS FOLLOWS: COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 26: THENCE S 00°18'50" E, 209.67 FEET ALONG THE WEST LINE OF SAID SECTION TO THE NORTH LINE OF THE SOUTH 120 FEET OF THE NORTH 10 ACRES OF SAID NORTHWEST QUARTER OF THE SOUTHWEST QUARTER; THENCE S 88°39'42" E, 94.28 FEET ALONG SAID LINE TO THE EAST RIGHT OF WAY LINE OF U.S. HIGHWAY #69 AND THE POINT OF BEGINNING; THENCE CONTINUING S 88°39'42" E, 186.60 FEET; THENCE S 88°45'05" E, 322.22 FEET; THENCE S 00°18'50" E, 175.98 FEET; THENCE N 36°58'52" W, 25.46 FEET; THENCE N 89°02'23" W, 486.43 FEET TO THE EAST RIGHT OF WAY LINE OF U.S. HIGHWAY #69 AND A POINT ON A CURVE; THENCE NORTHERLY 159.06 FEET ALONG SAID RIGHT OF WAY LINE AND SAID CURVE CONCAVE TO THE WEST,

HAVING A RADIUS OF 8701.93 FEET, A CENTRAL ANGLE OF 1°02'50" AND BEING SUBTENDED BY A CHORD WHICH BEARS N 02°52'20" W, 159.06 FEET TO THE POINT OF BEGINNING, CONTAINING 1.83 ACRES.

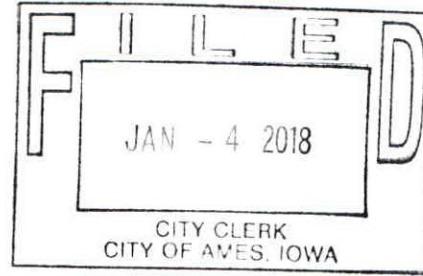
Section 2: All other ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

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

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

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

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



January 3, 2018

Ames City Council Members  
515 Clark Street  
Ames, Iowa 50010

Re: Planning and Zoning Commission recommendation for the property at 3504 Grand Avenue

Dear Council Members:

As we enter the new year we want to express our appreciation to you and the Planning and Zoning Commission for your assistance in our quest to purchase the property at 3504 Grand Avenue to move and expand our retail store. We have added more hours and days to the time the store is open in its present location, and it is apparent that with the increase in sales and donations our present location is not adequate to meet our needs going forward. Having the additional space that the former Heartland Baptist Church building offers would greatly enhance our mission of bringing more affordable housing to more people in the Ames area, as well as continuing to repurpose many items that are still in highly desirable condition. Since we have added more days and hours of being open, almost daily we have customers come in who have never been in the store because of the limited hours we were open. Many of them are amazed at the quality and variety of our merchandise, and they have become repeat shoppers.

In order that we might reach even more people, and bring in even more money for new housing, we are asking that you would follow the Planning and Zoning Commission's recommendation to rezone the property to neighborhood commercial, and that you would prayerfully consider waiving the second and third readings to expedite this request. We still need to apply for a special use permit for this property due to it being over 20,000 square feet, so we have a bit more work to do. The congregation of Heartland Baptist Church voted unanimously to sell the property to Habitat for Humanity as it was their wish that a faith based organization would continue to operate at this location, and we are anxious to fulfill that wish.

We look forward to the council meeting on January 9<sup>th</sup>, and will be happy to answer any questions you may have. Thank you for your attention to this matter.

Cordially,

A handwritten signature in blue ink that reads "Dan Thomsen".

Dan Thomsen  
Habitat Store Manager  
515-232-2335 Store

A handwritten signature in blue ink that reads "Sandi Risdal".

Sandi Risdal  
Executive Director  
515-232-8815 Office

"Unless the Lord builds the house, the workers labor in vain".

401 Clark, Ames, IA 50010

Psalm 127:1

Phone: (515) 232-8815 Fax: (515) 233-2650 [www.hfhoci.org](http://www.hfhoci.org)

**COUNCIL ACTION FORM**

**SUBJECT: NORTH RIVER VALLEY PARK LOW-HEAD DAM IMPROVEMENTS**

**BACKGROUND:**

The City of Ames constructed a low-head dam on the South Skunk River in 1984 to create a pool of water in the primary recharge zone for the aquifer that feeds the City's Downtown Well Field, thereby providing a means to increase the capacity of these wells during periods of drought. While the City has never promoted recreation at the dam, it is evident that the low-head dam attracts members of the public who use the area for recreation. Low-head dams can pose a serious drowning hazard due to the recirculation effect which occurs immediately downstream. Therefore, in 2013 the City initiated a project to replace the dam with features that create safe recreational opportunities while still allowing for aquifer recharge during drought.

City Council issued a Notice to Bidders for the project on December 12, 2017. The bids were opened on January 3, and the results are as follows.

<b>Contractor</b>	<b>Bid</b>
<i>Engineer's Opinion of Probable Cost</i>	<i>\$716,354</i>
Engineering and Construction Innovators, Inc.	\$825,899

During the bidding period, staff was contacted by multiple potential bidders. Ultimately, only one bid was received. That single bid was \$109,545, or 15.3%, above the engineer's estimate.

If this single bid were accepted, the updated project budget would be as follows.

<u>Total Project Costs</u>	
Engineering	\$ 112,675
Mussel Survey (permit required)	30,153
Construction (Bid Price)	825,899
Construction Inspection	71,600
Contingency (4%)	27,719
<b>Total Estimated Project Cost</b>	<b>\$1,068,046</b>

The available funding for the project is \$958,501. (Grant funds - \$392,901; Local (City) funds - \$475,000; In-kind donations/services - \$90,600) **Based on the single bid price received, there is a deficit of \$109,545.** Contractors who the consulting engineer spoke with were interested in the project; however, a number expressed concern over the winter construction schedule required in the specifications and would have preferred a summer construction schedule. While the only bid received was not unreasonable, the lack of competition, the timing of the construction schedule, and bidding over the holiday may have factored into a higher than expected bid. **Because of these factors, staff is recommending that the City Council reject the bid.** Staff anticipates rebidding the project in the next couple of months.

Staff has spoken with Iowa Department of Natural Resources staff about an extension of the grant funding and requirements of the mussel relocation, and anticipates no issues that will result from delaying the project. Staff will also be reviewing and modifying the plans to see where adjustments can be made to help trim costs, such as: a later and longer construction schedule; fewer tree plantings; boulder stockpiling in advance; and locating a place for excavated soil near the project site.

**ALTERNATIVES:**

1. Reject the single bid and do not award a contract at this time.
2. Award a contract in the amount of \$825,899 to Engineering and Construction Innovators, Inc. of Oakdale, MN and identify a funding source for the shortage.

**MANAGER'S RECOMMENDED ACTION:**

Staff believes that rejecting the bids and rebidding the project with a different construction window will provide for increased competition and pricing to allow the project to happen within budget. Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1 as described above.