

AGENDA
SPECIAL MEETING OF THE AMES CITY COUNCIL
AND REGULAR MEETING OF THE AMES CITY COUNCIL
CITY COUNCIL CHAMBERS
AMES CITY HALL
FEBRUARY 13, 2018

NOTICE TO THE PUBLIC: The Mayor and City Council welcome comments from the public during discussion. You are requested to step to the microphone, state your name for the record, and to limit the time used to present your remarks in order that others may be given the opportunity to speak. The normal process on any particular agenda item is that the motion is placed on the floor, input is received from the audience, the Council is given an opportunity to comment on the issue or respond to the audience concerns, and the vote is taken. On ordinances, there is time provided for public input at the time of the first reading. **In consideration of all, if you have a cell phone, please turn it off or put it on silent ring.**

CALL TO ORDER: 5:15 p.m.

FY 2018/19 BUDGET WRAP-UP

1. Council Budget Presentations:
 - a. Public Art
 - b. Arts Funding (COTA)
 - c. Human Services (ASSET)
 - d. Outside Funding Requests
 - e. Other Requests
2. Public Input on Capital Improvements Plan (CIP) and Budget
3. Final Council Decisions:
 - a. Set salaries for Council appointees
 - b. Amendments to 2018-2023 CIP, if desired
 - c. Vote on motion to approve 2018-2023 CIP, as amended
 - d. Amendments to FY 2017/18 Adjusted Budget, if desired
 - e. Vote on motion to approve Adjusted Budget for FY 2017/18, as amended
 - f. Motion to set March 6, 2018, as date of final public hearing on Adjusted Budget for FY 2017/18
 - g. Amendments to proposed FY 2018/19 Budget
 - h. Vote on motion to approve proposed budget for FY 2018/19, as amended
 - i. Motion to set March 6, 2018, as date of final public hearing on proposed budget for FY 2018/19
 - j. Decision to select an allocation method to assess Rental Housing Fees for FY 2018/19

REGULAR CITY COUNCIL MEETING*

*The Regular City Council meeting will immediately follow Budget Wrap-Up.

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

1. Motion approving payment of claims
2. Motion approving Minutes of Special Meetings of January 20, January 31, February 2, February 6, 7, and 8, 2018, and Regular Meeting of January 23, 2018
3. Motion setting July 31, 2018, as Regular City Council meeting and canceling City Council meeting of July 24, 2018

4. Motion approving certification of civil service applicants
5. Motion approving renewal of the following Beer Permits, Wine Permits, and Liquor Licenses:
 - a. Class C Liquor – Hy-Vee Market Café, 3800 Lincoln Way
 - b. Class C Liquor & Outdoor Service – Cy's Roost, 121 Welch Avenue
 - c. Class C Liquor & Outdoor Service – Mickey's Irish Pub, 109 Welch Avenue
 - d. Class E Liquor, C Beer, & B Wine – Fareway Stores, Inc., #386, 619 Burnett Avenue
 - e. Class E Liquor, C Beer, & B Wine – Fareway Stores, Inc., #093, 3619 Stange Road
 - f. Class C Liquor & Outdoor Service – El Azteca, 2727 Stange Road
 - g. Class C Liquor – Ge'Angelo's, 823 Wheeler Street, Suite #9
 - h. Special Class C Liquor License & Outdoor Service – Blaze Pizza, 2320 Lincoln Way
6. Motion approving new Class E Liquor License, Class B Wine Permit, & Class C Beer Permit for The Filling Station, 2400 University Boulevard (pending final inspection)
7. Motion approving ownership change for Special Class C Liquor License for The Spice Thai Cuisine, 402 Main Street
8. Motion approving ownership change for Class C Liquor License & Outdoor Service for Dublin Bay, 320 S. 16th Street
9. Motion approving ownership change for Class C Liquor, Catering, & Outdoor Service for Cyclone Experience Network, Jack Trice Stadium
10. Motion approving ownership change for Class C Liquor, Catering, & Outdoor Service for Cyclone Experience Network, Hilton Coliseum
11. Motion approving Letter of Intent to participate in Community Catalyst Building Remediation Program Grant
12. Motion directing City Attorney to draft ordinance restricting parking at all times on north side of Phoenix Street from North Dakota Avenue to Yuma Avenue
13. Resolution approving 2017 Resource Recovery Annual Report
14. Resolution approving Memorandum of Understanding with International Union of Operating Engineers, Local 234, to increase starting wage of part-time Transit Drivers beginning July 1, 2018
15. Resolution setting date of public hearing for March 6, 2018, regarding notice of intent to issue Corporate Purpose General Obligation Bonds in an amount not to exceed \$8,525,000
16. Resolution approving Public Highway At-Grade Crossing Agreement with Union Pacific Railroad for shared use path extension along 13th Street (2017/18 Arterial Street Pavement Improvements Project)
17. Resolution approving Engineering Services Agreement with Black & Veatch Corporation of Overland Park, Kansas, for CEMS Replacement for Electric Services in an amount not to exceed \$90,400
18. Resolution approving amendment to Engineering Services Agreement with WHKS & Co. of Ames, Iowa, for 2018/19 Traffic Signal Design in an amount not to exceed \$18,800
19. Resolution approving Change Order to Task Order 4.1 under Master Agreement with FOX Engineering for New Water Treatment Plant in an amount not to exceed \$102,000
20. Resolution approving preliminary plans and specifications for 2016/17 Shared Use Path System Expansion (Grand Avenue - 16th Street to Murray Drive); setting February 28, 2018, as bid due date and March 6, 2018, as date of public hearing
21. Resolution approving preliminary plans and specifications for 2017/18 Right-of-Way Appearance Enhancements (927 Dayton Avenue); setting February 28, 2018, as bid due date and March 6, 2018, as date of public hearing
22. Resolution approving preliminary plans and specifications for Furnishing Electrical Materials for Top-O-Hollow Substation; setting March 7, 2018, as bid due date and March 27, 2018, as date of public hearing

23. Resolution approving preliminary plans and specifications for Brookside Park Path Lighting Project; setting March 14, 2018, as bid due date and March 27, 2018, as date of public hearing
24. Resolution approving contract and bond for 2016/17 Storm Water Erosion Control Program (South Skunk River - Carr Park to Homewood Golf Course) - Contract B
25. Resolution approving contract and bond for 2017/18 Shared Use Path System Expansion (Mortensen Road)
26. Resolution approving Change Order No. 2 for 2016/17 CyRide Route Pavement Improvements
27. Resolution accepting completion of 2015/16 Airport Improvements (Terminal Building)
28. Resolution accepting completion of (Year One) Water Treatment Plant Five-Year Well Rehabilitation Project
29. 2017 East Lincoln Way:
 - a. Resolution rescinding Resolution No. 17-498 approving Plat of Survey for 2005 and 2017 East Lincoln Way
 - b. Resolution approving Plat of Survey for 2017 East Lincoln Way and 320 Carnegie Avenue

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

HEARINGS:

30. Hearing on proposal to adopt, by reference, the 2017 Edition of National Electrical Code (NEC) with one local and two State of Iowa amendments:
 - a. First passage of ordinance

PLANNING & HOUSING:

31. Resolution approving request to voluntarily sever territory annexed by Resolution No. 17-125 (398 S. 500th Avenue and 5508 Lincoln Way)
32. Resolution approving 2018 Urban Revitalization tax abatement requests

WATER & POLLUTION CONTROL:

33. Resolution approving updated Industrial Pretreatment Program

ADMINISTRATION:

34. Resolution approving Radio Project Phase 2 Funding Agreement with Story County, Iowa State University, and the Story County 9-1-1 Board
35. Motion approving Council Goals, Objectives, and Tasks for 2018 through 2019

ORDINANCES:

36. First passage of ordinance assigning recently approved annexed area (Resolution No. 17-698) to Ward and Precinct
37. Second passage of ordinance amending *Municipal Code* Chapter 28 to incorporate Pretreatment local limits table
38. Third passage and adoption of ORDINANCE NO. 4334 rezoning property at 3504 Grand Avenue from Residential High Density (RH) to Neighborhood Commercial (NC)

COUNCIL COMMENTS:

ADJOURNMENT:

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

MINUTES OF THE CITY COUNCIL RETREAT

AMES, IOWA

JANUARY 20, 2018

The Ames City Council was called to order by Mayor John Haila at 8:42 a.m. on the 20th day of January, 2018, in Parks and Recreation Office, 1500 Gateway Hills Park Drive. City Council Members present were Bronwyn Beatty-Hansen, Gloria Betcher, Amber Corrieri, Tim Gartin, David Martin, and Chris Nelson. *Ex officio* Council Member Robert Bingham was also present. City Manager Steven Schainker, City Attorney Mark Lambert, Assistant City Manager Brian Phillips, and Management Analyst Tasheik Kerr were also present.

TEAM-BUILDING AND GOAL-SETTING SESSION: Facilitator Donna Gilligan reviewed the previous week's meeting and led the group through a team-building exercise. She then turned to the question of ground rules for the group. Ground rules contributed by the City Council included: honesty, sometimes you have to say "no," accept being told "no," agree to disagree, be respectful, trust that everyone has good intentions, focus on the issue and not the person raising the issue, be direct, be open, listen – really listen, commit to working together as a Council, think the best of one another, avoid sidebar conversations, do not interrupt others, support the decisions that are made, maintain a non-partisan stance and represent all, and seek clarification.

The meeting recessed at 10:09 a.m. and resumed at 10:18 a.m.

Ms. Gilligan reviewed the list prepared four years ago regarding What Makes an Effective Decision-Making Body. Mayor Haila suggested adding "no surprises" and "sharing information with the rest of the Council" to the list.

Mr. Schainker reviewed the status of the existing goals, objectives, and tasks. The consensus of the group was that the overall goals did not need to be revised. The Council then began to discuss revisions to the objectives and tasks.

The meeting recessed at 12:24 p.m. and resumed at 12:45 p.m.

The meeting recessed at 2:55 p.m. and resumed at 3:03 p.m.

Council Member Nelson left the meeting at 3:03 p.m.

The Council finalized its preliminary list of Goals and Objectives, which were as follows:

STRENGTHEN DOWNTOWN & CAMPUSTOWN

- Identify strategies to encourage investment in Downtown
- Encourage vibrancy in Campustown
- Standardize and simplify the parking regulations in the neighborhoods surrounding Campustown
- Evaluate safety for pedestrians crossing Lincoln Way between Campustown and the ISU campus

PROMOTE ECONOMIC DEVELOPMENT

- Analyze current planning and building code approval processes to help decision making be more predictable, more strategic, and more timely
- Explore possible improvements in internet options for residents and businesses related to availability, reliability, cost, speed, customer service, and policy (e.g., net neutrality, broadband privacy)

EXPAND SUSTAINABILITY EFFORTS

- Implement the community solar project
- Define the City's role (e.g., codes, incentives) in maintaining existing buildings
- Explore ways to meet Nutrient Reduction Strategy requirements through participation in projects in the Squaw Creek Watershed
- Encourage all users to divert from the waste stream (e.g., glass, food waste, medical waste)
- Assess the use and effectiveness of the City's electric charging stations

ADDRESS HOUSING NEEDS

- Determine how to proceed with the development of a low and moderate income affordable housing project at 321 State Avenue (Old Middle School site).
- Learn about the concept of inclusionary zoning
- Consider ways to incentivize conversion of rental units back into single-family units

PROMOTE A SENSE OF ONE COMMUNITY

- Ensure boards and commissions are addressing important community issues (including, but not limited to: diversity and inclusion) and Council goals and objectives
- Improve connections between town and gown

STRENGTHEN HUMAN SERVICES

- Engage vulnerable groups in the community
- Partner with ASSET agencies to achieve the City Council's priorities

ENCOURAGE HEALTHY LIFESTYLES

- Explore partnering with Mary Greeley Medical Center, Iowa State University, Ames Community School District, and Heartland Senior Center to create an intergenerational Healthy Life Center Complex
- Adopt a Complete Streets Program

Staff will make adjustments and suggestions for tasks, then return this list to the Council for approval.

Ms. Gilligan reviewed a personal change model with the City Council. She then led the Council Members in a plus/delta exercise, which resulted in the following:

Plus:

Good conversations; some difficult

Sharing personal stories – get to know one another
Having staff present – know heart and policy
Heartened by ‘One Community’ discussion
Common agreement about ground rules
Good exhibit of respect for time

Delta:

Pace could have been faster
One day?
Staying on task
Too much time on conflict of interest discussion
Tim’s trust of David

ADJOURNMENT: The meeting concluded at 4:28 p.m.

Diane R. Voss, City Clerk

John A. Haila, Mayor

Brian Phillips, Assistant City Manager

**MINUTES OF THE SPECIAL JOINT MEETING
OF THE AMES CITY COUNCIL AND THE IOWA STATE
UNIVERSITY STUDENT GOVERNMENT**

AMES, IOWA

JANUARY 31, 2018

The Ames City Council met in Special Session at 6:05 p.m. on the 31st day of January, 2018, in the Sun Room, 1560 Memorial Union, pursuant to law with Mayor John Haila presiding and the following Council members present: Bronwyn Beatty-Hansen, Gloria Betcher, Amber Corrieri, Tim Gartin, Chris Nelson, and David Martin. *Ex officio* Member Rob Bingham was also present.

SAFETY - The main items that were discussed under this category were pedestrian and bicyclist safety, Lincoln Way traffic safety and the pedestrian safety initiatives. The Iowa State University Student Government supported the installation of Campus Town security cameras. There was also discussion of security lighting being installed at Franklin Park.

COMMUNITY INVOLVEMENT - The Iowa State students were encouraged to be involved in the Community. The Campus & Community Commission is one engagement opportunity, but the students were also encouraged to apply to serve on any of the City's boards and commissions.

CHANGES WITHIN THE COMMUNITY - Overall changes to include Campustown were discussed. The redesign of Welch Avenue and the possible gathering space were discussed. An update to the upcoming Comprehensive Plan was given stressing the growth in Ames, the location of green space, and other new changes. Discussion was held regarding the City's sustainability initiative to create SunSmart Ames Community Solar.

UPCOMING CITY INITIATIVES - The following City initiatives were discussed:

- Inclusive Playground/Miracle League Field
- Comprehensive Plan update
- Healthy Life Center
- Campus & Community Commission's work
- Lincoln Way Corridor Study and potential development downtown
- Tedesco Outdoor Learning Center and growth at Research Park
- Expanding bicycle facilities across Ames
- RAGBRAI
- Healthiest Ames initiatives
- WorkinAmes.com

CONCLUSION - Mayor Haila suggested that the Iowa State Student Government and the Ames City Council meet once or twice a year. He stressed how seriously the Council took the students' input on rental housing, and invited them to the Council workshop on this subject set for February 20. Mayor Haila encouraged the students to let the Council or himself know their concerns. Council Member Corrieri asked the students to consider the question, "What do you find challenging about

living in Ames?” Students were asked to share their responses with the Council. Council Member Betcher reminded the students that the City Council represents them too, and to share that message. It was expressed that the students time and volunteerism to the community is appreciated. The Iowa State University Student Government indicated that it was happy to work with the Ames City Council.

ADJOURNMENT: Moved by Corrieri, seconded by Martin, to adjourn the meeting at 7:17 p.m.

Bob Kindred, Assistant City Manager

John A. Haila, Mayor

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

AMES, IOWA

FEBRUARY 2, 2018

The Ames City Council met in special session at 2:00 p.m. on February 2, 2018, in the Council Chambers of City Hall, 515 Clark Avenue, pursuant to law with Mayor John Haila presiding and the following Council members present: Bronwyn Beatty-Hansen, Gloria Betcher, Amber Corrieri, Tim Gartin, David Martin, and Chris Nelson.

FY 2018/19 BUDGET OVERVIEW: City Manager Steve Schainker reviewed the schedule for the Budget Hearings to be held on February 6, 7, and 8, commencing at 5:15 p.m. when the individual Department Directors will present their budgets. The Budget Wrap-Up to be held on February 13, 2018, commencing at 5:15 p.m. The Final Budget Hearing will be held on March 6, 2018, commencing at 6:00 p.m.; the 2018/19 Budget will be finalized on that date.

Finance Director Duane Pitcher pointed out that the City's levy makes up 32.80% of a property's total tax bill: the School District makes up 45.34% (if in the Ames Community School District); 19.73% is the County's share (includes the City Assessor); and 2.10% goes to Des Moines Area Community College.

Mr. Pitcher reported that the recommended budget reflects a decrease in the City's overall property tax rate of \$.31, from \$10.37589 to \$10.06857/\$1,000 taxable valuation. Because of new construction and the significant increase in assessed valuations for some residential properties, that decrease will still generate the additional \$1,326,550 in property tax revenues needed to fund the Budget. Mr. Pitcher noted that the increase from 2017/18 to 2018/19 in taxable valuation (7.9%) is the largest that the City has seen in over ten years and is a big driver in the lower tax rate.

At the request of Council Member Gartin, Mr. Pitcher explained how the taxable value of property is calculated.

It was stated by Mr. Pitcher that the value of all property types (Residential, Commercial, and Industrial) increased, with the largest increase being in Residential (a change in taxable value of 10.29%). The total went from \$2,701,440,748 to \$2,914,741,622, an increase of 7.9%. Mr. Pitcher provided a more in-depth analysis of the changes in taxable value. In summary, the net change in taxable value on existing property is 4.60%.

According to Mr. Pitcher, there was no growth in the Local Option Sales Tax revenue; since a portion of that revenue goes directly to offset property taxes, that did have some impact on the overall rate.

City Manager Schainker reviewed the tax levies for the 13 largest cities in Iowa. Ames has the second-lowest total city tax levy per \$1,000 valuation; the one lower is Urbandale.

Director Pitcher presented a breakdown of the tax levy, including General, Employee Benefits, and Transit. The levy rate per \$1,000 without debt service equates to approximately 6.85044%. Net debt service adds 3.21813/\$1,000. The proposed debt service levies for 2019-2020 through 2022-2023 were shown, which indicated that they will stay fairly level. The 2018/19 CIP General Obligation issue will total \$7,987,000. The dollar value change by total levy equates to \$1,326,550, or 4.72%.

City Manager Schainker emphasized that the 2018/19 Budget assumes that the City will continue to

receive state replacement funds totaling \$973,210 as was promised when the Iowa Legislature rolled back the taxable valuation on commercial and industrial properties from 100% to 90%. If that funding were to not be fulfilled, rather than a \$0.31 decrease, a \$0.03 increase would have been required.

Sample tax calculations for residential, commercial, and industrial properties were provided by Mr. Pitcher. He gave an analysis of the residential re-valuation.

Mr. Pitcher advised that commercial and industrial property make up about 34% of the total taxable value. With the rate reduction, this classification of property will pay less in property taxes compared to the prior year due to the rate decrease. He said that the changes in assessed value for residential properties were spread over a fairly wide range. Director Pitcher provided a summary of the valuation change in the groupings and the impact per \$100,000 in assessed valuation as well as the total dollar impact. The change in tax dollars paid by existing residential properties will be \$619,670.

It was reported that the City ended FY 2016/17 with a balance in the General Fund that was almost \$1,000,000 higher than had been anticipated. The availability of those funds was the result of delays in filling vacant positions, savings from completed projects, and the receipt of revenues greater than what had been budgeted. In keeping with past directives from the Council for one-time monies, a number of capital items and capital improvement projects have been included in the FY 2017/18 Adjusted Budget. Those items and projects total \$1,202,110 that otherwise would have been included in the FY 2018/19 Budget and required additional property tax support. Even with that intentional drawdown, it is estimated that the City will end FY 2018/19 with a 28% available balance in the General Fund. That total is \$995,651 more than the City Council’s goal of a 25% balance. It was noted that because the City Council is engaged in a number of projects where the total funding is yet to be secured, staff believes it is appropriate to maintain a larger available General Fund balance this year.

The costs of City services for 2018/19 per residence from property taxes (based on a \$100,000 home) were summarized, as follows:

Streets/Traffic	\$	141
Police Protection		133
Fire Protection		84
Library (includes Debt Service for renovated library)		70
Recreation and Parks		46
Transit		35
General Support Services		23
Planning Services		10
Resource Recovery		6
Animal Control		5
Facilities/Cemetery		4
Storm Water Management		3
Building Safety		<u>0</u>
TOTAL	\$	<u>560/\$100,000</u>

At the inquiry of Council Member Betcher, due to the revenues collected for Building Permit fees, no property tax dollars are being allocated to Building Safety.

An historic review of budget information from 1996/97 to 2018/19 was given, including residential and commercial/industrial rollback.

Mr. Pitcher indicated that there are requests for changes in employment levels in 2018/19 [an increase of 3.5 Full-Time Equivalent (FTE)]. He stated that more information on the requests will be provided at the Department Budget Hearings on February 6, 7, and 8.

Projected Utility Rate Summary. Mr. Pitcher reviewed the projected utility rates, as follows:

Electric Utility: No rate increase

Water Utility: 3.5% rate increase for FY 2018/19 followed by two additional increases over the following four years

Sanitary Sewer Utility: 3.0% user rate increase followed by two additional rate increases over the next four years

Storm Sewer Utility: No increase in monthly fee

According to Mr. Pitcher, there will be a need for additional revenue for the Resource Recovery Utility; that is an unknown at this time. Additional revenue will be required through per diem tipping fees or other revenue sources to fund that Utility. At this point, Electric and Resource Recovery are working together.

Mayor Haila pointed out that over the next five years, the projected increases for Water, Sewer, and possibly, Resource Recovery could equate to approximately 50%. City Manager Schainker said that the cumulative impact on all the groups will not be 50%. Mr Pitcher showed the Council a utility bill rate sample to demonstrate the percentage impact of the electric/water rate increase on the total bill. Mayor Haila noted that there are some Ames residents who do not pay City Electric; their rates for sewer and water will see a large increase.

City Manager Schainker told the Council that there are some increases in fees charged by Departments being recommended in the 2018/19 Budget. The 2018/19 Recommended Budget includes those increases. If the Council should not approve those fee increases, the tax asking would change. Finance Director Pitcher noted the fees for Parks and Recreation as approved by the Commission. The FY 2018/19 Rental Housing Fee Schedule will be reviewed by Fire Chief Bayouth during the Fire Department Budget Hearing, which will be on Wednesday, February 7, 2018.

Mr. Pitcher explained how to use the Budget Document. Council Member Gartin asked to have the Special Report document put on the Finance Web page.

Fund Summaries. Budget Officer Nancy Masteller outlined the Fund Sheets beginning with the General Fund. She reiterated that the ending balance of the General Fund was higher than what was anticipated. Ms. Masteller noted the recommended policy of retaining 25% of revenues as fund balance reserve; the minimum fund balance reserve is based on the credit rating agency guideline for a Aaa-rated City. The minimum fund balance, based on a net change in the fund beginning balance of \$9,238,208, would equate to \$8,242,557. This would yield an Unreserved Fund Balance of \$995,651. City Manager Schainker reiterated that funding for one-time capital expenditures has historically come from that General Fund Reserve.

Ms. Masteller continued the explanation of Special Revenue Fund Sheets, which included Local Options Sales Tax.

Council Member Gartin commented that he would like to see a “percentage change column” in the Fund Summaries of the Program Budget. Ms. Masteller said that that column would be added to the final document.

Under the Local Option Sales Tax, City Manager Schainker stated that the Unreserved Fund Balance will be drawn down to finance the projects that are in the Capital Improvements Plan. Mr. Gartin asked about the Parks & Recreation CIP line item which indicated a large increase between the 2017/18 Adopted and 2017/18 Adjusted (from \$640,000 to \$1,796,791). Ms. Masteller brought the Council’s attention to Page 214 where all of the Parks & Recreation CIP projects are listed. She advised that not all of these projects were finished in 2016/17, so the amounts were carried forward to 2017/18. One project, the Homewood Golf Course Club House, will draw down \$750,000 in 2018/19.

Budget Officer Masteller continued with Special Revenue Funds. Regarding Hotel/Motel Tax, it was noted that of the seven cents/dollar, five cents is provided to the Ames Convention & Visitors Bureau, one cent replaces the Local Option Tax and is split 60% for tax reduction and 40% for community betterment projects. The remaining one cent remains in the Hotel/Motel Fund for economic development activities. City Manager Schainker indicated that this Fund formerly paid a portion of the salaries for those who worked on economic development projects, e.g., the City Manager, Finance Director; however, Council previously moved those salaries to be paid by the General Fund. That has allowed the Hotel/Motel Tax Fund to continually grow its balance.

Other Special Funds were summarized: Road Use Tax; Public Safety Special Revenues, such as Police forfeiture funds, Police and Fire grants and donations, and Animal Shelter donations; City-wide Affordable Housing; Community Development Block Grant; Employee Benefit Property Tax, which accounts for tax revenues used to pay for the City’s contribution to the Police and Fire Retirement System; Fire/Police Pension, which accounts for the funds remaining from the transition to the Municipal Fire and Police Retirement System of Iowa; Parks & Recreation Donations and Grants; Library Friends Foundation; Library Donations and Grants; Utility Assistance; Miscellaneous Donations, which are donations and revenues that are designated for specific projects; Developer Projects, which are the funds received from developers to be used for City infrastructure; Economic Development, which accounts for revolving loan, community investment, and pass-through State loan activity; and Tax Increment Financing, which records TIF project expenditures and collects revenue for repayment of debt issued to fund TIF projects. Capital Projects Funds: Special Assessments; Street Construction, where grant funding and multiple funding sources are budgeted; Airport Construction, which accounts for contributions from the FAA, federal and state grants, Iowa State University, and the Ames Economic Development Commission; Park Development, where donations and grants for park development and the \$100,000 transferred annually from Local Option Sales Tax are deposited. City Manager Schainker noted that if the Healthy Life Center moves forward, proceeds from the Park Development Fund will be recommended to help fund it. Lastly under Capital Projects, the Bond Proceeds Fund was explained. Under Permanent Funds, the Cemetery and Donald and Ruth Furman Aquatic Center Trust were reviewed.

Enterprise Funds were then summarized by Budget Officer Masteller, starting with Water Utility and Water Construction Funds. City Manager Schainker indicated that there is a strategy followed by the City when large projects, such as the new Water Plant, are undertaken. He noted the Unreserved Fund Balance under Water Utility and stated that that amount will be drawn down to pay for the

major project. Mr. Schainker pointed out that the City makes every attempt not to borrow money.

Ms. Masteller continued with explanations of other Enterprise Funds, including Water Sinking (accounts for proceeds received from the State Revolving Loan Fund), Sewer Utility, Sewer Improvements, Sewer Sinking (accounts for State Revolving Fund loan payments for sewer utility projects), Electric Utility, Electric Construction, Electric Sinking (principal and interest payments for Electric Revenue Bonds), and Parking Operations.

Ms. Masteller advised that the Parking Operations Enterprise Fund saw a lot of changes in 2017/18. For the first time, a Transfer line item: Parking Capital Reserve, has been created. That Reserve Fund accounts for accumulated Parking Fund revenue being held for capital improvement projects. Funds in excess of Parking Operation's minimum fund balance requirement will be transferred to the Parking Capital Reserve Fund to fund future Parking capital projects.

Ms. Masteller continued with the Enterprise Funds for Transit Operations, Transit Student Government Trust, and Transit Capital Reserve.

Explanations were given of the Enterprise Funds for Storm Sewer Utility; Ames/ISU Ice Arena; Ice Arena Capital Reserve, which accounts for capital replacement contributions from the City of Ames and Iowa State University; Homewood Golf Course; and Resource Recovery.

The Debt Service Fund was explained by Ms. Masteller. That Fund accounts for payment of principal and interest on General Obligation Bonds. The available fund balance in that account is used to reduce future debt service.

Internal Services were summarized, including Fleet Services; Fleet Reserve, which does not include replacement of fire engines, CyRide buses, or the Ice Arena Zamboni; Information Technology, which includes the shared public safety system used by Ames, Iowa State University, and Story County law enforcement agencies; Technology Reserve, Risk Management, and Health Insurance. Ms. Masteller noted that the City is self-insured. There will be a 5% increase in health insurance rates for 2018/19.

City Manager Schainker noted there are a few outstanding requests that will need to be dealt with at Budget Wrap-Up, and copies of those had been provided to the Council members in their packet.

Regarding public participation, Mr. Schainker noted that the budget documents (Operational and Capital Improvements Plan) have been placed on the City's Web (under Finance), the budget meetings are public meetings, and the meetings are televised live and also archived for later viewing. Written or emailed correspondence may be sent to the Mayor and City Council.

Mr. Schainker again reviewed the schedule of upcoming budget meetings.

CLOSED SESSION: Council Member Gartin asked City Attorney Mark Lambert if there was a legal reason to go into Closed Session. Mr. Lambert replied in the affirmative stating there was a reason to go into Closed Session under Section 21.5(1)(j), *Code of Iowa*, to discuss the purchase or sale of particular real estate where premature disclosure could increase or reduce the price the governmental body would have to pay or receive for the property.

Moved by Gartin, seconded by Corrieri, to go into Closed Session under Section 21.5(1)(j), *Code of Iowa*, to discuss the purchase or sale of particular real estate where premature disclosure could

increase or reduce the price the governmental body would have to pay or receive for the property
Roll Call Vote: 6-0. Motion declared carried unanimously.

The meeting recessed at 4:28 p.m. and reconvened in Closed Session at 4:30 p.m.

The Council returned to Regular Session at 5:50 p.m.

ADJOURNMENT: Moved by Martin, seconded by Betcher, to adjourn the meeting at 5:52 p.m.

Diane R. Voss, City Clerk

John A. Haila, Mayor

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

AMES, IOWA

FEBRUARY 6, 2018

The Ames City Council met in special session at 5:15 p.m. on February 8, 2018, in the Council Chambers in City Hall, 515 Clark Avenue, pursuant to law with Mayor John Haila presiding and the following Council members present: Bronwyn Beatty-Hansen, Gloria Betcher, Amber Corrieri, Tim Gartin, David Martin, and Chris Nelson. Also present was *ex officio* Member Rob Bingham.

Moved by Betcher, seconded by Nelson, to approve the proposed budget for FY 2018/19 for the City of Ames. The vote on this motion will be taken at the Final Budget Hearing to be held on March 6, 2018.

FY 2018/19 BUDGET PROPOSALS:

Library Services. Library Director Lynne Carey introduced Mary Logsdon, Adult Services Manager, and Alissa Dornink-Haws, Resource Services Manager. Ms. Carey shared that, as a part of the Library's succession planning, managers rotate through all the major activities that are happening in the administrative aspect of Library service.

Ms. Carey presented a summary of many of the programs and accomplishments of the Library over the past year. According to Ms. Carey, the Library is participating in a nation-wide public relations/marketing initiative called "Libraries Transform," which is the basis for the Library's budget presentation. This initiative is meant to show the many ways that libraries change lives. The Ames Library believes it transforms lives through its fantastic staff. Ms. Carey stated that the vast majority of the Library's budget goes for staffing. Regarding staffing, Ms. Carey stated that there will be three major staffing levels. One change is that the position of Operations Manager has been re-worked to be a Operations Coordinator. The Operations Coordinator supervises Library Aides. It was noted that it formerly took the Library aides three days to get things back on the shelf; however, now it takes about six hours. Savings from that reclassification and other areas has allowed for a new .5 FTE, a Marketing Assistant, to be added next fiscal year. Also, more hours are needed for custodial work, and a Custodian position has been added. A project is underway to replace existing fluorescent light bulbs with Light Emitting Diode (LED) bulbs, furthering the Council's objective of expanding sustainability.

According to Ms. Carey, this was Year 2 of the Library's strategic plan. Everything is going very well, due in part by the wonderful support the Library gets from the community.

Ms. Carey noted that the Library expanded efforts to combat the "summer learning slide" by offering special programs. The Library partnered with the Boys & Girls Club and the Nevada School District to serve free lunches to children and teens each weekdays from the date that school is out until it starts. At the inquiry of Council Member Gartin, Ms. Carey stated that 110 to 120 children are provided free lunch per day during the summer. Partnerships with other agencies have furthered the Library's goal of equal access were also highlighted by Ms. Carey.

Adult Services Manager Mary Logsdon provided information on many of the activities that embraces "Because Learning to Read Comes Before Reading to Learn." Highlights from the Small Talk Program, Project Smiles, the Harrison Barnes Reading Academy, and "Battle of the Books" Program were given. Ms. Logsdon also noted partnerships with Workiva and other organizations that have allowed for young-adult and adult programs to be initiated. The diversity of Program offerings has really expanded. Many programs that came about because of partnerships were named.

Ms. Dornink-Haws shared that the Library is to be the conduit for information to be shared in a variety of ways. She gave a few examples of the classes and programs being offered, including Computer Basics classes. Ms. Dornink-Haws said that increased downloadable items are now available through Hoopla, which is a new digital media streaming service for movies, music, audiobooks, e-books, comics, and TV shows. In addition, the Library offers new on-line resources, such as Brain HQ and Consumer Reports.

Director Carey stated that the Teen Advisory Group planned and presented several successful activities. According to Ms. Carey, any money made is then turned in for enhancements of library service. Ms. Carey recognized how, again, partnerships with different agencies and organizations have enhanced the services and programs able to be offered. More information on “Battle of the Books” competition was given. Specifically highlighted was the partnership with the Ames Community School District and Iowa State University School of Education that allowed for the formation of “The Learning Circle,” which offers ISU students the opportunity to work directly with community-based youth literacy programs.

At the inquiry of Council Member Gartin, Ms. Carey answered that volunteers have provided over 16,000 hours/year of service. Those volunteering range from providing up to 20 hours/week to those who may provide one day a year.

Noting that there are so many at-risk children in the community, Council Member Gartin stated that he would like the City Council to support a program that sends every kindergartner home with five or ten books. Director Carey said that the desire is there, but funding is the issue. She said they have been looking for grants that would help fund such a program. Mr. Gartin suggested that the Library come up with a proposal for such an initiative to present to the City Council.

Water Operations. Christina Murphy, Assistant Director of Water and Pollution Control Department, introduced their leadership team: Lyle Hammes, Water Plant Superintendent; Dave Gammon, Assistant Water Plant Superintendent; Jim McElvogue, Water Pollution Control Superintendent; and Mary Ann Ryan, Laboratory Supervisor. She also recognized Darrell Hunter, Assistant Water Pollution Control Superintendent, who just retired after 40 years of service; and Dave Blumer, Water Meter Supervisor, who was not able to be at this meeting.

Ms. Murphy provided an overview of the various programs included in the Administration budget. According to Ms. Murphy, there were a few unanticipated increases in the Administration’s Operating Budget due to the transition to the new Plant. Estimates on operating costs at the Plant had been made based on spreadsheets and information that was known at that time. One of the changes was an increase for electricity and natural gas. A comparison between the electrical and natural gas expenses for the new and old water plant was given. It was noted that the new Plant is approximately eight times larger than the old space. Also, the new Plant has 12,000 square feet more water storage. In addition, the ceilings at the new Plant are 22.5 feet higher than the ceilings at the old Plant. Ms. Murphy stated that steps will be to fine-tune the HVAC, lighting controls, and Plant processes to improve efficiency. Work continues with the contractor to ensure that the lighting control system and dehumidification are working properly. Staff is coming up with additional ways to save electricity, such as turning off the mixers when not in use and turning off lights when no staff is present in that area. The importance of preventative maintenance was also described. There are some regulatory requirements that had to be followed, such as placing equipment inside the building, that increased operating costs.

Programs noted in the Water Treatment Plant Operations budget were: Source Water Supply (22

wells and three under design), Treatment, and Pumping. New single-day and three-day peak production records were set in July. Ms. Murphy shared that Ames had been named the city with the “Best Tasting Water in Iowa” and will be competing this summer for Best Tasting Water in the Nation.” Ms. Murphy noted that there is a decrease in contractual expenses. This is due in part to staff spending only what is absolutely needed, not necessarily what is budgeted.

Programs for WPC Facility Operations, W&PC Laboratory, and W&PC Metering Services were summarized. The WPC facility is now 28 years old. Staff does an excellent job with maintenance of the Plant, which increases its life. There is no word on the NPDES Permit. It was reported that the Water Pollution Control Facility has completed 28 consecutive years of 100% compliance with its Discharge Permit. This is the second-longest compliance record in the country.

Ms. Murphy noted that there will be some fee adjustments. Those will be brought to Council along with other City fees.

After being questioned by Council Member Gartin, Director Dunn stated that there were so many requests for tours of the new Plant, they had to be suspended. He shared that the Plant will be open for tours on Saturday, March 24, from 9:00 a.m. to Noon.

Public Works. Public Works Director John Joiner introduced Justin Clausen, Operations Manager; McKinlee Ritter, Public Works Analyst; Municipal Engineer Tracy Warner, Engineering Division; Bill Schmitt, Resource Recovery Manager; and, Damion Pregitzer, Traffic Engineer.

Director Joiner gave an overview of the major work activities for the Utilities Program, including Water Distribution, Sanitary Sewer Collection System, Storm Water Permit program, Storm Sewer Maintenance, and Resource Recovery. Mr. Joiner noted the Storm Water Utility fee increases. According to Director Joiner, the per capita charge at Resource Recovery will be \$10.50 for calendar year 2018. Mr. Joiner explained that the fee will not be billed until May 2019 and November 2019.

Ms. Warner informed the Council that the annual Eco Fair will be held on April 21.

Highlights for the Transportation Program, which included Administration, Engineering, Traffic Engineering and Maintenance, the Street System, Parking Operations, and Airport Operations. Under the Snow & Ice Control Program, Mr. Joiner noted that staff planned for 19 events with a total of 36" of snow; there have been nine events with 21.5 inches of snow to date.

Traffic Engineer Pregitzer stated that there has been an increase in fuel sales since the new Fixed Base Operator (FBO) Central Iowa Air Service took over. More corporate jets are using the Regional Airport, which is due in part to the reputation of the new FBO.

Mr. Clansmen answered an inquiry from Council Member Betcher about the sidewalk-clearing initiatives in Campustown, stating that over 200 violations have been issued to those who have not cleared their sidewalks in Campustown. According to Mr. Clansmen, there are 400 properties in the area in question, which is Ash to Sheldon and Lincoln Way to Storm.

Fleet Services. Director Corey Mellies explained how the Fleet Operations is run. According to Mr. Mellies, the average fuel costs are decreasing to \$2.15 per gallon. It is expected that they will increase to \$2.35/gallon for FY 2018/19. Fuel continues to be the largest line item in the Fleet Operations’ budget.

According to Mr. Mellies, 21% of Fleet vehicles is considered “green.” The “Green Fleet” consists of Flex-fuel vehicles, hybrids, and all-electric vehicles. An all-electric vehicle will be added in 2018/19. There will be a charging station installed at City Hall, and two other charging stations will be installed in locations in the City. Fleet Services will also be reviewing Purchasing Procedures to find improvements for the purchase of more sustainable vehicles.

Facilities.

Director Mellies described upcoming projects, which will include new furniture for the Employee Lunchroom, landscaping at the Veteran’s Memorial, and card readers for City Hall access.

Finance Services. Finance Director Duane Pitcher noted that the City does not have an Economic Development Division, but it has a program to promote economic development by implementing economic development-related City Council objectives. These programs are administered by City Manager Schainker and Mr. Pitcher. The City also shares a position with the Ames Economic Development Commission for assistance with economic development endeavors.

Mr. Pitcher presented the budgets for Financial Services, including Administration, Purchasing Services, Information Technology, Utility Customer Service, and Parking Violation Collection.

ADJOURNMENT: Moved by Beatty-Hansen, seconded by Betcher, to adjourn at 7:21 p.m.

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

AMES, IOWA

FEBRUARY 7, 2018

The Ames City Council met in special session at 5:15 p.m. on February 7, 2018, in the Council Chambers in City Hall, 515 Clark Avenue, pursuant to law with Mayor John Haila presiding and the following Council members present: Bronwyn Beatty-Hansen, Gloria Betcher, Amber Corrieri, Tim Gartin, David Martin, and Chris Nelson. Also present was *ex officio* Member Rob Bingham.

FY 2018/19 BUDGET PROPOSALS:

Parks & Recreation. Director Keith Abraham introduced Joshua Thompson, Parks and Facilities Superintendent.

Mr. Abraham advised that the Parks and Recreation Commission has reviewed the fees and charges proposed for FY 2018/19. Forty-four percent of activities/programs will be experiencing an increase. Specifically highlighted were the increases that will occur at Furman Aquatics Center, City Hall Auditorium, Ice Arena, and Homewood Golf Course. Council Member Gartin noted that there is a public good in helping to subsidize the arts in the community. He asked to know how the City treats non-profit organizations that use the Auditorium. Mr. Abraham noted that the true cost for the Auditorium equates to between \$65 - \$80/hour. Mr. Gartin said he views this as a policy-type issue, and he would like the Council to have a conversation about non-profit organizations using public facilities. City Manager Steve Schainker said that this is something that the staff should look at for next year’s budget. Director Abraham shared that staff had contacted other cities to see what they do; the City’s rates are on the low to middle end.

Mr. Abraham noted the shortage of temporary staff experienced last year. Temporary staff wages will increase approximately \$100,000 in 2018/19. A five-year plan has been created.

The Council was informed of several large projects being worked on by the Department. Specifically named were the City-Wide Survey, ADA Inventory and Transition Plan, Miracle League Field and All-Inclusive Playground, and the Healthy Life Center.

Director Abraham emphasized the importance of volunteers to the Parks and Recreation programs.

Organizations that partner with Parks & Recreation were listed. Also recognized were members of the Friends Groups: Ada Hayden Heritage Park, Emma McCarthy Lee Park, Munn Woods, and Roosevelt Park.

Highlights of planned new Parks and Recreation programming were given. Auditorium and Bandshell events were also listed.

The Scholarship Funding was explained by Director Abraham. The number given increased from 39 (in FY 2015/16) to 99 (2016/17).

Regarding facility space, Mr. Abraham advised that staff is seeking priority arrangement with the Ames School District, which would free-up the Community Center Gymnasium for open recreation.

One of the Department's service objectives is to mow manicured turf areas on average every seven to ten days. The average for 2016 was 12.5 days; that average was reduced to eight days in 2017. Another initiative was no trimming in the parks. Daley, Duff Avenue, Hutchison, Northridge Heights, and Roosevelt Parks are now virtually trim-free.

The Department is in the process of hiring a forester. It is hoped that that person will be on board by April. The Tree Inventory needs to be updated and a Comprehensive Tree Management Plan created.

Staff has started updating grilling areas around shelters and updating electrical controls and switching light fixtures to LED in shelters. The history of the number of sanitation rounds made was shown.

Cemetery. Director Abraham stated that a mini-excavator has been purchased for digging graves.

Right-of-Way Management. Under right-of-way management, staff is addressing hazardous trees, pruning new and old trees, and planting new trees in partnership with the Ames Foundation.

Electric Services. Donald Kom, Director of Electric Services, introduced Brian Trower, Assistant Director of Electric Services; Curtis Spence, Power Plant Manager; Ken Tiarks, Technical Services Supervisor; Lyndon Cook, Electrical Engineering Manager; and Collin Dettmann, Manager of Energy Market Production.

Mr. Kom highlighted the operations budgets for each division (Administration, Production, Fuel Purchases, Distribution, Technical Services, and Engineering).

The Electric Administration budget will decrease 1.4% from the FY 2017/18 Adopted. Notable projects were the development of the City's first Community Solar Farm and the offering transmission credits. There were two unusually long power outages in 2017: on July 20 when a tree fell and on October 21, there was a relay failure at a substation. Mr. Kom invited the public to the 8th Annual Eco Fair, which will occur on April 21, 2018, in the City Hall Gymnasium. Also, under

Administration, Mr. Kom emphasized that the Demand Side Management program has played a significant role in reducing peak; that program began in 2007. Over the years, this has saved nearly 40 GMh and has resulted in lowering the peak by 25 MW. This is a very popular program: 92% of the budget (through 66% of the FY 2017/18 budget) has already been spent. Regarding solar arrays, there have been 135 completely installed. This has resulted in the pay-out of \$218,340 in 2017.

Regarding the Electric Production program, the total budget will be up 1.1%. The GT-1 repair has been completed. The proposed budget reflects a more proactive approach to equipment maintenance and improved reliability. The City still has three years left on the Natural Gas Long-Term Contract. The Transport has seven years remaining on the Contract. The electric peak occurred on July 20 at 124.9 MW. The all-time peak occurred on July 25, 2012, at 130.7 MW.

Fuel/Purchased Power is the largest of all the program budgets; however, it will decrease by 0.5% in 2018/19. This budget provides for purchasing natural gas and RDF burned in the boilers. Renewable Energy met 19% of City usage [17% came from the Wind Contract and 2% came from refuse-derived fuel (RDF)]. An Energy Cost Adjustment still remains as a credit on bills.

Electric Distribution Operations/Maintenance is the division responsible for tree trimming, which continues to constitute a large expense. They also continue animal-guarding of the Distribution System. Personnel responded to 239 after-hours trouble calls. In 2017, 21% of the street lights were changed to LED.

Electric Distribution Extension/Improvements is up slightly (0.5%). Work remains strong for apartment and commercial projects. There will be a relocation of Duff/S. 16th Street line. They will be replacing aged/failing underground cable, poles and wires, and overhead switches. The obsolete substation relay, switch, and breaker will be replaced.

The budget for Electric Technical Services is up approximately 1.0%. Automated meter reading meters will replace old meters. Increased cost

The Electric Engineering budget is up 3.0% from FY 2017/18 Adopted. The 161kV line had to be moved due to the Iowa Department of Transportation project; that was done at the IDOT's expense. The number of customer solar interconnections is decreasing. This Division is managing several CIP projects. They are upgrading relays, controls, breakers, and switchgear aimed at improving reliability.

Director Kom advised that the overall budget at \$57,061,478, which is an increase of 0.147% over FY 2017/18 Adopted. The estimated FY 2018/19 Revenues are \$66,768,320. The minimum fund balance target was suggested to be \$10,100,000. A minimum fund balance has never been established for the Electric Utility. Noting that the City budget has other programs where a minimum balance has been set, Council Member Gartin would like to know how staff arrived at the suggested number for Electric. Mr. Kom will discuss this with EUORAB, and it will be an item to be discussed by the City Council at a later date. According to Director Kom, the Unreserved Fund Balance is expected to exceed the recommended target minimum for the full-term of the current CIP. Therefore, if all things stay the same, it is not anticipated that there will be a need for a rate increase for at least five years. The Council was told that, on average, the City of Ames rates are 15% lower than neighboring utilities.

Community Protection, which includes street lights and storm warning system, is under the Public Safety Program. This budget will increase 5.3% from the FY 2017/18 Adopted. This increase is due

to the installation of additional street lights in new subdivisions. It was noted that this program is funded by the General Fund.

Fire Department. Chief Shawn Bayouth introduced Deputy Chiefs Paul Sandoval and Rich Higgins, and Building Official Sara VanMeeteren.

Chief Bayouth stated that the Fire Safety budget will see an overall 4.0% increase. Under Fire Administration and Support, a Training Officer has been hired.

There will be a 4.18% increase to the Fire Suppression & Emergency Action budget. A new FTE (for a fire fighter) has been requested. Regarding the use of social media, the Fire Department has approximately 3,500 followers on *Facebook*, which has been an effective tool in communicating safety messages and advertising upcoming City and Department events. Chief Bayouth advised that 12 fire fighters have been certified as Hazardous Materials Technicians due to grant funding from Iowa Homeland Security being received. A new initiative was described as a voluntary residential lock box program that is placed on owner-occupied structures that allows fire fighters to safely gain access during an emergency and provide assistance to victims in need of medical attention without damaging doors or windows.

Deputy Chief Rich Higgins shared a new initiative under the Fire Prevention and Safety Education program. Mr. Higgins explained that the Fire Inspector, who had been in that position for 11 years, retired last year. There was a seven-month period before a new Fire Inspector was hired. During that interim, fire crews made inspections. This allowed the fire fighters to out in the public, proved to be very successful, and it was decided to continue with that initiative. Over the next year, it is anticipated that fire crews will be conducting approximately 300 fire inspections. Also under Fire Prevention & Safety Education, the Fire Department launched a new fire safety campaign using trading cards. The cards feature important fire safety messages and fun facts.

Sara VanMeeteren, Building Official, presented highlights of the Building Safety/Inspections program. She gave an update on the new Inspections software program, EnerGov, which was implemented in March 2017. Staff is currently preparing to implement the Citizen Self Service Portal; it is hoped that it will go live in the spring of 2018. The portal will help streamline permit applications and complaint processes for the City's customers. Chief Bayouth stated that there will be no fee increase for Building Permits or Plan Review for 2018/19. There was a new FTE approved, and a new Housing Inspector has been hired.

Two approaches for the fee increases for Rental Housing were explained by Chief Bayouth. City Manager Schainker stated that a decision on which approach the Council wants to use needs to be made prior to approval of the FY 2018/19 Budget. He advised that staff could wait until next Tuesday's Budget Wrap-Up Session if the Council did not want to make the decision tonight.

The meeting recessed at 7:08 p.m. and reconvened at 7:13 p.m.

Law Enforcement. Chief Chuck Cychosz introduced Commander Huff, who is in charge of Investigations; Commander Tuttle, who is in charge of the Patrol Division; Doug Houghton, Support Services Manager; and Ron Edwards, Animal Control Supervisor.

Details were given by Police Chief Chuck Cychosz of the budget for Police Administration and Records. In an effort to increase trust and transparency within the community, the Department has contracted with St. Ambrose University Professor Chris Barnum to collect data and analyze the

Department's traffic stops. That study of Potential Disproportionate Minority Contacts is underway. The Department is also in the process of purchasing cameras for Campustown.

The Chief broke down by category where officers' time is spent, as follows:

Criminal Enforcement	45%
Community Caretaking/Civil	21%
Traffic	21%
Mental Health	8%
Outreach	3%
Medical-Related	2%

Chief Cychosz also gave an update on the Radio System Project, which is moving forward. More information will be on the February 13, 2018, City Council Agenda.

Community outreach is a Department-wide priority in the Crime Prevention and Police Services. Problem-solving and building relationships are its core goals. Chief Cychosz referenced the recent "Town Hall" meeting on opioid and other substance abuse. He noted that a life was recently saved by the Ames Police officers who employed the use of the Narcan nasal spray after an opioid overdose. All Department staff members have been trained in identifying opioid overdoses and the proper administration of the nasal spray. Also, under this program, body cameras/car cameras are being purchased. A new Police Officer position has been included in the 2018/19 Requested Budget. Chief Cychosz highlighted the importance of the Department's Mental Health Advocate.

Pertaining to neighborhood quality of life, the number of noise, trespass, and nuisance parties from 2007 to 2017 was shown. There were 202 noise complaints related to fireworks.

Under the General Investigation program, Chief Cychosz highlighted the increased use of technology in the gathering of evidence. He noted the changing nature of the crimes being committed. The Department often collaborates with investigators from other jurisdictions on certain types of crimes, e.g., credit card fraud, to catch the perpetrators. Chief Cychosz advised that the School Resource Officer focuses on youth and their families during the summer months.

Council Member Corrieri left the meeting at 7:50 p.m.

Chief Cychosz cited the success of the collaboration of the Ames Police Department with other agencies on its Emergency Communication program. According to the Chief, last year, 19,000 9-1-1 calls and over 100,000 non-emergency calls came into the Ames Emergency Operations Center. He noted the anticipated progress and improvements to automated reporting and video within the next 15 years. Chief Cychosz said that is what was important about the radios that will be recommended for purchase: The radios being recommended have the capability for state-wide reach and the ability to integrate with other communications centers.

Chief Cychosz said that the Department is increasingly cognizant of the trauma that staff experiences after major incidents.

Under Police Forfeiture and Grants, Chief Cychosz noted that any forfeiture that is received by the Department first goes before a Judge, who determines if it is appropriate.

Under Parking Enforcement, five CSOs have been added. There is a new Parking Enforcement Coordinator. Chief Cychosz told the Council that in order for the Department to issue “tiered” violations, new equipment would have to be purchased; the cost is estimated at \$15,000. Chief Schainker indicated that the Council first has to decide how that would work. Chief Cychosz stated that an Ordinance would have to be adopted. Mr. Schainker added that if the Council wants the new equipment and software to be purchased, they would have to move to amend the 2017/18 Budget during Budget Overview on February 13. Research is being done on a Special Event Ordinance. More information will be brought to the Council.

Animal Control. Ron Edwards said that the proposed budget includes a new position, which is a Vet Tech. Also, a Building Assessment will be done to ensure that it is effective in meeting the health and security needs of the variety of animals being housed. The Shelter was built 23 years ago. There is a changing nature of animals being housed at the Shelter. An Impound Fee for repeated impounds is being proposed. There continues to be increases in response to wildlife (an 82% increase over last year). Mr. Edwards emphasized the importance place on transparency at the Ames Animal Shelter.

ADJOURNMENT: Moved by Gartin to adjourn the meeting at 8:22 p.m.

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

AMES, IOWA

FEBRUARY 8, 2018

The Ames City Council met in special session at 5:18 p.m. on February 8, 2018, in the Council Chambers in City Hall, 515 Clark Avenue, pursuant to law with Mayor John Haila presiding and the following Council members present: Bronwyn Beatty-Hansen, Gloria Betcher, Amber Corrieri, Tim Gartin, David Martin, and Chris Nelson. *Ex officio* Member Rob Bingham was absent.

FY 2018/19 BUDGET PROPOSALS:

Transit System. Transit Director Sheri Kyras gave highlights of the budgets for Administration and Support. She showed a chart depicting the ridership history and the predicted trend. Numbers of ridership are leveling off.

Ms. Kyras reviewed revenues and expenses. The total budget for Transit is \$11.75 million. On the revenue side, there will be a rollback of the fare to 2011 which is \$1/ride, instead of the current fare of \$1.25. There will be an increase of 4.7% in funding from the City. Also, the Transit Levy is \$0.63361/\$1,000. The student fee increased \$1.25 to \$79.60/semester for a full-time student.

On the expense side, the impacts of the Affordable Care Act are resulting in an increase of \$178,944 in health insurance due to more employees being offered insurance and annual cost adjustments. There will also be a \$50,000 increase in overtime due to driver shortages. It is also proposed to increase the initial driver wage from \$15.29 to \$15.60/hour. That will need to be approved by the City Council. An additional FTE has been requested, which is a Part-Time Information Technology employee. The Transit Board approved five additional hours of service per day.

Ms. Kyras described the major projects that are planned for 2018/19.

The Dial-a-Ride budget is lower, which is based on a lower number of rides. The number of rides

is lower mainly because the number of eligible riders is decreasing.

City Council. Assistant City Manager Brian Phillips provided the Council with a summary of tasks and objectives they had set for FY 2017/18. He highlighted annual activities attended by the Mayor and City Council.

City Manager. Highlights of the major projects supported by the City Manager's Office were given by Mr. Phillips. He noted that City Manager staff also provides support to six of the 18 Boards and Commissions.

City Clerk. Diane Voss, City Clerk, presented the City Clerk's Division budget. Many of the services provided by the City Clerk's Office were summarized. Major sources of revenue and the largest expenses were highlighted.

Public Relations. Susan Gwiasda, Public Relations Officer updated the Council on Community Branding. She highlighted the ways the City communicates internally and externally: newsletters, the Web site, social media (*Facebook* pages, *Twitter* accounts, *Instagram*), and brochures. Ms. Gwiasda stated that her office sends out between 150 and 200 press releases per year. Concerning the City's Web site, one of the initiatives being worked on is accessibility.

The *AlwaysAmes* Campaign was described by Ms. Gwiasda. She also listed the ways that the City is working toward one of the Council's goals, i.e., Sustainability. Ms. Gwiasda recognized the partnership with Merry Rankin, Sustainability Coordinator whom the City shares with Iowa State University. At the inquiry of Mayor Haila, Ms. Gwiasda advised that Rummage Rampage will increase by one day in the coming year.

Ms. Gwiasda listed many of the recognition events that had been attended by the City Council and noted the events that the City will be hosting during the next few months.

Media Production Services. Ms. Gwiasda advised that Cable TV has had a name change to Media Production Services. She recognized Derek Crisler, who had been awarded the Telly Award for a Resource Recovery Plant video; this is a national award. Mr. Crisler also just recently completed an eight-year Water Treatment Plant documentary, which is airing now. According to Ms. Gwiasda, Mr. Crisler came up with the idea for using *Facebook Live*. Also highlighted was the "Donut Disrespect" video, which was produced in partnership with the Police Department. The campaign as well as the video have been very popular.

Legal Services. City Attorney Mark Lambert summarized the services provided by the Legal Department. He reviewed the main goals of the Department. One of the things that Mr. Lambert said he and his staff have worked hard on and consider a goal is accessibility. The attorneys work hard to make themselves available to all of their customers. The main duties and tasks performed by the City Attorney's Office were noted.

Mr. Lambert named the staff of "Team Legal:" Becki Rippke, Jill Grimsley, Ann Lelis, Victoria Feilmeyer, and the new Assistant City Attorney Jane Chang, who will begin her employment with the City on February 12, 2018.

City Attorney Lambert showed the Department's funding sources and how they are allocated. It was noted that the City Attorney's Office pays 90% of the costs of the Clerk of Court's Office that is located in the Ames City Hall; the Police Department pays the other 10%.

Mr. Lambert also advised that the Court System charges the City Attorney's Office a filing fee of \$5 for every criminal complaint. When a fine and court costs are paid, the filing fee is subtracted out of the amount paid to the City Attorney's Office. In the cases where someone doesn't pay their fine or court costs, the City Attorney's Office is being charged those costs.

Human Resources. Director Kaila Boothroy presented the budget for Human Resources. Also assisting in the presentation of the Department budget was Andrea Cardenas, Health Promotion Coordinator. New staff members introduced were Krista Hammer, Human Resources Officer, and Bill Walton, Risk Manager.

According to Ms. Boothroy, the Human Resources Department has been in "rebuilding mode" for a couple years. Five of the vacant positions have now been filled.

Ms. Boothroy stated that 44 recruitments were launched in 2015/16; 88, in 2016/17; and in 2017/18, 45 recruitments closed and 32 are still active. There were 1,862 applications received in 2015/16; 4162 in 2016/17; and 2156 so far in 2017/18. She noted the assistance that had been provided by other City staff ("HR Champions"), who were trained to handle recruitments. Highlights of Employee and Leadership Development classes were given. Under Employee & Labor Relations, for 2018/19; there will be three bargaining units up for negotiations: Blue Collar, Fire and Power Plant.

Risk Management. Human Resources Director Boothroy highlighted the significant risk management activities. Expenses for property premiums paid and projected were reviewed. Risk Management initiatives explained were a Request for Proposal for brokerage services for liability coverage servicing and six additional Functional Job Assessments

Health Insurance Management. Andrea Cardenas, Health Promotion Coordinator, highlighted their service objective to keep yearly health insurance rate increases below 10%. She showed a chart of the increases from 2013/14 to 2016/17. Main expenses under Health Insurance Management are for personal services, a Health and Benefits Consultant, and increased utilization of contracted services. Ms. Cardenas presented the Wellness and Health Care Service Delivery Initiatives. Some of the services and programs offered under the Health Promotion Program were noted.

The meeting recessed at 7:00 p.m. and reconvened at 7:05 p.m.

Planning. Planning and Housing Director Kelly Diekmann provided an overview of Planning Services (which merged the Current Planning program and Long-Range Planning programs). Also, they are one-third of the Administrative Services Division, which is shared with Public Works and Fire). Mr. Diekmann presented a pie chart of the planning activities and how much time they take. According to Mr. Diekmann, the current Planning Permitting software became active in March 2017. The Planning applications remain relatively consistent overall. In FY 2016/17, there were 152 applications filed. The three-year average is 157/year.

Mr. Diekmann explained that Administrative Services is the branch that provides support for Fire, Public Works, and Planning and Housing Departments. They are the first contact for customer service and general inquiries. The staff of Administrative Services also serve multiple Boards and Commissions of the three Departments. In 2015/16, they reorganized the staff and reduced support staff positions from six to five.

At the inquiry of Council Member Betcher, Director Diekmann answered that there is funding

allocated for training and education for the Historic Preservation Commission. He acknowledged that the Commission is now trying to figure out its role; there have been a lot of new members. Mayor Haila asked about the 2017/18 Adjusted number for Contractual. Mr. Diekmann stated that consultants' fees are in that line item. He noted the \$441,778 includes \$381,000 in carry-over funding. The carry-overs include \$225,000 that has been set aside for the start of the Comprehensive Plan update. Funds are also being carried over for completing the Lincoln Way Corridor Streetscape Plans and other Council priorities.

City-Wide Affordable Housing. Vanessa Baker-Latimer, Housing Coordinator, noted the city-wide housing activities for 2017/18 and 2018/19. Staff will continue to host community forums and events to train, educate, and engage the public regarding various housing topics/awareness, such as hunger, homelessness, and fair housing. Staff will also partner with other City departments and organizations to promote and educate the public on various housing concerns through special events.

Community Development Block Grant. Ms. Baker-Latimer advised that the City received its 14th allocation of CDBG funding in the amount of \$510,515. Additionally, \$489,731 was rolled over from FY 2016/17 and \$211,750 is anticipated to come from program income in FY 2017/18. That will bring the total available allocation to approximately \$1,211,996. Those funds will be utilized to support the City Council's goal of addressing various housing/community development needs in the community. Also, they are working on the development of plans to bid and begin construction of the Tripp Street extension through the 321 State Avenue site during the remainder of 2017/18. Neighborhood sustainability programs, e.g., home improvement, acquisition/demolition/clearance/rehabilitation, rental deposit, transportation assistance, and single-family repair programs will be administered. In addition, staff plans to acquire one or two vacant properties.

Ms. Baker-Latimer advised that the CDBG allocation for FY 2018/19 has not yet been announced; however, for budgeting purposes, the FY 2017/18 CDBG allocation (of \$510,515) is being projected for FY 2018/19. She also informed the Council that, in May, the City will be submitting its fifth and final Annual Action Plan as part of its 2014-19 Five-Year Consolidated Plan. The City will also be submitting a new Five-Year (2019-24) Consolidated Plan in May 2019, and Ms. Baker-Latimer encouraged participation by the Mayor and City Council.

Conclusion. City Manager Steve Schainker provided a summary of the budget decisions that will need to be made at the Budget Wrap-Up session to be held on February 13, 2018. He pointed out that already distributed to the Council were memos pertaining to FY 2018/19 funding requests for the Commission on the Arts, ASSET, Ames Public Arts Commission, and Outside Funding requests. The Council will also need to make a decision on Rental Housing Fees.

COUNCIL COMMENTS: Moved by Gartin, seconded by Beatty-Hansen, to direct staff to reschedule the Council meeting of July 24 to July 31, 2018. This was due to RAGBRAI coming through Ames on July 24, 2018.

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

ADJOURNMENT: Moved by Corrieri, seconded by Beatty-Hansen, to adjourn at 7:51 p.m.

Diane R. Voss, City Clerk

John A. Haila, Mayor

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

AMES, IOWA

JANUARY 23, 2018

REGULAR MEETING OF THE AMES CONFERENCE BOARD

The Regular Meeting of the Ames Conference Board was called to order by Chairman John Haila at 5:30 p.m. on January 23, 2018. Present from the Ames City Council were Bronwyn Beatty-Hansen, Gloria Betcher, Amber Corrieri, Tim Gartin, David Martin, and Chris Nelson. Story County Board of Supervisors present were Lauris Olson and Rick Sanders. Representing the Ames Community School Board were Luke Deardorff and Gina Perez. Leanne Harter attended on behalf of the Nevada Community School Board. Gilbert Community School District and United Community School District were not represented.

MINUTES OF FEBRUARY 28, 2017: Moved by Sanders, seconded by Corrieri, to approve the Minutes of the February 28, 2017, meeting of the Ames Conference Board.

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

ASSESSOR'S BUDGET PROPOSALS: Ames City Assessor Greg Lynch highlighted information from the City Assessor's 2018/19 Annual Report. Mr. Lynch noted that Bill Whitman has submitted his application to fill one of the two vacancies on the Ames Board of Review. If Mr. Whitman is appointed, there will still be one vacant position on the Board of Review.

Mr. Lynch brought the Board members' attention to Page 3, specifically relating to taxable values. He stated that he had had a meeting with representatives of the Iowa State University Research Park this morning. In summary, there were properties listed as receiving Tax-Increment Financing (TIF) that should not have been. Those numbers have been corrected, and the corrected document had been placed around the dais for the Conference Board members. The overall values increased 11.3%, and the taxable value increased approximately 8%. Those were the largest percentages that had been reported since Mr. Lynch became the City Assessor 12 years ago. According to Mr. Lynch, the sales price for new homes decreased slightly (1.8%). The median sales price decreased 4.6% (from \$365,500 in 2016 to \$348,662 in 2017). The median sales price of existing homes increased 10.8% (from \$195,000 in 2016 to \$216,000 in 2017).

City Assessor Lynch stated that the Assessor's office revalued all single-family residential properties as well as apartments for 1/1/2017, which meant over 18,000 assessment notices were sent. A new model was built by a world-renowned modeler. This new model was employed, which changed the land values. The new model sets the land allocation at 25% of the total value. At the question of Supervisor Sanders, Mr. Lynch clarified that no matter what the land looks like, the land value is always going to be 25% of the total value. Only approximately 3% (of the 18,000 notices, there were 544 protests) of those assessed appealed their assessment to the Board of Review. Fifteen residential cases were filed with the Property Assessment Appeal Board (PAAB). There were nine commercial cases filed with the PAAB, and one with District Court. There is one hearing left to be held on residential; it will occur on February 20, 2018. According to Mr. Lynch, \$15,000 has been

budgeted to have the model updated for January 1, 2019. The modeler, Bob Gloudemans, has agreed to formulate and apply the updated model. An additional \$5,000 has been budgeted for other consulting fees on data processing issues. Mr. Lynch explained that, now that the Office has a database management, they are requesting funding to be put back in the budget for the document management system.

Supervisor Sanders asked how Mr. Lynch arrived at a 4% increase for staff salaries. Mr. Lynch replied that the City Assessor's Office tries to match the percentage of increase that is forecast for City of Ames employees. Upon being questioned by Mr. Sanders, City Manager Steve Schainker stated that City of Ames employees' increases are based on performance; it is unknown what the percentage of increase will be at this time. Mr. Sanders indicated that the County is budgeting a 2% cost-of-living increase. City Manager Schainker noted that 4% might realistically mirror what would be allocated for the City of Ames employees.

Mr. Sanders asked for certain line items to be explained: employee mileage and expenses and equipment and machine purchases. Administrative Assistant Dawn Tank responded to each question.

Supervisor Sanders said he wished to share some of the dangers that he sees coming in the future. He stated that the Ames City Assessor and staff do an excellent job. The reality is that there is a huge growth in the cost of operations. In 2016, the budget increased 16.5% to 2017/18. If the proposed budget is approved, it would go up an additional 23.8% in 2018/19, which means that \$344,000 would be expended of a \$598,000 ending fund balance. That would leave 21%, which would probably allow for three months. On a \$1.2 million budget, the taxpayers will be asked for \$872,000 of it this year. However, next year, taxpayers would have to pay the entire amount, which would mean an increase of 33% for Ames taxpayers. Mr. Sanders warned that a large increase is coming for the Ames taxpayers.

According to Supervisor Sanders, seven cities in Iowa have two assessors; Ames is one of them. He would like to have a higher balance than 21% ending balance. Noting that he brought this same topic up last year as a warning that the day is coming when there will have to be a substantial tax increase. He wants to have a real conversation about the way properties are assessed in all of Story County. Mr. Sanders said he wants to have a candid conversation about having two Assessors. Assessor Lynch said, with the extreme growth in Ames, the recommended budget is needed to enable the City Assessor to do the best job possible.

Mr. Sanders said that the City of Ames "holds all the cards." He commented that, "If the City of Ames decides it is going to have a City Assessor, it is going to have a City Assessor." He suggested, however, that a full conversation occur between Story County and the City of Ames regarding efficiencies there might be if services were to be combined.

Chairperson Mayor Haila pointed out that the total payroll and related expenses actually decreased .8%. He noted expenses that would not be there next year; those equated to nearly \$120,000.

Supervisor Sanders said he was not asking for anything tonight; he just wanted to reintroduce the topic. Mayor Haila said what he was hearing from Mr. Sanders was that, in the next few years, he would like to have a conversation and look at the costs for assessing properties in the County. Mr. Sanders clarified that he would like the next step to be, when this group gets together the next time, to have an agenda item where it talks about the possibility of putting some resources into having a consultant to look at different possibilities for doing assessments in Story County.

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

Moved by Beatty-Hansen, seconded by Harter, to set February 27, 2018, as the date of public hearing on the proposed FY 2018/19 City Assessor's budget. Roll Call Vote: 3-0. Motion declared carried unanimously.

APPOINTMENT TO BOARD OF REVIEW: Moved by Nelson, seconded by Harter, to adopt RESOLUTION NO. 18-009 approving the appointment of Bill Whitman to the Board of Review. Roll Call Vote: 3-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

Supervisor Olson stated that there had been an inquiry from the Auditor's Office to meet with the City Assessor's Office pertaining to process bumps when it comes to property splits. This had been brought up at the Mini Board. Ms. Olson said she was just notifying the City Assessor's staff of the need to meet. Mayor Haila encouraged staff from the City Assessor's Office to contact the Story County Auditor to schedule a meeting.

ADJOURNMENT: Moved by Beatty-Hansen, seconded by Olson, to adjourn the Ames Conference Board meeting at 6:13 p.m. Vote on Motion: 3-0. Motion declared carried unanimously.

MINUTES OF THE REGULAR MEETING OF THE AMES CITY COUNCIL

The Regular Meeting of the Ames City Council was called to order by Mayor John Haila at 6:18 p.m. on the 23rd day of January, 2018, in the City Council Chambers in City Hall, 515 Clark Avenue. Council Members Bronwyn Beatty-Hansen, Gloria Betcher, Amber Corrieri, Tim Gartin, David Martin, and Chris Nelson, were present. *Ex officio* Member Rob Bingham was also in attendance.

Mayor Haila announced that the City Council would be working from an Amended Agenda. The time of the meeting had been changed.

CONSENT AGENDA: Council Member Gartin asked to have Item No. 9, which pertained to his members on the Iowa League of Cities' Education Committee, discussed separately. Council Member Betcher requested that Item No. 21, the rate date for Oktoberfest, be pulled from the Consent Agenda for separate discussion.

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

1. Motion approving payment of claims
2. Motion approving Minutes of Regular Meeting of January 9, 2018, and Special Meeting of January 13, 2018
3. Motion approving Report of Contract Change Orders for January 1-15, 2018
4. Motion approving 5-day (February 2-February 6) Class C Liquor License for Dublin Bay at Ames Ford Lincoln, 123 Airport Road
5. Motion approving renewal of the following Beer Permits, Wine Permits, and Liquor Licenses:
 - a. Class A Liquor – American Legion, Ames Post 37, 225 Main Street
 - b. Class C & Outdoor Service – Chipotle Mexican Grill, 435 S. Duff Avenue, Ste. 102
 - c. Class B Beer & Outdoor Service – Torrent Brewing Co. LLC, 504 Burnett Avenue
 - d. Class C Liquor & Outdoor Services – West Towne Pub, 4518 Mortensen Road, Ste. 101
 - e. Class C Liquor & Outdoor Services – Dublin Bay, 320 S. 16th Street
 - f. Special Class C Liquor – Shogun of Ames, 3704 Lincoln Way
6. Motion approving ownership change for Class E Liquor, C Beer, & B Wine Permit for Wal-Mart Supercenter #4256, 534 S. Duff Avenue
7. Motion approving ownership change for Class A Liquor License & Outdoor Service for Elks Lodge, 522 Douglas Avenue
8. Motion approving ownership change for Class C Liquor License & Outdoor Service for Buffalo Wild Wings, 400 S. Duff Avenue
9. Motion approving Council Member Tim Gartin’s membership on Iowa League of Cities’ Education Committee
10. Motion setting February 13, 2018, as date of public hearing on adoption of 2017 Edition of the National Electric Code, with one local and two State of Iowa amendments
11. RESOLUTION NO. 18-010 approving Quarterly Investment Report for period ending December 31, 2017
12. RESOLUTION NO. 18-011 approving Agreement with ICMA-RC to act as City’s 457(b) Plan Administrator through December 31, 2022
13. RESOLUTION NO. 18-012 accepting Ames Municipal Utility Retirement System Report
14. RESOLUTION NO. 18-013 approving Fats, Oils and Grease (FOG) percentage calculations
15. RESOLUTION NO. 18-014 awarding contract to Vertical VAR, LLC, of Chamblee, Georgia, in the amount of \$75,600 for replacement of IBM Power6 Server with IBM Power8 Server
16. RESOLUTION NO. 18-015 awarding contract to IP Pathways, LLC, of Urbandale, Iowa, in the amount of \$108,682.84 for implementation of integrated network storage solution
17. Requests from Main Street Cultural District (MSCD) for MusicWalk on Friday, April 6:
 - a. Motion approving blanket Temporary Obstruction Permit and blanket Vending License in Central Business District
 - b. RESOLUTION NO. 18-016 approving closure of 11 metered parking spaces for food trucks and musicians
 - c. RESOLUTION NO. 18-017 approving waiver of parking meter fees and enforcement, usage and waiver of electrical fees, and waiver of fee for blanket Vending License for MSCD from 3:00 p.m. to 9:00 p.m.
18. Requests from Main Street Cultural District (MSCD) for ArtWalk on Friday, June 1:

- a. Motion approving blanket Temporary Obstruction Permit and blanket Vending License in Central Business District
 - b. RESOLUTION NO. 18-018 approving closure of two metered parking spaces for wood carver
 - c. RESOLUTION NO. 18-019 approving waiver of parking meter fees and enforcement, usage and waiver of electrical fees, and waiver of fee for blanket Vending License for MSCD from 3:00 p.m. to 8:30 p.m.
 - d. RESOLUTION NO. 18-020 approving use of Tom Evans Plaza
 - e. RESOLUTION NO. 18-021 approving closure of 400 block of Kellogg Avenue for Youth & Shelter Services activities
19. 4th of July Activities:
- a. Requests of City of Ames:
 - i. RESOLUTION NO. 18-022 approving closure of Clark Avenue between 5th Street and 6th Street from 5:00 p.m. on Tuesday, July 3, until conclusion of parade on July 4 and closure of City Hall Parking Lot N on July 4 for City Council Community Pancake Breakfast
 - b. Requests of Main Street Cultural District:
 - i. Motion approving blanket Temporary Obstruction Permit and blanket Vending License in Central Business District on Wednesday, July 4
 - ii. RESOLUTION NO. 18- 023 approving usage and waiver of electrical fees and waiver of fee for blanket Vending License
 - iii. Parade on Wednesday, July 4:
 - (1) RESOLUTION NO. 18-024 approving closure of portions of Main Street, Northwestern Avenue, 5th Street, Douglas Avenue, Burnett Avenue, Kellogg Avenue, Clark Avenue, Allan Drive, and Pearle Avenue from 6:00 a.m. until end of parade
 - (2) RESOLUTION NO. 18-025 approving closure of Parking Lot MM and south portion of Lot M and Depot Lots V and TT from 6:00 a.m. to 2:00 p.m.
20. Requests from Main Street Cultural District (MSCD) for Summer Sidewalk Sales on July 26-28:
- a. Motion approving blanket Temporary Obstruction Permit and blanket Vending License in Central Business District
 - b. RESOLUTION NO. 18-026 approving suspension of parking regulations and enforcement for Central Business District from 8:00 a.m. to 8:00 p.m. on Saturday, July 28
 - c. RESOLUTION NO. 18-027 approving waiver of parking meter fees and enforcement and waiver of fee for blanket Vending License
21. Requests from Main Street Cultural District (MSCD) for Smithsonian Institute Traveling Exhibit Opening Night Ceremony on Thursday, October 4:
- a. Motion approving blanket Temporary Obstruction Permit and blanket Vending License in Central Business District
 - b. RESOLUTION NO. 18-030 approving the closure of eight metered parking spaces in the 200 block of Main Street and the closure of Douglas Avenue from Main Street to 5th Street, including the closure of 12 metered parking spaces, from 3:00 p.m. to 8:00 p.m.
 - c. RESOLUTION NO. 18-031 approving waiver of parking meter fees and enforcement, usage and waiver of electrical fees, and waiver of fee for blanket Vending License

22. Requests from Main Street Cultural District (MSCD) for Snow Magic on November 9 - December 24:
 - a. Motion approving blanket Temporary Obstruction Permit and blanket Vending License in Central Business District for November 9 through December 24
 - b. RESOLUTION NO. 18-032 approving use of Tom Evans Plaza from 5:00 p.m. to 8:00 p.m. on November 9 for tree lighting ceremony
 - c. RESOLUTION NO. 18-033 approving closure of 10 metered parking spaces within MSCD from 3:00 p.m. to 9:00 p.m. on November 9 for carriage ride passenger pick up and drop off
 - d. RESOLUTION NO. 18-034 approving suspension of parking regulations and enforcement for Central Business District on Saturday, November 24
 - e. RESOLUTION NO. 18-035 approving closure of Kellogg Avenue from Main Street to 5th Street, including the closure of 12 metered parking spaces, from 8:00 a.m. to 1:00 p.m. on December 8 for Santa's Train
 - f. RESOLUTION NO. 18-036 approving waiver of parking meter fees and enforcement, usage and waiver of electrical fees, and waiver of fee for blanket Vending License
 23. RESOLUTION NO. 18-037 approving preliminary plans and specifications for 2016/17 Traffic Signal Program (6th & Hazel/Brookridge); setting February 21, 2018, as bid due date and February 27, 2018, as date of public hearing
 24. RESOLUTION NO. 18-038 approving preliminary plans and specifications for 2017/18 Traffic Signal Program (E Lincoln Way & Dayton); setting February 21, 2018, as bid due date and February 27, 2018, as date of public hearing
 25. RESOLUTION NO. 18-039 approving Change Order No. 1 for 2015/16 South Skunk River Watershed Improvements (City Hall Parking Lot)
 26. RESOLUTION NO. 18-040 accepting completion of 2007/08 Shared Use Path System Expansion (Oakwood Road)
 27. RESOLUTION NO. 18-041 accepting completion of 2014/15 Sanitary Sewer Rehabilitation (Flood Prone Manholes)
 28. RESOLUTION NO. 18-042 accepting completion of CyRide Concrete Replacement Project
 29. RESOLUTION NO. 18-043 approving Plat of Survey for 23717 - 580th Avenue
 30. RESOLUTION NO. 18-044 approving Plat of Survey for 2107 and 2113 Isaac Newton Drive
- Roll Call Vote: 6-0. Resolutions/Motions declared adopted/approved unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

COUNCIL MEMBER GARTIN'S MEMBERSHIP ON IOWA LEAGUE OF CITIES' EDUCATION COMMITTEE: Council Member Gartin indicated that he asked to pull this item from the Consent Agenda so as to allow him to abstain from the vote due to a conflict of interest.

Moved by Beatty-Hansen, seconded by Betcher, to approve Council Member Tim Gartin's membership of the Iowa League of Cities' Education Committee.

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

REQUEST FROM MAIN STREET CULTURAL DISTRICT (MSCD) FOR OKTOBERFEST

RAIN LOCATION ON SEPTEMBER 15: Council Member Betcher noted that what was being requested pertained only to the location for Oktoberfest in the case of rain. Noting that September 15 was the date of a home ISU Football game, she asked if the MSCD had any concerns about being able to provide the required security. Assistant City Manager Brian Phillips advised that, since this request was going before the Council at this early date, it would allow sufficient time for MSCD to contact and make arrangements with a security company.

Moved by Gartin, seconded by Betcher, to approve the following requests from the Main Street Cultural District (MSCD) for Oktoberfest (Rain Location) on Saturday, September 15:

- a. Motion approving blanket Temporary Obstruction Permit and blanket Vending License in Central Business District
- b. RESOLUTION NO. 18-028 approving closure of Main Street from Kellogg Avenue to Douglas Avenue, including the closure of 45 metered parking spaces, from 12:00 p.m. on Friday, September 14, to 12:00 p.m. on Sunday, September 16
- c. RESOLUTION NO. 18-029 approving waiver of parking meter fees and enforcement, usage and waiver of electrical fees, and waiver of fee for blanket Vending License

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

PUBLIC FORUM: Mayor Haila opened Public Forum. Richard Deyo, 505-8th Street, #2, Ames, noted that he had requested when Mayor Campbell was in office to talk under Council Comments. He wanted to see if he would now, since there was a new mayor, if he would be allowed to talk under Council Comments. Mayor Haila explained to Mr. Deyo that the Council Comments section on the Agenda is reserved for those elected to public office. Council Member Gartin noted that there is always the opportunity to speak under Public Forum. He noted that sometimes there are few people remaining at the end of the meeting when it is time for Council Comments.

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

2018-2023 CAPITAL IMPROVEMENTS PLAN (CIP): Mayor Haila invited members of the public to provide input on the 2018-2023 CIP. He noted that the vote on the CIP would be taken at Budget Wrap-Up to be held on February 13, 2018.

Cindy Hicks, 304 Main Street, Ames, representing the Main Street Cultural District, told the Council that the demand or need for the current Downtown Facade Grant Program lessens every year because many of the facades in Downtown either already conform with design guidelines or have already received a Grant in the past. Ms. Hicks asked that the Facade Grant Program be changed to include rear facades because many businesses have a point of entry for the general public at the rear of their buildings. She added that it is also important to maintain the backs of the buildings to ensure their integrity. According to Ms. Hicks, Fire Code and accessibility issues are a deterring factor for upper-floor development in existing Downtown buildings. She asked the Council to consider expanding the Facade Grant Program to include funding for Fire Code and accessibility upgrades to existing buildings. Lastly, Ms. Hicks asked the Council to consider increasing the individual project allocations from \$15,000 construction and \$1,000 professional design assistance

to \$25,000 construction and \$2,000 professional design assistance. She also asked that the yearly Facade Grant Program allocation be increased from \$50,000 to \$90,000 so at least three projects/year could be fully funded and potentially four to five partially funded.

REQUEST FOR ENCROACHMENT PERMIT FOR 2408 CHAMBERLAIN STREET:

Planning and Housing Director Kelly Diekmann explained that the redevelopment project at 2408 Chamberlain (aka Clocktower Place) is requesting a permanent encroachment on to City right-of-way to place a pedestrian platform (ramp) structure for access to multiple entrances along Chamberlain. The building is set back approximately three feet from the right-of-way line. Mr. Diekmann explained that staff was recently informed by the owner's design team that, during construction, there were design changes made in the field by the developer after permits were issued that redesigned the internal layout of the commercial tenants in the building.

The developer is requesting approval of a pedestrian platform, which would be approximately 20 feet long, that would serve all three entrances to the building, including the entrance that has been proposed to be moved farther to the east from its current middle location. To have an accessible entry for the proposed location to the east, a pedestrian platform or ramp of some kind would be needed. The applicant has proposed that, rather than accommodate the access internal to the property and modify the building design, the platform would straddle the property line and encroach into the abutting sidewalk area. The encroachment would be approximately 18 inches and narrows the sidewalk to approximately six feet seven inches along the platform area. Director Diekmann indicated that staff was unaware of the proposed encroachments when the Building Permit was approved, and staff is recommending denial of an Encroachment Permit.

Council Member Beatty-Hansen pointed out that the sidewalk would actually be narrowed down to four feet seven inches at the location where the parking meter is located. She asked staff what options might be possible for the parking meter. Public Works Director John Joiner explained how the parking meter could be moved to push the stall farther east; that would allow the sidewalk to be six feet seven inches along the platform area. At the inquiry of Council Member Betcher, the current width of the sidewalk is currently 8'7" to the parking meter.

Council Member Betcher asked if the City had made any past exceptions other buildings in Campustown to allow building into the right-of-way. Director Joiner answered that he could think of one; it was for footings on a project on Hayward for Jensen Builders.

John Lott, Benjamin Design Collaborative, Ames, stated that he was the architect representing the developer. He told the Council that the building and project in question have evolved. It started out as a remodeling project. The existing footprint and entrances were going to be left alone. Mr. Lott said that during the development of the project, a triangle portion of the building was added at a later date. When that was added, all three existing businesses were going to remain as part of the project; however, during the process of construction, the three businesses, one-by-one, decided to relocate. The site plan drawings appeared that there was room; however, it has now been determined that there is not. The building has been there for quite some time. According to Mr. Lott, the hard-surface urban landscape will actually increase. Mr. Lott said that he sees this as a fairly good

compromise given the circumstances.

Council Member Gartin asked Mr. Lott what would happen if the request were to be denied. Mr. Lott answered that if they had to redesign an accessible interior entrance without the platform, it would result in a fairly small space. The window would have to be removed. This would make the space almost unusable. At the request of Council Member Gartin, Mr. Lott stated that they did not have any drawings depicting that possibility because it had not been a major point of discussion yet.

Council Member Nelson asked about the City's liability involving the situation at Welch Avenue Station. City Attorney Mark Lambert, stated that the Encroachment Permit includes the requirement for the property owner to provide sufficient insurance to indemnify the City.

After being questioned by Council Member Betcher, Director John Joiner stated that SUDAS recommends a five-foot sidewalk; however, the City of Ames requires an eight-foot sidewalk.

At the inquiry of Council Member Corrieri, Mr. Lott stated that the exterior facade would not change, but the interior would change. The building would not be marketably viable. The usable space would be cut nearly by one third.

Director Diekmann reminded the Council members that they had agreed to have wider sidewalks in the commercial areas of Campustown because of the increased pedestrian traffic. Council Member Gartin asked, if they were to make a departure from that standard, what would be the negatives if the ramp were to be approved. Mr. Diekmann said he believed it would result in unexpected safety hazards for pedestrians.

Mr. Gartin asked if this would be setting a precedent. Director Diekmann advised that City staff would never recommend encroaching into the public right-of-way. Director Diekmann noted that there is a long history behind this building and how it got to its current state.

Moved by Beatty-Hansen, seconded by Martin, to deny the Encroachment Permit for 2408 Chamberlain Street, requiring the developer to modify the entrances to meet the Building Code on private property.

Council Member Beatty-Hansen noted that this is not something that staff would typically have recommended. She noted that developers, when redeveloping other buildings, might have wanted to use a similar technique, but had to come up with a workable and legal solution.

Council Member Betcher commented that this project would mean reusing an existing building. She said that the Council has given accommodations in the past, e.g., allowed encroachments, for entirely new buildings. Ms. Betcher pointed out that when redevelopment occurs to existing buildings, there are unforeseen challenges that come up. She said she recognizes the preservation benefits of reusing old buildings. Ms. Betcher noted that, if the parking meter is moved, it would at least guarantee 6'7" along the platform area.

Vote on Motion: 2-4. Voting aye: Beatty-Hansen, Martin. Voting nay: Betcher, Corrieri, Gartin, Nelson. Motion failed.

Moved by Gartin, seconded by Corrieri, to adopt RESOLUTION NO. 18-050, approving an Encroachment Permit to allow a partial platform extension of approximately ten feet to serve the west retail entrance and residential entrance at 2408 Chamberlain Street, subject to providing insurance, proper barricades to protect against pedestrians falling on the encroachment, and final plans for review and acceptance by Public Works.

It was clarified that a third entrance would not be permitted at the east end of the building with that motion.

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

APPEAL OF REMOVAL OF TREES AT 427 LYNN AVENUE (TABLED FROM 1/09/18): Parks and Recreation Director Keith Abraham noted the letter from Larry Hamling, who is the owner of the property at 427 Lynn Avenue. In his letter, Mr. Hamling clarified that he was not interested in providing an easement in order to route the sidewalk around the trees. He is not in favor of keeping the trees because the trees are likely a safety issue for the public and nearby residents.

Mr. Abraham also acknowledged the email he had received from Professor Jeff Iles, who is the Chair of the Department of Horticulture at Iowa State University. In his email, Professor Iles indicated that because the trees are much too large for the space, they have structural flaws that could result in limb failure. The trees pose unacceptable safety risks, and he was recommending that the trees be removed.

Moved by Nelson, seconded by Corrieri, to approve Alternative #5 to not uphold the appeal; therefore, the trees would be removed.

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

Council Member Corrieri left the meeting at 7:42 p.m.

AFFORDABLE HOUSING OPTIONS FOR 321 STATE AVENUE: Director Diekmann stated that the City has \$650,000 of Community Development Block Grant (CDBG) funds along with \$250,000 of unspent General Obligation Bond funds designated for infrastructure construction that can be committed to the 321 State Avenue site. According to Mr. Diekmann, the City could choose to proceed with designing the infrastructure needed to develop the overall site by constructing the Tripp Street extension through the site along with select water and sewer utilities needed to support future development. Under that option, the construction would not include extension of all infrastructure described in the J-Corp proposal since a specific subdivision or use of the site is not identified at this time. Staff estimated that design specifications could be prepared more quickly for

a first phase of infrastructure construction and put out to bid this spring for construction in Summer and Fall 2018. In addition to the Tripp Street extension, staff proposed that five lots be platted along Wilmoth Avenue north of Tripp Street to create a first phase of building lots for affordable housing. That approach would allow the City to spend its CDBG funds in a timely manner to facilitate home construction on the site. It would not preclude any other options for use of the site except where five home lots are created along Wilmoth. After that first phase of infrastructure started, the City could choose to undertake additional subdivision platting and infrastructure construction or to seek a developer partner for the remaining land area. Mr. Diekmann told the Council that that strategy might have additional total cost to the City upon full build-out than was originally contemplated, but it does allow for the City to move forward on initiating construction towards its goal of developing housing for the site in 2018.

Mr. Diekmann advised that staff would also need to identify a strategy for construction and sale of the affordable homes once the infrastructure is complete as the CDBG funds cannot directly support construction or buildings. The key thing about this option, according to Director Diekmann, is to move forward with infrastructure construction as the Council considers its affordable housing options for the area.

Another option, explained by Director Diekmann, would be for the City to reissue a Request for Proposals (RFP) to developers for a modified project. Staff could prepare a RFP for a partner developer under the same model as in 2017 where the developer would assist in overall development costs and be responsible for house construction. That approach would allow for someone to make a proposal for either one phase of development or development of the entire site. It would be different from last year's approach, which was intended to identify a partner for development of the entire site.

Council Member Gartin asked for staff's opinion of an option suggested in an email sent to the Council from Duane Jensen. A diagram from JCorp's original proposal showing 37 lots was shown. Mr. Diekmann noted how that diagram would change if the Council were to entertain the option suggested by Mr. Jensen.

Sharon Guber, 2931 Northwestern Avenue, Ames, reminded the Council that in May 2016, the City Council entered into a Settlement Agreement with Breckenridge. She read an excerpt from a Council Action Form dated May 24, 2016, addressing the City's acquisition of 321 State Avenue. Ms. Guber noted that the intent of that acquisition was to create affordable home ownership opportunities. She gave the chronological history behind JCorp's proposal that was ultimately denied. The stumbling block seemed, to Ms. Guber, to rest with whether the City could find qualified buyers for the 20 homes. Ms. Guber explained the salary structure for teachers in the Ames Community Schools. She said that the point she was trying to make was to show that many teachers with a family size of three or four would qualify.

Jon Wolseth, 241 Village Drive, Ames, Co-Chair of the College Creek Neighborhood, told the Council that the neighborhood would greatly benefit from having single-family homes built on the lot. He believes that it was also likely that that would improve housing values in the overall area.

Professionally speaking, Mr. Wolseth said that social science literature states that people earning low and moderate incomes need to be in an “environment that fosters social capital,” and living in an apartment wasn’t conducive. Mr. Wolseth pointed out that the agreement since the beginning has been that the property at 321 State Street was earmarked for home ownership under the LMI option.

Joanne Pfeiffer, 3318 Morningside Street, Ames, read a letter from Michael Petersen, 3302 Morningside Street, Ames, who was out-of-state. In his letter, Mr. Petersen cited his dismay that the Council had rejected the proposal of JCorp. He believes that the data and facts presented over the past two or three years were ignored. Mr. Petersen specifically asked the Council not to eliminate Franklin Street Park for more high-density apartments. He asked the Council to vote in favor of Option A, which would be for the City to construct the infrastructure and plat five lots.

Joanne Pfeiffer, 3318 Morningside Street, Ames, told the Council that working together was essential, and it was important for the Council to act on the results of the neighborhood survey completed in 2017, which indicated that they wanted to limit the number of rentals in the neighborhood and increasing single-family home ownership. Ms. Pfeiffer also pointed out that every person has the right to quality of life. According to Mr. Pfeiffer, this neighborhood is already dealing with crime and illegal drugs. She encouraged the Council vote for Option A.

Discussion issued on Option A pertaining to infrastructure construction. Council Member Gartin said that he does not have enough information to compare staff’s recommendation outlined in Option A, which would get five homes and a street, to JCorp’s proposal for 20 homes. Council Member Beatty-Hansen offered her opinion that starting slow, i.e., with five lots, would allow the City to “get its feet wet.”

Pertaining to housing options, Council Member Gartin indicated that he would not be in favor of putting any multi-family rental housing at 321 State.

Council Member Gartin asked how the construction of the street would be getting the City Council closer to its goal to provide affordable housing. Director Diekmann said that it sets up the area for development and spends the CDBG funds that had been allocated. Having five single-family lots could entice builders to take on a smaller project and would allow City staff to successfully manage it. Mr. Gartin said he believes there is such a demand in Ames, 20 lots will be “snatched up.”

Ms. Beatty-Hansen said that the Council was trying to maintain a reasonable subsidy per home. On JCorp’s proposal, the City’s cost and liability kept climbing and climbing, and the Council was trying to provide the best option for its citizens. She pointed out that she was not on the Council when the discussions on 321 State first started and has heard that the Neighborhood was assured that there would not be any rental multi-family housing. Ms. Beatty-Hansen expressed her dismay that multi-family rental housing would not be an option because that type of project would lessen the City’s investment in each home and allow for a reasonable subsidy. Council Member Nelson agreed, stating that the City might have to consider some piece of multi-family housing, e.g., four-unit attached type of housing.

Council Member Betcher offered her opinion that the City was limiting the pool of proposals by not creating a project that would allow LIHTC tax credits to be used. She noted that things had changed since the RFP first went out. Ms. Betcher indicated that she prefers to keep the options open until they have more information.

Council Member Martin said that he was cognizant of the fact that the Neighborhood is stressed. He stated that he was not in favor of putting multi-family housing where Franklin Park is located.

Duane Jensen, 708 North Highway 69, Huxley, representing JCorp, asked how many dollars needed to be spent. Director Diekmann said that staff was estimating the amount at \$500,000. Housing Coordinator Vanessa Baker-Latimer expressed her desire for an infrastructure project to be done first. Mr. Jensen asked if there would be funding for another round if the first five houses work. He urged the City to clearly evaluate the costs to optimize the development of the property. In the opinion of Mr. Jensen, constructing the street is a nice amenity for the City, but he does not feel that it supports the construction of LMI houses.

Mayor Haila asked if extending Tripp Street was a priority for the staff. Director Diekmann acknowledged that it was and noted importance of the Council deciding on Option A or Option B at this meeting so that staff has time to proceed with whatever is approved.

Mayor Haila also asked if it would be possible to get some kind of financial forecast for Option A. Director Diekmann said that he was unsure how staff would be able to provide that without having more details.

Moved by Gartin, seconded by Beatty-Hansen, that the City move forward with infrastructure construction as the Council considers its affordable housing options for the area.

City Manager Steve Schainker asked for clarification as to whether that meant Tripp Street. Council Member Beatty-Hansen acknowledged that she did mean Tripp Street.

Motion withdrawn.

Moved by Gartin, seconded by Beatty-Hansen, to approve Option A for only the addition of the extension of Tripp Street including the utilities.

Vote on Motion: 5-0. Motion declared carried unanimously.

Moved by Gartin, seconded by Martin, to adopt Option A for the housing type, which would be Single-Family Attached and Detached Homes.

Council Member Gartin noted that this is the one piece of property in Ames where the Council has the opportunity to put owner-occupied housing.

Council Member Betcher shared that she was concerned that the City could end up in a position where there are only limited options to consider. She pointed out that the City had “tried that road”

and it didn't lead to where they wanted to be. Ms. Betcher also stated that she was hesitant to decide on the type of housing when Council Member Corrieri was not present.

Motion withdrawn.

The meeting recessed at 8:47 p.m. and reconvened at 8:58 p.m.

MINOR LAND USE POLICY PLAN TEXT AMENDMENT TO URBAN CORE SECTION OF CHAPTER 2: Director Diekmann recalled that the City Council had reviewed the final draft of the Lincoln Way Corridor Plan at its September 22, 2017, meeting. The Council provided direction on referencing the Corridor Plan within the Land Use Policy Plan (LUPP) and on implementing priorities for zoning and development review for the Downtown Gateway Focus Area and for a Streetscape Enhancement Plan for the entire Corridor. The City Council previously directed use of the Lincoln Way Corridor Plan as an advisory plan rather than a comprehensive update of the LUPP. To meet the interest of including the vision of the Plan and to help prioritize its implementation policies, staff is proposing an amendment to Chapter 2 of the LUPP to add a section describing the Lincoln Way Corridor Plan. The proposed new LUPP language identifies that the Corridor Plan is advisory to future LUPP and zoning decisions. The proposed text also includes language specifying that changes that are consistent with the Corridor Plan should be categorized as Minor LUPP Amendments. Also included in the proposed text are the objectives of the Corridor Plan for Lincoln Way and the surrounding neighborhoods and includes clear priorities for the Downtown Gateway Focus Area and for overall enhancement to the Corridor.

Moved by Nelson, seconded by Betcher, to adopt RESOLUTION NO. 18-045 approving a Minor Land Use Policy Plan Text Amendment to the Urban Core Section of Chapter 2, incorporating objectives of Lincoln Way Corridor Plan, providing policies for rezoning actions consistent with Corridor Plan, and establishing Downtown Gateway Focus Area as first development priority of LUPP

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

TENNIS FACILITIES IN ISU RESEARCH PARK: Planning and Housing Director Kelly Diekmann explained that the Ames Tennis Friends, LLC, had requested that the City review the circumstances related to siting of an indoor tennis facility within the Iowa State Research Park along Collaboration Way. The Council had referred the request to staff on December 12, 2017. According to Director Diekmann, the proposed location is within a unique Research Park Innovation District (RI) zoning district that allows for industrial uses and limited commercial uses to meet employment needs in the Research Park within the Hub Activity Area. Mr. Diekmann noted that the area is also within an Urban Renewal Area with Tax Increment Financing for the construction of the public infrastructure in support of the expansion of the ISU Research Park. The Hub Activity Area is comprised of 26 acres for either employment/industrial uses or commercial uses serving the needs of employees of ISU Research Park companies.

According to Mr. Diekmann, the primary set of issues relate to conformance to zoning standards for

the Hub Activity Area. The RI zoning district includes a minimum two-story building height requirement and design guidelines for architecture. The proposed indoor facility would not meet the two-story height requirement in that there is no second floor area within the tennis building and the design of the building with the use of fabric/synthetic “bubble” covering would not meet architectural guidelines for architectural interest, high levels of glazing, or building massing. Additionally, staff did not find the proposed use was consistent with the intended commercial uses for the Hub Activity Area and its potential displacement of development area that was desirable for more intense uses. Staff does not believe such a recreational amenity is directly related to meeting the needs of the Research Park, but is more of a general community-wide attraction.

Director Diekmann told the Council that, in the event the City Council believes the tennis facility is an accessory use consistent with the recreational trade uses intended for the Hub Activity Area and has an interest in allowing for the proposed facility to proceed, the Council may want to consider options for alternative locations and zoning standards in relation to the request. Mr. Diekmann did acknowledge that the tennis facility could be tucked behind other principal buildings without significantly impacting development areas, but staff would need to know the layout and design of desired principal uses along Collaboration Way.

Chuck Winkleblack, 105 South 16th Street, Ames, said that it became clear to him after discussing the proposal with City staff that the location as originally proposed would not be approved. Mr. Winkleblack showed a rough sketch to show a location that might work for the facility; it would take up approximately two acres and would have a large buffer around the “bubble.” The location that they are now considering would be south of the Ames Fitness Club. According to Mr. Winkleblack, conceptually, the Research Park Board has approved the project. The Council was told by Mr. Winkleblack stated that the City is not being asked for any financial contribution. He also noted that there are currently only two indoor tennis courts in Ames.

At the inquiry of Council Member Martin, Mr. Winkleblack advised that the clay courts would be available to the public even if not a member of the Fitness Center. City Manager Schainker shared that the consultants are not going to recommend including indoor tennis courts in the Healthy Life Center concept as there is not going to be enough room.

Mr. Diekmann noted that the most suitable option for a change would be to create an exception for ancillary buildings related to a principal use. As such, the City Council would need to initiate a zoning text amendment for staff to consider revisions to the RI zoning standards. He said that the Council needs to determine if it believes a tennis facility is a good use of land in the Research Park.

Moved by Nelson, seconded by Betcher, to direct staff to figure out how to make the south area work, that staff initiate a zoning text amendment to consider revisions to the RI zoning standards and design guidelines to allow for the indoor tennis facility as proposed with a bubble enclosure design, and that Planning fit this project in with the rest of its projects and not prioritize this ahead of other assignments.

Council Member Martin said that it appeared to him that this area is just developing and the design

standards that had been agreed upon are already being changed. He would like to see a building that looks like it fits in with the rest of the building, rather than a “bubble.”

Council Member Betcher noted that the City has lost its indoor tennis courts. She feels that this proposed facility does fit in with the “live-work-play” aspect of the area.

Council Member Beatty-Hansen expressed her concern that TIF dollars had been approved for this area.

Vote on Motion: 3-2. Voting aye: Betcher, Gartin, Nelson. Voting nay: Beatty-Hansen, Martin. Motion declared carried.

BODY-WORN CAMERAS: Police Chief Chuck Cychosz gave a report on Body-Worn Cameras, which were originally proposed for purchase in the FY 2017/18 Approved Budget. Chief Cychosz explained key policy considerations to be included in any Department policy governing Body-Worn Cameras. He also reviewed several concerns that the Department has with the Cameras.

Moved by Betcher, seconded by Gartin, to adopt RESOLUTION NO. 18-051 directing that staff proceed with the acquisition of the Camera Project and allocate funding that have been carried over to this year’s budget.

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

415 STANTON AVENUE (OLD CRAWFORD SCHOOL) [TABLED FROM 12/19/17 AND 1/09/18]: Planning and Housing Director Diekmann reminded the Council members that they had requested a provision be included in the Contract Rezoning Agreement to limit the occupancy of the property at 415 Stanton Avenue to persons over the age of 30 years. This was in addition to the requirement that every unit in the property be occupied by one person 55 years of age or older. At the advice of the City Attorney’s Office, staff is not recommending that a minimum age of 30 be included in the Contract Rezoning Agreement. Mr. Diekmann noted that the City did have a signed Contract Rezoning Agreement that required one occupant of each unit to be 55 years of age or older.

Council Member Betcher asked how “occupancy” is determined. City Attorney Mark Lambert stated that an occupant needs to be living in the unit. Ms. Betcher asked if a Homeowners’ Association (HOA) can enforce additional restrictions. Director Diekmann answered that HOAs may go much further on restrictions.

Moved by Beatty-Hansen, seconded by Gartin, to adopt RESOLUTION NO. 18-046 approving Alternative No. 1, which approves 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 adopt the existing Crawford School building for residential purposes, and restrict the maximum height to three stories and 50 feet.

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

Moved by Nelson, seconded by Gartin, to pass on third reading and adopt ORDINANCE NO. 4330 rezoning property at 415 Stanton Avenue from Government/Airport Zoning District (S-GA) to Residential High-Density Zoning District (RH).

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

ORDINANCE AMENDING MUNICIPAL CODE CHAPTER 28 TO INCORPORATE PRETREATMENT LOCAL LIMITS TABLE:

Water and Pollution Control Director John Dunn recalled that, on October 17, 2017, staff had met with the Council in a workshop session to review a series of proposed changes to Chapter 28 of the *Municipal Code*. Those revisions were then brought back to the Council on October 24 for the first of three readings that ultimately led to the adoption of the changes on November 28, 2017. At that workshop, staff had indicated its intent to adopt a table that contains the City's Local Limits for the Industrial Pretreatment Program. Mr. Dunn explained that the Local Limits are numeric discharge limits applicable to all customers. They are based on the calculated loading that the Ames Water Pollution Control facility can receive and still remain in compliance with its Discharge Permit.

It was emphasized by Director Dunn that the Local Limits table being adopted is no more stringent than the current limits that were adopted by the Council several years ago as part of the Pretreatment Program. The only change from the current limits is the elimination of a chloride limit. A recent audit of the City's Pretreatment Program by the U.S. EPA instructed the City to either remove the limitation or begin enforcing the limit. Since the chloride limit is not currently being utilized by the City, it is being recommended that it be eliminated. Because the Iowa Department of Natural Resources (IDNR) determined that the elimination of the chloride limit constituted a significant change to the City's Industrial Pretreatment Program, by the State's rules, a public notice and 30-day comment period was required. The public notification and comment period requirements have been met and the IDNR has given its final approval of the Local Limits table.

Mayor Haila asked if there was anyone wishing to speak on this item. No one came forward.

Moved by Gartin, seconded by Betcher, to pass on first reading an ordinance amending *Municipal Code* Chapter 28 to incorporate Pretreatment local limits table.

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

OFFICIAL PARKING METER MAP PERTAINING TO STALLS ON STANTON AVENUE:

Police Chief Chuck Cychosz explained that the City Council had adopted a Resolution on October 24, 2017, approving revisions to the Official Parking Meter Map to change three parking stalls to two 15-minute parking stalls and one Loading Zone stall in front of 119 Stanton Avenue. Appropriate signage was installed, and the Police Department began receiving requests to enforce the new regulations. However, the Legal Department has recently been informed of the difficulties being encountered by the Police Department in the issuance of illegal parking fines for the three stalls in question since there is not a specific *Municipal Code* Section that can be cited. The *Code* states that the Official Parking Meter Map may be changed by resolution or ordinance; however, it appears that that Section pertains to stalls where parking meters have been installed. In this case,

there are no parking meters; the revision pertains to the designation of parking stalls. In order to cite for an illegal parking violation, Resolution No. 17-636 needs to be rescinded and an ordinance adopted. Since the signage has been in place since late October, the public has been well-informed of the regulations, and staff is requesting that the rules necessary for the adoption of an ordinance be suspended and the Ordinance be adopted at this meeting.

Moved by Nelson, seconded by Betcher, to adopt RESOLUTION NO. 18-047 rescinding Resolution No. 17-636.

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

Moved by Beatty-Hansen, seconded by Betcher, to pass on first reading an ordinance changing three parking stalls in front of 119 Stanton Avenue to two 15-minute parking stalls and one Loading Zone stall.

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

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

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

Moved by Martin, seconded by Beatty-Hansen, to pass on second and third readings and adopt ORDINANCE NO. 4333 changing three parking stalls in front of 119 Stanton Avenue to two 15-minute parking stalls and one Loading Zone stall.

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

ORDINANCE REZONING PROPERTY AT 3504 GRAND AVENUE: Moved by Beatty-Hansen, seconded by Nelson, to pass on second reading an ordinance rezoning property at 3504 Grand Avenue from Residential High Density (RH) to Neighborhood Commercial (NC).

Roll Call Vote: 4-0-1. Voting aye: Beatty-Hansen, Betcher, Martin, Nelson. Voting nay: None. Abstaining due to a conflict of interest: Gartin. Motion declared carried.

HEARING ON STATE REVOLVING FUND (SRF) CLEAN WATER LOAN FOR WPC BAR SCREEN IMPROVEMENTS: John Dunn, Director of Water and Pollution Control, advised that the City's Capital Improvements 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 screen system with a washer/compactor/bagging system. The estimated total cost of this project is \$968,754.36. A Clean Water SRF Loan in the amount of \$1,001,000 was identified as the funding source for the improvements. The amount is slightly higher to provide for some contingency that can be used without having to modify the loan agreement. The final loan amount, however, will include only the actual expenses incurred. Repayment of the loan will come from wastewater utility revenues.

Mayor Haila opened the hearing. There being no one wishing to speak, the hearing was closed.

Moved by Nelson, seconded by Betcher, to adopt RESOLUTION NO. 18-048 instituting proceedings to enter into Loan and Disbursement Agreement in a principal amount not to exceed \$1,001,000.

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

HEARING ON 2017/18 SHARED-USE PATH SYSTEM EXPANSION (MORTENSEN - ROAD): The public hearing was opened by Mayor Haila. He closed same after no one came forward to speak.

Moved by Beatty-Hansen, seconded by Gartin, to adopt RESOLUTION NO. 18-049 approving final plans and specifications and awarding a contract to Con-Struct, Inc., of Ames, Iowa, in the amount of \$128,280.00.

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

DISPOSITION OF COMMUNICATIONS TO COUNCIL: Moved by Martin, seconded by Betcher, to refer to staff for a memo the letter from Debbie Lee dated January 15, 2018, pertaining to a review of signage regulations.

Council Member Betcher asked if there was an outstanding referral regarding real estate signs showing up on a Campustown building advertising rentals that were not on site. City Manager Schinker replied that he would check; this would have been referred to the Legal Department prior to City Attorney Lambert being appointed.

Vote on Motion: 4-1. Voting aye: Betcher, Corrieri, Gartin, Martin. Voting nay: Beatty-Hansen. Motion declared carried.

Moved by Nelson, seconded by Betcher, to direct staff to initiate an Urban Fringe Plan amendment for the properties located at 3554 N. 500th Avenue and the adjacent parcel to the south.

Planning and Housing Director Diekmann explained that one of the properties is under the City's jurisdiction and one is under the County's jurisdiction. The applicant is requesting that the City remove it from its jurisdiction and place it within one jurisdiction, which would be the County's. This would be treated as a Minor Amendment for the City of Ames.

Vote on Motion: 5-0. Motion declared carried unanimously.

Moved by Gartin, seconded by Martin, to take no action on Doug McCay's request to initiate an Amendment to the Ames Urban Fringe Plan to change the current designation of Urban Residential to allow for the property to be developed as a bed-and-breakfast and event center.

It was noted that the Council had already received a memo from Director Diekmann per a previous request of the City Council.

Vote on Motion: 4-1. Voting aye: Beatty-Hansen, Betcher, Gartin, Martin. Voting nay: Nelson. Motion declared carried unanimously.

Moved by Betcher, seconded by Beatty-Hansen, to refer to staff for a memo the request from Jay Kasperbauer dated January 18, 2018, pertaining to allowing Mayfair Cleaners to move to 230 Washington Avenue.

At the inquiry of Council Member Betcher, Director Diekmann shared that there are two separate questions in the request: one is for the City to think differently on how it classifies the use, i.e., dry cleaners, which would be a City-wide issue; and the second one is for the City to permit dry cleaners in the South Lincoln Mixed-Use District.

Ms. Betcher specified that she was interested in how the City classifies dry cleaning businesses.

City Attorney Lambert cautioned the Council that, in order not to violate the Open Meetings law, no deliberation on an item not specifically listed on the Agenda may occur.

Vote on Motion: 5-0. Motion declared carried unanimously.

In reference to the request from the MSCD for changes to the Downtown Facade Grant Program, it was clarified by Director Diekmann that this was currently a non-prioritized item on the Planning Work Plan. The Work Plan will be reviewed; however, it will not come up prior to decisions on the 2018-2023 CIP being made.

Moved by Beatty-Hansen, seconded by Betcher, to refrain from taking action on the request from the MSCD pertaining to changes to the Downtown Facade Grant Program until the Planning Work Plan comes before the Council again.

Vote on Motion: 5-0. Motion declared carried unanimously.

Moved by Betcher, seconded by Beatty-Hansen, to take no action on the request from Matt Eller for a text amendment pertaining to constructing a hotel that is taller than allowed under the zoning.

Vote on Motion: 5-0. Motion declared carried unanimously.

COUNCIL COMMENTS: Mayor Haila publicly announced that he had named Council Member Beatty-Hansen to serve as Mayor Pro-Tem.

Moved by Gartin, seconded by Beatty-Hansen, to receive a memo from staff on how much advance notice should be given before the Council makes a decision on incentives; perhaps, a policy could be approved.

Vote on Motion: 5-0. Motion declared carried unanimously.

Ex officio Member Bingham announced that the Joint Student Government and City Council Meeting has been scheduled for January 31 in the Campanile Room.

Moved by Martin, seconded by Beatty-Hansen, to refer to staff the memo from staff pertaining to sign encroachments for the suggested conversion to an Ordinance along with the additional recommendation of allowing appeal to the City Council.

Vote on Motion: 5-0. Motion declared carried unanimously.

City Manager Schainker clarified the motion that had been approved pertaining to 321 State: start on Tripp Street. It was clarified that no data were expected to be received from staff. The decision on the number of homes to be built will be placed on a future agenda. It was pointed out by Mr. Schainker that no assumptions can be made until direction on a certain model has been given.

ADJOURNMENT: Moved by Nelson, seconded by Beatty-Hansen, to adjourn the meeting at 10:13 p.m.

Vote on Motion: 5-0. Motion declared carried unanimously.

Diane R. Voss, City Clerk

John A. Haila, Mayor

MINUTES OF THE AMES CIVIL SERVICE COMMISSION

AMES, IOWA

JANUARY 25, 2018

The Ames Civil Service Commission convened in regular session at 8:15 a.m. on January 25, 2018, 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 December 21, 2017, Civil Service Commission meeting 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:

Community Codes Liaison:	Scott Clauson	*89
	Matthew Stern	*85
	Natasha Fisher	84
	Brian Wakefield	83
	John Norris	81
Housing Inspector:	Scott Clauson	*89
	Daniel Thomas	87
	John Shaver	86
	Danny Smith	79
	Brent Williams	78

*Includes veteran's preference points

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

COMMENTS: The next regularly scheduled Civil Service Commission meeting was set for February 22, 2018, at 8:15 a.m.

ADJOURNMENT: The meeting adjourned at 8:18 a.m.

Michael R. Crum, Chair

Jill Ripperger, Recording Secretary

*Caring People
Quality Programs
Exceptional Service*

5a-h

TO: Mayor John Haila and Ames City Council Members

FROM: Lieutenant Dan Walter – Ames Police Department

DATE: February 7th, 2018

SUBJECT: Beer Permits & Liquor License Renewal Reference City Council Agenda

The Council agenda for February 13th, 2018, includes beer permits and liquor license renewals for:

- Class C Liquor - LC0041487 - Hy-Vee Market Café, 3800 Lincoln Way
- Class C Liquor & Outdoor Service - LC0039938 - Cy's Roost, 121 Welch Ave.
- Class C Liquor & Outdoor Service - LC0037356 - Mickey's Irish Pub, 109 Welch Avenue
- Class E Liquor, C Beer, & B Wine - LE0001533 - Fareway Stores, Inc. #386, 619 Burnett Avenue
- Class E Liquor, C Beer, & B Wine - LE0001534 - Fareway Stores, Inc. #093, 3619 Stange Road
- Class C Liquor & Outdoor Service - LC0037495 - El Azteca, 2727 Stange Road
- Class C Liquor - LC0040644 - Ge'Angelo's, 823 Wheeler St., Suite #9
- Special Class C Liquor License & Outdoor Service - BW0095375 - Blaze Pizza, 2320 Lincoln Way

A routine check of police records for the past twelve months found no liquor law violations for the above listed business with the exception of Cy's Roost. The police department therefore recommends renewal for all listed businesses with an additional discussion regarding Cy's Roost noted below.

The check identified 14 calls for service at Cy's Roost that involved citations for minors prohibited on certain premises (underage in the bar). As noted in previous renewal letters, the Police Department and specifically the Safe Neighborhoods Team, has stepped up enforcement of minors on premise in recent months following concerns of increased admittance of persons underage. Many of these calls are related to the use of fraudulent ID's in the form of manufactured ID's or the use of another person's ID.

The Police Department remains committed to decreasing the admittance of minors in the bars and has actively been working with bar management throughout Campustown in the recent months to include an emphasis on having all employees attend identification training conducted by the Ames Police Department. Cy's Roost continues to operate their bar satisfactorily in other areas and appears committed to reducing minors at their location. Therefore, the Police Department also recommends renewal for Cy's Roost.

Insurance Company: Nationwide Insurance Company

Policy Effective Date: 02/01/2018

Policy Expiration 01/01/1900

Bond Effective 2

Dram Cancel Date:

Outdoor Service Effective

Outdoor Service Expiration

Temp Transfer Effective

Temp Transfer Expiration Date:

Name of Applicant: <u>The Spice, LLC</u>		
Name of Business (DBA): <u>The Spice Thai Cuisine</u>		
Address of Premises: <u>402 Main Street</u>		
City <u>Ames</u>	County: <u>Story</u>	Zip: <u>50010</u>
Business <u>(515) 232-0200</u>		
Mailing <u>402 Main Street</u>		
City <u>Ames</u>	State <u>IA</u>	Zip: <u>50010</u>

Contact Person

Name <u>Supote Methiyapun</u>
Phone: <u>(515) 441-2520</u> Email <u>thespiceames@gmail.com</u>

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

Term:12 months

Effective Date: 04/01/2019

Expiration Date:

Privileges:

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

Status of Business

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

Ownership

Potesachin Prapamongkol

First Name: Potesachin

Last Name: Prapamongkol

City: Ames

State: Iowa

Zip: 50014

Position: Owner

% of Ownership: 100.00%

U.S. Citizen: No

Insurance Company Information

Insurance Company: <u>Society Insurance</u>	
Policy Effective Date: <u>04/01/2017</u>	Policy Expiration <u>04/01/2018</u>
Bond Effective	Dram Cancel Date:
Outdoor Service Effective	Outdoor Service Expiration
Temp Transfer Effective	Temp Transfer Expiration Date:

Justin Kabrick

First Name: Justin **Last Name:** Kabrick
City: Ames **State:** Iowa **Zip:** 50010
Position: Owner
% of Ownership: 10.00% **U.S. Citizen:** Yes

Insurance Company Information

Insurance Company: <u>Travelers Casualty Insurance Company of America</u>	
Policy Effective Date: <u>02/18/2018</u>	Policy Expiration <u>02/18/2019</u>
Bond Effective	Dram Cancel Date:
Outdoor Service Effective	Outdoor Service Expiration
Temp Transfer Effective	Temp Transfer Expiration Date:

Insurance Company Information

Insurance Company:	<u>National Union Fire Insurance Company of Pittsburg, PA</u>		
Policy Effective Date:	<u>08/17/2017</u>	Policy Expiration	<u>08/17/2018</u>
Bond Effective		Dram Cancel Date:	
Outdoor Service Effective		Outdoor Service Expiration	
Temp Transfer Effective		Temp Transfer Expiration Date:	

Insurance Company Information

Insurance Company:	<u>National Union Fire Insurance Company of Pittsburg, PA</u>		
Policy Effective Date:	<u>05/10/2017</u>	Policy Expiration	<u>05/10/2018</u>
Bond Effective		Dram Cancel Date:	
Outdoor Service Effective		Outdoor Service Expiration	
Temp Transfer Effective		Temp Transfer Expiration Date:	

COUNCIL ACTION FORM

SUBJECT: LETTER OF SUPPORT AND ASSURANCES FOR IOWA
ECONOMIC DEVELOPMENT AUTHORITY COMMUNITY
CATALYST BUILDING REMEDIATION PROGRAM GRANT

BACKGROUND:

At the December 19, 2017 meeting, the City Council authorized the Main Street Cultural District (MSCD) to prepare a grant pre-application in the City's name for a Community Catalyst Building Remediation Program Grant. The proposed grant is for improvements to 131 Main Street (owned by Avec Holdings). The pre-application was accepted by the Iowa Economic Development Authority (IEDA) which, in January, invited MSCD to submit a full application. The formal grant application is due March 1, 2018. IEDA requires a letter of support to accompany the formal grant application. A draft letter of support is included as Attachment A.

The project proposal is included for the Council's review as Attachment B. In summary, the project creates interior office space on the ground floor and the basement level for Avec's use. Access to this space will be from the main entrance at the southwest corner of the building. The second floor is a separate office tenant space having access from the Douglas Avenue side of the building.

Exterior improvements will include replacing the second floor vinyl windows that have wood infills at the top. The replacement windows will be full size and will reflect the historic style of the building. The ground floor windows will be replaced at the same time and with windows reflecting the historic style of the building. The exterior doors were installed in the 1970s with inappropriate infills along the sides. Full width doors will replace them.

A new metal canopy will be installed along much of the length of the two facades. It will mimic the style of the original canopy that was removed a decade ago.

The IEDA requires the City to submit a Letter of Intent to Participate and a separate document of Assurances. The letter, of intent states that the City Council and local building code officials have reviewed the project proposal. The letter further notes that the City agrees that all historically significant properties will comply with the Secretary of Interior's Standards for historic property rehabilitation. Staff is aware that the project is also being reviewed at this time by the State Historic Preservation Office (SHPO) to determine compliance with the Secretary of Interior's Standards for historic property rehabilitation. SHPO will also inspect upon completion to ensure compliance with the approved plans. The City is not responsible for assuring conformity to the Secretary's standards upon commencement of the project.

The Assurances state that certain federal and state regulations will be followed and that the project will be completed within two years unless an extension is granted. Assurances are intended to verify that the proposed project can be accomplished by the property owner in the stated timeframe, not that the City must complete the project.

In allowing MSCD to submit on behalf of the City, MSCD gave assurances to the City Council that they will be doing the bulk of the work in preparing the grant application. To date, that has been proven true. City staff will review the grant application prior to submittal and note any changes that may need to be made. No significant staff time is requested to complete the grant application.

In order to make the grant more competitive, IEDA has asked for some component of local financial match by the City. Financial match can be provided by a variety of methods, including façade grants or property tax abatement. The owner has submitted two façade grant applications for consideration for the Spring 2017/18 round of Downtown Façade Grants. The facade applications will be brought forward at the next City Council for City Council review and approval. The proposed remodeling may also be eligible for a Downtown Urban Revitalization Area partial property tax exemption. The eligibility and amount of that exemption won't be known until the project is completed, but an estimated amount will be calculated and included in the application. Both the façade grants and the Urban Revitalization Area partial property tax exemption are available to any owner who meets the eligibility criteria—they are not limited only to this property.

It is important to note that the grant application to IEDA should not be submitted by the Main Street Cultural District until a final decision has been made by the City Council regarding the Façade Grant application since these funds will represent the local match needed to improve the chances of receiving the State grant.

ALTERNATIVES:

1. The City Council can authorize the mayor to sign the Letter of Intent to Participate and Assurances for the Community Catalyst Building Remediation Program Grant.
2. The City Council can defer action on this request and refer it back to City staff with specific direction and schedule review of the letter on February 27th.
3. The City Council can decline to authorize submitting the grant application.

CITY MANAGER'S RECOMMENDATION:

The City Council authorized the MSCD to submit the application on behalf of the City. IEDA is seeking a statement that the City intends to participate in the grant and, if it is awarded, to comply with all applicable regulations governing the project. Ultimately, the property owner is subject to completing the terms of the Grant and it is not a City obligation to ensure consistency upon award of the grant.

Therefore, it is the recommendation of the City Manager that the City Council act in accordance with Alternative #1, which is to authorize the mayor to sign the Letter of Intent to Participate and Assurances for the Community Catalyst Building Remediation Program Grant.



February 13, 2018

The City of Ames supports application to the Iowa Economic Development Authority for a Community Catalyst Building Remediation Program Grant. The City of Ames further states that representatives of the city council and local building and/or fire code officials who may be responsible for inspection of project properties have reviewed the project proposal.

The City of Ames further agrees that all historically significant properties submitted for consideration in this application will comply with the Secretary of Interior's Standards for historic property rehabilitation.

Signature of Mayor

Date

Signature of Applicable Sub-Recipient

Date

Fiscal/Applicant Organization: City of Ames

The Fiscal/Applicant Organization, as eligible applicant under the rules governing this grant program shall:

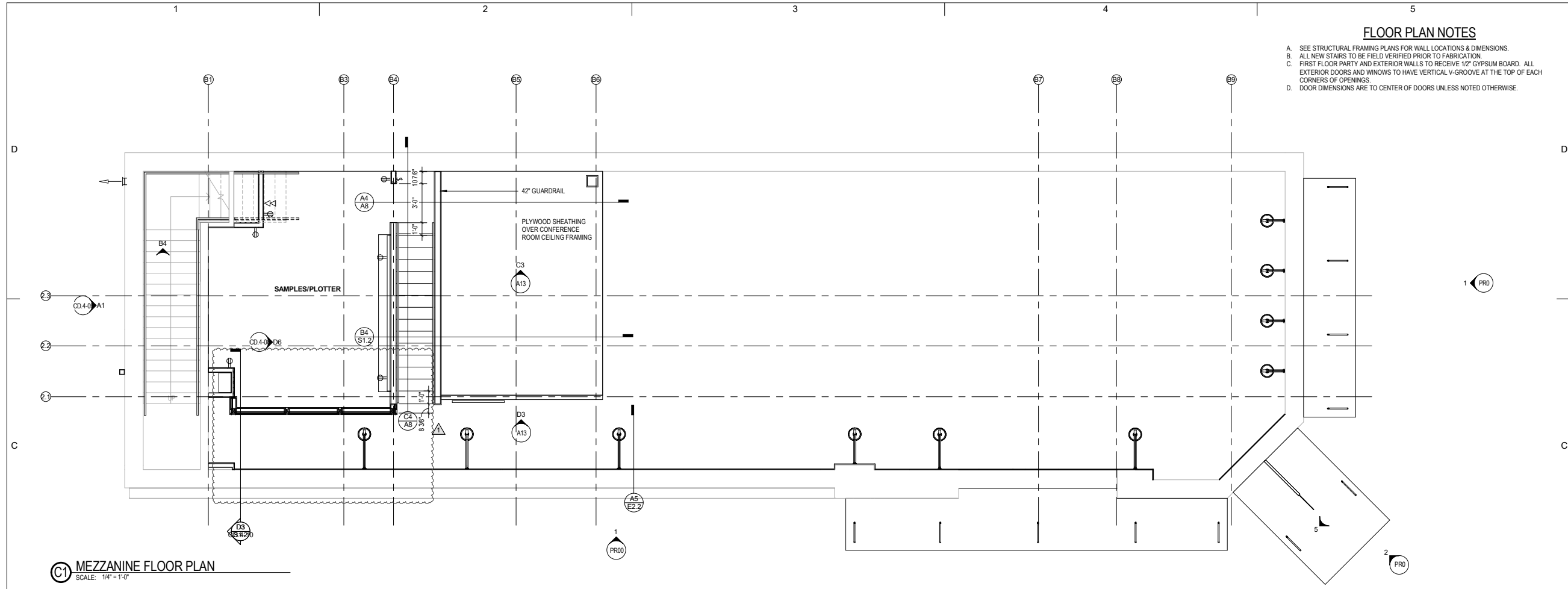
- abide by the requirements of Titles VI and VII of the Civil Rights Act of 1964, as amended, and the Rehabilitation Act of 1973, as amended, which bar discrimination against any employee, applicant for employment, or any person participating in any sponsored program on the basis of race, creed, color, national origin, religion, sex, age, physical or mental disability;
- abide by the requirements of the American with Disabilities Act;
- require compensation for employment at not less than minimum wage;
- provide safe and sanitary working conditions;
- expend funds received as a result of this application on the described project within a 24-month time frame, unless written approval has been granted to exceed the aforementioned time period;
- submit all required written reports in a timely manner;
- agree to comply with all federal regulations as defined by HUD and previously outlined.

The Fiscal or Applicant Organization also assures that the representations made in this application, including all exhibits and attachments, are true and correct to the best of the entity's knowledge.

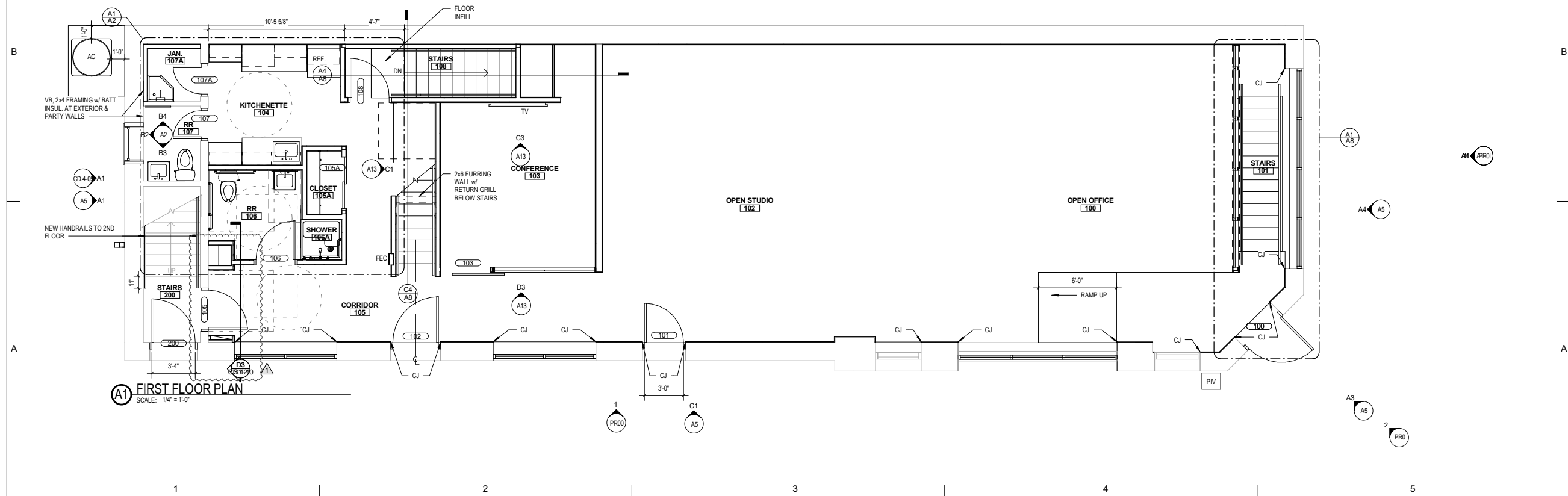
Signature

Date

John A. Haila, Mayor
Typed/printed name and title of above individual



C1 MEZZANINE FLOOR PLAN
SCALE: 1/4" = 1'-0"



A1 FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"

FLOOR PLAN NOTES

- A. SEE STRUCTURAL FRAMING PLANS FOR WALL LOCATIONS & DIMENSIONS.
- B. ALL NEW STAIRS TO BE FIELD VERIFIED PRIOR TO FABRICATION.
- C. FIRST FLOOR PARTY AND EXTERIOR WALLS TO RECEIVE 1/2" GYPSUM BOARD. ALL EXTERIOR DOORS AND WINDOWS TO HAVE VERTICAL V-GROOVE AT THE TOP OF EACH CORNER OF OPENINGS.
- D. DOOR DIMENSIONS ARE TO CENTER OF DOORS UNLESS NOTED OTHERWISE.

CONSTRUCTION DOCUMENTS



ARCHITECT
AVEC Design+Build
410 5th Street
Ames, IA 50010
515.233.4641

CONTRACTOR
AVEC Design+Build
410 5th Street
Ames, IA 50010
515.233.4641

131 MAIN ST. AMES, IOWA 50010

KEY PLAN

REV	DATE	DESCRIPTION
1	1/18/18	Revision B

ISSUED: FEBRUARY 1, 2018
PROJECT NO: 1720

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THESE DOCUMENTS HAVE BEEN PREPARED BY AVEC DESIGN+BUILD, INC. SPECIFICALLY FOR BUILDING RENOVATIONS

FIRST & MEZZANINE FLOOR PLANS

BUILDING RENOVATIONS

COUNCIL ACTION FORM

SUBJECT: PHOENIX STREET PARKING ORDINANCE

BACKGROUND:

Staff received a safety concern from a citizen that on-street parking at the westbound approach of the Phoenix Street and North Dakota Avenue intersection was creating a sight distance problem and causing the potential for collisions from cars turning off of North Dakota onto Phoenix.

Staff performed an analysis of the sight distance and turning movements at the intersection, determining that the presence of on-street parking on both sides of Phoenix Street between North Dakota Avenue and Yuma Avenue does create a safety issue. As a result of this finding, staff is recommending that an update to the parking ordinance be made along Phoenix Street to include a restriction of parking at all times on the north side from the intersection with North Dakota Avenue to Yuma Avenue.

ALTERNATIVES:

1. Direct the City Attorney to draft an ordinance that adds a restriction to parking at all times on the north side of Phoenix Street from North Dakota Avenue to Yuma Avenue.
2. Do not make any ordinance changes at this time.

MANAGER'S RECOMMENDED ACTION:

By directing legal staff to make an ordinance update, it will be possible to improve the safety of our traffic system in this area.

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

COUNCIL ACTION FORM

SUBJECT: **2017 RESOURCE RECOVERY ANNUAL REPORT**

BACKGROUND:

The Resource Recovery System continues to be one of the most successful methods of landfill diversion in the state of Iowa. The Resource Recovery Annual Report shows that 51,254 tons of Municipal Solid Waste (MSW) was generated within the system during 2017. Approximately 43,288 tons were received at the plant and processed to create 21,005 tons of Refuse Derived Fuel (RDF). The remaining 7,966 tons of solid waste had to be diverted to the Boone landfill mainly due to outages at the Power Plant. An estimated 1,804 tons of metal and 131 tons of glass were recovered for recycling. Over 55 tons of Household Hazardous Materials and pumpkins were diverted from the landfill including all types of household items, exercise equipment, and office furniture sold for reuse at the Rummage Rampage.

Revenues from all sources totaled \$3,916,920 and total expenses were \$4,545,420. This resulted in a net reduction of \$628,500 to the Resource Recovery fund for Calendar Year 2017. This impact to the fund balance was the result of more frequent downtime in our Power Plant boilers, which leads to a reduction of the incoming tonnage along with an associated loss in tipping fee revenue. To further exacerbate the problem, boiler outages lead to a reduction in the amount of RDF being sold to Electric Services and a corresponding loss in revenue as well as an increase in hauling costs for the rejects to the Boone landfill.

It should also be noted that income from recovered metals has dropped dramatically over the past several years, primarily due to a reduction in the overall demand for scrap metal worldwide. The ferrous metals recycling market is still in flux, reflecting low global pricing in 2017 and projected for 2018. This has led to a loss in revenue of nearly \$200,000 per year, as compared to FY 2015.

Due to this reduction in revenue, the per capita fee beginning in calendar year 2018 will return to \$10.50. In 2011, the per capita fee (based on the certified 2010 census) was lowered from \$10.50 to \$9.10. From 2004 to 2010, the per capita fee was \$10.50 and prior to that it was \$11.75. As this payment is made in arrears, the fee will not be billed until May 2019 and November 2019. Tipping fees for municipal solid waste will remain at \$55/ton while the car line rates will remain at \$10 for cars/passenger vans and \$25 for pickups/trailers.

ALTERNATIVES:

1. Accept the attached 2017 Resource Recovery Annual Report; authorize staff to distribute the report and to invoice the participating communities with a per capita fee of \$10.50 beginning with the 2018 billings.
2. Request further information from staff.

MANAGER'S RECOMMENDED ACTION:

The City Council acceptance of this report will allow staff to bill our participating partners for their respective portions of the Resource Recovery System's 2017 costs. **Staff is aware of the financial challenges facing the Resource Recovery operations and, therefore, an inter-departmental team has been formed to identify options to assure the financial viability of this utility.**

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

ARNOLD O. CHANTLAND RESOURCE RECOVERY SYSTEM 2017 Annual Report



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Thank you to our partners in sustainability!

- Nevada
- Story City
- Huxley
- Slater
- Roland
- Gilbert
- Maxwell
- Cambridge
- Zearing
- McCallsburg
- Kelley
- Story County
- Iowa State University

February 14, 2018

Dear Resource Recovery System Members:

We are truly grateful to the member agencies for our long-standing partnership and their **continuing commitment to sustainability!** Our continuing partners are **Nevada, Story City, Huxley, Slater, Roland, Gilbert, Maxwell, Cambridge, Zearing, McCallsburg, Kelley, Story County, and Iowa State University.**

The Resource Recovery System continues to be one of the most successful methods of landfill diversion in the state of Iowa. The Resource Recovery Annual Report shows that 51,254 tons of Municipal Solid Waste (MSW) was generated within the system during 2017. Approximately 43,288 tons were received at the plant and processed to create 21,005 tons of Refuse Derived Fuel (RDF). An estimated 1,804 tons of metal and 131 tons of glass were recovered for recycling. Over 55 tons of Household Hazardous Materials and pumpkins were diverted from the landfill along with all types of household items, exercise equipment, and office furniture sold for reuse at the Rummage Rampage.

Revenues from all sources totaled \$3,916,920 and total expenses were \$4,545,420. This resulted in a net reduction of \$628,500 to the Resource Recovery fund for Calendar Year 2017. This impact to the fund balance was the result of more frequent downtime in our Power Plant boilers, which results in a reduction of the incoming tonnage along with an associated loss in tipping fee revenue. To further exacerbate the problem, boiler outages also lead to a reduction in the amount of RDF being sold to Electric Services and a corresponding loss in revenue as well as an increase in hauling costs for the rejects to the Boone landfill. Also, the income from recovered metals has dropped dramatically over the past several years, primarily due to a reduction in the overall demand for scrap metal worldwide. The ferrous metals recycling market is still in flux, reflecting low global pricing in 2017 and projected for 2018. This has led to a loss in revenue of nearly \$200,000 per year, as compared to FY 2015.

Due to this reduction in revenue, the per capita fee beginning in calendar year 2018 will return to \$10.50. In 2011, the per capita fee (based on the certified 2010 census) was lowered from \$10.50 to \$9.10. From 2004 to 2010, the per capita fee was \$10.50 and \$11.75 prior to that. As this payment is made in arrears, the fee will not be billed until May 2019 and November 2019. Tipping fees for municipal solid waste will remain at \$55/ton while the car line rates will remain at \$10 for cars/passenger vans and \$25 for pickups/trailers. **Due to the financial challenges facing Resource Recovery operations, an inter-departmental team has been formed to identify options to assure the financial viability of this utility. Recommendations may include rate increases in the future.**

If you or any of your constituents have questions about this annual report or any of the activities of the Resource Recovery System, please do not hesitate to contact me or Bill Schmitt (515-239-5137).

Sincerely,



John C. Joiner, P.E.
Public Works Director

RESOURCE RECOVERY

The City of Ames and surrounding communities are served by the Arnold O. Chantland Resource Recovery Center. Communities sharing in this endeavor are **Cambridge, Gilbert, Huxley, Kelley, Maxwell, McCallsburg, Nevada, Roland, Slater, Story City, Zearing, and unincorporated Story County.**

Costs to these communities are figured on a per capita basis using 2010 census figures. Operations include separating combustible material and processing it into refuse-derived fuel (RDF). The RDF is sold as a supplemental fuel to the City of Ames Electric Utility. Ferrous and non-ferrous metals are also recovered and sold on the scrap market for recycling. The remaining non-usable material has been contract-hauled to the Boone County Landfill since July 1992 (the City of Ames closed its landfill on June 20, 1992). Major plant maintenance is generally conducted during an annual two-week downtime to perform repairs in addition to the daily routine maintenance and repairs. Yard waste activities involve the source separation and contracted composting/land application of “yard waste” (leaves, grass, tree limbs, etc.). In 2006, glass recycling was added to the recycling options provided by the plant. Household hazardous materials (HHM) collection began in 1998 with local events, and has progressed to Wednesday afternoon appointments for residents to dispose of their waste. Tires are accepted for a fee and recycled through a national tire recycling company. Compact fluorescent and incandescent light bulbs are accepted at no charge for recycling. A new bin has been placed on the tipping floor for used American flag collection, as well as a locked container specifically for sharps (needles, lancets, etc.) collection. Waste oil, antifreeze, and batteries are also accepted for recycling.

Service Objectives:

- ✓ **Provide a responsible, sustainable, local solution for solid waste disposal in support of City Council’s goal to expand sustainability efforts**
- ✓ Provide refuse derived fuel to the Power Plant as an alternative fuel source to natural gas
- ✓ Maintain the Household Hazardous Materials (HHM) program, including sharps drop-off
- ✓ Provide used American flag collection for proper disposal
- ✓ Continue to provide proper recycling for waste oil, antifreeze, batteries, fluorescent bulbs, and tires
- ✓ Maintain positive relationships with member agencies
- ✓ Provide yard waste disposal for Story County residents
- ✓ Continue to expand glass recycling
- ✓ Maintain the closed landfill
- ✓ Continue community connections through school science fairs, service club presentations, and facility tours
- ✓ Continue researching possible bio-energy connections with the Power Plant
- ✓ Maximize recycle/re-use of unwanted and municipal solid waste

The **per capita rate** (last adjusted FY 2012/13) for our partner cities and Story County will increase to \$10.50 for calendar year 2018 (as this payment is made in arrears, the fee will not be billed until May 2019 and November 2019). **Tipping fees** (last adjusted in 2002) for municipal solid waste were raised to \$55/ton; the rate for cars and passenger vans rose to \$10, and pickups and vehicles with trailers to \$25 on July 1, 2017.

The area encompassed by the Resource Recovery System produced just 126 tons less of municipal solid waste (1%) in FY 16/17 than the previous year, an indication that residents are recycling and producing less waste. Tonnage sent directly to the Boone County Landfill for disposal was 6,177 tons, a 61% reduction from FY 15/16.

RESOURCE RECOVERY

Highlights:

Resource Recovery continued work on the Solid Waste Alternatives Program (SWAP) grant from the Department of Natural Resources for “Waste Diversion and Public Opinion Study.” A waste sort was performed in June 2016, and SCS Engineers were tasked with developing/analyzing surveys to enhance waste diversion, increase efficiency of the Resource Recovery System and increase awareness and understanding of citizen value and interest in additional waste management related services. When surveys are complete, recommendations will be reviewed in 2018.



From left: Merry Rankin, Sustainability Director ISU; Corey Mellies, Fleet Services Director; John Joiner, Public Works Director.

RESOURCE RECOVERY

Highlights, continued:

The original tipping floor was completely replaced and drains repaired in March 2017. Quartzite rock, a hard, non-foliated metamorphic rock (originally pure quartz sandstone) is found in Eastern South Dakota, was used in the aggregate mix for the floor to increase the life of the surface and improve traction. The new floor contains 300 cubic yards of concrete was used to replace the floor at a depth of 9”.





RESOURCE RECOVERY

Highlights, continued:

The ferrous metals recycling market is still depressed and continues to reflect low pricing globally. Currently, Resource Recovery delivers ferrous metals garnered from the process to a local scrap dealer for recycling and have begun to receive payment for scrap again. Non-ferrous metals have ranged from \$.29 to \$.55 over the past four years, averaging \$.44 per pound.



Over 10,000 pounds of pumpkins were disposed of in 2017 through the Great Pumpkin Disposal Program. Keeping pumpkins out of the waste stream improves the quality of refuse-derived fuel to the Power Plant, and keeps those organic tons out of the landfill. The pumpkins were composted through the City's contracted yard waste partner, Chamness Technology.

In alignment with exterior enhancements, the east fence and gate replaced, improving winter weather functionality, as well as visual aesthetics.



were

RESOURCE RECOVERY

Highlights, continued:

The City of Ames, in partnership with the ISU Office of Sustainability, for the second year, hosted “Rummage RAMPage,” an event planned to keep reusable items out of the landfill during move out and lease changeovers. Students and community members are often faced with the dilemma of moving residences and discarding personal property; usable items are thrown in the trash or randomly discarded through dumping, and items end up abandoned, damaged, or deposited in the landfill. Rummage RAMPage was held at the Ames Intermodal Facility parking ramp, promoting sustainability in our community. Volunteers assisted with the collection of donations of still-usable items, and helped run the rummage sale in the parking ramp. Proceeds from the sale tripled over the first year (to about \$15,000) and were divided among the non-profit volunteer groups that assisted. Items were offered for sale, “priced to move,” at \$1, \$5, \$10, and \$20. About 77,520 pounds of material (furniture and other household goods) were diverted from landfiling, and only 1,420 pounds were not able to be reused or recycled. Donations were also accepted for the Ames Public Library, Volunteer Center of Story County Blast Back to School Program, area thrift stores, Animal Shelter, and Mid-Iowa Community Action.





RESOURCE RECOVERY

Service Accomplishments: (fiscal year)	2015/16 Actual	2016/17 Actual	2017/18 Adjusted	2018/19 Projected
Tons of refuse available	52,182	51,987	52,500	53,000
Tons of refuse diverted to Boone landfill	10,422	6,194	4,877	2,000
Tons of refuse processed	41,646	45,386	47,623	51,000
Tons of RDF to Electric Utility	23,483	23,514	24,288	24,000
Tons of glass recycled	180	141	180	180
Tons of metal recycled	1,182	2,071	2,000	2,000
Pounds of HHM* collected	24,132	22,374	22,000	22,000
ISU tons into plant	3,809	3,665	3,526	3,500
Pounds diverted from landfill to Rummage RAMPage	44,645	77,520	80,000	90,000
Average # of vehicles/free yard waste day	484	743	663	625
Efficiency and Effectiveness:				
% of available materials processed	80%	87%	80%	80%
Reject disposal rate/ton (Boone County)	\$46.50	\$46.50	\$46.50	\$48.00
% of processed materials that are sent to the landfill as rejects	38%	41%	44%	40%
Reject transportation rate/ton	\$13.30	\$13.68	\$13.52	\$13.75
Average cost/user free yard waste day	\$5.36	5.74	6.54	6.75

* Household Hazardous Materials

CITY OF AMES, IOWA
RESOURCE RECOVERY SYSTEM

Revenues and Expenses
For Calendar Year 2017

REVENUES:

Per Capita	\$717,217	
Refuse Derived Fuel-Electric	590,897	
Sale of Metals	133,919	
Public Fees	65,567	
Regular Customers	2,123,977	
Reimbursements and Refunds	2,954	
Other Governmental Agencies	6,559	
Out of County Revenue	627	
Scrap Tires	4,536	
I.S.U. Solid Waste Share	266,857	
Interest Revenue	3,661	
Sale of Glass	0	
Damage Claims	151	

\$3,916,920

EXPENSES:

Operations	4,379,032	
Debt Service	166,388	

\$4,545,420

Net Income/Expense

(\$628,500)

MATERIALS, REVENUES & EXPENSES RESOURCE RECOVERY SYSTEM

Year	Total Refuse (Tons)	*** Refuse Not Processed (Tons)	Refuse Processed (Tons)	% of Total Processed	Metals (Tons)	Glass (Tons)	RDF (Tons)	RDF (% of Processed)	Total Diverted %	Revenue	Expense
1998	48,643	953	47,690	98%	1,903	0	31,138	65%	69%	\$3,373,503	\$3,183,602
1999	49,164	2,794	46,370	94%	1,654	0	30,434	66%	69%	\$3,161,495	\$3,220,240
2000	48,896	4,499	44,397	91%	1,401	0	28,095	63%	66%	\$3,097,282	\$3,313,053
2001	50,093	5,138	44,955	90%	1,104	0	30,435	68%	70%	\$3,353,739	\$3,281,503
2002	50,267	1,550	48,717	97%	1,258	0	35,147	72%	75%	\$3,731,348	\$3,110,513
2003	51,906	4,770	47,136	91%	1,678	0	33,146	70%	74%	\$3,803,639	\$3,527,346
2004	53,788	2,762	51,026	95%	2,332	0	34,334	67%	72%	\$4,017,107	\$3,462,794
2005	54,493	1,025	53,468	98%	2,250	0	32,621	61%	65%	\$4,285,110	\$3,716,566
*2006	55,500	4,511	50,989	92%	2,229	54	30,180	59%	64%	\$4,250,337	\$4,449,985
2007	57,333	4,513	52,820	92%	2,102	96	34,182	65%	69%	\$4,392,686	\$4,531,663
2008	57,470	4,754	52,716	92%	2,068	115	36,060	68%	73%	\$4,632,493	\$3,725,904
2009	53,395	6,748	46,647	87%	1,987	130	31,040	67%	71%	\$3,956,279	\$5,507,045
2010	58,756	1,262	57,494	98%	2,347	129	37,865	66%	70%	\$4,937,018	\$4,605,121
2011	55,270	4,659	50,611	92%	2,166	150	34,422	68%	73%	\$4,697,573	\$3,729,248
2012	53,106	3,725	49,381	93%	2,177	145	32,329	65%	70%	\$4,641,704	\$4,089,447
2013	54,159	10,066	44,093	81%	1,873	171	28,262	64%	69%	\$4,062,010	\$4,196,226
2014	55,698	8,204	47,494	85%	2,104	173	29,595	62%	67%	\$4,501,455	\$4,555,974
**2015	54,394	6,641	47,753	88%	2,201	177	25,194	53%	58%	\$4,205,529	\$4,342,664
2016	52,210	8,953	43,257	83%	1,947	159	24,135	56%	61%	\$3,818,109	\$4,086,378
2017	51,254	7,966	43,288	84%	1,804	131	21,005	49%	53%	\$3,916,920	\$4,545,420
20-YR TOTAL	1,065,795	95,493	970,302	91%	38,585	1,630	619,619	64%	70%	\$80,835,336	\$79,180,692

* Closed for one month for air knife installation

** Closed for 6 weeks for power plant upgrades

***Reflects tons to Boone County landfill from planned shut downs, unplanned shut downs, and non-beneficial MSW from the waste stream

CITY OF AMES, IOWA

POPULATION - PERCENTAGES - CHARGES

Annual Billing - Calendar 2017 at \$9.10

Annual Billing - Calendar 2018 at \$10.50

	Population	Percent of Population	Calendar Year 2017	Calendar Year 2018
Ames	49,765	63.14%	\$452,862	\$522,533
Story County	8,706	11.05%	\$79,225	\$91,413
Nevada	6,798	8.63%	\$61,862	\$71,379
Story City	3,431	4.35%	\$31,222	\$36,026
Huxley	3,317	4.21%	\$30,185	\$34,829
Slater	1,489	1.89%	\$13,550	\$15,635
Roland	1,284	1.63%	\$11,684	\$13,482
Gilbert	1,082	1.37%	\$9,846	\$11,361
Maxwell	920	1.17%	\$8,372	\$9,660
Cambridge	827	1.05%	\$7,526	\$8,684
Zearing	554	0.70%	\$5,041	\$5,817
McCallsburg	333	0.42%	\$3,030	\$3,497
Kelley	309	0.39%	\$2,812	\$3,245
TOTALS	78,815	100.00%	\$717,217	\$827,558

Based on 2010 U.S. Census

Ames is 58,965 minus I.S.U. 9,200

**CITY OF AMES, IOWA
RESOURCE RECOVERY PLANT VOLUMES
For Calendar Year 2017**

<i>Generators</i>	<i>2017 TRIPS</i>	<i>2017 TONS</i>	<i>PERCENT OF TOTAL WEIGHT</i>
Non-Scale Refuse (Car line)	4,699	1070	2.3%
Commercial Haulers	8,817	38,900	77.4%
Private Industry/Contractors	389	340	0.6%
City of Ames	33	41	0.1%
Iowa State University	949	3,436	7.4%
Iowa Dept. of Transportation	8	2	0.2%
USDA Lab	40	94	0.4%
Directly to Boone	1,580	7,371	11.6%
TOTALS	16,515	51,254	100.0%

CITY OF AMES, IOWA
RESOURCE RECOVERY SYSTEM
FEE SCHEDULE

YEAR	PER CAPITA	TIPPING FEE	CARLINE	
			CARS	PICKUPS
2002/03	\$11.75	\$52.75/TON	\$8.00	\$22.00
2003/04	\$10.50	\$52.75/TON	\$8.00	\$22.00
2004/05	\$10.50	\$52.75/TON	\$8.00	\$22.00
2005/06	\$10.50	\$52.75/TON	\$8.00	\$22.00
2006/07	\$10.50	\$52.75/TON	\$8.00	\$22.00
2007/08	\$10.50	\$52.75/TON	\$8.00	\$22.00
2008/09	\$10.50	\$52.75/TON	\$8.00	\$22.00
2009/10	\$10.50	\$52.75/TON	\$8.00	\$22.00
2010/11	\$10.50	\$52.75/TON	\$8.00	\$22.00
2011/12	\$9.10	\$52.75/TON	\$8.00	\$22.00
2012/13	\$9.10	\$52.75/TON	\$8.00	\$22.00
2013/14	\$9.10	\$52.75/TON	\$8.00	\$22.00
2014/15	\$9.10	\$52.75/TON	\$8.00	\$22.00
2015/16	\$9.10	\$52.75/TON	\$8.00	\$22.00
2016/17	\$9.10	\$52.75/TON	\$8.00	\$22.00
2017/18	\$9.10 / \$10.50	\$55.00/TON	\$10.00	\$25.00
Proposed 2018/19	\$10.50	\$55.00/TON	\$10.00	\$25.00

To: Mayor and Ames City Council Members

From: Sheri Kyras, Transit Director

Date: February 1, 2018

Subject: Increase in CyRide's Initial Part-Time Driver's Wage (Employees Working More Than 20 Hours)

The wages and benefits for CyRide drivers are governed by a collective bargaining agreement with the International Union of Operating Engineers (IUOE). The current agreement was bargained in 2015/16, and it is in effect until June 30, 2019. Drivers are paid according to steps that increase in pay as length of service increases. According to the agreement, the entry wage for part time drivers working more than 20 hours per week is currently \$14.84 per hour. This wage is scheduled to go up 3% to \$15.29 per hour on July 1, 2018.

In recent months, CyRide has experienced a severe driver shortage. In response to this, and an analysis of comparable transportation wage rates in the Ames area, on January 17, 2018, CyRide's Transit Board of Trustees approved a recommendation to increase this initial part-time driver's wage effective July 1, 2018. **Instead of increasing to \$15.29 per hour, this wage would increase to \$15.60 per hour (an additional 2% increase).** No other steps within this employee classification or other wages would be changed from the rates agreed to with IUOE when the contract was originally bargained in 2015/16.

CyRide began its fall 2017 semester with 139 drivers, compared to an adequate staffing level of 160-165 drivers. Additionally, in examining other transportation providers in the Ames area, CyRide's initial part-time driver's wage rate is currently at the lower end of the transportation industry's wage scale. While the driver shortage situation is slowly improving, a wage increase will allow this position—which is the wage rate that all drivers must begin working at—to be viewed as competitive with similar transportation positions in the region.

IUOE has agreed to the proposed increase. Therefore, if approved by the City Council, a Memorandum of Understanding (MOU) to the existing City of Ames-IUOE contract will be signed by both parties documenting this change. The existing contract/MOU will expire on June 30, 2019. The wage rate beyond that date for this group of drivers will be determined through the next collective bargaining process.

COUNCIL ACTION FORM

SUBJECT: PUBLIC HEARING AND NOTICE OF INTENT TO ISSUE \$8,525,000 ESSENTIAL CORPORATE PURPOSE GENERAL OBLIGATION BONDS, AND ASSOCIATED TAX LEVY FOR DEBT SERVICE

BACKGROUND:

The FY 2018/19 budget includes a number of General Obligation (G.O.) Bond-funded capital improvements. A public hearing is required to authorize issuance of bonds and the levy of property taxes for debt to be issued. The dollar amounts and corresponding property tax levy for the planned G.O. bond issue are included as part of the FY 2018/19 budget.

The G.O. Bonds and debt service levy for the FY 2018/19 budget are based on projects listed in the table below. Council authorization will be required at a later date to authorize the sale of the bonds. Bonds are expected to be issued shortly after the start of the new fiscal year.

Please note that in addition to the amount to fund the \$7,987,000 in G.O. Bond-funded capital projects, the not-to-exceed amount for the issuance includes a \$538,000 additional authorization to allow for issuance costs and the option to sell our bonds at a premium over the face value of bonds. This will allow the City to accept the optimum bid with face value of bonds greater than \$7,987,000 needed to accomplish our projects. In any case, debt will not be issued in an amount where debt service exceeds the property tax levy included in the proposed budget. The proposed bond issue complies with the Council approved debt policy.

The Capital Improvements Plan’s 2017/18 G.O. Bond issue includes the following:

City-Wide Radio System	\$1,000,000	
Grand Avenue Extension	3,700,000	
Fire Station #1 Concrete Replacement	137,000	
Collector Street Pavement Improvements	1,750,000	
Asphalt Street Improvements	1,400,000	
Subtotal Tax Supported Bonds		\$ 7,987,000
Issuance Cost and Allowance for Premium		538,000
Grand Total – 2016/17 G.O. Issue		\$ 8,525,000

ALTERNATIVES:

1. Adopt a resolution setting March 6, 2018 as the date for a public hearing to authorize the issuance of Essential Corporate Purpose General Obligation Bonds in an amount not to exceed \$8,525,000. After the public hearing and approval of the bond

issuance, a property tax pre-levy resolution to pay principal and interest on the bonds is required.

2. Reject setting March 6, 2018 as the date of public hearing for issuance of Essential Corporate Purpose General Obligation Bonds, reduce the FY 2018/19 property tax levy, and delay the associated capital projects. Rejection of the Essential Corporate Purpose Bonds will prevent the City from completing the bond-funded projects reflected in the CIP.

MANAGER'S RECOMMENDED ACTION:

Prior to the issuance of debt, state law requires that a public hearing be held and that a pre-levy resolution be adopted for bonds not yet issued to be repaid from the property tax levy. This is a required step in order to accomplish the Council's approved capital improvements for the upcoming fiscal year.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby adopting a resolution setting March 6, 2018 as the date for a public hearing to authorize the issuance of Essential Corporate Purpose General Obligation Bonds and in an amount not to exceed \$8,525,000.

COUNCIL ACTION FORM

SUBJECT: 2017/18 ARTERIAL STREET PAVEMENT IMPROVEMENTS (13TH STREET FROM RIDGEWOOD AVENUE TO HARDING AVENUE)

BACKGROUND:

This annual program utilizes current repair and reconstruction techniques to improve arterial streets with asphalt or concrete. These pavement improvements are needed to restore structural integrity, serviceability, and rideability. Targeted streets are reaching a point of accelerated deterioration. By improving these streets prior to excessive problems, the service life will be extended. **The location for this project is 13th Street from Ridgewood Avenue to Harding Avenue. This project also includes the shared use path extension along 13th Street from Ridgewood Avenue to Northwestern Avenue.**

The 13th Street shared use path extension requires a crossing of the Union Pacific (UP) railroad. To perform this work, a crossing agreement with UP is required. A *Public Highway At-Grade Crossing Agreement* (See attached) was prepared by UP that allows the new shared use path crossing. This agreement requires the City to reimburse UP \$5,300 for the right to construct, maintain, and repair the facilities in the new crossing area. The new shared use path crossing will also require the City to reimburse the Union Pacific to extend the crossing panels to the south of 13th Street with an estimated cost of \$11,340. Both of these costs are included within the budget for the 2017/18 Arterial Street Pavement Improvements project.

This agreement also includes construction requirements for the City as well as a “hold harmless” and maintenance provision for the life of the agreement.

ALTERNATIVES:

1. Approve the Union Pacific *Public Highway At-Grade Crossing Agreement* for shared use path extension along 13th Street.
2. Reject the agreement.

MANAGER'S RECOMMENDED ACTION:

Approval of this agreement with Union Pacific enables the 13th Street shared use path to be extended from Ridgewood Avenue to Northwestern Avenue.

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

UP Real Estate Folder No.: 3068-84
Audit Number _____

PUBLIC HIGHWAY AT-GRADE CROSSING AGREEMENT

13TH STREET
DOT NUMBER 196983Y
MILE POST 0.72 JEWELL SUB
AMES, STORY COUNTY, IOWA

THIS AGREEMENT ("Agreement") is made and entered into as of the ____ day of _____, 20____ ("Effective Date"), by and between **UNION PACIFIC RAILROAD COMPANY**, a Delaware corporation, to be addressed at Real Estate Department, 1400 Douglas Street, Mail Stop 1690, Omaha, Nebraska 68179 ("Railroad") and the **CITY OF AMES**, a municipal corporation or political subdivision of the State of Iowa to be addressed at 515 Clark Ave, Ames, IA 50010 ("Political Body").

RECITALS:

The Political Body desires to undertake as its project (the "Project") the re-alignment of sidewalk and and crossing surface extension over the 13th Street at-grade public crossing, DOT Number 196983Y at Railroad's Mile Post 0.72 on Railroad's Jewell Sub. At or near AMES, STORY COUNTY, IOWA (the "Crossing Area"). The area currently used by the Political Body is depicted on **Exhibit A** as the "Existing Crossing Area" and the new area which the Political Body needs in order to construct the Project is the "New Crossing Area". The Existing Crossing Area and New Crossing Area are collectively referred to as the Crossing Area. The New Crossing Area is described in the plan sheet marked **Exhibit A-1**. The portion of the roadway located within the Crossing Area is the "Roadway".

The Railroad and the Political Body are entering into this Agreement to cover the above.

AGREEMENT:

NOW, THEREFORE, it is mutually agreed by and between the parties hereto as follows:

Section 1. EXHIBIT B

The general terms and conditions marked **Exhibit B**, are attached hereto and hereby made a part hereof.

Section 2. RAILROAD GRANTS RIGHT

For and in consideration **FIVE THOUSAND THREE HUNDRED DOLLARS (\$5,300.00)** to be paid by the Political Body to the Railroad upon the execution and delivery of this Agreement and in further consideration of the Political Body's agreement to perform and comply with the terms of this Agreement, the Railroad hereby grants to the Political Body the right to construct, maintain and repair the Roadway over and across the Crossing Area.

Section 3. DEFINITION OF CONTRACTOR

For purposes of this Agreement the term "Contractor" shall mean the contractor or contractors hired by the Political Body to perform any Project work on any portion of the Railroad's property and shall also include the Contractor's subcontractors and the Contractor's and subcontractor's respective employees, officers and agents, and others acting under its or their authority.

Section 4. CONTRACTOR'S RIGHT OF ENTRY AGREEMENT - INSURANCE

A. Prior to Contractor performing any work within the Crossing Area and any subsequent maintenance and repair work, the Political Body shall require the Contractor to:

- execute the Railroad's then current Contractor's Right of Entry Agreement
- obtain the then current insurance required in the Contractor's Right of Entry Agreement; and
- provide such insurance policies, certificates, binders and/or endorsements to the Railroad.

B. The Railroad's current Contractor's Right of Entry Agreement is marked **Exhibit D**, attached hereto and hereby made a part hereof. The Political Body confirms that it will inform its Contractor that it is required to execute such form of agreement and obtain the required insurance before commencing any work on any Railroad property. Under no circumstances will the Contractor be allowed on the Railroad's property without first executing the Railroad's Contractor's Right of Entry Agreement and obtaining the insurance set forth therein and also providing to the Railroad the insurance policies, binders, certificates and/or endorsements described therein.

C. All insurance correspondence, binders, policies, certificates and/or endorsements shall be sent to:

Senior Manager - Contracts
Union Pacific Railroad Company
Real Estate Department
1400 Douglas Street, Mail Stop 1690
Omaha, NE 68179-1690
UP File Folder No. 3068-84

D. If the Political Body's own employees will be performing any of the Project work, the Political Body may self-insure all or a portion of the insurance coverage subject to the Railroad's prior review and approval.

Section 5. FEDERAL AID POLICY GUIDE

If the Political Body will be receiving any federal funding for the Project, the current rules, regulations and provisions of the Federal Aid Policy Guide as contained in 23 CFR 140, Subpart I and 23 CFR 646, Subparts A and B are incorporated into this Agreement by reference.

Section 6. NO PROJECT EXPENSES TO BE BORNE BY RAILROAD

The Political Body agrees that no Project costs and expenses are to be borne by the Railroad. In addition, the Railroad is not required to contribute any funding for the Project.

Section 7. WORK TO BE PERFORMED BY RAILROAD; BILLING SENT TO POLITICAL BODY; POLITICAL BODY'S PAYMENT OF BILLS

A. The work to be performed by the Railroad, at the Political Body's sole cost and expense, is described in the Railroad's Summary of Material and Force Account Work dated November 15, 2017, marked **Exhibit C**, attached hereto and hereby made a part hereof (the "Estimate"). As set forth in the Estimate, the Railroad's estimated cost for the Railroad's work associated with the Project is Eleven Thousand Three Hundred Forty Dollars (\$11,340.00).

B. The Railroad, if it so elects, may recalculate and update the Estimate submitted to the Political Body in the event the Political Body does not commence construction on the portion of the Project located on the Railroad's property within six (6) months from the date of the Estimate.

C. The Political Body acknowledges that the Estimate does not include an estimate of flagging or other protective service costs that are to be paid by the Political Body or the Contractor in connection with flagging or other protective services provided by the Railroad in connection with the Project. All of such costs incurred by the Railroad are to be paid by the Political Body or the Contractor as determined by the Railroad and the Political Body. If it is determined that the Railroad will be billing the Contractor directly for such costs, the Political Body agrees that it will pay the Railroad for any flagging

costs that have not been paid by any Contractor within thirty (30) days of the Contractor's receipt of billing.

D. The Railroad shall send progressive billing to the Political Body during the Project and final billing to the Political Body within one hundred eighty (180) days after receiving written notice from the Political Body that all Project work affecting the Railroad's property has been completed.

E. The Political Body agrees to reimburse the Railroad within thirty (30) days of its receipt of billing from the Railroad for one hundred percent (100%) of all actual costs incurred by the Railroad in connection with the Project including, but not limited to, all actual costs of engineering review (including preliminary engineering review costs incurred by Railroad prior to the Effective Date of this Agreement), construction, inspection, flagging (unless flagging costs are to be billed directly to the Contractor), procurement of materials, equipment rental, manpower and deliveries to the job site and all direct and indirect overhead labor/construction costs including Railroad's standard additive rates.

Section 8. PLANS

A. The Political Body, at its expense, shall prepare, or cause to be prepared by others, the detailed plans and specifications for the Project and the Structure and submit such plans and specifications to the Railroad's Assistant Vice President Engineering-Design, or his authorized representative, for prior review and approval. The plans and specifications shall include all Roadway layout specifications, cross sections and elevations, associated drainage, and other appurtenances.

B. The final one hundred percent (100%) completed plans that are approved in writing by the Railroad's Assistant Vice President Engineering-Design, or his authorized representative, are hereinafter referred to as the "Plans". The Plans are hereby made a part of this Agreement by reference.

C. No changes in the Plans shall be made unless the Railroad has consented to such changes in writing.

D. The Railroad's review and approval of the Plans will in no way relieve the Political Body or the Contractor from their responsibilities, obligations and/or liabilities under this Agreement, and will be given with the understanding that the Railroad makes no representations or warranty as to the validity, accuracy, legal compliance or completeness of the Plans and that any reliance by the Political Body or Contractor on the Plans is at the risk of the Political Body and Contractor.

Section 9. NON-RAILROAD IMPROVEMENTS

A. Submittal of plans and specifications for protecting, encasing, reinforcing, relocation, replacing, removing and abandoning in place all non-railroad owned facilities

(the "Non Railroad Facilities") affected by the Project including, without limitation, utilities, fiber optics, pipelines, wirelines, communication lines and fences is required under Section 8. The Non Railroad Facilities plans and specifications shall comply with Railroad's standard specifications and requirements, including, without limitation, American Railway Engineering and Maintenance-of-Way Association ("AREMA") standards and guidelines. Railroad has no obligation to supply additional land for any Non Railroad Facilities and does not waive its right to assert preemption defenses, challenge the right-to-take, or pursue compensation in any condemnation action, regardless if the submitted Non Railroad Facilities plans and specifications comply with Railroad's standard specifications and requirements. Railroad has no obligation to permit any Non Railroad Facilities to be abandoned in place or relocated on Railroad's property.

B. Upon Railroad's approval of submitted Non Railroad Facilities plans and specifications, Railroad will attempt to incorporate them into new agreements or supplements of existing agreements with Non Railroad Facilities owners or operators. Railroad may use its standard terms and conditions, including, without limitation, its standard license fee and administrative charges when requiring supplements or new agreements for Non Railroad Facilities. Non Railroad Facilities work shall not commence before a supplement or new agreement has been fully executed by Railroad and the Non Railroad Facilities owner or operator, or before Railroad and Political Body mutually agree in writing to (i) deem the approved Non Railroad Facilities plans and specifications to be Plans pursuant to Section 8B, (ii) deem the Non Railroad Facilities part of the Structure, and (iii) supplement this Agreement with terms and conditions covering the Non Railroad Facilities.

Section 10. EFFECTIVE DATE; TERM; TERMINATION

A. This Agreement is effective as of the Effective Date first herein written and shall continue in full force and effect for as long as the Roadway remains on the Railroad's property.

B. The Railroad, if it so elects, may terminate this Agreement effective upon delivery of written notice to the Political Body in the event the Political Body does not commence construction on the portion of the Project located on the Railroad's property within twelve (12) months from the Effective Date.

C. If the Agreement is terminated as provided above, or for any other reason, the Political Body shall pay to the Railroad all actual costs incurred by the Railroad in connection with the Project up to the date of termination, including, without limitation, all actual costs incurred by the Railroad in connection with reviewing any preliminary or final Project Plans.

Section 11. CONDITIONS TO BE MET BEFORE POLITICAL BODY CAN COMMENCE WORK

Neither the Political Body nor the Contractor may commence any work within the Crossing Area or on any other Railroad property until:

- (i) The Railroad and Political Body have executed this Agreement.
- (ii) The Railroad has provided to the Political Body the Railroad's written approval of the Plans.
- (iii) Each Contractor has executed Railroad's Contractor's Right of Entry Agreement and has obtained and/or provided to the Railroad the insurance policies, certificates, binders, and/or endorsements required under the Contractor's Right of Entry Agreement.
- (iv) Each Contractor has given the advance notice(s) required under the Contractor's Right of Entry Agreement to the Railroad Representative named in the Contractor's Right of Entry Agreement.

Section 12. FUTURE PROJECTS

Future projects involving substantial maintenance, repair, reconstruction, renewal and/or demolition of the Roadway shall not commence until Railroad and Political Body agree on the plans for such future projects, cost allocations, right of entry terms and conditions and temporary construction rights, terms and conditions.

Section 13. ASSIGNMENT; SUCCESSORS AND ASSIGNS

A. Political Body shall not assign this Agreement without the prior written consent of Railroad.

B. Subject to the provisions of Paragraph A above, this Agreement shall inure to the benefit of and be binding upon the successors and assigns of Railroad and Political Body.

Section 14. SPECIAL PROVISIONS PERTAINING TO AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009

If the Political Body will be receiving American Recovery and Reinvestment Act ("ARRA") funding for the Project, the Political Body agrees that it is responsible in performing and completing all ARRA reporting documents for the Project. The Political Body confirms and acknowledges that Section 1512 of the ARRA provisions applies only to a "recipient" receiving ARRA funding directing from the federal government and, therefore, (i) the ARRA reporting requirements are the responsibility of the Political Body and not of the Railroad, and (ii) the Political Body shall not delegate any ARRA reporting responsibilities to the Railroad. The Political Body also confirms and acknowledges that (i) the Railroad shall provide to the Political Body the Railroad's standard and customary billing for expenses incurred by the Railroad for the Project

including the Railroad's standard and customary documentation to support such billing, and (ii) such standard and customary billing and documentation from the Railroad provides the information needed by the Political Body to perform and complete the ARRA reporting documents. The Railroad confirms that the Political Body and the Federal Highway Administration shall have the right to audit the Railroad's billing and documentation for the Project as provided in Section 11 of **Exhibit B** of this Agreement.

IN WITNESS WHEREOF, the parties have caused this Agreement to be duly executed as of the Effective Date first herein written.

UNION PACIFIC RAILROAD COMPANY
(Federal Tax ID #94-6001323)

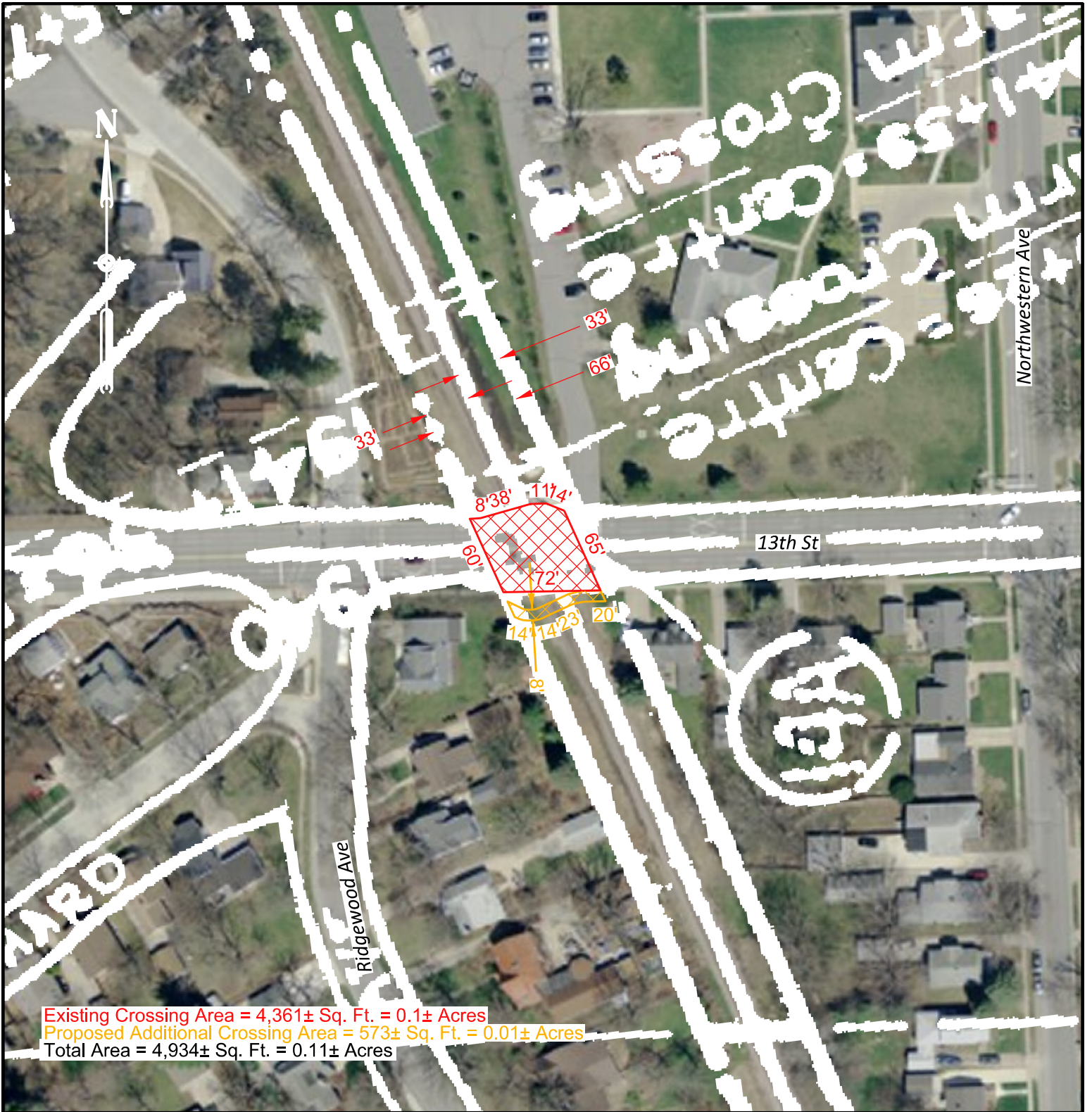
By: _____
Printed Name: _____
Title: _____

CITY OF AMES



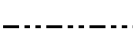
By: _____
Printed Name: _____
Title: _____

**EXHIBIT A
TO
PUBLIC HIGHWAY AT GRADE CROSSING AGREEMENT**

Exhibit A will be a print showing the Crossing Area (see Recitals)



LEGEND:

- EXISTING CROSSING AREA 
- New Crossing Area 
- UPRRCO. R/W OUTLINED 

NOTE: BEFORE YOU BEGIN ANY WORK, SEE AGREEMENT FOR FIBER OPTIC PROVISIONS.

EXHIBIT "A"

UNION PACIFIC RAILROAD COMPANY

AMES, STORY COUNTY, IA

M.P. 0.72 - JEWELL SUB

CNW IA V-4 / 9

SCALE: 1" = 100'

OFFICE OF REAL ESTATE

OMAHA, NEBRASKA DATE: 12/18/2017

AJM FILE: 3068-84

CADD FILENAME 0306884.DGN

SCAN FILENAME 0306884_IAV40009.tif

**EXHIBIT A-1
TO
PUBLIC HIGHWAY AT GRADE CROSSING AGREEMENT**

Exhibit A-1 will be the plan sheet for the New Crossing Area(see Recitals)

**EXHIBIT B
TO
PUBLIC HIGHWAY AT GRADE CROSSING AGREEMENT**

SECTION 1. CONDITIONS AND COVENANTS

A. The Railroad makes no covenant or warranty of title for quiet possession or against encumbrances. The Political Body shall not use or permit use of the Crossing Area for any purposes other than those described in this Agreement. Without limiting the foregoing, the Political Body shall not use or permit use of the Crossing Area for railroad purposes, or for gas, oil or gasoline pipe lines. Any lines constructed on the Railroad's property by or under authority of the Political Body for the purpose of conveying electric power or communications incidental to the Political Body's use of the property for highway purposes shall be constructed in accordance with specifications and requirements of the Railroad, and in such manner as not adversely to affect communication or signal lines of the Railroad or its licensees now or hereafter located upon said property. No nonparty shall be admitted by the Political Body to use or occupy any part of the Railroad's property without the Railroad's written consent. Nothing herein shall obligate the Railroad to give such consent.

B. The Railroad reserves the right to cross the Crossing Area with such railroad tracks as may be required for its convenience or purposes. In the event the Railroad shall place additional tracks upon the Crossing Area, the Political Body shall, at its sole cost and expense, modify the Roadway to conform with all tracks within the Crossing Area.

C. The right hereby granted is subject to any existing encumbrances and rights (whether public or private), recorded or unrecorded, and also to any renewals thereof. The Political Body shall not damage, destroy or interfere with the property or rights of nonparties in, upon or relating to the Railroad's property, unless the Political Body at its own expense settles with and obtains releases from such nonparties.

D. The Railroad reserves the right to use and to grant to others the right to use the Crossing Area for any purpose not inconsistent with the right hereby granted, including, but not by way of limitation, the right to construct, reconstruct, maintain, operate, repair, alter, renew and replace tracks, facilities and appurtenances on the property; and the right to cross the Crossing Area with all kinds of equipment.

E. So far as it lawfully may do so, the Political Body will assume, bear and pay all taxes and assessments of whatsoever nature or kind (whether general, local or special) levied or assessed upon or against the Crossing Area, excepting taxes levied upon and against the property as a component part of the Railroad's operating property.

F. If any property or rights other than the right hereby granted are necessary for the construction, maintenance and use of the Roadway and its appurtenances, or for the performance of any work in connection with the Project, the Political Body will acquire all such other property and rights at its own expense and without expense to the Railroad.

SECTION 2. CONSTRUCTION OF ROADWAY

A. The Political Body, at its expense, will apply for and obtain all public authority required by law, ordinance, rule or regulation for the Project, and will furnish the Railroad upon request with satisfactory evidence that such authority has been obtained.

B. Except as may be otherwise specifically provided herein, the Political Body, at its expense, will furnish all necessary labor, material and equipment, and shall construct and complete the Roadway and all appurtenances thereof. The appurtenances shall include, without limitation, all necessary and proper highway warning devices (except those installed by the Railroad within its right of way) and all necessary drainage facilities, guard rails or barriers, and right of way fences between the Roadway and the railroad tracks. Upon completion of the Project, the Political Body shall remove from the Railroad's property all temporary structures and false work, and will leave the Crossing Area in a condition satisfactory to the Railroad.

C. All construction work of the Political Body upon the Railroad's property (including, but not limited to, construction of the Roadway and all appurtenances and all related and incidental work) shall be performed and completed in a manner satisfactory to the Assistant Vice President Engineering-Design of the Railroad or his authorized representative and in compliance with the Plans, and other guidelines furnished by the Railroad.

D. All construction work of the Political Body shall be performed diligently and completed within a reasonable time. No part of the Project shall be suspended, discontinued or unduly delayed without the Railroad's written consent, and subject to such reasonable conditions as the Railroad may specify. It is understood that the Railroad's tracks at and in the vicinity of the work will be in constant or frequent use during progress of the work and that movement or stoppage of trains, engines or cars may cause delays in the work of the Political Body. The Political Body hereby assumes the risk of any such delays and agrees that no claims for damages on account of any delay shall be made against the Railroad by the State and/or the Contractor.

SECTION 3. INJURY AND DAMAGE TO PROPERTY

If the Political Body, in the performance of any work contemplated by this Agreement or by the failure to do or perform anything for which the Political Body is responsible under the provisions of this Agreement, shall injure, damage or destroy

any property of the Railroad or of any other person lawfully occupying or using the property of the Railroad, such property shall be replaced or repaired by the Political Body at the Political Body's own expense, or by the Railroad at the expense of the Political Body, and to the satisfaction of the Railroad's Assistant Vice President Engineering-Design.

SECTION 4. RAILROAD MAY USE CONTRACTORS TO PERFORM WORK

The Railroad may contract for the performance of any of its work by other than the Railroad forces. The Railroad shall notify the Political Body of the contract price within ninety (90) days after it is awarded. Unless the Railroad's work is to be performed on a fixed price basis, the Political Body shall reimburse the Railroad for the amount of the contract.

SECTION 5. MAINTENANCE AND REPAIRS

A. The Political Body shall, at its own sole expense, maintain, repair, and renew, or cause to be maintained, repaired and renewed, the entire Crossing Area and Roadway, except the portions between the track tie ends, which shall be maintained by and at the expense of the Railroad.

B. If, in the future, the Political Body elects to have the surfacing material between the track tie ends, or between tracks if there is more than one railroad track across the Crossing Area, replaced with paving or some surfacing material other than timber planking, the Railroad, at the Political Body's expense, shall install such replacement surfacing, and in the future, to the extent repair or replacement of the surfacing is necessitated by repair or rehabilitation of the Railroad's tracks through the Crossing Area, the Political Body shall bear the expense of such repairs or replacement.

SECTION 6. CHANGES IN GRADE

If at any time the Railroad shall elect, or be required by competent authority to, raise or lower the grade of all or any portion of the track(s) located within the Crossing Area, the Political Body shall, at its own expense, conform the Roadway to conform with the change of grade of the trackage.

SECTION 7. REARRANGEMENT OF WARNING DEVICES

If the change or rearrangement of any warning device installed hereunder is necessitated for public or Railroad convenience or on account of improvements for either the Railroad, highway or both, the parties will apportion the expense incidental thereto between themselves by negotiation, agreement or by the order of a competent authority before the change or rearrangement is undertaken.

SECTION 8. SAFETY MEASURES; PROTECTION OF RAILROAD COMPANY OPERATIONS

It is understood and recognized that safety and continuity of the Railroad's operations and communications are of the utmost importance; and in order that the same may be adequately safeguarded, protected and assured, and in order that accidents may be prevented and avoided, it is agreed with respect to all of said work of the Political Body that the work will be performed in a safe manner and in conformity with the following standards:

A. **Definitions.** All references in this Agreement to the Political Body shall also include the Contractor and their respective officers, agents and employees, and others acting under its or their authority; and all references in this Agreement to work of the Political Body shall include work both within and outside of the Railroad's property.

B. **Entry on to Railroad's Property by Political Body.** If the Political Body's employees need to enter Railroad's property in order to perform an inspection of the Roadway, minor maintenance or other activities, the Political Body shall first provide at least ten (10) working days advance notice to the Railroad Representative. With respect to such entry on to Railroad's property, the Political Body, to the extent permitted by law, agrees to release, defend and indemnify the Railroad from and against any loss, damage, injury, liability, claim, cost or expense incurred by any person including, without limitation, the Political Body's employees, or damage to any property or equipment (collectively the "Loss") that arises from the presence or activities of Political Body's employees on Railroad's property, except to the extent that any Loss is caused by the sole direct negligence of Railroad.

C. **Flagging.**

(i) If the Political Body's employees need to enter Railroad's property as provided in Paragraph B above, the Political Body agrees to notify the Railroad Representative at least thirty (30) working days in advance of proposed performance of any work by Political Body in which any person or equipment will be within twenty-five (25) feet of any track, or will be near enough to any track that any equipment extension (such as, but not limited to, a crane boom) will reach to within twenty-five (25) feet of any track. No work of any kind shall be performed, and no person, equipment, machinery, tool(s), material(s), vehicle(s), or thing(s) shall be located, operated, placed, or stored within twenty-five (25) feet of any of Railroad's track(s) at any time, for any reason, unless and until a Railroad flagman is provided to watch for trains. Upon receipt of such thirty (30) day notice, the Railroad Representative will determine and inform Political Body whether a flagman need be present and whether Political Body needs to implement any special protective or safety measures. If flagging or other special protective or safety measures are performed by Railroad, Railroad will bill Political Body for such expenses incurred by Railroad. If Railroad performs any flagging, or other special protective or safety measures are performed by Railroad,

Political Body agrees that Political Body is not relieved of any of its responsibilities or liabilities set forth in this Agreement.

(ii) The rate of pay per hour for each flagman will be the prevailing hourly rate in effect for an eight-hour day for the class of flagmen used during regularly assigned hours and overtime in accordance with Labor Agreements and Schedules in effect at the time the work is performed. In addition to the cost of such labor, a composite charge for vacation, holiday, health and welfare, supplemental sickness, Railroad Retirement and unemployment compensation, supplemental pension, Employees Liability and Property Damage and Administration will be included, computed on actual payroll. The composite charge will be the prevailing composite charge in effect at the time the work is performed. One and one-half times the current hourly rate is paid for overtime, Saturdays and Sundays, and two and one-half times current hourly rate for holidays. Wage rates are subject to change, at any time, by law or by agreement between Railroad and its employees, and may be retroactive as a result of negotiations or a ruling of an authorized governmental agency. Additional charges on labor are also subject to change. If the wage rate or additional charges are changed, Political Body shall pay on the basis of the new rates and charges.

(iii) Reimbursement to Railroad will be required covering the full eight-hour day during which any flagman is furnished, unless the flagman can be assigned to other Railroad work during a portion of such day, in which event reimbursement will not be required for the portion of the day during which the flagman is engaged in other Railroad work. Reimbursement will also be required for any day not actually worked by the flagman following the flagman's assignment to work on the project for which Railroad is required to pay the flagman and which could not reasonably be avoided by Railroad by assignment of such flagman to other work, even though Political Body may not be working during such time. When it becomes necessary for Railroad to bulletin and assign an employee to a flagging position in compliance with union collective bargaining agreements, Political Body must provide Railroad a minimum of five (5) days notice prior to the cessation of the need for a flagman. If five (5) days notice of cessation is not given, Political Body will still be required to pay flagging charges for the five (5) day notice period required by union agreement to be given to the employee, even though flagging is not required for that period. An additional thirty (30) days notice must then be given to Railroad if flagging services are needed again after such five day cessation notice has been given to Railroad.

D. **Compliance With Laws.** The Political Body shall comply with all applicable federal, state and local laws, regulations and enactments affecting the work. The Political Body shall use only such methods as are consistent with safety, both as concerns the Political Body, the Political Body's agents and employees, the officers, agents, employees and property of the Railroad and the public in general. The Political Body (without limiting the generality of the foregoing) shall comply with all applicable state and federal occupational safety and health acts and regulations. All Federal Railroad Administration regulations shall be followed when work is performed on the Railroad's premises. If any failure by the Political Body to comply with any such laws,

regulations, and enactments, shall result in any fine, penalty, cost or charge being assessed, imposed or charged against the Railroad, the Political Body shall reimburse, and to the extent it may lawfully do so, indemnify the Railroad for any such fine, penalty, cost, or charge, including without limitation attorney's fees, court costs and expenses. The Political Body further agrees in the event of any such action, upon notice thereof being provided by the Railroad, to defend such action free of cost, charge, or expense to the Railroad.

E. **No Interference or Delays.** The Political Body shall not do, suffer or permit anything which will or may obstruct, endanger, interfere with, hinder or delay maintenance or operation of the Railroad's tracks or facilities, or any communication or signal lines, installations or any appurtenances thereof, or the operations of others lawfully occupying or using the Railroad's property or facilities.

F. **Supervision.** The Political Body, at its own expense, shall adequately police and supervise all work to be performed by the Political Body, and shall not inflict injury to persons or damage to property for the safety of whom or of which the Railroad may be responsible, or to property of the Railroad. The responsibility of the Political Body for safe conduct and adequate policing and supervision of the Project shall not be lessened or otherwise affected by the Railroad's approval of plans and specifications, or by the Railroad's collaboration in performance of any work, or by the presence at the work site of the Railroad's representatives, or by compliance by the Political Body with any requests or recommendations made by such representatives. If a representative of the Railroad is assigned to the Project, the Political Body will give due consideration to suggestions and recommendations made by such representative for the safety and protection of the Railroad's property and operations.

G. **Suspension of Work.** If at any time the Political Body's engineers or the Vice President-Engineering Services of the Railroad or their respective representatives shall be of the opinion that any work of the Political Body is being or is about to be done or prosecuted without due regard and precaution for safety and security, the Political Body shall immediately suspend the work until suitable, adequate and proper protective measures are adopted and provided.

H. **Removal of Debris.** The Political Body shall not cause, suffer or permit material or debris to be deposited or cast upon, or to slide or fall upon any property or facilities of the Railroad; and any such material and debris shall be promptly removed from the Railroad's property by the Political Body at the Political Body's own expense or by the Railroad at the expense of the Political Body. The Political Body shall not cause, suffer or permit any snow to be plowed or cast upon the Railroad's property during snow removal from the Crossing Area.

I. **Explosives.** The Political Body shall not discharge any explosives on or in the vicinity of the Railroad's property without the prior consent of the Railroad's Vice President-Engineering Services, which shall not be given if, in the sole discretion of the Railroad's Vice President-Engineering Services, such discharge would be

dangerous or would interfere with the Railroad's property or facilities. For the purposes hereof, the "vicinity of the Railroad's property" shall be deemed to be any place on the Railroad's property or in such close proximity to the Railroad's property that the discharge of explosives could cause injury to the Railroad's employees or other persons, or cause damage to or interference with the facilities or operations on the Railroad's property. The Railroad reserves the right to impose such conditions, restrictions or limitations on the transportation, handling, storage, security and use of explosives as the Railroad, in the Railroad's sole discretion, may deem to be necessary, desirable or appropriate.

J. **Excavation.** The Political Body shall not excavate from existing slopes nor construct new slopes which are excessive and may create hazards of slides or falling rock, or impair or endanger the clearance between existing or new slopes and the tracks of the Railroad. The Political Body shall not do or cause to be done any work which will or may disturb the stability of any area or adversely affect the Railroad's tracks or facilities. The Political Body, at its own expense, shall install and maintain adequate shoring and cribbing for all excavation and/or trenching performed by the Political Body in connection with construction, maintenance or other work. The shoring and cribbing shall be constructed and maintained with materials and in a manner approved by the Railroad's Assistant Vice President Engineering - Design to withstand all stresses likely to be encountered, including any stresses resulting from vibrations caused by the Railroad's operations in the vicinity.

K. **Drainage.** The Political Body, at the Political Body's own expense, shall provide and maintain suitable facilities for draining the Roadway and its appurtenances, and shall not suffer or permit drainage water therefrom to flow or collect upon property of the Railroad. The Political Body, at the Political Body's own expense, shall provide adequate passageway for the waters of any streams, bodies of water and drainage facilities (either natural or artificial, and including water from the Railroad's culvert and drainage facilities), so that said waters may not, because of any facilities or work of the Political Body, be impeded, obstructed, diverted or caused to back up, overflow or damage the property of the Railroad or any part thereof, or property of others. The Political Body shall not obstruct or interfere with existing ditches or drainage facilities.

L. **Notice.** Before commencing any work, the Political Body shall provide the advance notice to the Railroad that is required under the Contractor's Right of Entry Agreement.

M. **Fiber Optic Cables.** Fiber optic cable systems may be buried on the Railroad's property. Protection of the fiber optic cable systems is of extreme importance since any break could disrupt service to users resulting in business interruption and loss of revenue and profits. Political Body shall telephone the Railroad during normal business hours (7:00 a.m. to 9:00 p.m. Central Time, Monday through Friday, except holidays) at 1-800-336-9193 (also a 24-hour, 7-day number for emergency calls) to determine if fiber optic cable is buried anywhere on the Railroad's premises to be used

by the Political Body. If it is, Political Body will telephone the telecommunications company(ies) involved, arrange for a cable locator, and make arrangements for relocation or other protection of the fiber optic cable prior to beginning any work on the Railroad's premises.

SECTION 9. INTERIM WARNING DEVICES

If at anytime it is determined by a competent authority, by the Political Body, or by agreement between the parties, that new or improved train activated warning devices should be installed at the Crossing Area, the Political Body shall install adequate temporary warning devices or signs and impose appropriate vehicular control measures to protect the motoring public until the new or improved devices have been installed.

SECTION 10. OTHER RAILROADS

All protective and indemnifying provisions of this Agreement shall inure to the benefit of the Railroad and any other railroad company lawfully using the Railroad's property or facilities.

SECTION 11. BOOKS AND RECORDS

The books, papers, records and accounts of Railroad, so far as they relate to the items of expense for the materials to be provided by Railroad under this Project, or are associated with the work to be performed by Railroad under this Project, shall be open to inspection and audit at Railroad's offices in Omaha, Nebraska, during normal business hours by the agents and authorized representatives of Political Body for a period of three (3) years following the date of Railroad's last billing sent to Political Body.

SECTION 12. REMEDIES FOR BREACH OR NONUSE

A. If the Political Body shall fail, refuse or neglect to perform and abide by the terms of this Agreement, the Railroad, in addition to any other rights and remedies, may perform any work which in the judgment of the Railroad is necessary to place the Roadway and appurtenances in such condition as will not menace, endanger or interfere with the Railroad's facilities or operations or jeopardize the Railroad's employees; and the Political Body will reimburse the Railroad for the expenses thereof.

B. Nonuse by the Political Body of the Crossing Area for public highway purposes continuing at any time for a period of eighteen (18) months shall, at the option of the Railroad, work a termination of this Agreement and of all rights of the Political Body hereunder.

C. The Political Body will surrender peaceable possession of the Crossing Area

and Roadway upon termination of this Agreement. Termination of this Agreement shall not affect any rights, obligations or liabilities of the parties, accrued or otherwise, which may have arisen prior to termination.

SECTION 13. MODIFICATION - ENTIRE AGREEMENT

No waiver, modification or amendment of this Agreement shall be of any force or effect unless made in writing, signed by the Political Body and the Railroad and specifying with particularity the nature and extent of such waiver, modification or amendment. Any waiver by the Railroad of any default by the Political Body shall not affect or impair any right arising from any subsequent default. This Agreement and Exhibits attached hereto and made a part hereof constitute the entire understanding between the Political Body and the Railroad and cancel and supersede any prior negotiations, understandings or agreements, whether written or oral, with respect to the work or any part thereof.

EXHIBIT C

TO

PUBLIC HIGHWAY AT GRADE CROSSING AGREEMENT

Exhibit C will be Railroad's Material and Force Agreement Estimate (see Recitals)

DATE: 2017-11-15

ESTIMATE OF MATERIAL AND FORCE ACCOUNT WORK
BY THE
UNION PACIFIC RAILROAD

THIS ESTIMATE GOOD FOR 6 MONTHS EXPIRATION DATE IS :2018-05-16

DESCRIPTION OF WORK:
AMES, IA / 13TH STREET / DOT#196983Y-2 / JEWELL SUB / MP 0.72
EXTEND CROSSING SURFACE 8TF TO THE SOUTH TO ACCOMODATE THE NEW TRAIL
PROJECT WAS BUILT USING STANDARD ADDITIVE 234%
UPRR WILL BE REIMBURSED FOR 100% OF COST TO REPLACE THE CROSSING SURFACE

PID: 105274 AWO: MP,SUBDIV: .72, JEWELL
SERVICE UNIT: 01 CITY: AMES STATE: IA

DESCRIPTION	QTY	UNIT	LABOR	MATERIAL	RECOLL	UPRR	TOTAL
-----	---	----	-----	-----	-----	-----	-----
ENGINEERING WORK							
ENGINEERING			1100		1100		1100
FLAGGING			100		100		100
LABOR ADDITIVE 234%			3042		3042		3042
TRACK			100		100		100
TOTAL ENGINEERING			4342		4342		4342
TRACK & SURFACE WORK							
BILL PREP FEE				900	900		900
ENVIRONMENTAL PERMITS				10	10		10
FOREIGN LINE FREIGHT				200	200		200
HOMELINE FREIGHT				900	900		900
LABOR ADDITIVE 234%			1523		1523		1523
MATL STORE EXPENSE				28	28		28
OTM			147	219	366		366
RDXING	8.00	TF	150	1829	1979		1979
SALES TAX				94	94		94
SWTIE	5.00	EA	651	347	998		998
TOTAL TRACK & SURFACE			2471	4527	6998		6998
LABOR/MATERIAL EXPENSE			6813	4527			
RECOLLECTIBLE/UPRR EXPENSE					11340	0	
ESTIMATED PROJECT COST							11340

THE ABOVE FIGURES ARE ESTIMATES ONLY AND SUBJECT TO FLUCTUATION. IN THE EVENT OF AN INCREASE OR DECREASE IN THE COST OR QUANTITY OF MATERIAL OR LABOR REQUIRED, UPRR WILL BILL FOR ACTUAL CONSTRUCTION COSTS AT THE CURRENT EFFECTIVE RATE.

EXHIBIT D

TO

PUBLIC HIGHWAY AT GRADE CROSSING AGREEMENT

Exhibit D will be Contractor's Right of Entry Agreement (see Recitals)

Folder No.:
UPRR Audit No.:

CONTRACTOR'S RIGHT OF ENTRY AGREEMENT

THIS AGREEMENT is made and entered into as of the ____ day of _____, 2017, by and between **UNION PACIFIC RAILROAD COMPANY**, a Delaware corporation ("Railroad"); and

_____ (*Name of Contractor*)

a _____ corporation ("Contractor").

RECITALS:

Contractor has been hired by _____ for _____ of the at-grade public road crossing DOT _____ at Mile Posts _____ on the _____ Subdivision in _____, _____ County, _____, in the general location shown on the Railroad Location Print marked **Exhibit A**, attached hereto and hereby made a part hereof, which work is the subject of an Agreement dated _____, between the Railroad and the _____.

The Railroad is willing to permit the Contractor to perform the work described above at the location described above subject to the terms and conditions contained in this Agreement

AGREEMENT:

NOW, THEREFORE, it is mutually agreed by and between Railroad and Contractor, as follows:

ARTICLE 1 - DEFINITION OF CONTRACTOR.

For purposes of this Agreement, all references in this agreement to Contractor shall include Contractor's contractors, subcontractors, officers, agents and employees, and others acting under its or their authority.

ARTICLE 2 - RIGHT GRANTED; PURPOSE.

Railroad hereby grants to Contractor the right, during the term hereinafter stated and upon and subject to each and all of the terms, provisions and conditions herein contained, to enter upon and have ingress to and egress from the property described in the Recitals for the purpose of performing the work described in the Recitals above. The right herein granted to Contractor is limited to those portions of Railroad's property specifically described herein, or as designated by the Railroad Representative named in Article 4.

ARTICLE 3 - TERMS AND CONDITIONS CONTAINED IN EXHIBITS B, C & D.

The General Terms and Conditions contained in **Exhibit B**, the Insurance Requirements contained in **Exhibit C**, and the Minimum Safety Requirements contained in **Exhibit D**, each attached hereto, are hereby made a part of this Agreement.

ARTICLE 4 - ALL EXPENSES TO BE BORNE BY CONTRACTOR; RAILROAD REPRESENTATIVE.

- A. Contractor shall bear any and all costs and expenses associated with any work performed by Contractor, or any costs or expenses incurred by Railroad relating to this Agreement.
- B. Contractor shall coordinate all of its work with the following Railroad representative or his or her duly authorized representative (the "Railroad Representative"):

- C. Contractor, at its own expense, shall adequately police and supervise all work to be performed by Contractor and shall ensure that such work is performed in a safe manner as set forth in Section 7 of **Exhibit B**. The responsibility of Contractor for safe conduct and adequate policing and supervision of Contractor's work shall not be lessened or otherwise affected by Railroad's approval of plans and specifications involving the work, or by Railroad's collaboration in performance of any work, or by the presence at the work site of a Railroad Representative, or by compliance by Contractor with any requests or recommendations made by Railroad Representative.

ARTICLE 5 - SCHEDULE OF WORK ON A MONTHLY BASIS.

The Contractor, at its expense, shall provide on a monthly basis a detailed schedule of work to the Railroad Representative named in Article 4B above. The reports shall start at the execution of this Agreement and continue until this Agreement is terminated as provided in this Agreement or until the Contractor has completed all work on Railroad's property.

ARTICLE 6 - TERM; TERMINATION.

- A. The grant of right herein made to Contractor shall commence on the date of this Agreement, and continue until _____, unless sooner terminated as herein
(Expiration Date)
provided, or at such time as Contractor has completed its work on Railroad's property, whichever is earlier. Contractor agrees to notify the Railroad Representative in writing when it has completed its work on Railroad's property.
- B. This Agreement may be terminated by either party on ten (10) days written notice to the other party.

ARTICLE 7 - CERTIFICATE OF INSURANCE.

- A. Before commencing any work, Contractor will provide Railroad with the (i) insurance binders, policies, certificates and endorsements set forth in **Exhibit C** of this Agreement, and (ii) the insurance endorsements obtained by each subcontractor as required under Section 12 of **Exhibit B** of this Agreement.
- B. All insurance correspondence, binders, policies, certificates and endorsements shall be sent to:

*Union Pacific Railroad Company
Real Estate Department
1400 Douglas Street, MS 1690
Omaha, NE 68179-1690
UPRR Folder No.: _____*

ARTICLE 8 - DISMISSAL OF CONTRACTOR'S EMPLOYEE.

At the request of Railroad, Contractor shall remove from Railroad's property any employee of Contractor who fails to conform to the instructions of the Railroad Representative in connection with the work on Railroad's property, and any right of Contractor shall be suspended until such removal has occurred. Contractor shall indemnify Railroad against any claims arising from the removal of any such employee from Railroad's property.

ARTICLE 9 - CROSSINGS.

No additional vehicular crossings (including temporary haul roads) or pedestrian crossings over Railroad's trackage shall be installed or used by Contractor without the prior written permission of Railroad.

ARTICLE 10 - CROSSINGS; COMPLIANCE WITH MUTCD AND FRA GUIDELINES.

- A. No additional vehicular crossings (including temporary haul roads) or pedestrian crossings over Railroad's trackage shall be installed or used by Contractor without the prior written permission of Railroad.
- B. Any permanent or temporary changes, including temporary traffic control, to crossings must conform to the Manual of Uniform Traffic Control Devices (MUTCD) and any applicable Federal Railroad Administration rules, regulations and guidelines, and must be reviewed by the Railroad prior to any changes being implemented. In the event the Railroad is found to be out of compliance with federal safety regulations due to the Contractor's modifications, negligence, or any other reason arising from the Contractor's presence on the Railroad's property, the Contractor agrees to assume liability for any civil penalties imposed upon the Railroad for such noncompliance.

ARTICLE 11 - EXPLOSIVES.

Explosives or other highly flammable substances shall not be stored or used on Railroad's property without the prior written approval of Railroad.

IN WITNESS WHEREOF, the parties hereto have duly executed this agreement in duplicate as of the date first herein written.

UNION PACIFIC RAILROAD COMPANY
(Federal Tax ID #94-6001323)

By: _____
Daniel Peters
Real Estate – Public Projects

(Name of Contractor)

By _____

Printed Name: _____

Title: _____

EXHIBIT B

TO CONTRACTOR'S RIGHT OF ENTRY AGREEMENT

GENERAL TERMS & CONDITIONS

Section 1. NOTICE OF COMMENCEMENT OF WORK - FLAGGING.

- A. Contractor agrees to notify the Railroad Representative at least thirty (30) working days in advance of Contractor commencing its work and at least ten (10) working days in advance of proposed performance of any work by Contractor in which any person or equipment will be within twenty-five (25) feet of any track, or will be near enough to any track that any equipment extension (such as, but not limited to, a crane boom) will reach to within twenty-five (25) feet of any track. No work of any kind shall be performed, and no person, equipment, machinery, tool(s), material(s), vehicle(s), or thing(s) shall be located, operated, placed, or stored within twenty-five (25) feet of any of Railroad's track(s) at any time, for any reason, unless and until a Railroad flagman is provided to watch for trains. Upon receipt of such ten (10)-day notice, the Railroad Representative will determine and inform Contractor whether a flagman need be present and whether Contractor needs to implement any special protective or safety measures. If flagging or other special protective or safety measures are performed by Railroad, Railroad will bill Contractor for such expenses incurred by Railroad, unless Railroad and a federal, state or local governmental entity have agreed that Railroad is to bill such expenses to the federal, state or local governmental entity. If Railroad will be sending the bills to Contractor, Contractor shall pay such bills within thirty (30) days of Contractor's receipt of billing. If Railroad performs any flagging, or other special protective or safety measures are performed by Railroad, Contractor agrees that Contractor is not relieved of any of its responsibilities or liabilities set forth in this Agreement.
- B. The rate of pay per hour for each flagman will be the prevailing hourly rate in effect for an eight-hour day for the class of flagmen used during regularly assigned hours and overtime in accordance with Labor Agreements and Schedules in effect at the time the work is performed. In addition to the cost of such labor, a composite charge for vacation, holiday, health and welfare, supplemental sickness, Railroad Retirement and unemployment compensation, supplemental pension, Employees Liability and Property Damage and Administration will be included, computed on actual payroll. The composite charge will be the prevailing composite charge in effect at the time the work is performed. One and one-half times the current hourly rate is paid for overtime, Saturdays and Sundays, and two and one-half times current hourly rate for holidays. Wage rates are subject to change, at any time, by law or by agreement between Railroad and its employees, and may be retroactive as a result of negotiations or a ruling of an authorized governmental agency. Additional charges on labor are also subject to change. If the wage rate or additional charges are changed, Contractor (or the governmental entity, as applicable) shall pay on the basis of the new rates and charges.
- C. Reimbursement to Railroad will be required covering the full eight-hour day during which any flagman is furnished, unless the flagman can be assigned to other Railroad work during a portion of such day, in which event reimbursement will not be required for the portion of the day during which the flagman is engaged in other Railroad work. Reimbursement will also be required for any day not actually worked by the flagman following the flagman's assignment to work on the project for which Railroad is required to pay the flagman and which could not reasonably be avoided by Railroad by assignment of such flagman to other work, even though Contractor may not be working during such time. When it becomes necessary for Railroad to bulletin and assign an employee to a flagging position in compliance with union collective bargaining agreements, Contractor must provide Railroad a minimum of five (5) days notice prior to the cessation of the need for a flagman. If five (5) days notice of cessation is not given, Contractor will still be required to pay flagging charges for the five (5) day notice period required by union agreement to be given to the employee, even though flagging is not required for that period. An additional ten (10) days notice must then be given to Railroad if flagging services are needed again after such five day cessation notice has been given to Railroad.

Section 2. LIMITATION AND SUBORDINATION OF RIGHTS GRANTED

- A. The foregoing grant of right is subject and subordinate to the prior and continuing right and obligation of the Railroad to use and maintain its entire property including the right and power of Railroad to construct, maintain, repair, renew, use, operate, change, modify or relocate railroad tracks, roadways, signal, communication, fiber optics, or other wirelines, pipelines and other facilities upon, along or across any or all parts of its property, all or any of which may be

freely done at any time or times by Railroad without liability to Contractor or to any other party for compensation or damages.

- B. The foregoing grant is also subject to all outstanding superior rights (including those in favor of licensees and lessees of Railroad's property, and others) and the right of Railroad to renew and extend the same, and is made without covenant of title or for quiet enjoyment.

Section 3. NO INTERFERENCE WITH OPERATIONS OF RAILROAD AND ITS TENANTS.

- A. Contractor shall conduct its operations so as not to interfere with the continuous and uninterrupted use and operation of the railroad tracks and property of Railroad, including without limitation, the operations of Railroad's lessees, licensees or others, unless specifically authorized in advance by the Railroad Representative. Nothing shall be done or permitted to be done by Contractor at any time that would in any manner impair the safety of such operations. When not in use, Contractor's machinery and materials shall be kept at least fifty (50) feet from the centerline of Railroad's nearest track, and there shall be no vehicular crossings of Railroads tracks except at existing open public crossings.
- B. Operations of Railroad and work performed by Railroad personnel and delays in the work to be performed by Contractor caused by such railroad operations and work are expected by Contractor, and Contractor agrees that Railroad shall have no liability to Contractor, or any other person or entity for any such delays. The Contractor shall coordinate its activities with those of Railroad and third parties so as to avoid interference with railroad operations. The safe operation of Railroad train movements and other activities by Railroad takes precedence over any work to be performed by Contractor.

Section 4. LIENS.

Contractor shall pay in full all persons who perform labor or provide materials for the work to be performed by Contractor. Contractor shall not create, permit or suffer any mechanic's or materialmen's liens of any kind or nature to be created or enforced against any property of Railroad for any such work performed. Contractor shall indemnify and hold harmless Railroad from and against any and all liens, claims, demands, costs or expenses of whatsoever nature in any way connected with or growing out of such work done, labor performed, or materials furnished. If Contractor fails to promptly cause any lien to be released of record, Railroad may, at its election, discharge the lien or claim of lien at Contractor's expense.

Section 5. PROTECTION OF FIBER OPTIC CABLE SYSTEMS.

- A. Fiber optic cable systems may be buried on Railroad's property. Protection of the fiber optic cable systems is of extreme importance since any break could disrupt service to users resulting in business interruption and loss of revenue and profits. Contractor shall telephone Railroad during normal business hours (7:00 a.m. to 9:00 p.m. Central Time, Monday through Friday, except holidays) at 1-800-336-9193 (also a 24-hour, 7-day number for emergency calls) to determine if fiber optic cable is buried anywhere on Railroad's property to be used by Contractor. If it is, Contractor will telephone the telecommunications company(ies) involved, make arrangements for a cable locator and, if applicable, for relocation or other protection of the fiber optic cable. Contractor shall not commence any work until all such protection or relocation (if applicable) has been accomplished.
- B. In addition to other indemnity provisions in this Agreement, Contractor shall indemnify, defend and hold Railroad harmless from and against all costs, liability and expense whatsoever (including, without limitation, attorneys' fees, court costs and expenses) arising out of any act or omission of Contractor, its agents and/or employees, that causes or contributes to (1) any damage to or destruction of any telecommunications system on Railroad's property, and/or (2) any injury to or death of any person employed by or on behalf of any telecommunications company, and/or its contractor, agents and/or employees, on Railroad's property. Contractor shall not have or seek recourse against Railroad for any claim or cause of action for alleged loss of profits or revenue or loss of service or other consequential damage to a telecommunication company using Railroad's property or a customer or user of services of the fiber optic cable on Railroad's property.

Section 6. PERMITS - COMPLIANCE WITH LAWS.

In the prosecution of the work covered by this Agreement, Contractor shall secure any and all necessary permits and shall comply with all applicable federal, state and local laws, regulations and enactments affecting the work including, without limitation, all applicable Federal Railroad Administration regulations.

Section 7. SAFETY.

- A. Safety of personnel, property, rail operations and the public is of paramount importance in the prosecution of the work performed by Contractor. Contractor shall be responsible for initiating, maintaining and supervising all safety, operations and programs in connection with the work. Contractor shall at a minimum comply with Railroad's safety standards listed in **Exhibit D**, hereto attached, to ensure uniformity with the safety standards followed by Railroad's own forces. As a part of Contractor's safety responsibilities, Contractor shall notify Railroad if Contractor determines that any of Railroad's safety standards are contrary to good safety practices. Contractor shall furnish copies of **Exhibit D** to each of its employees before they enter the job site.
- B. Without limitation of the provisions of paragraph A above, Contractor shall keep the job site free from safety and health hazards and ensure that its employees are competent and adequately trained in all safety and health aspects of the job.
- C. Contractor shall have proper first aid supplies available on the job site so that prompt first aid services may be provided to any person injured on the job site. Contractor shall promptly notify Railroad of any U.S. Occupational Safety and Health Administration reportable injuries. Contractor shall have a nondelegable duty to control its employees while they are on the job site or any other property of Railroad, and to be certain they do not use, be under the influence of, or have in their possession any alcoholic beverage, drug or other substance that may inhibit the safe performance of any work.
- D. If and when requested by Railroad, Contractor shall deliver to Railroad a copy of Contractor's safety plan for conducting the work (the "Safety Plan"). Railroad shall have the right, but not the obligation, to require Contractor to correct any deficiencies in the Safety Plan. The terms of this Agreement shall control if there are any inconsistencies between this Agreement and the Safety Plan.

Section 8. INDEMNITY.

- A. To the extent not prohibited by applicable statute, Contractor shall indemnify, defend and hold harmless Railroad, its affiliates, and its and their officers, agents and employees (individually an "Indemnified Party" or collectively "Indemnified Parties") from and against any and all loss, damage, injury, liability, claim, demand, cost or expense (including, without limitation, attorney's, consultant's and expert's fees, and court costs), fine or penalty (collectively, "Loss") incurred by any person (including, without limitation, any Indemnified Party, Contractor, or any employee of Contractor or of any Indemnified Party) arising out of or in any manner connected with (i) any work performed by Contractor, or (ii) any act or omission of Contractor, its officers, agents or employees, or (iii) any breach of this Agreement by Contractor.
- B. The right to indemnity under this Section 8 shall accrue upon occurrence of the event giving rise to the Loss, and shall apply regardless of any negligence or strict liability of any Indemnified Party, except where the Loss is caused by the sole active negligence of an Indemnified Party as established by the final judgment of a court of competent jurisdiction. The sole active negligence of any Indemnified Party shall not bar the recovery of any other Indemnified Party.
- C. Contractor expressly and specifically assumes potential liability under this Section 8 for claims or actions brought by Contractor's own employees. Contractor waives any immunity it may have under worker's compensation or industrial insurance acts to indemnify the Indemnified Parties under this Section 8. Contractor acknowledges that this waiver was mutually negotiated by the parties hereto.
- D. No court or jury findings in any employee's suit pursuant to any worker's compensation act or the Federal Employers' Liability Act against a party to this Agreement may be relied upon or used by Contractor in any attempt to assert liability against any Indemnified Party.
- E. The provisions of this Section 8 shall survive the completion of any work performed by Contractor or the termination or

expiration of this Agreement. In no event shall this Section 8 or any other provision of this Agreement be deemed to limit any liability Contractor may have to any Indemnified Party by statute or under common law.

Section 9. RESTORATION OF PROPERTY.

In the event Railroad authorizes Contractor to take down any fence of Railroad or in any manner move or disturb any of the other property of Railroad in connection with the work to be performed by Contractor, then in that event Contractor shall, as soon as possible and at Contractor's sole expense, restore such fence and other property to the same condition as the same were in before such fence was taken down or such other property was moved or disturbed. Contractor shall remove all of Contractor's tools, equipment, rubbish and other materials from Railroad's property promptly upon completion of the work, restoring Railroad's property to the same state and condition as when Contractor entered thereon.

Section 10. WAIVER OF DEFAULT.

Waiver by Railroad of any breach or default of any condition, covenant or agreement herein contained to be kept, observed and performed by Contractor shall in no way impair the right of Railroad to avail itself of any remedy for any subsequent breach or default.

Section 11. MODIFICATION - ENTIRE AGREEMENT.

No modification of this Agreement shall be effective unless made in writing and signed by Contractor and Railroad. This Agreement and the exhibits attached hereto and made a part hereof constitute the entire understanding between Contractor and Railroad and cancel and supersede any prior negotiations, understandings or agreements, whether written or oral, with respect to the work to be performed by Contractor.

Section 12. ASSIGNMENT - SUBCONTRACTING.

Contractor shall not assign or subcontract this Agreement, or any interest therein, without the written consent of the Railroad. Contractor shall be responsible for the acts and omissions of all subcontractors. Before Contractor commences any work, the Contractor shall, except to the extent prohibited by law; (1) require each of its subcontractors to include the Contractor as "Additional Insured" in the subcontractor's Commercial General Liability policy and Business Automobile policies with respect to all liabilities arising out of the subcontractor's performance of work on behalf of the Contractor by endorsing these policies with ISO Additional Insured Endorsements CG 20 26, and CA 20 48 (or substitute forms providing equivalent coverage; (2) require each of its subcontractors to endorse their Commercial General Liability Policy with "Contractual Liability Railroads" ISO Form CG 24 17 10 01 (or a substitute form providing equivalent coverage) for the job site; and (3) require each of its subcontractors to endorse their Business Automobile Policy with "Coverage For Certain Operations In Connection With Railroads" ISO Form CA 20 70 10 01 (or a substitute form providing equivalent coverage) for the job site.

EXHIBIT C

TO CONTRACTOR'S RIGHT OF ENTRY AGREEMENT

INSURANCE REQUIREMENTS

Contractor shall, at its sole cost and expense, procure and maintain during the course of the Project and until all Project work on Railroad's property has been completed and the Contractor has removed all equipment and materials from Railroad's property and has cleaned and restored Railroad's property to Railroad's satisfaction, the following insurance coverage:

A. COMMERCIAL GENERAL LIABILITY INSURANCE. Commercial general liability (CGL) with a limit of not less than \$5,000,000 each occurrence and an aggregate limit of not less than \$10,000,000. CGL insurance must be written on ISO occurrence form CG 00 01 12 04 (or a substitute form providing equivalent coverage).

The policy must also contain the following endorsement, which must be stated on the certificate of insurance:

- Contractual Liability Railroads ISO form CG 24 17 10 01 (or a substitute form providing equivalent coverage) showing "Union Pacific Railroad Company Property" as the Designated Job Site.
- Designated Construction Project(s) General Aggregate Limit ISO Form CG 25 03 03 97 (or a substitute form providing equivalent coverage) showing the project on the form schedule.

B. BUSINESS AUTOMOBILE COVERAGE INSURANCE. Business auto coverage written on ISO form CA 00 01 10 01 (or a substitute form providing equivalent liability coverage) with a combined single limit of not less \$5,000,000 for each accident and coverage must include liability arising out of any auto (including owned, hired and non-owned autos).

The policy must contain the following endorsements, which must be stated on the certificate of insurance:

- Coverage For Certain Operations In Connection With Railroads ISO form CA 20 70 10 01 (or a substitute form providing equivalent coverage) showing "Union Pacific Property" as the Designated Job Site.
- Motor Carrier Act Endorsement - Hazardous materials clean up (MCS-90) if required by law.

C. WORKERS' COMPENSATION AND EMPLOYERS' LIABILITY INSURANCE. Coverage must include but not be limited to:

- Contractor's statutory liability under the workers' compensation laws of the state where the work is being performed.
- Employers' Liability (Part B) with limits of at least \$500,000 each accident, \$500,000 disease policy limit \$500,000 each employee.

If Contractor is self-insured, evidence of state approval and excess workers compensation coverage must be provided.

Coverage must include liability arising out of the U. S. Longshoremen's and Harbor Workers' Act, the Jones Act, and the Outer Continental Shelf Land Act, if applicable.

The policy must contain the following endorsement, which must be stated on the certificate of insurance:

- Alternate Employer endorsement ISO form WC 00 03 01 A (or a substitute form providing equivalent coverage) showing Railroad in the schedule as the alternate employer (or a substitute form providing equivalent coverage).

D. RAILROAD PROTECTIVE LIABILITY INSURANCE. Contractor must maintain Railroad Protective Liability insurance written on ISO occurrence form CG 00 35 12 04 (or a substitute form providing equivalent coverage) on behalf of Railroad as named insured, with a limit of not less than \$2,000,000 per occurrence and an aggregate of \$6,000,000. A binder stating the policy is in place must be submitted to Railroad before the work may be commenced and until the original policy is forwarded to Railroad.

E. UMBRELLA OR EXCESS INSURANCE. If Contractor utilizes umbrella or excess policies, these policies must "follow form" and afford no less coverage than the primary policy.

- F. POLLUTION LIABILITY INSURANCE.** Pollution liability coverage must be written on ISO form Pollution Liability Coverage Form Designated Sites CG 00 39 12 04 (or a substitute form providing equivalent liability coverage), with limits of at least \$5,000,000 per occurrence and an aggregate limit of \$10,000,000.

If the scope of work as defined in this Agreement includes the disposal of any hazardous or non-hazardous materials from the job site, Contractor must furnish to Railroad evidence of pollution legal liability insurance maintained by the disposal site operator for losses arising from the insured facility accepting the materials, with coverage in minimum amounts of \$1,000,000 per loss, and an annual aggregate of \$2,000,000.

OTHER REQUIREMENTS

- G.** All policy(ies) required above (except worker's compensation and employers liability) must include Railroad as "Additional Insured" using ISO Additional Insured Endorsements CG 20 26, and CA 20 48 (or substitute forms providing equivalent coverage). The coverage provided to Railroad as additional insured shall, to the extent provided under ISO Additional Insured Endorsement CG 20 26, and CA 20 48 provide coverage for Railroad's negligence whether sole or partial, active or passive, and shall not be limited by Contractor's liability under the indemnity provisions of this Agreement.
- H.** Punitive damages exclusion, if any, must be deleted (and the deletion indicated on the certificate of insurance), unless the law governing this Agreement prohibits all punitive damages that might arise under this Agreement.
- I.** Contractor waives all rights of recovery, and its insurers also waive all rights of subrogation of damages against Railroad and its agents, officers, directors and employees. This waiver must be stated on the certificate of insurance.
- J.** Prior to commencing the work, Contractor shall furnish Railroad with a certificate(s) of insurance, executed by a duly authorized representative of each insurer, showing compliance with the insurance requirements in this Agreement.
- K.** All insurance policies must be written by a reputable insurance company acceptable to Railroad or with a current Best's Insurance Guide Rating of A- and Class VII or better, and authorized to do business in the state where the work is being performed.
- L.** The fact that insurance is obtained by Contractor or by Railroad on behalf of Contractor will not be deemed to release or diminish the liability of Contractor, including, without limitation, liability under the indemnity provisions of this Agreement. Damages recoverable by Railroad from Contractor or any third party will not be limited by the amount of the required insurance coverage.

EXHIBIT D

TO CONTRACTOR'S RIGHT OF ENTRY AGREEMENT

MINIMUM SAFETY REQUIREMENTS

The term "employees" as used herein refer to all employees of Contractor as well as all employees of any subcontractor or agent of Contractor.

I. CLOTHING

- A. All employees of Contractor will be suitably dressed to perform their duties safely and in a manner that will not interfere with their vision, hearing, or free use of their hands or feet.

Specifically, Contractor's employees must wear:

- i. Waist-length shirts with sleeves.
 - ii. Trousers that cover the entire leg. If flare-legged trousers are worn, the trouser bottoms must be tied to prevent catching.
 - iii. Footwear that covers their ankles and has a defined heel. Employees working on bridges are required to wear safety-toed footwear that conforms to the American National Standards Institute (ANSI) and FRA footwear requirements.
- B. Employees shall not wear boots (other than work boots), sandals, canvas-type shoes, or other shoes that have thin soles or heels that are higher than normal.
- C. Employees must not wear loose or ragged clothing, neckties, finger rings, or other loose jewelry while operating or working on machinery.

II. PERSONAL PROTECTIVE EQUIPMENT

Contractor shall require its employees to wear personal protective equipment as specified by Railroad rules, regulations, or recommended or requested by the Railroad Representative.

- i. Hard hat that meets the American National Standard (ANSI) Z89.1 – latest revision. Hard hats should be affixed with Contractor's company logo or name.
- ii. Eye protection that meets American National Standard (ANSI) for occupational and educational eye and face protection, Z87.1 – latest revision. Additional eye protection must be provided to meet specific job situations such as welding, grinding, etc.
- iii. Hearing protection, which affords enough attenuation to give protection from noise levels that will be occurring on the job site. Hearing protection, in the form of plugs or muffs, must be worn when employees are within:
 - 100 feet of a locomotive or roadway/work equipment
 - 15 feet of power operated tools
 - 150 feet of jet blowers or pile drivers
 - 150 feet of retarders in use (when within 10 feet, employees must wear dual ear protection – plugs and muffs)
- iv. Other types of personal protective equipment, such as respirators, fall protection equipment, and face shields, must be worn as recommended or requested by the Railroad Representative.

III. ON TRACK SAFETY

Contractor is responsible for compliance with the Federal Railroad Administration's Roadway Worker Protection regulations – 49CFR214, Subpart C and Railroad's On-Track Safety rules. Under 49CFR214, Subpart C, railroad contractors are responsible for the training of their employees on such regulations. In addition to the instructions contained in Roadway Worker Protection regulations, all employees must:

- i. Maintain a distance of twenty-five (25) feet to any track unless the Railroad Representative is present to authorize movements.

- ii. Wear an orange, reflectorized workwear approved by the Railroad Representative.
- iii. Participate in a job briefing that will specify the type of On-Track Safety for the type of work being performed. Contractor must take special note of limits of track authority, which tracks may or may not be fouled, and clearing the track. Contractor will also receive special instructions relating to the work zone around machines and minimum distances between machines while working or traveling.

IV. EQUIPMENT

- A. It is the responsibility of Contractor to ensure that all equipment is in a safe condition to operate. If, in the opinion of the Railroad Representative, any of Contractor's equipment is unsafe for use, Contractor shall remove such equipment from Railroad's property. In addition, Contractor must ensure that the operators of all equipment are properly trained and competent in the safe operation of the equipment. In addition, operators must be:
 - i. Familiar and comply with Railroad's rules on lockout/tagout of equipment.
 - ii. Trained in and comply with the applicable operating rules if operating any hy-rail equipment on-track.
 - iii. Trained in and comply with the applicable air brake rules if operating any equipment that moves rail cars or any other railbound equipment.
- B. All self-propelled equipment must be equipped with a first-aid kit, fire extinguisher, and audible back-up warning device.
- C. Unless otherwise authorized by the Railroad Representative, all equipment must be parked a minimum of twenty-five (25) feet from any track. Before leaving any equipment unattended, the operator must stop the engine and properly secure the equipment against movement.
- D. Cranes must be equipped with three orange cones that will be used to mark the working area of the crane and the minimum clearances to overhead powerlines.

V. GENERAL SAFETY REQUIREMENTS

- A. Contractor shall ensure that all waste is properly disposed of in accordance with applicable federal and state regulations.
- B. Contractor shall ensure that all employees participate in and comply with a job briefing conducted by the Railroad Representative, if applicable. During this briefing, the Railroad Representative will specify safe work procedures, (including On-Track Safety) and the potential hazards of the job. If any employee has any questions or concerns about the work, the employee must voice them during the job briefing. Additional job briefings will be conducted during the work as conditions, work procedures, or personnel change.
- C. All track work performed by Contractor meets the minimum safety requirements established by the Federal Railroad Administration's Track Safety Standards 49CFR213.
- D. All employees comply with the following safety procedures when working around any railroad track:
 - i. Always be on the alert for moving equipment. Employees must always expect movement on any track, at any time, in either direction.
 - ii. Do not step or walk on the top of the rail, frog, switches, guard rails, or other track components.
 - iii. In passing around the ends of standing cars, engines, roadway machines or work equipment, leave at least 20 feet between yourself and the end of the equipment. Do not go between pieces of equipment of the opening is less than one car length (50 feet).
 - iv. Avoid walking or standing on a track unless so authorized by the employee in charge.
 - v. Before stepping over or crossing tracks, look in both directions first.
 - vi. Do not sit on, lie under, or cross between cars except as required in the performance of your duties and only when track and equipment have been protected against movement.
- E. All employees must comply with all federal and state regulations concerning workplace safety.

COUNCIL ACTION FORM

**SUBJECT: ENGINEERING SERVICES FOR CONTINUOUS EMISSIONS
MONITORING SYSTEM REPLACEMENT AT THE POWER PLANT**

BACKGROUND:

Electric Services needs to engage an engineering firm to provide engineering services to prepare certified plans and specifications (stamped by an engineer licensed in Iowa) that will be issued by the City to prospective bidders for the replacement of the Steam Electric Plant's Continuous Emissions Monitoring System (CEMS), Continuous Opacity Monitoring System (COMS), and the Data Acquisition System (DAS). The engineering firm will also determine the structural suitability of the proposed system shelter location.

The Steam Electric Plant's operating permit requires the constant measuring of certain emissions during the entire time a generating unit is operating. The current systems are outdated and it is becoming very difficult to find spare parts and maintain reliability as more and more parts become obsolete. Due to the age of the system, contracted service support for the DAS will be ending December 31, 2018 without any option to renew. This service is used to correct errors in the programming that transfers data from the DAS to the Environmental Protection Agency for reporting that is performed each quarter.

The City initially requested proposals from 5 consulting engineering firms with expertise to perform the work. Four firms responded with proposals and based on the listed experience and knowledge within the proposals, three firms were chosen to perform an onsite presentation. One of the three firms, by their responses, proved to be uninterested in performing the work. The other two firms were and continue to be very interested. Both firms have personnel with significant credentials and the necessary experience to perform the work as required. The two final proposals are as follows:

<u>Black & Veatch Corporation, Overland Park, Kansas</u>	\$90,400
<u>Power Engineers, Overland Park, Kansas</u>	\$128,000

The approved FY2015/16 Capital Improvement Plan includes \$550,000 for the engineering and purchasing of a replacement CEMS. Covering the Black & Veatch Corporation contract would leave \$459,600 to purchase and install the equipment.

ALTERNATIVES:

1. Award the scope of work to Black & Veatch Corporation of Overland Park, Kansas, in accordance with their proposal dated February 6 2018, in an amount not-to-exceed \$90,400.

2. Award the scope of work to Power Engineers of Overland Park, Kansas, in accordance with their proposal dated February 1, 2018, in an amount not-to-exceed \$128,000.
3. Require staff to seek other proposals for this work and delay the replacement of the CEMS, COMS, and DAS.

MANAGER'S RECOMMENDED ACTION:

This scope of work, the inspection and determination of structural suitability and the development of plans and specifications for the replacement of the emission monitoring systems, is a critical first step required to perform the “public improvement” replacement of the CEMS, COMS, and DAS. **The Black & Veatch Corporation has offered the lowest fee, demonstrated full competence, and indicated that they can perform the required work within the designated time frame.** Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1 as stated above.

COUNCIL ACTION FORM

SUBJECT: ENGINEERING SERVICES FOR THE 2018/19 TRAFFIC SIGNAL PROGRAM – LINCOLN WAY / HYLAND AVENUE

BACKGROUND:

The Traffic Signal Program is the annual program that provides for replacing older traffic signals and for constructing new traffic signals in the City, which will result in improved visibility, reliability, and appearance of signals. This program provides for the necessary upgrading of the traffic signal system as technology continues to change. In recent years, traffic signal replacements have included radar detection systems instead of in-pavement loop detection systems that had previously been used (and that were frequently the point of vehicle detection failure). Another advantage of the radar detection system is that it detects bicycles in addition to vehicles.

On June 13, 2017 City Council awarded the design of 3 Traffic Signal Program locations to WHKS & Co. of Ames, Iowa in the amount of \$53,600. This contract was awarded after receiving proposals from three engineering firms. With the design of all 3 projects now complete, staff has negotiated a contract amendment with WHKS for design services for a fourth project; the 2018/19 Traffic Signal Program – Lincoln Way / Hyland Avenue project. This contract amendment is in an amount not to exceed \$18,800, which exceeds 20% of the original contract thus requiring City Council approval per the Purchasing Policies & Procedures.

ALTERNATIVES:

1. Approve the amendment to the engineering services agreement with WHKS & Co. of Ames, Iowa in an amount not to exceed \$18,800 for design of the 2018/19 Traffic Signal Program – Lincoln Way / Hyland Avenue.
2. Direct staff to negotiate an engineering agreement with another firm.

MANAGER'S RECOMMENDED ACTION:

By approving this amendment, it will be possible to proceed with design of another traffic signal replacement project to increase the service and safety of our traffic system for residents in this area.

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

COUNCIL ACTION FORM

SUBJECT: NEW WATER PLANT – AMENDMENT FOR ADDITIONAL PROFESSIONAL SERVICES

BACKGROUND

On August 28, 2012, Council approved a professional services agreement with FOX Engineering of Ames, IA for the final detailed design of the new water treatment plant, including bidding and construction phase services.

A portion of the construction phase services is for construction office administration, which includes work such as reviewing equipment manuals, reviewing punch list items, meeting with the City and subcontractors to get work completed, and other construction related activities.

Construction office administration is provided under Task Order 4.1. The construction of the water plant is taking longer than expected and work has exceeded the substantial completion date. Services of the consulting team are still needed to ensure the project is completed according to contract requirements. The consulting team has informed the City that the delay in project completion has caused them to exceed their contract budget for this phase of the work. They have estimated the amount required to reach the likely final completion of the project and are requesting a change order based on an hourly fee and associated reimbursables not to exceed \$100,000. Also included in the amendment are provisions to complete a limited arc flash study for the lump sum amount of \$2,000. The arc flash study is an OSHA requirement for employee safety. A copy of the Change Order is attached.

It should be noted that Staff anticipates being able to recover the \$100,000 portion of the change order from the general contractor through the Liquidated Damages provision of the construction contract.

Table 1: Total Project Expenses and Remaining Budget

	Water Fund	SRF Loan
All Prior Year Expenses	\$ 1,158,723	\$ 66,561,028
Current Year Budget	424,780	3,471,504
Subtotal	\$ 1,583,503	\$ 70,032,531
Total		\$ 71,616,035

Table 2: Total Project Costs To Date

Contract	Amount	Total
FOX Engineering		
Original Contract	\$ 8,240,000	
Change Orders 1-12	767,922	
Change Order 13 (this action)	102,000	\$ 9,109,922
Contract 1: Utilities – S.M. Hentges & Sons		
Original Contract	\$ 3,197,273	
Change Orders 1-7	- 123,626	\$ 3,073,647
Contract 2: Treatment Plant – Knutson Construction		
Original Contract	\$ 52,497,000	
Change Orders 1-25	1,214,111	\$ 53,711,111
All Other Expenses		\$ 3,163,437
(e.g., land acquisition, lime sludge disposal, environmental investigations, etc.)		
Subtotal		\$ 69,058,117
Contingency		\$ 2,557,918
Total		\$ 71,616,035

ALTERNATIVES:

1. Approve a change order to Task Order 4.1 under the Master Agreement with FOX Engineering for the design, bidding and construction of the new water treatment plant in the amount of \$102,000.
2. Do not approve a change order to Task Order 4.1.

MANAGER’S RECOMMENDED ACTION:

The new water treatment plant project is exceptionally important for the long-term viability of the Ames community, both in terms of increasing the capability of the utility to meet growing demands, as well as to improve the redundancy and reliability of the treatment process. An important part of the construction process is ensuring the project is completed as designed and in accordance with contract documents.

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

This is **EXHIBIT K**, consisting of two (2) pages, plus attachments, referred to in and part of the **Master Agreement between Owner and Engineer for Professional Services** dated October 13, 2009.

AMENDMENT TO OWNER-ENGINEER AGREEMENT
Amendment No. 10

1. BACKGROUND DATA:

- a. Effective Date of Owner-Engineer Agreement: October 13, 2009 – Master Agreement
August 28, 2012 – Task Order 4.1
- b. Owner: City of Ames
- c. Engineer: FOX Engineering Associates, Inc.
- d. Project: Ames Water Treatment Plant

2. DESCRIPTION OF MODIFICATIONS:

- a. The Scope of Services currently authorized to be performed by Engineer in accordance with the Agreement and previous amendments, if any, is modified as follows:
 - 1. Task Order 4.1 is amended to include up to an estimated additional hourly fee and associated reimburseable expenses of Task Series 800 – Construction Office Administration beyond those noted in the original Task Order 4.1 and as previously amended. This provides for engineering administration time beyond the construction contract completion date of August 17, 2017 and the 33 months of construction time noted in Task Order 4.1.
 - This construction administration work will be performed as Task 803. Includes work identified in the Task Order as Tasks 801, 820, 830, 840, 850, 860. Work associated with Task 865-Record Drawings and 870-LEED are not included and will continue to be invoiced to Task 800.
 - Tasker Order 4.1 is amended to include an additional hourly fee of \$100,000 as Task 803. As of December 29, 2017, approximately \$65,000 has accrued.
 - 2. Task Order 4.1 is amended to add a limited arc flash study of a lump sum fee of \$2,000.00 to Task Series 800 – Construction Office Administration. This work will be performend as Task 804.
 - 3. Attachment 1 to Exhibit C of the Master Agreement is replaced with the attached “Attachment 1 to Exhibit C, 2018 Fee Schedule”.
- b. For the modifications to engineering services set forth above, Owner shall pay Engineer the following compensation:

Task Series	Basis of Fee	Current Amount	Change	Revised Amount
803	Method B-Hourly	\$0.00	Est at +\$100,000.00	\$100,00.00
804	Method A-Lump Sum	\$0.00	\$2,000.00	\$2,000.00

c. The schedule for rendering services is modified as follows:

1. As with the other services provided under Task Order 4.1, the Engineer shall perform these services with reasonable diligence and expediency consistent with sound professional practices.
2. The services will be rendered throughout the construction phase of the project, Task Series 800.

d. Other portions of the Agreement (including previous amendments, if any) are modified as follows:
(no additional modifications noted).

e. The responsibilities of Owner are modified as follows: *(no additional modifications noted).*

Owner and Engineer hereby agree to modify the above-referenced Agreement as set forth in this Amendment. All provisions of the Agreement not modified by this or previous Amendments remain in effect. The Effective Date of this Amendment is _____, 2018.

OWNER:

City of Ames, Iowa _____

By: _____

Title: _____

Date Signed: _____

ENGINEER:

FOX Engineering Associates, Inc. _____

By: Lance Aldrich _____

Title: Principal/Project Manager _____

Date Signed:  _____

**Attachment 1 to Exhibit C
2018 Fee Schedule**

<u>Staff Category</u>	<u>Hourly Billing Rates</u>
FOX Engineering Associates, Inc.	
Project Engineer	\$116.00-\$163.00
Project Manager	\$180.00-\$204.00
Principal/Project Director	\$215.00-\$235.00
Engineering Technician	\$79.00-\$136.00
Project Admin. Assistant	\$68.00-\$83.00
Accounting	\$215.00
Clerical Assistant	\$65.00-\$80.00

Project Consultants' Rates:

HDR Engineering	
Principal, Senior, & QC Engineer	\$230.00 - \$325.00
Project Manager	\$250.00
Process Engineer	\$120.00 - \$200.00
Architect	\$120.00 - \$200.00
Structural Engineer	\$120.00 - \$215.00
Mechanical Engineer	\$120.00 - \$215.00
CAD/Designer	\$95.00 - \$140.00
Clerical	\$50.00 - \$85.00
Accounting	\$100.00 - \$125.00
Operations Specialist	\$160.00 - \$205.00
Cost Estimator	\$80.00 - \$230.00
Consultant's Project Representative	\$100.00 - \$145.00
Barr Engineering	
Sr. Electrical Engineer	\$205.00
Designer	\$120.00
Technician	\$107.00
Clerical	\$80.00

Hourly billing rates include salary costs, normal employee benefits, overhead, profit, and general office expenses such as telephone, facsimile, photocopy, word processing, postage, and basic supplies.

Reimbursable expenses: Reimbursable expenses include meals and lodging when overnight stay is required for the project, special mailing/printing, outside consultants used on the project, use of specialty equipment (CADD, total station and GPS survey equipment), company or rental vehicles (at \$0.65/mile), and use of personal vehicles (at current IRS rate).

Listed rates are effective through **December 31, 2018**, after which time a revised rate schedule will be prepared.

COUNCIL ACTION FORM

SUBJECT: 2016/17 SHARED USE PATH SYSTEM EXPANSION – GRAND AVENUE

BACKGROUND:

This annual program provides for construction of shared use paths on street rights-of-way, adjacent to streets, and through greenbelts. **The location for this project is along Grand Avenue from 16th Street to Murray Drive.**

Staff have completed plans and specifications for this project. The construction for this project has an estimated cost of \$76,250. Engineering and construction administration costs are estimated at \$11,500, bringing the **total estimated cost for the project to \$87,750.**

This project is shown in the 2016/17 Capital Improvements Plan with funding in the amount of \$30,000 in Local Option Sales Tax (LOST). On January 23, 2018 City Council awarded the 2017/18 Shared Use Path System Expansion – Mortensen Road project to Con-Struct, Inc. of Ames, Iowa. The total estimated cost for this project is \$153,936 while the project funding is \$285,000 from LOST. Funding of \$65,000 from this savings of approximately \$130,000 can be utilized for the Grand Avenue project, **which brings total funding to \$95,000**

ALTERNATIVES:

1. Approve the plans and specifications for the 2016/17 Shared Use Path System Expansion – Grand Avenue project by establishing February 28, 2018, as the date of letting and March 6, 2018, as the date for report of bids.
2. Do not approve this project.

MANAGER’S RECOMMENDED ACTION:

By approving these plans and specifications and utilizing the savings noted above, it will be possible to take a Complete Streets approach in this corridor and expand our shared use path system. This will provide better services for residents and path users in the area.

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

COUNCIL ACTION FORM

**SUBJECT: 2017/18 RIGHT OF WAY APPEARANCE ENHANCEMENT – 927
DAYTON AVENUE**

BACKGROUND:

This annual program provides for enhancements of the right of ways in the City of Ames including retaining walls, entry elements, median enhancements, and monuments. **The location for 2017/18 is 927 Dayton Avenue.** The retaining wall at this location had been repaired once in 2008 and needs total replacement before it collapses.

The construction for this project has an estimated cost of \$168,658. This construction cost represents a higher cost than initially anticipated in the Capital Improvements Plan. This higher cost is due to further analysis of the wall that indicates all the existing retaining wall should be replaced in lieu of the smaller planned repair. This will ensure a safer and longer lasting product. Engineering and construction administration costs are estimated at \$10,500, bringing the **total estimated cost for the project to \$178,658.**

This project is shown in the 2017/18 Capital Improvements Plan (CIP) with funding in the amount of \$95,000. The Right of Way Appearance Enhancement CIP Program balance has unobligated funding of \$202,753, bringing **total available funding to \$297,753.**

ALTERNATIVES:

1. Approve the plans and specifications for the 2017/18 Right of Way Appearance Enhancement – 927 Dayton Avenue project by establishing February 28, 2018, as the date of letting and March 6, 2018, as the date for report of bids.
2. Do not approve this project.

MANAGER’S RECOMMENDED ACTION:

By approving these plans and specifications, it will be possible to complete the project in the spring of 2018 and limit any risk from the existing retaining wall collapsing.

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

COUNCIL ACTION FORM

SUBJECT: PRELIMINARY PLANS AND SPECIFICATIONS FOR ELECTRICAL MATERIALS – TOP-O-HOLLOW SUBSTATION EXPANSION AND BREAKER ADDITION

BACKGROUND:

This project will convert the existing single underground 69kV transmission tap connection at the Top-O-Hollow substation to a more reliable dual-source transmission connection, including the necessary relaying and breakers for high-speed line and transformer protection. The scope of this project includes the replacement and expansion of the existing 13.8kV metalclad switchgear to provide the addition of a main breaker and replacement of obsolete airblast breakers and electromechanical relays with vacuum-interrupter breakers, microprocessor-based relaying equipment.

The land for this project has been purchased previously to allow for the expansion of the existing substation. Use of breakers for transmission line, transformer, and 13.8kV main breaker protection is consistent with recommended engineering practices in the electric utility industry.

This portion of the project is for the purchase of electrical materials, consisting of vertical break switches, fused disconnect switches, instrument transformers, lighting arrestors and steel equipment support. The Engineer's estimated cost of these materials is \$159,600. It is necessary to specify and order these electrical materials ahead of the final design and construction bidding due to the long lead time for these materials. Additionally, the construction phase approval of plans and specifications will be presented to Council in the near future.

The approved FY 2017/18 CIP for Electric Services includes \$1,950,000 for construction under the Top-O-Hollow Substation Expansion and Breaker Addition project. Iowa State University's (ISU) will also provide funding for this project. ISU's share of the project is based on a load-ratio-share at the time of implementation. For budgetary purposes, staff is assuming the ISU load ratio share to be 7% of the total project cost.

ALTERNATIVES:

1. Approve the plans and specifications for Furnishing Electrical Materials for Top-O-Hollow Substation and set March 7, 2018, as the bid due date and March 27, 2018, as the date of hearing and award of contract.
2. Do not approve the plans and specifications at this time.

MANAGER'S RECOMMENDED ACTION:

This project will improve reliability of the 69kV transmission system, improve service to the customers served by this substation, improve worker safety, and provide improved protection to electrical assets from fault damage.

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

To date the project budget has the following items encumbered:

\$1,950,000	FY 2017/18 CIP amount budgeted for construction
\$1,950,000	
	<u>H K Scholz</u>
\$615,923.40	Actual cost for switchgear and control panels
	<u>To Be Determined</u>
<u>\$159,600</u>	Estimated cost for Electrical Materials — (pending Council approval of plans and specifications for this agenda item)
\$775,523.40	Costs committed to date for project
\$1,174,476.60	Remaining Project Balance to cover remaining equipment and construction

COUNCIL ACTION FORM**SUBJECT:** **BROOKSIDE PARK PATH LIGHTING PROJECT****BACKGROUND:**

This project includes the installation of path lighting adjacent to the shared use paths in Brookside Park. The paths include the path that runs from 6th St. to 13th St., the path that enters the park from the east on Ridgewood Ave., and the path that enters the southeast corner of the park at Ridgewood Ave. and 6th St. The shared use path system is an integral part of improving mobility and connectivity through Ames and the lighting will assist in increasing safety since the park is heavily populated with trees, which restrict the light from getting into the park. The project is expected to be completed in 2018.

KCL Engineering, West Des Moines, Iowa, was hired to develop specifications, prepare a cost estimate, and provide project management for the lighting project. City Council approved \$150,000 as part of the FY 2016/17 Capital Improvements Plan (CIP). The engineer's cost estimate exceeds the project budget by \$2,075. The removal of the baseball diamond at North River Valley Park resulted in cost savings of \$15,024 and these funds can be used to cover the cost difference should it be needed. Project details and costs are as follows:

Engineer's Estimate:

Lighting installation	\$ 140,250
Contingency 3%	\$ 3,825
Design Fees	<u>\$ 8,000</u>
Total Estimate	\$ 152,075

ALTERNATIVES:

1. Approve Plans and Specifications for the Brookside Park Path Lighting Project and set the bid due date for March 14, 2018 and March 27, 2018 as the date of public hearing.
2. Do not approve the plans and specifications at this time, delaying the Brookside Park Path Lighting Project.
3. Refer back to staff to modify the project.

MANAGER'S RECOMMENDED ACTION:

3. The proposed project is an important addition to Brookside Park, because it

alleviates safety concerns regarding how dark it gets during certain times of the year due to the tree canopy. Also, it encourages pedestrians and bicyclists to use the park as a safe connection route instead of using a lighted roadway. Therefore, it is the recommendation of the City Manager that City Council adopt Alternative #1 approving Plans and Specifications for the Brookside Park Path Lighting Project and setting the bid due date for March 14, 2018 and March 27, 2018 as the date of public hearing.



CITY OF
Ames™

Caring People ♦ Quality Programs ♦ Exceptional Service

MEMO

To: Mayor and Members of the City Council

From: City Clerk's Office

Date: February 13, 2018

Subject: Contract and Bond Approval

There are no Council Action Forms for Item Nos. 24 and 25. Council approval of the contract and bond for these projects is simply fulfilling a *State Code* requirement.

/jr

COUNCIL ACTION FORM

SUBJECT: 2016/17 CYRIDE ROUTE PAVEMENT IMPROVEMENTS (S. 3RD / 4TH STREET)

BACKGROUND:

This annual program utilizes current repair and reconstruction techniques to make pavement improvements to streets that are or were bus routes. These streets were designed and built for light residential traffic. With these streets designated as bus routes, accelerated deterioration of the street surface has occurred. Pavement improvements will restore street sections to carry higher traffic volumes and will reduce future maintenance needs. **The location for this project is S 3rd Street/South 4th Street from Squaw Creek to South Duff Avenue.**

At the March 7, 2017 meeting, City Council awarded the contract to Manatt's Inc. of Ames, Iowa in the amount of \$2,495,582.55.

Through the construction, staff has administratively approved Change Order No. 1. This first change order to modify the storm sewer manhole dimensions to accommodate the existing pipes was approved with a contract reduction of \$1,800.00.

Now that construction is substantially complete, a balancing change order is required to adjust the quantities based on field measurements. The balancing change order further reduced the contract by \$304,187.22. The majority of the cost savings came from quantity underruns due to favorable site conditions and value engineering throughout construction. **This balancing change order brings the cumulative project savings to \$305,987.22.**

ALTERNATIVES:

1. Approve Change Order No. 2 in the amount of (\$304,187.22).
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 proceed with the final acceptance process. Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1 as described above.

COUNCIL ACTION FORM

SUBJECT: 2015/16 AIRPORT IMPROVEMENTS (TERMINAL BUILDING)

BACKGROUND:

The Airport Improvements Program in the City’s 2015/16 Capital Improvements Plan included a project to construct a new terminal building, an itinerant hangar, and related site preparation for the buildings. Per an agreement between the City and Iowa State University, the itinerant hangar has been constructed using private funds and donated to the City. Once the hangar was taken over by the City, additional requirements (security, cameras, network connections, access door, etc) were needed to make the building a fully operational facility.

On September 13, 2016, the City Council awarded the terminal building contract to Jensen Builders LTD of Des Moines, IA, in the amount of \$1,973,900. **Construction of the Terminal Building was completed in the amount of \$1,988,651.00.**

There were other improvements required to prepare the overall Airport site for the Terminal Building and Itinerant Hangar to integrate them with the rest of the City-owned facilities that were not anticipated in the original budget. This work included parking lot lighting (\$13,423), building permit (\$11,571), and fiber optic network (\$21,390), in addition to the hangar items noted above (\$16,255).

The following table summarizes the overall funding sources and expense breakdown for this project:

Revenues		Expenses	
G.O. Bonds	\$867,000	Design	\$437,808
G.O. Bonds (Abated)	\$943,000	Terminal Site & Utilities Work	\$737,639
G.O. Bonds (Avail. Bal.)	\$65,000	Airport Site Preparation Requirements	\$34,813
Federal Grants	\$600,000	Terminal Construction	\$1,988,651
State Grants	\$150,000	Administration & Construction Services	\$109,504
Hotel/Motel Tax	\$250,000	Terminal Fixtures, Furniture, and Equipment	\$118,448
AEDC	\$500,000	Hangar Facility Requirements	\$16,255
FBO	\$12,815		
General Fund	\$60,000		
	\$3,447,815		\$3,443,118

ALTERNATIVES:

1. Accept the building contract portion of the 2015/16 Airport Improvements (Terminal Building) only as completed by Jensen Builders LTD of Des Moines, Iowa, in the amount of \$1,988,651 utilizing up to \$65,000 from the available balance in G.O. Bond funds.
2. Direct staff to pursue modifications to the project.

MANAGER'S RECOMMENDED ACTION:

The City Council should note that the final project cost is \$65,000 greater than the amount previously estimated for the project. Since three out of the four items listed above can be considered improvements to the overall Airport, it does not seem justified to seek additional funding from the AEDC or ISU to cover these costs. Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, which will authorize the use of an additional \$65,000 from the available balance in G.O. bond funds and accept the Terminal Building contract as completed in accordance with the approved plans and specifications.

COUNCIL ACTION FORM

SUBJECT: ACCEPT COMPLETION OF YEAR ONE OF THE WATER PLANT WELL REHABILITATION CONTRACT

BACKGROUND:

On May 9, 2017, City Council awarded a contract to Northway Well and Pump Company of Waukee, Iowa in the amount of \$97,500 to rehabilitate five of the City's 22 drinking water wells. This is a one-year contract with a possibility of four, one-year renewal options.

The Water Treatment Plant operating budget (FY 2017/18) allocated \$97,500 for the rehabilitation of these wells and an additional \$25,000 for repairs. The five wells completed in this year's contract required additional repairs, which added \$8,620 to the original Purchase Order. The final contract amount is \$106,120, which includes three Change Orders for repair work.

All work for this year's contract has been successfully completed as of December 11, 2017. An Engineer's Statement of Completion has been filed with the City Clerk.

ALTERNATIVES:

1. Accept final completion of year one of the five-year Water Plant well rehabilitation contract in the final amount of \$106,120.
2. Do not accept completion of year one of the Water Plant well rehabilitation contract at this time.

MANAGER'S RECOMMENDED ACTION:

Year one of the Water Plant well rehabilitation contract has been successfully completed in accordance with the City's plans and specifications. Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1 as described above.

COUNCIL ACTION FORM

SUBJECT: RECISION OF PLAT OF SURVEY for 2017 EAST LINCOLN WAY AND APPROVAL OF A PLAT OF SURVEY FOR 2017 EAST LINCOLN WAY & 320 CARNEGIE AVENUE

BACKGROUND:

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

This proposed plat of survey is for a boundary line adjustment of existing parcel F at 2017 East Lincoln Way and Lot 4 with 36' of Lot 5 of Ray's Subdivision located at 320 Carnegie Avenue. These parcels are currently occupied by Larson Collision and Central Iowa Towing. The parcels have been in their present configuration since 2005 (Parcel F) and 1970 (Lot 4 & 5) when both were approved respectively. However, a plat of survey to modify the boundaries of 2017 East Lincoln Way was approved by the City in 2017, but the property sale and transfer did not occur upon the recording of the earlier plat of survey. In order to approve the new plat of survey, the City Council is asked to rescind its prior approval.

The sites are zoned General Industrial zone (GI) and have industrial buildings on each parcel. The proposed new parcels are labeled as P and N. There is a shared ingress/egress easement from East Lincoln Way across the proposed Parcel N extending to the new boundary of the proposed Parcel P. Access to the proposed Parcel P is also available via Carnegie Avenue. The proposed change shifts approximately 1.7 acres of the site from the rear of existing Parcel F to Parcel P.

The sites were reviewed to ensure that setbacks and building coverage complied with requirements found in the zone development standards of the General Industrial zone (GI). Although the site has a number of nonconformities for paving and landscaping, staff has concluded that that the boundary line adjustment is not creating or exacerbating any non-conformities for the existing non-conforming site improvements. Access to Lincoln Way will be maintained as shared access for the new Parcel N and P.

A Special Use Permit was approved in 2001 by the Zoning Board of Adjustment for 320 Carnegie Avenue for an impoundment lot owned by Central Iowa Towing. The proposed boundary line adjustment enlarges the property on which the impoundment lot is currently located, but does not authorize an increase in the size or relocation of the impoundment area itself. The newly acquired portion of property owned by Central Iowa Towing (Parcel P) will

have only towing services and associated equipment storage conducted on the site. The applicant has provided a written explanation that the car impoundment activities will not occur outside of its current approved area.

New 10-foot wide electrical and utility easements is included on the proposed parcel P. from the boundary line of Parcel N as required by Ames Electric. A utility easement is also being identified as being extended further west through Parcel P to Carnegie Avenue.

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

ALTERNATIVES:

1. The City Council can adopt the resolution to rescind the prior plat of survey approval for 2017 Lincoln Way and approve the proposed Parcel N and P of the attached plat of survey.
2. The City Council can deny the proposed plat of survey if the City Council finds that the requirements for plats of survey as described in Section 23.309 have not been satisfied.
3. The City Council can refer this back to staff and/or the owner for additional information.

CITY MANAGER'S RECOMMENDED ACTION:

Staff has determined that the proposed plat of survey satisfies all code requirements for a boundary line adjustment of existing lots and has made a preliminary decision of approval. The resulting two lots are designed to be conforming to underlying design standards and building setbacks of G1 zoning. The boundary line adjustment does not trigger infrastructure requirements unless there is a gap in completion of existing infrastructure, which does not exist for this situation. The changing of the property lines does not authorize an expansion of the existing car impoundment lot along Carnegie.

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

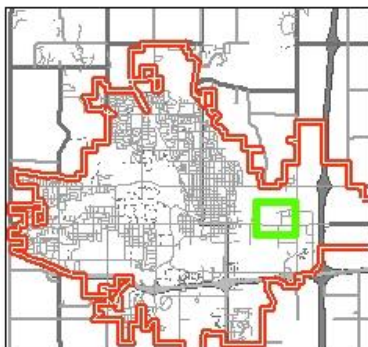
Public Improvements:

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

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

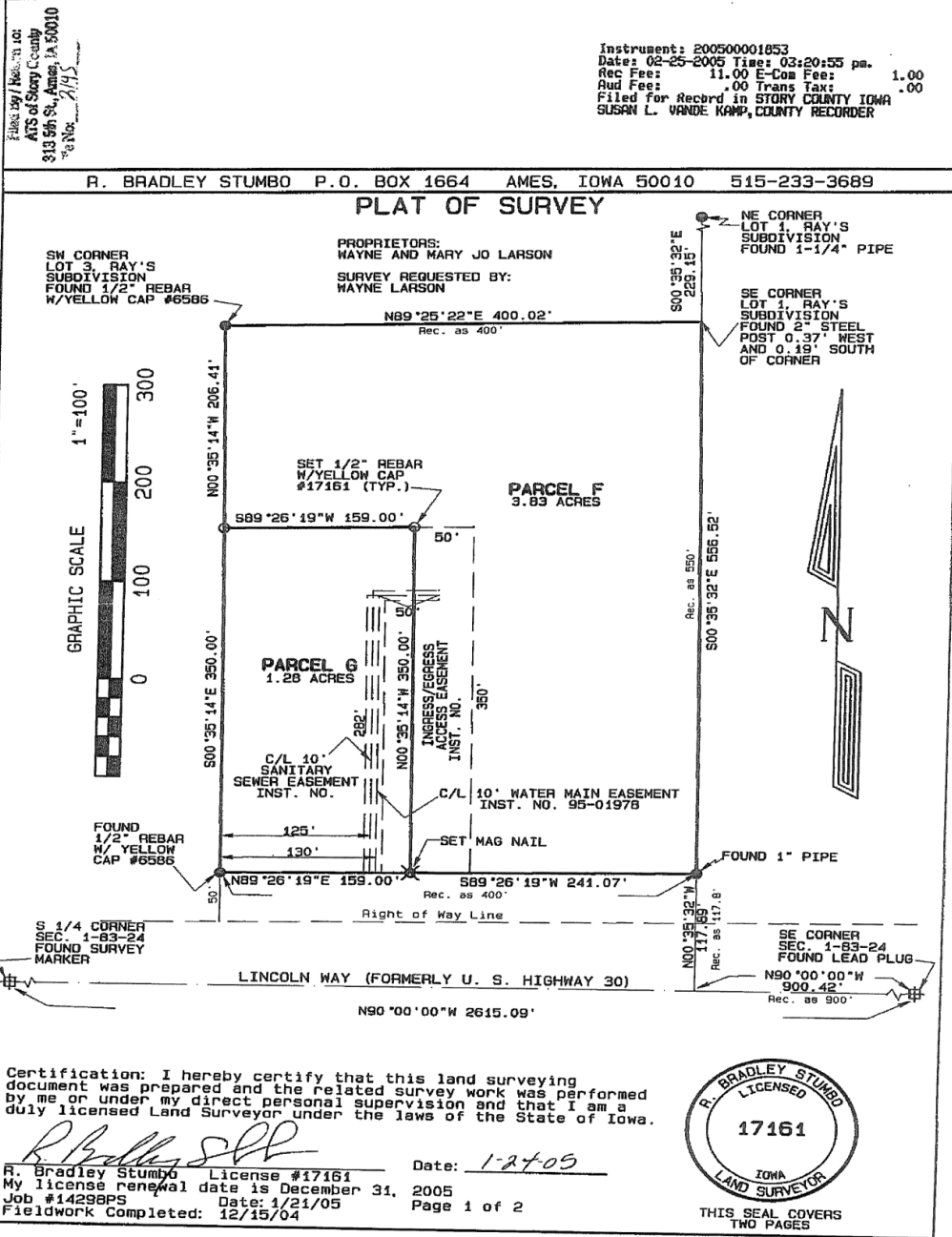
Note: The official plat of survey is not recognized as a binding plat of survey for permitting purposes until a copy of the signed and recorded plat of survey is filed with the Ames City Clerk's office and a digital image in Adobe PDF format has been submitted to the Planning & Housing Department.

Attachment A- Location Map

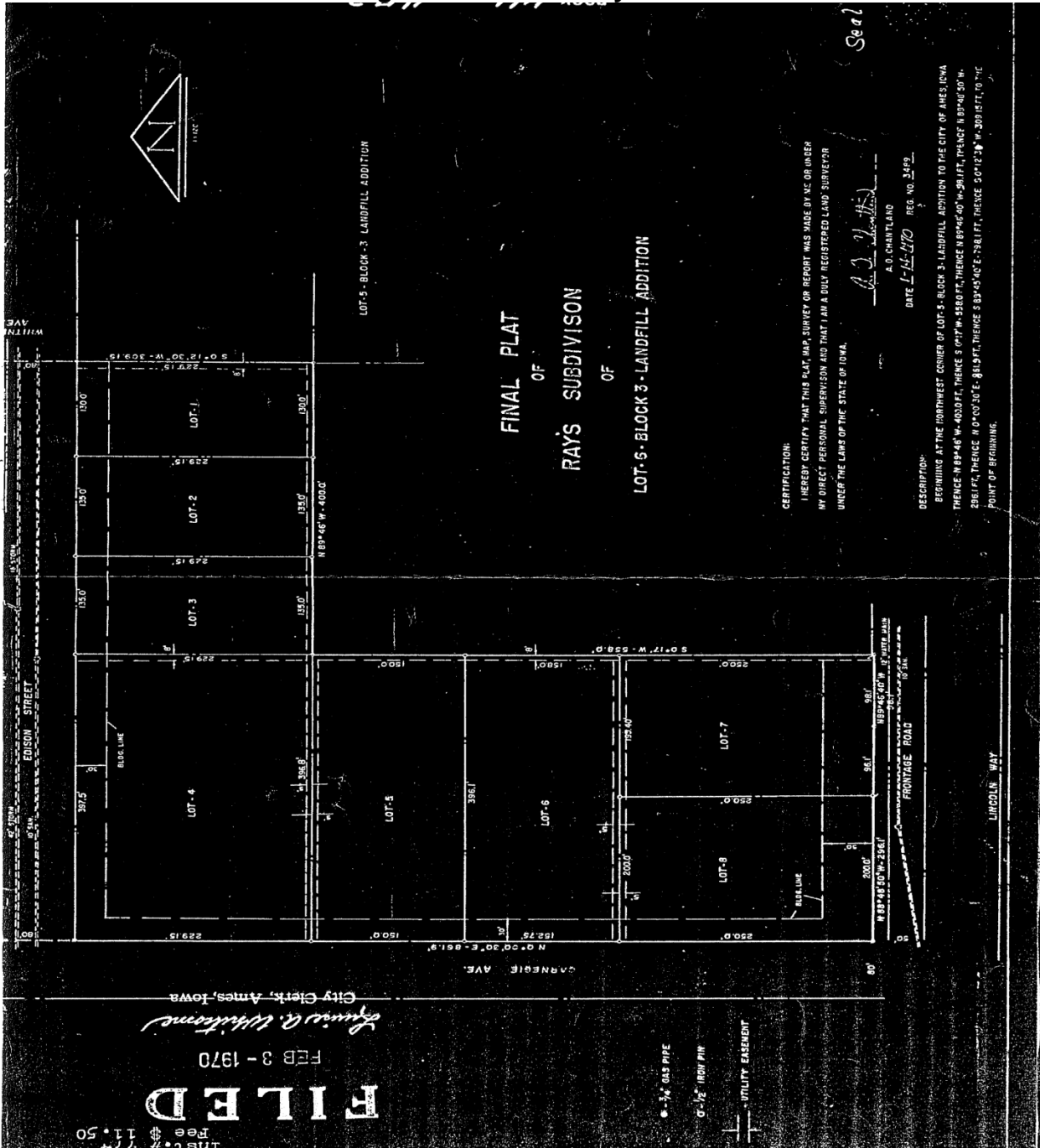


**2017 East Lincoln Way &
320 Carnegie Avenue
Location map**

Attachment B- 2017 East Lincoln Way-Parcel F



Attachment B Cont. Existing Lot 4 & Lot 5- Rays Subdivision



FILED

FEB 3 - 1970

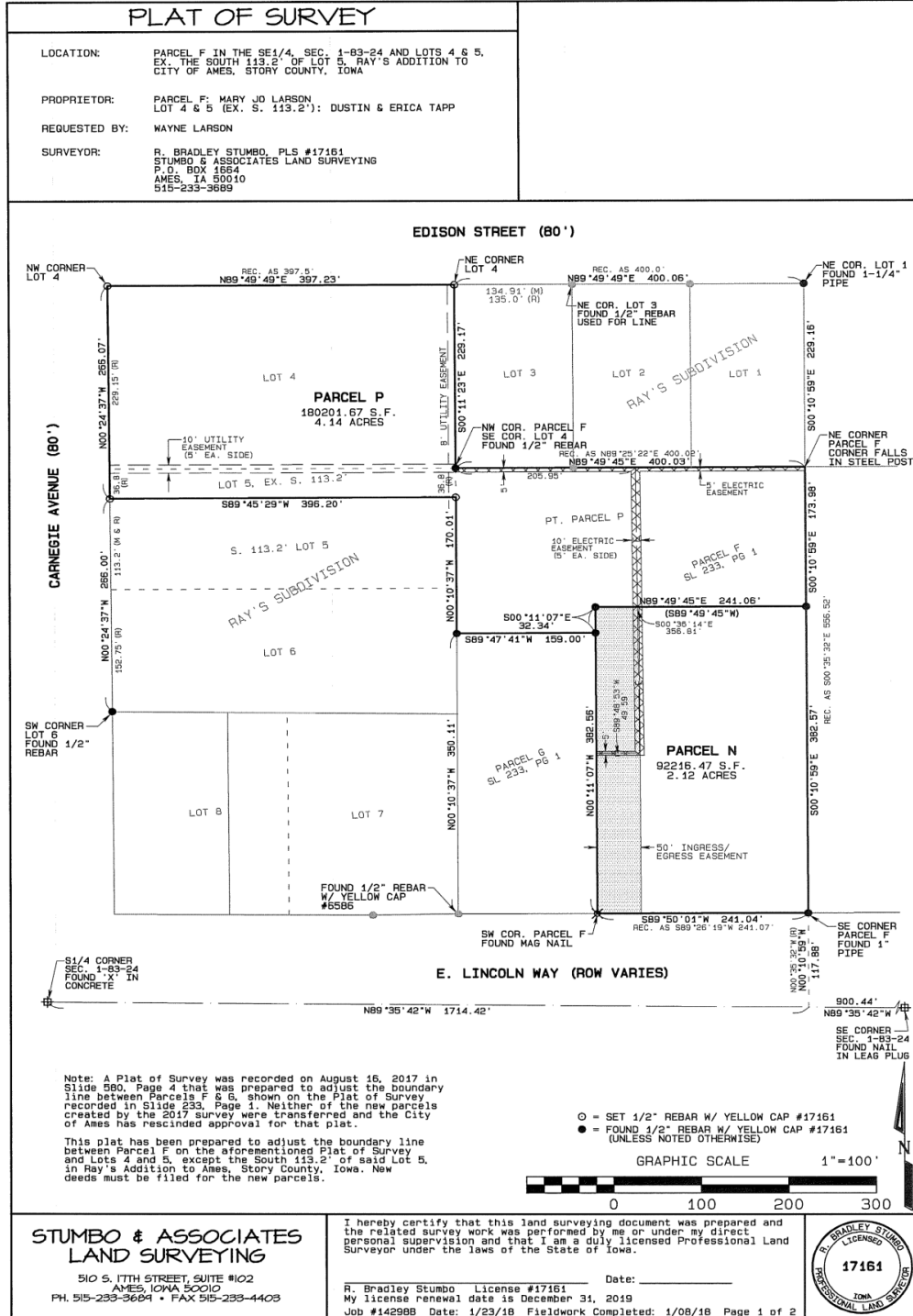
Edward A. Whitte
City Clerk, Ames, Iowa

INSR. # 774
Fee \$ 11.50

6" - 3/4" GAS PIPE
6" - 1/2" IRON PIPE
UTILITY EASEMENT

Seal

Attachment C- Plat of Survey



~~ITEM # 10
Date: 01-23-18~~

COUNCIL ACTION FORM

SUBJECT: APPROVAL OF 2017 NATIONAL ELECTRICAL CODE WITH AMENDMENTS

BACKGROUND:

The National Electrical Code (NEC), published by the National Fire Protection Association (NFPA), is the model code of standards for electrical construction and maintenance in use throughout the United States. The Code is updated at three year intervals to reflect the latest improvements in public safety technologies. The State of Iowa historically adopts the most recent edition of the NEC and, in doing so, requires every local jurisdiction to do the same.

The State of Iowa has adopted the 2017 edition of the NEC effective on January 1, 2018. The City of Ames is required to follow the State in adopting the NEC and their adopted amendments to assure consistency of State and local standards. Electricians doing work within the City of Ames are required by their State licensure to follow the NEC adopted by the State, which as of January 1, 2018, is the 2017 NEC. The City of Ames is currently regulated by the last adopted NEC, which is the 2014 version of the code. **To be operating legally under the State Code, the City must, at a minimum, adopt the 2017 NEC and the two State amendments.**

The first step in the code adoption process is an in depth review of the 2017 NEC by Inspections staff. Inspections staff receives not only the 2017 NEC code book, but also reference materials that describe the significant changes between the 2014 and 2017 versions of the code. Once a thorough review is complete, the process moves onto City Legal Staff and to the Building Board of Appeals.

The Building Board of Appeals is a seven member board appointed by the Mayor with the approval of the City Council. Each member is qualified by experience and training in matters pertaining to building construction. The membership of the Board consists of the following professionals:

- Licensed Architect
- Professional Engineer
- General Contractor
- Homebuilder
- Licensed Journeyman or Master Electrician, or Electrical Contractor
- Licensed Journeyman or Master Plumber, or Plumbing Contractor
- Licensed Master HVAC Technician, or Mechanical Contractor

The Building Board of Appeals is tasked with reviewing proposed text amendments to Ames *Municipal Code*, Chapter 5, Building, Electrical, Mechanical and Plumbing Code. Proposed text amendments are reviewed by the Board with a public hearing and recommendation to the City Council.

On October 25, 2017, Inspections staff sent an e-mail to all contractors who have done business with the Inspection Division within the last year to notify them of the proposed 2017 NEC adoption process and that their attendance and input at the November 6, 2017, Building Board of Appeals meeting would be welcome.

The Building Board of Appeals held a public hearing on November 6, 2017. There were no contractors present for the meeting and no public input submitted. As a result, the Board made a motion to recommend to the City Council approval of the 2017 NEC with the two State of Iowa amendments and one local amendment.

CODE CHANGES:

Revisions made in the 2017 edition of the NEC reflect modifications in the industry related to energy efficiency, energy production, residential uses, and special needs for health care facilities, and offer better protection for people and their property as the demands on electrical service increase. Attachment A highlights some of the more notable changes. This list is not inclusive as the actual book of changes, with analysis of each change, is over 500 pages long.

One Local Amendment:

The local amendment allows nonmetallic-sheathed cable to continue to be used in single and multi-family structures, but restricts the use in commercial structures, as it has in years past. The prohibition of Nonmetallic-sheathed cable for commercial structures and allowable use in single and multi-family structures is consistent with other jurisdictions:

Section 334.10, Nonmetallic-Sheathed Cable, Uses Permitted, is amended by deleting Subsection (3) therefrom and inserting in lieu thereof a new Subsection (3): All other structures shall be wired using other methods as allowed by the NEC.

Two State Amendments:

In the 2014 NEC, there was a change that required AFCI protection for existing circuits and receptacle replacements. The State has adopted two amendments to the 2017 NEC that address the potential difficulty in providing arc fault protection on existing circuits for contractors and owners. They have amended out the following sections:

Section 210.12(D) Branch Circuit Extensions or Modifications – Dwelling Units and Dormitory Units. In any of the areas specified in 210.12.(A) or (B), where branch-circuit wiring is modified, replaced, or extended the branch circuit shall be protected by one of the following:

- 1) A listed combination-type AFCI located at the origin of the branch circuit
- 2) A listed outlet branch-circuit-type AFCI located at the first receptacle outlet of the existing branch circuit

Exception: AFCI protection shall not be required where the extension of the existing conductors is not more than 1.8m (6 ft) and does not include any additional outlets or devices.

Section 406.4(D)(4) Arc-fault Circuit Interrupter Protection. Where a receptacle outlet is located in any areas specified in 210.12(A) or (B), a replacement receptacle at this outlet shall be one of the following:

- 1) A listed outlet branch-circuit type arc-fault circuit-interrupter receptacle

- 2) A receptacle protected by a listed outlet branch-circuit type arc-fault circuit-interrupter type receptacle
- 3) A receptacle protected by a listed combination type arc-fault circuit-interrupter type circuit breaker

Exception No.1: Arc-fault circuit-interrupter protection shall not be required where all of the following apply:

- 1) *The replacement complies with 406.4(D)(2)(b).*
- 2) *It is impracticable to provide an equipment grounding conductor as provided by 250.130(C)*
- 3) *A listed combination type arc-fault circuit-interrupter circuit breaker is not commercially available.*
- 4) *GFCI/AFCI dual function receptacles are not commercially available.*

Exception No.2: Section 210.12(B), Exception shall not apply to replacement of receptacles.

ALTERNATIVES:

1. Set the public hearing for February 13, 2018 to review the proposal to adopt the 2017 edition of the National Electrical Code (NEC) with one local amendment and two State of Iowa amendments as explained above.
2. Direct staff to work with the Building Board of Appeals to develop further local amendments to the recommended codes.

MANAGER'S RECOMMENDED ACTION:

The Legal Department and the Building Board of Appeals have reviewed the proposal and has recommended approval to the City Council. Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby setting a public hearing for February 13, 2018.

ATTACHMENT A

The following is an overview of some of the changes made by the NFPA in the 2017 edition of the NEC. Although this is not an inclusive list it does highlight the most notable changes from the 2014 edition. Many of these changes are being implemented to create safer working environments for electrical workers as well as safer living conditions for everyone.

- 110.14(D) – Torquing of connections is now required if on equipment or in instructions.
 - This was previously an informational note. It was determined that the importance of making a proper connection was significant enough that the informational note should be entered into the code so that it would be enforceable.
- 210.8(B) – GFCI protection for other than dwellings is expanded to all 1-phase receptacles 150V to ground or less, 50A or less and 3-phase 150V to ground or less, 100A or less in listed locations.
 - The installation of GFCI devices has been proven to save lives and reduce shock injuries. The new code section expands the requirement for GFCIs to receptacles with higher currents and voltage, especially those in workplaces.
- 210.8(B)(9) & (10) – GFCI protection is now required for receptacles in non-dwelling crawl spaces and finished basements.
 - The change in subsection 9, expands the requirement for GFCI protection to include all crawl spaces, not just those in dwelling units.
 - The change in subsection 10, expands the GFCI requirement to include unfinished commercial basements and receptacles with stronger currents like 210.8(B) above.
- 210.8(E) – GFCI protection is now required for lighting outlets in crawl spaces.
 - This section adds the requirement for GFCI protection in crawl spaces. This increases safety for electrical contractors.
- 210.12(C) – All guest rooms and suites must now have AFCI protection.
 - AFCI protection is now required in all hotel rooms. Previously, they were only required if there were permanent cooking provisions in the room. This increases the level of safety for hotel guests.
- 210.64 – The indoor service area receptacle must now be accessible, within 25', and in the same room.
 - This distance has been shortened from 50 feet to 25'. The intent is to reduce the use of extension cords which have been proven to decrease the level of safety.
- 320.6 – AC cable and fittings must be listed.
 - This change requires cables and their fittings to be listed as other equipment does.
- 406.3(F) – Receptacles with USB chargers must be listed and have integral Class 2 circuitry.
 - This code section adds listing requirements for receptacles with USB chargers and requires the circuitry to be integral to the device. This code change reflects updated technology.
- 406.6(D) – Receptacles faceplates with night lights or USB chargers must be listed and the night light and/or Class 2 circuitry must be integral.

- This is a result of increased technology. It requires the installation of these receptacles to be listed.
- 409.22(B) – Available short-circuit current at industrial control panels must be documented and available.
 - This code section requires short-circuit current data to be made available so that installation could be evaluated by an inspector. Previously, there was no way to know what the current rating was and, therefore, no way to know if the proper equipment was installed.
- 422.16(B)(2) – Receptacles for built-in dishwashers must be in adjacent space.
 - This brings the code in line with the manufacturer specifications on dishwashers and trash compactors.

In addition to the above changes, one new article, Article 425, has been added to the 2017 NEC. It addresses industrial process heating equipment.

ORDINANCE NO.

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY REPEALING SECTIONS 5.100(10) AND 5.205 AND ENACTING NEW SECTIONS 5.100(10) AND 5.205 THEREOF, FOR THE PURPOSE OF ADOPTING BY REFERENCE THE 2017 EDITION OF THE NATIONAL ELECTRICAL CODE WITH LOCAL EDITS REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; PROVIDING A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.

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

Section One. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by repealing Sections 5.100(10) and 5.205 and enacting a new Sections 5.100(10) and 5.205 as follows:

“Sec. 5.100. TITLE & ADOPTION.

(10) **Electrical.** The National Electrical Code, 2017 edition, published by the National Fire Protection Association, One Batterymarch Park, Quincy, Massachusetts, is hereby adopted and amended in this code as the electrical code of the City of Ames and shall govern electrical work and installations in the City of Ames, except for such specific, higher standards and requirements as have been or may from time to time be enacted by the City of Ames.

Sec. 5.205. ELECTRICAL.

The provisions of the National Electrical Code (NEC), 2017 edition, are hereby amended as follows:

(1) Section 334.10, Nonmetallic-Sheathed Cable, Uses Permitted, is amended by deleting Subsection (3) therefrom and inserting in lieu thereof a new Subsection (3): All other structures shall be wired using other methods as allowed by the NEC.

(2) Delete Section 210.12(D) Branch Circuit Extensions or Modifications – Dwelling Units and Dormitory Units.

(3) Delete Section 406.4(D)(4).”

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

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

Passed this _____ day of _____, _____.

Diane R. Voss, City Clerk

John A. Haila, Mayor

COUNCIL ACTION FORM

SUBJECT: SEVERANCE OF BELITSOS/WOLFE AND CRANE PROPERTIES FROM CITY OF AMES

BACKGROUND:

The City of Ames annexed 35.69 acres in March of 2017 at the request of the property owners. The annexation was made up of four parcels, two owned by George Belitsos and Peter Wolfe and two by John Crane. A location map is found in Attachment A. A pre-annexation agreement between the City and the property owners was approved with the annexation to address future development options and improvement obligations if certain conditions precedent were completed.

The agreement included a provision to allow for property owners to seek severance of the properties from the City within two years or their annexation if the conditions precedent of the agreement were not met. Page four of the recorded Pre-Annexation Agreement, in Conditions Precedent II(2), allowed for the property owners to request severance of the parcels from the City. The conditions precedent included voluntary annexation, rezoning to F-PRD, allowances for attached dwelling house structures, and acquisition of the site by Trinitas. An application for rezoning was submitted and denied in July of 2017 and again in December 2017. Trinitas subsequently cancelled their purchase agreement with the property owners.

Severance of territory from a city is governed by Iowa Code Section 368.8. The process requires a city to resolve the value of assets and distribution of liabilities prior to approving the severance of territory. There have been no improvements, public or private, made to the properties since the annexation was approved. Therefore, there are no assets or liabilities to distribute. Upon approval of a resolution by the City Council it will be forwarded to the Secretary of State to finalize the severance of the territory. Once severance of the properties is finalized, the properties will assume county zoning designations and the abutting public right-of-way will return to Story and Boone County jurisdiction respectively.

ALTERNATIVES:

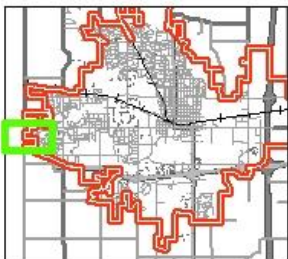
1. Approve the request to sever the Belitsos/Wolfe and Crane properties from the City.
2. Refer the item back to staff for additional information and continue consideration of the item to a later date.

CITY MANAGER’S RECOMMENDED ACTION:

The requested severance is of four parcels consists of 35.69 acres of land owned by George Belitsos and Peter Wolfe and by John Crane. A clause in the pre-annexation agreement allows for de-annexation of the property to occur at the request of the property owners. The *Iowa Code* also allows for voluntary severance of property. Rezoning of the property was not approved as a condition precedent and no improvements have been made to the properties since annexation. The property owner has the ability to sever from the City based upon terms of the pre-annexation agreement.

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 to severe the Belitsos/Wolfe and Crane properties from the City.

ATTACHMENT A: LOCATION MAP



Location Map