

AGENDA
REGULAR MEETING OF THE AMES CITY COUNCIL
COUNCIL CHAMBERS - CITY HALL - 515 CLARK AVENUE
NOVEMBER 13, 2018

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

CALL TO ORDER: 6:00 p.m.

PROCLAMATIONS:

1. Proclamation for “Small Business Saturday,” November 24, 2018
2. Proclamation for “Hunger and Homelessness Awareness Week,” November 10-18, 2018

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

3. Motion approving payment of claims
4. Motion approving Minutes of Regular Meeting of October 23, 2018, and Special Meetings held October 16, October 26, October 29, and November 1, 2018
5. Motion approving certification of Civil Service applicants
6. Motion approving Report of Contract Change Orders for October 15 - 31, 2018
7. Motion approving renewal of the following Beer Permits, Wine Permits, and Liquor Licenses:
 - a. Class B Native Wine - Kitchen, Bath & Home, 201 Main Street
 - b. Class E Liquor - A.J.’s Liquor III, 2401 Chamberlain, Suite A
8. Motion approving new Class E Liquor License for goPuff, 615 S. Dayton Avenue, pending final inspection
9. Resolution approving appointment of Council Member Amber Corrieri to Ames Economic Development Commission Board of Directors
10. Miracle League Park:
 - a. Project update on fund-raising and construction time line
 - b. Resolution allocating funding to develop plans and specifications for the Donor/Sensory Plaza
11. Resolution authorizing the Mayor to sign Agreement approving the relocation of Automed to the City of Huxley and the use of its intended incentive
12. Resolution approving preliminary plans and specifications for 2018/19 Traffic Signal Program (Lincoln Way/Hyland Avenue); setting December 5, 2018, as bid due date and December 11, 2018, as date of public hearing
13. Resolution approving Change Order No. 2 with Dewild Grant Reckert & Associates Company,

Rock Rapids, Iowa, for Engineering Services for Ames Substation Improvements in a not-to-exceed amount of \$65,000

14. Resolution approving Change Order No. 1 for 2018/19 Concrete Crushing Program in the amount of \$18,262
15. 2018/19 Pavement Restoration Program (Slurry Seal):
 - a. Resolution approving balancing Change Order
 - b. Resolution accepting final completion
16. Resolution approving Final Plat for Sunset Ridge Subdivision, 8th Addition
17. Resolution accepting partial completion of public improvements and reducing security for Village Park Subdivision, 1st Addition
18. Resolution accepting partial completion of public improvements and reducing security for Quarry Estates Subdivision, 1st Addition

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 three minutes.

FIRE:

19. Resolution approving rental registration for 611 Lynn allowing the property to be eligible as a rental property under the Property Cap Exception

PUBLIC WORKS:

20. Staff Report/Update on Downtown parking items

PLANNING & HOUSING:

21. Staff Report on Short-Term Rentals
22. Alterations to Depot Building at 500 Main Street:
 - a. Resolution finding proposed changes to the building have no negative impact on the historic qualities of the Depot Building
23. Resolution approving Preliminary Plat for Revised Scenic Valley Subdivision, with the condition that a storm water flowage easement over Friedrich's property be recorded with approval of a Final Plat
24. Proposed Text Amendments for updating nonconforming use and nonconforming structure standards:
 - a. Motion to direct staff to proceed with finalizing text amendments and publishing notice for nonconforming uses, discontinuance of a nonconforming use, and defining remodeling of a nonconforming structure

HEARINGS:

25. Hearing on Major Site Development Plan for 1404, 1405, and 1410 Buckeye Avenue (formerly

K-Mart):

- a. Resolution approving Major Site Development Plan, subject to certain conditions
 - b. Resolution approving Preliminary Plat for Southwood Subdivision, 4th Addition, subject to certain conditions
26. Hearing on Development Agreement with Barilla America, Inc., with tax increment rebate incentives and project development requirements:
- a. Resolution approving Development Agreement
 - b. Resolution approving Minimum Assessment Agreement
27. Hearing on Scaffolding and Related Services and Supply Contract:
- a. Motion accepting Report of Bids and delaying award of contract
28. Hearing on 2018/19 Sanitary Sewer Rehabilitation (Wilson & 15th):
- a. Resolution approving plans and specifications and awarding contract to Synergy Contracting, LLC, in the amount of \$2,663,751.50

ORDINANCES:

29. Second passage of ordinance related to development standards of the Neighborhood Commercial Zoning District
30. Second passage of ordinance to allow alternative landscape plan approval in conjunction with a Special Use Permit
31. Third passage and adoption of ORDINANCE NO. 4373 regarding exceptions to Minimum Stories and Minimum Floor Area Ratio for the Downtown Service Center

DISPOSITION OF COMMUNICATIONS:

COUNCIL COMMENTS:

ADJOURNMENT:

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

MINUTES OF THE REGULAR MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

OCTOBER 23, 2018

The Regular Meeting of the Ames City Council was called to order by Mayor John Haila at 4:47 p.m. on October 23, 2018, in the City Council Chambers in City Hall, 515 Clark Avenue, pursuant to law. Present were Council Members Bronwyn Beatty-Hansen, Gloria Betcher, Amber Corrieri, Tim Gartin, and David Martin. *Ex officio* Member Allie Hoskins was also present.

Council Member Chris Nelson arrived at 4:49 p.m.

PRESENTATION FOR AN ALTERNATE CONCEPT FOR RESIDENTIAL SUBDIVISIONS: Mayor Haila explained that he was shown the concept of pocket neighborhoods and different ways of doing developments and wanted to have Mr. Pulliam present City Council with some different concepts.

Development Consultant Robert Pulliam, Rhinehart Pulliam & Company, mentioned the presentation will show what some of the possibilities will be in regards to architecture, planning, and development. He believes that quality architecture, quality developments, habitats that peoples live in, need to be for everyone, not just in big cities or for people that can afford it. Mr. Pulliam explained that a Development Community he helped develop was Saranbe. Saranbe is a Planned Community that was designed to preserve the natural environment. He then proceeded to show a presentation with different types of architecture and how houses are set up to be within walking distance to stores. Mr. Pulliam noted that there are three fundamental words that he feels are founding principles that guide his work, creativity, vision and authenticity.

Council Member Nelson asked if a copy of the presentation could be available to Council Members.

Council Member Gartin appreciates what was presented by Mr. Pulliam but wanted to know what is unique about the Saranbe approach that Council should take away from the presentation. Mr. Pulliam stated that Council needs to have a “ground up” way of thinking, understanding of what already exists, and to work with nature.

Council Member Beatty-Hansen questioned what the top three standards are that each city needs to change in order to make the Saranbe concept work. Mr. Pulliam noted that Saranbe could not have been built with the zoning that was already in place and had to legally create their own town. He stated the other two would be to have flexibility and creativity.

Council recessed at 5:46 p.m.

Council reconvened at 6:03 p.m.

PROCLAMATION FOR NATIONAL PLANNING MONTH: Mayor Haila proclaimed the month of October as “Community Planning Month.” Accepting the Proclamation was Planning and Housing Director Kelly Diekmann. Mr. Diekmann mentioned that the Planning Department has a Transportation Planner and they do Community Planning.

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

3. Motion approving payment of claims
4. Motion approving Minutes of Regular Meeting of October 9, 2018, and Special Meeting of October 11, 2018
5. Motion approving Report of Contract Change Orders for October 1-15, 2018
6. Motion to set the following City Council meeting dates/times:
 - a. December 18, 2018, as Regular Meeting Date and canceling December 25, 2018, Regular Meeting Date
 - b. January 15, 2019, at 5:15 p.m. for CIP Workshop
 - c. February 1, 2019, at 2:00 p.m. for Budget Overview
 - d. February 5, 6, and 7, 2019, at 5:15 p.m. for Budget Hearings
 - e. February 12, 2019, at 5:15 p.m. for Budget Wrap-Up
 - f. March 5, 2019, at 6:00 p.m. for Regular Meeting and Final Budget Hearing
7. Motion approving renewal of the following Beer Permits, Wine Permits, and Liquor Licenses:
 - g. Class E Liquor, B Wine, & C Beer - CVS Pharmacy #10452, 2420 Lincoln Way, #104
 - h. Class C Liquor - Arcadia Café, 116 Welch Ave.
 - i. Class C Beer & B Wine - Aldi, Inc. #48, 108 S. 5th Street
 - j. Class E Liquor, C Beer, & B Wine
 - k. Class C Liquor - North Grand Cinema, 2801 Grand Ave., Ste. 1300
8. Motion approving Carry-Out Wine Privilege for Class C Liquor - Bar la Tosca, 400 Main Street
9. RESOLUTION NO. 18-577 setting date of public hearing for November 13, 2018, on Development Agreement with Barilla America, Inc., with tax increment rebate incentives and project development requirements, not to exceed \$3 million
10. RESOLUTION NO. 18-578 approving Quarterly Investment Report for period ending September 30, 2018
11. RESOLUTION NO. 18-579 approving award of 2018 Edward Byrne Memorial Justice Assistance Grant by the Police Department
12. South Grand Extension Project:
 - a. RESOLUTION NO. 18-580 approving Purchase Agreement for two Walter Estate properties
 - b. RESOLUTION NO. 18-581 approving Purchase Agreement for Tall Timber property
 - c. RESOLUTION NO. 18-582 approving Purchase Agreement with Stone Court Apartment Corporation Housing Association
13. RESOLUTION NO. 18-583 approving Amendment to Professional Services Agreement

- with WHKS regarding Flood Mitigation - River Flooding
14. RESOLUTION NO. 18-584 approving waiver of parking enforcement and meter fees at polling locations with metered parking
 15. RESOLUTION NO. 18-585 approving street closure of northbound lane of Clark Avenue to facilitate installation of new domestic water service and fire line to 602 Clark Avenue
 16. RESOLUTION NO. 18-586 approving street closure of northbound lane of Welch Avenue to facilitate installation of new domestic water service and fire line to 206 Welch Avenue
 17. RESOLUTION NO. 18-587 awarding contract to Ames Ford of Ames, Iowa, for the purchase of four 2018 Ford Focus Sedans for Customer Service Division in the total amount of \$62,435.04
 18. RESOLUTION NO. 18-588 approving preliminary plans and specifications for WPC Screw Pump Drive Replacement Project; setting November 28, 2018, as bid due date and December 11, 2018, as date of public hearing
 19. RESOLUTION NO. 18-589 approving preliminary plans and specifications for Unit 7 Boiler Repair Project; setting December 19, 2018, as bid due date and January 8, 2019, as date of public hearing
 20. RESOLUTION NO. 18-590 approving contract and bond for WPC Facility Digester Improvements, Phase 2
 21. RESOLUTION NO. 18-591 accepting completion of City Hall Parking Lot project (South Skunk River Basin Watershed Improvements)
 22. RESOLUTION NO. 18-592 accepting completion of the contract with Electrical Engineering and Equipment Co., for the FY2017/18 Motor Repair Contract at a total cost of \$60,402.77
 23. RESOLUTION NO. 18-593 accepting completion of the contract with ProEnergy Services LLC for the FY2017/18 Power Plant Maintenance Services Contract at a total cost of \$4,250.00
 24. RESOLUTION NO. 18-594 accepting completion of the contract with Tri-City Electric Company of Iowa, for the FY2017/18 Electrical Maintenance Services Contract for the Power Plant at a total cost of \$124,654.72
 25. RESOLUTION NO. 18-595 accepting completion of the contract with All American Scaffold, LLC, for the FY2017/18 Scaffolding and Related Services and Supplies for the Power Plant contract at a total cost of \$74,938.06
 26. RESOLUTION NO. 18-596 accepting completion of the contract with Clean Harbors Environmental Services, Inc., for the FY 2017/18, Specialized Wet Dry Vacuum, Hydro Blast, and Related Cleaning Services contract at a total cost of \$31,739.36
 27. RESOLUTION NO. 18-597 accepting partial completion of public improvements and reducing amount of security being held for conservation management for Quarry Estates Subdivision, 2nd Addition
 28. RESOLUTION NO. 18-598 accepting partial completion of public improvements and reducing amount of security being held for The Irons Subdivision
 29. RESOLUTION NO. 18-599 accepting completion of public improvements and releasing security for Aspen Heights (Breckenridge)

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

PUBLIC FORUM: Mayor Haila opened Public Forum. No one came forward to speak, and Public Forum was closed.

SHORT-TERM RENTALS: Planning and Housing Director Kelly Diekmann stated over the past few months they have reviewed other city's Ordinances regarding short-term rentals. He explained that some of the decisions they were looking for tonight are an understanding of the definitions and the description of how short-term rentals will be licensed or permitted. Mr. Diekmann noted that depending on which direction is given will set up how the code is written, where it goes in the *Municipal Code*, and who and how it is administered. He wanted to point out in the standards that there was a conflict as to how they define the occupancy limit for the vacation rentals, and their intent was to match the rental code.

Council Member Martin inquired as to what the criteria would be for a Special Use Permit. Mr. Diekmann stated they did not write any unique criteria for the Special Use Permit and will default to the basic use standards. He further explained that the Zoning Board of Adjustment will have to define what type of use the applicant is going to have. Ms. Corrieri asked to clarify if someone is already an active rental that has a Letter of Compliance, and wanted to become a short-term rental then they would need to apply for a Special Use Permit. Planner Ms. Sahlstrom stated that would be correct and there would also be a public hearing so neighbors would be notified. Mr. Martin asked if the neighborhood said they didn't want a short-term rental in their area would that be enough for the Zoning Board of Adjustment to decline the application. Ms. Sahlstrom explained that the neighborhood would have to provide evidence as to why they didn't want the application to be approved. Mr. Diekmann then read aloud the criteria for zoning in a residential area and explained what works on one street may not work for another.

Council Member Gartin stated that an effort was made by the Planning Department to see what other communities are doing. He wanted to know if the Planning Department could address how the proposal, being presented tonight, is consistent or inconsistent with peer communities. Ms. Sahlstrom explained what she found were trends: definitions of short-term rentals as 30 days or less, requiring an annual license, and cities that offer short-term rentals offer the Hosted Home Share option. She noted that West Des Moines only allowed the Hosted Home Share option. None of the Big 12 cities offer the Home Share option. Ms. Sahlstrom stated that she also found that cities are creating clear policies, which are easily enforced, and easy for the applicant to understand.

Council Member Gartin stated that having a requirement is only as good as the ability to enforce and wanted to know if the city is going to enforce the policies. Ms. Sahlstrom explained that one way to enforce is to have the property owner be required to show proof that the home is their primary residence before they are allowed to register it with the city. She also mentioned that another possibility would be to have the applicant provide a register for visitors to log their stay that can be reviewed anytime by the city. She noted that the reason why the Home Share option is not used that frequently is because it is hard to enforce. Mr. Martin explained that there were a few software options that might be available to help monitor the occupancy of the residences but would have to ask staff to investigate the different options. Mr. Diekmann stated that part of tonight is to find out

how much effort, in terms of licensing and monitoring, is expected as they proposed the minimum in their report. He further explained that they could ask the applicant to use a register and when they renew in a year they would need to provide documentation, and the rest of the year compliance is done by neighbor complaints. Further discussion ensued regarding enforcement.

Council Member Gloria Betcher asked about the area that is Hospital/Medical Zoned. She stated that Mary Greeley owns a number of homes in that zone and currently the STR Ordinance doesn't cover this area at all. She would like the Planning Department to look into this in the future to see if there are other homes in this zone that may want to become rentals. Mr. Diekmann stated that there are about four to five residential homes that are in that area and doesn't see a problem with them being apart of a rental.

Mayor Haila asked for clarification on what a home owner could do if they lived in one of the Rental Concentration Cap Neighborhoods. Mr. Diekmann stated they would be able to do any of the options except for a vacation rental, however; if the property is already licensed as a rental then they would be able to do a vacation rental.

Council Member Martin noted that the original proposal did not include duplexes but the Planning and Zoning Commission wanted to include duplexes. He explained further that in the three types of short-term rentals each one had to have an owner-occupied requirement. If the owner lives on one side of a duplex then they would need to register th property as an active rental.

Mr. Martin questioned how children were not counted in occupancy and counting children is different from long-term and short-term rentals. If someone was traveling to Ames for a sporting event, the children are not counted. Ms. Sahlstrom stated children are not counted but if City Council wanted to include this option they can.

Public Comment was opened: 6:47 p.m.

Jeff Hart, 1123 Harding Avenue, Ames, has had an airbnb since June 2016. He has a two-bedroom house where he lives. He has the quarter's upstairs and when his son moved out he decided to do an airbnb. He noted he has worked with the Rental Inspections Department to get a Letter of Compliance, even though he was told he didn't need one, as he would like to be as up front as possible. Mr. Hart is getting married in December and will be looking to buy another home and wants to know what he can and can't do. He explained that the people he has had stay with him, have been excellent, some are professors, students, and parents visiting their kids at Iowa State University. All tenants are either temporarily in town or waiting for a long term housing option to open up. Mr. Hart stated that when people come to stay with him, he recommends places for the visitors to go to in Ames, his desire is to work alongside the City of Ames. Mayor Haila inquired what Mr. Hart is anticipating to do with the home he is going to buy. Mr. Hart explained he would be looking at doing a bed and breakfast per his conversations with Planning and Housing.

Jim Ryken, 4002 Laura Court, Ames, bought a house as an investment property, and is currently

using it as a short-term rental. He noted that when he and his wife travel, they only need a place that has a couple bedrooms. Under the proposal presented tonight they would need to find a house that is bigger than what they normally stay in. He would like Council to consider how the maximum occupancy is based for short-term rentals.

Shannon Stack, 1613 24th Street, Ames, has been present at every meeting concerning rentals. She asked for clarification on how a duplex can be used regarding short-term rental and long-term rentals. Ms. Stack stated the City will lose a lot of people that have Hosted Home Shares due to the number of occupants they can have. She does rent to a lot of students but with rental codes she is restricted to what she can do. She explained she averages about 60 airbnb rentals throughout the year.

Ryan Houck, 65697 190th Street, Nevada, has spoken a few times before about rentals and is for airbnb's. He knows there are a lot of hosts in town that want to comply, and would like to see a set of rules that would be enforceable. Mr. Houck is in support of alternative one in the staff report.

Public Comment was closed at 7:01 p.m.

Council Member Nelson wanted to know from the previous discussions about excluding apartments and condos, was it staff or Council driven. Ms. Sahlstrom noted that she has the report from March 2018, and it wasn't clear from the table what the direction was. Mr. Diekmann stated he doesn't believe an in depth conversation was had about including or excluding apartments and condos from short-term rental.

Council Member Beatty-Hansen asked about the hotel/motel tax and how properties are required to charge this. Mr. Diekmann stated they don't collect the tax as that goes to the state but they can do an educational piece when an application is being turned in to make sure the homeowner is aware of the tax requirement. Ms. Beatty-Hansen stated that is an element that they would like to see somehow in the renewal process.

Council Member Betcher inquired if they would be looking at doing proactive enforcement instead of reactive enforcement. She would like to see Council doing something a little more proactive with enforcement instead of being just compliant based. Ms. Sahlstrom stated that once the recommendation is adopted they will have a 60-90 day compliance window, where during this time some notifications can be sent out to get airbnb's to register, and then seeing if software is needed after that for further compliance.

Moved by Betcher, seconded by Beatty-Hansen, to have staff prepare a memo on the different options for proactive enforcement.

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

Moved by Gartin, seconded by Martin, to select Option 4, to have City Council request additional

information and defer taking action.

Council Member Gartin doesn't feel Council is in a position to take action tonight because there are areas of rentals that have not been addressed yet, and would like Ms. Hoskins to reach out to students to get their opinion.

Mr. Gartin amended his motion to get more information about what is being done so far and what the potential is for STR. Further discussion ensued regarding where each Council Member stood on their thoughts regarding the current motion.

Vote on Motion: 3-3. Voting aye; Gartin, Betcher, Martin. Voting nay; Nelson, Corrieri, and Beatty-Hansen. Motion failed.

Moved by Betcher, seconded by Beatty-Hansen, to select option one to have City Council direct staff to publish notice for a public hearing and finalize the attached draft text amendments allowing short-term rentals within single-family and two-family dwellings, by establishing zoning definitions and standards (hosted home shares, home shares, bed & breakfast establishments, and vacation rentals), and create a new Municipal Code Chapter to address licensing, fees, and enforcement procedures for short-term rentals.

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

Moved by Beatty-Hansen, seconded by Nelson, to defer taking action tonight and ask for staff to bring back the following information on the November 13, 2018 Agenda:

1. How would Planning Staff categorize multi-family apartments and condos, would it be the same as a single-family dwelling.
2. What is currently being done by Mary Greeley with their properties within the hospital/medical zone and what other homes are rentable in the area under the STR language?

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

PRESENTATION OF 2018 RESIDENT SATISFACTION SURVEY RESULTS: Public Information Officer Susan Gwiasda presented highlights from the 36th Annual Residential Satisfaction Survey. She noted that overall the results are similar to last years. The overall rating for the City was 98% being very good or good.

FLOOD MITIGATION - RIVER FLOODING: Mayor Haila noted that this item was initiated by a letter that Council referred to staff regarding the Tom Carney property. Chuck Winkleblack had asked the Mayor to table this item to the November 27, 2018, City Council Meeting.

Moved by Nelson, seconded by Betcher, to table the flood mitigation-river flooding agenda item until the City Council meeting on November 27, 2018.

Vote on Motion: 6-0 Motion declared unanimously.

HEARING ON ZONING TEXT AMENDMENT RELATED TO DEVELOPMENT STANDARDS OF THE NEIGHBORHOOD COMMERCIAL ZONING DISTRICT: Mr. Diekmann noted that Council looked at this item in a previous staff report and the only thing that had changed was what could be outside.

The public hearing was opened and closed by Mayor Haila since there was no one wishing to speak.

Moved by Gartin, seconded by Corrieri, to pass on first reading an ordinance related to Development Standards of the Neighborhood Commercial Zoning District.

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

HEARING ON ZONING TEXT AMENDMENT TO ALLOW ALTERNATIVE LANDSCAPE PLAN APPROVAL IN CONJUNCTION WITH A SPECIAL USE PERMIT: The public hearing was opened and closed by Mayor Haila since there was no one wishing to speak.

Moved by Beatty-Hansen, seconded by Gartin, to pass on first reading an ordinance to allow Alternative Landscape Plan approval in conjunction with a Special Use Permit.

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

HEARING ON AMENDMENT TO MAJOR SITE DEVELOPMENT PLAN FOR GREEN HILLS PLANNED RESIDENCE DISTRICT: Council Member Nelson indicated he will be abstaining from the vote on this item.

Planning and Housing Director Kelly Diekmann pointed out that he had given Council members a memo asking that Alternative One be amended to add a condition of approval. He explained that when they wrote the Council Action Form last week it was under the impression that the vacation of the public water main, at the south end of the site, would be on the agenda tonight to set a date of Public Hearing, however; this was not done.

Planner Justin Moore explained that Green Hills originated as a retirement community as part of a conceptual master plan with the nearby Gateway Hotel in 1979. The overall complex has gone through five major expansions since the original development, with the last significant revision in 2014 to expand the residential, parking, and administrative areas. The 2014 approval included a phasing plan for subsequent development. The major site plan amendment in 2014 included the following phasing plan as noted below in the following timeline:

1. Independent Living Addition - 1 to 2 years
2. Commons Addition and Remodeling - 1 to 2 years
3. Independent Living Alternate - 3 to 5 years
4. Future Commons Remodeling - 3 to 5 years

5. Future Commons Phase - 5 to 10 years

An extension of the timeline in the phasing plan was approved by City Council in 2015, which allowed the phasing timeline to begin at the time the extension was granted. The proposed residential tower and care facility amenity additions were contemplated as Phase 2 of planned expansions in 2014. The addition of the twin home is a new proposal not included in the initial Phase 2 approval.

Mr. Moore stated that the Planning and Zoning Commission recommended an additional condition of approval by City Council that Green Hills meet with nearby neighbors to address their questions and concerns. On October 4 representatives of Green Hills met with area neighbors to hear comments and concerns related to the proposed project. A concern that was brought up by neighbors was regarding an area, known as the limited development zone, is a buffer area that first showed up on the Green Hills Master Plan in 1983. The buffer zone is a 60' wide area that only provides limited uses and no structures. He displayed a Site Development Plan from 1983, and indicated the buffer zone. A 1985 Site Plan amendment was displayed showing the limited development zone in more detail in regards to outlots. Council Member Gartin asked if there were any other written documents that accompanied the 1985 Site Plan, which might shed a little more light on the use of the property. Mr. Moore stated that there was a Resolution from 1986 that indicated what was permitted within the limited development zone. This was in conjunction with some of the neighboring property owners, their desire to purchase outlots; to date only three of the outlots has been purchased. Mr. Moore noted that in writing the limited development zone is explained as an area that is along the south and west areas of the site and provides a buffer between the properties. Council Member Betcher asked if there was any record of how they went from the 1979 plan to the 1983 version. Mr. Diekmann stated that there are records and files but there is no explanation as to the thought process of why the amendments were done the way they were. Mayor Haila inquired if there was anything in writing showing that the neighbors acknowledged the understanding of what the parcels were for. Mr. Moore said that they did have a document from 1986 with signatures from the neighbors. The document is their agreement as to what uses are allowed within the limited development zone. Further discussion ensued regarding documentation and the abstracts.

Mark Stephenson, 2337 Woodview Drive, Ames, bought his house in 2013 from one of the original owners. He asked that Council enforce the PUD that was filed on July 31, 1986. He displayed a Site Development Plan and stated he believes the 60' wide limited development zone goes from the south to the west and all the way down and across the bottom of the Site Plan as there was no line cutting off the zone. Mr. Stephenson then showed a Landscape Concept Plan that was drawn in July 1983 and date stamped in 1986.

Mike Schmidt, 2325 Woodview Drive, Ames showed a map from 1979 that showed a minimum of 60 foot green space and there is a line that showed some different markings of the 60' area. He would like Council to honor the agreements that were made in 1983 and amended slightly in 1986.

Cathy Smelser, 2309 Woodview Drive, Ames, explained that what Mr. Stephenson and Mr. Schmidt presented, was the understanding, that with the original document, that because of the different residential communities they would provide a 60' buffer between the two areas. She noted that the

majority of the residential owners support the action that the PUD as originally agreed upon.

Rod Copple, 4938 Hemingway Drive, Ames, Green Hills Executive Director for the past 18 years. He was taken back by the bitterness that was displayed at the Planning and Zoning meeting. He asked to support the staff recommendation without the condition that was added from the memo. Mr. Copple stated that work for the water easement is in process and will get done. He would like to get amenities started before the weather gets worse. Green Hills was opened in 1986 and has had four major changes in their community and each time they have followed the policies of City Council and doesn't feel that should go back to a plan from 1979 when other amendments were approved years after that date. Mr. Copple stated that Green Hills has more than 200 residents and they want to make their neighbors happy. He showed the Landscape Concept Plan from 1983 there are town homes that in the drawing that are closer than 60 feet, the garden on the map is shown in three different locations and only shows one building that had been built, as the process moves forward the drawings change. The 1986 Site Development Plan was shown again where Mr. Copple indicated in the limited development zone the arrows point up and never point to the right or the south, he feels if there was intent that it was to expand to the south side of the Campus or to the west then arrows would have been marked in those areas. Mr. Copple explained they have added shrubs and removed the some parking to make it better for their neighbors. He noted that with the water issue they will be spending between \$30,000 to \$70,000 extra to help the neighborhood with the storm water run off.

Council Member Gartin asked for the map that showed the defined arrows to be displayed again. He explained he has seen about 1,000 plat maps and wanted to verify that if the standard is that if the document delineates where that exists does not necessarily have to have an arrow pointing it out. Scott Renaud stated that he believes that since the subsequent documents later indicate the arrows there was some clarification that was asked for and that is why the later version has the more defined arrows. Mr. Gartin wanted to clarify that just because there aren't other arrows going to the other locations is determinative by itself. Mr. Renaud stated that is true.

Cathy Smelser, 2309 Woodview Drive, Ames, noted that the outlots were proposed by the ISU foundation and she does have a letter stating that if any of the property owners were interested in purchasing the 60 foot at that time but it had no regards to the 60' buffer.

The public hearing was closed by Mayor Haila since there was no one else wishing to speak.

Council Member Gartin asked City Attorney, Vicki Feilmeyer if anything she has heard tonight that would be helpful for Council to know from a legal perspective. Ms. Feilmeyer stated there was not.

Council Member Martin noted that this request is complicated and some of the documents he has seen tonight, is the first time he has seen them. He is concerned with the pace that the information is coming and none of the information resolves where the limited development zone is. He proposed that Council delay making a decision on the request tonight for the twin home and continue with the amenity's portion only.

Mayor Haila asked for Mr. Diekmann to comment on clarifying if it is appropriate to pull apart Plannings recommendation on the Amendment to the Major Site Development Plan for the Green Hills Community. Mr. Diekmann stated his advice is to keep the recommendation as one but, can do a separate motion but may have to start over.

Council Member Betcher stated she has the same concerns as Mr. Martin and wanted to know if she were to make motion would it be to deny the proposed text amendment or ask for additional information. Mr. Diekmann said the Council can make any motion for any alternative that they wish to do. Ms. Corrieri wanted to know what other information is needed. Ms. Betcher explains that she doesn't need more information but a clarification on which map precedes the other. Mr. Gartin noted he would like a legal opinion from the City Attorney in case there is a lawsuit over the decisions made tonight. Further discussion was had by Council as to if they could separate their motion from the amenity and twin home options.

Moved by Betcher, seconded by Gartin to continue the hearing for the Amendment to the Major Site Development Plan for the Green Hills Community Planned Residence District Zone until the next Council meeting on November 13, 2018.

Rod Copple stated he doesn't think Council is going to find any different answers from what was presented if they choose to postpone tonight's decision. He wanted to move forward with everything but is more than willing to move forward with at least the amenity's portion and then continue the discussion on the twin home.

Motion withdrawn.

Moved by Betcher, seconded by Gartin, to adopt RESOLUTION NO. 18-600 approving the Amendment to the Major Site Development Plan for the amenities building portion with the stipulation that prior to issuance of a building permit for construction in the water line easement area, the City has commenced with the vacation of the water line easement and the applicant has completed the work to install a new water line and appropriately abandon the existing line.

Roll Call Vote: 5-0-1. Voting aye: Beatty-Hansen, Gartin, Corrieri, Betcher, Martin. Abstaining: Nelson.

Moved by Betcher, seconded by Gartin, to move the twin homes portion to the next City Council meeting on November 13, 2018 to get a legal opinion on the documents.

Assistant City Attorney Victoria Feilmeyer stated that after reviewing the Council Action form and the seeing the presentations tonight, if there was an actual agreement then it would have been recorded with the abstract. She explained that she does not think there is going to be any new information she can provide. Ms. Feilmeyer noted that the Planning Department has done a through analysis of the Site Development Plan along with the Planning & Zoning Commission.

Motion withdrawn.

Moved by Corrieri, seconded by Beatty-Hansen to adopt RESOLUTION NO. 18-603 approving the Amendment to the Major Site Development Plan for the twin home portion.

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

HEARING ON 2017-18 CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER): Housing Coordinator, Vanessa Baker Latimer noted before Council is the CAPER report from fiscal year 2017-2018. The report shows they spent \$444,951; served 87 low-income housing residents, and received \$41,232 in program income. The Report needs to be submitted to HUD by October 31, 2018 to be compliant.

The public hearing was opened and closed by Mayor Haila since there was no one wishing to speak.

Moved by Corrieri, seconded by Betcher, to adopt RESOLUTION NO. 18-601 approving the 2017-18 Consolidated Annual Performance and Evaluation Report (CAPER).

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

HEARING ON LEASE AGREEMENT WITH YOUTH AND SHELTER SERVICES FOR PARKING LOT P: The public hearing was opened and closed by Mayor Haila since there was no one wishing to speak.

Moved by Corrieri, seconded by Gartin, to adopt RESOLUTION NO. 18-602 approving the Lease Agreement with Youth and Shelter Services for Parking Lot P.

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

ORDINANCE REGARDING EXCEPTIONS TO MINIMUM STORIES AND MINIMUM FLOOR AREA RATIO FOR THE DOWNTOWN SERVICE CENTER: The public hearing was opened and closed by Mayor Haila since there was no one wishing to speak.

Moved by Nelson, seconded by Corrieri, to pass on second reading an ordinance to allow Exceptions to Minimum Stories and Minimum Floor Area Ratio for the Downtown Service Center.

Roll Call Vote: 5-1. Voting aye: Betcher, Nelson, Beatty-Hansen, Gartin, Corrieri. Voting nay: Martin.

ORDINANCE TO ALLOW REMOTE PARKING AS AN ACCESSORY USE IN THE NEIGHBORHOOD COMMERCIAL ZONING DISTRICT: The public hearing was opened and closed by Mayor Haila since there was no one wishing to speak.

Moved by Beatty-Hansen, seconded by Corrieri, to pass on third reading and adopt ORDINANCE NO.4372 allowing remote parking as an accessory use in the Neighborhood Commercial Zoning District.

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

DISPOSITION OF COMMUNICATIONS TO COUNCIL: Moved by Gartin, seconded by Corrieri, to send a letter denying taking any action on the letter from Jedidiah Bartlett to consider a cap rent per month related to the value of rental properties.

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

Moved by Gartin, seconded by Corrieri, to send a letter denying taking any action on the letter from Charisma Langford regarding the request for the City to look into how early leasing agents are requiring tenants to renew their lease.

Vote on Motion: 5-1. Voting aye: Betcher, Nelson, Beatty-Hansen, Gartin, Corrieri. Voting nay: Martin.

Moved by Betcher, seconded by Beatty-Hansen, to not pursue the memo from Planning and Housing Director, Kelly Diekmann regarding the original request from Justin Dodge of Hunziker Companies to request a Zoning Text Amendment to create front yard landscaping tree substitution standards for commercial/industrial sites.

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

COUNCIL COMMENTS: Mayor Haila commented that most of the Council members serve on another Board, and would like to see in hear comments from Council as to what is going on with the Board they are serving.

Council Member Beatty-Hansen did let Council know that from her Watershed Board meeting anyone going into the river should bathe afterwards as the e-coli numbers are high.

Council Member Betcher stated that the Human Relations Commission is cosponsoring RACE: The Power of an Illusion, a free learning exchange on November 10, 2018, at the Ames Public Library, from 9:15 a.m. to 3:45 p.m. Registration is required by November 5, 2018. This event will explore how institutional and structural racism impact decisions, policies, and practices in child welfare and the perpetuation of stereotypes about children and families of color.

ADJOURNMENT: Moved by Betcher to adjourn the meeting at 9:23 p.m.

Amy L. BColwell, Deputy City Clerk

John A. Haila, Mayor

MINUTES OF THE SPECIAL MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

OCTOBER 16, 2018

The Special Meeting of the Ames City Council was called to order by Mayor John Haila at 6:00 p.m. on the 16th day of October, 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 Allie Hoskins was also present.

DISCUSSION OF PARKING METER RATES AND CUSTOMER/EMPLOYEE PARKING IN THE DOWNTOWN :

Mayor Haila introduced Public Works Director John Joiner and Traffic Engineer Damion Pregitzer to review the staff report. Mr. Joiner discussed the scope, timing, and cost of a parking study for the Downtown area. He said the comprehensive approach would include parking supply and demand study, parking alternatives analysis, review of policies and practices, financial plan, report development, public presentation and meetings, and outreach and stakeholder meetings. He said this approach would take three to six months and cost up to \$125,000. Mr. Joiner said an alternate approach is a simplified study that would analyze the current demand, supply, and utilization of parking in Downtown and propose alternatives to meet identified unmet needs. The simplified approach would take four to five weeks and cost up to \$40,000. Mr. Martin asked if the simplified analysis would be done internally or externally. Mr. Joiner said both options are being considered. Mayor Haila asked when the last parking study was done. Mr. Pregitzer said in 2012/13 a parking study was done to look at the most efficient way to build a ramp between Clark Avenue and Kellogg Avenue, but did not look at parking efficiency area by area.

Mr. Gartin said he's still unclear about what will be received from both alternatives and said he is willing to spend more if the product would be useful in policy making. Mr. Pregitzer said the first two items (parking supply and demand study and parking alternatives analysis) will get rid of the unknowns. He said one of the biggest questions is whether the current parking supply is being used most efficiently. He said it is difficult to say a ramp is needed without knowing if a percentage of current parking is underutilized. Mr. Pregitzer said if parking is not being used in the best way, there could be simple fixes or something more could be needed such as a structure. He said after those first steps the operational details will follow. He said the consultant would bring experience from other cities that have undergone similar challenges.

Council Member Gartin wondered about the potential of major developments Downtown and how that would impact the validity of this data. He asked if it's worthwhile to spend this much now when it's likely things will change. He said it would be helpful to know if the consultant had the capacity to show the current situation and insert a potential change, and then show the impact of that change. Mr. Pregitzer said yes, and when talking to the consultants, the study would include any future visions the Council may have for the area. He said the consultants have assured him that future growth would be included as part of the services provided. Mr. Pregitzer said if staff can create an accurate picture with assumptions of supply and demand, that will make the consultants that much more effective. Ms. Beatty-Hansen said the public presentation and outreach is included in the expanded plan and asked if that is included in the simplified plan. Mr. Pregitzer said in the simplified plan it would be on a smaller scale. Mr. Schainker said this is a generic cost, and features can be added to either plan.

Ms. Corrieri asked what a consultant would do differently with the data than City staff. Mr. Pregitzer said what he has provided in the past is an estimate of the revenue and parking being utilized, and the consultant would provide an actual survey block by block, count trips in and out of parking lots, and analyze which stalls are being used to get it down to a detailed use. Ms. Betcher asked if a more complex analysis could be done after initial data is gathered. Mr. Pregitzer said whatever scale of study is chosen could be expanded. If there is a desire to move forward, the City would need a Request for Proposals (RFP), and that would include specific details to be sure the consultant is responding correctly. Ms. Betcher asked if it would be like bid alternates for other projects. Mr. Pregitzer said yes, it could be progressive with different phases. Mr. Haila asked how the timing would interface with the Comprehensive Plan visioning and wondered if it's appropriate to defer this study until the Comprehensive Plan is finished, or do it simultaneously. Mr. Pregitzer said he imagines this plan could be held up by pieces of the Comprehensive Plan. He said some elements could be simultaneous. City Manager Steve Schainker said the Comprehensive Plan could take two years and three developments are being discussed for Downtown. He said all three developments would involve parking, so it's difficult to go ahead now with the comprehensive parking study. He said starting out in phases to get current information now would be beneficial, and during that time the projects that are being proposed may become more clear. Mr. Schainker said he doesn't believe the City should wait, as there will be demand for more parking before the Comprehensive Plan is finished. He said Council will have authority to decide whether or not to progress to another phase.

Ms. Betcher asked to what extent the time of year affects the timeline. She said during the holidays may not be the most appropriate time to watch parking. Mr. Pregitzer said the time periods to stay away from include July, August, and holidays. He said if a utilization study could be done before spring semester ends he believes average data would be received. Mr. Schainker asked about collecting data during the winter if the City would like to move ahead more quickly. Mr. Pregitzer said holidays and the ISU schedule changes during the winter make collecting data difficult.

Mr. Martin asked about discussions of development Downtown. He asked if Mr. Schainker had high confidence that there is a reason to begin a parking study for Downtown because of that activity. Mr. Schainker said he's worried the developers will want answers before a parking study can be completed in the spring. He said he's hopeful the study can be completed as soon as possible. He said the Council could see a request from a developer that would affect parking prior to spring.

Downtown employee parking was discussed by Mr. Joiner. He said the Public Works Department has worked with Ames Downtown Director Cindy Hicks and Ames Downtown President Eric Abrams on the proposal in the staff report. Mr. Joiner said in discussions with them, the following is being proposed: the southern most row of parking along the railroad tracks would remain 24 hour reserved parking, in the same eastbound aisle the middle row of parking would become unlimited time parking, and the west bound row nearest the businesses would be 2 hour parking. Mr. Joiner said with this proposed change customer parking would have turnover in the two hour parking, and employees would be encouraged to use the unlimited time parking row in the middle. He said currently that row has some two hour parking and some four hour parking. He said the 24 hour reserved spaces may transition toward residential parking. Mr. Joiner said a concern could be lost

revenue. He said they are not sure to what extent employees would keep the reserved spots so it is being proposed to see how this works for a year and how it affects revenue. It was discussed that hang tags could be instituted for a fee. He said in visiting with Mr. Abrams, a great number of businesses approve this approach. Ms. Beatty-Hansen asked about the hang tag approach. Mr. Joiner said after trying one row of unlimited parking for one year, that row could be changed to 2 or 4 hour parking but the hang tag would allow someone to park in a limited time parking space for an unlimited amount of time.

Council Member Betcher said there is no guarantee that employees would get the unlimited time spaces. Ms. Beatty-Hansen said the hang tags would limit that. Mr. Haila asked about no parking between 4 and 6 a.m. Mr. Joiner said that would be maintained, except in the 24 hour reserved parking. Mr. Martin asked if any signs would be needed about the hang tags. Mr. Pregitzer said the hang tags would be benefitting the parking staff. Mr. Martin asked if employers could purchase hang tags for employees. Mr. Pregitzer said as long as a current tag is displayed it would work. Ms. Betcher asked if there is a way to accommodate the parking needs of handicapped employees. Mr. Pregitzer said a wheelchair reserved space is possible, and that reasonable designations can be made by request. He encouraged Council to direct any special requests to the Public Works Department for assistance.

Mr. Joiner reviewed the meter locations and rates for 2017/18 and 2018/19 and projected revenues for each. Mr. Nelson asked about meters on Main Street. Mr. Joiner said 24.2% of Downtown meters are on Main Street. Mayor Haila asked about the last time rates were increase, and why rates were increased. Mr. Joiner said rates were last raised in 1994. He said parking lots are in need of maintenance and repairs, so staff looked at the cost of those repairs and maintenance, the parking system equipment needed, and the revenues required. Then appropriate increases took effect. Ms. Corrieri asked if Mr. Pregitzer has looked at the revenue since the rate increases went into effect. He said first quarter revenue was forecasted at \$130,000 and revenues were \$79,000. He noted the highest collection months are in the spring (March-May). He said the utilization numbers didn't try to assume how the population would shift because of the rate increases.

Mr. Gartin said he has fielded a lot of questions regarding the process and the outreach to affected businesses. Mr. Pregitzer said three to four months in advance of the increase staff worked with the Public Relations Officer to include rate increase information in communication regarding the Park Mobile system and new payment options, as well as inform the general public about the rate change and the reasons for the change. Mr. Gartin asked if there was specific outreach involving Downtown through Cindy Hicks or if mailers were sent to businesses and property owners. Mr. Pregitzer said not about the rate increase to cover infrastructure, but many discussions were had about the employee hang tag system. Mr. Gartin asked how Council should respond to comments that the City didn't reach out to the business community. Mr. Joiner said they worked mainly through the Chamber and Ames Downtown. He said there was a City Council workshop in May 2017 for general direction, and in November 2017 with specifics on rate needs. Mr. Joiner said Mark Miller at Iowa State University (ISU) was involved during discussions on how to drive parking to the intermodal facility. Mr. Gartin said he feels a constant tension when engaging with Ames Downtown and Campustown, and wonders if the City should reach out directly to businesses and residents or rely

on Campustown Action Association and Ames Downtown when it's inevitable that some businesses get upset the City didn't reach out. He said he's concerned about the degree to which the City relies on those organizations when policy changes are happening and asked at what point the City should do its own outreach. Mr. Martin asked about the percentage of uptake for the Park Mobile app during the first quarter of use. Mr. Pregitzer said he can get that information. Ms. Betcher asked what percentage of revenue collected will go toward Downtown enforcement or projects. Mr. Pregitzer showed the budget document, and showed the revenues broken out and expenses broken out by category. He said revenues from meter rates and rental rates go into a pool and that pool is divided by needs. He said in the Capital Improvements Plan (CIP) process Council will see a new program called Parking System Improvements. Mr. Schainker said revenue from one district doesn't stay in the district. Ms. Beatty-Hansen asked about the transfer to the parking capital reserve. Mr. Pregitzer said that is the new line item, Parking System Improvements. Ms. Corrieri asked to see the chart including the value and cost of maintaining the specific parking lots. The chart was shown. Mr. Pregitzer said there is about \$8 million of parking lot infrastructure to maintain.

Mayor Haila asked if the City does not generate funds from parking, if that amount would need to be taken from the general fund, and taxes be increased. Mr. Schainker concurred.

Mayor Haila opened public input.

Eric Abrams, 3016 Stockbury Street, Ames, said the reason for the proposal including unlimited parking is partly because employees are parking in those spaces anyway. He said it is unfair to make them pay for a parking tag, or borrow a tag. He said if they go to that system, he would buy them for his employees and it would cost about \$700 per month. He asked that Council keep the four hour parking in place. Mr. Abrams said Ames Downtown has put together a task force. He read a statement from the task force thanking the City for its work Downtown. The members are gaining understanding so they can work as ambassadors to answer parking questions from other businesses. He said the task force is requesting a meeting with City staff to understand rates, look at finances related to meters, share data and experiences regarding rates, and explore rate options. Mr. Martin asked if he could email that statement to the Council members. Mr. Abrams said he would like to have a formal meeting with the Public Works Department to discuss options. Mr. Gartin asked how he would characterize his constituency's assessment of the City's effort to solicit input. Mr. Abrams said he believes it was missed and he and Ms. Hicks don't believe they were communicated with directly. He can't remember a formal letter or invitation to discuss rates before they were increased. He said the discussion desired would include pros and cons of the rates as they relate to downtown businesses. Mr. Gartin asked if there is consensus among businesses regarding the adverse effects of the rate increase. Mr. Gartin said Council wants to avoid making decisions based on anecdotal information, and business owners are not all saying business is down. Mr. Abrams said this is where the task force can help, as they can help compile data to help in understanding. He said the task force wants to help the City produce any information needed. Ms. Betcher asked about unlimited spaces for employees and wondered if it's legitimate. Mr. Abrams said full-time staff shows up between 7:30 and 9:00 a.m. He said he doesn't know if it would create a problem. If everything was four hour, that may be a problem. Ms. Betcher said the big concern is from the hospitality industry when the employees are arriving late.

Cindy Hicks, 304 Main Street, Ames, said she met with City staff in August, and then spoke with 107 business owners by survey or in person, of which 97 are in favor of unlimited parking. She said when she arrives at work at 8:00 a.m. the two-hour parking side is empty, and the four-hour side is filling up fast by employees. She said she doesn't feel like Downtown business owners are being targeted, but she can understand how another Downtown employee feels like that. She said business owners and employees are very supportive of unlimited parking. By 5:00 p.m. some employees are moving on, and the employees working at night are arriving, so she said she feels this would work. Ms. Hicks said she knows many Downtown employees with multiple tickets they can't afford to pay. She said she has gotten three tickets in the last week. Mr. Haila asked for her thoughts on a parking study. She said in May she was contacted by the City and asked if she could disburse information on rates going up, which she tried to do. She said at the same time they were having discussions on parking rates and then in June Ames Downtown came to request a parking study. She said data is needed to back up the concerns. She said the number of employees is double what it was in 2009 in the Downtown area. She said they would like information on parking for the future as well as current needs. Mr. Haila asked if there's an assumption that a parking structure would be free, or if it would be paid for by the ones parking. Ms. Hicks said she is unsure. She said a ramp might not be needed if there is a parking management problem. Ms. Beatty-Hansen asked about the unlimited parking survey and if that was the only option presented. Ms. Hicks concurred.

Gary Youngberg, 220 Main Street, Ames, said his role as a business owner is to make customers happy. He said statistics can be misleading. He said they are hearing hundreds of complaints by customers regarding parking rates. He said he speaks for many business owners Downtown. Mr. Youngberg said customers are putting a quarter in, and hurrying back to their cars instead of visiting multiple businesses. He feels the rate increase is affecting businesses negatively.

Terry Stark, 230 Main Street, Ames, said he pays for unlimited parking. He is not in favor of hang tags as he believes it would be a logistical nightmare. Mr. Gartin asked Mr. Stark if the City made a mistake by increasing rates. Mr. Stark said it was a very significant increase, enough that it brought people together for a discussion. He said there is software available that permits a one-time warning with a note including details of where free parking is located.

Mr. Youngberg said a more moderate increase would have been much more acceptable.

Daniel Forrester, 225 Main Street, Ames, said he has been getting emails from the District, but suggested a brief update about what City Council is doing that is physically delivered. Mr. Forrester said no parking between 4 and 6 a.m. encourages people to drink and drive to avoid getting a ticket. He said he is unsure if parking policy follows commerce or commerce follows parking policy. He said the cost of a parking study could go toward a parking ramp instead. Mr. Haila asked if he is against the 4 and 6 a.m. parking time. He concurred, saying even though the ticket wouldn't be significant, he said it feels significant. Ms. Beatty-Hansen said it's her opinion that transportation habits will be affected by the availability of parking. She said to change the culture it's a matter of education and changes to the parking system. Mr. Forrester said the fee to park is penalizing people for parking downtown.

Mayor Haila closed public input.

Mr. Gartin said he is having trouble understanding the relationship between the task force and Ames Downtown. Mr. Abrams said it was created by Ames Downtown.

Moved by Beatty-Hansen, seconded by Gartin, to request staff bring back options for a simple to moderate parking study of the Downtown area.

Ms. Betcher asked if this would include the four to five week option. Ms. Corrieri said she would be interested in a hybrid of the two options. Mr. Nelson said he is leaning more toward the moderate end so enough information can be gleaned.

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

Mr. Martin asked if anyone knows what the cost is to retrofit meters to accept credit cards. Mr. Pregitzer said some companies provide the hardware for free. Mr. Martin said the rates seem reasonable to him but that is a lot of quarters. He said many people have credit cards. Mr. Nelson said he remembers the credit card retrofit being very expensive. Mr. Pregitzer said the cost from the current company was very high but he said there are many options. Ms. Betcher asked if it would be more expensive to retrofit meters or remove the meters and replace them with pay stations. Mayor Haila suggested giving staff direction. Mr. Martin said his concern is making it more convenient to pay the current rates.

Moved by Martin, seconded by Betcher, to request staff bring back information on how to make paying the current rates more convenient.

Mayor Haila said Park Mobile was introduced because that is what ISU is using and it would create uniformity. Mr. Martin said for out of town visitors this is a real issue. Ms. Corrieri said ISU offers pay stations that take credit cards.

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

Moved by Gartin, seconded by Betcher, to direct staff to meet with the task force members to hear the concerns and proposals they have.

Mr. Gartin said good government depends on communication to its constituency. He said the task force needs to be heard. Mr. Nelson said he doesn't want the task force to spend too much time on solutions in light of a parking study coming up. Ms. Beatty-Hansen said it's Council's job to hear the businesses. Mr. Martin concurred. Mr. Gartin said Council asks staff to reach out and meet with groups frequently and he'd rather the first phase be meeting with staff. Mr. Pregitzer said staff is very conscientious of not driving policy but an information meeting where staff could answer questions is fine. Mayor Haila asked if a meeting with staff to answer questions but not to discuss meter rates would be effective. Mr. Abrams said the objective is to see if other rates are possible. Mr. Gartin said goals of the task force include exchanging information and sharing experiences

which are things that staff does on a regular basis.

Mr. Youngberg said his feeling was that the task force could bring this up to the City Council and ask that the rate change be reconsidered. He said he doesn't want to waste staff's time but knows staff makes recommendations to Council. Mr. Schainker said staff can meet to dialogue and clarify numbers. He said the reason the cost is going up is because of the policy in place and to cover operations and capital improvements. Mr. Schainker said if Council wants to keep the same policy, that revenue needs generated. He said staff can meet with the task force to explain the numbers. He said he's not sure how much flexibility there is in rates unless Council is willing to accept less revenue.

Motion withdrawn.

Mr. Gartin invited the task force to share thoughts directly with Council. Ms. Betcher asked about the employees and business owners with tickets in the hundreds of dollars range and wondered if that can be addressed in the short term. Ms. Betcher said she gets the impression that Council doesn't want to change the time limits on parking spaces since a parking study is coming but it doesn't address the short term issue. She said she's not sure what Council should do but something should be done. Mr. Schainker said meter rates and the request for employee parking are two different issues. Mr. Schainker said if the City switches from reserved spaces to unlimited for a year and finds there was lost revenue a hang tag system could be implemented, or if the reserved spaces are maintained there may not be any lost revenue. Mr. Haila said a motion could be made.

Moved by Betcher, seconded by Gartin, to bring the Downtown employee parking needs issue back to a Council agenda in the short term.

It was discussed that both options would be brought back as well as a free hang tag option for employees.

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

Mr. Gartin said he believes the door has been opened to hear from the task force. He said the task force has now heard Council's concerns on policy restraints and he would like to see a formal proposal from the task force. Mr. Martin said staff is always available for questions.

NEIGHBORHOOD SUMMIT: Neighborhood Liaison Julie Gould provided an overview of the purpose and benefits of neighborhood associations. She said there are 25 neighborhood associations and 20 of the associations are currently active. Ms. Gould said Emanon Neighborhood Association (NA) will be celebrating 90 years as an association. Ms. Gould said her position is to maintain communication with neighborhoods. She told the Council that Strong Neighborhoods is the City's neighborhood program that began about ten years ago.

Ms. Gould discussed several programs supporting neighborhoods such as the Neighborhood Improvement Grant, Newsletter Grant, Neighborhood Sculpture, Street N' Greet Block Party Trailer,

Neighborhood Walks, Street Painting, Chalk the Walks, and Curb Replacement. She said Neighborhood News is a newsletter that goes out quarterly.

Ms. Gould said there is room for improvement such as updating the website with a new look to include neighborhood association benefits, requirements, information, and events. Community engagement events such as seminars and scheduled roundtables is also an option.

Ms. Gould told the Council that Roosevelt NA grew out of Friends of Roosevelt. Emanon and Roosevelt have worked together. Ms. Beatty-Hansen asked where the name Emanon came from. Ms. Gould said it is “no name” backwards. She said the Roosevelt NA boundary includes the Emanon NA.

Ms. Beatty-Hansen asked if the neighborhood newsletter grant is the only benefit given only to officially established associations. Ms. Gould concurred, and said other neighborhoods are welcome to participate in other neighborhood activities and benefits.

Ms. Betcher asked about the neighborhood walks. She said interest has been expressed from Old Town NA about having a sidewalk walk to find sidewalk issues. She said these neighborhood walks could take on other purposes such as infrastructure walks or safety walks. Ms. Gould said the Inis Grove NA had Elizabeth Wentzel of the Roosevelt NA walk through their neighborhood with them using walkability guidelines, so there is opportunity to create other types of walks.

Mr. Diekmann said neighborhood association representatives would like to share project information and updates.

Joel Barbour, 318 Hickory Drive, Ames, Old Edwards Neighborhood Association, said Edwards School was opened in the 1950's until 2015. He said when the school district planned to close the school, the neighborhood became interested in what the school could become. Mr. Barbour said the neighbors rallied around keeping the area as a park. The neighborhood was able to raise money to offset some of the cost of creating the park. He told the Council the school district is currently finalizing some things before transferring the property to the City of Ames. Mr. Barbour thanked the Ames Community School District (ACSD) and the City of Ames for putting in the extra time and effort to make this a city park. He said many emails, phone calls, and meetings happened to make this a reality, as well as many donations. Mr. Haila asked what they do to keep the neighborhood cohesive. Mr. Barbour said they have an annual picnic and rally around causes. He said they are driven by issues that come up, but look forward to being an association after the park is finished. Members communicate through email, door to door interaction, and phone calls. He said at the annual get together the members update the email list. Council Member Gartin asked about a sense of connectedness among neighbors. Mr. Barbour said he knows everyone in his neighborhood, which brings them together. Mr. Gartin said more connections in a neighborhood result in more safety. Mr. Barbour said they have partnered with other associations to discuss safety issues.

Peter Hallock, 114 8th Street, Ames, Old Town Neighborhood Association, said they have received

many Neighborhood Improvement Grants. At the base of each street sign and at the base of the welcome signs to the historic district there are limestone rimmed gardens that were installed in 2005. He said in the first 11 years the maintaining persons provided flowers and in the last few years they have partnered with Parks and Recreation to receive annuals from Holub Garden and Greenhouses as a part of the Adopt a Garden program. He said other projects they have done include planting trees and working closely with Parks and Recreation to redevelop Old Town Park. He said on the west end there were many trees lost, so they are looking to find a shade structure such as a semi-shelter. He said Old Town NA has utilized the neighborhood newsletter grant. Mr. Hallock said Old Town NA does include neighbors east of Duff Avenue, and new boundaries were sent to the City but have not yet been acknowledged.

Jim Popken, 921 9th Street, Ames, said he gets frustrated about neighborhood associations being confused as Home Owner's Associations. Mr. Popken encouraged the City not to be too restrictive on what a neighborhood association is. He said many of the associations began with an issue, and then the associations continue. He appreciates the communication that is shared to associations.

Tam Lorenz, 311 S. Maple Avenue, Ames, said she agrees that the City should not be too restrictive with requirements for neighborhood associations. She said Oak to Riverside NA has had an annual picnic for over 20 years. She said members of City Council and members of the Police Department have attended. Ms. Lorenz said the love of the neighborhood and desire for quality of life drives the association. She recognized the coordinators of their association, and appreciated their dedication and work.

Joanne Pfeiffer, 3318 Morningside Street, Ames, told the Council that they have had a voice in many issues lately including the rental cap discussion and Franklin Park improvements where they have requested safety, lighting, and a tree memorial. She said the annual picnics have been beneficial, and she thanked Mr. Martin and Mayor Haila for attending. She said information is sent to over 150 people by email. Ms. Pfeiffer expressed her dreams for the neighborhood including incentives for landlords to sell homes for affordable housing, encouraging the arts in the neighborhood, paths and shelter at Franklin Park, and encouraging attractiveness in the neighborhood. She said they need to work on realistic bylaws.

Dylis Morris, 535 Forest Glen Street, Ames, said the entrance to Emma McCarthy Lee Park was improved by the Oak-Wood-Forest association, and a foot path and gardens were added. She said they have an annual potluck. She said she would like the deer problem addressed because of the issue of lyme disease.

Fred Bradner, 1111 Stafford Avenue, Ames, Sunrise Addition NA, said they have an annual block party. He said members have been part of an ongoing conversation with the Hospital-Medical group and it has been very productive as understanding and trust have been developed. He said it's important to encourage associations. He said as it's relevant to the earlier parking discussion, he works for ISU and he has to pay for parking every year.

Sandra McJimsey, 2236 Storm Street, Ames, South Campus Area Neighborhood Association

(SCAN), thanked the Council for the progress on the rental cap issue and parking. She said she would like to see the neighborhood association website updated and the way neighborhoods communicate enhanced. She said she is in support of the neighborhood grant program, as it gives wonderful opportunities to build community. She said her project ideas for grants that she would like to discuss with her neighborhood are renting a trash container and chipper to invite residents to fill up the container and use the chipper as a yard clean up day and filling a “welcome bucket” with cleaning ingredients and recipes for cleaning solutions for new neighbors.

Mayor Haila closed public input.

Mr. Martin asked if there are any policies complicating the borders of associations. Ms. Gould said the lack of policy can be a problem for neighborhoods. She said the SCAN NA boundary she has does not match SCAN’s map. The Old Town NA boundary was discussed. Ms. Gould said strict or numerous policies are not needed, but something would be helpful. It was noted that bylaws are not required, and associations can operate how they desire. Ms. Betcher asked about Old Town NA’s request to change boundaries in 2007. Discussion ensued. Mr. Diekmann said a process to petition boundary changes is needed. Mr. Gartin asked if there is direction that could help staff. It was discussed that options could be brought to Council at a future meeting.

Moved by Nelson, seconded by Betcher, for staff to begin working with neighborhood associations to identify future improvements.

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

Mr. Gartin said neighborhood associations are highly valued. He said by looking at the map there are several areas without any associations. He asked, given the benefits of safety and connectedness, if there are any benefits in reaching out to neighborhoods to see if there is interest in forming an association. He asked from staff’s standpoint if there is anything that can be done to encourage neighborhoods, and said that sometimes people just need to be asked. The Southdale area was discussed, and it was noted it is no longer an “active” association, but the neighborhood is very active. Mr. Diekmann said all programs are available to every neighborhood regardless of its association status except the newsletter grant. Mr. Diekmann said there is currently minimal promotion of this program, but staff could look at ways to bring up benefits.

Mr. Gartin said residents near Emma McCarthy Lee Park have worked with the Parks and Recreation department and other neighborhoods may benefit from that connection.

The Council recessed at 8:34 p.m. and reconvened at 8:45 p.m.

AMES COMPREHENSIVE PLAN: Mr. Diekmann introduced the Comprehensive Plan process the Council is preparing for. He said the recommendation is to approve the contract with RDG Planning & Design (RDG) of Des Moines, Iowa. He said representatives of RDG are in attendance to walk through the proposal and the scope of work to be done in Ames. Mr. Diekmann said the overall timeline of the process is 18 months. Mr. Diekmann introduced Project Manager Cory Scott and Principal Planner Marty Shukert with RDG. Mr. Shukert told the Council that RDG has done

a lot of work in Ames, and they look forward to this project. Mr. Shukert said they are pleased to have a great multi-disciplinary team on the project.

Mr. Shukert reviewed the relevant experience of RDG. He said the process and the outreach are very important. Mr. Scott said first there will be an analysis from a qualitative and quantitative perspective and then they will be working out patterns to create a vision and working out the approaches to the different scenarios. Then graphics, illustrations, and policies will be pulled together and put into a document. He said the schedule is set at around 18 months or perhaps a bit more. Community engagement is an ongoing part of the timeline. He said awareness campaigns will create momentum and excitement in the beginning followed by about four months of data collection and looking at patterns. Mr. Scott said around March the Council will help determine how to approach the different scenarios and before the summer months Council should be looking at a preferred scenario. The six milestones of the project were highlighted as: 1) Principles and Goals Workshop, 2) Input and Data Review/ Scenario Structure, 3) Scenario Evaluation/ Proposed Plan Structure, 4) Review Plan Recommendations, 5) Implementation Workshop, and 6) Approval Hearings.

Mr. Scott said a communication plan will be first, and will help everyone stay on task. RDG will develop a way to brand and market the process, and hopes to involve many people from the beginning. He said stakeholder conversations are very important to define goals and identify opportunities. Mr. Scott discussed student involvement at ISU and Ames High School. Other workshops and surveys will be conducted, as well as any other communications that have proved successful in Ames. Mr. Gartin asked about surveys. Mr. Scott discussed different methods and said the techniques they find most effective are person to person, going out to people at their locations, and being in the environment. He said online tools are helpful, but they have a real sense that personal contact is best and would err on the side of overdoing personal contact. Mr. Shukert said they are advocates of the charette process. Mr. Shukert discussed defining scenarios to explore, and said after that comes design and diagraming, identifying cost and benefit variables, and finally the selection.

Mr. Shukert told the Council in Oklahoma City an efficiency scenario was chosen and Mr. Scott said in Cedar Rapids a hybrid scenario was chosen made up of a combination of three scenarios (traditional, urbanism, conservation).

Mr. Shukert said general concepts have been shared but as the process goes on, specific systems for the preferred scenario will investigate areas of specific importance or special character such as neighborhoods and Downtown. He said the neighborhood presentations identify individual concern and policies that will be applied to those areas.

Mr. Schainker said the City Council will be the policy directors and at times along the way specific direction may need to be given by the Council. Mr. Scott said much of this will be charted out in detail during the first and second meetings. Mr. Gartin said the last plan was done 18 years ago, and asked, given the growth of the community, how long of a horizon this plan will be effective. Mr. Shukert said it's important to have a long time frame but the plan's validity may only be about 10

years. He said a plan really needs to be updated every ten years and on an annual basis there should be a structured process to evaluate what has happened.

Mayor Haila asked about community engagement, noting this statement in the RDG proposal, “the City considers citizen input essential to developing a community vision.” Mayor Haila asked where vision gets developed since the vision should be driving the process, not the differing ideas and perspectives during the planning process. He asked for clarification on the process. Mr. Shukert said it happens fairly organically through elements of the participation process like surveys, stakeholder group meetings, and community meetings. He said inevitably certain patterns and resonances appear over that time on a repetitive basis. He said during the neighborhood conversations, there were common concerns emerging and it would be similar. Mr. Shukert said a really valid part of a scenario process is the articulation of certain and sometimes competing visions of a city. He said all are valid and must be tested visually and developmentally so people can see them and decide which ones are preferred. He said it’s difficult to go into a city and ask for a vision of what the city should look like, but when different versions of the future are shown they can be used to elicit a vision of what the community should be. He said some scenarios won’t be valid because policy cannot be built around them. Mr. Scott said bigger ideas are recorded first, and as time goes on certain ones are reinforced, and by February or March the vision will start to emerge.

Mr. Haila said spectacular community engagement is needed, or else one particular group could drive the process. Mr. Shukert said it’s exciting to see so many active neighborhood groups. He said having the structure and commitment in place allows RDG to go down to that level. He said the plan that emerges needs to come from many stakeholders, not a small group.

Mr. Haila asked about more frequent meetings with City Council. Mr. Shukert said a revision based on what is heard tonight would include an updated schedule and milestones. Mayor Haila said he wasn’t yet elected when it was decided there wouldn’t be a steering committee, but he realizes the success totally depends on community engagement and the Council dedicating the time it will take for effective communication and management of the process.

Mr. Shukert said many variables go into the design that generates alternatives. Once that vision is established, there is some flexibility. Mr. Haila asked what role ISU, ACSD, and Story County will play in this process. Mr. Scott said early contact would be recommended for the school district. Mr. Scott said it depends what level of partnership the school district wants. He said RDG has many connections with the College of Design and ISU Student Government. Mr. Haila asked about the policy makers like ISU Facilities and Planning and ACSD administration. Discussion ensued. Mr. Shukert said the university connection will be transportation, infrastructure, housing, and more as its impact on the community is enormous. Mr. Schainker asked about a technical committee. Mr. Diekmann said the technical committee will be heavy lifters in this process and will consist of City departments and staff, ISU groups, Story County policy makers, and school districts. Mr. Diekmann said when feedback is given at check-in points, direction can be given to reach out to other groups.

Mayor Haila asked if Exhibit A is included in the contract with RDG. Mr. Diekmann said Exhibit A is the scope of work exhibit in the contract. Mayor Haila said he has further questions regarding

some of the details. It was clarified that the neighborhood design studio is included. Mr. Scott said if three meetings turn into four, that kind of adjustment is allowable. Mr. Diekmann said the last page of the contract shows where the time is being prioritized and RDG is committed to the task. Mr. Haila said it's unfair to ask City Council to decide on whether the time frame is reasonable, but rather the scope of work so he wanted to make sure there is clarity. Mr. Shukert said a client has never said they did not receive enough. Mr. Scott said when assumptions were created for the tasks a document was created with details and can be made available.

Mr. Nelson said there are several school districts within the city limits. He asked if the technical committee will reach out to them. Mr. Diekmann said yes, they will all be contacted and asked how they would like to participate. Ms. Betcher asked about ISU Community and Regional Planning students becoming involved. Mr. Diekmann said reaching out to them will happen during the communication step.

Mr. Martin said it sounds like the design process is very open and thoughtful. He said Ames has no real goals or targets regarding climate change at this point. He asked if RDG learns that climate change mitigation is a high priority during the process, if RDG can work with that. Mr. Shukert said that is an issue that would fundamentally have to be dealt with. Mr. Diekmann said not all issues will go into the Comprehensive Plan but there could be follow-up implementation needed for some identified issues.

Erv Klaas, 1405 Grand Avenue, Ames, said some individuals have organized an Ames Climate Action Team. Several members were in attendance. He said it is an independent organization, but plans to partner with other organizations. He said he is familiar with RDG, and said they are competent and reputable. He said the list of topics included in the RFP represents a business as usual approach, which is inadequate and contrary to the climate crisis. Mr. Klaas said climate change is not an existential problem but a core problem we have to face. He said according to the report released by the Intergovernmental Panel on Climate Change (IPCC) issued eight days ago, the world must drastically reduce green house gases within 12 years or be in serious trouble. Mr. Klaas said he would like to ask the planning team how to reduce the carbon emissions in the City of Ames by 80% in ten years. He said in the least, any Comprehensive Plan must include resilience thinking in all sectors including energy, food, building, land use, and equity for everyone. He said it is a moral imperative to join with cities around the world to mobilize the community to save civilization and life on earth. Mr. Klaas said a draft resolution for consideration will soon be presented to the Council to take action by declaring a state of emergency. He said it is up to City Council to put climate action at the core of any Comprehensive Plan to reduce emissions.

Mayor Haila said the topic at hand is the contract between City of Ames and RDG.

Mary Richards, 3217 West Street, Ames, said she believes that a City Council should in some cases be proactive rather than reactive. She said real leaders don't solely rely on participation, but in situations like the looming climate change, people need convincing that something needs to be done. Ms. Richards urged action and recognition of the scientific evidence.

Katherine Barber Fromm, 3531 George Washington Carver Avenue, Ames, said she owns 45 acres of land adjacent to Ames. She said when the last plan, which took seven years to consider, was created the decision was made not to go north of Bloomington Road. She said when the Uthe property was for sale the City put in a technical amendment to develop that land. Ms. Barber Fromm said if the Council will not confront developers, she's not sure if it will do anything about climate change. She said the Council should confront the issues.

Deborah Fink, 222 South Russell, Ames, said she agrees with the Ames Climate Action Team members. She said we need core leadership to confront the issues now. The vision should be teaching ourselves how to create a low carbon society and the plan should be how to get there.

Kelly Naumann, 208 South Maple Avenue, Ames, said she is getting her Master's Degree in Sustainable Environments at ISU. She said the graduate students in her program are proposing additions to Ames' Comprehensive Plan to address plastic pollution in Ames waterways as follows: 1) providing a written collaboration between the current City initiatives of Smart Watersheds and Smart Trash, 2) consider innovative technologies used by cities to collect plastic waste from stormwater, 3) encourage local businesses to participate in plastic reduction strategies, and 4) designate funding for trash reduction in Ames waterways specifically. The petition and proposed solutions was given to the recording secretary.

Mayor Haila closed public input.

Mr. Shukert said he's in the middle of reading the IPCC report and agrees with the seriousness of climate issues. He said it is an exciting challenge to consider what can be done by the community to satisfy the goals laid out. He said other views will also be presented.

Mr. Haila asked if it's safe to assume that concerns mentioned will be part of the planning process. Mr. Schukert concurred. Mr. Diekmann said the Comprehensive Plan is a policy document, and can't contain everything. Ms. Beatty-Hansen said these issues can be addressed by Council in other ways if needed.

Moved by Nelson, seconded by Betcher, to approve RESOLUTION NO. 18-576 awarding the contract to RDG Planning & Design of Des Moines, Iowa, in an amount not to exceed \$225,000.

Mr. Gartin said he appreciated the thoughts shared, and said this isn't the forum for a proper response, but Council members did take notes and looks forward to future engagement on the issues raised.

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

DISPOSITION OF COMMUNICATIONS TO COUNCIL:

Moved by Corrieri, seconded by Gartin, to refer to staff to discuss with Parks and Recreation Commission the email from Mary McCarthy dated October 3, 2018 regarding scholarships for low-

income and senior residents.

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

Moved by Beatty-Hansen, seconded by Betcher, to take no action on the email from Jeremy Davis dated October 8, 2018.

Vote on Motion: 5-1. Voting Aye: Beatty-Hansen, Betcher, Corrieri, Martin, Nelson. Voting Nay: Gartin. Motion declared carried.

COUNCIL COMMENTS:

Ms. Betcher said a Campustown Safety Walk will be held on October 24, 2018.

Moved by Martin, seconded by Betcher, to add an agenda item in the near future to discuss the prioritization of climate mitigation in the Comprehensive Plan.

Mr. Martin said he is submitting this motion with the idea that the topic is important to Council. Ms. Betcher said even if it doesn't end up in the Plan, it would allow Council to capture the information for future use. Ms. Beatty-Hansen said there are pieces of climate mitigation that won't be included in the Comprehensive Plan, but some could. Mr. Gartin said he's not sure what the Council would be doing by making this motion as the consultant recognized this as a part of the discussion. Mr. Nelson concurred. Mr. Martin said many topics were in the RFP and climate mitigation was not. Discussion continued.

Mr. Diekmann asked when Mr. Martin would like this topic on an agenda. Mr. Martin said it could be during a Comprehensive Plan discussion or at another time, but before the consultants begin. Mayor Haila said he has had many questions because he's concerned about sifting through all of the information and priorities that will be shared during this process. Council Member Nelson asked if climate mitigation would be part of the normal process and part of the conversation. Mr. Martin said he's unfamiliar with the sequence. Mr. Nelson said it could be brought up at the kick-off meeting. Mr. Martin said he doesn't want the issue to be overlooked. Mr. Diekmann said no issue will be overlooked because the process hasn't started. Mr. Martin said this is not a one-meeting issue, so he wants to get the discussion started. Mr. Diekmann said sustainability is different than climate planning. Ms. Betcher asked if Mr. Martin would like Council to discuss this to determine if it should be part of the Plan or if it's a priority outside of the Plan. Ms. Betcher said the meetings get long and then there's no time to discuss the bigger picture and how the bigger picture impacts the Comprehensive Plan.

Moved by Martin, seconded by Betcher, to amend the motion to only include adding an agenda item in the near future to discuss the prioritization of climate change mitigation.

Ms. Corrieri said she would feel better if this motion were more narrow or part of a goal-setting session. It was discussed that goal-setting is in January. Discussion ensued on the Comprehensive Plan project timing. Mr. Gartin said the City is not starting from scratch on sustainability and wanted to note that substantial improvements have been made in the reduction of greenhouse gases.

Vote on Amendment: 4-2. Voting Aye: Beatty-Hansen, Betcher, Gartin, Martin. Voting Nay: Corrieri, Nelson.

Vote on Motion, as Amended: 4-2. Voting Aye: Beatty-Hansen, Betcher, Gartin, Martin. Voting Nay: Corrieri, Nelson. Motion declared carried.

Mr. Martin said there are 11 properties taking advantage of the rental cap exception. He said the report didn't have any details on the properties outside of the rental cap areas, and he would like more information on the new Letters of Compliance (LOC) outside of the rental cap neighborhoods. Mr. Schainker asked if he would like a map of them. Mr. Martin answered in the affirmative.

Moved by Martin, seconded by Beatty-Hansen, to have staff provide more information regarding the new LOC's with a graphical representation of their locations, even for those outside of rental cap areas.

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

Mayor Haila said an email was sent to Council regarding Campustown pavement. Mr. Nelson asked if it will be part of an agenda. Mayor Haila said he will speak with Mr. Schainker about when to address the subject. Discussion ensued.

CLOSED SESSION:

Mr. Gartin asked City Attorney Mark Lambert if the City Council had a legal reason for going into Closed Session. Mr. Lambert replied in the affirmative.

Moved by Gartin, seconded by Betcher, to hold a Closed Session as provided by Section 21.5(1)c, *Code of Iowa*, to discuss matters presently in or threatened to be in litigation.

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

The Council entered into Closed Session at 10:47 p.m. and returned to Regular Session at 10:48 p.m.

Moved by Gartin, seconded by Corrieri, to direct staff to file for further review for Ames 2304 LLC vs. City of Ames Zoning Board of Adjustment.

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

ADJOURNMENT: Moved by Beatty-Hansen to adjourn at 10:48 p.m.

**MINUTES OF THE JOINT MEETING OF THE
AMES CITY COUNCIL AND MARY GREELEY MEDICAL CENTER
BOARD OF TRUSTEES**

AMES, IOWA

OCTOBER 26, 2018

The Ames City Council and Mary Greeley Medical Center Board of Trustees met in joint session at 12:34 p.m. on the 26th day of October, 2018, in Mary Greeley Medical Center (MGMC) Atrium Rooms A & B. Attending were Mayor John Haila and Council Members Bronwyn Beatty-Hansen, Gloria Betcher, Amber Corrieri, Tim Gartin, David Martin, and Chris Nelson. Steve Schainker, City Manager; Bob Kindred, Assistant City Manager; Brian Phillips, Assistant City Manager; Mark Lambert, City Attorney; Susan Gwiasda, Public Information Officer; and Diane Voss, City Clerk, represented the City of Ames Administration.

Representing the Mary Greeley Medical Center Board of Trustees were Chairperson Sarah Buck and Trustees Brad Heemstra; Mary Kitchell; and Ken McCuskey. Trustee Beth Swenson was absent. Administrative staff from MGMC present were Brian Dieter, President and CEO; Vice-Presidents Gary Botine and Amber Deardorff, and Micci Gillespie, Executive Assistant.

Welcome and Introductions. Chairperson Sarah Buck welcomed the City Council, Mary Greeley Medical Center Board of Trustees, and administrative staff members from both entities.

Crisis Stabilization - Transitional Living Center. Christy Krause, Director of Behavioral Health Services at MGMC, gave an update on the new Crisis Stabilization - Transitional Living Center (CS-TLC) located at 124 South Hazel Avenue. The CS-TLC is a collaborative effort among Mary Greeley, Story County, and the 11-county Mental Health Region. Ms. Krause stated that the County provided the building and paid for its renovation. Mary Greeley is leasing the building for \$1/year from the County. The Transitional Care Program is funded by the Mental Health Region.

Ms. Krause advised that the CS-TLC has eight beds. Transitional Living patients will move from the current location to the new Center on October 29. Services for Crisis Stabilization patients will begin in late November.

It was also shared by Ms. Krause that there is a net need for 13 psychiatrists in Mary Greeley's service area. Psychiatrist Dr. Trahan, who had over 1,000 patients, recently left the community. Psychiatrist Usha Chhatlani, MD, was hired on September 1.

According to Ms. Krause, some of the mental health issues that need to be addressed are: services for children; walk-in crisis centers, which currently, there are none in the Region; additional providers, an adequate number of beds, safety of patients and staff, and funding.

Public Safety. Ames Police Chief Chuck Cychosz, Iowa State University Department of Public Safety (ISU DPS) Chief Michael Newton, and Mary Greeley Medical Center Mobile Intensive Care Services Director Dieter Friton each gave a presentation about safety and security in the community, on Iowa State's Campus, and at MGMC.

Statistics for Ames Police Department from 2017 provided by Chief Cychosz were as follows:

1. Total Number of Incidents: 26,771
 - Medical Related: 2%
 - Outreach: 3%
 - Mental Health: 8%
 - Traffic: 21%
 - Community Caretaking/Civil: 21%
 - Criminal Enforcement: 45%

2. Total Number of Hospital Calls: 257
 - General Assault: 2%
 - Mental Health: 5%
 - Sexual Assault: 11%
 - Follow-Up & Assists: 17%
 - Disorderly Conduct: 18%
 - All Other: 47%

Statistics for Iowa State University Department of Public Safety from 2017 provided by Chief Newton were as follows:

1. Total Number of Calls for Service: 21,105
 - Safe Ride Trips: 18,495 to 23,038 Passengers

It was noted by Chief Newton that the ISU DPS is responsible for security of 160+ buildings, 700+ cameras, and 4,000+ alarms on Campus.

Chief Newton advised that, in 2018, as part of developing a best-practice engagement and inclusion initiative, the ISU DPS hired a full-time officer whose focus will be on serving International Students. Other recent initiatives include: Full-time Engagement and Inclusion Officer (EIO), EIO Officers, ISU Guardian/ISU Alert Expansion (alert system to include community, not just ISU), creation of a Student Advisory Board, identifying future trends, violent incident response training, and threat assessment and management. According to Chief Newton, ISU and Mary Greeley have partnered to provide services that will benefit both organizations; specifically, the ISU DPS will provide a police presence in the Emergency Department on weekends, and Mary Greeley staff will provide emergency medical training to ISU Police Officers.

Mary Greeley Mobile Intensive Care Services Director Dieter Friton thanked both Chiefs for their support and continued assistance provided to MGMC. He pointed out that all police officers now carry Narcan, which can reverse the effects of an overdose. Mr. Friton shared how much they appreciate the assistance of police officers when Narcan is administered because patients are usually combative once they are revived.

According to Mr. Friton, they have been reviewing safety at the hospital. He stated that the west doors of the Patient Tower are now locked full-time and are badge-only accessible. Mr. Friton also noted that staff is looking forward to having a police presence in the Emergency Department on weekends.

Healthy Life Center Update. Mary Greeley Vice-President Gary Botine shared that the Healthy Life Center Steering Committee is continuing to meet, and the Fund-Raising Committee has been working hard to raise additional funds. Mr. Botine noted that a Healthy Life Center meeting involving the City Council and MGMC Board of Trustees, et al, will be held on November 29 at City Church, 2400 Oakwood Road.

Trustee and Council Comments: Trustee Chairperson Buck asked if there were any topics that the City Council would like to discuss at next year's Joint Meeting. Council Member Gartin offered that he would be interested in learning more about the nutritional component for health in the community. Other possible topics suggested were plans for future expansion of the hospital and workforce development.

Adjournment. The meeting adjourned at 2:00 p.m.

Diane R. Voss, City Clerk

John H. Haila, Mayor

MINUTES OF THE SPECIAL MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

OCTOBER 29, 2018

The Special Meeting of the Ames City Council was called to order by Mayor John Haila at 11:49 a.m. on the 29th day of October, 2018, in the City Council Chambers in City Hall, 515 Clark Avenue. As it was impractical for the Mayor and Council Members to attend in person, Council Members Bronwyn Beatty-Hansen, Gloria Betcher, Tim Gartin, and David Martin were brought in to the meeting telephonically. Council Members Amber Corrieri and Chris Nelson and *ex officio* Member Allie Hoskins were absent.

5-DAY CLASS C LIQUOR LICENSE FOR DUBLIN BAY FOR EVENT AT AMES FORD LINCOLN, 123 AIRPORT ROAD: Moved by Beatty-Hansen, seconded by Betcher, to approve a 5-Day (November 6 - 10, 2018) Class C Liquor License for YeOlde, LLC, dba Dublin Bay, for an event to be held at Ames Ford Lincoln, 123 Airport Road.

Vote on Motion: 4-0. Motion declared carried unanimously.

COUNCIL COMMENTS: Council Member Betcher expressed deepest sympathy for the victims of the Pittsburgh synagogue shooting that had occurred on Saturday, October 27.

ADJOURNMENT: Moved by Gartin to adjourn the meeting at 11:51 a.m.

Diane R. Voss, City Clerk

John A. Haila, Mayor

MINUTES OF THE SPECIAL MEETING OF THE AMES CITY COUNCIL

AMES, IOWA

NOVEMBER 1, 2018

The Special Meeting of the Ames City Council was called to order by Mayor John Haila at 12:05 p.m. on the 1st day of November, 2018, in the City Council Chambers in City Hall, 515 Clark Avenue. As it was impractical for the Mayor and Council Members to attend in person, Council Members Bronwyn Beatty-Hansen, Tim Gartin, David Martin, and Chris Nelson were brought in to the meeting telephonically. Council Members Gloria Betcher and Amber Corrieri and *ex officio* Member Allie Hoskins were absent.

DATE CHANGES FOR RDF STORAGE BIN REPAIR PROJECT: Moved by Nelson, seconded by Beatty-Hansen, to adopt RESOLUTION NO. 18-604 approving date changes for the RDF Storage Bin Repair Project; setting December 5, 2018, as bid due date and December 11, 2018, as date of public hearing and award of contract.

Roll Call Vote: 4-0. Resolution declared adopted unanimously, signed by the Mayor, and hereby made a portion of these Minutes.

ADJOURNMENT: Moved by Beatty-Hansen to adjourn the meeting at 12:07 p.m.

Diane R. Voss, City Clerk

John A. Haila, Mayor

MINUTES OF THE AMES CIVIL SERVICE COMMISSION

AMES, IOWA

OCTOBER 25, 2018

The Ames Civil Service Commission convened in regular session at 8:21 a.m. on October 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 and Harold Pike were brought into the meeting telephonically. Commission Member Charlie Ricketts was absent. Interim Human Resources Director Bob Kindred also attended the meeting.

APPROVAL OF MINUTES: Moved by Pike, seconded by Crum, to approve the Minutes of the September 27, 2018, 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 Pike, to certify the following individuals to the Ames City Council as Entry-Level Applicants:

Assistant Building Official	Adam Ostert	82
Cashier	Jennifer Wendeln	93
	Craig Mickley	86
	Rita Foley	80
	Veronica Skarr	80
	Debra Cavender	78
	Kimberly Nelsen	72

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

COMMENTS: The Commission Members were reminded that there will be a Special Meeting of the Civil Service Commission on October 31, 2018, at 3:00 p.m., in the City Council Chambers. The purpose of the meeting is to discuss the Civil Service Commission Policies and Procedures.

As the fourth Thursday of November falls on Thanksgiving Day, the next Civil Service Commission meeting will be November 15, 2018, at 8:15 a.m.

ADJOURNMENT: The meeting adjourned at 8:28 p.m.

Michael R. Crum, Chairman

Diane R. Voss, City Clerk



REPORT OF CONTRACT CHANGE ORDERS

Period:	<input type="checkbox"/>	1 st – 15 th
	<input checked="" type="checkbox"/>	16 th – End of Month
Month & Year:	October 2018	
For City Council Date:	November 13, 2018	

Department	General Description of Contract	Contract Change No.	Original Contract Amount	Contractor/ Vendor	Total of Prior Change Orders	Amount this Change Order	Change Approved By	Purchasing Contact (Buyer)
Public Works	2017-18 Water System Improvements Program #2 (Kellogg Ave, 18 th St)	1	\$526,619.70	Keller Excavating Inc	\$ 0.00	\$20,082.84	T. Warner	MA
Water & Pollution Control	WPCF Screening System Improvements Project	2	\$755,300.00	Woodruff Construction, LLC	\$4,550.00	\$-(1,381.00)	J. Dunn	MA
Parks & Recreation	Brookside Park Pathway Lighting Project	1	\$128,700.00	Van Maanen Electric Inc.	\$0.00	\$2,100.00	K. Abraham	MA
Fleet Services	2018 Ford Focus Sedans	1	\$62,435.04	Ames Ford Lincoln	\$0.00	\$900.40	R. Iverson	MA
			\$		\$	\$		
			\$		\$	\$		



MEMO

To: Mayor John Haila and Ames City Council Members
From: Lieutenant Dan Walter, Ames Police Department
Date: November 8, 2018
Subject: Beer Permits & Liquor License Renewal Reference City Council Agenda

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

- 11-13-18 Class B Native Wine - WBN000163 - Kitchen, Bath & Home, 201 Main St.
- 11-13-18 Class E Liquor - LE0002417 - AJ's Liquor III, 2401 "A" Chamberlain, Liquor Room

A routine check of police records for the past 12 months found no liquor law violations for the above listed businesses. The Police Department recommends renewal of licenses for all the above businesses.

Applicant License Application ()

Name of Applicant: <u>GoBrands, Inc.</u>		
Name of Business (DBA): <u>goPuff</u>		
Address of Premises: <u>615 S Dayton Avenue</u>		
City <u>Ames</u>	County: <u>Story</u>	Zip: <u>50010</u>
Business	<u>(203) 561-2484</u>	
Mailing	<u>454 N 12th Street</u>	
City <u>Philadelphia</u>	State <u>PA</u>	Zip: <u>19123</u>

Contact Person

Name <u>Olanna Nissim</u>	
Phone: <u>(203) 561-2484</u>	Email <u>olanna.nissim@gopuff.com</u>

Classification Class E Liquor License (LE)

Term:12 months

Effective Date: 11/15/2018

Expiration Date: 01/01/1900

Privileges:

- Class B Wine Permit
- Class C Beer Permit (Carryout Beer)
- Class E Liquor License (LE)
- Sunday Sales

Status of Business

BusinessType: <u>Privately Held Corporation</u>	
Corporate ID Number: <u>XXXXXXXXXX</u>	Federal Employer ID <u>XXXXXXXXXX</u>

Ownership

Rafael Ilishayev

First Name: Rafael **Last Name:** Ilishayev
City: Holmdel **State:** New Jersey **Zip:** 07733
Position: Chief Operating Officer
% of Ownership: 0.00% **U.S. Citizen:** Yes

Yakir Gola

First Name: Yakir **Last Name:** Gola
City: Philadelphia **State:** Pennsylvania **Zip:** 19107
Position: President
% of Ownership: 0.00% **U.S. Citizen:** Yes

Insurance Company Information

Insurance Company: Hartford Fire Insurance Company

Policy Effective Date: 11/15/2018

Policy Expiration 01/01/1900

Bond Effective 2

Dram Cancel Date:

Outdoor Service Effective

Outdoor Service Expiration

Temp Transfer Effective

Temp Transfer Expiration Date:

TO: Members of the City Council

FROM: John A. Haila, Mayor

DATE: November 13, 2018

SUBJECT: Council Appointment to Ames Economic Development Commission (AEDC) Board of Directors

Amber Corrieri's term of office on the AEDC Board of Directors expired on June 30, 2018. Therefore, it will be necessary to appoint a council member to fill this position.

I recommend that the City Council reappoint Amber Corrieri to the Ames Economic Development Commission Board of Directors with her term effective as of July 1, 2018.

COUNCIL ACTION FORM

SUBJECT: **MIRACLE PARK UPDATE AND FUNDING REQUEST**

BACKGROUND:

In October 2016, the Parks and Recreation Commission recommended and City Council approved Inis Grove Park as the location for a Miracle League Field and All Inclusive Playground. Council also allocated \$50,000 from the Park Development Fund to design these amenities. Since that time, multiple actions have taken place and are detailed below:

Naming Rights

Council approved in 2017 minimum dollar amounts for the naming of the Miracle League Field (\$150,000) and Inclusive Playground (\$200,000). This gave the Miracle Park Steering Committee direction as it began fundraising efforts.

Miracle Park Design

Snyder & Associates was selected to design the Miracle Park (field and playground) and plans and specifications were completed in 2017. This plan was presented to the City's development Review Committee for approval which occurred in 2018. The cost estimate for construction is \$2,000,000.

Fundraising

The Miracle Park Steering Committee, comprised of area professionals and residents, kicked off a fundraising campaign in September 2017. Harrison and Brittany Barnes pledged \$300,000 for the playground and Ames Rotary pledged \$300,000 for the Miracle Field in exchange for naming rights. To date, over \$1.5 million has been raised. It is estimated that approximately \$300,000 of in-kind donations will be obtained for this project. That leaves approximately \$200,000 yet to be raised.

Ames Foundation

The Foundation agreed to serve as the fiscal agent for this project, assist with fundraising, and oversee construction. An agreement between the City and the Foundation was approved by Council in 2018. The agreement details the responsibilities for each entity and gives the Foundation the right to construct the Miracle Park on City property. Once construction is complete, the Foundation will transfer ownership of the Miracle Park to the City. Harold Pike Construction (HPC) has been secured by the Foundation to serve as the General Contractor for this project.

Construction Timeline

HPC is anticipating construction to begin in May 2019 and be complete in October 2019. To prepare for construction, several trees, as identified in the plans, will be removed this coming winter. In addition, the playground adjacent Walnut Shelter will be removed no later than April 2019.

DONOR/SENSORY PLAZA:

A conceptual idea for a Donor/Sensory Plaza (DSP) was included in the plans, however, the development of construction documents was not included in the original contract with Snyder & Associates. Below is the DSP concept:



Now that fundraising is nearing completion and construction is scheduled to begin, construction documents for the DSP need to be completed. Snyder & Associates have quoted \$12,500 to complete construction documents. The Steering Committee is requesting that the City continue its commitment to fund the design of the project by approving additional funds for the DSP.

Funding is available from the following sources:

Funding Source	Amount
Ada Hayden Heritage Park Parking Lot (project savings)	\$ 5,467
Greenbriar Park Improvements (project savings)	\$ 1,173
Miracle Field & Playground Design (project savings)	\$ 1,000
Park Development Fund balance	\$ 4,860
Total	\$ 12,500

As of June 30, 2018, the Park Development Fund had a balance of \$2,596,785. Of that amount, \$1,852,140 is the Winakor Donation and \$744,645 is Park Development funds.

ALTERNATIVES:

1. Approve the reallocation of funds (\$7,640) from the aforementioned completed CIP projects, as well as \$4,860 from the Park Development Fund to complete construction documents for the Miracle Park Donor/Sensory Plaza.
2. Do not approve the reallocation of funds (\$7,640) from the aforementioned completed CIP projects, as well as \$4,860 from the Park Development Fund to complete construction documents for the Miracle Park Donor/Sensory Plaza.
3. Refer back to staff.

CITY MANAGER'S RECOMMENDED ACTION:

This is a very worthwhile project with significant support within the community. With fundraising nearing completion, the last design component needed is for the Donor/Sensory Plaza. Many donors have contributed financially to ensure this project becomes a reality and it is appropriate to recognize them. In addition, the plaza will contain sensory components that will appeal to park users. The necessary funds have been identified as described above. Therefore, the City Manager recommends City Council approve Alternative #1 as stated above.



To: Mayor and City Council

From: Steven L. Schainker, City Manager

Date: November 13, 2018

Subject: Agreement To Approve The Relocation Of Automed To The City Of Huxley

Currently, Automed, an automatic vaccination medication system company, is located in the Start-Up Factory at the Iowa State University Research Park. This company has evolved to the point where they are in need of larger manufacturing space. The company has identified a building that meets their expansion needs in Huxley near the intersection of Highway 35 and Highway 210. The Huxley City Council is prepared to create an Urban Renewal Area and offer a Tax Increment Financing incentive to attract Automed to their community.

In order to prevent cities from attracting companies from other Iowa cities, a new State law was passed. Section 403.19 of the Iowa Code now requires both the Ames and Huxley to approve Automed's proposed relocation as well as the use of the TIF incentive.

From the inception of the Iowa State Research Park it has been agreed that it is not possible or appropriate for all companies leaving the Park to locate within the City of Ames. The Research Park is an asset for all of Iowa, and as such should fuel the economy throughout the state. In this case the company will be relocating to another city in Story County and, consequently, Ames will continue to benefit after the relocation.

Therefore, it is my recommendation that the City Council authorize the Mayor to sign the attached agreement which supports the relocation of Automed to the City of Huxley and the use of their intended incentive.

JOINT AGREEMENT

THIS AGREEMENT is entered into between the City of Huxley, Iowa and the City of Ames, Iowa as of the ____ day of _____, 2018 (the “Commencement Date”).

WHEREAS, the City of Huxley, Iowa (“Huxley”) has established the Huxley Urban Renewal Area (the “Urban Renewal Area”) pursuant to Chapter 403 of the Code of Iowa; and

WHEREAS, Huxley has adopted an ordinance providing for the division of taxes levied on taxable property in the Urban Renewal Area pursuant to Section 403.19 of the Code of Iowa and establishing the fund referred to in Subsection 2 of Section 403.19 of the Code of Iowa (the “Urban Renewal Tax Revenue Fund”), which fund and the portion of taxes referred to in that subsection (the “Incremental Property Tax Revenues”) may be irrevocably pledged by Huxley for the payment of the principal of and interest on indebtedness incurred under the authority of Section 403.9 of the Code of Iowa to finance or refinance in whole or in part projects in the Urban Renewal Area; and

WHEREAS, automed, Inc. (the “Company”) is an automatic vaccination medication system company which has been headquartered at and operated its business from certain leasehold premises (the “Ames Premises”) in the City of Ames, Iowa (“Ames”); and

WHEREAS, the Company is leaving the Ames Premises, will cease its operations there, and will relocate its operations to certain premises (the “Huxley Premises”) in the Blue Sky Commons Business Park in Huxley; and

WHEREAS, the Huxley Premises are situated in the Urban Renewal Area and the Company has requested that the City provide tax increment financing support to their development of the Huxley Premises.; and

WHEREAS, the movement of the Company’s operations from the Ames Premises to the Huxley Premises meets the definition of a “relocation” under Section 403.19.9(b) of the Code of Iowa; and

WHEREAS, in accordance with Section 403.19.9(a) of the Code of Iowa, Incremental Property Tax Revenues in the Urban Renewal Tax Revenue Fund cannot be expended or otherwise used by Huxley in connection with the Company’s development of the Huxley Premises unless Huxley and Ames enter into a written agreement concerning the Company’s relocation;

NOW, THEREFORE, it is agreed by the City of Ames, Iowa and the City of Huxley, Iowa, as follows:

Section 1. Ames hereby consents to: (1) the relocation of the Company from the Ames Premises to the Huxley Premises; and (2) the use by Huxley of Incremental Property Tax Revenues to support the Company’s development of the Huxley Premises.

Section 2. This Agreement is intended to meet the statutory requirements of Section 403.19.9(a)(1) of the Code of Iowa and shall be immediately effective on the Commencement Date following approval by the governing bodies, and execution by the appropriate officials, of Huxley and Ames.

The City of Ames, Iowa and the City of Huxley, Iowa have caused this Agreement to be signed in their names and on their behalf by their duly authorized officers, all as of the Commencement Date.

CITY OF AMES, IOWA

By _____
Mayor

Attest:

City Clerk

Date: _____

CITY OF HUXLEY, IOWA

By _____
Mayor

Attest:

City Clerk

Date: _____

COUNCIL ACTION FORM**SUBJECT: 2018/19 TRAFFIC SIGNAL PROGRAM – LINCOLN WAY/HYLAND AVE****BACKGROUND:**

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

WHKS of Ames, Iowa, developed plans and specifications with an estimated budget as shown below:

Revenues		Expenses	
Road Use Tax	\$353,000	Administration	\$20,000
		Design	\$18,800
		Construction	\$203,200
		Signal Poles	\$21,000
Total	\$353,000	Total	\$263,000

ALTERNATIVES:

1. Approve the plans and specifications for the 2018/19 Traffic Signal Program – Lincoln Way/Hyland Avenue project and establish December 5, 2018, as the date of letting with December 11, 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 provide better service and safety for users of this intersection. Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, as described above.

COUNCIL ACTION FORM

**SUBJECT: ENGINEERING SERVICES FOR TOP-O-HOLLOW SUBSTATION
IMPROVEMENTS CHANGE ORDER NO. 2**

BACKGROUND:

On March 22, 2016, City Council awarded this contract to Dewild Grant Reckert & Associates Company, Rock Rapids, Iowa, for the Engineering Services for Ames Substation Improvements in an amount not-to-exceed \$264,791. This project will convert the existing direct-buried underground 69kV transmission tap connection at the Top-O-Hollow substation to a more reliable dual-source overhead transmission connection, including the necessary relaying and breakers for high-speed/selective 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, upgrade obsolete air-blast breakers and electromechanical relays with vacuum interrupter breakers and microprocessor-based relaying equipment, and expand the battery and charger system to replace undersized batteries. The project includes the addition of a padmounted capacitor bank for power factor correction and replacement of undersized feeder conduits and cables. The addition of the dual 69 KV transmission source and upgraded 69kV and 13.8 kV relay protection 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.

The land for this project was purchased previously to allow for expansion of the existing substation. The 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 phase of the project is for project engineering, which involves the analysis, design, drawings and specifications development, construction contract preparation, and detailed cost estimates for the project. The scope of work also requires the engineering firm to provide an approved bidders list for all major equipment purchases and a detailed engineer's estimate. In addition, the selected firm will provide construction management services.

One change order was previously issued for this contract. Change Order No. 1 for amount not-to-exceed \$20,000 was approved by staff. That change order was for the additional engineering design for a block retaining wall instead of the planned chain link

fence, buried vs overhead 69kV taps, and the addition of a concrete driveway requested by the DRC.

This proposed Change Order No. 2 in the amount not-to-exceed of \$65,000.

The City has requested additional construction/site management support to augment current City staff during its extended staffing vacancies. DGR is now performing detailed Construction Administration and Site Management that was not included in the original bid. Actual costs will be based on a time and expense basis.

The total contract amount with both change orders will be \$349,791.

To cover the additional expenses for additional design and construction costs related to the addition of a block wall, buried 69kV taps and DRC-required improvements, unspent funds from three other current or recent CIP projects were moved to this project. These include \$800,000 from Transmission Reconstruction, \$331,652 from 69kV Switchyard Relay, and \$271,843 from Street Lights, for a total of \$1,404,495, bringing the total amount of funding available for the project to be \$3,753,378. **These funding transfers were approved by Council in May 2018.**

A breakdown of the budget as well as contracts awards to date is attached at the end.

ALTERNATIVES:

1. Approve contract Change Order No. 2 with Dewild Grant Reckert & Associates Company, Rock Rapids, Iowa, for the Engineering Services for Ames Substation Improvements in the amount not-to-exceed \$65,000.
2. Reject contract Change Order No. 2.

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 Top-O-Hollow CIP project budget has the following items encumbered:

<u>3,753,378</u>	FY 2017/18 CIP plus transfers
	<u>Morrissey</u>
\$24,883	Land Purchase for substation expansion FY2008/2009
	<u>Dewild Grant Reckert</u>
\$8,920	Engineering FY2015/16
\$264,791	Engineering Services contract; cost-not-to-exceed
\$20,000	Change Order #1 – design block wall, buried 69kv taps & meet DRC requirements.
\$65,000	Change Order #2 – construction administration to augment staff vacancies; design for additional overhead transmission improvements.
	<u>H K Scholz</u>
\$599,231	Switchgear and Control Panels
	<u>RESCO</u>
\$37,012.26	69kV Switches
\$27,895.27	Instrument Transformers
\$10,884.30	69kV Lightning Arrestors
	<u>Kriz-Davis Co. – BSE</u>
\$42,003.18	Steel Structures
	<u>Siemens Industry, Inc</u>
\$75,221	(2) 69kV Breakers
	<u>Controllix Corporation</u>
\$104,748.35	(1) 13.8kV Cap Bank
	<u>Primoris Aevenia, Inc.</u>
\$1,511,291.16	Construction
\$171,732.50	Installation Services for 69kV UG Power Cable
\$27,267.45	Change Order #1 – from 1000 to 1500 kcmil AL cable
	<u>L & S Electric, Inc.</u>

<u>\$76,169.00</u>	Equipment Commissioning
\$3,067,049.47	Costs committed to date for project
\$686,328.53	Remaining Project Balance for the CIP Project.

ITEM#: 14
DATE: 11-13-18

COUNCIL ACTION FORM

SUBJECT: **FY 2018/19 CONCRETE CRUSHING PROGRAM**

BACKGROUND:

This contract is for crushing concrete for the 2018/19 fiscal year. Salvaged and stockpiled concrete from various street projects is crushed into various sizes to be reused for other projects. The contract is based on an estimated 8,000 tons being crushed.

On April 24, 2018 City Council awarded this project to Reilly Construction Co. Inc., of Ossian, IA in the amount of \$51,000. During crushing activities, the contractor was able to make significant progress in reducing the volume of stockpiled concrete through efficient use of the contractor's equipment. This allowed more concrete to be crushed than initially anticipated. This excess crushed amount will serve maintenance and capital project needs. Therefore, a change order in the amount of **\$18,262** is necessary.

Because this change order is more than 20% of the original bid amount, the change order requires City Council approval. This will bring the total amount of concrete crushing to **\$69,262**. Funding is identified in the FY 2018/19 operating budget in the amount of \$50,000 and \$20,000 in savings from the curb and gutter and downtown streetscaping programs bringing **total available funding to \$70,000**.

ALTERNATIVES:

1. Approve Change Order No. 1 in the amount of \$18,262 for the 2018/19 Concrete Crushing Program.
2. Direct Staff to make changes to the program.

MANAGER'S RECOMMENDED ACTION:

The extra work under this contract resulted in additional crushed material being available for use in maintenance and capital projects and supports a green solution in utilizing the recycled materials.

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

ITEM#: 15 a & b
DATE: 11-13-18

COUNCIL ACTION FORM

SUBJECT: 2018/19 PAVEMENT RESTORATION PROGRAM (SLURRY SEAL)

BACKGROUND:

This is an annual program for preventative and proactive maintenance activities on City streets. This program allows for a wide variety of pavement maintenance techniques to preserve and enhance City street infrastructure. The techniques in this program are typically more specialized or larger in scope than can be performed with City street maintenance staff. The goal of projects in this program is to repair and extend the lifespan of the City streets. Slurry Sealing, used predominately in residential areas, levels dips in joints and provides a new, thin wearing surface for traffic.

On April 24, 2018 City Council awarded this project to Midwest Coatings Co, Inc. of Modale, IA in the amount of \$254,677.60. The contractor began work on this contract following the RAGBRAI events in Ames in late July of 2018. Through the course of the work, the contractor experienced problems meeting the required schedule for the City because of difficulties with equipment, materials, and staffing. Due to those difficulties, there were a number of streets that were not able to be treated before wet/cooler weather in early September resulted in poor working conditions for slurry sealing. As a result of this, it was mutually agreed upon by both the City and Midwest Coatings Co, Inc. that the remaining work be abandoned for this year and contract closed with the work in place. The streets that the contractor was able to treat are acceptable in terms of work by the contract. Therefore, **Change Order No. 1** is the balancing change order for the project and is a **deduct** in the amount of **\$129,627.60**. This change order reflects deducting the work not completed on the project. **Overall project costs were \$125,050.**

Funding is available in the amount of **\$350,000 in Road Use Tax** from the Pavement Restoration program. The work that was not completed will be included when developing the program for 2019 construction and will utilize the remaining funding.

ALTERNATIVES:

1. a. Approve change order No. 1, a deduct, in the amount of \$129,627.60.
b. Accept the 2018/19 Pavement Restoration Program (Slurry Seal) as completed by Midwest Coatings Co, Inc. of Modale, IA in the amount of \$125,050.
2. Direct Staff to make changes to the project.

MANAGER'S RECOMMENDED ACTION:

The streets that the contractor was able to treat are acceptable in terms of work according to the contract specifications. By returning the remaining funds into the Pavement Restoration program funding, the streets that were not able to be completed can be prioritized for the next construction season.

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

COUNCIL ACTION FORM

SUBJECT: MAJOR FINAL PLAT FOR SUNSET RIDGE SUBDIVISION EIGHTH ADDITION

BACKGROUND:

The City's subdivision regulations are included in Chapter 23 of the *Ames Municipal Code*. Once the applicant has completed the necessary requirements, including provision of required public improvements or provision of financial security for their completion, a "final plat application" may then be submitted for City Council approval. After City Council approval of the final plat, it must then be recorded with the County Recorder to become an officially recognized subdivision plat. The final plat must be found to conform to the ordinances of the City and any conditions placed upon the preliminary plat approval.

The Hunziker Development Group, LLC, is requesting approval of a major final plat for Sunset Ridge Subdivision Eighth Addition. The Sunset Ridge Subdivision is located north of Lincoln Way along the western corporate limits of the city (*See Attachment A – Location Map*).

The proposed subdivision is the replatting of "Outlot LL" in Sunset Ridge Subdivision Sixth Addition and is approximately 8.04 acres in size. Twenty-one (21) lots are proposed in the subdivision for single-family detached dwellings and "Lot A" for the extension of public right-of-way for Westfield Drive, Springbrook Drive, and Springbrook Circle (*See Attachment B – Final Plat of Sunset Ridge Subdivision Eighth Addition*).

The Public Works Department confirms that existing public utilities, including water, sanitary sewer, and storm water have been installed in the proposed subdivision, and approved in compliance with the approved preliminary plat. Easements are provided with the final plat, as required for public utility mains that will serve multiple lots and fire hydrants. The extension of streets, including Westfield Drive and Springbrook Drive, will connect with existing streets, and will not require additional temporary access and turnaround areas on the end of the streets during the construction phase of the development.

An "Agreement for Public Improvements", and an Agreement for Sidewalk and Street Trees" have been prepared for City Council approval with the Final Plat. The "Agreement for Public Improvements" identifies the need for financial security for the completion of remaining street paving, curb and gutter, pedestrian ramps, sidewalks, street trees, street lights, and COSESCO for erosion control. Financial security, in the form of a Letter of Credit, has been submitted to the City in the amount of \$307,479.28, which covers the cost of the remaining improvements, in the event that the developer does not install the required

improvements. The financial security will be returned to the developer as improvements are installed and approved.

Staff also notes that the width of sidewalk in the proposed subdivision is required to be a minimum of four (4) feet wide, not five (5) feet, which is the current subdivision standard. The Subdivision Code includes an exception for any final plat for which a preliminary plat has been approved prior to January 1, 2015. The most recent preliminary plat for Sunset Ridge Subdivision was approved in 2012.

ALTERNATIVES:

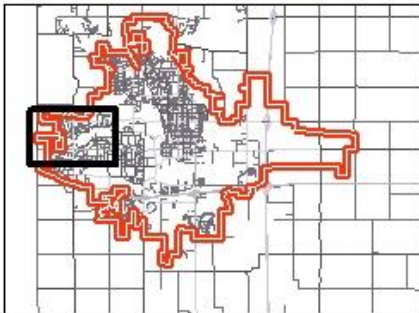
1. The City Council can approve the final plat of Sunset Ridge Subdivision Eighth Addition based upon the findings that the final plat conforms to relevant and applicable design standards, ordinances, policies, plans with a Public Improvement Agreement and financial security.
2. The City Council can deny the final plat for Sunset Ridge Subdivision Eighth Addition, if it finds that the development creates a burden on existing public improvements or creates a need for new public improvements that have not yet been installed.
3. The City Council can refer this request back to staff or the applicant for additional information.

CITY MANAGER'S RECOMMENDED ACTION:

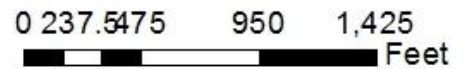
City staff has evaluated the proposed final subdivision plat and determined that the proposal is consistent with the master plan and preliminary plat and that the plat conforms to the adopted ordinances and policies of the City as required by Chapter 23 of the *Ames Municipal Code*.

Therefore, it is the recommendation of the City Manager that the City Council accept Alternative #1, thereby approving the final plat for Sunset Ridge Subdivision Eighth Addition.

Attachment A - Location Map



Location Map Sunset Ridge Subdivision Eighth Addition



Attachment B – Final Plat of Sunset Ridge Subdivision Eighth Addition



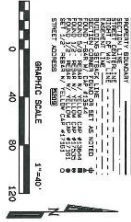
**STUMBO & ASSOCIATES
LAND SURVEYING**
510 S. 17th STREET, SUITE 102 AMES, IOWA 50010
PHONE 515-233-3684 FAX 515-233-4403

**FINAL PLAT
SUNSET RIDGE SUBDIVISION,
EIGHTH ADDITION**
A SUBDIVISION OF OUTLOT LL IN SUNSET RIDGE
SUBDIVISION, SIXTH ADDN TO THE CITY OF AMES,
STORY COUNTY, IOWA
JOB #15494FPB DATE: 10/31/18 PAGE: 1 of 1

Certification: I hereby certify that this land surveying
equipment was properly used and the related survey work was performed
by me or under my direct personal supervision and that I am a
fully licensed Land Surveyor under the laws of the State of Iowa.
R. Stumbo Date: 11-01-18
R. Stumbo License #1161 Date: 11-01-18
By License Renewed 08/15/18 to December 31, 2019



LOT	AREA (SQ. FT.)	BEARING	DISTANCE
1	1,234.56	N 10° 00' 00" E	123.45
2	1,345.67	N 20° 00' 00" E	134.56
3	1,456.78	N 30° 00' 00" E	145.67
4	1,567.89	N 40° 00' 00" E	156.78
5	1,678.90	N 50° 00' 00" E	167.89
6	1,789.01	N 60° 00' 00" E	178.90
7	1,890.12	N 70° 00' 00" E	189.01
8	1,901.23	N 80° 00' 00" E	190.12
9	2,012.34	N 90° 00' 00" E	201.23
10	2,123.45	N 100° 00' 00" E	212.34
11	2,234.56	N 110° 00' 00" E	223.45
12	2,345.67	N 120° 00' 00" E	234.56
13	2,456.78	N 130° 00' 00" E	245.67
14	2,567.89	N 140° 00' 00" E	256.78
15	2,678.90	N 150° 00' 00" E	267.89
16	2,789.01	N 160° 00' 00" E	278.90
17	2,890.12	N 170° 00' 00" E	289.01
18	2,901.23	N 180° 00' 00" E	290.12
19	3,012.34	N 190° 00' 00" E	301.23
20	3,123.45	N 200° 00' 00" E	312.34
21	3,234.56	N 210° 00' 00" E	323.45
22	3,345.67	N 220° 00' 00" E	334.56
23	3,456.78	N 230° 00' 00" E	345.67
24	3,567.89	N 240° 00' 00" E	356.78
25	3,678.90	N 250° 00' 00" E	367.89
26	3,789.01	N 260° 00' 00" E	378.90
27	3,890.12	N 270° 00' 00" E	389.01
28	3,901.23	N 280° 00' 00" E	390.12
29	4,012.34	N 290° 00' 00" E	401.23
30	4,123.45	N 300° 00' 00" E	412.34
31	4,234.56	N 310° 00' 00" E	423.45
32	4,345.67	N 320° 00' 00" E	434.56
33	4,456.78	N 330° 00' 00" E	445.67
34	4,567.89	N 340° 00' 00" E	456.78



LEGEND
 --- LOT BOUNDARY
 --- EASEMENT
 --- UTILITY LINE
 --- CURB
 --- DRIVEWAY
 --- FENCE
 --- ETC.

NOTES
 1. ALL BEARINGS ARE MEASURED IN CLOCKWISE DIRECTION FROM THE PREVIOUS BEARING.
 2. ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF.
 3. THIS SURVEY WAS MADE BY THE METHOD OF TRIANGULATION.
 4. THE CORNER MARKS ARE IRON PIPES SET IN CONCRETE.

Attachment C – Applicable Laws & Policies Pertaining to Final Plat Approval

Adopted laws and policies applicable to this case file include, but are not limited to, the following:

Ames Municipal Code Section 23.302:

(10) City Council Action on Final Plat for Major Subdivision:

(a) All proposed subdivision plats shall be submitted to the City Council for review and approval.

Upon receipt of any Final Plat forwarded to it for review and approval, the City Council shall examine the Application Form, the Final Plat, any comments, recommendations or reports examined or made by the Department of Planning and Housing, and such other information as it deems necessary or reasonable to consider.

(b) Based upon such examination, the City Council shall ascertain whether the Final Plat conforms to relevant and applicable design and improvement standards in these Regulations, to other City ordinances and standards, to the City's Land Use Policy Plan and to the City's other duly adopted plans.

(c) The City Council may:

(i) deny any subdivision where the reasonably anticipated impact of such subdivision will create such a burden on existing public improvements or such a need for new public improvements that the area of the City affected by such impact will be unable to conform to level of service standards set forth in the Land Use Policy Plan or other capital project or growth management plan of the City until such time that the City upgrades such public improvements in accordance with schedules set forth in such plans; or,

(ii) approve any subdivision subject to the condition that the Applicant contribute to so much of such upgrade of public improvements as the need for such upgrade is directly and proportionately attributable to such impact as determined at the sole discretion of the City. The terms, conditions and amortization schedule for such contribution may be incorporated within an Improvement Agreement as set forth in Section 23.304 of the Regulations.

(d) Prior to granting approval of a major subdivision Final Plat, the City Council may permit the plat to be divided into two or more sections and may impose such conditions upon approval of each section as it deems necessary to assure orderly development of the subdivision.

(e) Following such examination, and within 60 days of the Applicant's filing of the complete Application for Final Plat Approval of a Major Subdivision with the Department of Planning and Housing, the City Council shall approve, approve subject to conditions, or disapprove the Application for Final Plat Approval of a Major Subdivision. The City Council shall set forth its reasons for disapproving any Application or for conditioning its approval of any Application in its official records and shall provide a written copy of such reasons to the developer. The City Council shall pass a resolution accepting the Final Plat for any Application that it approves.

(Ord. No. 3524, 5-25-99)



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

ITEM # 17

November 13, 2018

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

RE: Village Park Subdivision 1st Addition LOC Reduction #2

Ladies and Gentlemen:

I hereby certify that the asphalt surfacing and shared use path required as a condition for approval of the final plat of **Village Park Subdivision 1st Addition** have been completed in an acceptable manner by **Manatts Inc. of Ames, Iowa**. The above-mentioned improvements have been inspected by the Engineering Division of the Public Works Department of the City of Ames, Iowa and found to meet City specifications and standards.

As a result of this certification, it is recommended that the financial security for public improvements on file with the City for this subdivision be reduced to **\$39,318.00**. The remaining work covered by this financial security includes utility adjustments, public sidewalk, pedestrian ramps, and COSESCO (erosion control).

Sincerely,

John C. Joiner, P.E.
Director

JJ/nw

cc: Finance, Contractor, Planning & Housing, Subdivision file

Village Park Subdivision 1st Addition
November 13, 2018

Description	Unit	Quantity
Trail and Sidewalk Pavement, PCC 6"	SY	448
Pedestrian Ramps, PCC, 6"	SY	71
Detectable Warning Panels	SF	116
Manhole Adjustment	EA	3
COESCO (erosion control)	AC	12.28



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

ITEM # 18

November 13, 2018

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

RE: Quarry Estates 1st Addition LOC Reduction #5

Ladies and Gentlemen:

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

As a result of this certification, it is recommended that the financial security for public improvements on file with the City for this subdivision be reduced to **\$71,400.00**. The remaining work covered by this financial security includes installation of public sidewalk (where houses have yet to be constructed) and punch list items.

Sincerely,

John C. Joiner, P.E.
Director

JJ/nw

cc: Finance, Contractor, Planning & Housing, Subdivision file

Quarry Estates Subdivision 1st Addition
November 13, 2018

Description	Unit	Quantity
Sidewalk and Shared-Use Path, PCC, 4"	SY	2,075
Punch List Items	LS	1

COUNCIL ACTION FORM

SUBJECT: REQUEST TO INCLUDE 611 LYNN IN THE PERCENTAGE CAP EXCEPTION

BACKGROUND:

At the July 31, 2018 Council meeting, the Council adopted Ordinance No. 4365 pertaining to exceptions and hardships to the Rental Concentration Cap. This ordinance required those registering under the cap to have their registration filed before September 1, 2018. On August 6, 2018, the public was made aware that the Mayor had vetoed the ordinance and that it would be revisited at the August 14th meeting. The ordinance was approved at the August 28, 2018 Council Meeting giving property owners 30 days to file their registration.

The Inspection Division received a handful of applications between the time that the ordinance was passed at the meeting on July 31st and the time that the ordinance was vetoed by the Mayor on the 6th of August. **These applicants were told that they were unable to register at that time due to the ordinance being vetoed. Staff recommended that they attend (or tune into) the next Council meeting to keep up-to-date on the most recent decisions or call in after the meeting for an update.**

Inspections staff maintained a list of the applicants to have some idea of how many wanted to apply. When the ordinance finally passed at the end of August, Inspections staff contacted the applicants to let them know that the exception had passed and the deadline for application was October 1, 2018. Unfortunately, the property at 611 Lynn was not on the list so they did not receive the benefit of a reminder call.

A rental application for the property at 611 Lynn was erroneously (clerical staff was not yet aware of the veto and thought it was okay to enter new rentals under the exemption) entered into the system on August 5, 2018 and an inspection confirmation email was sent out on August 7th with an inspection date of August 13, 2018. The property owner responded to the confirmation email with the following:

"In light of the recent veto by the Mayor, I am assuming I may have to wait now for this inspection? I was intending to apply for an LOC that was agreed upon with the Rental Ordinance Exceptions and Hardships passed last week. If we need to wait now, I would request that my application be held until we know how to proceed."

The inspection was subsequently cancelled, and was unintentionally left off of

the applicant list that staff was maintaining. Since the property was omitted from the list, they did not receive the benefit of the exception update phone call that other pre-veto applicants received. On October 17, 2018, the owner sent an email to Inspections stating:

“I am just following up with this, since I asked my application be held until everything was finalized. Are we able to schedule for inspection now?”

It’s clear the property owner thought that they were not required to submit a new application since they had already been scheduled for inspection. As a result, Inspections did not receive an updated registration from the owner during the exception timeframe. Staff is now seeking Council’s direction in determining if, due to miscommunication, they are willing to allow the property at 611 Lynn to be eligible for the Property Cap Exception even though the deadline has passed.

ALTERNATIVES:

- 1.) Approve the rental registration for 611 Lynn allowing the property to be eligible as a rental property under the Property Cap Exception.
- 2.) Deny the rental registration for 611 Lynn prohibiting the property from being eligible under the Property Cap Exception.

CITY MANAGER’S RECOMMENDATION:

Due to miscommunication between staff and the applicant, it is the recommendation of the City Manager that the City Council support Alternative #1 and thereby approve the rental registration for 611 Lynn Avenue making the property eligible for the Rental Cap Exception.

STAFF REPORT

UPDATE ON DOWNTOWN PARKING ITEMS

November 13, 2018

BACKGROUND:

On October 16, 2018, the City Council was presented a staff report on Downtown parking. The report covered 1) a potential framework for a comprehensive parking study in the Downtown area; 2) Employee parking needs, and 3) Parking Meter Rates and Revenues. City Council directed staff to move forward with a proposal for a limited-scope Downtown Parking study including potential funding sources. Also, City Council directed staff to develop options to address employee parking that can be implemented immediately. Finally, City Council also requested that staff investigate a solution to add credit card payment at the meter in addition to the Parkmobile option.

DIRECTION 1: DOWNTOWN PARKING STUDY

During the October 16 meeting, staff presented a broad scope of work that could be performed by a parking consultant. As a reminder that list included;

- **Task 1: Parking Supply/Demand Study (Parking Utilization Observations and Analysis)**
- **Task 2: Parking Alternatives Analysis (Existing and Future Parking Conditions, Needs, and Recommendations)**
- Task 3: Review of Policies and Practices
 - Review and Recommendations for Parking Management Strategies
 - Future Parking Regulations
 - Improved Parking Experience
- Task 4: Financial Plan (Implementation Plan and Budget)
- **Task 5: Report Development**
- Task 6: Public Presentations & Meetings
- **Task 7: Outreach & Stakeholder Meetings**

The discussion that night was to perform a parking study with a “moderate scope” that at a minimum can provide detailed parking use data, specifically detailed information on existing parking utilization. Also, the study needed to be able to estimate future parking needs to take a proactive approach to potential redevelopment or growth in the Downtown area. Staff will work with a consultant to develop potential management and investment strategies in response to that information.

Therefore, to accomplish the scope of the study preferred by the City Council, Tasks 1, 2, 5, and 7 (in bold text above) will be included in the consultant contract. A conservative budget estimate for a moderate scoped parking study would be \$70,000.

It will be important to have an outreach plan that focuses on Downtown business and property owners regarding existing and future needs. While Staff expects to leverage as many digital communication/outreach tools as practicable, it does not feel the study requires expansive public meetings or workshops like what is done during the Long-Range Transportation Plan or other Comprehensive Plan updates. **It is important to note that as part of Task 2 the consultant will be asked to evaluate parking needs based upon development projections from City staff. Development projections will reflect current policies for Downtown in-fill and redevelopment in the Lincoln Way corridor.**

STAFF COMMENTS:

It does not appear the study can be paid from the Parking Fund. **Therefore, staff would recommend that \$45,731 (65.33%) would come General Fund contingency account and \$24,269 (34.67%) from unobligated Road Use Tax Fund to fund the \$70,000 study.** Road Use Tax funds can only be applied to parking within the public right-of-way. It is expected that the study will take six to nine months to complete.

DIRECTION 2: EMPLOYEE PARKING OPTIONS

The discussion on employee parking in the Downtown area was generally focused on the fact that there is not a widely accessible option for all-day (eight or more hours) parking for employees, which has resulted in some employees racking up numerous parking tickets or businesses seeing significant loss in productivity as employees leave work to move their vehicles.

At the October 16th meeting, City Council reviewed a free all-day parking option that was developed by Downtown Ames staff and supported by the majority of Downtown businesses (via a survey distributed by Downtown Ames). This option would provide unlimited time parking along the southern half of the CBD parking lots. It should be noted that overnight parking would remain in effect to prevent storage of vehicles.

Staff raised the concern that unlimited free parking is likely to result in loss of revenue as employees using the monthly reserved stalls choose the free parking option rather than paying \$50/month. Also, without something that designates which vehicles are employee owned, it will be difficult to ensure that those spaces will be available to Downtown employees. Therefore, staff outlined a hang-tag system for employees that would be sold for a significantly lower monthly cost than the reserved rate in an effort to offset the lost revenue.

Option 1: Downtown Employee Hang-Tag in 4-hour Stalls

Implement an employee hang-tag system for \$20/month. The hang-tags would be distributed by the City of Ames using the same hang-tag design used for reserved stalls; they would just be a different color. These hang-tags would be valid for any 4-hour free stall in the CBD lots only. Under this option, 4-hour stalls will remain on the south of the

median and 2-hour stalls on the north side of the median in the CBD as currently designated.

Option 2: Unlimited Free Parking in 4-hour Stalls

Implement free unlimited parking in the 4-hour (free) time limited parking stalls in the CBD lots only, which is the same as Option 1, except that the City would not collect a monthly fee. Each employee would be charged a one-time fee of approximately \$5 to recoup the cost of the hang-tag.

STAFF COMMENTS:

Because of staff's concern for 1) providing parking for Downtown employees, 2) maintaining revenue for a self-supporting parking system, 3) recognizing the high demand and value that parking spaces have in Downtown so that they should only be offered at a cost to the various users, and 4) monitoring the distribution of the hang tags so that they are only provided to legitimate users, **Saff believes Option 1 is the preferred course action at this time until the results of a Downtown parking study are known.**

DIRECTION 3: EXPLORE THE USE OF PARKING METERS THAT TAKE CREDIT CARDS

City Council asked that staff investigate an option for users to pay with credit cards directly at each meter in addition to the Parkmobile pay-by-phone app and other payment methods (coin & smart cards). It should be noted that there are numerous parking meter technologies available on the market. For the sake of time staff has focused on solutions available from our current parking vendor POM Incorporated.

Staff reached out POM, they offer a solar-powered smart meter product called the "Parktel 2.0" meter that accepts coins, credit and debit cards, prepaid (and refunding) smart cards, and supports pay-by-phone apps. The Parktel 2.0 can meter single or multiple spaces, which POM is offering to sell the two-space (left-right) meters for the same price as the single meter option. Each meter has a low-power, high-speed modem that lets it network to their "MeterManager.Net" management software and to interface with "CreditCall," to process credit card transactions quickly and securely in real time. These smart meters cost \$600 each.

Under this offering, the recurring fees for the credit card capable meters (billed monthly in arrears by POM) are \$5 per meter per month, which covers the wireless plan and back-office hosting of the data. There is also a \$0.10 per transaction credit card fee that covers the PCI secure gateway provider (CreditCall). **Therefore, it is important to emphasize that "convenience" fees charged by POM for the capability of using credit cards will be handled in the same manner as with Parkmobile where they are passed along to the end user.**

The Parktel 2.0 meter works with the Parkmobile app such that if an Ames customer uses their Parkmobile account to pay for a meter, the smart meter would visibly show as being paid for in real-time. This functionality is currently not available with the City's standard meters (having no internet connectivity). It would make enforcement of the meters easier for the Police Department, thereby providing some savings in enforcement costs.

Currently, the public parking in Downtown has a total of 1,497 parking spaces, which 598 are metered stalls (457 on-street & 141 in parking lots). **Therefore, at the cost of approximately \$600 every two parking stalls the total cost to retrofit Downtown with credit card capable meters is estimated to be \$179,400. Staff would recommend adding 10% contingency to that number to account for any unforeseen costs associated with the transition, which brings the total estimate project budget to \$197,340.**

In addition to the Parktel 2.0 meter, POM informed City staff that they also have a Parktel Smartcard charging station for \$820/ea. that will be available in 2019. A charging station will allow customers to add money to their smartcard in Downtown without having to come to City Hall to add money. The initial purchase of a smartcard will still need to be done at the City's Customer Service window.

STAFF COMMENTS:

Given the current projected available balance, a project of this magnitude cannot be paid from the Parking Fund unless parking rates are increased further or anticipated revenues currently generated for reconstructing our deteriorated municipal parking lots are reallocated to this meter conversion project.

Staff Report

SHORT-TERM RENTALS ADDITIONAL INFORMATION

November 13, 2018

BACKGROUND:

At the October 23, 2018 meeting, the Council directed staff to bring back additional information regarding short-term rentals. [The original report can be viewed at this link.](#) Specifically, City Council asked for information regarding the following issues for the November 13th meeting:

- How short-term rentals of multi-family apartments and condominiums might be categorized as STR as compared to Single-Family and Two-Family dwellings; and
- Use of Mary Greeley Hospital properties within the S-HM Zoning District as short-term rentals and other possible short-term rental properties within S-HM.

MULTI-FAMILY APARTMENTS AND CONDOS:

The originally proposed STR classification system did not include multi-family dwellings within the range of allowed types due to distinctions between household living and lodging uses and concerns about occupancy levels with additional “guests.” The potential complication of compliance monitoring of tenant relationships and guests is also outside of the City’s normal scope of review for rental properties.

For the purpose of zoning classifications, condominiums are not a residential dwelling type, they are an ownership mechanism for any type of property. Condominiums would then be a subset of another building type, such as apartment building or a single-family dwelling. Allowing for the STR use within multi-family dwelling types would be a substantive change to proposed classifications due to the different types of zoning and areas of the City with apartments compared to single and two-family dwellings.

During staff’s recent inventory of Airbnb listings (Attachment A-Summary of Listings), 14 listings self-identified as apartments and 2 as condos (or 31% of the total listings). Although, Airbnb requires the host to self-identify the type of accommodation, it is difficult to accurately determine such things as the number of student hosts or who might be subletting an apartment from a general review of listings. If Council does not include allowances for STRs for apartments, property owners would be subject to potential citation for allowing a use that is not permitted by zoning. Landlords would need to monitor their tenant activities at a higher level to avoid potential citations.

City Council would need to consider allowing the full range of STR options or specific categories, such as hosted home share vs. vacation rental. The question becomes would the allowance for STRs be appropriate for primary residents vs. the owner’s primary residence,

allowing for STRs on a per unit basis or for an overall site, and would special use permits be required for each dwelling used as a vacation rental or just for the site. Depending on the direction regarding these types of issues, operating an apartment building under proposed STR classifications would potentially change the character of the use of apartments to be more like short term lodging or group living arrangements due to the potential number of transient guests.

Additionally, City Council would need to provide direction on who could be an authorized applicant. The current draft ordinance requires the property owner to be the applicant. City Council could choose to allow apartments with the property owner signature as the applicant consistent with current proposed STR structure. If the City Council wishes to encourage STR with apartment dwellings or condos, the signature requirement would need to be revised to allow the "primary resident" to act as host and applicant, rather than the property owner. This is a departure from the structure of the proposed STR categories for single and two-family properties, which do not permit the primary resident to be the applicant.

Staff believes that if STRs are allowed in apartments, then requiring the same permitting process as a single-family dwelling is not needed due to fewer compatibility concerns within high density neighborhoods and that a landlord can monitor the actions of the tenants and control subleasing through their own leases. Apartments located in lower density areas such as RM and UCRM or sites adjacent to single family should still be subject to the same process as one and two-family dwellings due the neighborhood conditions.

If Council decides to move forward with apartments as STRs, any related Zoning Ordinance changes would need to be reviewed by the Planning and Zoning Commission before action by the City Council on a draft ordinance that allowed for apartment STRs.

HOSPITAL-MEDICAL ZONING DISTRICT (S-HM):

Three privately owned residential properties with single-family dwellings are located within the Hospital-Medical District (S-HM). They are clustered at 11th Street & Carroll Avenue intersection. Additionally, four residential structures are owned by Mary Greeley Medical Center. Three are located within their property addressed as 1111 Duff Ave., which is the one parcel that includes the Hospital. The other residential structure is located at 1002 Douglas Ave. Hospital staff indicated that these structures have been used for a variety of purposes, including one as an overnight guest house for families of patients. The hospital is currently determining how these might be utilized in the future. They plan to utilize one dwelling for short term housing for staff. Currently, one of the homes is a licensed rental property with the Inspections Division.

Currently, single-family dwellings are a nonconforming use within the zoning district as it is intended as a commercial/medical district. **The zoning allows for an accessory use to a hospital of short term stays for staff, but does not include any other allowances for lodging or residential uses.** Due to these current use restrictions, STRs were not included as a use within this zoning district with the original draft.

Allowing for STRs would require adding Household Living as an allowed use to the zoning district to match the proposed categories of accessory uses and a principal use. To address operation of the Hospital owned properties, changes to the range of accessory uses would be necessary to expand options beyond use for lodging of staff. Considering changes to the allowed uses within the zone and for Hospital related accessory uses would require a

separate text amendment from the STR proposal as it is unrelated to the citywide issue of STR permitting. **A review of these types of potential changes would require review by the Planning and Zoning Commission prior to action by the City Council on adopting an ordinance.**

OPTIONS:

Option #1 – Single Family and Two Family STR Classifications

Staff originally presented the draft standards for one and two-family STRs at the October 23rd City Council meeting. The alternatives presented with October 23rd report were to direct staff to finalize the proposed classifications and to either allow for the use with a one-time permit, as an annual license, or for City Council to provide an alternative direction of classifications and permitting prior to drafting and ordinance and publishing a public hearing notice.

The City Manager’s recommendation was to proceed with the proposed zoning classifications with an annual licensing option and to create a new Municipal Code chapter for licensing.

Option #2- Multi-Family Apartments and Condominiums STR Classifications

Allowing for STRs within apartments requires additional direction from City Council for staff to prepare ordinance language for appropriate standards. Additionally, it would require review by the Planning and Zoning Commission before action by Council on approving an ordinance.

Direction is needed regarding the following issues in order to prepare zoning standards:

1. Allow for STRs only within primary residences (condos that are occupied by the owner) or allow for all apartment types regardless of owner-occupied status.
2. Allow for STRs in all apartments in all zoning districts or differentiate between higher density and lower density areas.
3. Require the same permitting process for apartments as single-family and two-family dwellings or exclude licensing for apartments due to rental code compliance.

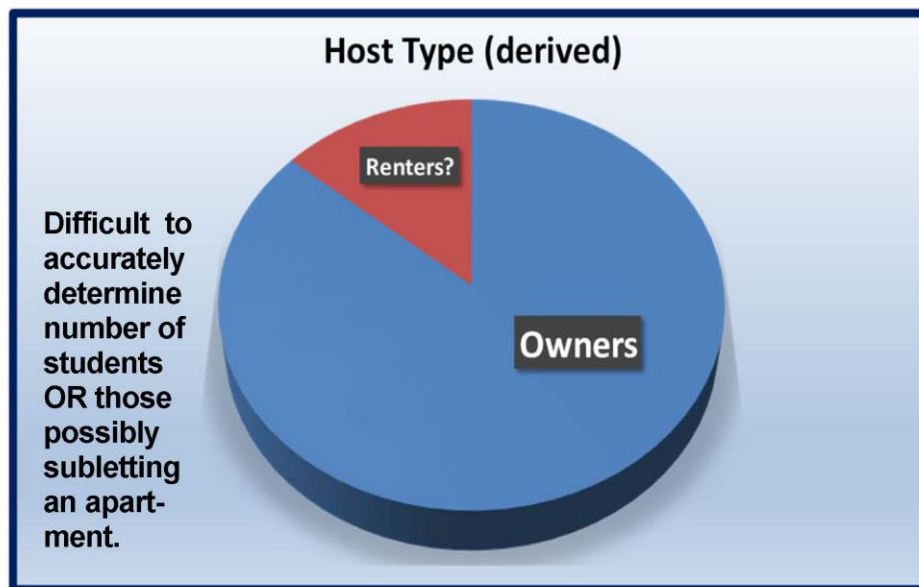
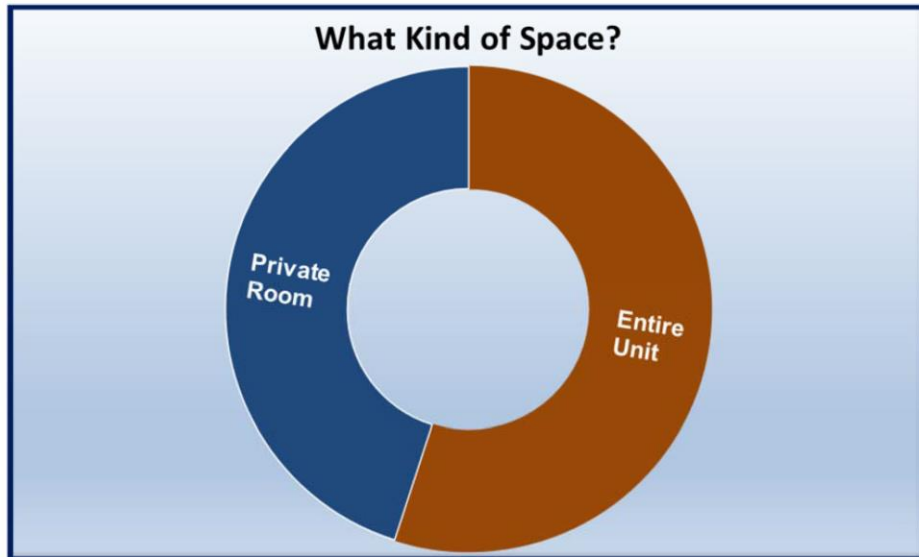
Option #3 - Hospital Medical District STR and Accessory Lodging

Allowing for STRs in the hospital/medical district would require adding new residential uses to the zoning standards. This would allow for STRs within privately owned homes consistent with the standards of other single-family areas of the City. Mary Greeley owns multiple homes in the area and may desire to operate STRs in conjunction with their operations. Allowing lodging as an accessory use would be possible for Mary Greeley without applying the STR categories to other properties in the zoning district. City Council would need to provide direction on how to proceed with allowing for additional uses. Any changes to the allowed use within the S-HM zoning district would require review by the Planning and Zoning Commission prior to action by the City Council on approving an ordinance.

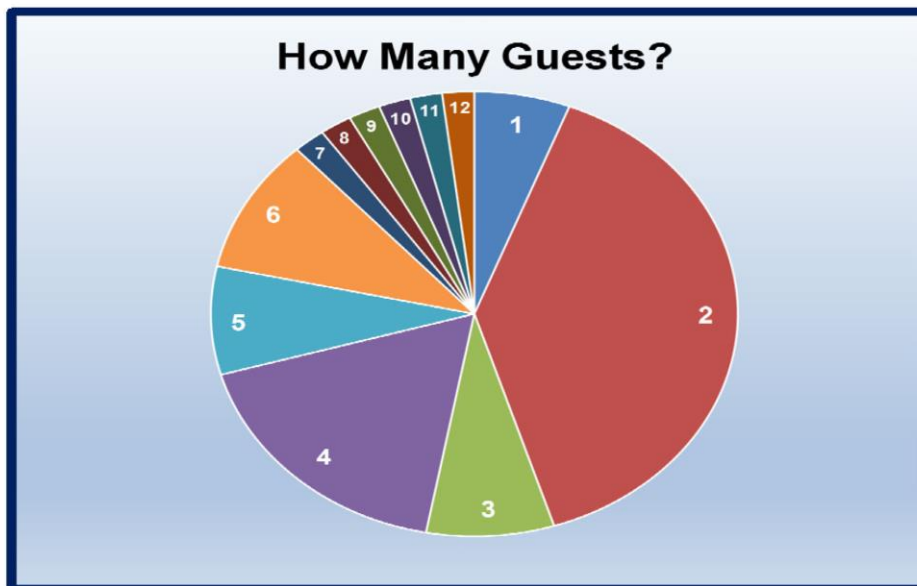
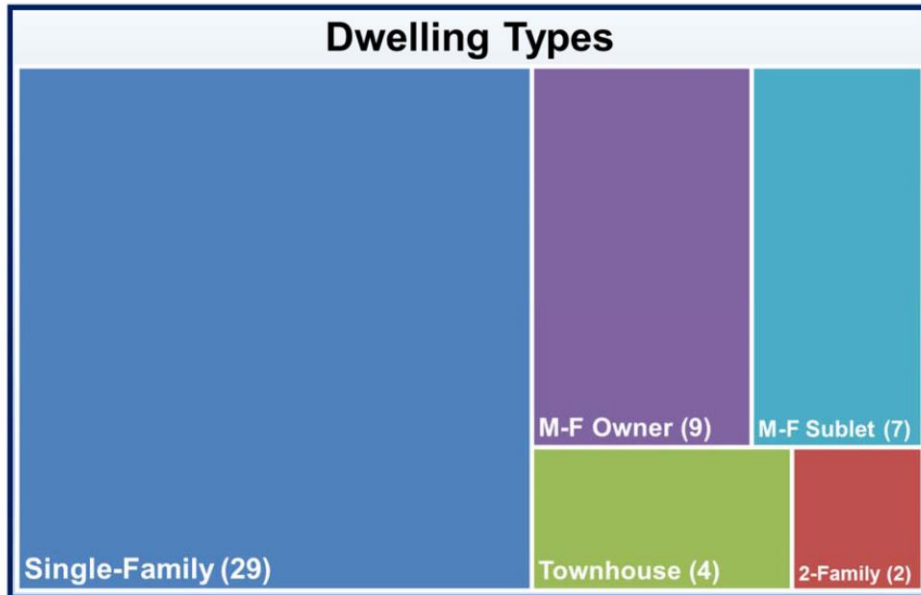
STAFF COMMENTS:

Since the Council delayed any final decision regarding STRs pending further information being provided, Staff is now requesting final direction so that an ordinance can be written. The Council can incorporate any, or all, of the three options reflected above in this directive.

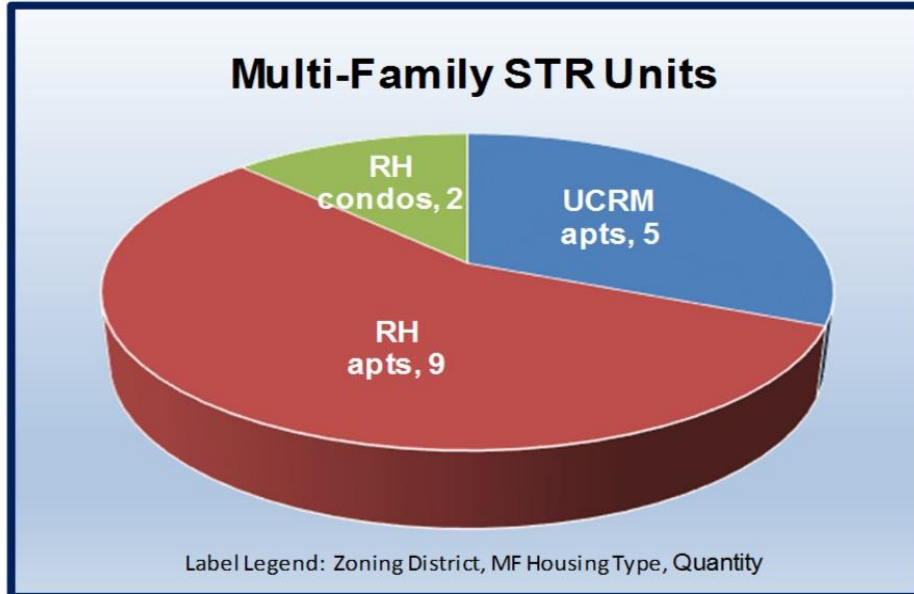
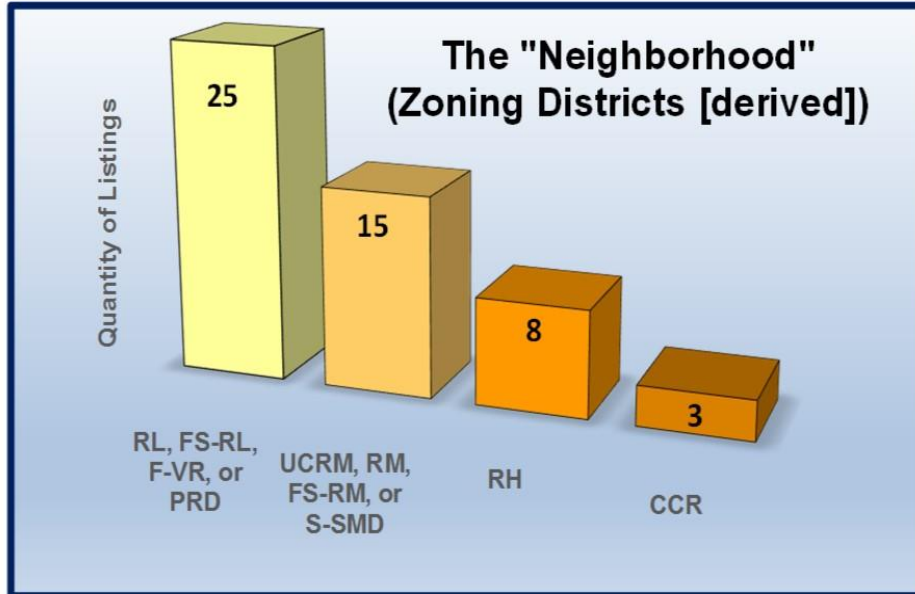
CURRENT STR INVENTORY



CURRENT STR INVENTORY



CURRENT STR INVENTORY



COUNCIL ACTION FORM

SUBJECT: ALTERATIONS TO THE DEPOT BUILDING AT 500 MAIN STREET

BACKGROUND:

Mary Bee Properties, LLC desires to permit changes to the Depot building and the site in conjunction with the Cornbread Barbeque restaurant moving into the Depot. Per terms of the current development agreement, exterior changes to the Depot building are subject to determination that they do not impact the exterior historic qualities of the building.

The Depot was constructed in 1900 and served rail passengers for many decades. The depot building was later used for City offices and included a large open parking lot. The City entered into the development agreement with Hubbell Realty in 1994 as part of a redevelopment plan for the entire site. The development agreement included design criteria and obligations for the developer to construct a certain amount of commercial square footage, maintain clear views of the depot, preserve the exterior historic qualities of the depot building, and allow for public parking on the site. The City Council approved an amended and restated development agreement in 2017 as part of the sale of the Depot property from Hubbell Realty to Mary Bee Properties, LLC. (Attached Separately) The amendments to the agreement last year primarily involved changing portions of the parking agreement and maintaining certain design criteria for the site.

Cornbread Barbeque plans to occupy a portion of the Depot and operate a restaurant. To facilitate this new business, the owner is proposing some external alterations to the site.

The proposed changes on the Depot site include:

1. Constructing an outdoor seating area to the west of the Depot building in area that is currently open space. The seating area will consist of tables and benches for patrons as well as a potential fire pit feature. (Attachment B)
2. Future modifications to the private parking spaces for accessibility improvements.
3. Installing new cooler, mechanical equipment, and a smoker on a raised platform along the southeast façade. Modify location of ramps to exits on the east and west ends of the platform. The platform area will have approximately 50 linear feet of perforated metal screening encompassing the smoker and cooler areas. The screened area will have gates at each ramp access point. (Attachment C) All the changes will occur under the current roof covering and

do not affect the existing columns. The proposed screening will obscure some of the original façade elements, but do not materially alter the original façade.

4. Installing a bar for an exterior serving area in the covered area along the west wall of the building. (Attachment D) The proposed changes do not affect the existing columns of the covered area.

The items listed above are shown in the plans in the attachments. **The building alterations are located under the existing built area of the Depot (covered patio areas) and outside of the front view of the Depot to the north. The changes along south side due obscure some of the visibility of the original building without major alterations to the facades. The use of the covered area for appurtenances does take away from the original open platform feel and relationship of the site to the railroad tracks for boarding trains; however, these elements are not regularly experienced by the public in visiting the site currently. Final approval of the proposed changes will require administrative permits by staff for building permits and potentially site development plan amendments.**

ALTERNATIVES:

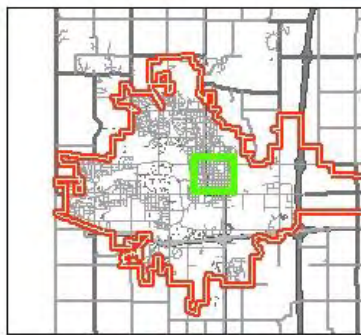
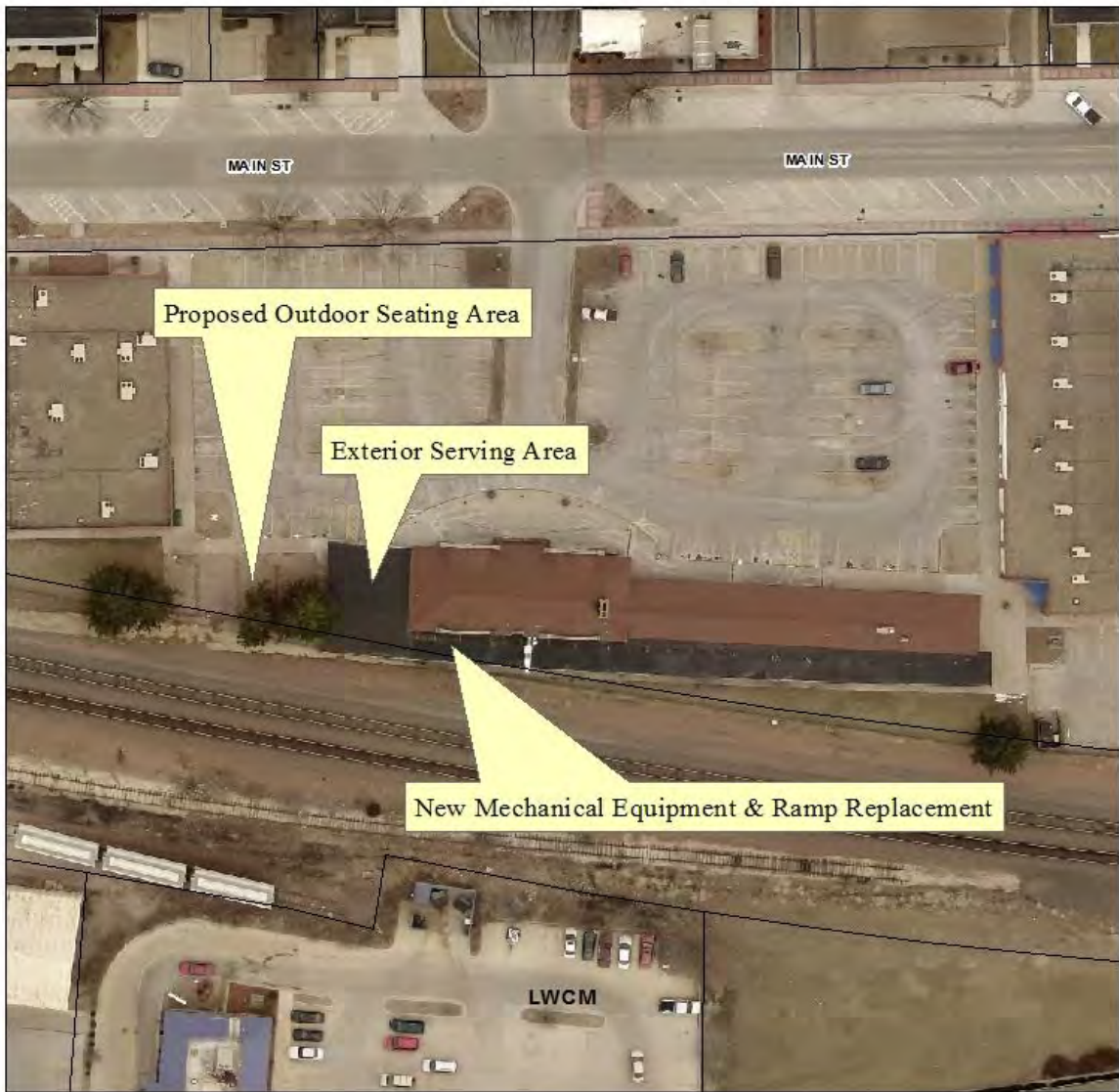
1. The City Council can find the proposed changes to the Depot building site have no negative impact on the historic qualities of the Depot building.
2. The City Council can deny the proposed changes to the Depot building site if it believes the proposed changes do not meet the intent of the Development Agreement.

CITY MANAGER'S RECOMMENDED ACTION:

Currently the applicant is in the process of making interior tenant improvements and has temporarily boarded up the west patio area. The proposed changes to the site do not appear to affect the primary historic qualities of the Depot building as they do not impact original building materials or architectural features as viewed from the front or north façade. The changes to the south façade affect approximately 50 feet of the covered platform area. Although the changes obscure part of the original building, they are not irreversible. Approval of the proposed alterations by Council will allow staff to review plans associated with the changes prior to permitting.

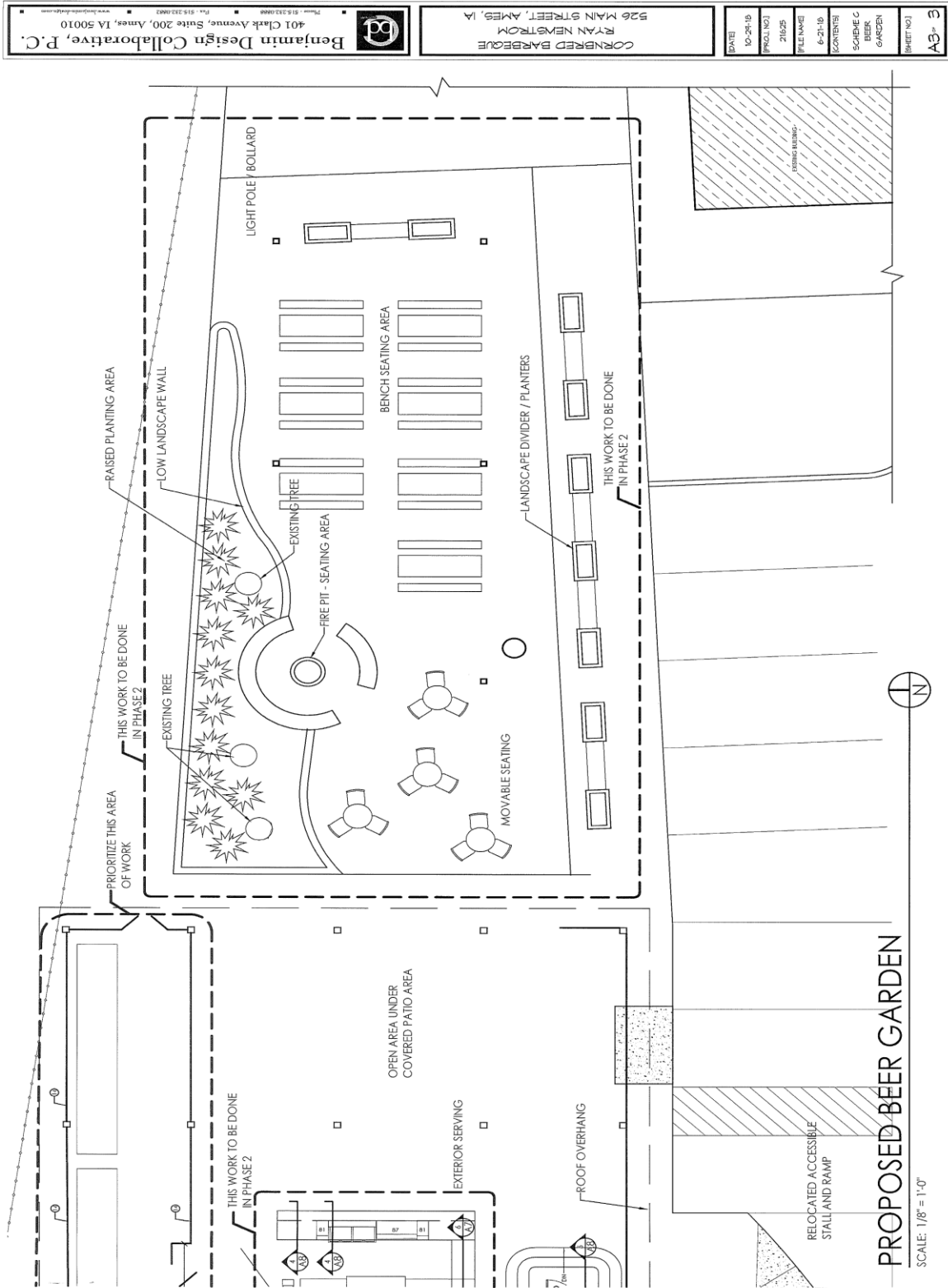
Therefore, it is the recommendation of the City Manager that the City Council accept Alternative #1, to find the proposed changes do not impact the historic qualities of the building and allow for staff review of associated permits for the proposed changes.

Attachment A- Site Map With Location of Alterations



Proposed Depot Site Alterations

Attachment B- Future Outdoor Seating Area



Benjamin Design Collaborative, P.C. 401 Clark Avenue, Suite 200, Ames, IA 50010 TEL: 515.323.0822 WWW: benjamin-design.com		CONRRED BARBEQUE RYAN NEWTRON 526 MAIN STREET, AMES, IA	DATE: 10-24-18 PROJECT NO: 21825 FILE NAME: 6-21-18 CONTENTS: SCHEME C BEER GARDEN	SHEET NO: 1 AS-3
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Attachment C- Mechanical Equipment With Platform, Ramps and Screen

PROJECT LOCATION:
AMES, IOWA

CLIENT:
CONCRETE BARBECUE
536 MAIN STREET
AMES, IOWA 50010

DATE: 05-31-18
PROJECT NO.: 21825

PERMITTED FOR: MECHANICAL EQUIPMENT
CONCRETE BARBECUE

MAIN FLOOR PLAN - EAST

SCALE: 1/4" = 1'-0"

MAIN ENTRY - ALT. #1

A4 of 11

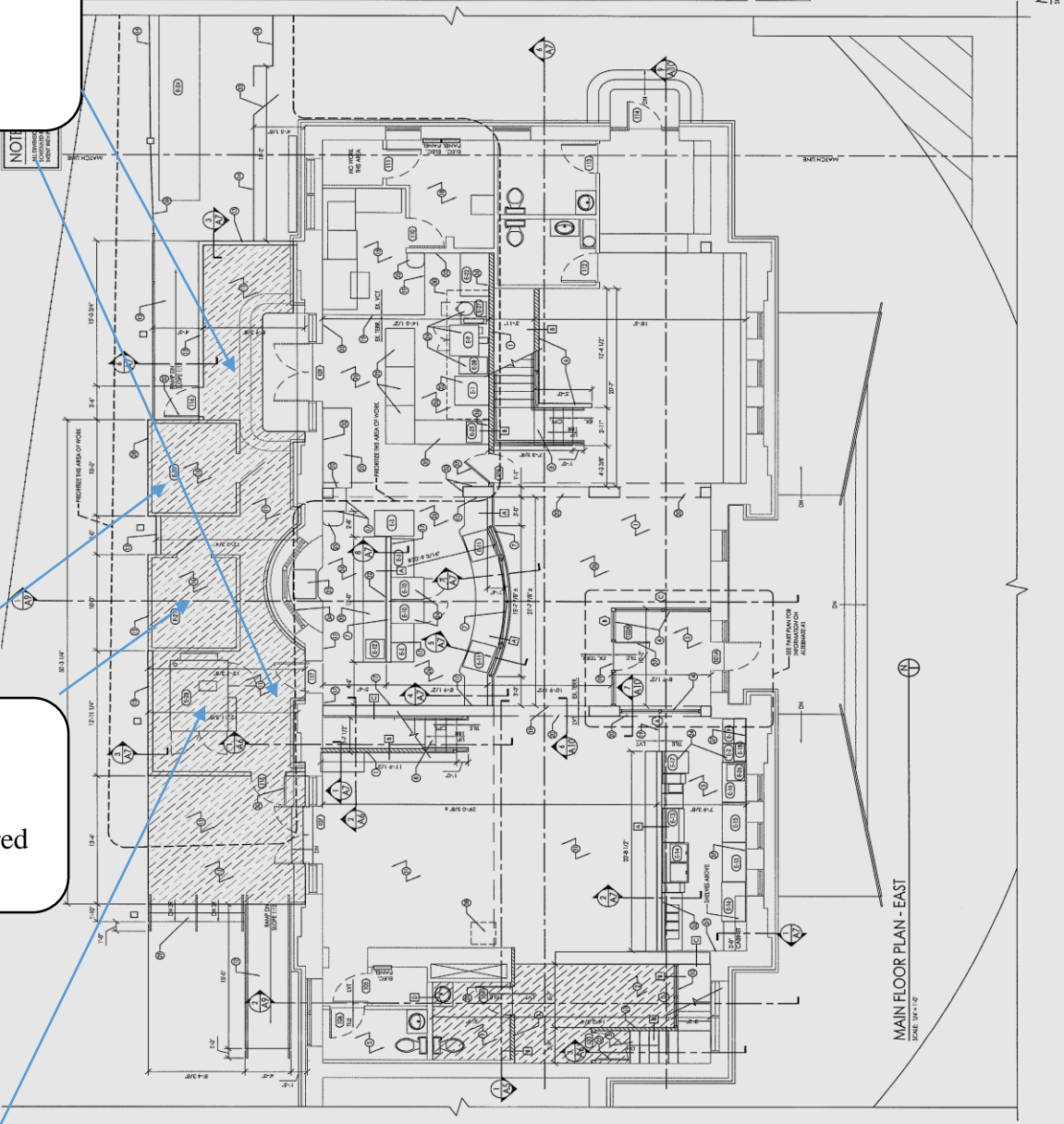
PROJECT NOTES:

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Shaded Area Indicates Platform Area

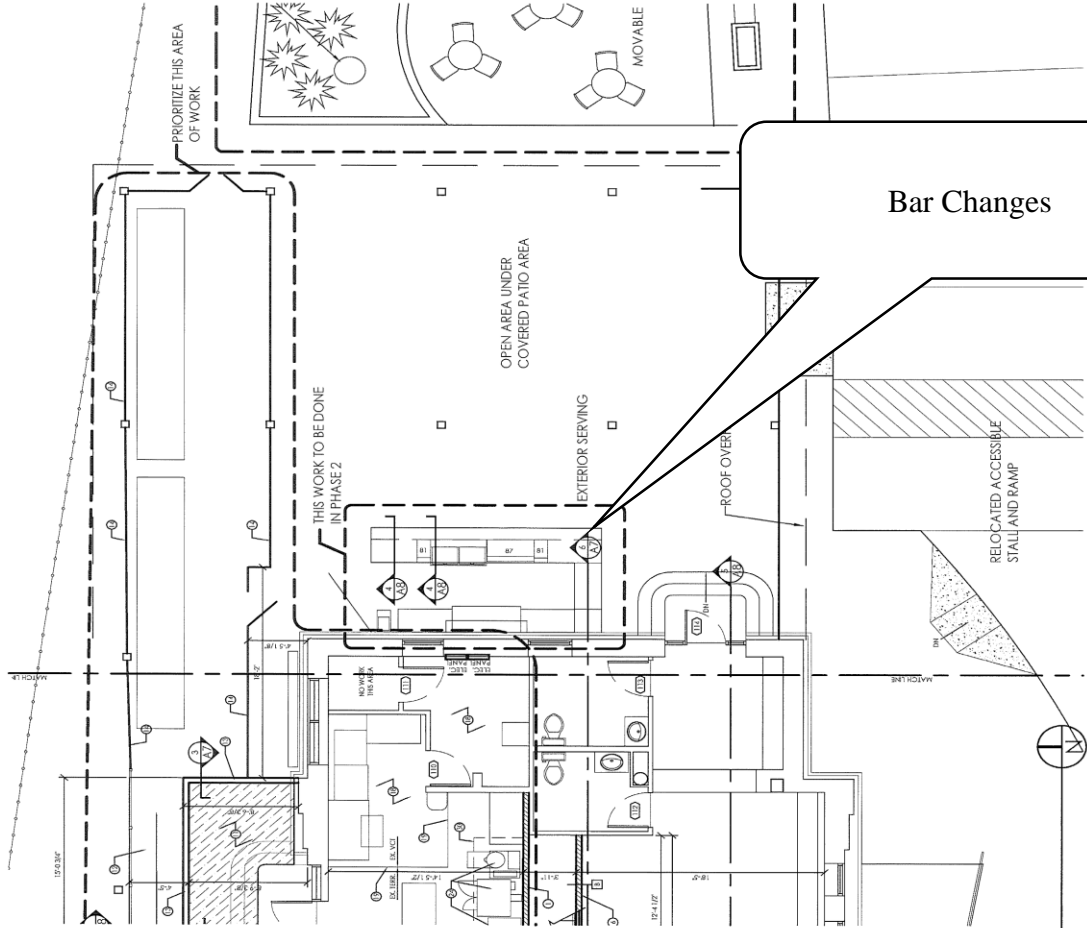
South Side Mechanical Additions Within Covered Patio Area

Proposed Smoker Location



Attachment D- Exterior Serving Area Covered Patio

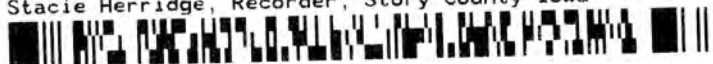
 <p>Benjamin Design Collaborative, P.C. 401 Clark Avenue, Suite 200, Ames, IA 50010 Phone: 515.232.0888 Fax: 515.232.0883 www.benjamin-design.com</p>	<p>CORNERED BARBECUE RYAN NEWSTROM 526 MAIN STREET, AMES, IA</p>	<p>DATE: 10-24-18 PROJECT NO.: 21625 FILE NAME: 6-21-18 CONTENTS: 6-21-18 SCHEDULE: 6-21-18 SCHEDULE: 6-21-18 SCHEDULE: 6-21-18 SCHEDULE: 6-21-18</p>	<p>SHEET NO.: A2-3</p>
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PROPOSED PATIO AREA

SCALE: 1/8" = 1'-0"

Instrument #: 2017-11710
11/20/2017 10:02:04 AM Total Pages: 6
00 OTHER
Recording Fee: \$ 32.00
Stacie Herridge, Recorder, Story County Iowa



INSTRUMENT PREPARED BY:	Brian D. Torresi, 2605 Northridge Pkwy., Ames, IA 50010 (515) 288-2500
RETURN TO:	City of Ames, Iowa, Attn: City Clerk, 515 Clark Ave., Ames, IA 50010

(env)

**AMENDED AND RESTATED
AMES DEPOT DEVELOPMENT AGREEMENT**

THIS AMENDED AND RESTATED AMES DEPOT DEVELOPMENT AGREEMENT (this "Amendment") is made and entered into as of the Effective Date (as that term is defined herein) by and between Merry Bee Properties, LLC (the "Owner") and the City of Ames, Iowa (the "City") (the Owner and the City are hereinafter collectively referred to as the "Parties" or individually as a "Party"). This Amendment shall be effective as of the date the last of the Parties hereto executes same (the "Effective Date").

RECITALS

WHEREAS, pursuant to that certain Ames Depot Development Agreement dated August 5, 1993, and filed in the office of the Recorder of Story County, Iowa, on July 25, 1994, as Instrument No. 94-08439 (the "Original Agreement"), the City and Main Street Station, L.C. ("Prior Owner-1") agreed on various terms and conditions related to the development of real property in Ames, Story County, Iowa, as legally described on the attached Exhibit A (the "Property"); and

WHEREAS, the Original Agreement was amended pursuant to: (a) an Amendment to Development Agreement dated November 23, 1993, and filed in the office of the Recorder of Story County, Iowa, on March 10, 1995, as Instrument No. 95-01792, and on July 27, 1995, as Instrument No. 95-06255 (collectively, "Amendment-1"); (b) an Amendment Ames Depot Development Agreement dated May 24, 1994, and filed in the office of the Recorder of Story County, Iowa, on March 10, 1995, as Instrument No. 95-01794, and on July 27, 1995, as Instrument No. 95-06256 (collectively, "Amendment-2"); (c) an Amendment to Ames Depot Development Agreement dated June 30, 1994, and filed in the office of the Recorder of Story County, Iowa, on March 10, 1995, as Instrument No. 95-01796, and on July 27, 1995, as Instrument No. 95-06258 (collectively, "Amendment-3"); (d) an Amendment Ames Depot Development Agreement dated June 9, 1998, and filed in the office of the Recorder of Story County, Iowa, on August 6, 1998, as Instrument No. 98-10956 ("Amendment-4"); and (e) an Amendment Ames Depot Development Agreement dated May

8, 2001, and filed in the office of the Recorder of Story County, Iowa, on May 14, 2001, as Instrument No. 01-05737 ("Amendment-5") (the Original Agreement, Amendment-1, Amendment-2, Amendment-3, Amendment-4, Amendment-5, and any and all other amendments to the Original Agreement, recorded or unrecorded, are hereinafter collectively referred to as the "Agreement" and are incorporated herein by this reference as if fully set forth); and

WHEREAS, the City conveyed the Property, and any and all rights under the Agreement except as expressly reserved therein, to Prior Owner-1 by Quit Claim Deed dated July 25, 1995, and filed in the office of the Recorder of Story County, Iowa, on July 27, 1995, as Instrument No. 95-06260 ("QCD-1"), and by Quit Claim Deed dated October 26, 1995, and filed in the office of the Recorder of Story County, Iowa, on October 27, 1995, as Instrument No. 95-09570 ("QCD-2") (QCD-1 and QCD-2 are hereinafter collectively referred to as the "Deed"); and

WHEREAS, Prior Owner-1 conveyed the Property to Main Street Station II, LLC ("Prior Owner-2") by Warranty Deed dated June 1, 2006, and filed in the office of the Recorder of Story County, Iowa, on June 12, 2006, as Instrument No. 06-06773, and Prior Owner-2 conveyed the Property to Owner by Warranty Deed dated June 1, 2017, and filed in the office of the Recorder of Story County, Iowa, on June 1, 2017, as Instrument No. 17-05233; and

WHEREAS, in the Deed, the City reserved certain easements on the Property and certain parking provisions set forth in Paragraph 11 of the Original Agreement (collectively, the "Reserved Rights"); and

WHEREAS, Owner and the City desire to, among other things, amend the Reserved Rights and to revive certain provisions in the Agreement related to the historic characteristics of the Property.

NOW, THEREFORE, in consideration of the Recitals, and for other good and valuable consideration, the Parties hereby agree as follows:

1. **INCORPORATION OF RECITALS.** The foregoing Recitals are incorporated herein and made a part of this Amendment as if fully set forth verbatim. The Recitals and exhibits hereto, if any, are a substantive, contractual part of this Amendment.
2. **MODIFICATION OF RESERVED RIGHTS.** The rights reserved by the City in the Deed with respect to parking on the Property, as specifically set forth in Paragraph 11 of the Original Agreement, are hereby amended by completely replacing said Paragraph 11 and the Reserved Rights with the following language (the "Modified Reserved Rights"):

"Parking. (a) The Owner shall provide to the City, at the Owner's cost, parking on the Property for 98 automobiles for public parking in the central area of the parking lot serving the Property (the "Parking Area") and the Owner shall have the right to relocate the Parking Area, from time to time on the Property. (b) In consideration of

the Owner's obligation to provide and maintain the Parking Area, the City agrees that it will, at its sole cost, monitor and regulate the parking on the Parking Area and enforce the City's parking regulations with respect to the Parking Area. The City shall have the sole right and obligation to establish and enforce parking regulations with respect to the Parking Area. Such regulations shall promote the use of the Parking Area by tenants, employees, customers, business visitors, and business guests of the Project and of the central business district of the City. The City shall not, without the prior written consent of the Owner: (i) install parking meters on the Parking Area, (ii) impose any fees for parking in the Parking Area, or (iii) permit longer than three (3) hour parking in the Parking Area. The Owner may, from time to time, request a change in the regulations established by the City for the Parking Area, but any change requested by the Owner shall be consistent with the use of the Parking Area for the parking of motor vehicles by the general public. The City shall have the right to enter upon the Property for the purpose of allowing the City to perform its obligations under this paragraph. The City's right to enter upon the Property pursuant to the foregoing provision shall be limited to that portion of the Property constituting the Parking Area. (c) During the period that the Owner is obligated to provide parking pursuant to this paragraph, the Owner shall perform all maintenance of the Parking Area at its sole cost and expense, such maintenance to include by way of specification, but not limitation, repairing and restriping the pavement, lighting, cleaning, snow and ice removal, all to standards not less than those standards that are adhered to by the City for City parking lots. If necessary, the Owner shall have the right to temporarily close all or a portion of the Parking Area to permit the Owner to (i) relocate the Parking Area, (ii) perform its maintenance obligations with respect to the Project and the Parking Area, and (iii) to perform future construction on the Property. (d) Nothing contained in this paragraph shall be deemed to be a gift or dedication of any portion of the Property to the general public; it being the intention of the Parties that this paragraph will be strictly limited to the purposes expressed herein. (e) Unless earlier terminated by the agreement of the City, the Owner's obligations pursuant to this paragraph shall terminate fifty (50) years from the Effective Date."

3. **DESIGN QUALITIES.** Owner agrees that the former railroad depot building on the Property (the "Depot"), as it exists as of the Effective Date, shall be preserved and reused. Alterations or additions to the Depot shall be compatible with the exterior historic qualities thereof. To preserve the view of the Depot from Main Street, Owner hereby agrees that Owner shall not construct any structure (excluding light poles, landscaping, traffic signage, directional signage, parking signage, project signage, and banner poles) more than thirty-six (36) inches in height in the area that lies twenty-five (25) feet on either side of a line perpendicular to the center of the Depot extended North to the South line of Main Street, without the prior approval of the City. Commercial buildings existing on the Property as of the Effective Date shall maintain a functional entrance to an abutting public street for each tenant space, except that tenant spaces solely facing the Parking Area are

exempt from this standard. The entrance at the corner of Main Street and Clark Avenue shall remain as a functional entrance for the public.

4. **PRIOR AGREEMENTS.** The Parties hereby understand, acknowledge, and agree, that except for the Modified Reserved Rights and except for the Depot preservation standards as set forth herein, the Agreement, and any and every other agreement in any way related thereto, is of no force or effect whatsoever, and that any rights the City may have with respect to the Property are being completely dissolved, amended, modified, and/or replaced, as the case may be, by this Amendment, without regard to the impact of the Deed on the Agreement.

5. **MISCELLANEOUS.** This Amendment shall run with the Property and shall be binding upon Owner, its successors and assigns. Time is of the essence in this Amendment. The failure to promptly assert any rights herein shall not, however, be a waiver of such rights or a waiver of any existing or subsequent default. To facilitate execution, this Amendment may be executed in as many counterparts as may be required and the Parties may execute facsimiles of this Amendment. It shall not be necessary that the signature on behalf of the Parties appear on each counterpart. All counterparts shall collectively constitute a single agreement.

6. **JURY TRIAL WAIVER.** **THE PARTIES HERETO, AFTER CONSULTING OR HAVING HAD THE OPPORTUNITY TO CONSULT WITH COUNSEL, KNOWINGLY, VOLUNTARILY, AND INTENTIONALLY WAIVE ANY RIGHT THEY MAY HAVE TO A TRIAL BY JURY IN ANY LITIGATION BASED ON OR ARISING OUT OF THIS AMENDMENT OR INSTRUMENT, OR ANY RELATED INSTRUMENT OR AGREEMENT, OR ANY OF THE TRANSACTIONS CONTEMPLATED HEREBY OR ANY COURSE OF CONDUCT, DEALING, STATEMENTS, WHETHER ORAL OR WRITTEN, OR ACTION OF ANY PARTY HERETO. NO PARTY SHALL SEEK TO CONSOLIDATE BY COUNTERCLAIM OR OTHERWISE, ANY SUCH ACTION IN WHICH A JURY TRIAL HAS BEEN WAIVED WITH ANY OTHER ACTION IN WHICH A JURY TRIAL CANNOT BE OR HAS NOT BEEN WAIVED. THESE PROVISIONS SHALL NOT BE DEEMED TO HAVE BEEN MODIFIED IN ANY RESPECT OR RELINQUISHED BY ANY PARTY HERETO EXCEPT BY A WRITTEN INSTRUMENT EXECUTED BY ALL PARTIES.**

IN WITNESS WHEREOF, the Parties have executed this Amendment as of the dates set forth below.

(SIGNATURE PAGE FOLLOWS)

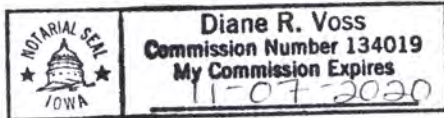
**SIGNATURE PAGE OF
AMENDED AND RESTATED
AMES DEPOT DEVELOPMENT AGREEMENT**

MERRY BEE PROPERTIES, LLC, Owner

By: Clifford Smith
Clifford Smith, Manager
DATE: November 14, 2017

STATE OF IOWA, COUNTY OF STORY, ss:

This instrument was acknowledged before me on this 14 day of November, 2017, by Clifford Smith, as a Manager of Merry Bee Properties, LLC.



Diane R. Voss
Notary Public in and for the State of Iowa
My commission expires 11-07-2020

CITY OF AMES, IOWA, the City

By: Ann H. Campbell
Ann H. Campbell, Mayor

Attest by: Diane R. Voss
Diane R. Voss, City Clerk

STATE OF IOWA, COUNTY OF STORY, ss:

On this 14th day of November, 2017, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Ann H. Campbell, Mayor, and Diane R. Voss, City Clerk, to me known to be the identical persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

Jill L. Ripperger
Notary Public in and for the State of Iowa
My commission expires 3-17-18

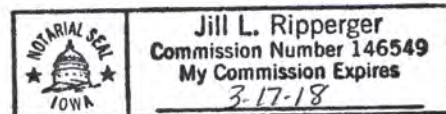


EXHIBIT A
PROPERTY

Parcel A of the Plat of Survey filed in the Office of the Recorder of Story County, Iowa, on the 17th day of June, 1994, in Book 12, Page 86, as Instrument No. 94-06868, for a part of Section Two (2), Township Eighty-three (83) North, Range Twenty-four (24) West of the 5th P.M., located in the City of Ames, Story County, Iowa, described as follows:

Being Block 16 Blair's Addition to Ames and a part of Block 46 Blair's 3rd Addition and Chicago Northwestern Railway Company Station Grounds described as: Commencing at the SE Corner of Lot 28, Block 17, Blair's Addition to Ames, Iowa; thence S 0°55'13" W, 80.00 feet along the West line of Clark Avenue to the South line of Main Street and the Point of Beginning; thence S 0°55'13" W, 258.14 feet along the West line of Clark Avenue to a point 35.00 feet radial distance from the centerline of the North Track of said Chicago Northwestern Railway Company; thence N 82°16'33" W, 74.98 feet; thence N 81°21'58" W, 75.03 feet; thence N 80°21'20" W, 74.98 feet; thence N 79°23'54" W, 75.01 feet; thence N 78°39'24" W, 75.02 feet; thence N 78°06'03" W, 75.07 feet; thence N 77°52'40" W, 74.98 feet; thence N 77°34'23" W, 74.98 feet; thence N 77°24'24" W, 74.99 feet; thence N 77°12'46" W, 74.95 feet; thence N 77°10'20" W, 60.36 feet to a point on the East line of Grand Avenue in the City of Ames, Iowa, said point also being 35.00 radial distance from the centerline of the North track of said railroad; thence N 0°57'31" E, 104.92 feet along the East line of Grand Avenue to the South line of Main Street as established in Deed dated August 4, 1937 from the Chicago Northwestern Railway Company to the State of Iowa; thence N 88°30'24" E, 211.72 feet along the South line of Main Street; thence, continuing along the South line of Main Street, S 89°10'16" E, 585.59 feet to the Point of Beginning, containing 3.50 acres, more or less

COUNCIL ACTION FORM

REQUEST: **PRELIMINARY PLAT FOR A MAJOR AMENDMENT TO THE SCENIC VALLEY SUBDIVISION**

BACKGROUND INFORMATION:

Hunziker Development Co., LLC, received preliminary plat approval for Scenic Valley Subdivision on June 10, 2014. Since that time, three final plats, comprising 68 lots, have been approved and infrastructure for those lots installed. The owner now seeks a revision to that approved preliminary plat affecting the northern portion, which has not been final platted into buildable lots.

The proposed revision to Scenic Valley Subdivision includes a change in the lot layout along the cul-de-sacs, grading, and storm water design. **The proposed changes are a major amendment to the approval due to the changes in the proposed storm water design.** The total number of lots with the subdivision is unchanged from the prior revisions, which had reduced the total number of lots to 148—two fewer than the original approval in 2014. The loss of the two lots occurred as part of the approval of the Third Addition in 2017, which replatted ten lots on the south end of Aldrin Avenue into 8 lots.

The most significant change is that the storm water will be routed to the northwest across land owned by Friedrich Land Development, LLC. This area is not currently part of the boundaries of the Scenic Valley Subdivision and is located within the County. The City Council recently directed staff to begin the annexation process for the 108 acres of land owned by Friedrich. Hunziker and Friedrich are working on a joint storm water plan that will take the Scenic Valley stormwater onto the Friedrich property. The initial preliminary plat had the storm water from the northwest detention pond flowing through a pipe to the south, then emptying in the Squaw Creek flood plain. This plan has the storm water directed through a swale to the northwest, south of an existing identified wetland. See the addendum for a discussion of the proposed condition of approval.

In addition, the revised plat proposes easements necessary for extending utilities to the adjacent properties to the north. Since the approval of the initial preliminary plat, the Ames Urban Fringe Plan was amended to designate the properties west of George Washington Carver Avenue and south of Cameron School Road as Urban Residential, allowing annexation and development. To ensure orderly development patterns, easements and utility extensions are required with the Scenic Valley Subdivision.

In summary, the revised preliminary plat contains 148 lots at a net density of 3.81 units per acre. There are also a number of outlots proposed for various purposes: storm water management, subdivision signage, public walkways, etc. The project includes two

points of access to George Washington Carver Avenue and stubs two street connections to undeveloped land outside of the City to the north and west. The lot layout is included as Attachment C.

The numbers of dwelling units and their locations are consistent with the Master Plan (Attachment B) presented to and approved by the City Council in 2014 which identifies a range of 85-145 detached units and 25-45 attached units.

Planning and Zoning Commission: At its meeting on October 17, 2018, the Ames Planning and Zoning Commission voted 4-0 to recommend approval of the preliminary plat to the City Council. Other than the applicant's representative, no one spoke during the public hearing.

ALTERNATIVES:

1. The City Council can approve the revised preliminary plat for Scenic Valley Subdivision with the condition:
 - A. A storm water flowage easement over Friedrich's property be recorded with approval of a final plat.
2. The City Council can deny the revised preliminary plat for Scenic Valley by finding that the preliminary plat does not meet the requirements of Section 23.302(3)(b) of the Ames Municipal Code and by setting forth its reasons to disprove or modify the proposed preliminary plat as required by Section 23.302.4 of the Ames Municipal Code. Code sections are found in Attachment E.
3. The City Council can defer action on this request and refer it back to City staff and/or the applicant for additional information.

CITY MANAGER'S RECOMMENDED ACTION:

This revised preliminary plat has only minor changes from the approved preliminary plat from 2014. It reflects the prior reduction of two lots on the southern end of Aldrin Avenue that occurred with the final plat of the Third Addition. It also moves one lot from the Everest Avenue cul-de-sac to the northern Aldrin Avenue cul-de-sac. **The significant infrastructure change is the redirection of the storm water from the northwestern detention pond. Rather than being piped to the south, it will surface flow onto the adjoining property.**

With these limited changes and the determination that the requirements of the Ames Subdivision and Zoning regulations are met by the proposed development, **it is the recommendation of the City Manager that the City Council approve Alternative #1.**

ADDENDUM

Project Description. The revised preliminary plat for Scenic Valley Subdivision proposes 148 total lots in a 121-acre tract located between George Washington Carver Avenue to the east and Squaw Creek to the west. The lot pattern is very linear with a north/south orientation. This is due to the relative narrowness of the buildable area (the western 40 acres is in the flood hazard zone) and the presence of a natural gas pipeline bisecting the property.

Access to the development by vehicle will occur at two points from George Washington Carver Avenue. Westin Drive has been constructed and provides access at the south. A future access point will be Barcelos Street, which would align with access to a future development north of Northridge Heights. The development also stubs two street connections to the north and northwest to interconnect with future development of those areas. As noted previously, Friedrich Land Development has begun the process of annexing their 108 acres.

Applicable Law. Laws pertinent to the proposal are described on Attachment D. Pertinent for the City Council is Section 23.302(6):

Density and Open Space Information. The gross area of Scenic Valley is 120.87 acres. The zoning designation of FS-RL requires a density of 3.75 dwelling units per net acre. By subtracting allowable exemptions (as defined in Table 29.1202(6) of the zoning ordinance), a net density of 3.81 dwelling units is achieved. The Code also requires 10 percent of the total area of the subdivision to be common open space. By utilizing specified areas of the outlots, this standard has been met with the addition of sidewalks and public access to the common space to be enjoyed by the owners within the subdivision.

Block and Lot Configuration. In the review of the initial preliminary plat, staff noted that the project design has multiple block lengths that exceed the primary goals of 600 feet in length, but do not exceed the ultimate limit of 1,320 feet of Chapter 23. The principal reason for this is the site constraint of the natural gas pipeline running north/south through the middle of the site that limits the number of road crossings.

Four cul-de-sacs were proposed with the initial preliminary plat and are retained with this revision. Staff worked with the developer to seek to reduce these (cul-de-sacs are not prohibited but should be “minimized” per the Subdivision Code). However, due to the constraints of the natural gas pipeline easement and of being allowed only two road crossings of that easement, road configurations would have either a greater number of cul-de-sacs or excessive block lengths.

To address limitations on mobility related to the street layout, mid-block pedestrian crossings and walkway connections at the end of cul-de-sacs are present to improve pedestrian accessibility throughout the neighborhood and act as traffic calming. The three mid-block pedestrian crossings feature a bump out, reducing street pavement widths from 26 feet to 20 feet by mimicking the dimensions of a parked car. These

bump outs improve pedestrian safety by reducing the time needed to cross the street and act as traffic calming features.

As noted above, two dead-end streets are proposed for future extensions into developable land to the north and northwest. At the time of final plat approval, there will need to be an easement to accommodate temporary turnarounds acceptable to the fire department.

Street widths meet the standards for local streets, that is, a 26-foot pavement width as measured from the back of the curb within a 55-foot right-of-way. This width allows for parking on one side of a street.

Utilities. Public utilities (sanitary sewer, water) are proposed to serve the subdivision and will be available to all lots. The developer may construct all of the required public improvements, including streets, prior to final plat submittal, or may post an acceptable financial instrument.

Since the initial approval of Scenic Valley, the Ames Urban Fringe Plan has been amended to allow the annexation of the Friedrich property and the other properties on the south side of Cameron School Road and west of George Washington Carver Avenue. Easements will be established to extend mains to the north to serve the Friedrich property. Easements will also be established to provide service lines to the two smaller properties on George Washington Carver Avenue.

Storm Water. The initial plan directed a portion of the storm water from the development to the northwest corner of the site in a detention pond. Outflow from that pond went through a pipe in the rear of the lots along the west side of Cartier Avenue. The pipe discharged storm water at the foot of the hill in the flood plain.

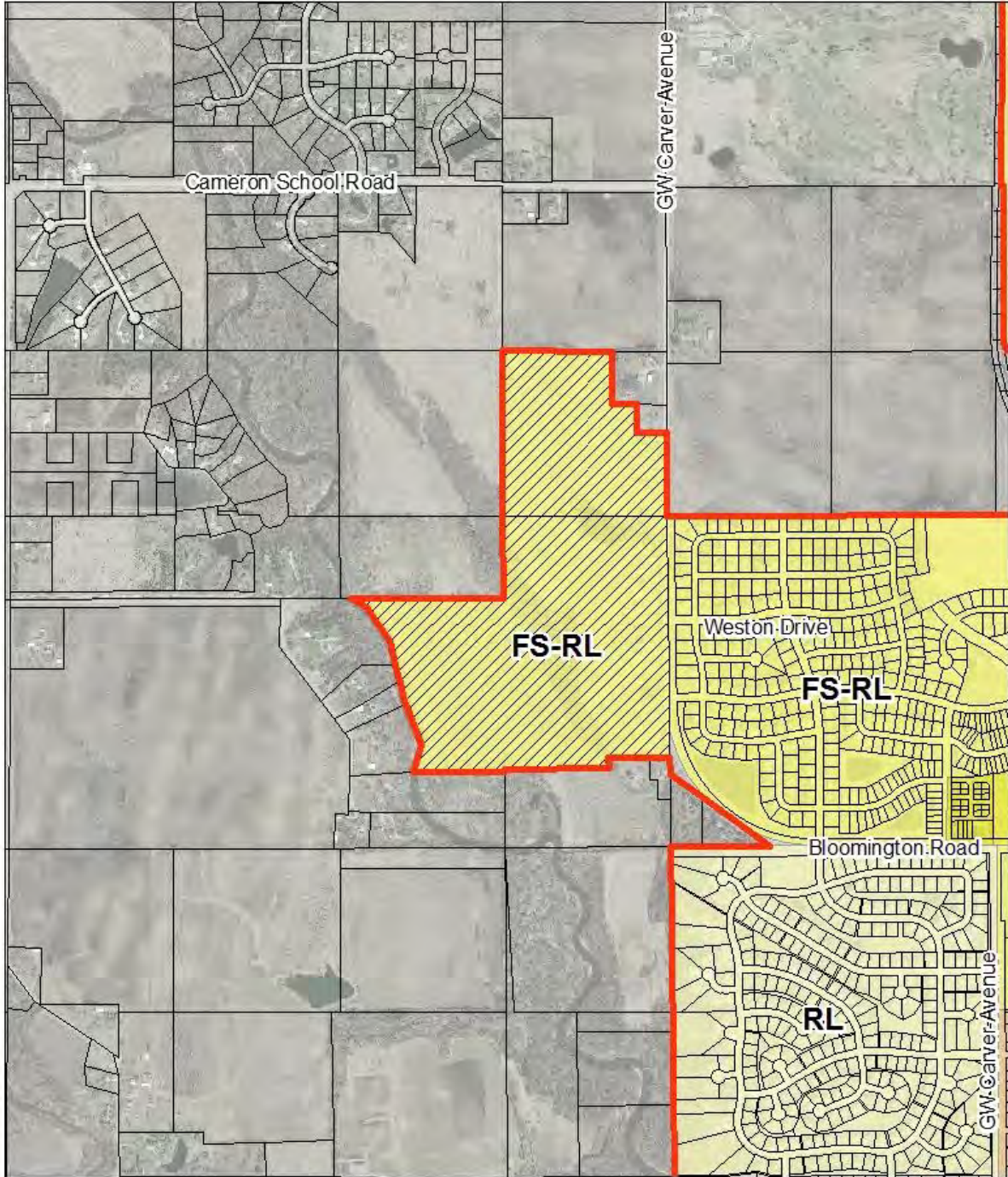
The proposed plan will discharge, instead of into a pipe headed south, into an open swale directed to the northwest, across Friedrich land. Hunziker and Friedrich have been having conversations about integrating storm water features from their two developments. However, staff would need some recognition from Friedrich that this is acceptable—discharging the storm water onto his property. In addition, a storm water flowage easement needs to be recorded prior approval of a final plat to ensure the system is designed and maintained consistent with City standards.

Sidewalks and Street Trees. Sidewalks are planned for construction on both sides of all streets. In addition, a sidewalk will be constructed on the west side of George Washington Carver Avenue. A shared-use path is already constructed on the east side. As noted above, additional sidewalks are to be constructed through certain mid-blocks to connect parallel streets.

The approval of a revised preliminary plat will require the installation of 5-foot public sidewalks for any final plat subsequently approved. Previously, sidewalk installation was four feet consistent with the prior City standard.



Conclusions. Based on this analysis, staff finds that the proposed revision to the Scenic Valley Subdivision preliminary plat complies with all relevant and applicable design and improvement standards of the Subdivision Regulations, to other standards and ordinances of the City including the zoning ordinance, to the Land Use Policy Plan, and to the approved Master Plan and, therefore, concludes that Ames Municipal Code Section 23.302(3)(b) has been satisfied.

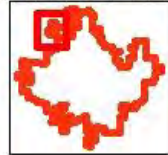
Attachment A: Zoning and Location Map



0 500 1,000
Feet

Legend

-  Ames City Boundary
-  Proposed Rezoning



Attachment B: Master Plan

**SCENIC VALLEY SUBDIVISION
MASTER PLAN
HUNZIKER DEVELOPMENT CO.**

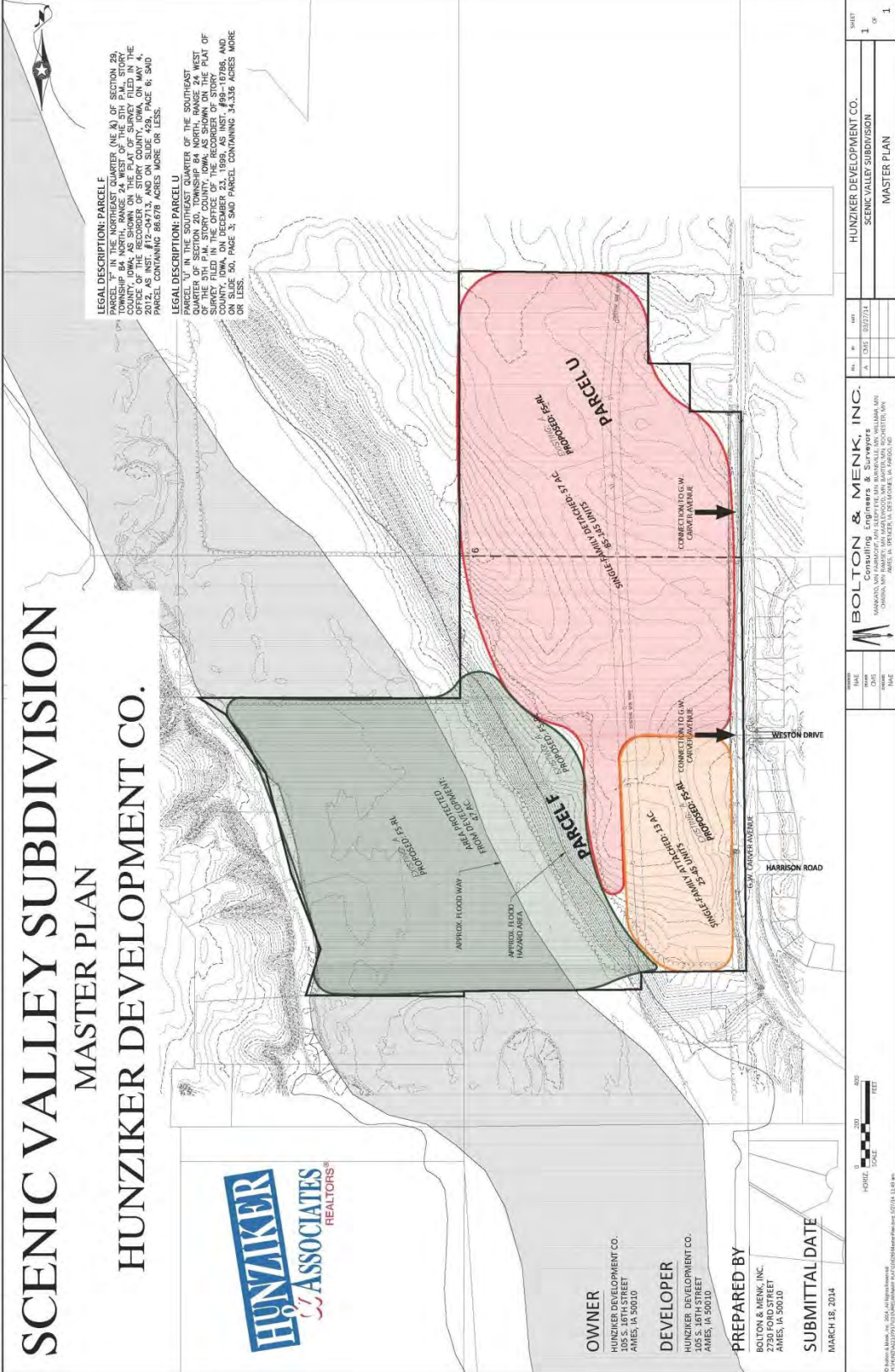


OWNER
HUNZIKER DEVELOPMENT CO.
105 S. 16TH STREET
AMES, IA 50010

DEVELOPER
HUNZIKER DEVELOPMENT CO.
105 S. 16TH STREET
AMES, IA 50010

PREPARED BY
BOLTON & MENK, INC.
2730 FORD STREET
AMES, IA 50010

SUBMITTAL DATE
MARCH 18, 2014



DATE	BY	NO.	REV.	DESCRIPTION
BOLTON & MENK, INC. 2730 FORD STREET AMES, IOWA 50010 (515) 339-1111 www.boltonandmenk.com				
HUNZIKER DEVELOPMENT CO. SCENIC VALLEY SUBDIVISION MASTER PLAN				
SHEET 1 OF 1				

Attachment C: Proposed Lot Layout



Attachment D: Applicable Subdivision Law

The laws applicable to this Preliminary Plat Subdivision include, but are not limited to, the following: (verbatim language is shown in *italics*, other references are paraphrased):

Code of Iowa Chapter 354, Section 8 requires that the governing body shall determine whether the subdivision conforms to its Land Use Policy Plan.

Ames Municipal Code Chapter 23, Subdivisions, Division I, outlines the general provisions for subdivisions within the City limits and within two miles of the City limits of Ames.

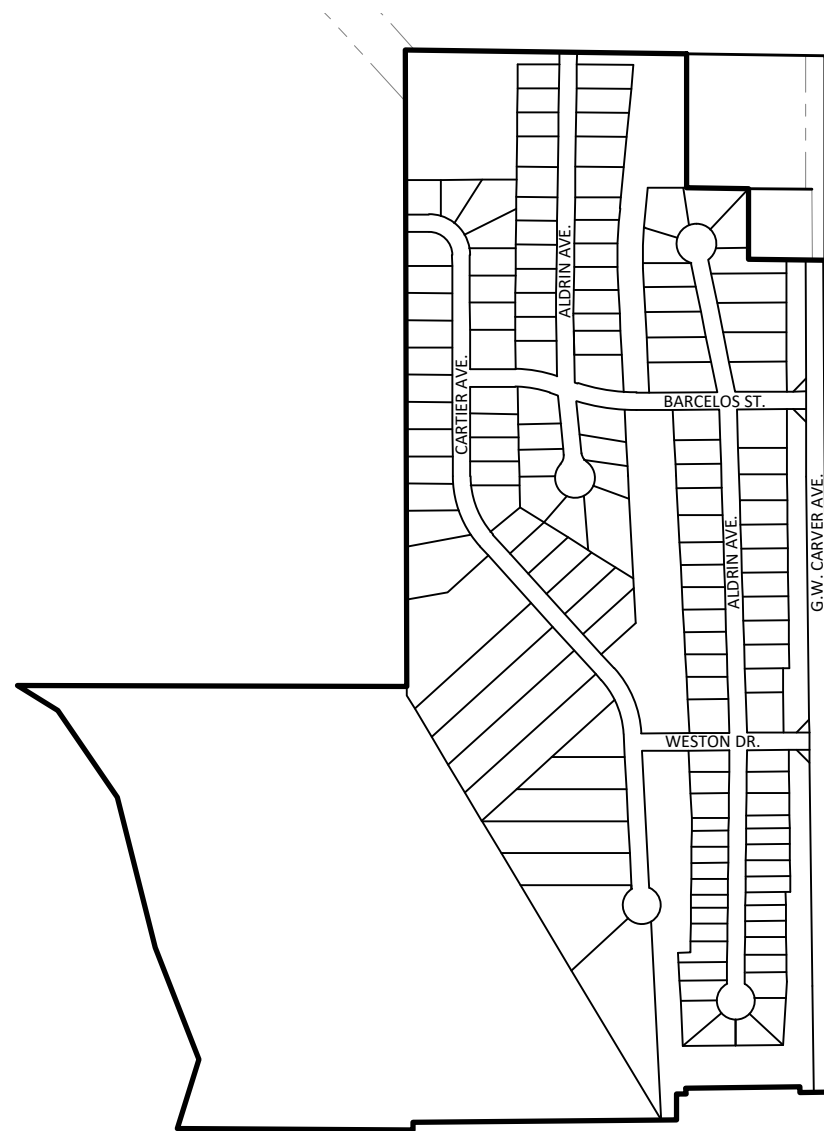
Ames Municipal Code Section 23.302(6):

(3) *City Council Action on Preliminary Plat:*

- (a) *Based upon such examination, the City Council shall determine whether the Preliminary Plat conforms to relevant and applicable design and improvement standards in these Regulations, to other City ordinances and standards, to the City's Land Use Policy Plan and to the City's other duly adopted plans. In particular, the City Council shall determine whether the subdivision conforms to minimum levels of service standards set forth in the Land Use Policy Plan for public infrastructure and shall give due consideration to the possible burden of the proposed subdivision on public improvements in determining whether to require the installation of additional public improvements as a condition for approval.*
- (b) *Following such examination and within 30 days of the referral of the Preliminary Plat and report of recommendations to the City Council by the Planning and Zoning Commission, the City Council shall approve, approve subject to conditions, or disapprove the Preliminary Plat. The City Council shall set forth its reasons for disapproving any Preliminary Plat or for conditioning its approval of any Preliminary Plat in its official records and shall provide a written copy of such reasons to the developer.*

HUNZIKER LAND DEVELOPMENT PRELIMINARY PLAT SCENIC VALLEY SUBDIVISION

AUGUST 2018



LOCATION MAP



OWNER
HUNZIKER DEVELOPMENT CO.
105 S. 16TH STREET
AMES, IA 50010

DEVELOPER
HUNZIKER DEVELOPMENT CO.
105 S. 16TH STREET
AMES, IA 50010

PREPARED BY
BOLTON & MENK, INC.
1519 BALTIMORE DRIVE
AMES, IA 50010

SUBMITTAL DATE
2018

LEGAL DESCRIPTION

SCENIC VALLEY 1ST ADDITION AS DESCRIBED BY A PLAT OF SURVEY WITH INSTRUMENT NUMBER 2014-10772 IN THE OFFICE OF THE STORY COUNTY RECORDER.

SCENIC VALLEY 2ND ADDITION AS DESCRIBED BY A PLAT OF SURVEY WITH INSTRUMENT NUMBER 2016-06325 IN THE OFFICE OF THE STORY COUNTY RECORDER.

SCENIC VALLEY 3RD ADDITION AS DESCRIBED BY A PLAT OF SURVEY WITH INSTRUMENT NUMBER 2017-06842 IN THE OFFICE OF THE STORY COUNTY RECORDER.

SCENIC POINT AS DESCRIBED BY A PLAT OF SURVEY WITH INSTRUMENT NUMBER 2016-11246 IN THE OFFICE OF THE STORY COUNTY RECORDER.

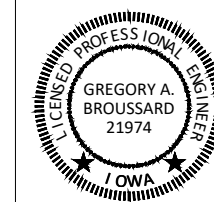
FLOOD PLAIN NOTE

PORTIONS OF THIS PRELIMINARY PLAT LIE WITHIN THE SPECIAL FLOOD HAZARD AREA AS SHOWN ON THE FIRM PANEL 19169C0141E EFFECTIVE 02/20/2008.

INDEX OF SHEETS

Sheet Number	Sheet Title
1	TITLE SHEET
2	GENERAL NOTES
3	REZONING PLAN
4 - 5	LOT LAYOUT
6 - 8	GRADING PLAN

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I HEREBY CERTIFY THAT THIS ENGINEERING DOCUMENT WAS PREPARED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF IOWA.

GREGORY A. BROUSSARD

REG. NO. 21974 DATE: _____

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2019

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ALL SHEETS _____



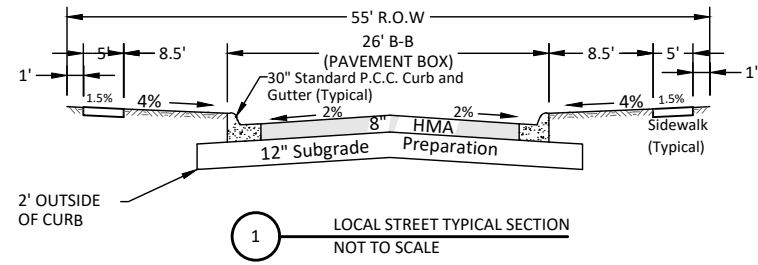
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HUNZIKER DEVELOPMENT CO.
SCENIC VALLEY SUBDIVISION - PRELIMINARY PLAT

TITLE SHEET

SHEET
1



GENERAL NOTES

1. THE EXISTING HIGH PRESSURE GAS MAIN ON THIS SITE IS LOCATED IN A 75-FOOT WIDE EASEMENT CENTERED ON THE PIPE.
2. ALL PRIVATE UTILITIES WILL BE LOCATED WITHIN PUBLIC UTILITY EASEMENTS SHOWN, OR LOCATED WITHIN UTILITY CORRIDORS PROVIDED FOR BY THE CITY'S 'USE OF CITY RIGHTS-OF-WAY BY RIGHT-OF-WAY USERS' ORDINANCE.
3. VEHICLE PARKING WILL BE PROHIBITED ALONG THE NORTH AND EAST SIDES OF ALL STREETS. VEHICLE PARKING WILL BE PROHIBITED ALONG BOTH SIDES OF GEORGE WASHINGTON CARVER AVENUE.
4. ACCESS TO INDIVIDUAL LOTS FROM GEORGE WASHINGTON CARVER AVENUE WILL NOT BE PERMITTED.
5. STREET TREES WILL BE PLANTED IN THE RIGHT-OF-WAY OF ALL STREETS WITHIN THE SUBDIVISION. TREE SPECIES, SPACING, AND ALL OTHER REQUIREMENTS OF SECTION 23.402, RESIDENTIAL SUBDIVISION LANDSCAPING STANDARDS OF THE MUNICIPAL CODE SHALL APPLY.
6. ALL CONSTRUCTION MATERIALS, DUMPSTERS, DETACHED TRAILERS, OR SIMILAR ITEMS ARE PROHIBITED ON PUBLIC STREETS OR WITHIN THE PUBLIC RIGHT-OF-WAY.
7. OUTLOTS A, B, C, D & E ARE RESERVED FOR PUBLIC OPEN SPACE, UTILITIES, & STORM WATER FLOWAGE. OUTLOT F IS RESERVED FOR UTILITIES & STORM WATER FLOWAGE. OUTLOT G IS RESERVED FOR PRIVATE OPEN SPACE. OUTLOTS H, I, J & K ARE RESERVED FOR SUBDIVISION SIGNAGE.
8. ALL PUBLIC SIDEWALKS SHALL BE 5' WIDE.
9. STREET LIGHTING SHALL BE INSTALLED ALONG ALL STREETS WITHIN THE SUBDIVISION AND ALONG ANY ABUTTING STREET FRONTAGE AT INTERSECTIONS WITHIN THE SUBDIVISION.

LOT DENSITY CALCULATIONS:

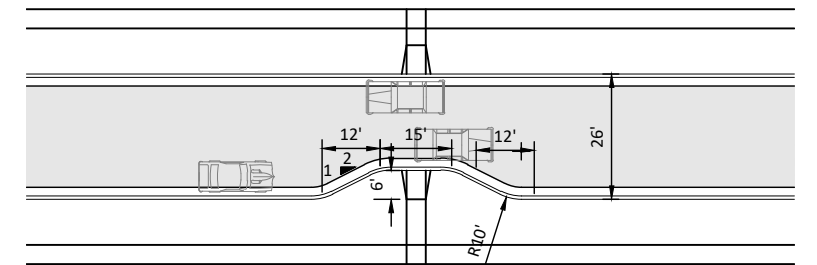
TOTAL:	120.87	AC.
ROW:	13.95	AC.
OUTLOTS:	56.58	AC.
TOTAL LOT AREA:	50.34	AC.
SWFE & GREENSPACE EASEMENTS:	11.54	AC.
LOT AREA (MINUS EASEMENTS):	38.80	AC.
TOTAL NUMBER OF LOTS:	148	UNITS
LOT DENSITY:	3.81	LOTS/ACRE

OPEN SPACE CALCULATIONS:

TOTAL:	120.87	AC.
OPEN SPACE: (OUTLOTS A, B, C, D, E)	14.53	AC.
OPEN SPACE PERCENTAGE:	12.0%	

LEGEND

EXISTING		PROPOSED	
---	CENTERLINE	---	ALIGNMENT/CENTERLINE
---	PROPERTY / LOT LINE	---	RIGHT-OF-WAY LINE
- - - - -	EASEMENT LINE	---	WATERMAIN
---	ROAD RIGHT-OF-WAY LINE	---	STORM SEWER
---	WATER SYSTEM	---	SANITARY SEWER
---	STORM SEWER	---	SANITARY MANHOLE NUMBER
---	SANITARY SEWER	●	MANHOLE
---	TILE LINE	■	STORM INLET
EO	OVERHEAD ELECTRIC LINE	▼	APRON
EU	UNDERGROUND ELECTRIC LINE	●	WATER SYSTEM MANHOLE
G	GAS LINE	◆	HYDRANT
FO	FIBER OPTIC LINE	+	VALVE
CU	UNDERGROUND COMMUNICATIONS LINE	X	BEND
OU	OVERHEAD UTILITY LINE	⊥	TEE
X-X-X-X	FENCE LINE	⊥	
---	CITY LIMITS	PUE	PUBLIC UTILITY EASEMENT
---	TREE LINE EDGE	SWFE	STORM SEWER & STORM WATER FLOWAGE EASEMENT
---	GRAVEL EDGE	GREENSPACE/GREENBELT EASEMENT	GREENSPACE/GREENBELT EASEMENT
---	BITUMINOUS EDGE	PEDESTRIAN EASEMENT	PEDESTRIAN EASEMENT
---	CONCRETE EDGE	WME	WATERMAIN EASEMENT
---	CURB & GUTTER	SSWR	SANITARY SEWER EASEMENT



2 MID BLOCK CROSSING DETAIL
NOT TO SCALE

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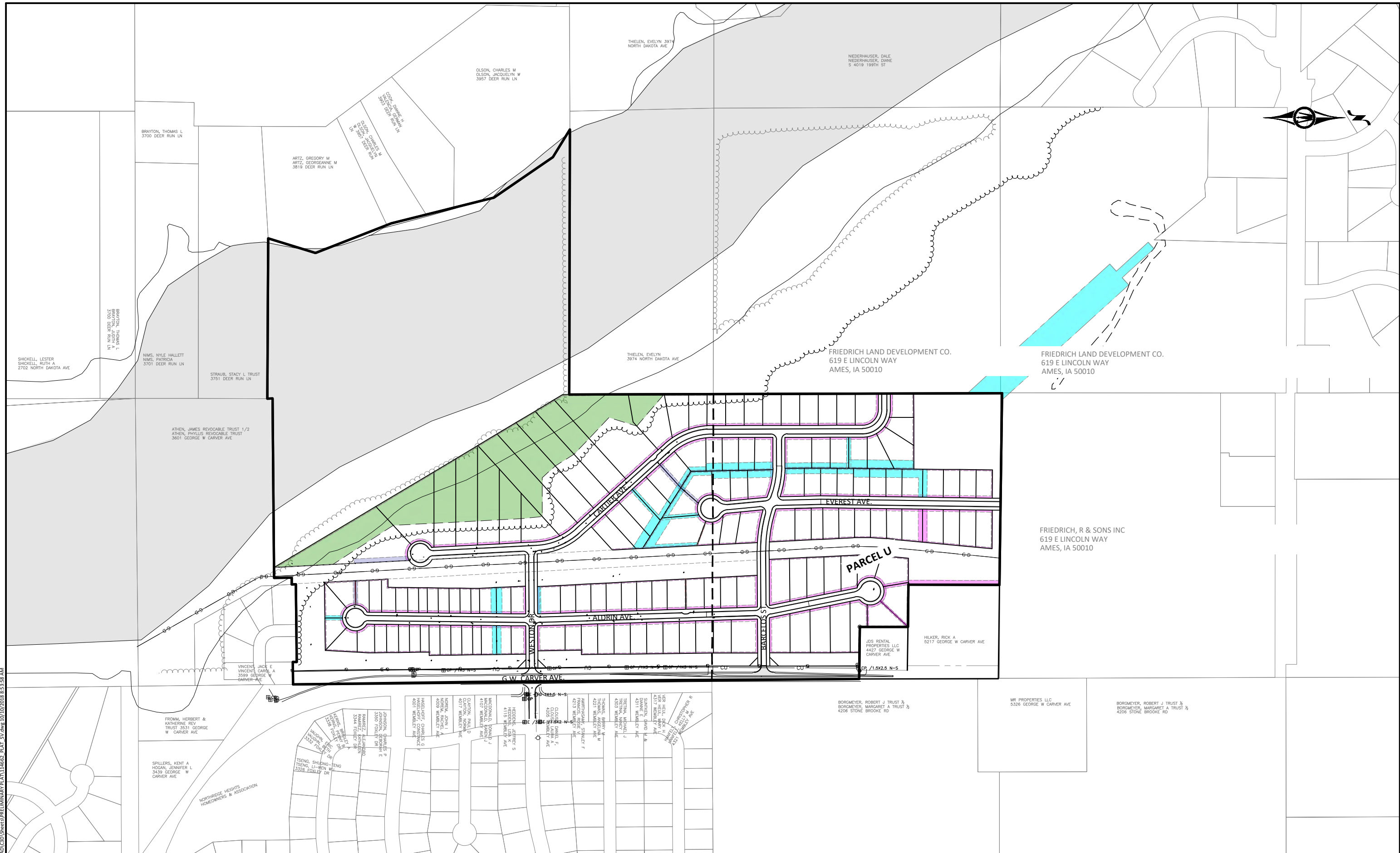
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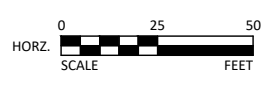
GENERAL NOTES

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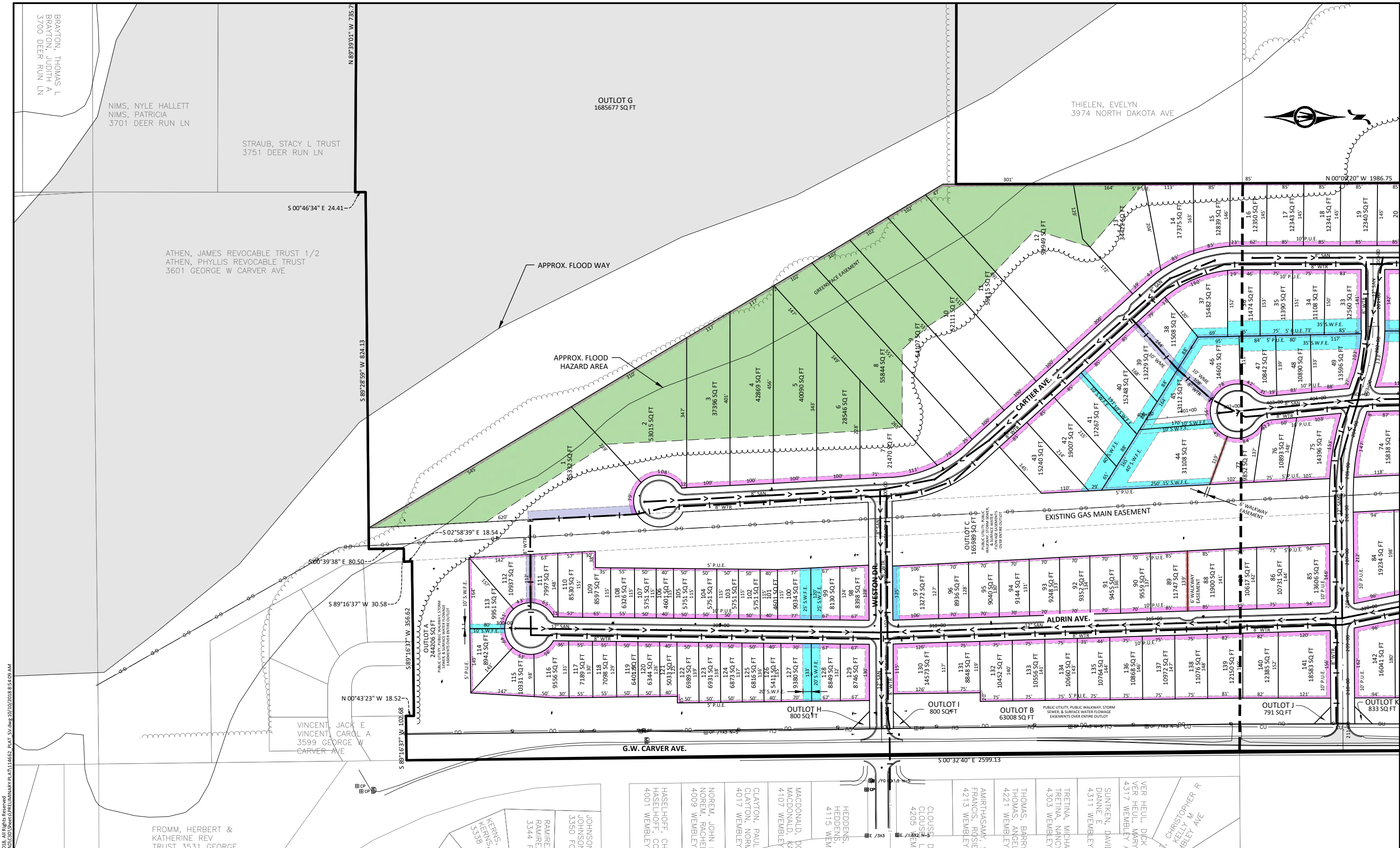


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SCENIC VALLEY SUBDIVISION - PRELIMINARY PLAT
REZONING PLAN

SHEET
3



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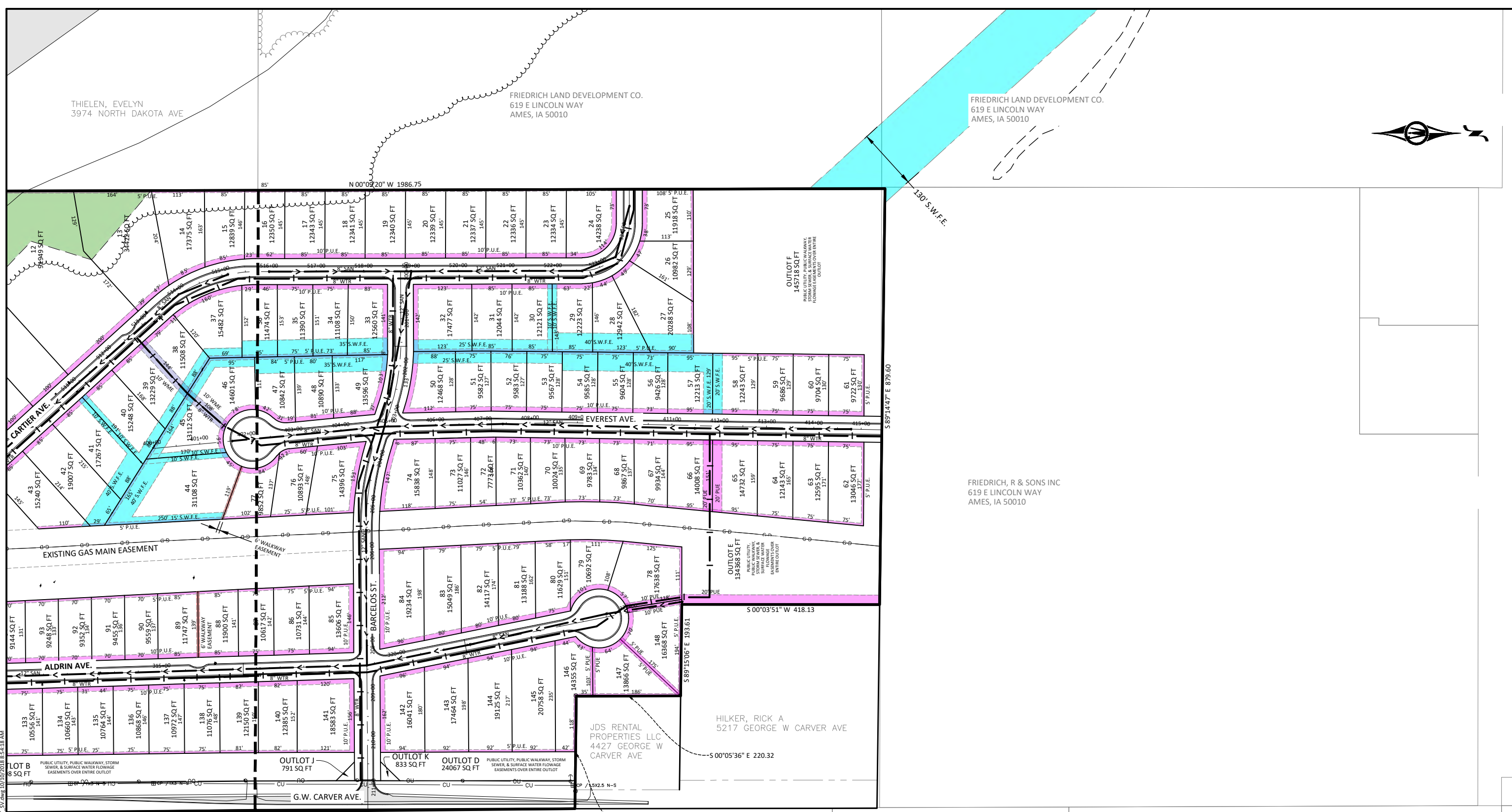
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 SCENIC VALLEY SUBDIVISION - PRELIMINARY PLAT

LOT LAYOUT

THIELEN, EVELYN
3974 NORTH DAKOTA AVE

FRIEDRICH LAND DEVELOPMENT CO.
619 E LINCOLN WAY
AMES, IA 50010

FRIEDRICH LAND DEVELOPMENT CO.
619 E LINCOLN WAY
AMES, IA 50010



FRIEDRICH, R & SONS INC
619 E LINCOLN WAY
AMES, IA 50010

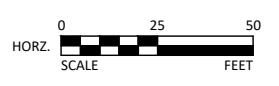
HILKER, RICK A
5217 GEORGE W CARVER AVE

BORGMEYER, ROBERT J TRUST 1/2
BORGMEYER, MARGARET A TRUST 1/2
4206 STONE BROOKE RD

MR PROPERTIES LLC
5326 GEORGE W CARVER AVE

BORGMEYER, ROBERT J TRUST 1/2
BORGMEYER, MARGARET A TRUST 1/2
4206 STONE BROOKE RD

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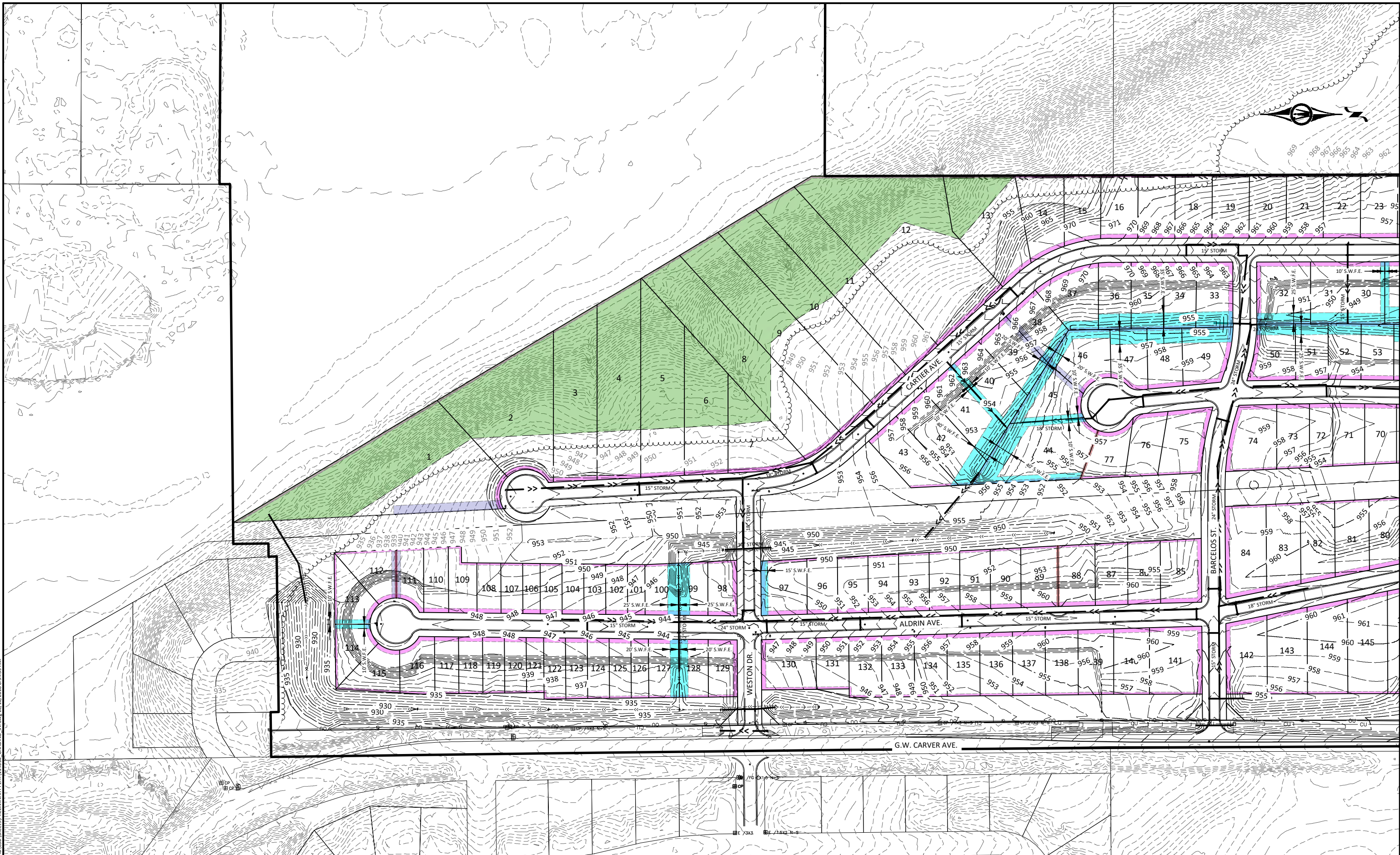
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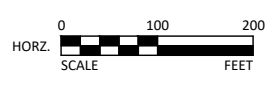
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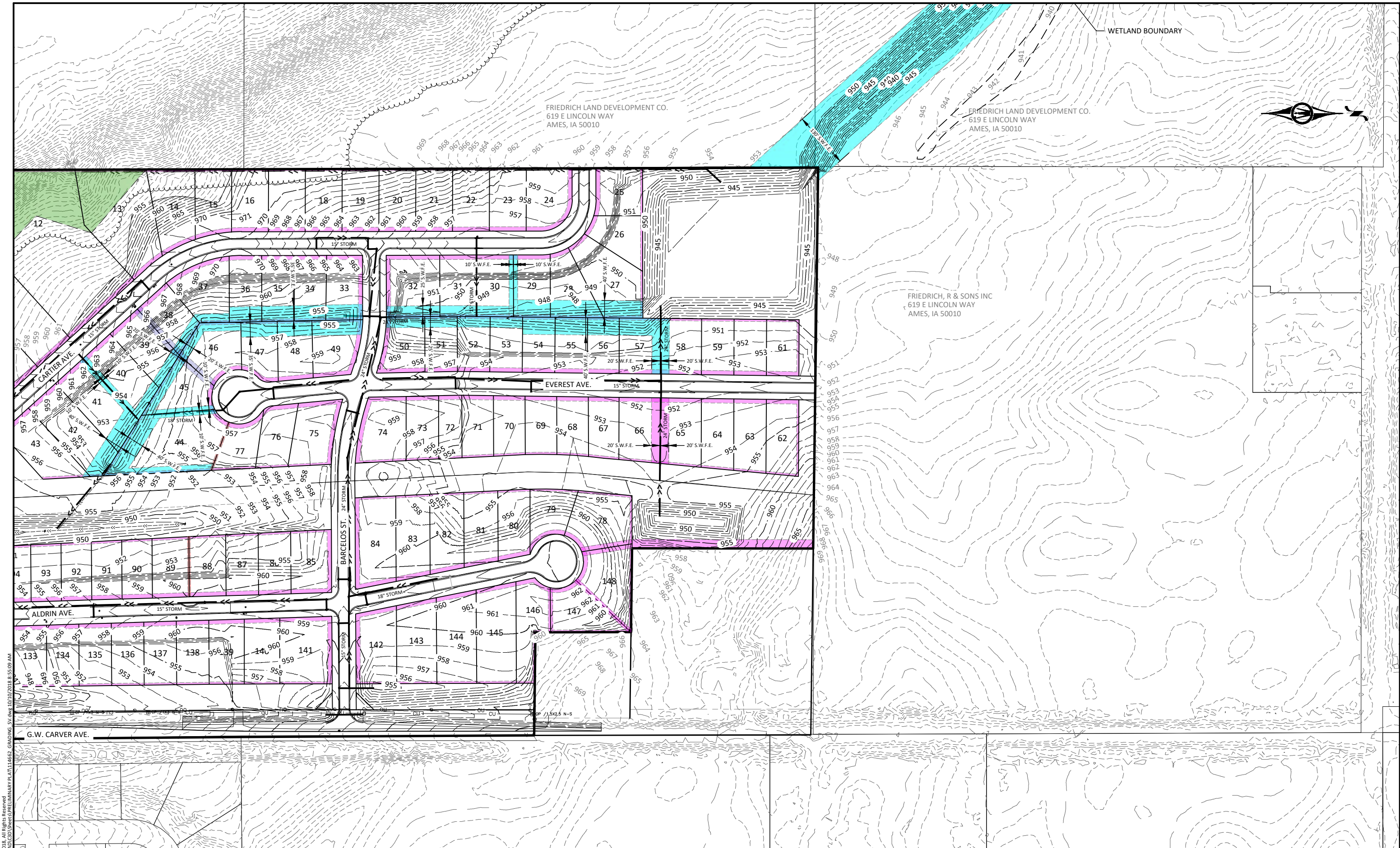
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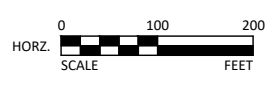
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 SCENIC VALLEY SUBDIVISION - PRELIMINARY PLAT
 GRADING PLAN



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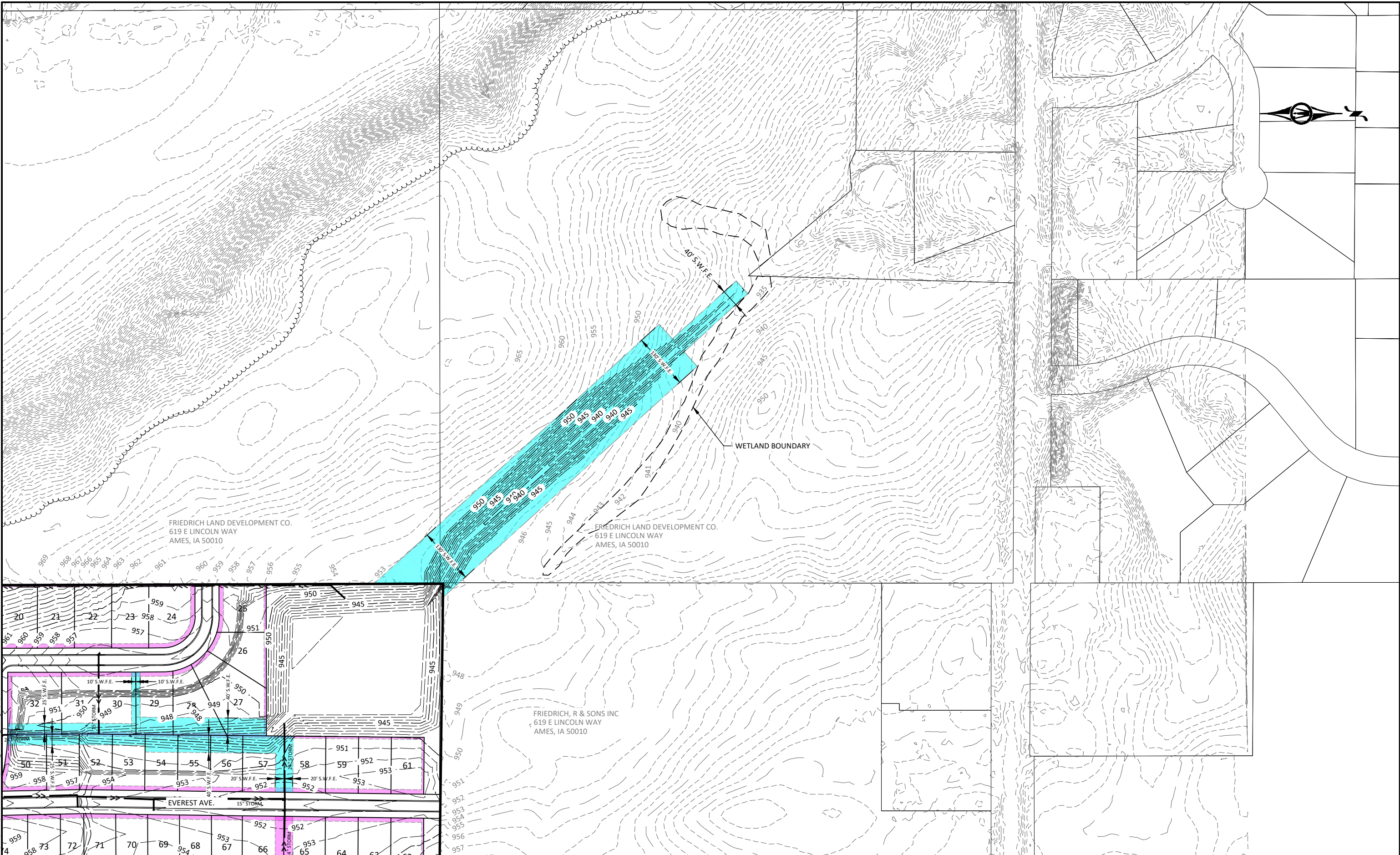


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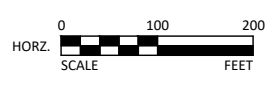
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 SCENIC VALLEY SUBDIVISION - PRELIMINARY PLAT
GRADING PLAN

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 SCENIC VALLEY SUBDIVISION - PRELIMINARY PLAT
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SCENIC VALLEY SUBDIVISION

STREET TREE PLAN

HUNZIKER DEVELOPMENT CO.



OWNER

HUNZIKER DEVELOPMENT CO.
105 S. 16TH STREET
AMES, IA 50010

DEVELOPER

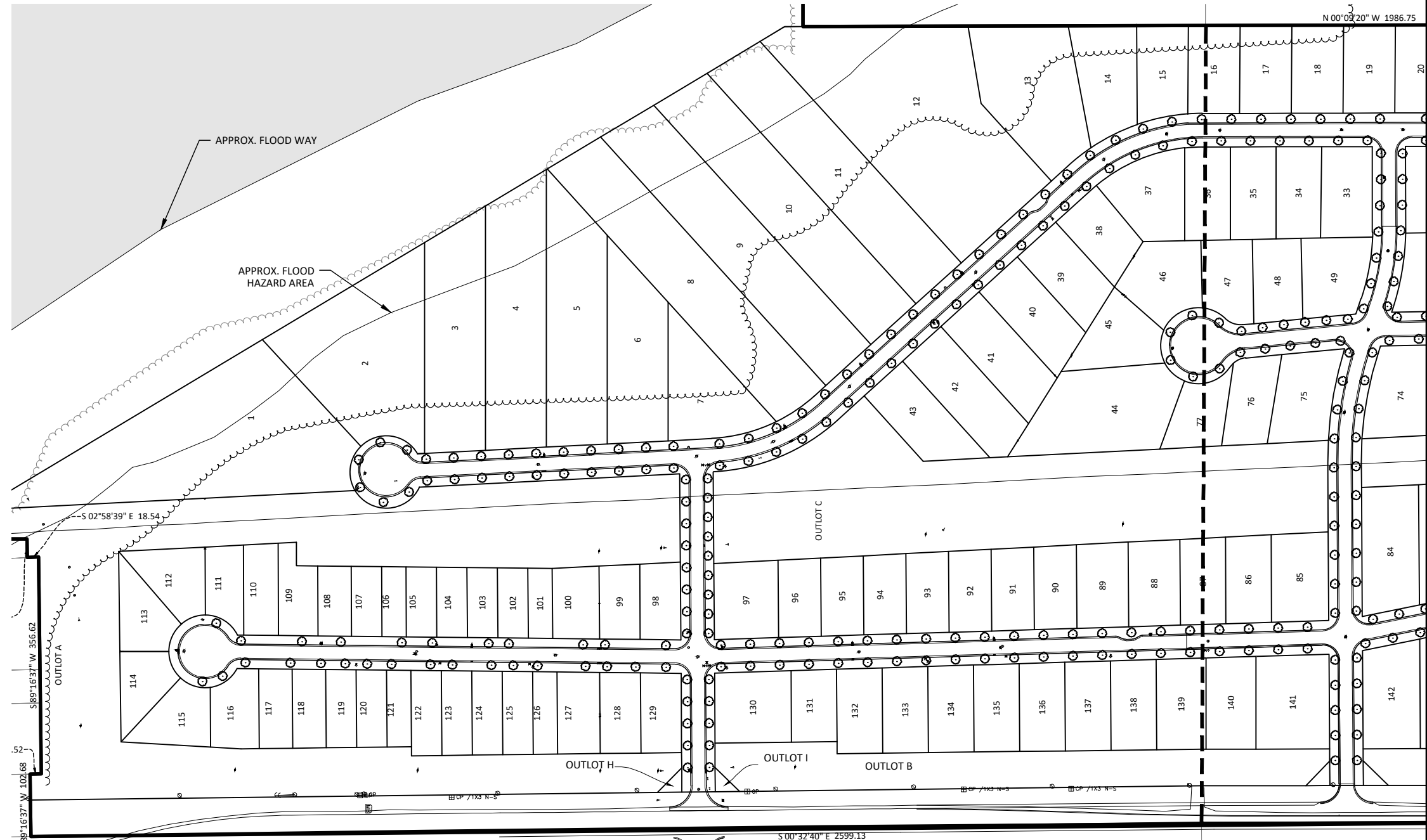
HUNZIKER DEVELOPMENT CO.
105 S. 16TH STREET
AMES, IA 50010

PREPARED BY

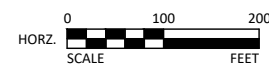
BOLTON & MENK, INC.
2730 FORD STREET
AMES, IA 50010

NOTES:

1. ANY TREES PROVIDED SHALL BE ON THE APPROVED CITY OF AMES STREET TREE LIST
2. TREES SHALL NOT BE LOCATED CLOSER THAN 2 1/2 FEET TO THE BACK OF CURB OR THE SIDEWALK. WHERE THE DISTANCE BETWEEN THE BACK OF THE CURB AND SIDEWALK IS GREATER THAN 8 FEET, TREES SHALL BE PLANTED WITHIN 4 FEET OF THE FRONT OF THE SIDEWALK.
3. TREES SHALL NOT BE PLANTED CLOSER THAN 20 FEET FROM THE INTERSECTION OF THE FRONT AND SIDE LOT LINES ON A CORNER LOT.
4. TREES SHALL NOT BE PLANTED CLOSER THAN 10 FEET FROM RESIDENTIAL DRIVEWAYS.
5. TREES SHALL NOT BE PLANTED CLOSER TO A STREET LIGHT POLE THAN THE WIDTH OF THE SPREAD OF THE TREE AT MATURITY.
6. GENERALLY, TREES SHALL BE PLANTED AT A 30 FOOT TO 50 FOOT SPACING CENTER TO CENTER. TREE SPACINGS SHOWN MAY BE ADJUSTED FOR DRIVE OPENINGS, UNDERGROUND UTILITY SERVICE, STREET LIGHT PLACEMENT AND OTHER POTENTIAL OBSTRUCTIONS.
7. A MINIMUM OF 9 SQUARE FEET OF AREA SHALL BE MAINTAINED FOR EACH TREE AND NO IMPERVIOUS MATERIAL SHALL BE INSTALLED CLOSER THAN 30 INCHES TO THE TRUNK OF THE TREE.
8. NO MORE THAN TEN PERCENT OF ANY ONE SPECIES WILL BE PLANTED IN THE SUBDIVISION.



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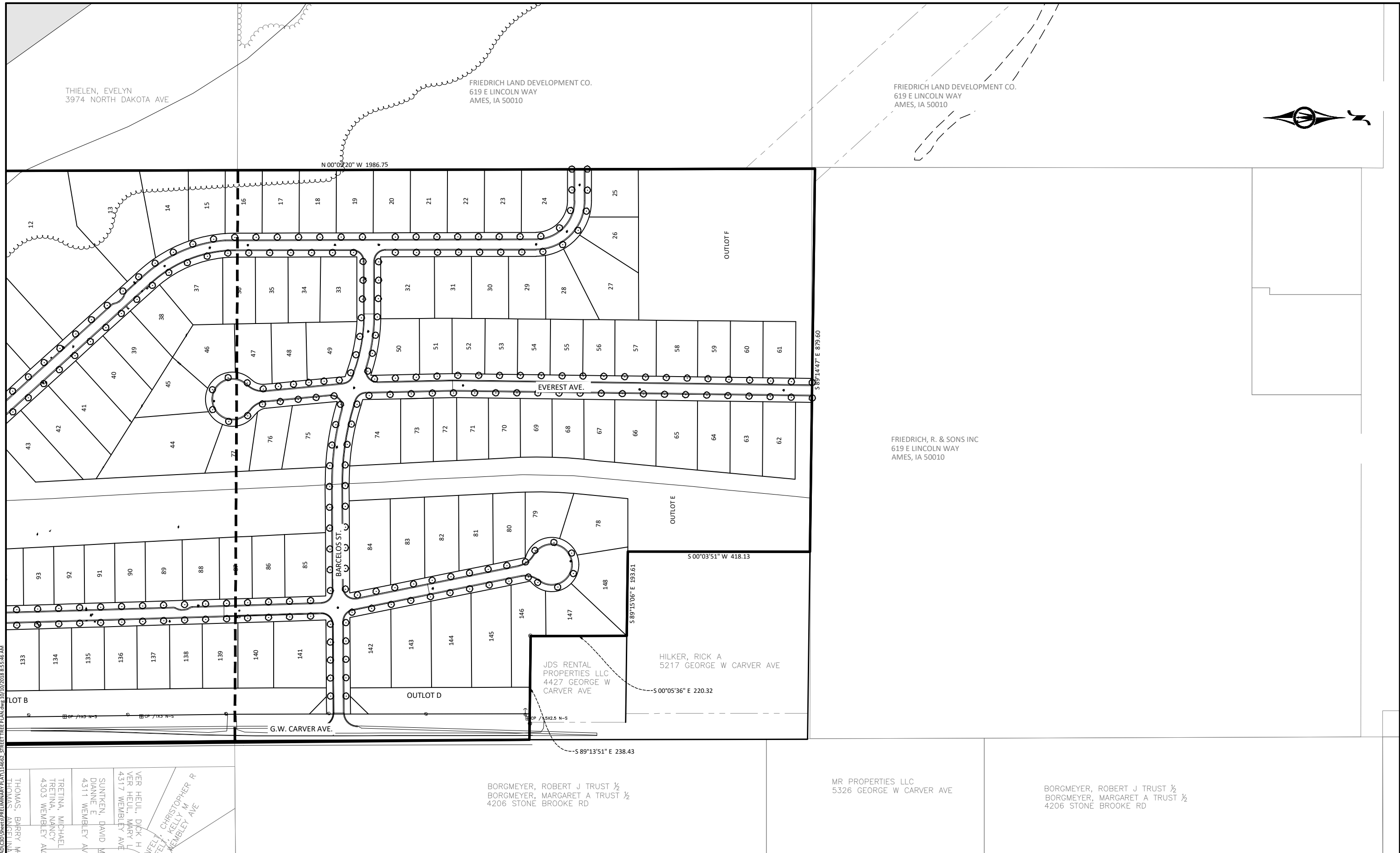


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HUNZIKER DEVELOPMENT CO.
SCENIC VALLEY SUBDIVISION - PRELIMINARY PLAT
STREET TREE PLAN

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THIELEN, EVELYN
3974 NORTH DAKOTA AVE

FRIEDRICH LAND DEVELOPMENT CO.
619 E LINCOLN WAY
AMES, IA 50010

FRIEDRICH LAND DEVELOPMENT CO.
619 E LINCOLN WAY
AMES, IA 50010

FRIEDRICH, R. & SONS INC
619 E LINCOLN WAY
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JDS RENTAL PROPERTIES LLC
4427 GEORGE W CARVER AVE

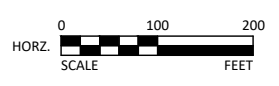
HILKER, RICK A
5217 GEORGE W CARVER AVE

BORGMEYER, ROBERT J TRUST 1/2
BORGMEYER, MARGARET A TRUST 1/2
4206 STONE BROOKE RD

MR PROPERTIES LLC
5326 GEORGE W CARVER AVE

BORGMEYER, ROBERT J TRUST 1/2
BORGMEYER, MARGARET A TRUST 1/2
4206 STONE BROOKE RD

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HUNZIKER DEVELOPMENT CO.
SCENIC VALLEY SUBDIVISION - PRELIMINARY PLAT
STREET TREE PLAN

COUNCIL ACTION FORM

SUBJECT: PROPOSED TEXT AMENDMENTS FOR UPDATING NONCONFORMING USE AND NONCONFORMING STRUCTURE STANDARDS

BACKGROUND:

Zoning Ordinance standards are a combination of health and safety requirements and design standards for the benefit of the general welfare of the community. The City establishes zoning standards to implement the vision and goals defined in its Comprehensive Plan for community development. Zoning includes standards for the use of property that are considered compatible and desirable for specific areas of the City and improvement standards to ensure minimum levels of health and safety, environmental protection, design compatibility, and density of use that are appropriate to reach the goals of the City.

Nonconformities are situations related to uses, structures, lots, and site improvements where the conditions of a specific property do not match the standards of the Zoning Ordinance. If the conditions were legally established prior to the City adopting zoning regulations it is considered a legal nonconformity, which grants certain allowances for the nonconformity to continue as is. The City's nonconformity standards are found in Article III of the Zoning Ordinance and are intended to balance individual property owner interest with the goals of the City to progress towards consistency with current requirements. To that end, the City has specific standards related to each of the four nonconformity types.

City Council has directed staff to update and clarify the standards related to nonconformities as a result of recent decision by the Iowa Court of Appeals to limit the interpretation of intensifying a nonconforming use to specifically residential density and commercial floor area. Staff proposes to address three primary issues within Article III of the Zoning Ordinance for Nonconformities to clarify the City's approach to managing nonconformities. Included with this report is Attachment A- Section 29.307 Nonconformities and Attachment B-Nonconformity FAQ. The proposed changes are described below.

1) Nonconforming Uses (29.307(2))

The City allows for any use of a structure or lot that was legally established to continue. However, there are limits on expanding, changing, or restarting a nonconforming use. The nonconformity standards are intended to address both uses within a building and outdoors.

The intent of the current language found in 29.307 (2) (a) is to restrict an increase in intensity of use and enlargement. The current language has been found to be ambiguous about how to apply the intent of this requirement to residential and commercial uses where internal remodeling may increase the intensity of use. **Staff proposes modifications to this section clarifying what is defined as an increase in intensity**

and the approval process for enlargement of a use. The proposed language clarifies that an increase in intensity can apply to any condition on a property, not just the indoor use of a building. It also clarifies that an expansion of up to 125% of the area is permissible for some uses with a special use permit.

Section 29.307 (2)(a)(i)- Movement, Alteration, and Enlargement

- a. No increase of intensity of use is permitted except in conjunction with the allowances of subsection b and c. Increase of intensity means any of the following: i. increase to the amount of floor area for a non-Household Living use, ii. an increase in the horizontal or vertical dimensions of a non-Household Living use (both indoor or outdoor), iii. a change in operation of a non-Household Living use that requires corresponding improvements to the site, an increase in the amount of building coverage for a manufactured home, single or two-family dwelling as Household Living, iv. an increase in the number of apartment dwelling units, SRO, and other self-contained dwelling units as Household Living, and v. an increase in the number of bedrooms for an apartment dwelling unit, SRO, and other self-contained dwelling units as Household Living.
- b. The building area, floor area, or dimensions of a nonconforming use may not be enlarged, expanded or extended to occupy parts of another structure or portions of a lot that it did not occupy on the effective date of this Ordinance, unless the enlargement, expansion or extension complies with all requirements for the zone, does not create an additional nonconformity, and is approved for a Special Use Permit by the Zoning Board of Adjustment, pursuant to the procedures of Section 29.1503, excluding 29.1503(4)(b)(vii) of the Review Criteria General Standards, and subject to subsection c.
- c. Any building or structure containing a nonconforming use may be enlarged up to 125% of the floor area existing on the effective date of this ordinance, provided that the expanded building or structure complies with all density, coverage and spatial requirements development standards of the zone in which it is located. An increase in intensity of operations, dimensions, dwelling units, or apartment bedrooms shall not be specially permitted.

The enlargement of a nonconforming use that has the effect of making a structure nonconforming, ~~other than as described in subsection b. above,~~ shall not be specially permitted pursuant to Section 29.1503, but rather shall be construed as a request for a variance, subject to the procedures of Section 29.1504.

- (ii) Exterior or Interior Remodeling or Improvements to Structure. Exterior or interior remodeling or improvements to a structure containing a nonconforming use shall be permitted, provided that any proposed enlargement, expansion or extension shall be subject to the provisions set forth in the above paragraph. An increase in intensity is not permitted in conjunction with remodeling or other improvements to the structure.

2) Section 29.307 (2)(b) and (2)(c) Change of Use and Abandonment

In addition to the limitations on the increase in intensity and enlargement of a nonconforming use, the City defines change of use and abandonment of a nonconforming use. These standards fulfill the purpose of the ordinance to not allow for a nonconformity to be reestablished once it has ceased. Abandonment is defined within the ordinance and is a rebuttal presumption by a property owner and can be appealed to the Zoning Board of Adjustment. **Staff proposes to address the ambiguity of intentionally changing the use to a conforming use compared to abandonment. Secondly, staff recommends clarifying the terminology of abandonment associated with calamities to match nonconforming structures.**

Section 29.307(2)(b) clearly states that once a nonconforming use has changed to a more conforming use it may not revert to a nonconforming use. However, under 29.307(2)(c) the discussion of abandoned uses is inconsistent with the standards of section (b). Staff proposes to modify the abandonment section to more closely align with section (b) and remove the intentional change of use from the abandonment process.

29.307(2)(b) Change of a to Another Nonconforming Use. Except as provided in this Section, a nonconforming use may be changed only to a use that conforms to the Ordinance. Once changed to a conforming use, no use may revert to or be reestablished as a nonconforming use.

29.307 (2)(c) Abandonment.

(i) Effect of Abandonment. Once abandoned, a nonconforming use shall not be reestablished or resumed. Any subsequent use or occupancy of the structure or lot must conform with the regulations of the district in which it is located.

(ii) Evidence of Abandonment. A nonconforming use shall be presumed abandoned when any of the following has occurred:

a. The owner has in writing or by public statement indicated intent to abandon the use;

~~b. A less intensive or less nonconforming use has replaced the nonconforming use;~~

c. The building or structure has been removed through the applicable procedures for the condemnation of unsafe structures;

d. The owner has physically changed the building or structure or its permanent equipment in such a way as to clearly indicate a change in use or activity to something other than the nonconforming use; or

e. The use has been discontinued, vacant or inactive for a continuous period of at least one year.

(iii) Notice. Upon the occurrence of any of the events described in Section 3(b) above, the Zoning Enforcement Officer shall document such event and shall issue a notice to the property owner by certified mail, return receipt requested, stating that the property owner's intent to abandon the Nonconforming Use is presumed, and that the Nonconforming Use will be terminated unless the property owner submits an Answer within 30 days of the date the notice was issued. However, no

notice of abandonment is required when a property owner has initiated a change of use or received approvals for changes to the property use or improvements.

The final section of 29.307(2)(c) addresses calculating abandonment related to no fault of a property owner. However, the current language is open ended and staff proposes to add 18 months to the standard, which is similar to the language of reconstructing a nonconforming structure that was damaged due to a disaster.

(vi) Calculation of Period of Abandonment. Any period of discontinuance or cessation of use caused by government actions, fire or natural calamities, and without any contributing cause by the owner of the nonconforming use, shall not be considered in calculating the length of discontinuance pursuant to this Section for up to 18 months from the date of the event.

3) Nonconforming Structures Remodeling (29.307(3)).

Nonconforming structures are addressed independent of use. Nonconforming structures are issues related to site development standards for buildings and structures, such as setbacks, lot coverage, floor area ratios, etc. They do not address standards related to parking, landscaping, fences, other site improvements.

Individuals are allowed to maintain and in some instances expand nonconforming structures. **The current ambiguity relates to the term remodeling, and to what degree can a building be altered before there is an expectation of conformance to the current standards. Remolding is an undefined term with the ordinance.**

There are two options that would be most appropriate for the City of Ames. The first option is to define the extent of the physical change in regards to percentage of change, for example replacing walls or roofs. The second option would be in relation to changes regarding a percentage of the value, as is the case for the destruction of a nonconforming structure. The current damage standard references damage equal to less than 70% of the assessed value and allows for the structure to be reconstructed by right without fully complying with current standards. Note that voluntary removal or replacement of a structure does not qualify for the 70% rule, only damage as result of something outside the control of the property owner, such as fire or disaster.

Staff proposes the first option to define remodeling in regards to the extent of changes to a structure rather than value.

Remodeling- An alteration to a nonconforming structure is classified as remodeling if, either the majority of the exterior walls or the roof is maintained through-out construction. In the event only an element of the structure (e.g. one wall) is non-conforming the remodeling of that feature must maintain 50% or more of its structural support and wall assembly to be considered remodeling and not rebuilding of the structure. Nothing within this definition is intended to restrict the adding or changing of window and door openings or changes to exterior siding and roof materials in relation to the percentage limitations.

The Planning and Zoning Commission reviewed the proposed changes at its October 17th meeting. There were no comments from the public regarding the proposed changes. The Commission voted 4-0 to recommend the Council proceed with changes to the nonconformities section of the Zoning Ordinance.

ALTERNATIVES:

1. The City Council can direct staff to proceed with finalizing text amendments for nonconforming uses, discontinuance of a nonconforming use, and defining remodeling of a nonconforming structure and publish public hearing notice for consideration of an ordinance by the City Council.
2. The City Council can recommend modified language for a zoning text amendment.
3. The City Council can decline to proceed with amending the Zoning Ordinance.

CITY MANGER'S RECOMMENDED ACTION:

The City's current nonconforming language is intended to balance managing nonconformities with property owner's interests to continue the use of their property. Due to the ambiguity of current terminology of enlargement and increase in intensity it is difficult to administer the City's expectations regarding a wide range of nonconformities, including commercial and residential uses as well as indoor and outdoor activities. Staff's proposed changes are designed to more clearly articulate the scope of the limitations regarding nonconforming uses. The changes preserve a small allowance to enlarge floor area of a use that currently exists in the ordinance. The additional changes also help to clarify certain allowances for changes of use, abandonment, and remodeling. With City Council's direction to proceed, staff will work with the City Attorney's office to finalize a draft ordinance and publish notice for a public hearing for the City Council to approve changes.

Therefore, it is the recommendation of the City Manager that the City Council approve Alternative #1.

Attachment A

Sec. 29.307. NONCONFORMITIES.

(1) General.

(a) Purpose. It is the general policy of the City to allow uses, structures and lots that came into existence legally, in conformance with then-applicable requirements, to continue to exist and be put to productive use, but to mitigate adverse impact on conforming uses in the vicinity. This Section establishes regulations governing uses, structures and lots that were lawfully established but that do not conform to one or more existing requirements of this Ordinance. The regulations of this Section are intended to:

- (i) Recognize the interests of property owners in continuing to use their property;
- (ii) Promote reuse and rehabilitation of existing buildings; and
- (iii) Place reasonable limits on the expansion of nonconformities that have the

potential to adversely affect surrounding properties and the community as a whole.

(b) Unsafe Situations. Nothing in this Section shall be construed to permit the continued use of a building or structure found to be in violation of building, basic life safety or health codes of the City. The right to continue any nonconformity shall be subject to all applicable housing, building, health and other applicable life safety codes.

(c) Repair and Maintenance. Normal maintenance and incidental repair may be performed on a conforming structure that contains a nonconforming use or on a nonconforming structure. Nothing in this Section shall be construed to prevent structures from being structurally strengthened or restored to a safe condition, in accordance with an order of the Building Official.

(d) Accessory Uses and Structures. Nonconforming accessory uses and nonconforming accessory structures shall be subject to all provisions that govern Principal Uses and structures.

(e) Determination of Nonconformity Status.

(i) Whether a nonconformity exists shall be a question of fact to be decided by the Zoning Enforcement Officer, subject to appeal to the Zoning Board of Adjustment.

(ii) The burden of establishing that a nonconforming use or nonconforming structure lawfully exists under this Zoning Code, shall in all cases be the owner's burden and not the City's.

(f) Reversion Prohibited. No nonconforming use, building, structure and/or lot, if once changed to conform with the Ordinance shall thereafter be changed so as to be nonconforming again. No nonconforming use, building, structure and/or lot, if once changed to more nearly conform with the Ordinance, shall thereafter be changed so as to be less conforming again.

(2) **Nonconforming Uses.** Any use of any structure or lot that was conforming or validly nonconforming and otherwise lawful at the enactment date of this ordinance and is nonconforming under the provisions of this Ordinance or that shall be made nonconforming by a subsequent amendment, may be continued so long as it remains otherwise lawful, subject to the standards and limitations of this Section.

(a) Movement, Alteration and Enlargement.

(i) Enlargement.

a. A nonconforming use may not be increased in intensity and may not be enlarged, expanded or extended to occupy parts of another structure or portions of a lot that it did not occupy on the effective date of this Ordinance, unless the enlargement, expansion or extension complies with all requirements for the zone, does not create an additional nonconformity, and is approved for a Special Use Permit by the Zoning Board of Adjustment, pursuant to the procedures of Section 29.1503, excluding 29.1503(4)(b)(vii) of the Review Criteria General Standards, except as described in subsection b. following.

b. Any building or structure containing a nonconforming use may be enlarged up to 125% of the floor area existing on the effective date of this ordinance, provided that the expanded building or structure complies with all density, coverage and spatial requirements of the zone in which it is located.

c. The enlargement of a nonconforming use that has the effect of making a structure nonconforming, other than as described in subsection b. above, shall not be specially permitted pursuant to Section 29.1503, but rather shall be construed as a request for a variance, subject to the procedures of Section 29.1504.

(ii) Exterior or Interior Remodeling or Improvements to Structure. Exterior or interior remodeling or improvements to a structure containing a nonconforming use shall be permitted, provided that any proposed enlargement, expansion or extension shall be subject to the provisions set forth in the above paragraph.

(iii) Relocation of Structure. A structure containing a nonconforming use shall not be moved unless the use and structure will comply with all of the regulations that apply in the new location. The Zoning Board of Adjustment may authorize a structure containing a nonconforming use to be moved to another location on the same lot, provided that they determine that such a move will not have the effect of increasing the degree of nonconformity.

(b) Change to Another Nonconforming Use. Except as provided in this Section, a nonconforming use may be changed only to a use that conforms to the Ordinance. Once changed to a conforming use, no use may revert to a nonconforming use.

The Zoning Board of Adjustment may grant a Special Use Permit to allow a change from one valid nonconforming use to a different nonconforming use, provided it is determined that:

(i) The proposed use is in the same section 29.501(4) category of use as the current use;

(ii) No structural alterations will be made in the building or structure containing the use that increases any nonconformity;

(iii) The proposed use will have no greater impact on the surrounding area than the existing nonconforming use;

(iv) Adequate parking exists for the proposed use, based on parking standards in the Ordinance; and

(v) The proposed use is compatible with surrounding land uses, based on the hours of operation and the ability to mitigate noise and light impacts by incorporating buffering between the proposed use and surrounding land uses where necessary.

(Ord. No. 3983, 2-10-09)

(c) Abandonment.

(i) Effect of Abandonment. Once abandoned, a nonconforming use shall not be reestablished or resumed. Any subsequent use or occupancy of the structure or lot must conform with the regulations of the district in which it is located.

(ii) Evidence of Abandonment. A nonconforming use shall be presumed abandoned when any of the following has occurred:

a. The owner has in writing or by public statement indicated intent to abandon the use;

b. A less intensive or less nonconforming use has replaced the nonconforming use;

c. The building or structure has been removed through the applicable procedures for the condemnation of unsafe structures;

d. The owner has physically changed the building or structure or its permanent equipment in such a way as to clearly indicate a change in use or activity to something other than the nonconforming use; or

e. The use has been discontinued, vacant or inactive for a continuous period of at least one year.

(iii) Notice. Upon the occurrence of any of the events described in Section 3(b) above, the Zoning Enforcement Officer shall document such event and shall issue a notice to the property owner by certified mail, return receipt requested, stating that the property owner's intent to abandon the Nonconforming Use is presumed, and that the Nonconforming Use will be terminated unless the property owner submits an Answer within 30 days of the date the notice was issued.

(iv) Answer. The Answer shall indicate the property owner's intention to resume the Nonconforming Use and shall describe the actions the property owner intends to take within 90 days of submission of the Answer to resume the Nonconforming Use. Answers must be on forms provided by the Zoning Enforcement Officer.

a. If an Answer is submitted within 30 days of the issuance of the Notice, but the Nonconforming Use is not resumed within the 90 days following submission of an Answer, the Nonconforming Use shall be terminated at the end of that 90-day period. Once a Nonconforming Use is terminated,

subsequent uses of the property must conform to this Ordinance.

b. If no Answer is submitted within 30 days of the issuance of the Notice, the Nonconforming Use will be terminated.

(v) Overcoming Presumption of Abandonment. The presumption of abandonment may be rebutted upon a showing, to the satisfaction of the Zoning Board of Adjustment, that during the 12-month period in question, the owner of the land or structure has been:

a. maintaining the land and structure in accordance with the Building Code and did not intend to discontinue the use;

b. actively and continuously marketing the land or structure for sale or lease; or

c. engaged in other activities that would affirmatively prove there was no intent to abandon.

(vi) Calculation of Period of Abandonment. Any period of discontinuance or cessation of use caused by government actions, fire or natural calamities, and without any contributing cause by the owner of the nonconforming use, shall not be considered in calculating the length of discontinuance pursuant to this Section.

(d) Special Use Permit Provision. Any existing use that is permitted as of right on the effective date of this Ordinance, but that under the provisions of this Ordinance is permissible only by Special Use Permit, if otherwise lawful, shall not be deemed a Nonconforming Use. Any expansion of such existing use shall be permissible only by Special Use Permit in accordance with Section 29.1503.

(e) Variance Provision. Any use of land or a structure that is not a permitted use in the district in which it is located but which is allowed by the granting of a variance pursuant to Section 29.1504 shall be deemed a Nonconforming Use.

(3) **Nonconforming Structures.** A nonconforming structure that lawfully occupies a site on the effective date of this Ordinance that does not conform with the Zone Development Standards of the underlying Zone or the General Development Standards of this Ordinance may be used and maintained, subject to the standards and limitations of this Section.

(a) Maintenance and Repair. Maintenance, remodeling and repair of a nonconforming structure shall be permitted without a variance or a Special Use Permit, provided that such maintenance, remodeling or repair does not increase the degree of nonconformity.

(b) Occupancy by a Conforming Use. A nonconforming structure may be occupied by any use allowed in the Zone in which the structure is located, subject to all other applicable use approval procedures and conditions.

(c) Restoration of a Damaged Nonconforming Structure.

(i) Any nonconforming structure damaged to the extent of 70% or less of its assessed value by fire, wind, tornado, earthquake, or other natural disaster may be rebuilt, provided such rebuilding does not increase the intensity of use, as determined by the number of dwelling units (for residences) or floor area or ground coverage (for nonresidential uses), does not increase the nonconformity, complies with all other legal requirements, and is completed within 18 months from the time of damage. The structure shall not be rebuilt closer to the property line than the original structure or the applicable district setback lines, whichever is closer.

(ii) Any nonconforming structure damaged to the extent of more than 70% of its assessed value may not be rebuilt, repaired, or used unless the rebuilt structure conforms with all regulations of the district in which it is located or unless the Zoning Board of Adjustment approves the reconstruction by granting a Special Use Permit after determining that restoration will be made to the fullest extent possible in conformance with applicable zoning standards.

(d) Enlargement and Expansion. A nonconforming structure may not be enlarged, expanded or extended unless the enlargement, expansion, or extension conforms to the requirements of this ordinance.

(e) Relocation. The Zoning Board of Adjustment may authorize a structure containing a nonconforming use to be moved to another location on the same lot, provided that it determines that such a move will not have the effect of increasing the degree of nonconformity.

(f) Detached Garage. If a property owner enlarges, expands or extends a principal building on a site in a residential zoning district in conformance with the applicable development standards, and if such

expansion, extension or enlargement shall result in a conforming detached garage in the rear yard or a detached garage in the rear yard that is lawfully nonconforming as to setback becoming a detached garage in the side yard that does not meet the applicable side yard setback requirements, such enlargement, expansion, or extension may continue none the less without a variance from the Zoning Board of Adjustment under the following circumstance. The conforming or lawfully nonconforming detached garage in the rear yard shall have occupied the site prior to the effective date of this Ordinance.

(Ord. No. 3606, 1-23-01; Ord. No. 3961, 7-15-08)

(4) **Nonconforming Lots.** Lots of record lawfully existing on the effective date of this Ordinance which do not meet the requirements of this Ordinance for lot size and minimum frontage shall be deemed Nonconforming Lots and shall be governed by the following:

(a) **Use of Nonconforming Lots.** Any Nonconforming Lot may be built upon so long as all use, density and coverage standards and all spatial standards other than minimum lot size and minimum frontage requirements are met.

(b) **Vacant Lot.** If the lot or parcel was vacant on the date on which this Ordinance became applicable to it, then the owner may use the property as permitted by the applicable Zone, provided that the use shall comply with applicable dimensional requirements of this Ordinance to the maximum extent practicable. If the applicable Zone permits a variety of uses or a variety of intensities of uses and one or more uses or intensities would comply with applicable setback requirements while others would not, then only the uses or intensities that would conform with the applicable setback requirements shall be permitted. Otherwise the owner may seek a variance from such requirements from the Zoning Board of Adjustment.

(c) **Lot with Building or Structure.** If the lot or parcel contains a building or structure on the date on which this Ordinance become applicable to it, then the owner may continue the use of that building or structure and may reasonably expand the structure in any way that does not increase the degree of nonconformity; an increase in building size shall not be deemed to increase the degree of nonconformity unless it increases the encroachment on a required setback or height limitation. Remodeling of a structure within the existing building footprint or expansion in compliance with this Section shall not require a variance but shall be reviewed by the Zoning Enforcement Officer as though the lot were conforming.

(d) **Lot Merger.** If 2 or more adjoining lots of record, at least one of which is undeveloped, are in the same ownership and any of these lots are made nonconforming by this Ordinance or any amendment thereto, the parcels of land involved shall be considered a single lot for purposes of applying this Ordinance and no portion of said lot shall be divided off, sold, or used in any manner which violates the lot size and frontage requirements of this Ordinance.

(5) **Other Nonconformities.**

(a) **Examples of Other Nonconformities.** The types of other nonconformities to which this Section applies include:

- (i) Fence height or location;
- (ii) Lack of buffers or screening;
- (iii) Lack of or inadequate landscaping;
- (iv) Lack of or inadequate off-street parking; and
- (v) Other nonconformities not involving the basic design or structural aspects of the building, location of the building on the lot, lot dimensions or land or building use.

Development that is consistent with a Site Development Plan approved before the date that this Ordinance became effective shall be deemed to be in conformance with this Ordinance to the extent that it is consistent with the approved plan and to the extent that such plan or conditions imposed thereon directly addresses the specific issue involved in the determination of conformity. However, redevelopment of a site with a prior Site Development Plan approval must conform to the current zoning standards for issuance of a new certificate of compliance.

(b) **Policy.** Because nonconformities such as those listed above involve less investment and are more easily corrected than those involving lots, buildings and uses, it is generally the policy of the City to eliminate such other nonconformities as quickly as practicable. Practicable improvements take in to account current conditions, planter dimensions, building spacing and scope of improvements proposed for a property. Front yard landscaping, parking lot landscaping and screening shall be reviewed in each instance where new or redevelopment

is proposed with a Site Development Plan. Although full compliance may not be achievable, all sites must advance towards compliance with current requirements in terms of location of plantings and quantity of plantings.
(Ord. No. 4329, 12-12-17)

(c) Increase Prohibited. The extent of such other nonconformities shall not be increased without a variance.

Attachment B

Nonconformity Frequently Asked Questions

1. What is a Nonconformity? A Nonconformity is a situation where a use, structure, lot dimension, or site improvement that was lawfully established previously does not conform to the City's current zoning standards. The Zoning Ordinance (Chapter 29 of the Ames Municipal Code) includes definitions for each situation and standards that attempt to balance allowing for property owners to continue using their property within reasonable limits and ensuring compatibility with the intended zoning standards.

A more in-depth explanation of the types of nonconformities and standards that apply to each type of nonconformity is included within **Section. 29.307. NONCONFORMITIES** of the Ames Municipal Code.

2. Am I allowed to continue my Nonconforming Use? (Section 29.307.1 and 29.307.2)

A nonconforming use is allowed to continue as long as it remains otherwise lawful and in accordance with the requirements of the Nonconformities section of the Zoning Ordinance. The use may continue upon sale or transfer of the property or business to another owner. If the use ends, changes, or is abandoned and the property is used for a more conforming use then the Nonconformity cannot be reestablished. If the use is abandoned for one year it may not be reestablished; however, an owner can appeal to the Zoning Board of Adjustment to demonstrate the use has not been abandoned.

3. Am I allowed to expand my Nonconforming Use? (Section 29.307.2(a))

In most situations the nonconforming use cannot be expanded. The nonconforming use cannot increase in intensity, but under certain conditions it may be modified. A nonconforming use may not be increased in intensity and may not be enlarged, expanded or extended to occupy parts of another structure or portions of a lot that it did not occupy on the effective date of this Ordinance, unless the expansion is approved by a Special Use Permit and the expansion meets all standards of the Zoning Ordinance. Any expansion is limited to an increase of 125% of the floor area.

4. Am I allowed to change to another Nonconforming Use? (Section 29.307.2(b))

A nonconforming use may be changed to another use in the same category of use with the approval of a Special Use Permit. For example, a Trade Use may be approved to change from retail to an entertainment use with approval of a Special Use Permit and conformance to the relevant standards of the Zoning Ordinance for the proposed new use.

5. Am I allowed to expand my Nonconforming Structure? (Section 29.307.3 (d))

Yes, if the structure includes a conforming use and the expansion meets the requirements of the Zoning Ordinance. For example, an addition to a structure for a conforming use would need to meet standards such as setbacks, lot coverage, floor area ratio (minimum and maximum), height (minimum and maximum), quantity of parking spaces, and open space and landscape requirements. The existing nonconforming elements of a structure would not need to be brought into conformance with the addition.

6. Am I allowed to remodel my existing Nonconforming Structure? (Section 29.301.3(b))

Yes, maintenance, remodeling and repair of a nonconforming structure shall be permitted without a variance or a Special Use Permit, provided that such maintenance, remodeling or repair does not increase the degree of nonconformity. In some situations remodeling allows for partial demolition and reconstruction of a structure, for example removing a front façade to install a new storefront window and entry.

7. Am I allowed to rebuild if my building is damaged by a fire or other natural causes? (Section 29.301.3(c))

Yes, a structure may be rebuilt without conforming to the current standards if the damage to the overall structure is less than 70% of its assessed value. Construction must be complete within 18 months from the time of the damage.

Additionally, a structure that is damaged in excess of 70% of its assessed value may be rebuilt if a Special Use Permit is approved by the Zoning Board of Adjustment and that the proposed restoration conforms to the fullest extent possible with the current zoning standards.

8. Am I allowed to reconstruct my parking lot and replace landscaping without complying with zoning? (Section 29.301.5)

Site improvements are categorized as “Other Nonconformities” and distinguished from Nonconforming Uses and Nonconforming Structures, even though they are often related to the other situations. Other Nonconformities are required to be improved as practicable based upon the scope of a project. For example, if a parking lot is reconstructed it must either comply with the current zoning standards for dimensions, landscaping, etc. or, if there is a lack of space to meet all the standards, the project must remedy as many of the nonconformities as can be accomplished without causing a new nonconformity.

10. What does the term Pre-existing Use mean compared to Nonconforming Use?

The term Pre-existing distinguishes a use from Nonconforming by allowing for a continuously operated Pre-existing use to continue its operations and have no predefined limitations on the expansion or other modifications of the use, other than complying with zoning development standards. Pre-existing also prohibits establishment of any new uses of that type. A Pre-existing designation is subject to a 12 month discontinued use standard similar to the 12-month abandoned use nonconforming standard. There is no allowance to change to another Pre-existing use as is permissible for certain nonconforming uses.

COUNCIL ACTION FORM

REQUEST: INTEGRATED SITE PLAN SUBDIVISION PRELIMINARY PLAT AND MAJOR SITE DEVELOPMENT PLAN FOR 1404, 1405, AND 1410 BUCKEYE AVENUE WITHIN THE SOUTHWOOD SUBDIVISION (FORMER KMART SITE)

BACKGROUND:

OnPoint Development, LLC, requests approval of an Integrated Site Plan Subdivision, which includes concurrent Preliminary Plat and Major Site Development Plan approval. The request is for the proposed redevelopment of 1405 Buckeye Avenue (former Kmart site) and development of vacant land at 1404 and 1410 Buckeye Avenue (Attachment A – Location Map). The subject site totals 14.02 gross acres with the combination of existing properties.

The proposed development includes retrofitting the existing Kmart building site (1405 Buckeye) into five tenants and constructing three new commercial buildings for multiple tenants. 1404 and 1410 Buckeye are currently vacant lots that will be developed with a commercial building on each lot and a shared parking lot. The existing former Kmart building is approximately 120,424 square feet. The proposed total development is 237,374 square feet with 145,787 square feet of commercial use and 91,587 square feet of climate controlled self-storage within two stories. There is a net increase of approximately 66,000 square feet of commercial development square footage when accounting for use of part of the site as industrial for mini-storage. The proposed subdivision includes nine lots. The combined site will have access from S 16th Street and Buckeye Avenue. There will be no direct access from S Duff Avenue.

The Integrated Site Plan allows for subdivision of a site into individual lots, but to consider the area within the subdivision as a single site for purposes of evaluating access, circulation, maintenance, and compliance with certain zoning development standards (setbacks, landscaping, parking, etc.) that would otherwise be applicable to individual lots. Approval of an Integrated Site Plan allows for more flexible application of most development standards through the approval of the Major Site Development Plan, although the overall site must meet all minimum standards for quantities and percentages. The concurrent review of a Major Site Development Plan and Preliminary Plat is required as part of the Integrated Site Plan approval process.

The site was part of a larger commercial subdivision, Southwood Subdivision originally platted in the 1980s. The site was approved for development as Planned Commercial and included the current theater and Jethro's sites as well. These sites are still subject to a shared parking and reciprocal operating agreements. The land that abuts the site to the north, south and east is all commercially developed and zoned Highway Oriented Commercial, HOC. The site also abuts the Aspen Ridge townhouse development to the west which is a single-family attached development zoned Floating Planned Residence

District (F-PRD).

The proposed preliminary plat includes subdividing the former Kmart site (1405 Buckeye Avenue) into seven developable lots, including placing lots lines through buildings. The proposed layout was created by the applicant in order to meet the Floor Area Ratio requirements of the Zoning Ordinance and provide desired signage allowances for each planned tenant space. Two lots will remain at 1404 and 1410 Buckeye site. **All lots within the proposed plat will benefit from shared access and parking for the future commercial uses.** The proposed lots all have frontage on a public street.

The unusual lot configuration does include a flat lot (Lot #2), due to the narrowness of the lot from the lot frontage to the area of the building. One flag lot is allowed per subdivision per the Zoning Ordinance standards for lots. The applicant desires to keep the current shared use path along S 16th Street within an easement that exists on the property rather than dedicate it as additional right-of-way. The shared use path and easement were part of the original subdivision approval and would be typically placed within right-of-way rather than an easement under current requirements. However, dedication is not necessarily required due to the prior subdivision approval and existing improvements. If additional dedication is required along S. 16th Street, it would affect the location of the front yard and require additional building setback along 16th Street for the new buildings.

A traffic study was reviewed by the City of Ames for the proposed development. The study consider buildout under current conditions and in future conditions. All driveways and intersections abutting the site were determined to operate acceptably with the exception of left turns from Buckeye Avenue onto S 16th Street. Widening Buckeye Avenue to accommodate an additional lane on Buckeye would partially mitigate this issue; however, there is not a recommended improvement by the City's traffic engineer due to the likelihood of a median on S 16th Street that would result in restricting future left turns.

The proposed Major Site Development Plan accounts for all building configurations, uses, and features of the site layout. The plan will also include large pylon signs along S16th Street and S Duff Avenue. **The developer has designed the site with options for a variety of tenant choices. Proposed uses include a limited area of climate controlled mini-storage or wholesale trade, general office, retail trade and services, and restaurants. A table summarizing the square footage of uses for each lot is included within the addendum.** Staff has proposed a condition outlining the categories of allowed uses consistent with the zoning categories and uses described by the applicant. This condition is intended to clarify the uses proposed with the plan are the range of allowed use. The condition would limit other uses that would normally be permitted in HOC that are not identified at this time and require modification to the approved plan to allow them.

The proposed use of Interior Climate Controlled Mini-storage facility will require approval of a Special Use Permit by the Zoning Board of Adjustment. This use will have to comply with certain building design requirements as part of the special use permit. The developer estimates the proposal will be a two-story facility with a maximum of 800

units. The interior space of the existing Kmart building is large enough for two stories of storage without altering the height of the existing building. For purposes of site plan approval, Staff has reviewed this portion of the Kmart building as either mini-storage or as an allowable display store retail use.

The proposed building plans label a range of uses that are intended to be flexible for tenanting and may result in some changes to façade designs and mix of uses as the plans are finalized for individual tenants. For example, Building “D” indicates a drive-thru use will be located on this lot. However, the building elevations do not indicate where a menu board or service window would be placed. Staff has included a condition regarding the design of the drive through to manage potential queuing issues with this site and its potential use.

The applicant’s plans include 587 parking spaces to serve the combined development. This amount exceeds the amount of required parking by 15 stalls based upon the applicant’s proposed mix of uses, if the Special Use Permit for the mini-storage facility is approved. Staff estimates the proposed mix of retail and restaurant uses without the storage use would require at least 653 stalls with the mini-storage area calculated as parking for allowed display store/wholesale trade uses at a 1/500 parking stall/square feet. **In the event the Special Use Permit is not approved, the use mix or the amount of total square footage would need to be adjusted to reduce required parking by approximately 66 spaces.** This issue is noted on the plans and staff has included a condition regarding the required parking spaces and limits uses.

The proposed parking includes retention of existing parking areas and the construction of new parking spaces along with new building construction. The current parking lot is nonconforming for its current level of landscaping. Current standards would require substantial changes to add landscape medians and islands that would substantially reduce parking compared to the current built condition. Approximately 114 trees would be required for the entire parking area, where 50 trees are proposed to meet current standards. However, these areas are not required to come up to full compliance with the new in areas that are not being rebuilt as it is viewed as not practicable at this time due to the retention of the existing Kmart building and the parking area in front of the building. The proposed plan does include improvements for distribution of accessible parking spaces and some enhanced landscape planter areas. The newly developed areas meet current landscape planting requirements for percentage area and quantity of trees, but do not include medians due to existing conditions. The proposed configuration is approvable as a Major Site Development Plan component for parking lot design.

The Integrated Site Plan allows for calculation of landscaping requirements across the entire site rather than by individual lots. The developer proposes approval of a landscape plan that meets the overall 15% landscaped area percentage requirement by utilizing area acquired from the property to the north and with improvements to the site. Additionally, the site requires front yard landscaping along all street frontages with a mix of trees, grasses, and shrubs to create visual interest and screening. A High Screen is required along the west property to screen the commercial uses from the adjacent residentially zoned property. There is an existing screen that meets the screening

requirements of Section 29.403(3)(F) that consists of a berm, shrubs and trees the length of the property line. The developer is proposing to keep the existing landscaping and maintain the screen along the west and southwest edge of the site.

The developer proposes alternative configurations from what is required by Code along S 16th Street for tree planting due to planting constraints for placing front yard landscaping due to the existing shared use path on the site. The shared use path encroaches ten feet into the typical 20-foot front yard setback area, thereby limiting the use of some overstory tree types. Overstory trees are unable to meet the required planting distance (15 feet) from a building and three feet from paving as a result. The front yard landscaping along S 16th Street does provide the required number of trees, but proposes a combination of overstory and ornamental trees that does not meet the allowed substitution criteria outlined in the landscaping code that would require additional plantings. The alternative landscaping plan tree planting layout can be approved along S 16th Street as meeting the intent of the standards for a variety of tree types and adequate space for the maturity of trees, despite the limitations of the front yard space.

Typical building elevations are included (Attachment D – Building Elevations). Parapets are being added to the front façade of the existing Kmart store. The proposed height of the parapets ranges from 9 – 19 feet taller than the existing building, for a maximum height of approximately 43 feet. The size of parapets and their total height are larger than most commercial retail uses. The architectural design elements of the planned mini-storage use within the former Kmart building will be reviewed as part of the Special Use Permit to ensure it meets specific design requirements.

Five new buildings are also proposed with this development. The proposed layout has the backs of all five buildings facing public streets, S Duff Avenue, S 16th Street, Buckeye Avenue. The buildings are setback a minimum of 20 feet. The proposed buildings include minor architectural transitions along both the fronts and the rear facades. The rear facades could include multiple exit doors to meet building code exiting requirements. Building B located along Buckeye has more building modulation than the other buildings due to varying tenant sizes and planned loading areas. Building materials will consist of brick or stone veneer on the base of buildings and the full height of pillars. EIFS will be the main façade treatment along with glazing treatments. Minor changes to the design could occur with individual tenants, but they will be consistent with the overall design approach.

The proposed project relies upon front yard landscape standards to soften the building appearance overall rather than building design elements. This approach is different than the design treatment of the office buildings that located in the area, but similar to other retail buildings. The building façade designs along S16th Street could include additional architectural features to enhance their appearance and create more individual identity and modulation while still meeting the interests of the developer for total square footage on the site. **City Council would need to add a condition to address architectural detailing and massing of the new buildings along S 16th Street if it determines the proposed plans are not in keeping with the surrounding development area along Buckeye and S. Duff.**

Additional information regarding the Integrated Site Plan request is included in the addendum.

Planning and Zoning Commission: At its meeting on October 3, 2018, the Ames Planning and Zoning Commission reviewed the proposed Integrated Site Plan as a public hearing. Staff described the range of uses and configuration of the site, including comments on building design, shared site improvements, and parking. There were questions from an adjacent property owner regarding lighting for the storage facility. Staff explained that the site will have to comply with the outdoor lighting code and the lighting would be reviewed further through the Special Use Permit process. Commissioners questioned the amount of required parking and what relief was possible in order to prevent unused parking lot area. Through the Integrated Site Plan process all of the parking must be provided as required by each use, but the parking can be shared and located throughout the site. However, there is no direct reduction in required parking rates without a variance.

The Commission voted 5-0 to recommend approval of the Integrated Site Plan with conditions of approval for finalizing landscaping, storm water and utility design, limits on uses, and information regarding lighting. The applicant has since addressed landscaping, access, utility, Fire Dept., and storm water design requirements. The remaining issues are included with the Alternative described below.

ALTERNATIVES:

1. The City Council can approve the following requests:
 - A. Approval of the Major Site Development Plan, subject to the following conditions:
 - i. Allowed uses permitted on the site are retail trade and services, general office, restaurants, wholesale trade, or mini-storage uses (subject to approval of Special Use Permit) as indicated on the Site Development Plan. Any other use is subject to approval of a major amendment to the Site Development Plan.
 - ii. The allowed amount of tenant restaurant square footage or total retail space will be reduced, or a combination of both, to match the amount of parking provided within the site, as indicated in the note included on the site plan (Sheet C3.00)
 - iii. Include a note on the plan that states during construction and operation of the site, retain the existing high screen along the west side of the property.
 - iv. Recording of easements for public utilities as noted on the site plan prior to occupancy of buildings.
 - v. Include a note on the plan to modify the design of Building D for a drive through use to only have a pick-up window on the east side of the building and the location of menu board located along the south side of the site to create optimal queuing capacity within Lot 5. The revisions are subject to Planning Director approval.
 - vi. Prior to installation of exterior lighting, submit a final lighting plan for a determination by the Planning Director of compliance with the Outdoor Lighting Code of Zoning Ordinance.

- vii. Provide roof top mechanical equipment screening and collectively locate equipment and related screening when feasible, final design and location to be approved by the Planning Director.
 - viii. Prior to construction of any new buildings, the Final Plat for the Integrated Site Plan must be approved by the City.
 - ix. Additional design details and landscape requirements regarding a climate controlled mini-storage facility may be approved as minor amendments by the Zoning Board of Adjustment for the Special Use Permit.
- B. Approval of the Preliminary Plat for The Fourth Addition to Southwood Subdivision, noting that prior to final plat all requirements of the integrated subdivision for agreements and easements are to be reviewed and approved by the City.
2. The City Council can approve the request for an Integrated Site Plan, which includes concurrent preliminary plat and Major Site Development Plan approval, for the properties at 1404, 1405, and 1410 Buckeye Avenue, with modified conditions.
 3. The City Council can deny the request for an Integrated Site Plan, which includes concurrent preliminary plat and Major Site Development Plan approval, for the properties at 1404, 1405, and 1410 Buckeye Avenue if the Commission finds that the City's regulations and policies are not met.
 4. The City Council can defer action on this request and refer it back to City staff and/or the applicant for additional information.

MANAGER'S RECOMMENDED ACTION:

The proposed Integrated Site Plan is a partial redevelopment of an existing site. The developer looks to maximize the amount of developable area with the proposed retention of the Kmart building and much of the current parking lot. The purpose of the Integrated Site Plan Subdivision review is to determine the overall layout, function, and building design meet City standards as a collective site and not as individual lots. Key considerations for the proposal are the design and location of buildings along street frontages, appropriate landscaping and screening, retention of existing landscaping, integration of storm water treatment features, mix of uses, access and circulation, and overall parking supply.

The proposed mix of uses are typical for a commercial shopping center, with the exception of the interior climate controlled mini-storage use, which will require a separate Special Use Permit approval from the Zoning Board of Adjustment. Prior to final plat a number of easements and agreements are required to complete the integrated subdivision process and ensure the site is collectively utilized and managed. The proposed lot arrangement is unusual, but allowable due to the integrated site plan process that allows for consideration of the function of the site overall rather than as individual lots. The effect of the subdivision is a requirement that all the development be coordinated together and that any future changes will require the other lot owners to agree.

The applicant's architectural design is typical for contemporary retail development, but could include some aesthetic enhancements to address the rear facades adjacent to streets for better consistency with new development areas along Buckeye and South Duff. With the conditions of approval, staff finds that the project meets the design principles of an Integrated Site Plan, subdivision standards, and the standards of the Major Site Development Plan.

Therefore, it is the recommendation of the City Manager that the City Council act in accordance with Alternative #1 to approve the request for an Integrated Site Plan, which includes concurrent preliminary plat and Major Site Development Plan approval, for the properties at 1404, 1405, and 1410 Buckeye Avenue with the noted conditions.

ADDENDUM

PROJECT DESCRIPTION:

The project site is a parcel of land totaling 14.02 acres fronting on South S 16th Street and Buckeye Avenue. The proposed development is a redevelopment of the former Kmart site (1405 Buckeye Avenue) and the development of two lots (1404 and 1410 Buckeye Ave) adjacent to S Duff Avenue. The preliminary plat indicates a total of 9 lots will be created. 1404 and 1410 Buckeye will remain as two separate lots and the Kmart site will be split into seven lots that will be included with this development.

The proposed site plan includes five commercial buildings with approximately 237,374 square feet of commercial space (Attachment C – Site Plan) The former Kmart building is 120,442 square feet and will be split into 5 separate tenant spaces. Four tenant spaces be what was the front of the store, with entrances into the spaces on the east side of the building. The rear portion of the building is proposed as two stories of Interior Climate Controlled Mini-storage. Climate controlled mini-storage use will require approval of a separate Special Use Permit. The remainder of the square footage (77,300 square feet) will be spread amongst five new buildings. In the event the climate controlled mini-storage use is not approved, the rear space could be uses for other HOC allowed uses based upon the availability of parking. The proposed five new commercial buildings will have a mix of retail and restaurant users. The following table described the uses proposed for each lot.

Lot #	Building/ Suites	Proposed Use	Size of Use	Parking Ratio Requirement	Parking Stalls Required	Parking Stalls Provided
1	Building A	Mini-storage estimated 800 units (2 story) or Wholesale Trade or Display Store* 1 story	45,787 Sq. Ft.	5 stalls/first 200 storage units, 1 stall/100 storage units thereafter 1/500 Sq. Ft.	11 stalls or 92 stalls	103 stalls
2	Building A Suites A & B	Retail	34,000 Sq Ft	1/300 Sq Ft	113 Stalls	206 stalls
3	Building A Suites C & D	Retail	34,500 Sq Ft	1/300 Sq Ft	115 stalls	74 stalls
4	Building C	Retail/Restaurant**	6,500 Sq Ft Retail	1/300 Sq. Ft	22 stalls	
			6,500 Sq Ft Restaurant	9/1,000 Sq. Ft	59 stalls	23 stalls
5	Building D	Retail/Restaurant**	2,000 Sq Ft Retail	1/300 Sq Ft	7 stalls	
			4,000 Sq Ft Restaurant	9/1,000 Sq Ft	36 stalls	0 stalls
6	Building B Suites C, D, & E	Retail	32,500 Sq Ft	1/300 Sq Ft	108 stalls	82 stalls
7	Building B Suites A & B	Retail	19,000 Sq Ft	1/300 Sq Ft	63 stalls	60 stalls
8	Building F	Retail	4,000 Sq Ft	1/300 Sq Ft	13 stalls	25 stalls
9	Building E	Restaurant**	2,800 Sq Ft	9/1,000 Sq Ft	25 stalls	14 stalls
	TOTALS		Total Retail 132,000 Sq Ft Total Restaurant 13,300 Sq Ft		572 stalls Required with storage facility -Or 653 stalls Required with no storage facility***	587 stalls Provided

*The Display Store parking requirement ratio was applied to the gross floor area of this Suite. This ratio is to be applied if the Special Use Permit for Interior Climate Controlled Mini-storage is not approved.

** The sit down restaurant parking requirement ratio was applied to all restaurant spaces shown on the plan since tenants are not known at this time. The fast food parking requirement ratio cannot be calculated without floor plans.

*** The allowed amount of restaurant square footage or total retail space will be reduced, or combination of both, to match the amount of parking provided within the Integrated Site Plan.

Parking. The parking for the development will be spread across eight of the nine lots. Shared access and parking agreements will be required. A note has been added to the preliminary plat, as required, that states all parking areas, drives, sidewalks, fire lanes, etc. are for the common use of all lots within the subdivision.

Staff calculated the required parking for the uses and areas shown on the site plan two different ways. The only difference in the calculation was how we calculated the mini-storage requirement for separate approval via Special Use Permit. 573 parking stalls will be required if a Special Use Permit is approved for up to 800 mini-storage units, as indicated by the developer. This use requires approval of a Special Use Permit that will be reviewed subsequent to the Integrated Site Plan review. In the event the Special Use Permit is not approved, the calculation for parking must account for the use of the space with a permitted HOC use. **Alternative use of the space is calculated as a one-story display store use, i.e. furniture, carpet, appliance store, which has a lower parking ratio requirement than general retail uses.** 653 parking stalls are required across the site using the display store use. The site plan shows that 587 parking stall will be provided. If the Special Use Permit for a two-story mini-storage facility is approved, then adequate parking is provided. If the Special Use permit is not approved, the site is 66 parking stalls short of required parking even with the minimum parking allowed for a display store.

The proposed plan can still be approved and developed in one of two ways. The amount of building area could be reduced or a limit on the amount of restaurant space within the development could be established. Restaurant parking requirements are the highest parked uses at 9 stalls/1,000 square feet of restaurant space. For purposes of calculating the amount of required parking, staff assumed the sit down restaurant ratio since tenants are not known and fast food parking ratios cannot be calculated accurately without a floor plan. A condition is included to address balancing the allowed square footage of uses to reflect the level of parking that is provided with development of the entire site.

Landscaping. Highway Oriented Commercial zoned properties are required to provide a minimum of 15% open space. A benefit of the Integrated Site Plan is that this 15% can be applied across the entire development rather than on a per lot basis. The amount of open space provided meets the 15% area requirement. This open space area is made of green space principally along the perimeter of the site and an area of vegetation behind the Staples building that is intended to be added to this site by process of a Plat of Survey. The current open area along Buckeye that was part of the original Planned Commercial approval for storm water and open space is replaced with Building B, this is area partially made up for with the area located behind Staples. Storm water is addressed with an underground system rather than an open area.

The required amount of trees is provided along both S 16th Street and Buckeye Avenue. Two existing mature trees will remain on the S Duff Avenue side of 1404 and 1410 Buckeye and will count for the required four trees. The trees along Buckeye Avenue will need to be located on private property and not placed within the right-of-way. The required planting area depth does exist on both sides of Buckeye Avenue to

accommodate required trees. The landscaping calculations for shrubs and grasses reflect front yard planting requirements.

The amount of parking lot trees shown on the site plan exceeds the 49 required trees when calculating only the area of the parking lot that will be new/reconstructed with the development of the new commercial buildings. It is typical for an existing site to only be required to comply with the landscaping standards as an “other nonconformity” for those areas that are new/disturbed on and existing site. Other improvements to parking areas are required as practicable for landscaping. Calculating the required amount of parking lot trees based on the entire parking area across the development would be 114 trees. The landscaping plan shows a total of 50 new parking lot trees being planted and meeting planting requirements for the new parking lot areas.

The developer proposes to use the existing vegetation to screen this development from adjacent properties. Some of the existing vegetation and fencing exists on the adjacent property and not on this site. The landscaping will need to be protected during construction and remain in order for the site to meet the high screen requirement along the west property line.

All sidewalks along public streets exists and will remain, including an eight-foot shared use path along Buckeye Avenue. Private sidewalks will be provided along buildings and connection will be provided to public walks.

Building Elevations. Typical building elevations have been included to define the building materials, entrances, parapets, and façade design. (Attachment D – Building Elevations). The developer has planned two spaces principally as multi-tenant buildings to allow for corporate façade and parapet treatments on larger buildings. The smaller buildings are designed as more strip commercial properties with minor levels of detailing and building variation. The front of the former Kmart store will be divided into four store fronts, with the southeast corner design as the climate controlled mini-storage location. Building elevations indicate that each tenant space will have a new parapet that is significantly taller than the existing building. The existing building is twenty-four feet in height and the tallest parapet is proposed at forty-three feet. The parapets will include signage facing the parking lots. As a result of the proposed height of the parapets they will be visible from the back and side when traveling west on S 16th Street. Staff requested side return treatment for these large parapets as shown on the architectural plans of Building A (south elevation) to provide the appearance of a more intentional and substantial architectural feature proportional to the overall design.

The rear elevations of buildings along S 16th Street and Buckeye Avenue have no proposed roof line variation or detailing other than a cornice. The buildings are located as close as 25 feet from the street property lines. The facades of Building B have modulation due to differences in tenant space sizing and planned loading areas. Buildings C, D, E, F do not include modulation or substantial elements of architectural relief. The rear elevations include individual doors for each tenant space for potential exiting. Buildings along S 16th Street could include additional architectural treatment to help break up the roof lines and façade interest with the inclusion of additional parapets, extended canopy along portions of the rear façade, the addition of vertical trim, or changes in materials/color of façade would give some relief of a plain rear of a building.

These types of changes would increase visual interest for the facades in addition to required front yard landscaping

Building elevations for the Interior Climate Controlled Mini-storage Use are included as well. This use is only allowed within the HOC zoning district with approval of a Special Use Permit. Section 29.1308 includes building design requirement specific to this use type. Compliance with these regulations will be evaluated as part of the Special Use Permit. The mini-storage facility main entrance will face south, towards S 16th Street. It will be in the portion of the former Kmart store where the automotive repair facility was located. The amount of overhead doors will be reduced from six to two. The remainder of the former overhead doors will be converted to a series of windows and one store front entrance. There are existing trees along this portion of S 16th Street. Staff has asked for additional landscaping to increase screening of this area from S 16th Street but is unable to determine what is being proposed for shrubs or bushes as the landscape plan details are unreadable. Staff will work with the developer to clarify the planting types and amounts.

Building "D" indicates a drive thru use will be located on this lot. Stacking usually occurs at the menu board where orders are taken. Staff is concerned that peak queuing could block circulation if not sited correctly. The building layout was adjusted on the site plan to indicate that a pick up window would be located on the east side of the building as requested by Staff. Staff requested the pick-up window to be located on the east side of the building with a menu board located as far from the drive thru entrance as possible to prevent stacking to back up into parking lot drive aisles and blocking parking stalls.

The building elevations do indicate some lighting will be located on the buildings. The drawings give the appearance that the lights may be up lit. This is not allowed by code if lights are over a certain amount of lumens. Fixture information was not provided for such lighting. It should be noted that all site lighting on buildings and in parking areas will need to comply with the City's Outdoor Lighting Code.

Since all tenant spaces are not known it is possible that doors and windows may shift from where they are shown on the elevations. As the plan is refined, staff would be able to approve changes proposed by the developer that modify architectural treatments, awnings, windows, and entrances that do not reduce the quality and interest of the building design and compliment the overall shopping center design aesthetic. Building materials will consist of brick or a stone veneer at the base of the buildings up to 3 feet 6 inches in height with EIFS as the main building material above that height, with the exception of glazing treatments. Pillars will be full height masonry or stone.

Infrastructure. The site is fully served by City infrastructure. All public utilities are available to serve the development a small amount of public sanitary sewer and water mains will be installed from Buckeye Avenue south of Building B as part of the development. Electric Services will be supplied by the City of Ames electric service territory. Easements are shown on the Preliminary Plat/Site Plan and any additional easements needed to accommodate the proposed development for utilities will be recorded with the Final Plat at the time of subdivision of the individual lots.

Storm Water Treatment. The site is subject to conformance with Municipal Code Chapter 5a and 5b requirements for storm water control and treatment. The site must not increase release rates for the overall site and must treat water quality for all new impervious areas of the site. The primary storm water treatment measure is an in ground chamber located under the new parking area in front of Building 'B'. The Public Works Department has reviewed the Storm Water Management Plan for this subdivision and site plan and determined the proposed approach is consistent with City standards.

Access/Traffic. Vehicular access is provided to the site from S 16th Street and Buckeye Avenue. There are two driveways from S 16th Street and two proposed from Buckeye Avenue, including the shared drive with the Staples/Theater site to the north. The existing central drive on S 16th Street into the site will be straightened but will remain a full turn access point and not require improvements to S 16th Street. Parking and shared access will be provided throughout the development.

Although access points meet spacing requirements, staff has included a condition to address potential drive through queuing for Building 'D'. The location of the drive thru could block thru traffic across the front of the building and staff has included a condition to restrict the drive through use to the east side of the building and to position the menu board along the south edge to minimize potential backups. Staff does not anticipate impacts from the drive thru queuing will impact traffic entering from Buckeye Avenue.

A traffic study was submitted and reviewed by the City's Traffic Engineer. It analyzed both near term build out and future build out conditions. The study noted satisfactory operations for all facilities with the exception of the left turns from Buckeye to S 16th Street. However, the traffic engineer does not recommend improvements at this time to widen Buckeye to add a third lane for future queuing issues. The primary reason that no improvements are required with this development is due to planned City improvements to S 16th Street from S Duff Avenue to S. Kellogg Avenue. These improvements are unrelated to this project and anticipated to be completed in 2019. The improvements are likely to include a median restricting left turn movements from Buckeye Avenue onto S 16th Street, which would negate the identified queuing impact by not allowing for that particular turning movement. In the event widening of Buckeye Avenue is needed, an additional lane can be configured within existing right-of-way or with a minor expansion of paving.

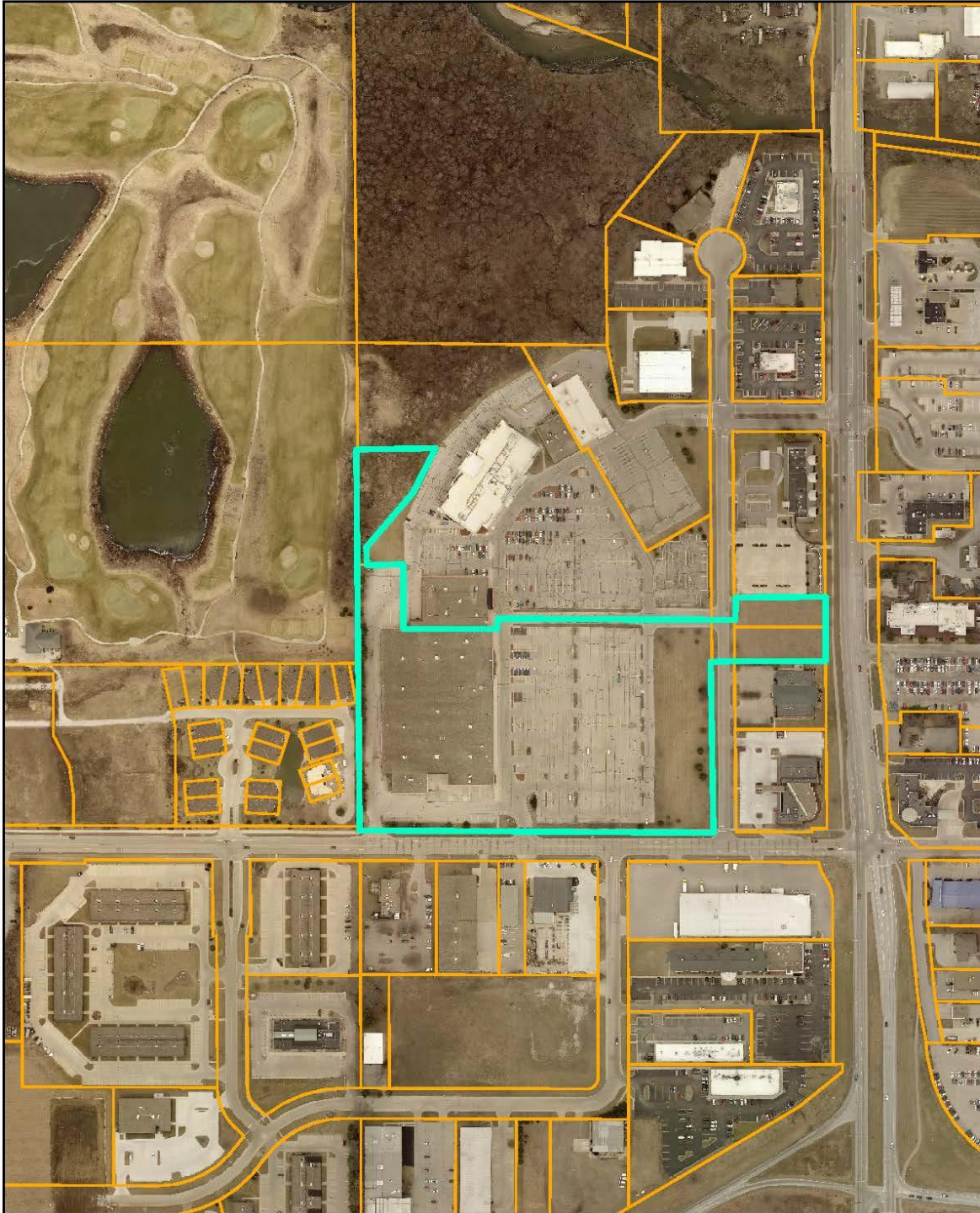
Major Site Development Plan Criteria.

The standards are found in Ames *Municipal Code* Section 29.1502(4)(d) and include the following requirements. *When acting upon an application for a Major Site Development Plan approval, the Planning and Zoning Commission and the City Council shall rely upon generally accepted site planning criteria and design standards. These criteria and standards are necessary to fulfill the intent of the Zoning Ordinance, the Land Use Policy Plan, and are the minimum necessary to safeguard the public health, safety, aesthetics, and general welfare. See Attachment E for a full review of the individual Development criteria for the Major Site Development Plan.*

Public Notice. Notice was mailed to property owners within 200 feet of the subject site and a sign was posted on the subject property. As of this writing, no comments have been received by staff. There were speakers at the Planning and Zoning Commission

meeting.

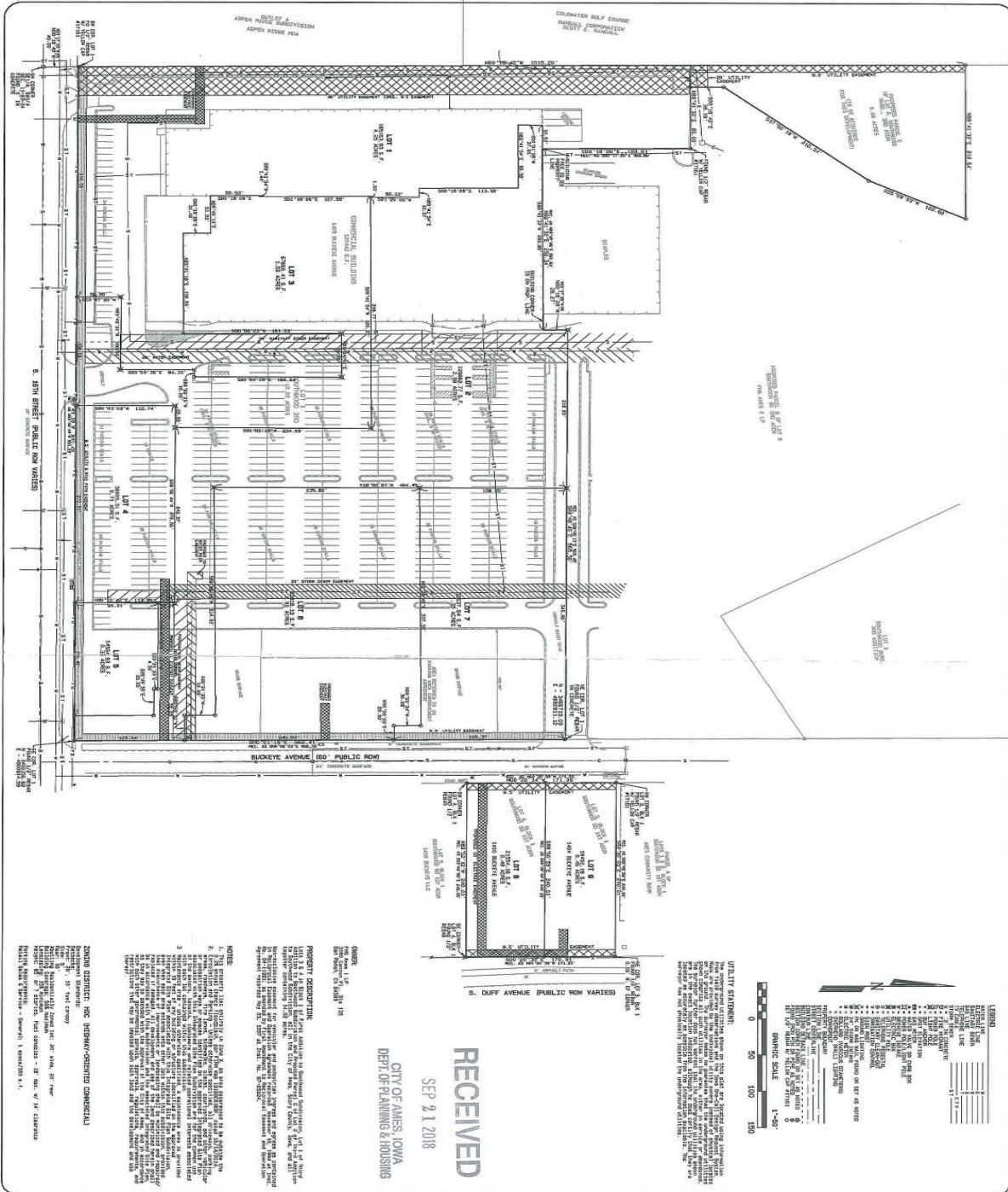
Attachment A
Location Map



**Proposed Preliminary Plat and Major Site Development Plan
1404, 1405, and 1410 Buckeye Avenue**

Attachment B

Preliminary Plat



NOTICE:
 THE CITY OF AMES, IOWA, HAS REVIEWED THIS PRELIMINARY PLAT AND HAS DETERMINED THAT IT IS IN ACCORDANCE WITH THE SUBDIVISION ACT AND THE ZONING ORDINANCE OF THE CITY OF AMES, IOWA. THE CITY OF AMES, IOWA, HAS REVIEWED THIS PRELIMINARY PLAT AND HAS DETERMINED THAT IT IS IN ACCORDANCE WITH THE SUBDIVISION ACT AND THE ZONING ORDINANCE OF THE CITY OF AMES, IOWA. THE CITY OF AMES, IOWA, HAS REVIEWED THIS PRELIMINARY PLAT AND HAS DETERMINED THAT IT IS IN ACCORDANCE WITH THE SUBDIVISION ACT AND THE ZONING ORDINANCE OF THE CITY OF AMES, IOWA.

PROPERTY DESCRIPTION:
 THIS PROPERTY IS SITUATE IN THE CITY OF AMES, IOWA, AND IS BOUND BY S. 8TH STREET TO THE NORTH, S. DUFF AVENUE TO THE SOUTH, AND S. 9TH STREET TO THE WEST. THE PROPERTY IS SUBDIVIDED INTO NINE (9) LOTS, EACH BEING APPROXIMATELY 1400 SQUARE FEET IN AREA. THE PROPERTY IS ZONED COMMERCIAL (C-1) AND IS SUBJECT TO THE SUBDIVISION ACT AND THE ZONING ORDINANCE OF THE CITY OF AMES, IOWA.

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STUMBO & ASSOCIATES
 LAND SURVEYING
 910 S. 17TH STREET, SUITE 102 AMES, IOWA 50010
 PHONE 515-233-3689 FAX 515-233-4403

PRELIMINARY PLAT
FOURTH ADDITION TO
SOUTHWOOD SUBDIVISION
 JOB #1711BPP DATE: 7/30/18 PAGE: 1 of 1
 REVISED: 9/21/18

Certification: I hereby certify that this land surveying was performed in accordance with the laws and regulations of the State of Iowa, and that I am a duly licensed land surveyor in the State of Iowa.
R. J. Stumbo Date: 9/21/18
 R. J. Stumbo, Licensed Surveyor
 License No. 17151, State of Iowa, expires 10/31/2020



Attachment C

Major Site Plan

Attachment D

Building Elevations

Attachment E

Major Site Development Plan Criteria.

1. ***The design of the proposed development shall make adequate provisions for surface and subsurface drainage to limit the rate of increased runoff of surface water to adjacent and downstream property.***

The Public Works Department has reviewed the storm water management plan. The developer proposes an underground treatment chamber at the east side of the site under the new parking area to treat most of the storm water runoff.

2. ***The design of the proposed development shall make adequate provision for connection to water, sanitary sewer, electrical, and other utility lines within the capacity limits of those utility lines.***

The existing utilities were reviewed and found adequate to support the anticipated load of the proposed development. There are no offsite upgrades needed to serve the site for any utility.

3. ***The design of the proposed development shall make adequate provision for fire protection through building placement, acceptable location of flammable materials, and other measures to ensure fire safety.***

The fire inspector has reviewed access and fire truck circulation and found that the needs of the fire department are met for access and circulation. The main access into the site are from public streets, S 16th Street and Buckeye Avenue. Review of the climate controlled mini-storage plans will be subject to the Special Use Permit review.

4. ***The design of the proposed development shall not increase the danger of erosion, flooding, landslide, or other endangerment to adjoining and surrounding property.***

It is not anticipated that this proposed development will be a danger due to its location on the site. The storm water features have been enlarged to help reduce potential future flooding within this site and the subdivision to the east.

5. ***Natural topographic and landscape features of the site shall be incorporated into the development design.***

The developer is working with the existing topography of the site. Critically, the existing landscape buffer along the west property line is to be retained. Some existing trees will be retained along S 16th Street, but much of the existing landscaping will be replaced as it is at the end of its useful life or impedes the site layout for new buildings. The disturbed areas of the site are required to come into compliance with current landscape requirements.

6. The design of the interior vehicle and pedestrian circulation shall provide for convenient flow of vehicles and movement of pedestrians and shall prevent hazards to adjacent streets or property.

The proposed development will provide vehicular access off S 16th Street and Buckeye Avenue. There is an existing eight foot shared use path along S 16th Street. All interior private sidewalks will connect with the public sidewalk system that is already in place. The City is in the process of completing the design of S 16th Street and S Duff Avenue intersection improvements which may include a median at the Buckeye intersection. Driveway access to the site will not be impacted.

The Ames Traffic Division reviewed a traffic impact study for the project. The study found acceptable operations for all analyzed intersections, but noted that left turning queuing on Buckeye could justify an additional lane for Buckeye. The traffic division does not recommend this widening at this time due to likely restrictions on left turns from Buckeye Avenue to S 16th Street.

7. The design of outdoor parking areas, storage yards, trash and dumpster areas, and other exterior features shall be adequately landscaped or screened to minimize potential nuisance and impairment to the use of adjoining property.

Much of the existing site's parking areas will be retained. The applicant will mill and overlay these areas. The developer will refurbish landscaping in these areas, but not bring the design up to current landscape standards. The arrangement of parking serves each of the individual buildings and includes distributed ADA compliance parking spaces. The parking plans assumed approval of climate controlled mini-storage to allow for the full range of uses proposed on the site. The amount of restaurant uses would be reduced is mini-storage is not approved.

will have Loading area access for Building B will be directly from Buckeye Avenue and somewhat visible. Front yard landscaping is the primary treatment for screening of this area without additional landscaping being required.

8. The proposed development shall limit entrances and exits upon adjacent streets in order to prevent congestion on adjacent and surrounding streets and in order to provide for safe and orderly vehicle movement.

All existing access into the development will remain at their existing locations. One drive on S 16th Street will be redesigned and shifted slightly to the west to allow for a small amount of parking to be added to the site. New driveways will be created along Buckeye as secondary entrances and exits to the site. The proposed drive through use is designed to allow for queuing on site with minimal interruption to overall circulation of the site, however peak ques could block through lanes in/out to Buckeye and a condition of approval is included to minimize this concern.

9. Exterior lighting shall relate to the scale and location of the development in order to maintain adequate security, while preventing a nuisance or hardship to adjacent property or streets.

All lighting will be required to comply with the City's Outdoor Lighting code, Section 29.411. Building lighting must also meet down lighting requirements.

10. The proposed development shall ensure that dust and other forms of air pollution, noise disturbances, odor, glare, and other nuisances will be limited to acceptable levels as prescribed in other applicable State and City regulations.

The proposed development is not expected to generate any nuisances.

11. Site coverage, building scale, setbacks, and open spaces shall be in proportion with the development property and with existing and planned development and structures, in adjacent and surrounding property.

The combination of existing conditions and new development creates an unbalanced plan with most improvements focused on the perimeter of the site compared to equal distribution of improvements across a site as would occur with a complete redevelopment. The site does meet minimum landscape percentage requirements and front yard planting standards, as conditioned.

The proposed layout of the development is consistent with existing surrounding commercial development. Building heights are typically 23 feet in height with parapets extending much higher up to approximately 43 feet. The building locations differ to other smaller sites in the area with parking centrally located and the rear of buildings located adjacent to streets.

The approval of an Integrated Site Plan allows some benefit by allowing some site development regulations to be applied across the entire site rather than on an individual lot basis allowing for a more condensed site compared to individual lot development.

Attachment F

Applicable Subdivision Law

The laws applicable to this Preliminary Plat Subdivision include, but are not limited to, the following: (verbatim language is shown in *italics*, other references are paraphrased):

Code of Iowa Chapter 354, Section 8 requires that the governing body shall determine whether the subdivision conforms to its Land Use Policy Plan.

Ames Municipal Code Chapter 23, Subdivisions, Division I, outlines the general provisions for subdivisions within the City limits and within two miles of the City limits of Ames.

Ames Municipal Code Section 23.302(3):

(3) Planning and Zoning Commission Review:

- (a) The Planning and Zoning Commission shall examine the Preliminary Plat, any comments, recommendations or reports assembled or made by the Department of Planning and Housing, and such other information as it deems necessary or desirable to consider.*
- (b) Based upon such examination, the Planning and Zoning Commission shall ascertain whether the Preliminary Plat conforms to relevant and applicable design and improvement standards in these Regulations, to other City ordinances and standards, to the City's Land Use Policy Plan, and to the City's other duly adopted Plans.*

Ames Municipal Code Section 23.302(4):

Planning and Zoning Commission Recommendation: Following such examination and within 30 days of the regular meeting of the Planning and Zoning Commission at which a complete Application is first formally received for consideration, the Planning and Zoning Commission shall forward a report including its recommendation to the City Council. The Planning and Zoning Commission shall set forth its reasons for any recommendation to disapprove or to modify any Preliminary Plat in its report to the City Council and shall provide a written copy of such reasons to the developer.

23.700 SUBDIVISION FOR INTEGRATED SUBDIVISIONS

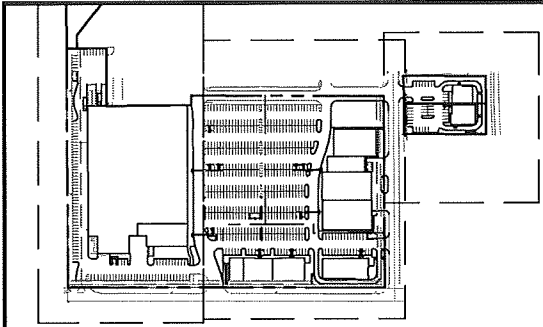
23.702. APPLICABILITY.

- (1) The subject site shall consist of one or more legally created lots.*
- (2) The property must be zoned commercial, industrial, medium density residential or high density residential.*
- (3) Residential development under these provisions is limited to apartment dwellings only.*

(4) The subdivision must be associated with a Major Site Development Plan under Chapter 29.1502. Within this context, the Major Site Development Plan will be considered and referred to as an Integrated Site Plan.

REVIEW PROCEDURE.

An Integrated Site Plan Subdivision is subject to the same review process and decision criteria as Major Subdivision (Section 23.302); and an Integrated Site Plan is subject to the same review process and decision criteria as a Major Site Development Plan (Section 29.1502). Although the subdivision and site plans are separate documents, they are reviewed and processed simultaneously, and an Integrated Site Plan Subdivision incorporates by reference all documents of an approved Integrated Site Plan.



KEYMAP

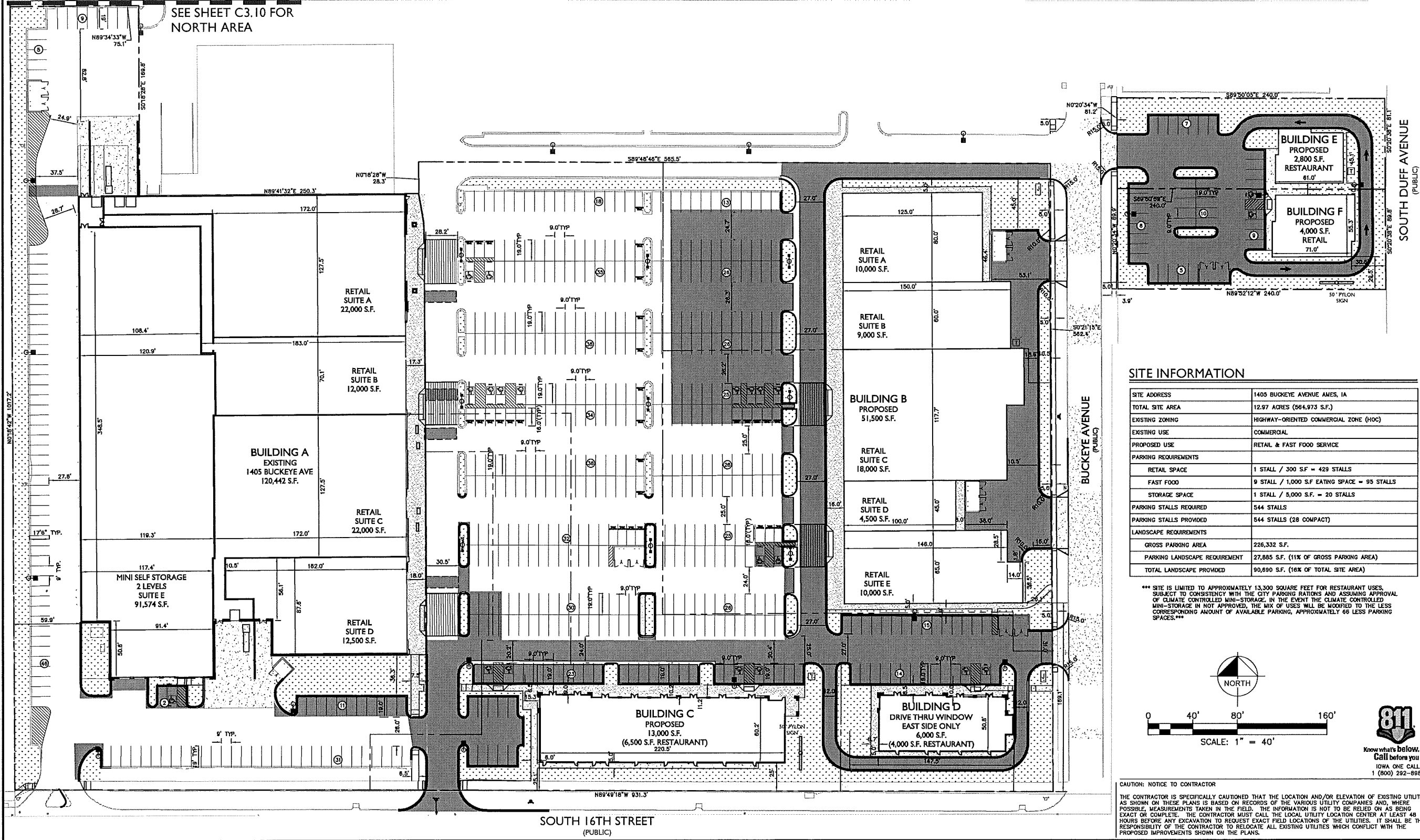
SEE SHEET C3.10 FOR NORTH AREA

GENERAL NOTES

1. CONTRACTOR TO VERIFY EXISTING IMPROVEMENTS SHOWN ON THE PLAN.
2. CONTRACTOR TO PROTECT IN PLACE, DURING DEMOLITION AND CONSTRUCTION, ALL EXISTING IMPROVEMENTS THAT ARE TO REMAIN AS NOTED ON THE PLAN.
3. ANY EXISTING STRUCTURE, IMPROVEMENT OR APPURTENANCE TO REMAIN THAT IS DAMAGED DURING DEMOLITION OR CONSTRUCTION SHALL BE IMMEDIATELY REPAIRED OR REPLACED BY THE CONTRACTOR AT THE CONTRACTOR'S EXPENSE.
4. ALL DIMENSIONS ARE TO THE FACE OF CURB UNLESS NOTED OTHERWISE.
5. ALL CONSTRUCTION MATERIALS, DUMPSTERS, DETACHED TRAILERS, OR SIMILAR ITEMS ARE PROHIBITED ON PUBLIC STREETS OR WITHIN THE PUBLIC RIGHT-OF-WAY.

LEGEND

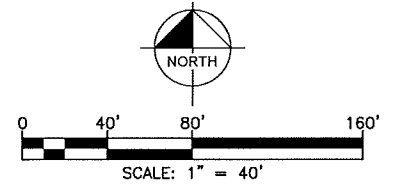
- PROPERTY LINE
- RIGHT-OF-WAY LINE
- ADJACENT PROPERTY LINE
- PROPOSED SAWCUT LINE
- PROPOSED A.C. PAVEMENT
- PROPOSED CONCRETE PAVEMENT
- PROPOSED LANDSCAPE



SITE INFORMATION

SITE ADDRESS	1405 BUCKEYE AVENUE AMES, IA
TOTAL SITE AREA	12.97 ACRES (564,973 S.F.)
EXISTING ZONING	HIGHWAY-ORIENTED COMMERCIAL ZONE (HOC)
EXISTING USE	COMMERCIAL
PROPOSED USE	RETAIL & FAST FOOD SERVICE
PARKING REQUIREMENTS	
RETAIL SPACE	1 STALL / 300 SF = 429 STALLS
FAST FOOD	9 STALL / 1,000 SF EATING SPACE = 99 STALLS
STORAGE SPACE	1 STALL / 5,000 S.F. = 20 STALLS
PARKING STALLS REQUIRED	544 STALLS
PARKING STALLS PROVIDED	544 STALLS (28 COMPACT)
LANDSCAPE REQUIREMENTS	
GROSS PARKING AREA	226,332 S.F.
PARKING LANDSCAPE REQUIREMENT	27,885 S.F. (11% OF GROSS PARKING AREA)
TOTAL LANDSCAPE PROVIDED	90,890 S.F. (16% OF TOTAL SITE AREA)

*** SITE IS LIMITED TO APPROXIMATELY 13,300 SQUARE FEET FOR RESTAURANT USES, SUBJECT TO CONSISTENCY WITH THE CITY PARKING RATIOS AND ASSUMING APPROVAL OF CLIMATE CONTROLLED MINI-STORAGE. IN THE EVENT THE CLIMATE CONTROLLED MINI-STORAGE IS NOT APPROVED, THE MIX OF USES WILL BE ADJUSTED TO THE LESS CORRESPONDING AMOUNT OF AVAILABLE PARKING, APPROXIMATELY 66 LESS PARKING SPACES.***



CAUTION: NOTICE TO CONTRACTOR

THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND, WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE LOCAL UTILITY LOCATION CENTER AT LEAST 48 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATIONS OF THE UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS.

DATE	DESCRIPTION

Kimley»Horn
215 South State Street, Suite 401 | Des Moines, IA 50319 | Tel. No. (515) 251-3176

HORIZONTAL CONTROL PLAN

SHOPPES ON SOUTH DUFF
AMES, IOWA

DRAWN BY: EKJ 11/05/2018
DESIGNED BY: CFB 11/05/2018
CHECKED BY: RP 11/05/2018
PROJECT No.: 035815000
SCALE: AS SHOWN

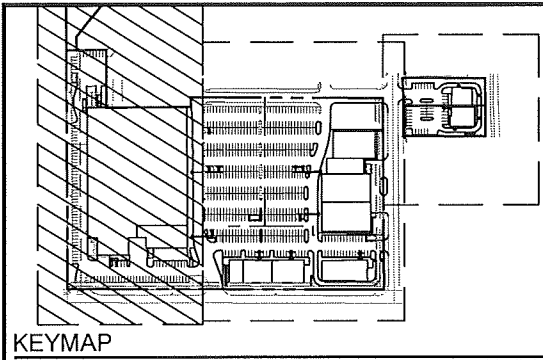
PRELIMINARY
FOR REVIEW ONLY
NOT FOR CONSTRUCTION

Kimley»Horn

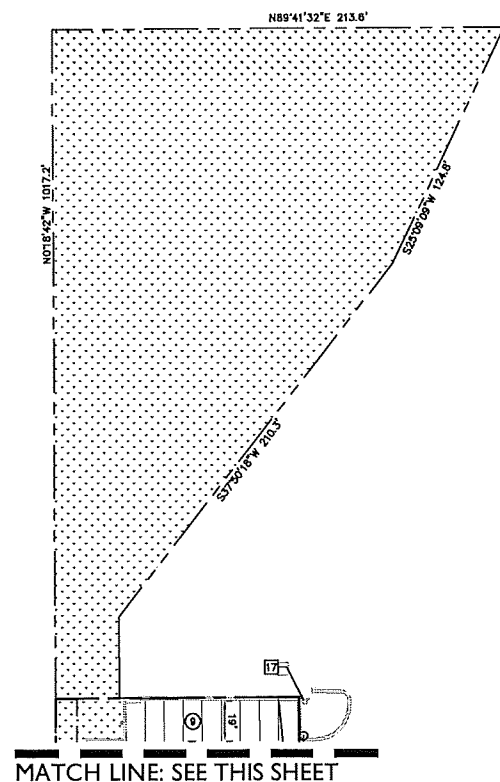
SHEET
C3.00

Date: November 5, 2018 12:05 PM
 User: BUCK, CHRIS
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 This document, together with the contracts and design parameters herein, is intended only for the specific purpose and client for which it was prepared. Reuse of any information contained herein without the express written authorization of Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.

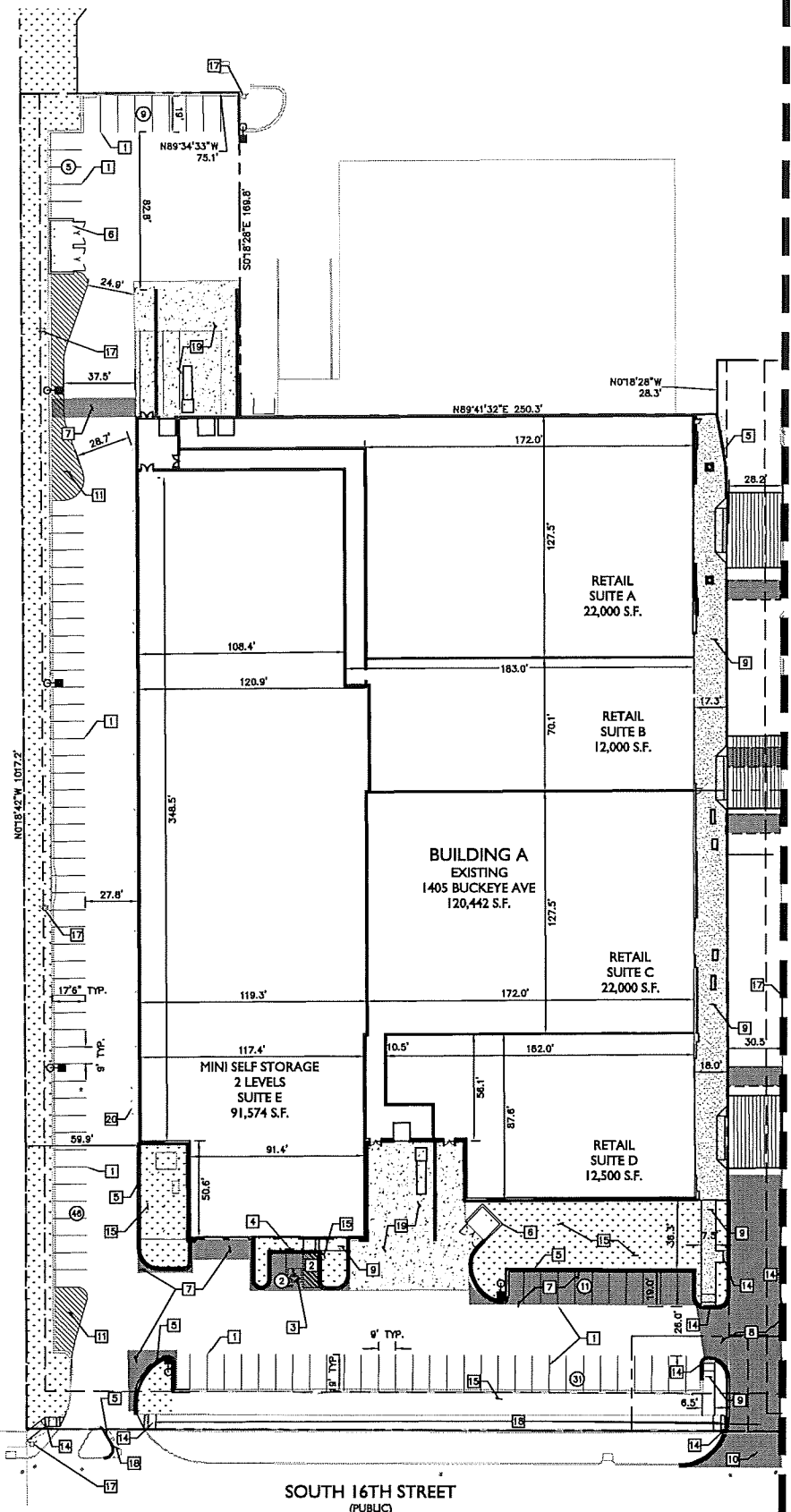
Date: November 5, 2018 12:06 PM User: BICK, CHRIS
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KEYMAP



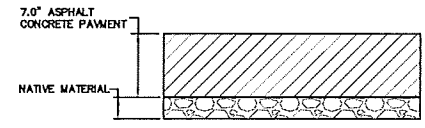
MATCH LINE: SEE THIS SHEET



SOUTH 16TH STREET
(PUBLIC)

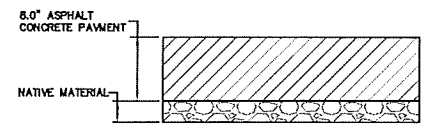
MATCH LINE: SEE SHEET C3.20

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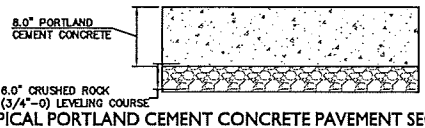
STANDARD DUTY ASPHALT CONCRETE PAVEMENT SECTION

NOTE 1. STRUCTURAL FILL AND SUBGRADE SHALL BE PREPARED, PLACED, AND COMPACTED ACCORDING TO THE GEOTECHNICAL REPORT, SUDAS REQUIREMENTS AND THE CITY OF AMES SUPPLEMENTAL REQUIREMENTS.



HEAVY DUTY ASPHALT CONCRETE PAVEMENT SECTION

NOTE 1. STRUCTURAL FILL AND SUBGRADE SHALL BE PREPARED, PLACED, AND COMPACTED ACCORDING TO THE GEOTECHNICAL REPORT, SUDAS REQUIREMENTS AND THE CITY OF AMES SUPPLEMENTAL REQUIREMENTS.



TYPICAL PORTLAND CEMENT CONCRETE PAVEMENT SECTION

NOTE 1. STRUCTURAL FILL AND SUBGRADE SHALL BE PREPARED, PLACED, AND COMPACTED ACCORDING TO THE GEOTECHNICAL REPORT, SUDAS REQUIREMENTS AND THE CITY OF AMES SUPPLEMENTAL REQUIREMENTS.

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CONSTRUCTION NOTES

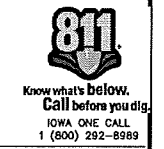
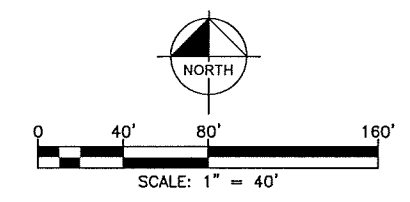
- INSTALL STRIPING WITH 4" WIDE MARKING (WHITE ACRYLIC PAINT) PER SUDAS SPECIFICATIONS.
- INSTALL 4" (WHITE) PAINT STRIPE AT 24" O.C. @ 45°
- INSTALL ADA ACCESSIBLE PARKING SIGN PANEL PER SUDAS SPECIFICATIONS.
- INSTALL ADA ACCESSIBLE PARKING SIGN PANEL PER DETAIL ON SHEET C6.14.
- FURNISH AND INSTALL 6" CURB AND GUTTER PER DETAIL ON SHEET C6.11.
- INSTALL TRASH ENCLOSURE. SEE SHEET C6.15 FOR DETAILS.
- INSTALL 7" ASPHALT OVER NATIVE MATERIAL IN PARKING AREA. SEE SOILS REPORT, SUDAS REQUIREMENTS, AND C3.10.
- INSTALL 8" ASPHALT OVER NATIVE MATERIAL IN MAIN CORRIDOR. SEE SOILS REPORT, SUDAS REQUIREMENTS, AND C3.10.
- CONSTRUCT CONCRETE SIDEWALK PER SUDAS. REF DETAIL ON SHEET C6.12.
- CONSTRUCT COMMERCIAL DRIVEWAY PER SUDAS. REF DETAIL ON SHEET C6.11.
- INSTALL 4" (YELLOW) PAINT STRIPE AT 45° ANGLE AT 24" O.C.
- CONSTRUCT 3' OR 6' (PER PLAN) CONCRETE WATERWAY PER DETAIL ON SHEET C6.14.
- PROPOSED FIRE LANE SIGNAGE AND STRIPING PER CITY OF AMES STANDARDS.
- CONSTRUCT SIDEWALK RAMP PER ADA AND SUDAS. REFER TO GRADING PLAN AND DETAIL SHEET C6.12 FOR DETAILS. CONTRACTOR WILL BE REQUIRED TO PROVIDE AS-BUILTS FOR EACH RAMP TO VERIFY COMPLIANCE TO ADA STANDARDS AND SPECIFICATIONS.
- LANDSCAPE AREA. REFER TO LANDSCAPE PLANS.
- PROPOSED FIRE HYDRANT.
- EXISTING FIRE HYDRANT.
- EXISTING 8" CITY PATH TO REMAIN.
- INSTALL 8" PCC OVER 6" COMPACTED NATIVE MATERIAL PUBLIC RIGHT OF WAY PER SUDAS REQUIREMENTS AND CITY OF AMES SUPPLEMENTAL REQUIREMENTS.
- EXISTING POST INDICATOR VALVE.

SITE INFORMATION

SITE ADDRESS	1405 BUCKEY AVENUE AMES, IA
TOTAL SITE AREA	12.97 ACRES (564,973 S.F.)
EXISTING ZONING	HIGHWAY-ORIENTED COMMERCIAL ZONE (HOC)
EXISTING USE	COMMERCIAL
PROPOSED USE	RETAIL & FAST FOOD SERVICE
PARKING REQUIREMENTS	
RETAIL SPACE	1 STALL / 300 S.F. = 429 STALLS
FAST FOOD	9 STALL / 1,000 S.F. EATING SPACE = 95 STALLS
STORAGE SPACE	1 STALL / 5,000 S.F. = 20 STALLS
PARKING STALLS REQUIRED	544 STALLS
PARKING STALLS PROVIDED	544 STALLS (28 COMPACT)
LANDSCAPE REQUIREMENTS	
GROSS PARKING AREA	226,332 S.F.
PARKING LANDSCAPE REQUIREMENT	27,865 S.F. (11% OF GROSS PARKING AREA)
TOTAL LANDSCAPE PROVIDED	90,690 S.F. (16% OF TOTAL SITE AREA)

LEGEND

- PROPERTY LINE
- RIGHT-OF-WAY LINE
- ADJACENT PROPERTY LINE
- PROPOSED SANOUT LINE
- PROPOSED A.C. PAVEMENT
- PROPOSED CONCRETE PAVEMENT
- PROPOSED LANDSCAPE
- COMPACT STALL



CAUTION: NOTICE TO CONTRACTOR

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DATE	DESCRIPTION

HORIZONTAL CONTROL PLAN

DRAWN BY:	JK	110527018
DESIGNED BY:	CFB	110527018
CHECKED BY:	RP	110527018
PROJECT No.:	SCALE:	AS SHOWN
		0282815000

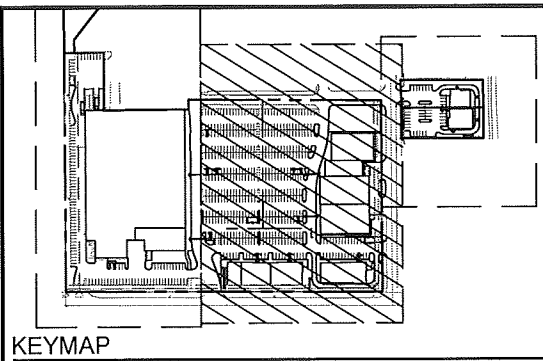
PRELIMINARY
 FOR REVIEW ONLY
 NOT FOR CONSTRUCTION
 Kimley-Horn

SHEET
C3.10

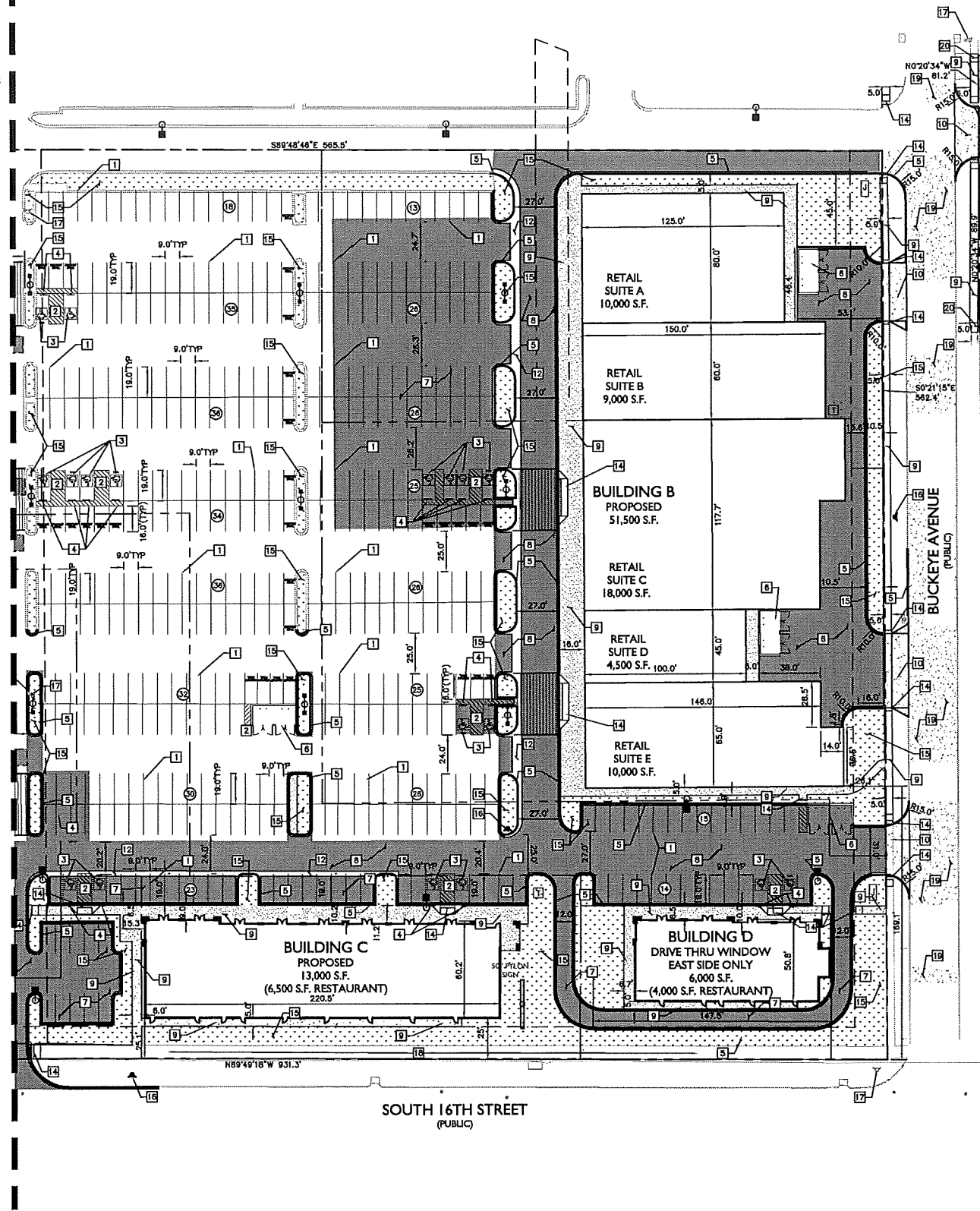
Kimley-Horn
 215 South State Street, Suite 401 Salt Lake City, UT 84111 | Tel. No. (801) 213-3176

SHOPPES ON SOUTH DUFF
 AMES, IOWA

Date: November 6, 2018 12:08 PM User: BCK, CURB
 Path: N:\SUDS\21503\21503000\PRINT\21503000.PLOT - AMES, IA\CAD\PLAN SHEETS\0815000_HCDWG
 This document, together with the contracts and design instrument, is intended only for the specific purpose and shall not be construed, in whole or in part, as a contract or agreement between the parties.



MATCH LINE: SEE SHEET C1.10



MATCH LINE: SEE SHEET C1.30

SOUTH 16TH STREET (PUBLIC)

BUCKEYE AVENUE (PUBLIC)

GENERAL NOTES

- CONTRACTOR TO VERIFY EXISTING IMPROVEMENTS SHOWN ON THE PLAN.
- CONTRACTOR TO PROTECT IN PLACE, DURING DEMOLITION AND CONSTRUCTION, ALL EXISTING IMPROVEMENTS THAT ARE TO REMAIN AS NOTED ON THE PLAN.
- ANY EXISTING STRUCTURE, IMPROVEMENT OR APPURTENANCE TO REMAIN THAT IS DAMAGED DURING DEMOLITION OR CONSTRUCTION SHALL BE IMMEDIATELY REPAIRED OR REPLACED BY THE CONTRACTOR AT THE CONTRACTOR'S EXPENSE.
- ALL DIMENSIONS ARE TO THE FACE OF CURB UNLESS NOTED OTHERWISE.
- ALL CONSTRUCTION MATERIALS, DUMPSTERS, DETACHED TRAILERS, OR SIMILAR ITEMS ARE PROHIBITED ON PUBLIC STREETS OR WITHIN THE PUBLIC RIGHT-OF-WAY

CONSTRUCTION NOTES

- INSTALL STRIPING WITH 4" WIDE MARKING (WHITE ACRYLIC PAINT) PER SUDAS SPECIFICATIONS.
- INSTALL 4" (WHITE) PAINT STRIPE AT 24" O.C. @ 45°
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- INSTALL 7" ASPHALT OVER NATIVE MATERIAL IN PARKING AREA. SEE SOILS REPORT, SUDAS REQUIREMENTS, AND C3.10.
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- PROPOSED FIRE HYDRANT.
- EXISTING FIRE HYDRANT.
- EXISTING 8' GTY PATH TO REMAIN.
- INSTALL 8" PCC OVER OVER 6" COMPACTED NATIVE MATERIAL, PUBLIC RIGHT OF WAY PER SUDAS REQUIREMENTS AND CITY OF AMES SUPPLEMENTAL REQUIREMENTS.

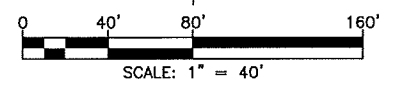
SITE INFORMATION

SITE ADDRESS	1405 BUCKEYE AVENUE AMES, IA
TOTAL SITE AREA	12.97 ACRES (564,973 S.F.)
EXISTING ZONING	HIGHWAY-ORIENTED COMMERCIAL ZONE (HOC)
EXISTING USE	COMMERCIAL
PROPOSED USE	RETAIL & FAST FOOD SERVICE
PARKING REQUIREMENTS	
RETAIL SPACE	1 STALL / 300 S.F. = 429 STALLS
FAST FOOD	9 STALL / 1,000 S.F. EATING SPACE = 95 STALLS
STORAGE SPACE	1 STALL / 5,000 S.F. = 20 STALLS
PARKING STALLS REQUIRED	544 STALLS
PARKING STALLS PROVIDED	544 STALLS (28 COMPACT)
LANDSCAPE REQUIREMENTS	
GROSS PARKING AREA	226,332 S.F.
PARKING LANDSCAPE REQUIREMENT	27,885 S.F. (11% OF GROSS PARKING AREA)
TOTAL LANDSCAPE PROVIDED	90,890 S.F. (16% OF TOTAL SITE AREA)

LEGEND

- PROPERTY LINE
- RIGHT-OF-WAY LINE
- ADJACENT PROPERTY LINE
- PROPOSED SAWCUT LINE
- PROPOSED A.C. PAVEMENT
- PROPOSED CONCRETE PAVEMENT
- PROPOSED LANDSCAPE
- COMPACT STALL

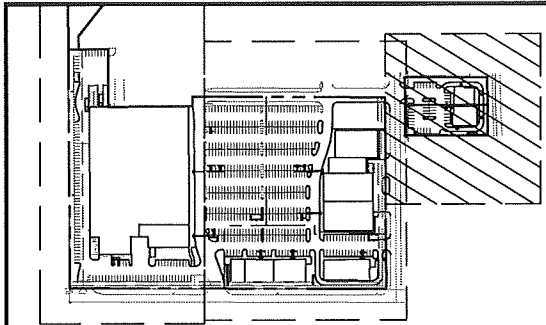
*** SITE IS LIMITED TO APPROXIMATELY 13,300 SQUARE FEET FOR RESTAURANT USES, SUBJECT TO CONSISTENCY WITH THE CITY PARKING RATIOS AND ASSUMING APPROVAL OF CLIMATE CONTROLLED MINI-STORAGE. IN THE EVENT THE CLIMATE CONTROLLED MINI-STORAGE IS NOT APPROVED, THE MIX OF USES WILL BE MODIFIED TO THE LESS CORRESPONDING AMOUNT OF AVAILABLE PARKING, APPROXIMATELY 66 LESS PARKING SPACES.***



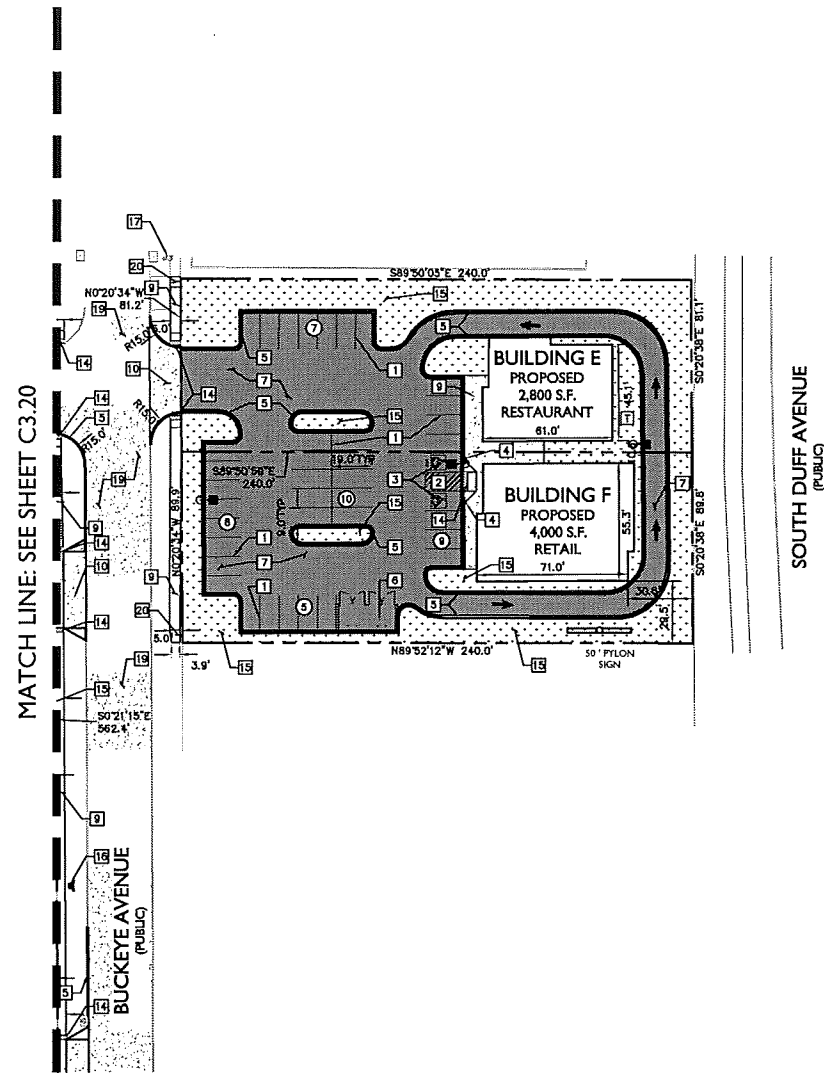
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DRAWN BY:	BKJ	DESIGNED BY:	CFB	CHECKED BY:	RP	PROJECT No.:	032615000	SCALE:	AS SHOWN
SEAL		SEAL		SEAL		SEAL		SEAL	
HORIZONTAL CONTROL PLAN									
SHOPPES ON SOUTH DUFF AMES, IOWA									
Kimley»Horn 215 South State Street, Suite 400 Salt Lake City, UT 84111 Tel. No. (865) 212-3176									
PRELIMINARY FOR REVIEW ONLY NOT FOR CONSTRUCTION Kimley»Horn									
SHEET C3.20									

Date: November 5, 2018 12:08 PM User: BICK, CHRIS
 Path: K:\SCLC_CIVIL\0815000_ONPOINT - AMES, IA\CADD\PLAN_SHEETS\0815000_HCDWG
 This document, together with the concepts and design presented herein, is intended only for the specific purpose and client for which it was prepared, issued and prepared in reliance of this document without any other information by Kimley-Horn and Associates, Inc. Use of this document without the written authorization of Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.



KEYMAP



*** SITE IS LIMITED TO APPROXIMATELY 13,300 SQUARE FEET FOR RESTAURANT USES, SUBJECT TO CONSISTENCY WITH THE CITY PARKING RATIOS AND ASSUMING APPROVAL OF CLIMATE CONTROLLED MINI-STORAGE. IN THE EVENT THE CLIMATE CONTROLLED MINI-STORAGE IS NOT APPROVED, THE MIX OF USES WILL BE MODIFIED TO THE LESS CORRESPONDING AMOUNT OF AVAILABLE PARKING, APPROXIMATELY 66 LESS PARKING SPACES.***

GENERAL NOTES

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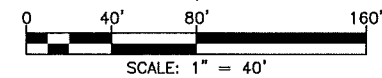
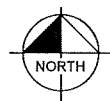
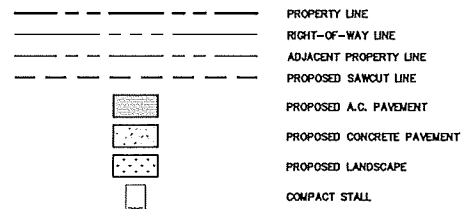
CONSTRUCTION NOTES

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- INSTALL 4" (WHITE) PAINT STRIPE AT 24" O.C. @ 45°
- INSTALL ADA PAVEMENT LEGEND (WHITE PAINT) PER SUDAS SPECIFICATIONS.
- INSTALL ADA ACCESSIBLE PARKING SIGN PANEL PER DETAIL ON SHEET C8.14.
- FURNISH AND INSTALL 6" CURB AND GUTTER PER DETAIL ON SHEET C8.11.
- INSTALL TRASH ENCLOSURE. SEE SHEET C8.15 FOR DETAILS.
- INSTALL 7" ASPHALT OVER NATIVE MATERIAL IN PARKING AREA. SEE SOILS REPORT, SUDAS REQUIREMENTS, AND C3.10.
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- LANDSCAPE AREA. REFER TO LANDSCAPE PLANS.
- PROPOSED FIRE HYDRANT.
- EXISTING FIRE HYDRANT.
- EXISTING 8' CITY PATH TO REMAIN.
- INSTALL 8" PCC OVER OVER 6" COMPACTED NATIVE MATERIAL PUBLIC RIGHT OF WAY PER SUDAS REQUIREMENTS AND CITY OF AMES SUPPLEMENTAL REQUIREMENTS.
- CONTRACTOR TO TRANSITION SIDEWALK FROM APPROXIMATELY 4' TO 5' WITHIN ONE PANEL LENGTH. EXTEND NEW SIDEWALK TOWARDS BUCKEYE AVE.

SITE INFORMATION

SITE ADDRESS	1404 & 1410 BUCKEYE AVENUE AMES, IA
TOTAL SITE AREA	0.97 ACRES (40,964.4 S.F.)
EXISTING ZONING	HIGHWAY-ORIENTED COMMERCIAL ZONE (HOC)
EXISTING USE	OPEN SPACE
PROPOSED USE	RETAIL & FAST FOOD SERVICE
PARKING REQUIREMENTS	
RETAIL SPACE	1 STALL / 300 S.F. = 429 STALLS
FAST FOOD	9 STALL / 1,000 S.F. EATING SPACE = 95 STALLS
STORAGE SPACE	1 STALL / 5,000 S.F. = 20 STALLS
PARKING STALLS REQUIRED	39 STALLS
PARKING STALLS PROVIDED	39 STALLS
LANDSCAPE REQUIREMENTS	
GROSS PARKING AREA	16,069 S.F.
PARKING LANDSCAPE REQUIREMENT	5,197 S.F. (32% OF GROSS PARKING AREA)
TOTAL LANDSCAPE PROVIDED	13,277 S.F. (34% OF TOTAL SITE AREA)

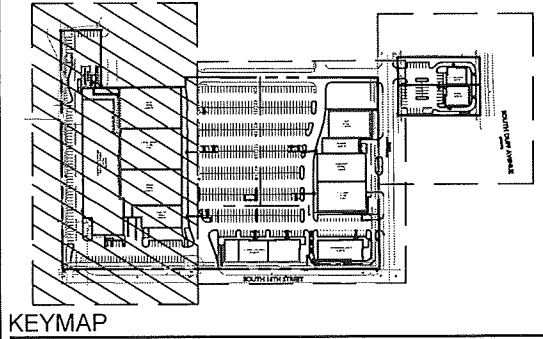
LEGEND



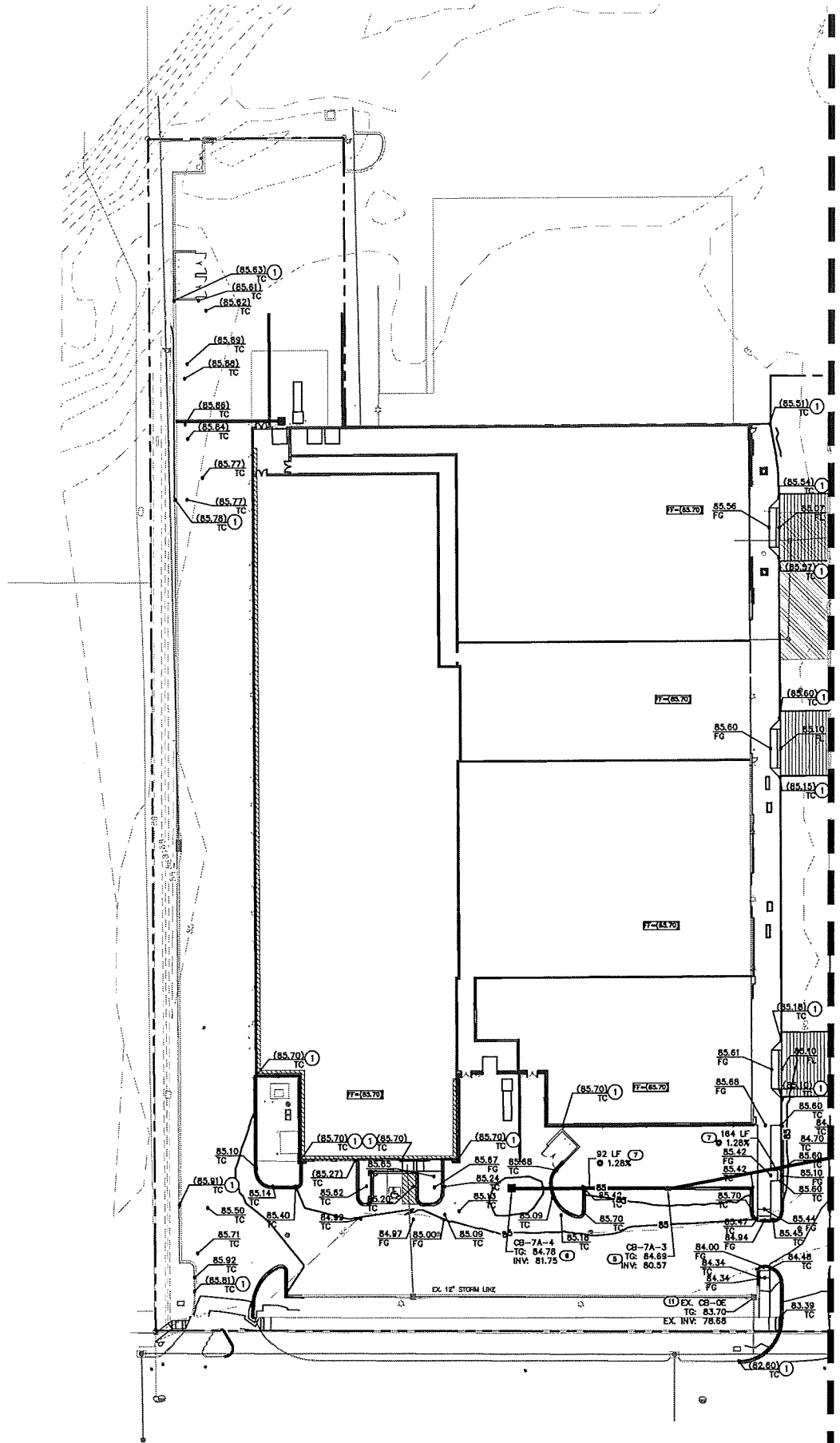
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DESCRIPTION	
DATE	
SCALE	AS SHOWN
PROJECT No.	092615000
CHECKED BY:	RP
DESIGNED BY:	CPR
DRAWN BY:	BJK
SEAL	
HORIZONTAL CONTROL PLAN SHOPPES ON SOUTH DUFF AMES, IOWA	
SHEET C3.30	



KEYMAP



MATCH LINE: SEE SHEET C4.20

GENERAL NOTES

- CONTRACTOR TO VERIFY EXISTING GRADES SHOWN ON THE PLAN.
- CONTRACTOR TO ENSURE POSITIVE DRAINAGE. IF A CONFLICT OCCURS BETWEEN THESE PLANS AND FIELD CONDITIONS, THE CONTRACTOR SHALL NOTIFY THE ENGINEER IMMEDIATELY.
- ALL GRADING AND EARTHWORK SHALL BE PERFORMED IN ACCORDANCE WITH THE GEOTECHNICAL ENGINEERING REPORT.
ENGINEER: ALLENDER BUTZKE ENGINEERS INC.
ADDRESS: 3100 JUSTIN DRIVE SUITE F
URBANDALE, IA 50322
PHONE: (515) 252-1885
DATE: JULY 28, 1993
PROJECT No.: PH 921130A
- ALL EXISTING UTILITY LOCATIONS SHOWN HEREIN ARE APPROXIMATE ONLY. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO DETERMINE THE EXACT VERTICAL AND HORIZONTAL LOCATION OF ALL EXISTING UNDERGROUND UTILITIES PRIOR TO COMMENCING CONSTRUCTION. NO REPRESENTATION IS MADE THAT ALL UTILITIES ARE SHOWN HEREON. THE ENGINEER ASSUMES NO RESPONSIBILITY FOR UTILITIES NOT SHOWN OR UTILITIES NOT SHOWN IN THEIR PROPER LOCATION.

GRADING NOTES

- ① MATCH EXISTING GRADE.

STORM DRAIN NOTES

- FURNISH AND INSTALL PRIVATE 18" HDPE STORM DRAIN PIPE.
- FURNISH AND INSTALL PRIVATE 24" HDPE STORM DRAIN PIPE.
- FURNISH AND INSTALL PRIVATE 48" STORM DRAIN MANHOLE PER DETAIL ON SHEET C6.13.
- CONVERT EXISTING CATCH BASIN TO MANHOLE. VERIFY INVERT PRIOR TO CONSTRUCTION.
- FURNISH AND INSTALL PRIVATE 2'x4' STORM DRAIN CURB INLET. REF DETAIL SW-501 ON SHEET C6.13.
- FURNISH AND INSTALL PRIVATE CB CATCH BASIN (OR SIMILAR PRODUCT). CHOOSE BASIN PER LARGEST PIPE CONNECTION AND ALLOWABLE KNOCKOUT SIZE ALLOWED ON DETAIL. REF DETAIL CB-B36 ON SHEET C6.13.
- FURNISH AND INSTALL PRIVATE 12" HDPE STORM DRAIN PIPE.
- STUB AND CAP PVC ROOF DRAIN PIPE FOR CONNECTION TO ROOF DRAIN. SEE PLUMBING PLANS FOR CONTINUATION. CONTRACTOR TO VERIFY INVERTS PRIOR TO CONSTRUCTION.
- FURNISH AND INSTALL PUBLIC 12" RCP STORM DRAIN PIPE.
- OUTFALL TO PROPOSED UNDERGROUND DETENTION POND.
- OUTFALL TO EXISTING STORM SYSTEM.
- FURNISH AND INSTALL PRIVATE 30" HDPE STORM DRAIN PIPE.

DETENTION NOTE

DETENTION STORAGE IS BASED ON A STAGED RELEASE FOR THE 5, 10 AND 100 YEAR STORMS USING A PRE-SETTLEMENT CURVE NUMBER OF 58 FOR ALL DISTURBED AREAS TO CALCULATE THE ALLOWABLE RELEASE RATES. THE ACCOMPANYING DRAINAGE REPORT SHOWS FURTHER CALCULATIONS AND VOLUMES FOR STORAGE. REFER TO DRAINAGE REPORT FOR COMPLETE DETENTION CALCULATIONS AND DETAILS.

LEGEND

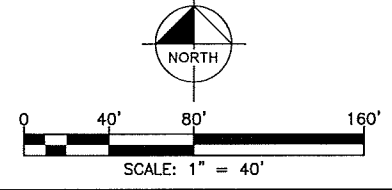
---	PROPERTY LINE
---	RIGHT-OF-WAY LINE
---	ADJACENT PROPERTY LINE
---	EXISTING IMPROVEMENTS
---	SAWTOOTH LINE
---	GRADE BREAK
---	EXISTING MAJOR CONTOUR
---	EXISTING MINOR CONTOUR
---	PROPOSED MAJOR CONTOUR
---	PROPOSED MINOR CONTOUR
---	EXISTING STORM SEWER LINE
---	PROPOSED STORM SEWER LINE
---	EXTREME EVENT LOW POINT
①	EXISTING GRADE SPOT ELEVATION
②	PROPOSED GRADE SPOT ELEVATION

ABBREVIATIONS

①	FINISHED GRADE SPOT ELEVATION
②	FINISHED FLOOR SPOT ELEVATION
③	TOP OF CURB SPOT ELEVATION
④	FLOW LINE SPOT ELEVATION
⑤	HIGH POINT SPOT ELEVATION

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DATE		DESCRIPTION							
DRAWN BY:	EJK	DESIGNED BY:	CFB	CHECKED BY:	RP	PROJECT No.:	033615000	SCALE:	AS SHOWN
SEAL									
<p style="text-align: center;">PRELIMINARY</p> <p style="text-align: center;">FOR REVIEW ONLY NOT FOR CONSTRUCTION</p> <p style="text-align: center;">Kimley»Horn</p>									
SHEET									
C4.10									

GRADING PLAN

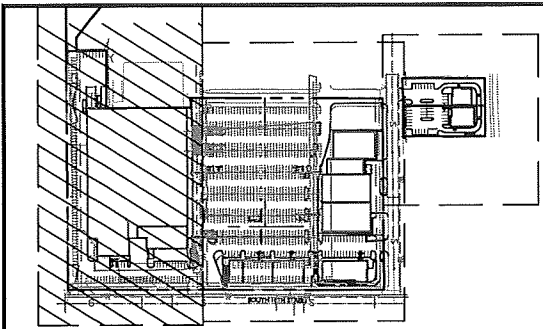
SHOPPES ON SOUTH DUFF
AMES, IOWA

Kimley»Horn

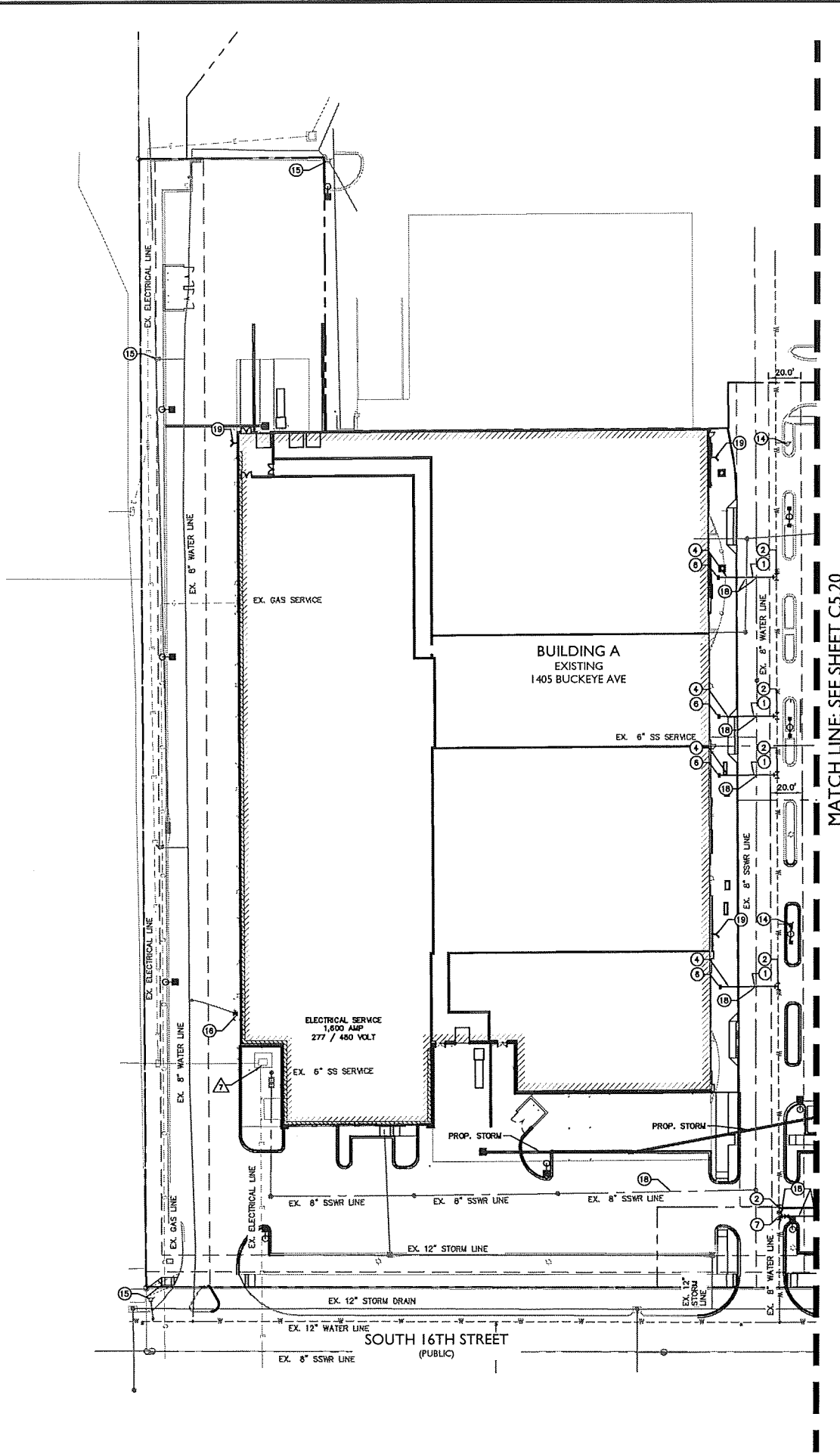
215 South State Street, Suite 401 | Salt Lake City, UT 84111 | Tel. No. (801) 213-1716

Date: November 5, 2018 12:06 PM User: BICK, CHRIS
Path: K:\S\IC_CIVIL\080815000 ONPOINT - AMES, IACAD\DRAWING SHEETS\080815000_GD.DWG
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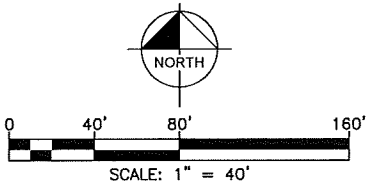


KEYMAP



MATCH LINE: SEE SHEET C5.20

NOTE:
 *** KNOX BOXES TO BE LOCATED BY TENANT AND CITY FIRE MARSHALL DURING CONSTRUCTION AT AGREED UPON LOCATION.***



GENERAL NOTES

1. CONTRACTOR TO VERIFY EXISTING IMPROVEMENTS SHOWN ON THE PLAN.
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4. ALL ABOVE GROUND UTILITY APPURTENANCES SHALL BE ADJUSTED TO MATCH PROPOSED FINISHED GRADE ELEVATIONS.
5. CONTRACTOR TO VERIFY EXISTING INVERT ELEVATIONS PRIOR CONSTRUCTION AND IMMEDIATELY NOTIFY THE ENGINEER OF ANY DISCREPANCIES.

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- 4 FURNISH AND INSTALL WYE CONNECTION PER SUDAS STANDARDS.
- 5 FURNISH AND INSTALL 48" SANITARY SEWER MANHOLE PER DETAIL, REF DETAIL SHEET C6.1.
- 6 PROPOSED BUILDING TIE IN LOCATION. REFER TO PLUMBING PLANS BY OTHERS FOR CONTINUATION.

WATER NOTES

- 1 INSTALL 2" TYPE K COPPER WATER LINE, LENGTH PER PLAN.
- 2 INSTALL 8x8x2" TS&V CONNECTION.
- 3 INSTALL DOUBLE CHECK VALVE ASSEMBLY.
- 4 INSTALL 2" WATER METER IN BUILDING.
- 5 INSTALL 3" PVC WATER LINE, LENGTH PER PLAN.
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- ▲ CONTRACTOR TO COORDINATE CONNECTION TO EXISTING TELEPHONE RISER.
- ▲ TELEPHONE CONDUIT BUILDING ENTRY LOCATION.
- ▲ EXISTING ELECTRICAL TRANSFORMER. CONTRACTOR TO COORDINATE WITH POWER COMPANY FOR NEW SERVICE.

LEGEND

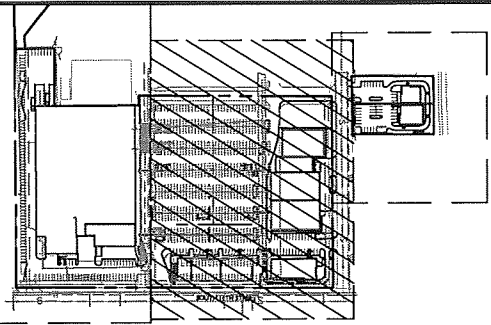
---	PROPERTY LINE
- - - -	RIGHT-OF-WAY LINE
- · - · -	ADJACENT PROPERTY LINE
- - - S	PROPOSED SEWER LINE
- - - G	PROPOSED NATURAL GAS LINE
- - - W	PROPOSED WATER LINE
- - - T	PROPOSED STORM SEWER LINE
- - - COM	PROPOSED BURIED TELEPHONE LINE
- - - E	PROPOSED BURIED COMMUNICATIONS LINE
- - - P	PROPOSED BURIED POWER LINE
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Date: November 5, 2018 12:07 PM User: DICK, CHRIS
 Path: K:\CADD\CADD\CONTRACTS\2018\15000\UT.DWG
 Plot: K:\CADD\CADD\CONTRACTS\2018\15000\CONTRACT - AMES, IA\CADD\PLAN SHEETS\2018\15000\UT.DWG
 This document, together with the contracts and design provided herein, is an instrument of service, as an instrument of service, in accordance with the provisions of the Iowa Uniform Gifts to Minors Act, and shall be without liability to Kimley-Horn and Associates, Inc. and its successors, agents, representatives, employees, or subcontractors.

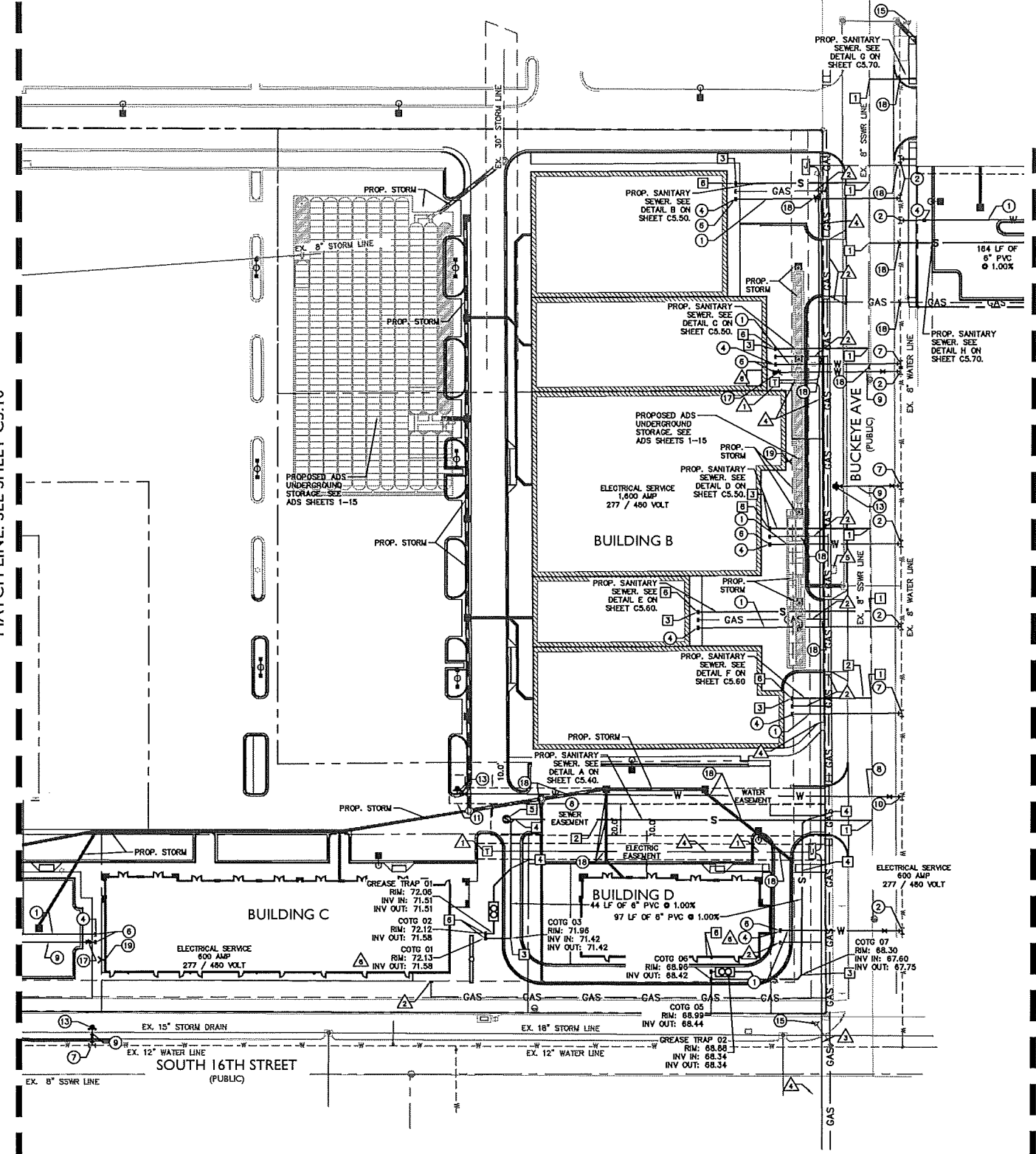
DRAWN BY: EKJ DESIGNED BY: CBR CHECKED BY: RP PROJECT No.: 095615000 SCALE: AS SHOWN	DATE: 11/05/2018 DATE: 11/05/2018 DATE: 11/05/2018	DESCRIPTION: UTILITY PLAN	<p>215 South State Street, Suite 400 Salt Lake City, UT 84111 Tel. No. (801) 212-3176</p>
SHOPPES ON SOUTH DUFF AMES, IOWA			SHEET C5.10



KEYMAP

MATCH LINE: SEE SHEET C5.10

MATCH LINE: SEE SHEET C5.30



GENERAL NOTES

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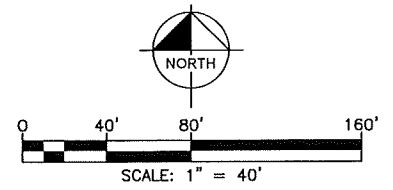
LEGEND

---	PROPERTY LINE
---	RIGHT-OF-WAY LINE
---	ADJACENT PROPERTY LINE
S	PROPOSED SEWER LINE
GAS	PROPOSED NATURAL GAS LINE
W	PROPOSED WATER LINE
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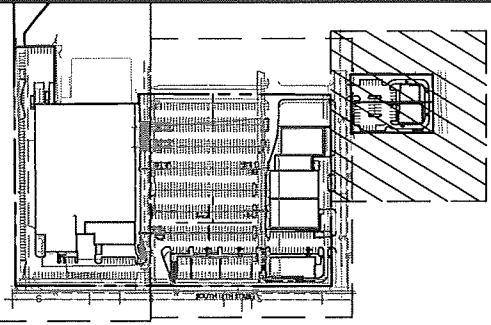
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DRAWN BY: EJK	DESIGNED BY: CFB	CHECKED BY: RP	PROJECT No: 0292615000	SCALE: AS SHOWN	<p>UTILITY PLAN</p> <p>SHOPPES ON SOUTH DUFF AMES, IOWA</p>
DATE: 11/05/2018	DATE: 11/05/2018	DATE: 11/05/2018	DATE: 11/05/2018	DATE: 11/05/2018	
<p>PRELIMINARY</p> <p>FOR REVIEW ONLY NOT FOR CONSTRUCTION</p> <p>Kimley-Horn</p>					<p>Kimley-Horn</p> <p>215 South State Street, Suite 400 Salt Lake City, UT 84111 Tel. No. (801) 213-3176</p>
<p>SHEET</p> <p>C5.20</p>					

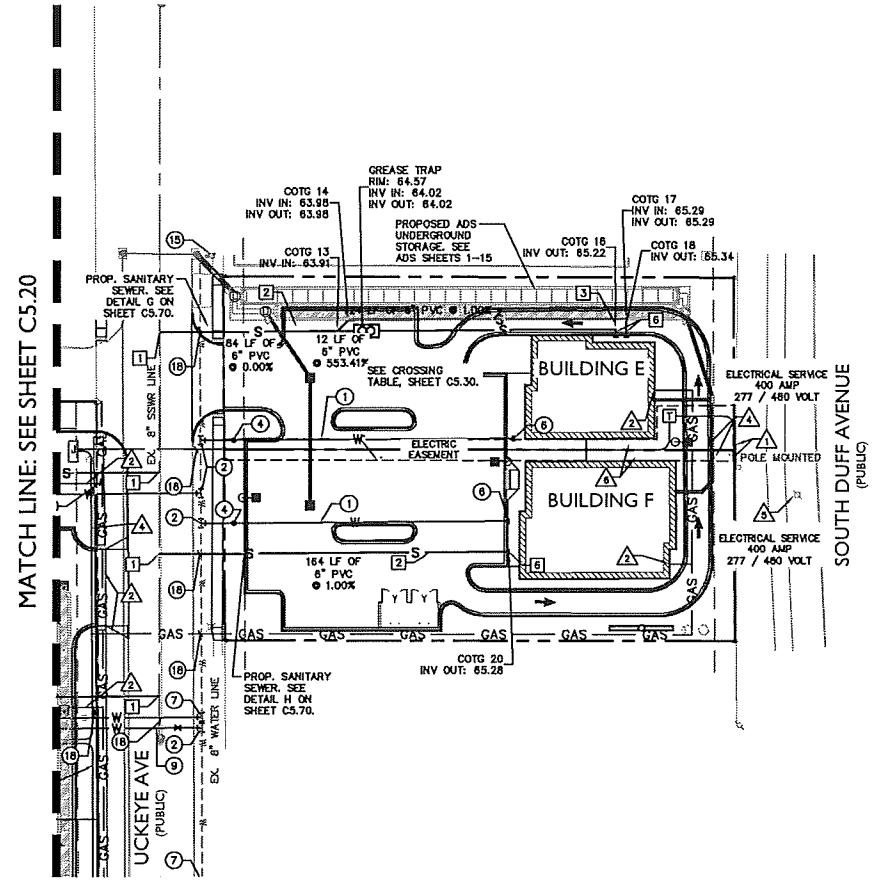
DATE: November 5, 2018 12:03 PM User: BCK, CHRS
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NOTE:
 *** KNOX BOXES TO BE LOCATED BY TENANT AND CITY FIRE MARSHALL DURING CONSTRUCTION AT AGREED UPON LOCATION.***



KEYMAP



MATCH LINE: SEE SHEET C5.20

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WATER NOTES

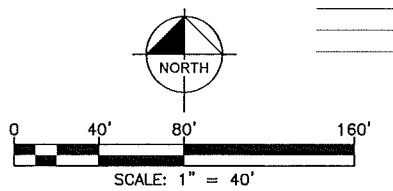
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---	ADJACENT PROPERTY LINE
---	PROPOSED SEWER LINE
S	PROPOSED NATURAL GAS LINE
GAS	PROPOSED WATER LINE
W	PROPOSED STORM SEWER LINE
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COM	PROPOSED BURIED COMMUNICATIONS LINE
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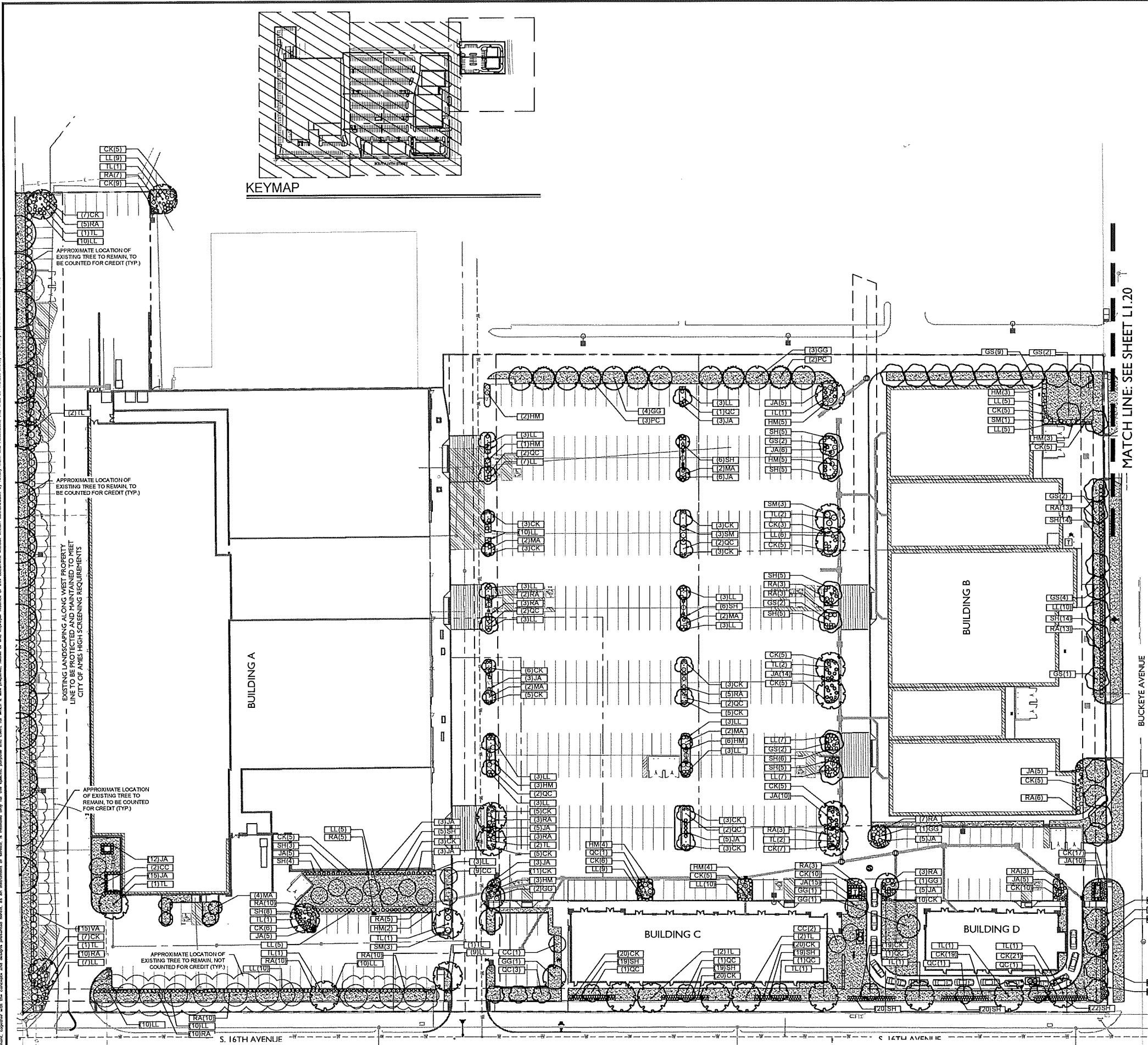


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DATE		DESCRIPTION		<p style="font-size: 2em; font-weight: bold;">Kimley»Horn</p> <p style="font-size: 0.8em;">215 South State Street, Suite 400 Salt Lake City, UT 84111 Tel. No. (800) 212-3176</p>
A				
UTILITY PLAN				<p>SHOPPES ON SOUTH DUFF</p> <p>AMES, IOWA</p>
DRAWN BY:	EJK	DESIGNED BY:	CPR	
CHECKED BY:	RP	PROJECT No.:	023E15000	<p>SCALE: AS SHOWN</p>
SEAL		PROJECT No.:	023E15000	
<p style="font-weight: bold; border: 1px solid black; padding: 2px;">PRELIMINARY</p> <p style="font-weight: bold; border: 1px solid black; padding: 2px;">FOR REVIEW ONLY NOT FOR CONSTRUCTION</p> <p style="font-weight: bold; border: 1px solid black; padding: 2px;">Kimley»Horn</p>				<p>SHEET</p> <p style="font-size: 1.5em; font-weight: bold;">C5.30</p>

Date: November 5, 2018 12:07 PM User: BECK, CHRIS Path: K:\S\C_Civil\093015000 ONPOINT - AMES, IA\CADD\PLAN SHEETS\093015000_UTDING This document, together with the concepts and designs presented herein, is an instrument of service, a rendered only for the specific purpose and client for which it was prepared. Hours of and intellectual reliance of this document without written authorization of Kimley-Horn and Associates, Inc. and its without liability to Kimley-Horn and Associates, Inc.

Date: November 5, 2018 12:21 PM
 User: BICK, CHRIS
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GENERAL LANDSCAPE NOTES

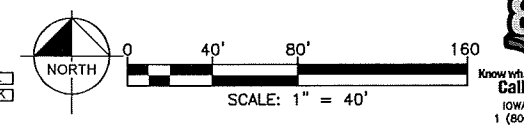
1. ALL PLANT SPECIFICATIONS IN THE PLANT SCHEDULE SHALL BE CONSIDERED THE MINIMUM ALLOWABLE SPECIFICATIONS. CONTRACTOR SHALL PROCURE PLANT MATERIALS AND UPSIZE AS NECESSARY TO MEET THE MOST STRINGENT SPECIFICATION.
2. LANDSCAPE ARCHITECT RESERVES THE RIGHT TO FIELD ADJUST ALL PLANT MATERIAL.
3. ALL QUANTITIES PROVIDED FOR CONVENIENCE ONLY. CONTRACTOR SHALL CONFIRM ALL QUANTITIES PER PLAN PRIOR TO BIDDING AND CONSTRUCTION.
4. IF ANY TRANSFORMERS, GROUND-MOUNTED HVAC UNITS, UTILITY PEDESTALS, AND SIMILAR FEATURES ARE NOT SHOWN ON THE SDP, ADDITIONAL LANDSCAPING AND SCREENING MAY BE REQUIRED BASED UPON FIELD CONDITIONS DURING THE SITE INSPECTION PRIOR TO ISSUANCE OF THE CERTIFICATE OF OCCUPANCY, OR FINAL INSPECTION, AS APPLICABLE.
5. EXISTING TREES ALONG WEST SIDE OF PROPERTY TO REMAIN AND TO BE USED TOWARDS LANDSCAPE BUFFER COMPLIANCE (REF. LANDSCAPE REQUIREMENTS CHART)
6. ALL LANDSCAPE BUFFER AREAS, ISLANDS AND PLANTERS TO HAVE DARK BROWN WOOD MULCH.
7. SOIL USED TO BE CONDITIONED AND TILLED INTO TOP 6 INCHES OR EXISTING SOIL WITH AT LEAST 5% ORGANIC CONTENTS.

GENERAL NOTES

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2. CONTRACTOR TO PROTECT IN PLACE, DURING DEMOLITION AND CONSTRUCTION, ALL EXISTING IMPROVEMENTS THAT ARE TO REMAIN AS NOTED ON THE PLAN.
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LEGEND

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	RIGHT-OF-WAY LINE
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DESCRIPTION	
DATE	
Kimley»Horn	
215 South State Street, Suite 401 Salt Lake City, UT 84111 Tel. No. (801) 215-3176	
LANDSCAPE PLAN	SHOPPES ON SOUTH DUFF AMES, IOWA
DRAWN BY: EKJ	11/05/2018
DESIGNED BY: CBR	11/05/2018
CHECKED BY: BP	11/05/2018
PROJECT No.: 031515000	SCALE: AS SHOWN
SEAL	
PRELIMINARY FOR REVIEW ONLY NOT FOR CONSTRUCTION Kimley»Horn	
SHEET LI.10	

GENERAL LANDSCAPE SPECIFICATIONS

A. SCOPE OF WORK

1. THE WORK CONSISTS OF: FURNISHING ALL LABOR, MATERIALS, EQUIPMENT, TOOLS, TRANSPORTATION, AND ANY OTHER APPURTENANCES NECESSARY FOR THE COMPLETION OF THIS PROJECT AS SHOWN ON THE DRAWINGS AND AS SPECIFIED HEREIN.
2. WORK SHALL INCLUDE MAINTENANCE AND WATERING OF ALL CONTRACT PLANTING AREAS UNTIL CERTIFICATION OF ACCEPTANCE BY THE OWNER.

B. PROTECTION OF EXISTING STRUCTURES

1. ALL EXISTING BUILDINGS, WALKS, WALLS, PAVING, PIPING, OTHER SITE CONSTRUCTION ITEMS, AND PLANTING ALREADY COMPLETED OR ESTABLISHED AND DESIGNATED TO REMAIN SHALL BE PROTECTED FROM DAMAGE BY THE CONTRACTOR UNLESS OTHERWISE SPECIFIED. ALL DAMAGE RESULTING FROM NEGLIGENCE SHALL BE REPAIRED OR REPLACED TO THE SATISFACTION OF THE OWNER, AT NO COST TO THE OWNER.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING ALL NECESSARY BEST MANAGEMENT PRACTICES (BMP) DEVICES ACCORDING TO ALL REGULATORY AGENCY'S STANDARDS THROUGHOUT THE DURATION OF ALL CONSTRUCTION ACTIVITIES.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY MAINTENANCE OF TRAFFIC (MOT) THAT MAY BE REQUIRED FOR THE PROJECT.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING ALL UTILITIES, WHETHER PUBLIC OR PRIVATE, PRIOR TO EXCAVATION. THE OWNER AND DESIGN PROFESSIONAL SHALL NOT BE RESPONSIBLE FOR THE ACCURACY AND COMPLETENESS OF ANY SUCH INFORMATION OR DATA. THE CONTRACTOR SHALL HAVE FULL RESPONSIBILITY FOR: REVEALING AND CHECKING ALL SUCH INFORMATION AND DATA; LOCATING ALL UNDERGROUND FACILITIES DURING CONSTRUCTION; THE SAFETY AND PROTECTION THEREOF; REPAIRING ANY DAMAGE RESULTING FROM THE WORK. THE COST OF ALL SUCH WORK SHALL BE CONSIDERED AS HAVING BEEN INCLUDED IN THE CONTRACT PRICE. THE CONTRACTOR SHALL NOTIFY ANY AFFECTED UTILITY COMPANIES OR AGENCIES IN WRITING AT LEAST 48 HOURS PRIOR TO BEGINNING CONSTRUCTION.

C. PROTECTION OF EXISTING PLANT MATERIALS

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL UNAUTHORIZED CUTTING OR DAMAGE TO TREES AND SHRUBS EXISTING OR OTHERWISE, CAUSED BY CARELESS EQUIPMENT OPERATION, MATERIAL STOCKPILING, ETC. THIS SHALL INCLUDE COMPACTION BY DRIVING OR PARKING INSIDE THE DRIP LINE AND SPILLING OIL, GASOLINE, OR OTHER DELETERIOUS MATERIALS WITHIN THE DRIP LINE. NO MATERIALS SHALL BE BURNED ON SITE. EXISTING TREES KILLED OR DAMAGED SO THAT THEY ARE MISSHAPEN AND/OR UNSIGHTLY SHALL BE REPLACED AT THE COST TO THE CONTRACTOR OF FOUR HUNDRED DOLLARS (\$400) PER CALIPER INCH ON AN ESCALATING SCALE WHICH ADDS AN ADDITIONAL TWENTY (20) PERCENT PER INCH OVER FOUR (4) INCHES CALIPER AS FIXED AND AGREED LIQUIDATED DAMAGES. CALIPER SHALL BE MEASURED SIX (6) INCHES ABOVE GROUND LEVEL FOR TREES UP TO AND INCLUDING FOUR (4) INCHES IN CALIPER AND TWELVE (12) INCHES ABOVE GROUND LEVEL FOR TREES OVER FOUR (4) INCHES IN CALIPER.
2. SEE TREE MITIGATION PLAN AND NOTES, IF APPLICABLE.

D. MATERIALS

1. GENERAL

MATERIAL SAMPLES LISTED BELOW SHALL BE SUBMITTED FOR APPROVAL, ON SITE OR AS DETERMINED BY THE OWNER. UPON APPROVAL, DELIVERY OF MATERIALS MAY COMMENCE.

MATERIAL	SAMPLE SIZE
MULCH	ONE (1) CUBIC FOOT
TOPSOIL MIX	ONE (1) CUBIC FOOT
PLANTS	ONE (1) OF EACH VARIETY (OR TAGGED IN NURSERY)

2. PLANT MATERIALS

- FURNISH NURSERY-GROWN PLANTS TRUE TO GENUS, SPECIES, VARIETY, CULTIVAR, STEM FORM, SHEARING, AND OTHER FEATURES INDICATED ON PLANT SCHEDULES SHOWN ON DRAWINGS AND COMPLYING WITH ANSI Z60.1 AND THE LOCAL NURSERY ACT; AND WITH HEALTHY ROOT SYSTEMS DEVELOPED BY TRANSPANTING OR ROOT PRUNING. PROVIDE WELL-SHAPED, FULLY BRANCHED, HEALTHY, VIGOROUS STOCK, DENSELY FOLIATED WHEN IN LEAF AND FREE OF DISEASE, PESTS, EGGS, LARVAE, AND DEFECTS SUCH AS KNOTS, SUN SCALD, INJURIES, ABRASIONS, AND DISFIGUREMENT.
- TREES FOR PLANTING IN ROWS SHALL BE UNIFORM IN SIZE AND SHAPE.
- PLANTS SHALL BE PRUNED PRIOR TO DELIVERY ONLY WITH APPROVAL FROM PROJECT LANDSCAPE ARCHITECT.
- NO SUBSTITUTIONS SHALL BE MADE WITHOUT WRITTEN PERMISSION FROM THE PROJECT LANDSCAPE ARCHITECT.
- PROVIDE PLANTS OF SIZES, GRADES, AND BALL OR CONTAINER SIZES COMPLYING WITH ANSI Z60.1 AND LOCAL NURSERY STANDARDS FOR TYPES AND FORM OF PLANTS REQUIRED. PLANTS OF A LARGER SIZE MAY BE USED IF ACCEPTABLE TO PROJECT LANDSCAPE ARCHITECT WITH A PROPORTIONATE INCREASE IN SIZE OF ROOTS OR BALLS.
- PLANTS SHALL BE SUBJECT TO INSPECTION AND APPROVAL AT THE PLACE OF GROWTH, OR UPON DELIVERY TO THE SITE, AS DETERMINED BY THE OWNER. FOR QUALITY, SIZE, AND VARIETY. SUCH APPROVAL SHALL NOT IMPAIR THE RIGHT OF INSPECTION AND REJECTION AT THE SITE DURING PROGRESS OF THE WORK OR AFTER COMPLETION FOR SIZE AND CONDITION OF ROOT BALLS OR ROOTS. LATE DETECTS OR INJURIES. REJECTED PLANTS SHALL BE REMOVED IMMEDIATELY FROM THE SITE. NOTICE OF REJECTION SHALL BE SUBMITTED IN WRITING BY THE CONTRACTOR AT LEAST ONE (1) WEEK PRIOR TO ANTICIPATED DATE.
- TREES WITH DAMAGED, CROOKED, OR MULTIPLE LEADERS; TIGHT VERTICAL BRANCHES WHERE BARK IS SQUEEZED BETWEEN TWO BRANCHES OR BETWEEN BRANCH AND TRUNK (INCLUDED BARK); CROSSING TRUNKS; CUT-OFF LIMBS MORE THAN 1/2 INCH IN DIAMETER; OR WITH STEM GIRDLING ROOTS WILL BE REJECTED.
- FURNISH TREES AND SHRUBS WITH ROOTS BALLS MEASURED FROM TOP OF ROOT BALL, WHICH SHALL BEGIN AT ROOT FLARE ACCORDING TO ANSI Z60.1 AND COLORADO NURSERY ACT. ROOT FLARE SHALL BE VISIBLE BEFORE PLANTING.
- LABEL AT LEAST ONE PLANT OF EACH VARIETY, SIZE, AND CALIPER WITH A SECURELY ATTACHED, WATERPROOF TAG BEARING LEGIBLE DESIGNATION OF COMMON NAME AND FULL SCIENTIFIC NAME, INCLUDING GENUS AND SPECIES. INCLUDE NOMENCLATURE FOR HYBRID, VARIETY, OR CULTIVAR, IF APPLICABLE FOR THE PLANT AS SHOWN ON DRAWINGS.
- IF FORMAL ARRANGEMENTS OR CONSECUTIVE ORDER OF PLANTS IS SHOWN ON DRAWINGS, SELECT STOCK FOR UNIFORM HEIGHT AND SPREAD, AND NUMBER THE LABELS TO ASSURE SYMMETRY IN PLANTING.

E. SOIL MIXTURE

1. CONTRACTOR SHALL TEST EXISTING SOIL AND AMEND AS NECESSARY IN ACCORDANCE WITH THE GUIDELINES BELOW.
2. SOIL IN REQUIRED LANDSCAPED AREAS MUST BE SOIL CONDITIONED AND TILLED INTO THE TOP 6 INCHES WITH AT LEAST 5% ORGANIC CONTENTS. LANDSCAPE PLAN MUST SPECIFY WHICH REQUIREMENT THE SITE WILL MEET.
 - TOPSOIL FOR USE IN PREPARING SOIL MIXTURE FOR BACKFILLING PLANT OPENINGS SHALL BE FERTILE, FRIABLE, AND OF A LOAMY CHARACTER, REASONABLY FREE OF SUBSOIL, CLAY LUMPS, BRUSH WEEDS AND OTHER LITTER, FREE OF ROOTS, STUMPS, STONES LARGER THAN 2" IN ANY DIRECTION, AND OTHER EXTRANEIOUS OR TOXIC MATTER HARMFUL TO PLANT GROWTH. IT SHALL CONTAIN THREE (3) TO FIVE (5) PERCENT DECOMPOSED ORGANIC MATTER, HAVE A PH BETWEEN 5.5 AND 6.0, AND SOLUBLE SALTS LESS THAN 30 MG/100G CM. SUBMIT SOIL SAMPLE AND PH TESTING RESULTS FOR APPROVAL.
 - SAND SHALL BE COARSE, CLEAN, WELL-DRAINING, NATIVE SAND.
3. TREES SHALL BE PLANTED IN THE EXISTING NATIVE SOIL ON SITE, UNLESS DETERMINED TO BE UNSUITABLE - AT WHICH POINT THE CONTRACTOR SHALL CONTACT THE PROJECT LANDSCAPE ARCHITECT TO DISCUSS ALTERNATE RECOMMENDATION PRIOR TO PLANTING.

F. WATER

1. WATER NECESSARY FOR PLANTING AND MAINTENANCE SHALL BE OF SATISFACTORY QUALITY TO SUSTAIN ADEQUATE PLANT GROWTH AND SHALL NOT CONTAIN HARMFUL, NATURAL OR MAN-MADE ELEMENTS DETRIMENTAL TO PLANTS. WATER MEETING THE ABOVE STANDARD SHALL BE OBTAINED ON THE SITE FROM THE OWNER, IF AVAILABLE, AND THE CONTRACTOR SHALL BE RESPONSIBLE TO MAKE ARRANGEMENTS FOR ITS USE BY HIS TANKS, HOSES, SPRINKLERS, ETC... IF SUCH WATER IS NOT AVAILABLE AT THE SITE, THE CONTRACTOR SHALL PROVIDE SATISFACTORY WATER FROM SOURCES OFF THE SITE AT NO ADDITIONAL COST TO THE OWNER.

* WATERING/IRRIGATION RESTRICTIONS MAY APPLY - REFER TO PROPERTY'S JURISDICTIONAL AUTHORITY.
1. CONTRACTOR SHALL PROVIDE FERTILIZER APPLICATION SCHEDULE TO OWNER, AS APPLICABLE TO SOIL TYPE, PLANT INSTALLATION TYPE, AND SITE'S PROPOSED USE. SUGGESTED FERTILIZER TYPES SHALL BE ORGANIC OR OTHERWISE NATURALLY-DERIVED.

* FERTILIZER RESTRICTIONS MAY APPLY - REFER TO PROPERTY'S JURISDICTIONAL AUTHORITY.

H. MULCH

1. MULCH MATERIAL SHALL BE MOISTENED AT THE TIME OF APPLICATION TO PREVENT WIND DISPLACEMENT, AND APPLIED AT A DEPTH OF THREE (3) INCHES CLEAR MULCH FROM EACH PLANTS CROWN (BASE) OR AS SHOWN IN PLANTING DETAILS. MULCH SHALL BE DOUBLE SHREDED HARDWOOD MULCH. DYED MULCH IS NOT ACCEPTABLE. SUBMIT SAMPLES TO PROJECT LANDSCAPE ARCHITECT FOR APPROVAL. MULCH SHALL BE PROVIDED OVER THE ENTIRE AREA OF EACH SHRUB BED, GROUND COVER, VINE BED, AND TREE RING (6" MINIMUM) PLANTED UNDER THIS CONTRACT, AS WELL AS FOR ANY EXISTING LANDSCAPE AREAS AS SHOWN ON PLANS.

I. DIGGING AND HAULING

1. ALL TREES SPECIFIED SHALL BE BALLED AND BURLAPPED (BAB) UNLESS OTHERWISE APPROVED BY PROJECT LANDSCAPE ARCHITECT.
2. PROTECT ROOTS OR ROOT BALLS OF PLANTS AT ALL TIMES FROM SUN, DRYING WINDS, WATER AND FREEZING, AS NECESSARY UNTIL PLANTING. PLANT MATERIALS SHALL BE ADEQUATELY PACKED TO PREVENT DAMAGE DURING TRANSIT. TREES TRANSPORTED MORE THAN TEN (10) MILES OR WHICH ARE NOT PLANTED WITHIN THREE (3) DAYS OF DELIVERY TO THE SITE SHALL BE SPRAYED WITH AN ANTI-TRANSPIRANT PRODUCT (VILTRIPR-OR EQUAL) TO MINIMIZE TRANSPIRATIONAL WATER LOSS.
3. BAB AND FIELD GROWN (FG) PLANTS SHALL BE DUG WITH FIRM, NATURAL BALLS OF SOIL OF SUFFICIENT SIZE TO ENCOMPASS THE FIBROUS AND FEEDING ROOTS OF THE PLANTS. NO PLANTS MOVED WITH A ROOT BALL SHALL BE PLANTED IF THE BALL IS CRACKED OR BROKEN. PLANTS SHALL NOT BE HANDLED BY STEMS.

J. CONTAINER GROWN STOCK

1. ALL CONTAINER GROWN MATERIAL SHALL BE HEALTHY, VIGOROUS, WELL-ROOTED PLANTS ESTABLISHED IN THE CONTAINER IN WHICH THEY ARE SOLD. THE PLANTS SHALL HAVE TOPS WHICH ARE OF GOOD QUALITY AND ARE IN A HEALTHY GROWING CONDITION.
2. AN ESTABLISHED CONTAINER GROWN PLANT SHALL BE TRANSPLANTED INTO A CONTAINER AND GROWN IN THAT CONTAINER SUFFICIENTLY LONG ENOUGH FOR THE NEW FIBROUS ROOTS TO HAVE DEVELOPED SO THAT THE ROOT MASS WILL RETAIN ITS SHAPE AND HOLD TOGETHER WHEN REMOVED FROM THE CONTAINER. CONTAINER GROWN STOCK SHALL NOT BE HANDLED BY THEIR STEMS.
3. ROOT BOUND PLANTS ARE NOT ACCEPTABLE AND WILL BE REJECTED.

K. MATERIALS LIST

1. QUANTITIES NECESSARY TO COMPLETE THE WORK ON THE DRAWINGS SHALL BE FURNISHED BY THE CONTRACTOR. QUANTITY ESTIMATES HAVE BEEN MADE CAREFULLY, BUT THE LANDSCAPE ARCHITECT OR OWNER ASSUMES NO LIABILITY FOR OMISSIONS OR ERRORS. SHOULD A DISCREPANCY OCCUR BETWEEN THE PLANS AND THE PLANT LIST QUANTITY, THE PLANS SHALL GOVERN. ALL DIMENSIONS AND/OR SIZES SPECIFIED SHALL BE THE MINIMUM ACCEPTABLE SIZE.

L. FINE GRADING

1. FINE GRADING UNDER THIS CONTRACT SHALL CONSIST OF FINAL FINISHED GRADING OF LAWN AND PLANTING AREAS THAT HAVE BEEN DISTURBED DURING CONSTRUCTION.
2. THE CONTRACTOR SHALL FINE GRADE THE LAWN AND PLANTING AREAS TO BRING THE ROUGH GRADE UP TO FINAL FINISHED GRADE ALLOWING FOR THICKNESS OF SOD AND/OR MULCH DEPTH.
3. ALL PLANTING AREAS SHALL BE GRADED AND MAINTAINED FOR POSITIVE DRAINAGE TO SURFACE/SUBSURFACE STORM DRAIN SYSTEMS. AREAS ADJACENT TO BUILDINGS SHALL SLOPE AWAY FROM THE BUILDINGS. REFER TO CIVIL ENGINEERS PLANS FOR FINAL GRADES, IF APPLICABLE.

M. PLANTING PROCEDURES

1. THE CONTRACTOR SHALL CLEAN WORK AND SURROUNDING AREAS OF ALL RUBBISH OR OBJECTIONABLE MATTER DAILY. ALL MORTAR, CEMENT, BUILDING MATERIALS, AND TOXIC MATERIAL SHALL BE COMPLETELY REMOVED FROM PLANTING AREAS. THESE MATERIALS SHALL NOT BE MIXED WITH THE SOIL. SHOULD THE CONTRACTOR FIND SUCH CONDITIONS IN PLANTING AREAS WHICH WILL ADVERSELY AFFECT THE PLANT GROWTH, THE CONTRACTOR SHALL IMMEDIATELY CALL IT TO THE ATTENTION OF THE OWNER'S REPRESENTATIVE. FAILURE TO DO SO BEFORE PLANTING SHALL MAKE THE CORRECTIVE MEASURES THE RESPONSIBILITY OF THE CONTRACTOR.
2. VERIFY LOCATIONS OF ALL UTILITIES, CONDUITS, SUPPLY LINES AND CABLES, INCLUDING BUT NOT LIMITED TO: ELECTRIC, GAS LINES AND TANKS, WATER, SANITARY SEWER, STORMWATER SYSTEMS, CABLE, AND TELEPHONE. PROPERLY MAINTAIN AND PROTECT EXISTING UTILITIES. CALL COLORADO (811) TO LOCATE UTILITIES AT LEAST 48 HOURS PRIOR TO CONSTRUCTION.
3. CONTRACTOR IS RESPONSIBLE TO REMOVE ALL EXISTING AND IMPORTED LIMEROCK AND LIMEROCK SUB-BASE FROM ALL PLANTING AREAS TO A MINIMUM DEPTH OF 36" OR TO NATIVE SOIL. CONTRACTOR IS RESPONSIBLE TO BACKFILL THESE PLANTING AREAS TO ROUGH FINISHED GRADE WITH CLEAN TOPSOIL FROM AN ON-SITE SOURCE OR AN IMPORTED SOURCE. IF LIMEROCK OR OTHER ADVERSE CONDITIONS OCCUR IN PLANTED AREAS AFTER 36" DEEP EXCAVATION BY THE CONTRACTOR, AND POSITIVE DRAINAGE CAN NOT BE ACHIEVED, CONTRACTOR SHALL UTILIZE POOR DRAINAGE CONDITION PLANTING DETAIL.
4. FURNISH NURSERY'S CERTIFICATE OF COMPLIANCE WITH ALL REQUIREMENTS AS SPECIFIED HEREIN. INSPECT AND SELECT PLANT MATERIALS BEFORE PLANTS ARE DUG AT NURSERY OR GROWING SITE.
5. COMPLY WITH APPLICABLE FEDERAL, STATE, COUNTY, AND LOCAL REGULATIONS GOVERNING LANDSCAPE MATERIALS AND WORK. UPON ARRIVAL AT THE SITE, PLANTS SHALL BE THOROUGHLY WATERED AND PROPERLY MAINTAINED UNTIL PLANTED. PLANTS STORED ON SITE SHALL NOT REMAIN UNPLANTED OR APPROPRIATELY HEATED IN FOR A PERIOD EXCEEDING TWENTY-FOUR (24) HOURS. AT ALL TIMES WORKMANLIKE METHODS CUSTOMARILY ACCEPTED HORTICULTURAL PRACTICES AS USED IN THE TRADE SHALL BE EXERCISED.
6. WORK SHALL BE COORDINATED WITH OTHER TRADES TO PREVENT CONFLICTS. COORDINATE PLANTING WITH IRRIGATION WORK TO ASSURE AVAILABILITY OF WATER AND PROPER LOCATION OF IRRIGATION APPLURTEANCES AND PLANTS.
7. ALL PLANTING OPENINGS SHALL BE EXCAVATED TO SITE AND DEPTH IN ACCORDANCE WITH ANSI Z60.1-2014 AMERICAN STANDARD FOR NURSERY STOCK.
8. TEST ALL TREE OPENINGS WITH WATER BEFORE PLANTING TO ASSURE PROPER DRAINAGE PERCOLATION IS AVAILABLE. NO ALLOWANCE WILL BE MADE FOR LOST PLANTS DUE TO IMPROPER DRAINAGE. IF POOR DRAINAGE EXISTS, UTILIZE "POOR DRAINAGE CONDITION" PLANTING DETAIL.
9. TREES SHALL BE SET PLUMB AND HELD IN POSITION UNTIL THE PLANTING MIXTURE HAS BEEN FLUSHED INTO PLACE WITH A SLOW, FULL HOSE STREAM. ALL PLANTING SHALL BE PERFORMED BY PERSONNEL FAMILIAR WITH PLANTING PROCEDURES AND UNDER THE SUPERVISION OF A QUALIFIED LANDSCAPE FOREMAN.
10. PRIOR TO EXCAVATION OF TREE OPENINGS, AN AREA EQUAL TO TWO TIMES THE DIAMETER OF THE ROOT BALL SHALL BE ROU-TILLED TO A DEPTH EQUAL TO THE DEPTH OF THE ROOT BALL.
11. EXCAVATION OF TREE OPENINGS SHALL BE PERFORMED USING EXTREME CARE TO AVOID DAMAGE TO SURFACE AND SUBSURFACE ELEMENTS SUCH AS UTILITIES OR HARDSCAPE ELEMENTS, FOOTERS AND PREPARED SUB-BASES.
12. IN CONTINUOUS SHRUB AND GROUND COVER BEDS, THE ROU-TILLED PERIMETER SHOULD EXTEND TO A DISTANCE OF ONE FOOT BEYOND THE DIAMETER OF A SINGLE ROOT BALL. THE BED SHALL BE TILLED TO A DEPTH EQUAL TO THE ROOT BALL DEPTH PLUS 6".
13. TREE OPENINGS FOR WELL DRAINED SOILS SHALL BE DUG SO THAT THE BOTTOM OF THE ROOT BALL WILL REST ON UNDISTURBED SOIL AND THE TOP OF THE ROOT BALL WILL BE FLUSH WITH FINISH GRADE. IN POORLY DRAINED SOILS THE TREE OPENING SHALL BE DUG SO THAT THE ROOT BALL RESTS ON UNDISTURBED SOIL AND THE TOP OF THE ROOT BALL IS 1" ABOVE FINISH GRADE. PLANT PIT WALLS SHALL BE SCARIFIED PRIOR TO PLANT INSTALLATION.
14. TAKE ALL NECESSARY PRECAUTIONS TO AVOID DAMAGE TO BUILDINGS AND BUILDING STRUCTURES WHILE INSTALLING TREES.
15. SOIL MIXTURE SHALL BE AS SPECIFIED IN SECTION 'E'.
16. TREES AND SHRUBS SHALL BE SET STRAIGHT AT AN ELEVATION THAT, AFTER SETTLEMENT, THE PLANT CROWN WILL STAND ONE (1) TO TWO (2) INCHES ABOVE GRADE. EACH PLANT SHALL BE SET IN THE CENTER OF THE PIT. SOIL MIXTURE SHALL BE BACK FILLED, THOROUGHLY TAMPED AROUND THE BALL, AND SETTLED BY WATER (AFTER TAMPING).
17. AMEND PINE AND OAK PLANT OPENINGS WITH ECTOMYCORRHIZAL SOIL APPLICATION PER MANUFACTURERS RECOMMENDATION. ALL OTHER PLANT OPENINGS SHALL BE AMENDED WITH ENDOMYCORRHIZAL SOIL APPLICATION PER MANUFACTURERS RECOMMENDATION. PROVIDE PRODUCT INFORMATION SUBMITTAL PRIOR TO INOCULATION.
18. FILL HOLE WITH SOIL MIXTURE, MAKING CERTAIN ALL SOIL IS SATURATED. TO DO THIS, FILL HOLE WITH WATER AND ALLOW TO SOAK MINIMUM TWENTY (20) MINUTES, STIRRING IF NECESSARY TO GET SOIL THOROUGHLY WET. PACK LIGHTLY WITH FEET, ADD MORE WET SOIL MIXTURE. DO NOT COVER TOP OF BALL WITH SOIL MIXTURE.
19. ALL BURLAP, ROPE, WIRES, BASKETS, ETC., SHALL BE REMOVED FROM THE SIDES AND TOPS OF BALLS, BUT NO BURLAP SHALL BE PULLED FROM UNDERNEATH.
20. TREES SHALL BE PRUNED, IN ACCORDANCE WITH ANSI A-300, TO PRESERVE THE NATURAL CHARACTER OF THE PLANT. ALL SOFT WOOD OR SUCKER GROWTH AND ALL BROKEN OR BADLY DAMAGED BRANCHES SHALL BE REMOVED WITH A CLEAN CUT, ALL PRUNINGS TO BE PERFORMED BY CERTIFIED ARBORIST.

21. SHRUBS AND GROUND COVER PLANTS SHALL BE EVENLY SPACED IN ACCORDANCE WITH THE DRAWINGS AND AS INDICATED ON THE PLANT LIST. MATERIALS INSTALLED SHALL MEET MINIMUM SPECIFIC REQUIREMENTS OR QUANTITIES SHOWN ON PLANS, WHICHEVER IS GREATER. CULTIVATE ALL PLANTING AREAS TO A MINIMUM DEPTH OF 6". REMOVE AND DISPOSE ALL DEBRIS. MIX TOP 4" THE PLANTING SOIL MIXTURE AS SPECIFIED IN SECTION 'E'. THOROUGHLY WATER ALL PLANTS AFTER INSTALLATION.
22. TREE GUYING AND BRACING SHALL BE INSTALLED BY THE CONTRACTOR IN ACCORDANCE WITH THE PLANS TO INSURE STABILITY AND MAINTAIN TREES IN AN UPRIGHT POSITION. IF THE CONTRACTOR AND OWNER DECIDE TO WAIVE THE TREE GUYING AND BRACING, THE OWNER SHALL NOTIFY THE PROJECT LANDSCAPE ARCHITECT IN WRITING AND AGREE TO INDEMNIFY AND HOLD HARMLESS THE PROJECT LANDSCAPE ARCHITECT IN THE EVENT UNSUPPORTED TREES PLANTED UNDER THIS CONTRACT FALL AND DAMAGE PERSON OR PROPERTY.

23. ALL PLANT BEDS SHALL BE KEPT FREE OF NOXIOUS WEEDS UNTIL FINAL ACCEPTANCE OF WORK. IF DIRECTED BY THE OWNER, "ROUND-UP" SHALL BE APPLIED FOR WEED CONTROL. BY QUALIFIED PERSONNEL TO ALL PLANTING AREAS IN SPOT APPLICATIONS PER MANUFACTURERS RECOMMENDATIONS. PRIOR TO FINAL INSPECTION, TREAT ALL PLANTING BEDS WITH AN APPROVED PRE-EMERGENT HERBICIDE AT AN APPLICATION RATE RECOMMENDED BY THE MANUFACTURER (AS ALLOWED BY JURISDICTIONAL AUTHORITY).

N. LAWN SODDING

1. THE WORK CONSISTS OF LAWN BED PREPARATION, SOIL PREPARATION, AND SODDING COMPLETE, IN STRICT ACCORDANCE WITH THE SPECIFICATIONS AND THE APPLICABLE DRAWINGS TO PRODUCE A TURF GRASS LAWN ACCEPTABLE TO THE OWNER.
 - ALL AREAS THAT ARE TO BE SODDED SHALL BE CLEARED OF ANY ROUGH GRASS, WEEDS, AND DEBRIS BY MEANS OF A SOD CUTTER TO A DEPTH OF THREE (3) INCHES, AND THE GROUND BROUGHT TO AN EVEN GRADE. THE ENTIRE SURFACE SHALL BE ROLLED WITH A ROLLER WEIGHING NOT MORE THAN ONE-HUNDRED (100) POUNDS PER FOOT OF WIDTH DURING THE ROLLING. ALL DEPRESSIONS CAUSED BY SETTLEMENT SHALL BE FILLED WITH ADDITIONAL SOIL, AND THE SURFACE SHALL BE REGRADED AND ROLLED UNTIL PRESENTING A SMOOTH AND EVEN FINISH TO THE REQUIRED GRADE.
 - PREPARE LOOSE BED FOUR (4) INCHES DEEP. HAND RAKE UNTIL ALL BUMPS AND DEPRESSIONS ARE REMOVED WET PREPARED AREA THOROUGHLY.
 - SODDING
 - THE CONTRACTOR SHALL SOD ALL AREAS THAT ARE NOT PAVED OR PLANTED AS DESIGNATED ON THE DRAWINGS WITHIN THE CONTRACT LIMITS, UNLESS SPECIFICALLY NOTED OTHERWISE.
 - SOD PANELS SHALL BE LAID TIGHTLY TOGETHER SO AS TO MAKE A SOLID SODDED LAWN AREA. SOD SHALL BE LAID UNIFORMLY AGAINST THE EDGES OF ALL CURBS AND OTHER HARDSCAPE ELEMENTS, PAVED AND PLANTED AREAS ADJACENT TO BUILDINGS. A 2-INCH STONE MULCH STRIP SHALL BE PROVIDED IMMEDIATELY FOLLOWING SOD LAYING. THE LAWN AREAS SHALL BE ROLLED WITH A LAWN ROLLER CUSTOMARILY USED FOR SUCH PURPOSES, AND THEN THOROUGHLY IRRIGATED. IF, IN THE OPINION OF THE OWNER, TOP-DRESSING IS NECESSARY AFTER ROLLING TO FILL THE VOIDS BETWEEN THE SOD PANELS TO A MINIMUM OF ONE (1) INCHES, THE SOD, CLEAN SAND, AS APPROVED BY THE OWNER'S REPRESENTATIVE, SHALL BE UNIFORMLY SPREAD OVER THE ENTIRE SURFACE OF THE SOD AND THOROUGHLY WATERED IN. FERTILIZE INSTALLED SOD AS ALLOWED BY PROPERTY'S JURISDICTIONAL AUTHORITY.
 - DURING DELIVERY, PRIOR TO, AND DURING THE PLANTING OF THE LAWN AREAS, THE SOD PANELS SHALL AT ALL TIMES BE PROTECTED FROM EXCESSIVE DRYING AND UNNECESSARY EXPOSURE OF THE ROOTS TO THE SUN. ALL SOD SHALL BE STACKED SO AS NOT TO BE DAMAGED BY SWEATING OR EXCESSIVE HEAT AND MOISTURE.
 - LAWN MAINTENANCE
 - WITHIN THE CONTRACT LIMITS, THE CONTRACTOR SHALL PRODUCE A DENSE, WELL ESTABLISHED LAWN. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REPAIR AND RE-SODDING OF ALL ERODED, SUNKEN OR BARE SPOTS (LARGER THAN 12'X12') UNTIL CERTIFICATION OF ACCEPTANCE BY THE OWNER'S REPRESENTATIVE. REPAIRED SODDING SHALL BE ACCOMPLISHED AS IN THE ORIGINAL WORK, INCLUDING REGRADING IF NECESSARY.
 - CONTRACTOR SHALL BE RESPONSIBLE FOR ESTABLISHING AND MAINTAINING SOD LAWN UNTIL ACCEPTANCE BY THE OWNER'S REPRESENTATIVE. PRIOR TO AND UPON ACCEPTANCE, CONTRACTOR TO PROVIDE WATERING/IRRIGATION SCHEDULE TO OWNER. OBSERVE ALL APPLICABLE WATERING RESTRICTIONS AS SET FORTH BY THE PROPERTY'S JURISDICTIONAL AUTHORITY.

O. CLEANUP

1. UPON COMPLETION OF ALL PLANTING WORK AND BEFORE FINAL ACCEPTANCE, THE CONTRACTOR SHALL REMOVE ALL MATERIAL, EQUIPMENT, AND DEBRIS RESULTING FROM CONTRACTORS WORK. ALL PAVED AREAS SHALL BE CLEANED AND THE SITE LEFT IN A NEAT AND ACCEPTABLE CONDITION AS APPROVED BY THE OWNER'S REPRESENTATIVE.

P. PLANT MATERIAL MAINTENANCE

1. ALL PLANTS AND PLANTING INCLUDED UNDER THIS CONTRACT SHALL BE MAINTAINED BY WATERING, CULTIVATING, SPRAYING, PRUNING, AND ALL OTHER OPERATIONS (SUCH AS RE-STAKING OR REPAIRING GUY SUPPORTS) NECESSARY TO INSURE A HEALTHY PLANT CONDITION BY THE CONTRACTOR UNTIL CERTIFICATION OF ACCEPTANCE BY THE OWNER'S REPRESENTATIVE.

FINAL INSPECTION AND ACCEPTANCE OF WORK

1. FINAL INSPECTION AT THE END OF THE WARRANTY PERIOD SHALL BE ON PLANTING, CONSTRUCTION AND ALL OTHER INCIDENTAL WORK PERTAINING TO THIS CONTRACT. ANY REPLACEMENT AT THIS TIME SHALL BE SUBJECT TO THE SAME ONE (1) YEAR WARRANTY (OR AS SPECIFIED BY THE LANDSCAPE ARCHITECT OR OWNER IN WRITING) BEGINNING WITH THE TIME OF REPLACEMENT AND ENDING WITH THE SAME INSPECTION AND ACCEPTANCE HEREIN DESCRIBED.

R. WARRANTY

1. THE LIFE AND SATISFACTORY CONDITION OF ALL PLANT MATERIAL INSTALLED (INCLUDING SOD) BY THE LANDSCAPE CONTRACTOR SHALL BE WARRANTED BY THE CONTRACTOR FOR A MINIMUM OF ONE (1) CALENDAR YEAR COMMENCING AT THE TIME OF CERTIFICATION OF ACCEPTANCE BY THE OWNER'S REPRESENTATIVE.
2. ANY PLANT NOT FOUND IN A HEALTHY GROWING CONDITION AT THE END OF THE WARRANTY PERIOD SHALL BE REMOVED FROM THE SITE AND REPLACED AS SOON AS WEATHER CONDITIONS PERMIT. ALL REPLACEMENTS SHALL BE PLANTS OF THE SAME KIND AND SIZE AS SPECIFIED IN THE PLANT LIST. THEY SHALL BE FURNISHED PLANTED AND MULCHED AS SPECIFIED AT NO ADDITIONAL COST TO THE OWNER.
3. IN THE EVENT THE OWNER DOES NOT CONTRACT WITH THE CONTRACTOR FOR LANDSCAPE AND IRRIGATION MAINTENANCE, THE CONTRACTOR SHOULD VISIT THE PROJECT SITE PERIODICALLY DURING THE ONE (1) YEAR WARRANTY PERIOD TO EVALUATE MAINTENANCE PROCEDURES BEING PERFORMED BY THE OWNER. CONTRACTOR SHALL NOTIFY THE OWNER IN WRITING OF MAINTENANCE PROCEDURES OR CONDITIONS WHICH THREATEN VIGOROUS AND HEALTHY PLANT GROWTH.

User: BICK, CHRIS
 Date: November 5, 2010 12:22 PM
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DESCRIPTION	DATE	DATE	DATE	DATE	DATE
LANDSCAPE PLAN	11/05/2010	11/05/2010	11/05/2010	11/05/2010	11/05/2010
SHOPPES ON SOUTH DUFF AVENUE, IOWA	AS SHOWN	AS SHOWN	AS SHOWN	AS SHOWN	AS SHOWN
DESIGNED BY: CFB	CHECKED BY: RP	PROJECT No: 0926115000	SCALE: AS SHOWN	SEAL	
PRELIMINARY FOR REVIEW ONLY NOT FOR CONSTRUCTION Kimley»Horn					
SHEET L1.30					

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 215 South State Street, Suite 401 Salt Lake City, UT 84111 | Tel: (801) 213-7176



CAUTION: NOTICE TO CONTRACTOR

THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND, WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE LOCAL UTILITY LOCATION CENTER AT LEAST 48 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATIONS OF THE UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS.



Building A | East Elevation

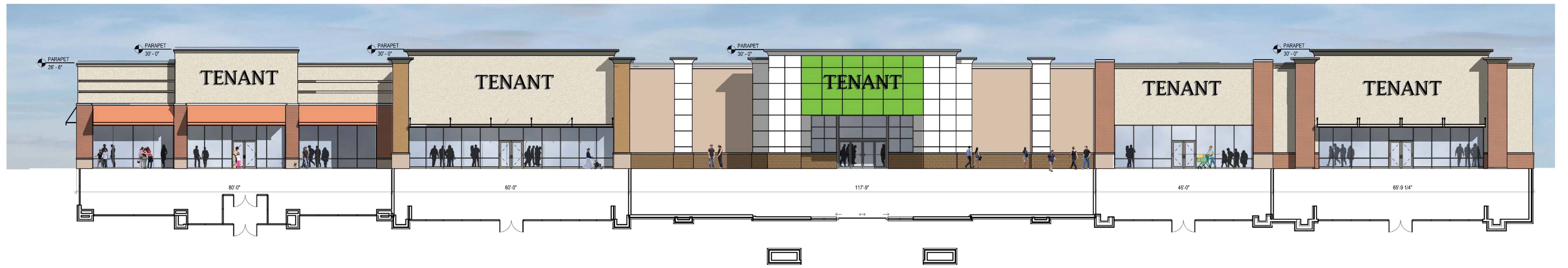


Building A | North Elevation

Building A | South Elevation



Building A | West Elevation



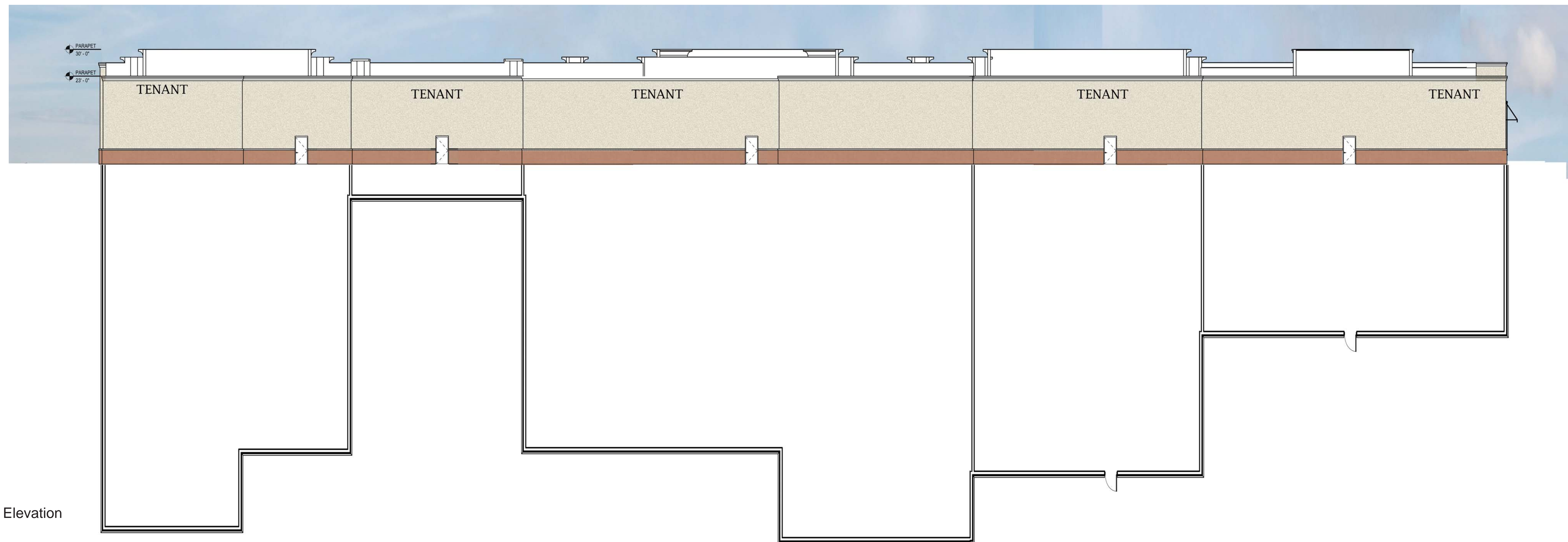
Building B | West Elevation



Building B | North Elevation



Building B | South Elevation



Building B | East Elevation



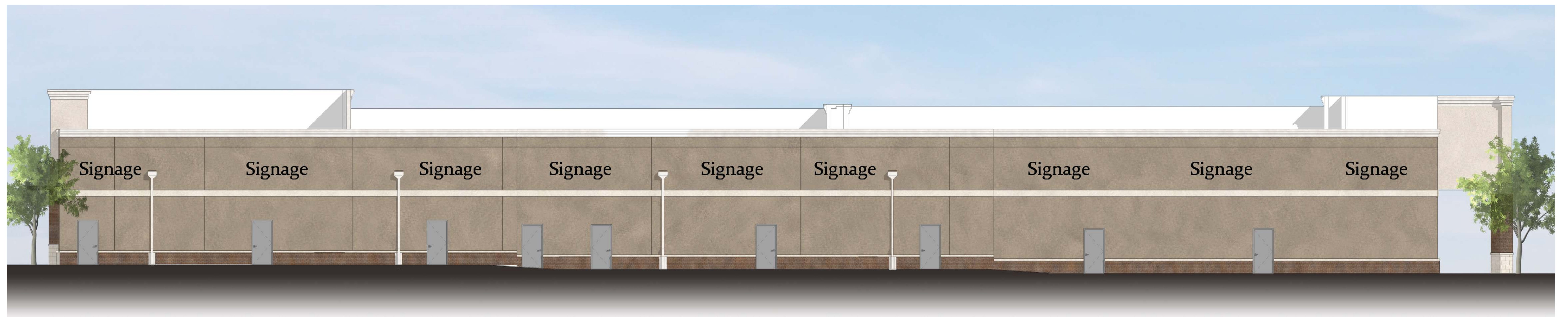
Building C | North Elevation



Building C | West Elevation



Building C | East Elevation



Building C | South Elevation



Building D | North Elevation



Building D | West Elevation



Building D | South Elevation



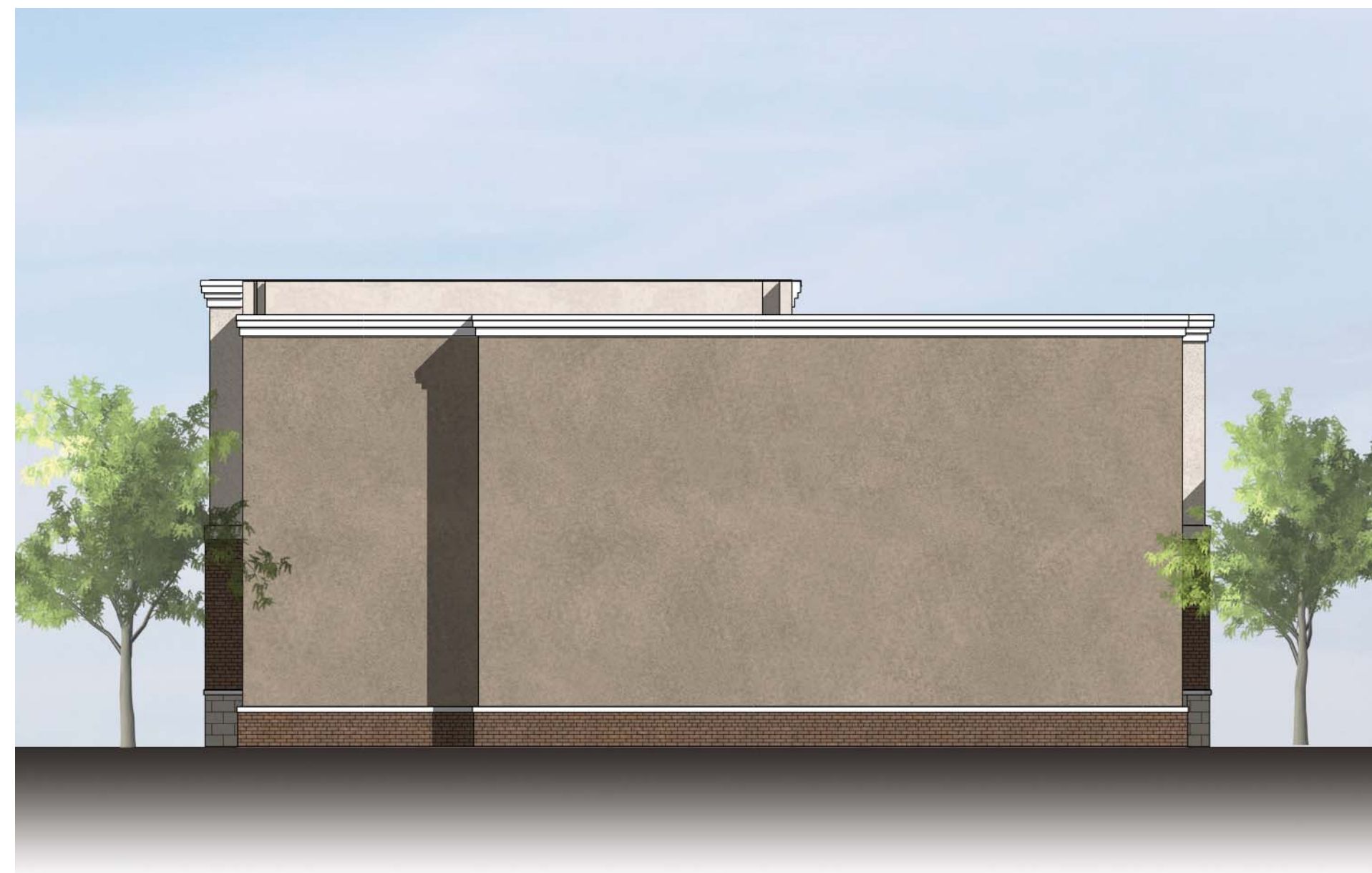
Building D | East Elevation



Building E | North Elevation



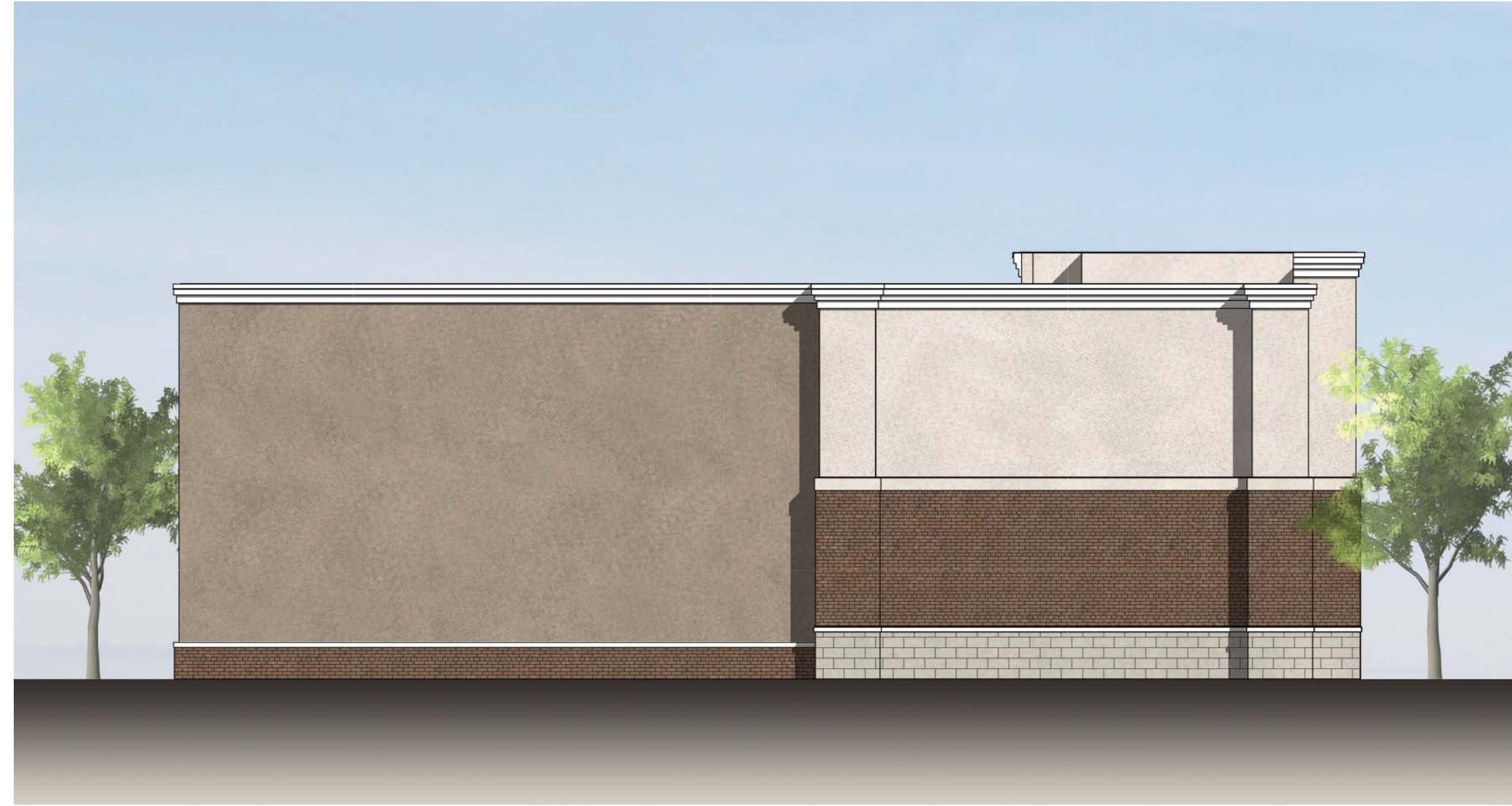
Building E | West Elevation



Building E | South Elevation



Building E | East Elevation



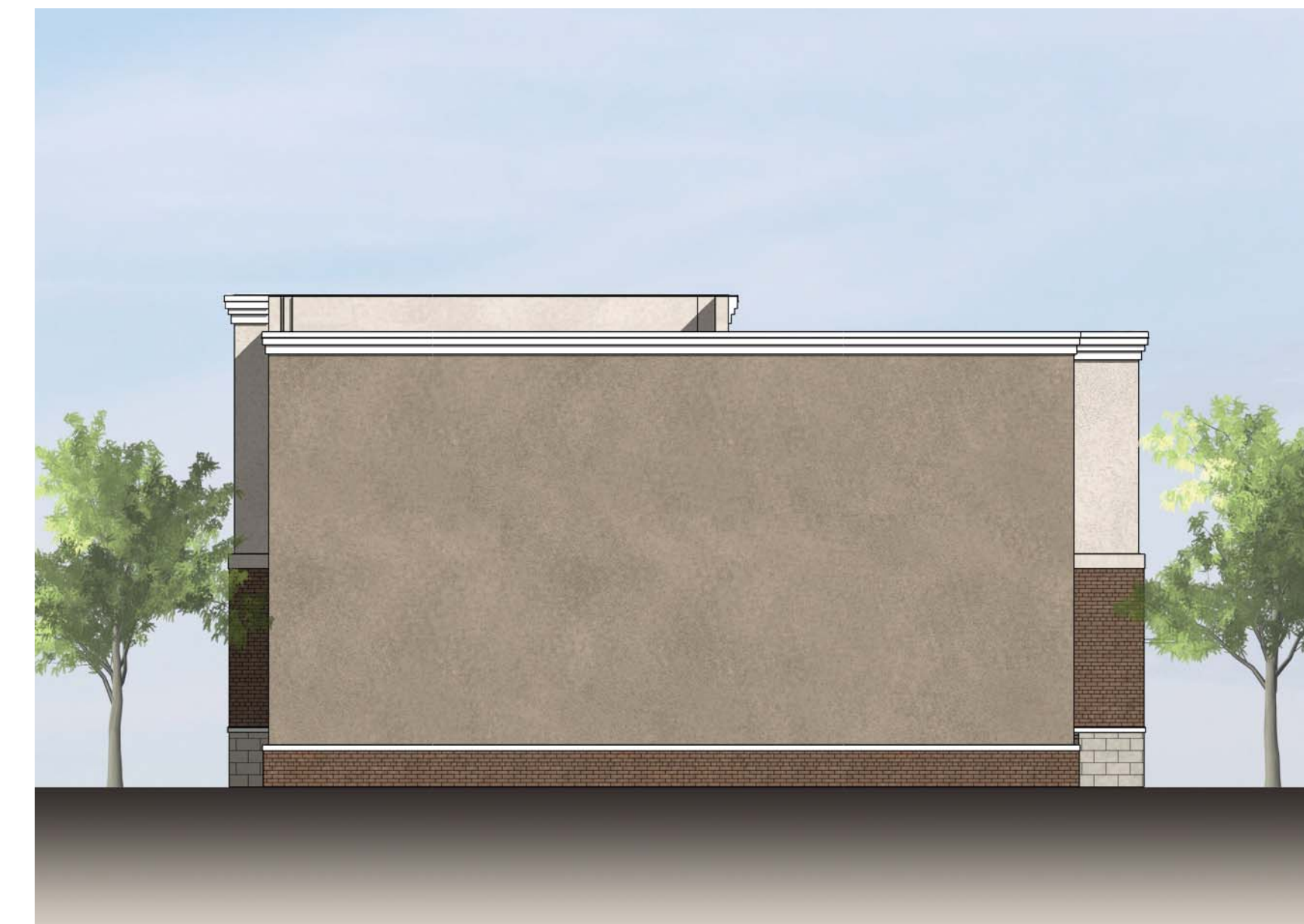
Building F | North Elevation



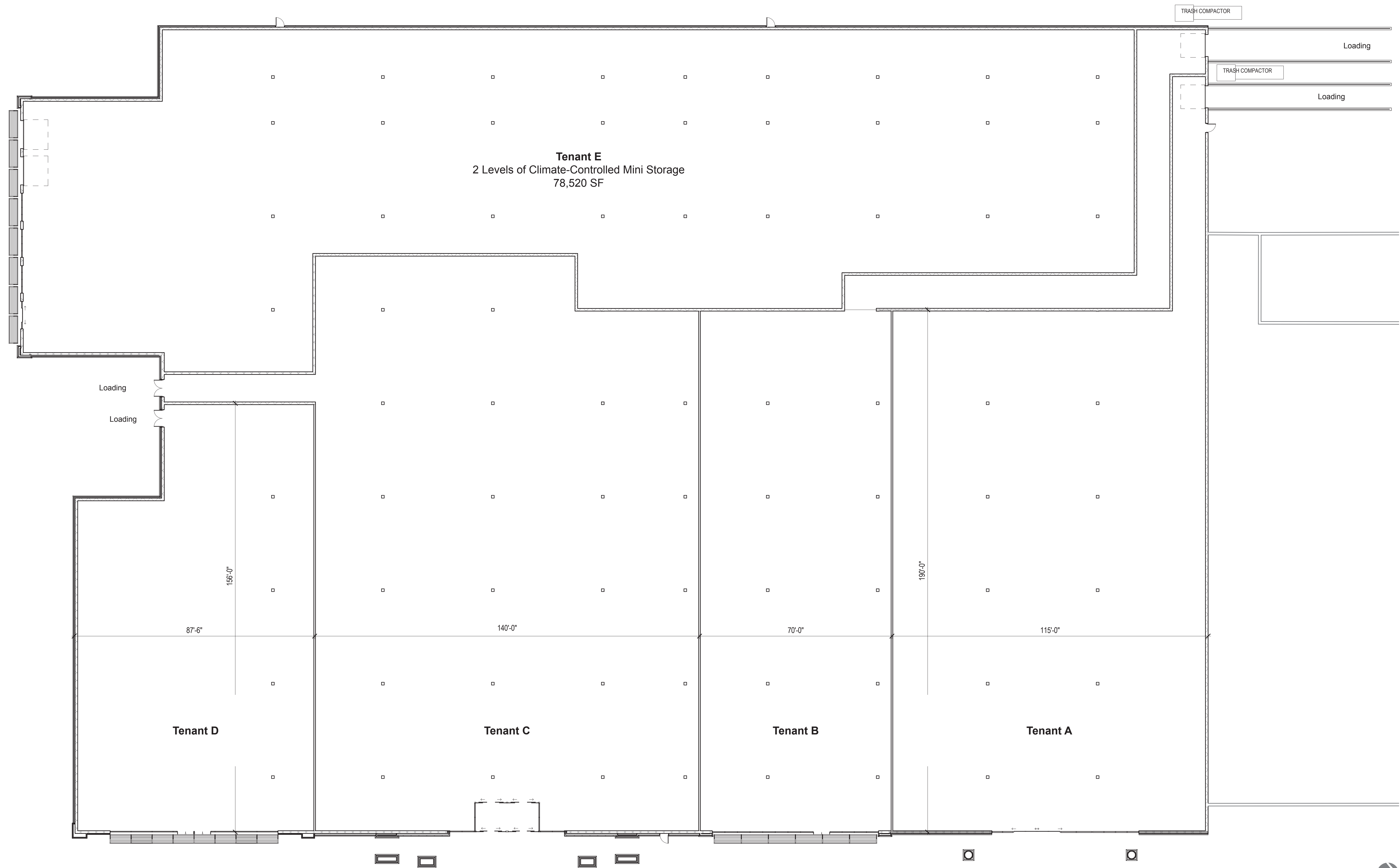
Building F | West Elevation



Building F | South Elevation

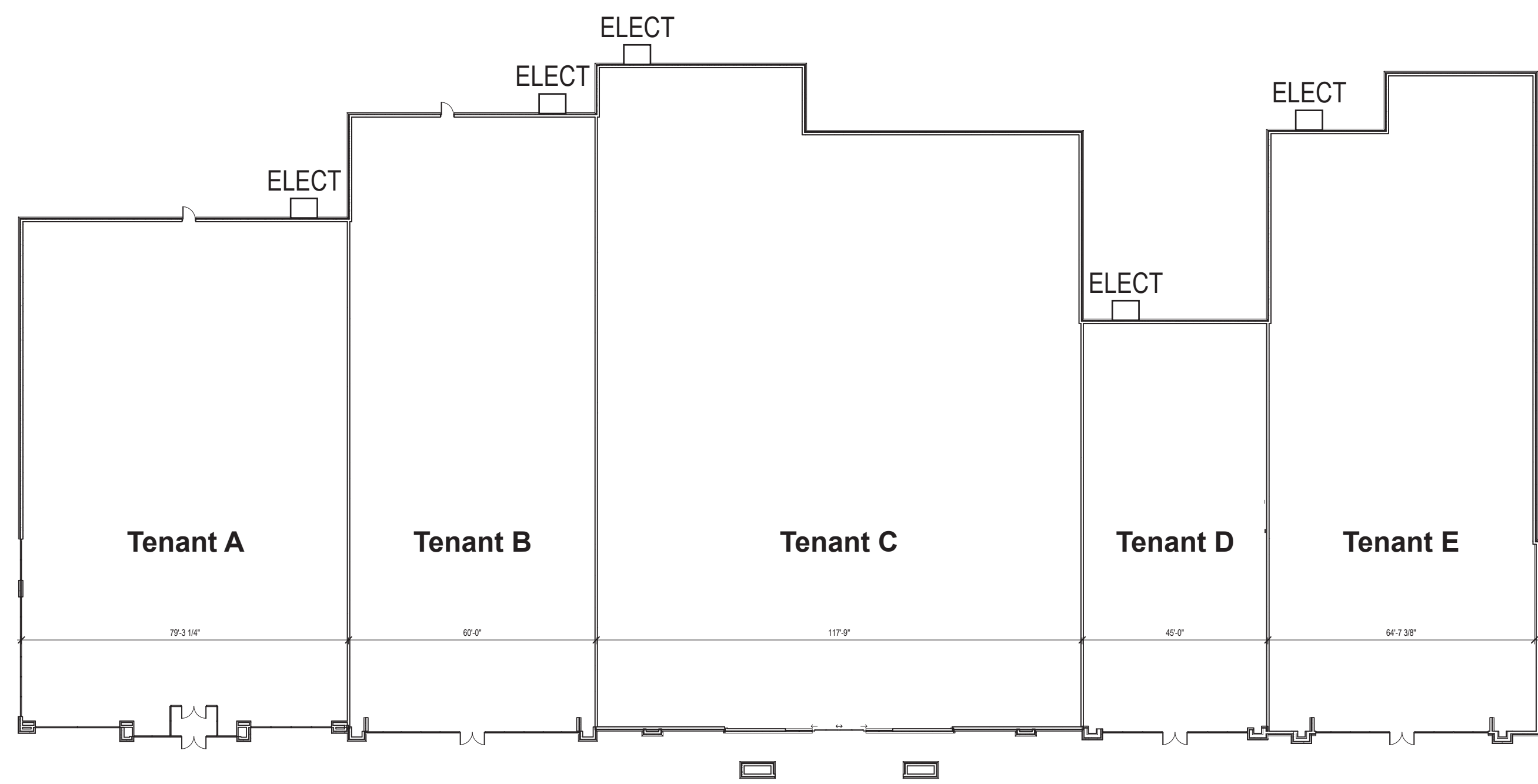


Building F | East Elevation

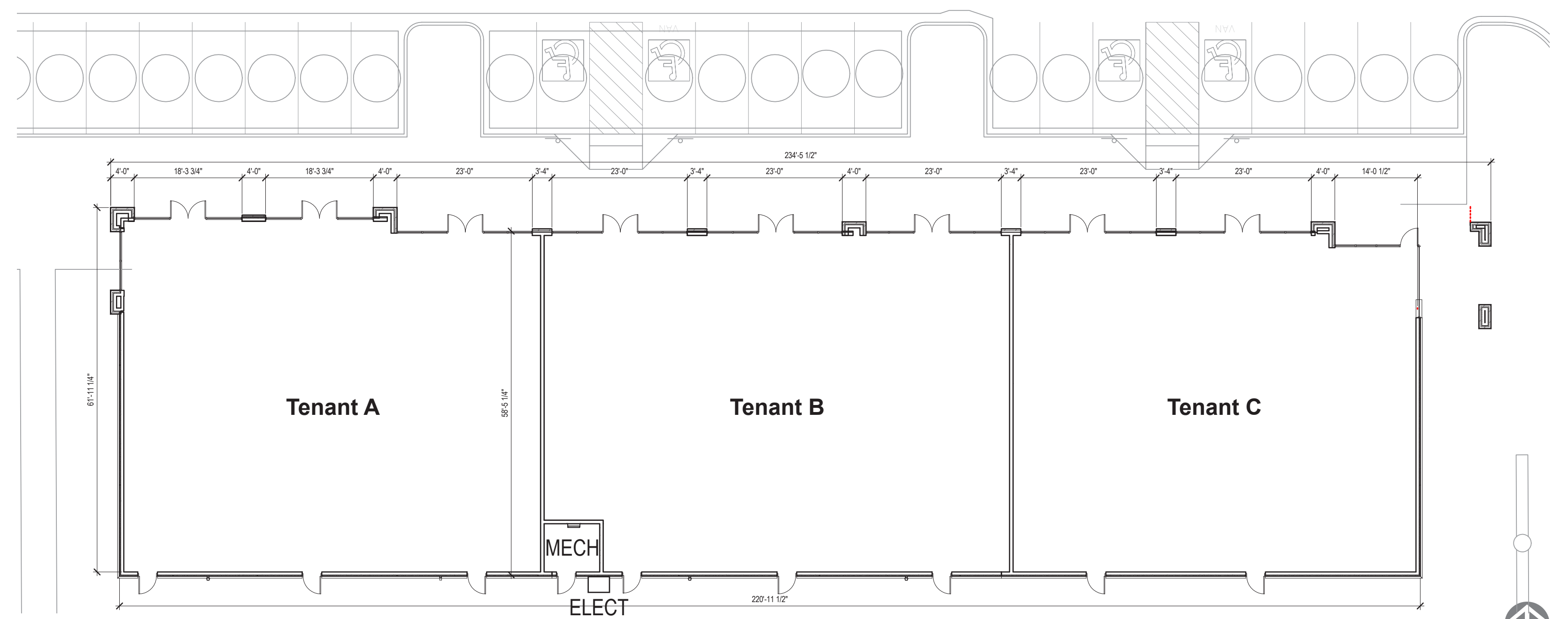


Building A | Floor Plan



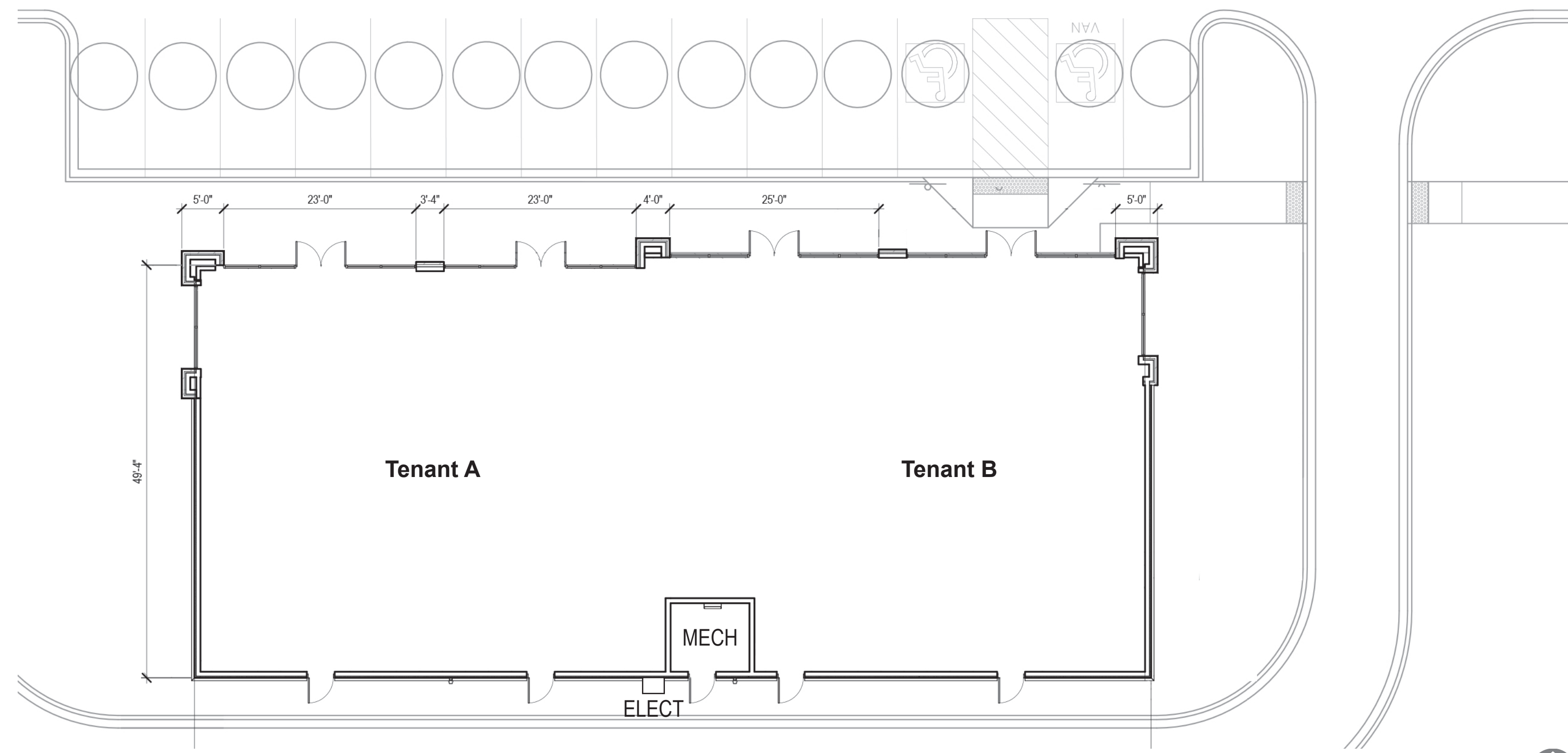


Building B | Floor Plan

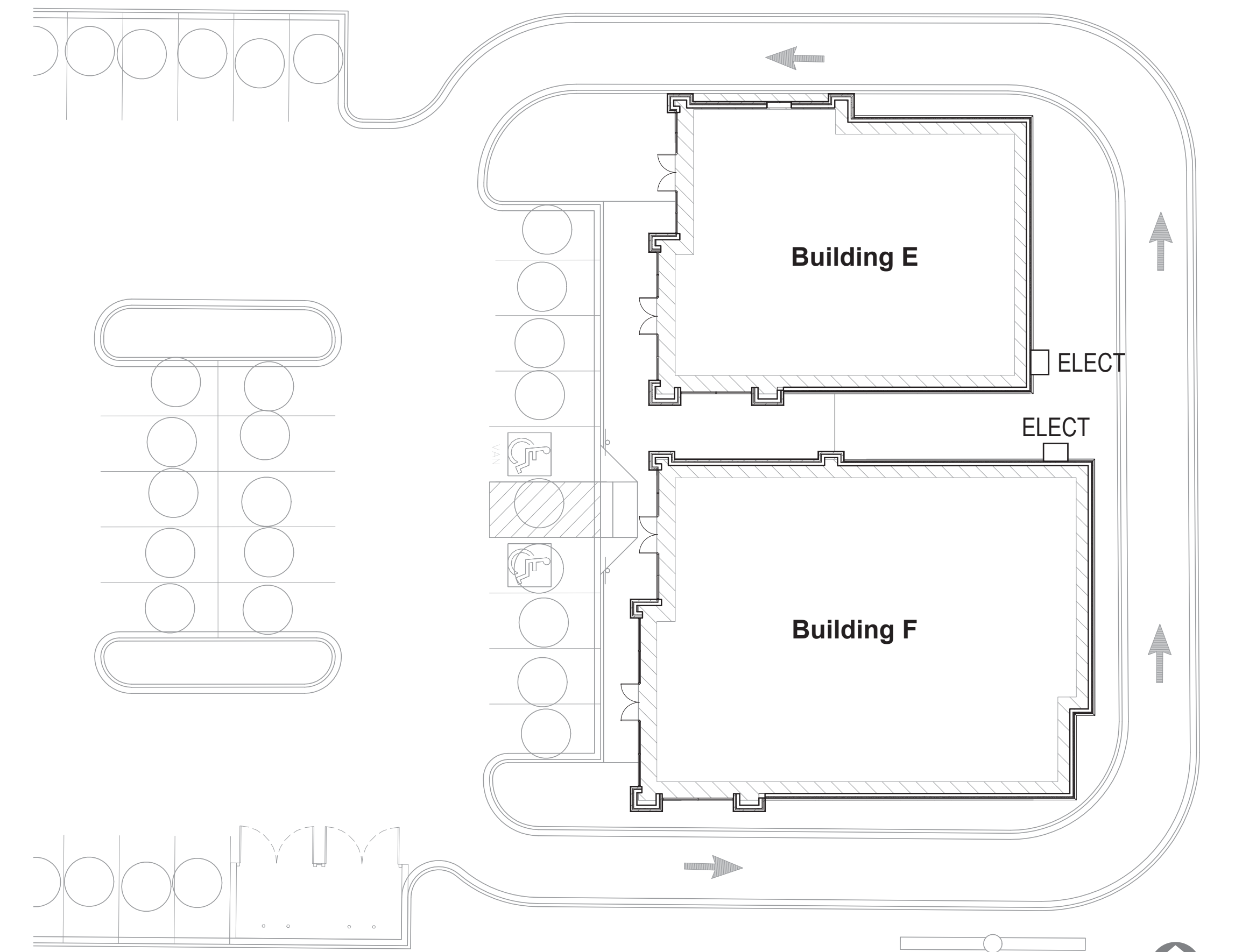


Building C | Floor Plan





Building D | Floor Plan



Buildings E + F | Floor Plan

COUNCIL ACTION FORM

SUBJECT: DEVELOPMENT AND MINIMUM ASSESSMENT AGREEMENTS FOR BARILLA AMERICA INC WITH TAX INCEMENT REBATE INCENTIVES AND PROJECT DEVELOPMENT REQUIREMENTS

BACKGROUND:

In February 2017, the City Council approved proceeding with economic development assistance for the expansion of Barilla manufacturing facilities in Ames as a local match for Iowa Economic Development Authority (IEDA) incentives. In July 2017, the City Council approved the establishment of the Barilla Urban Renewal Area and Tax Increment District to provide for the local match in the form of a rebate of incremental taxes. A summary of the project is provided below.

The project includes: 1) a building expansion of 71,374 square feet to house two additional processing lines and associated packaging/feeding equipment, 2) a rail yard expansion to accommodate a larger number of train cars, and 3) six new silos to store wheat. The total investment in this project is estimated to be approximately \$62 million including engineering/design work, construction, machinery, and equipment. When completed, the assessed value of the expansion project is estimated to be \$16,320,000. In addition, 41 new jobs will be added at the Ames site.

The Iowa Economic Development incentive package totals \$1,591,000. The package consists of: 1) \$375,000 in the form of a Forgivable Loan if the 41 jobs are created in a timely manner, 2) \$400,000 in Investment Tax Credits, and 3) \$816,000 in State Sales Tax Credits.

The City local match consists of a rebate of incremental property taxes generated by the new valuation for the facility expansion for a period of 10 years or a total of \$3,000,000, whichever comes first. The company in return will agree to a minimum assessment of \$16,320,000 for the expanded facility and a requirement for job creation to continue to receive the full rebate.

NEXT STEPS:

City staff, with the assistance of the City's Bond Counsel, has negotiated a development agreement with Barilla per the terms approved by City Council. City Council approval is required for this agreement. The rebate of incremental taxes constitutes a debt for the City and is subject to the local government debt limit. To avoid recording the entire rebate against the debt limit, City Council will be required to approve an annual tax increment resolution. This is the same process for the Kingland rebate and will be a Council action item each November beginning in November of 2018 and continuing until the terms of the agreement have been fulfilled.

ALTERNATIVES:

1. Adopt a resolution approving the development and minimum assessment agreements with Barilla America, Inc. with tax increment rebate incentives and project development requirements.
2. Do not adopt a resolution approving the application.

MANAGER'S RECOMMENDED ACTION:

Barilla is an international company with a long-term presence in Ames and has expanded the Ames facility multiple times. Barilla is again making a significant investment of capital to expand employment. In keeping with the Council's goal to promote economic development, this project will expand the number of quality jobs within our city.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative #1, adopting Adopt a resolution approving the development and minimum assessment agreements with Barilla America, Inc. with tax increment rebate incentives and project development requirements.

NOTE: Attached are the most recent drafts of the Development Agreement and Minimum Assessment Agreement. City legal and finance staff are still working with Barilla's legal counsel on a few details in these agreements. Final versions will be provided to the Council prior to the Council meeting.

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

Prepared by: Mark O. Lambert, City Attorney, City of Ames, 515 Clark Avenue, Ames, IA 50010; (515) 239-5146
Return recorded document to: Ames City Clerk, 515 Clark Avenue, P.O. Box 811, Ames, IA 50010

**DEVELOPMENT AGREEMENT FOR
BARILLA AMERICA, INC., WITH TAX INCREMENT REBATE
INCENTIVES AND PROJECT DEVELOPMENT REQUIREMENTS**

This Agreement is entered into between the City of Ames, Iowa (the “City”) and Barilla America, Inc. (the “Developer”) as of the ____ day of _____, 2018.

WHEREAS, the City has established the Barilla Urban Renewal Area (the “Urban Renewal Area”), and has adopted a tax increment ordinance for the Urban Renewal Area; and

WHEREAS, the Developer owns certain real property which is situated within the Urban Renewal Area and specifically described as:

Parcel “B” being a part of the Southeast Quarter (SE ¼) and East Half (E ½) of the Southwest Quarter (SW ¼), Section Six (6), Township Eighty-three (83) North, Range Twenty-three (23) West of the 5th P.M., City of Ames, Story County, Iowa as described in a Plat of Survey filed in the office of the Recorder of Story County, Iowa, on July 22, 1997, in Certificate & Field Notes Book 15, Page 18.

and

Beginning at a point on the South Line of the Southeast Quarter (SE ¼) of Section Six (6), Township Eighty-three (83) North, Range Twenty-three (23) West of the 5th P.M., Story County, Iowa, Four Hundred Seventy-seven (477) Feet East of the South Quarter (S ¼) Corner of said Section Six (6); thence North 2° 03’ East Four Hundred Fifty Five (455) Feet; thence East Three Hundred Sixty-eight (368) Feet; thence South 2° 03’ West Four Hundred Fifty-five (455) Feet; thence West along the Section line Three Hundred Sixty-eight (368) Feet to the Point of Beginning, now in the City of Ames, Iowa, subject to easements to the State of Iowa recorded in Book 98, Page 123 and Book 88, Page 295.

(the “Real Property”) and;

WHEREAS, the Developer proposes to construct a manufacturing facility for food production and warehouse uses on the Real Property (the “Project”); and

WHEREAS, the Story County Assessor has increased the assessed valuation of the Real Property and buildings and improvements on the Real Property (collectively, the “Property”) on the Story County property tax rolls as of the assessment date January 1, 2018, by the amount of \$4,196,000; and

WHEREAS, the Developer has entered into an agreement with the Iowa Economic Development Authority (the “IEDA”) under the State of Iowa’s High Quality Jobs Program (the “State Agreement”) which includes certain conditions related to the Developer’s investment and employment levels related to the Project; and

WHEREAS, the Developer has requested tax increment financing assistance from the City in paying the costs of the Project; and

WHEREAS, the financial assistance to be provided by the City pursuant to this Agreement is to serve as the local match that the City is required to make under the State Agreement; and

WHEREAS, as of January 1, 2017, the assessed valuation of the Property was \$38,644,000, the exempt portion of the Property was \$1,568,400 (under the Industrial Five Year Abatement), and the taxable percentage of the Property was 90% (pursuant to the rollback for property classified as Industrial), resulting in a taxable valuation of \$33,368,040 (the “Base Taxable Valuation”) for purposes of calculating Incremental Property Tax Revenues (as hereinafter defined) under Section 403.19 of the Code of Iowa and this Agreement; and

WHEREAS, Chapter 15A of the Code of Iowa authorizes cities to provide grants, loans, guarantees, tax incentives and other financial assistance to or for the benefit of private persons;

NOW, THEREFORE, the parties hereto agree as follows:

A. Developer’s Covenants

1. The Developer agrees to complete construction of the Project by January 1, 2019, and to maintain and use the Project as a manufacturing facility throughout the term of this Agreement.

2. The Developer agrees to make timely payment of all property taxes as they come due throughout the term of this Agreement and to submit a receipt or cancelled check to the City Clerk in evidence of each such payment.

3. The Developer agrees that the buildings and other improvements constructed by Developer as part of the Project (the “Project Improvements”) shall have an assessed valuation of not less than \$16,320,000 as of January 1, 2019, and that such assessed valuation of the Project Improvements shall be maintained until January 1, 2028, or until such

earlier date on which the City has made Incentive Payments, as hereinafter defined, to the Developer under this Agreement equal to \$3,000,000.

4. The Developer agrees to establish and maintain an employment level of a minimum of 41 new full-time employees (the "Minimum Jobs Requirement") in connection with the Project in accordance with the terms and conditions set forth in the State Agreement. This Minimum Jobs Requirement satisfies the job creation requirements of the Iowa High Quality Jobs Program in order for the Developer to qualify for the Incentive Payments, as hereinafter defined, set forth in Section B. The terms and conditions of the State Agreement are incorporated herein by this reference. Developer agrees to satisfy the Minimum Jobs Requirement as described in the State Agreement for all periods after the State Agreement has been terminated but for which this Agreement is still in effect.

The Developer agrees to submit documentation to the satisfaction of the City by no later than July 31 of each year during the life of this Agreement, demonstrating its compliance with the State Agreement and the Minimum Jobs Requirement. Such submission shall include the total number of full-time equivalent employees, as defined by Section 261-173.2 of the Iowa Administrative Code, then employed in connection with the Developer's operations at the Property as of June 30 of each year that this Agreement is in effect. The Developer may meet this reporting requirement by providing the City with copies of annual status reports submitted to the IEDA pursuant to the terms of the State Agreement. For periods after the State Agreement has been terminated but for which this Agreement is still in effect, Developer agrees to submit documentation to the satisfaction of the City by no later than July 31 of each year demonstrating compliance with the terms of this Agreement.

The Developer hereby acknowledges that failure to meet the Minimum Jobs Requirement will give the City cause and right to rescind or amend the Incentive Payments, as set forth in Section B.

5. The Developer hereby acknowledges that failure to comply with the requirements of Section 4 will result in the City having the right to withhold approval of or rescind approval of the Incentive Payments under Section B of this Agreement. The percentage of the Incentive Payments to be withheld by the City pursuant to this paragraph shall not exceed the percentage shortfall between the number of jobs actually created by the Developer and the 41 new jobs pledged by the Developer in the State Agreement and in this Agreement.

The City will notify the Developer whenever the City becomes aware that the Developer has failed to comply with the requirements of this Section A. The Developer will have 90 business days after receipt of written notice to cure any deficiency that has resulted in the failure to comply with requirements of this Section A.

6. The Developer agrees that it shall not apply for or participate in any real estate tax abatement programs for the Property as long as any Incentive Payments are being made to the Developer under this Agreement.

7. Notwithstanding anything in this Agreement to the contrary, the Developer shall have the right to appeal the assessed valuation of any portions of the Property

that are not Project Improvements, as well as the assessed valuation of the Project Improvements in excess of the agreed-upon minimum valuation for such improvements of \$16,320,000.

B. City's Obligations

In recognition of the Developer's obligations set out above, the City agrees to make economic development tax increment payments (the "Incentive Payments") to the Developer in each fiscal year during the term of this Agreement, pursuant to Chapters 15A and 403 of the Code of Iowa, provided, however, that the aggregate, total amount of the Incentive Payments shall not exceed \$3,000,000, and all Incentive Payments shall be subject to annual appropriation by the City Council.

The Incentive Payments will be made from incremental property tax revenues received by the City with respect to an increase in the taxable valuation of the Property over the Base Taxable Valuation (the "Incremental Property Tax Revenues"). The Incentive Payments will be made on December 1 and June 1 of each fiscal year, beginning on December 1, 2020 and continuing until June 1, 2030 or until such earlier date upon which total Incentive Payments equal to \$3,000,000 have been made.

Before making any Incentive Payments, the City may retain Incremental Property Tax Revenues in an amount necessary to pay the City's actual expenses, not to exceed \$15,000, related to the preparation and approval of this Agreement and the related urban renewal plan for the Urban Renewal Area. Thereafter, each Incentive Payment shall be in an amount equal to 100% of the Incremental Property Tax Revenues attributable to the Property that are received by the City during the six months immediately preceding the due date of each Incentive Payment.

Incremental Property Tax Revenues shall be calculated by multiplying the consolidated property tax levy times the taxable valuation of the Property in excess of the Base Taxable Valuation, then subtracting debt service levies of all taxing jurisdictions, subtracting the school district physical plant and equipment and instructional support levies, and subtracting any other levies which may be exempted from such calculation by action of the Iowa General Assembly.

The Incentive Payments shall not constitute general obligations of the City, but shall be made solely and only from Incremental Property Tax Revenues attributable to the Property that are received by the City from the Story County Treasurer.

Each Incentive Payment shall be subject to annual appropriation by the City Council. Prior to November 30 of each year during the term of this Agreement, the City Council shall consider the question of obligating for appropriation to the funding of the Incentive Payments due in the next succeeding fiscal year an amount of Incremental Property Tax Revenues to be collected in such following fiscal year equal to the City's estimate of the amount of Incremental Property Tax Revenues that could be collected in such year (the "Appropriated Amount"). Each such estimate shall be based on then current consolidated property tax levy and most recent incremental valuation of the Property.

To the extent the City Council decides to obligate funds for appropriation to the Incentive Payments, the City agrees to certify to the Story County Auditor by December 1 of each year

during the term of this Agreement an amount equal to the most recently determined Appropriated Amount.

All determinations to not appropriate funds for any Incentive Payments shall be made by resolution (each a “Non-Appropriation Resolution”) of the City Council. Each Non-Appropriation Resolution will identify (1) which Incentive Payments shall be subject to the non-appropriation and (2) the reason for the non-appropriation. Following any Non-Appropriation Resolution, the City shall make any and all required reports of the corresponding non-appropriation decision onto EMMA, the financial reporting repository website of the Municipal Securities Rulemaking Board (or equivalent successor repositories).

C. Administrative Provisions

1. Except for the assignment of this Agreement to an Affiliate (as hereinafter defined) of Developer, this Agreement may not be amended or assigned by either party without the express permission of the other party. However, the City hereby gives its permission that the Developer’s rights to receive the Incentive Payments hereunder may be assigned by the Developer to a lender, as security, without further action on the part of the City. For purposes of this Agreement, an “Affiliate” is defined to include (a) Developer’s parent company, and (b) any company whose stock is 80% or more owned, either directly or indirectly, by Developer’s parent company.

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

3. Unless otherwise terminated according to the terms and conditions contained herein, this Agreement will terminate on the date the City makes the final Incentive Payment to Developer, such Incentive Payment being due to Developer on or before June 1, 2030, or on such earlier date upon which total Incentive Payments equal to \$3,000,000 have been made.

4. This Agreement shall be deemed to be a contract made under the laws of the State of Iowa and for all purposes shall be governed by and construed in accordance with laws of the State of Iowa.

5. The parties acknowledge and agree that this Agreement is being executed without review or approval of specific plans for development of the Property. The parties acknowledge and agree that it is not possible to anticipate all the infrastructure requirements the Developer may be required to complete to properly develop the site. Therefore, the parties agree that all work done by or on behalf of the Developer with respect to, but not limited to, a traffic study and any improvements identified by that study, public streets, sidewalks, bike paths, building design, construction and utilities, both on-site and off-site, shall be made in compliance with the Iowa Code, SUDAS and all other federal, state, and local laws and policies of general application, including but not limited to subdivision and zoning codes, whether or not such requirements are specifically stated in this Agreement.

The City and the Developer have caused this Agreement to be signed, in their names and on their behalf, by their duly authorized officers, all as of the day and date written above.

CITY OF AMES, IOWA

By: _____
John A. Haila, Mayor

Attest:

Diane Voss, City Clerk

BARILLA AMERICA, INC.

By: _____

DRAFT

DRAFT

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

Prepared by: Mark O. Lambert, Ames City Attorney, 515 Clark Ave., Ames, IA 50010; (515) 239-5146

Return recorded document to: Ames City Clerk, 515 Clark Ave., P.O. Box 811, Ames, IA 50010

BARILLA AMERICA, INC. MINIMUM ASSESSMENT AGREEMENT

This Minimum Assessment Agreement is entered into this 13th day of November, 2018, by and between the City of Ames, Iowa (hereinafter "City"), Barilla America, Inc., (hereinafter "Developer"), and the City Assessor for the City of Ames, Iowa (hereinafter "Assessor").

WITNESSETH:

WHEREAS, on or about November 13, 2018, City and Developer have entered into a Development Agreement with Tax Increment Rebate Incentives and Project Development Requirements (the "Development Agreement") regarding certain real property located in City; and

WHEREAS, it is contemplated that pursuant to said Development Agreement, Developer will undertake the redevelopment of property within City (hereinafter referred to as "Real Property") which is described as follows:

Parcel "B" being a part of the Southeast Quarter (SE ¼) and East Half (E ½) of the Southwest Quarter (SW ¼), Section Six (6), Township Eighty-three (83) North, Range Twenty-three (23) West of the 5th P.M., City of Ames, Story County, Iowa as described in a Plat of Survey filed in the office of the Recorder of Story County, Iowa, on July 22, 1997, in Certificate & Field Notes Book 15, Page 18.

and

Beginning at a point on the South Line of the Southeast Quarter (SE ¼) of Section Six (6), Township Eighty-three (83) North, Range Twenty-three (23) West of the 5th P.M., Story County, Iowa, Four Hundred Seventy-seven (477) Feet East of the South Quarter (S ¼) Corner of said Section Six (6); thence North 2° 03' East Four Hundred Fifty Five (455) Feet; thence East Three Hundred Sixty-eight (368) Feet; thence South 2° 03' West Four Hundred Fifty-five (455) Feet; thence West along the Section line Three Hundred Sixty-eight (368) Feet to the Point of Beginning, now in the City of Ames, Iowa, subject to easements to the State of Iowa recorded in Book 98, Page 123 and Book 88, Page 295.

and,

WHEREAS, the Developer proposes to construct a manufacturing facility for food production and warehouse uses on the Real Property (the “Project”);

and,

WHEREAS, pursuant to section 403.6 of the Code of Iowa, as amended, City and Developer desire to establish a minimum actual value for the improvements to be constructed or placed upon the Real Property by Developer pursuant to the Development Agreement as part of the Project, which shall be effective upon substantial completion of such improvements and from then until this Minimum Assessment Agreement is terminated pursuant to the terms herein and which is intended to reflect the minimum actual value of such improvements, exclusive of the value of the unimproved land;

and,

WHEREAS, City and the Assessor have reviewed the preliminary plans and specifications including the Developer’s agreement applicable to the improvements contemplated to be erected as part of the Project.

NOW, THEREFORE, the parties to this Minimum Assessment Agreement, in consideration of the promises, covenants and agreements made by each other, do hereby agree as follows:

1. Upon substantial completion of construction of the improvements included in the Project pursuant to the Development Agreement, the Assessor shall establish a minimum actual assessed value for assessment purposes on the buildings that are constructed as part of the Project of at least \$16,320,000.00. This minimum assessment requirement shall remain in effect until ten years from the date when the first Incentive Payment is made by the City to the Developer under Paragraph B of the Development Agreement to which this Minimum Assessment Agreement is attached, or until the amount of the Incremental Property Tax Revenue payments paid to Developer reach \$3,000,000.00, whichever occurs first.

2. Nothing herein shall be deemed to waive Developer’s rights under Iowa Code section 403.6(19), as amended, to contest that portion of any actual value assignment made by the Assessor in excess of the Minimum Actual Value established herein. In no event, however, shall Developer seek to reduce the actual value assigned below the Minimum Actual Value established during the term of this Minimum Assessment Agreement.

3. In the event that any portion of the Project is taken through the exercise of the power of eminent domain or is damaged by natural disaster, the Minimum Actual Value shall be

reduced by the same proportion as the value of the portion of such Project so taken or damaged bears to the value of such Project in its entirety immediately prior to such taking or damage.

4. This Minimum Assessment Agreement shall be promptly recorded by Developer with the Recorder of Story County, Iowa. Developer shall pay all costs of recording.

5. Neither the preambles nor provisions of this Minimum Assessment Agreement are intended to, or shall be construed as, modifying the terms of the Development Agreement between City and Developer.

6. This Minimum Assessment Agreement shall inure to the benefit of and be binding upon the successors and assigns of the parties.

IN WITNESS WHEREOF, the Parties have caused the Minimum Assessment Agreement to be signed by their authorized representatives as of the date first above written.

CITY OF AMES, IOWA

BARILLA AMERICA, INC.

By _____
John Haila, Mayor

By _____

Attest _____
Diane R. Voss, City Clerk

By _____

STATE OF IOWA, STORY COUNTY ss:
On this _____ day of _____,
2018, before me, a Notary Public in and for the
State of Iowa, personally appeared John Haila and
Diane R. Voss, to me personally known, and, who,
being by me duly sworn, did say that they are the
Mayor and City Clerk, respectively, of the City of
Ames, Iowa; that the seal affixed to the foregoing
instrument is the corporate seal of the corporation,
and that the instrument was signed and sealed on
behalf of the Council on the _____ day of
_____, 2018, and that John
Haila and Diane R. Voss acknowledged the
execution of the instrument to be their voluntary act
and deed and the voluntary act and deed of the
corporation, by it voluntarily executed.

STATE OF IOWA, COUNTY OF STORY, ss:
This instrument was acknowledged before me on
_____, 2018, by
_____, of Barilla America,
Inc.

Notary Public in and for the State of Iowa

Notary Public in and for the State of Iowa

CERTIFICATE OF ASSESSOR

The undersigned, having reviewed the plans and specifications for the improvements to be constructed upon the land described in the Development Agreement, and the market value assigned to such improvements, and being of the opinion that the minimum market value contained in the foregoing Minimum Assessment Agreement appears reasonable, hereby certifies as follows: The undersigned Assessor, being legally responsible for the assessment of the Real Property and improvements as described above, upon completion of improvements to be made in accordance with the Minimum Assessment Agreement, certifies that the actual value assigned to buildings and other improvements constructed as part of the Project shall be sixteen million three hundred twenty thousand dollars (\$16,320,000.00), until termination of this Minimum Assessment Agreement pursuant to the terms hereof.

Date: _____, 2018

Gregory P. Lynch, Ames City Assessor

STATE OF IOWA, COUNTY OF STORY, ss:
On this _____ day of _____, 2018,
before me, the undersigned, a Notary Public in and for said
State, personally appeared Gregory P. Lynch, Ames City
Assessor, to me known to be the identical person named in and
who executed the foregoing instrument, and acknowledged that
he executed the same as his voluntary act and deed.

Notary Public in and for the State of Iowa
92844.docx

COUNCIL ACTION FORM

**SUBJECT: **SCAFFOLDING AND RELATED SERVICES AND SUPPLY
CONTRACT FOR POWER PLANT REPORT OF BIDS****

BACKGROUND:

On September 25, 2018, City Council approved preliminary plans and specifications for the Scaffolding and Related Services and Supplies Contract. This contract is for a contractor to provide and install scaffolding, bracing and fall protection when needed at the City's Power Plant.

This contract is to provide power plant maintenance services for the period following final City Council approval of contract and performance bond through June 30, 2019. This strategy will enable future renewals to coincide with the City's fiscal year. The contract includes a provision that would allow the City to renew the contract for up to four additional one-year terms.

Bid documents were issued to twelve firms and three plan rooms. The bid was advertised on the Current Bid Opportunities section of the Purchasing webpage and a Legal Notice was published on the websites of a contractor plan room service with statewide circulation and the Iowa League of Cities.

On October 24, 2018, two bids were received as shown on the attached report.

Electric Services staff needs additional time to evaluate the two bids to determine which one will provide these services at the lowest overall price.

The approved FY 2018/19 Power Plant operating budget includes \$70,000 for these services. Invoices will be based on contract rates for time and materials for services that are actually received.

ALTERNATIVES:


1. Accept the report of bids and delay award for the FY2018/19 Scaffolding and Related Services and Supplies Services Contract.
2. Award a contract to the apparent low bid.
3. Reject all bids and direct staff to rebid.

4. Offer a contract to the other bidder.

MANAGER'S RECOMMENDED ACTION:

This contract is needed to carry out emergency and routine scaffolding services at the Power Plant. The contract will establish rates for service and provide for guaranteed availability, thereby setting in place known rates for service.

By choosing alternative No. 1, staff will have enough time to evaluate each bid to ensure the City receives these services at the best price. Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative #1 as stated above.

	ITB 2019-016 Scaffolding and Related Services and Supply Contract Bid Summary					
	Central States Scaffolding LLC Grimes, IA			HTH Companies, Inc Union, MO		
DESCRIPTION	Hourly Rate (ST)	Hourly Rate (OT)	Hourly Rate (DT)	Hourly Rate (ST)	Hourly Rate (OT)	Hourly Rate (DT)
Labor Rates:						
Supervisor:	\$50.00	\$75.00	\$100.00			
Apprentice:						
Foreman:				\$45.25	\$45.25	\$45.25
Journeyman:	\$50.00	\$75.00	\$100.00	\$42.50	\$42.50	\$42.50
Technician:				\$38.75	\$38.75	\$38.75
Subsistence:	\$75.00 per day			\$85.00 per day		
Travel:	\$100.00 per trip			employee hourly rate per hour		
Mileage:	\$2.50 per loaded mile			N/A		
Proposed Price Increase for Renewal Periods:						
Labor Rates:	5%			3.5%		
Travel & Subsistence:	5%			0%		
Base Case Cost for Typical Scaffolding Requirements Scenario						
Erect a free standing scaffold 32 feet high, 12 feet wide, and 12 feet long. A working platform should be provided every 8 feet. A staircase should be built the entire height of the scaffold that will be used to access each platform. The scaffold should be able to be used without the use of fall protection. It will need to be built in two days, stand for 2 weeks, and taken down in one day.						
Erection cost:	\$4,400.00			\$11,030.00		
Rental cost of material:	\$1,600.00			\$3,965.00		
Dismantle cost:	\$3,300.00			\$8,275.00		
Travel cost:	\$400.00					
OVERALL COST:	\$9,700.00			\$23,270.00		

COUNCIL ACTION FORM

SUBJECT: 2018/19 SANITARY SEWER REHABILITATION (WILSON AND 15TH)

BACKGROUND:

This is the annual program for rehabilitation/reconstruction of deficient sanitary sewers and deteriorated manholes at various locations throughout the city to remove major sources of inflow/infiltration. This will lower peak wet weather flow at the sewer treatment plant. Most of the problem areas addressed in this program are in sewers that can be bundled into a construction package for cost efficiency or are in problem areas deeper than City crews are equipped to handle.

In 2012, the City began a Sanitary Sewer System Evaluation that included a comprehensive and systematic evaluation for identifying the defects that could contribute I/I across the entire, City-wide sanitary sewer system. This evaluation data collection was completed, and it was evident that there were over \$25 million worth of immediate structural improvements needed in the sanitary sewer system. Current and future CIP projects for the sanitary sewer system are based on the results of this evaluation.

Work includes rehabilitation such as the lining of existing mains or spray lining of existing structures, as well as complete removal and replacement of structures and sanitary sewer mains. These projects were shown in the CIP beginning in 2014/15. Funding comes from the State Revolving Fund (SRF), and Sewer Utility Fund. Repayment of the SRF loans will be from revenues generated in the Sanitary Sewer Fund.

This project was selected to have an immediate impact by removing Inflow & Infiltration (I&I) in older sewer mains that were installed with non-sealed joints, which was standard at the time. By eliminating I&I in these mains, the sanitary sewer system will regain some capacity. Items of work in the contract include point repairs and cured-in-place lining of the existing mains. These rehabilitation methods minimize the impact to residents and will reduce the amount of clean water that enters the system, thus reducing the amount of water needing treatment at the sewer plant.

On October 31, 2018, bids for the project were received as follows:

<i>Bidder</i>	<i>Amount</i>
Engineer's estimate	\$2,852,200.00
Synergy Contracting, LLC	\$2,663,751.50
Visu-Sewer, Inc.	\$2,835,528.25
Hydro – Klean, LLC	\$2,896,595.30
Save Our Sewers, Inc.	\$2,962,315.25

Revenue and expenses associated with this program are estimated as follows:

	Available Revenue	Estimated Expenses
State Revolving Fund	\$ 3,570,000	
Sewer Utility Fund	\$ 250,000	
2018/19 Sanitary Sewer Rehab (Wilson and 15 th) (Engineer's Est.)		\$ 2,800,000
Engineering/Administration (Est.)		\$ 560,000
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	\$ 3,820,000	\$ 3,360,000

ALTERNATIVES:

1. a. Accept the report of bids for the 2018/19 Sanitary Sewer Rehabilitation (Wilson and 15th) project.

b. Approve the final plans and specifications for this project.

c. Award the 2018/19 Sanitary Sewer Rehabilitation (Wilson and 15th) project to Synergy Contracting, LLC of Bondurant, Iowa in the amount of \$2,663,751.50.
2. Do not proceed with the project at this time.

MANAGER'S RECOMMENDED ACTION:

This project represents City Council's commitment to improve the sanitary sewer system. This is the fourth of several large projects that will have an immediate impact by removing Inflow & Infiltration to regain valuable capacity in the City's existing sanitary sewer mains.

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